I. Call To Order

II. Roll Call

III. Invocation

IV. Pledges of Allegiance - United States and Texas

V. 30 Minute Citizen Comment Period

PRESENTATIONS

1. Receive a presentation from Deloitte and Touche, LLP on the Community Development Block Grant-Disaster Recovery (CDBG-DR) Quarterly Internal Audit Report, and provide direction to Staff.

2. Receive the Annual Audit Report and highlights from the City of San Marcos’ Comprehensive Annual Financial Report (CAFR) for the Fiscal Year ended September 30, 2019 from the City’s audit firm ABIP, P.C.

3. Receive a Staff presentation of the Quarterly Investment and Financial Reports, and provide direction to City Manager.

CONSENT AGENDA

4. Consider approval, by motion, of the following meeting Minutes:
   A. February 4, 2020 - Regular Meeting Minutes
   B. February 27, 2020 - Budget Policy Workshop Meeting Minutes
   C. March 3, 2020 - Work Session Meeting Minutes

5. Consider approval of Resolution 2020-55R, approving an agreement with the Leadership San Marcos Class of 2021 providing for its members to construct a cat barn at the San Marcos Regional Animal Shelter at no cost to the city; authorizing the City Manager, or his designee, to execute the agreement; and declaring an effective date.

6. Consider approval of Resolution 2020-56R, approving the City Council’s Strategic Initiatives for Fiscal Year 2020-2021.
7. Consider approval of Resolution 2020-57R, approving an agreement with Enterprise Fleet Management, Inc. through the Texas Interlocal Purchasing System (TIPS) for the lease of thirty-seven light vehicles and the purchase of miscellaneous equipment and maintenance in the estimated amount of $1,650,000.00; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.

8. Consider approval of Resolution 2020-59R, approving a grant agreement with the United States Department of Justice in the amount of $50,000.00 to assist the City’s Police Department by providing funding to identify and secure a Criminal Justice Information Services (CJIS) compliant information sharing platform; authorizing the City Manager or his designee to execute the grant agreement on behalf of the City; and declaring an effective date.

9. Consider approval of Resolution 2020-58R, approving the sale of a tract of property identified as the Southwesterly 28 feet of Lot 5, Block 11, C.D. Wallace Subdivision, (Hays CAD Parcel ID No. R47051), City of San Marcos, Hays County, Texas acquired by the San Marcos Consolidated Independent School District for Unpaid Taxes, to Ganymede Enterprises, LLC for $3,200.00; authorizing the execution of any deed or instruments necessary to complete the sale; and declaring an effective date.

10. Consider approval of Resolution 2020-60R, approving an agreement with Freese and Nichols, Inc. for the preparation of a Risk and Resilience Assessment and Emergency Response Plan for the City’s Water Infrastructure as required by the Federal America’s Water Infrastructure Act in the estimated amount of $124,600.00; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.

11. Consider approval of Resolution 2020-61R, approving an agreement with Stanley Consultants, Inc. relating to the San Marcos Electric Utility Master Plan Project in the estimated amount of $400,000.00; authorizing the City Manager or his designee to execute the agreement; and declaring an effective date.

12. Consider approval of Resolution 2020-62R, approving an agreement with San Juanita Rosario Vela appointing her as the Interim Finance Director in a not-to-exceed amount of $75,000.00 through September 15, 2020; and declaring an effective date.

13. Consider approval of Resolution 2020-63R, approving a release of easements in the Cottonwood Creek Subdivision, subject to the dedication to the city of alternate easements, as appropriate; authorizing the City Manager, or his designee, to execute the release of easements on behalf of the city; and declaring an effective date.

14. Consider approval of Resolution 2020-64R, approving a release of easement in connection with the Riverstone Apartments development at 1430 Wonder World Drive, subject to the dedication to the City of Alternate Easements, as appropriate; authorizing the City Manager, or his designee, to execute the release of easements on behalf of the City; and declaring an effective date.

15. Consider approval of Resolution 2020-65R, approving a second change order amendment to the participation agreement with Lazy Oaks Ranch, LP (La Cima) providing for the
extension of a roadway to the new Fire Station in the La Cima development with a cost participation amount by the City of up to $300,000.00; authorizing the City Manager, or his designee, to execute said amendment; and declaring an effective date.

16. Consider approval of Resolution 2020-66R, approving a change order to the construction contract awarded to Santa Clara Construction, Ltd. for construction of sewer mains in the Edwards Aquifer Recharge Zone to decrease the total contract price by $123,929.52; authorizing the City Manager or his designee to execute the appropriate documents to implement the change order; and declaring an effective date.

17. Consider approval of Resolution 2020-67R, approving an agreement with Freese and Nichols, Inc. for engineering design services related to a new Lift Station No. Five in the estimated amount of $100,651.00; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.

18. Consider approval of Resolution 2020-68R, confirming the City Manager’s appointment of George R. Landry to the San Marcos Civil Service Commission; and declaring an effective date.

19. Consider approval of Resolution 2020-69R, directing publication of a notice of intention to issue certificates of obligation in the amount of approximately $50,500,000 for constructing, improving, designing, acquiring and equipping the city's (1) water and waste water system; (2) electric utility system; (3) streets including related drainage, sidewalks, traffic improvements and lighting; (4) municipal buildings to include the City Hall and other city facilities, HVAC improvements, roof replacements and security improvements; (5) stormwater management and flood control facilities; (6) airport, including hangars; (7) public safety facilities to include police and fire station improvements and a new ladder truck and engine; (8) network and fiber optic infrastructure equipment; (9) recreational facilities including parks and sports fields; (10) city cemetery including land acquisition; (11) animal shelter; (12) parking including land acquisition; and (13) the payment of professional services in connection therewith including legal, fiscal and engineering fees and the costs of issuing the certificates of obligation and other matters related thereto.

20. Consider approval of Resolution 2020-70R, adopting revised Investment Policies for Operating Funds and Reserve Funds; and declaring an effective date.

PUBLIC HEARINGS

21. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2020-08, approving annexation of approximately 62.48 acres of land generally located at the intersection of Gregsons Bend and Commercial Loop; and consider approval of Ordinance 2020-08, on the first of two readings.

22. Receive a Staff presentation and hold a public hearing to receive comments for or against Ordinance 2020-09, amending the Official Zoning Map of the City by rezoning approximately 62.48 acres of land generally located at the intersection of Commercial Loop and Gregsons Bend from “FD” Future Development District and “GC” General Commercial District to “PA” Planning Area District; and including procedural provisions;
and consider approval of Ordinance 2020-09, on the first of two readings.

23. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2020-10, annexing into the City approximately 31 acres of land, generally located on the east side of Highway 123 between Old Bastrop Road and Monterrey Oak Road; including procedural provisions; and providing an effective date; and consider approval of Ordinance 2020-10, on the first of two readings.

24. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2020-11, amending the Official Zoning Map of the City by rezoning approximately 12.5 acres of land generally located North of the intersection of Highway 123 and Monterey Oak Drive, from “FD” Future Development District to “CD-3” Character District 3; and including procedural provisions; and consider approval of Ordinance 2020-11, on the first of two readings.

25. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2020-12, amending the Official Zoning Map of the City by rezoning approximately 18.5 acres of land generally located North of the intersection of Highway 123 and Monterey Oak Drive, from “FD” Future Development District to “CD-4” Character District 4; and including procedural provisions; and consider approval of Ordinance 2020-12, on the first of two readings.

26. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2020-72R, approving a Budget Policy Statement for preparation of the 2020-2021 Fiscal Year budget; and declaring an effective date; and consider approval of Resolution 2020-72R.

NON-CONSENT AGENDA

27. Consider approval of Ordinance 2020-13, on the first of two readings, amending Chapter 38 of the City Code titled Fire Prevention and Protection, of the San Marcos City Code by revising the local amendments recommended in the 2015 edition of the International Fire Code to include provisions relating to mobile food vending operations, gate access, signage, location of fire extinguishers in multi-family structures and requiring buildings in certain zoned areas of the City that have been impacted by a fire event to install fire-sprinkler systems prior to re-occupancy, among other revisions, to enhance public safety in the City; providing for the repeal of any conflicting provisions; and providing an effective date.

28. Consider approval of Ordinance 2020-14, on the first of two readings, adopting fees to be charged by the City for various Parks and Recreation Facilities, including changes to existing fees; providing a savings clause; providing for the repeal of any conflicting provisions; and providing and effective date.

29. Consider approval of Ordinance 2020-15, amending Section 34.080 of the San Marcos City Code to establish an administrative fee and provide for the collection of costs related to the filing of a nuisance abatement lien; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.
30. Consider approval of Ordinance 2020-16, on first and final reading, ordering a Special Election to be held on May 2, 2020 for the purpose of filling a vacancy for the remainder of the unexpired term of office of City Council Member, Place 5; establishing early voting locations and polling places for this election; making provisions for conducting the election; declaring an emergency creating the need to adopt this ordinance with only one reading; and providing an effective date.

31. Consider approval of Resolution 2020-73R, approving a lease agreement with Theodore Breihan, doing business as Ted Breihan Electric Company, for the lease of approximately 10,140 square feet of space along Edward Gary Street, east of South LBJ Drive with a rental rate of $3,500.00 per year for five years; authorizing the City Manager, or his designee, to execute said lease; and declaring an effective date.

32. Consider approval of Resolution 2020-71R, approving the renaming of El Camino Real Park to Kenneth M. Copeland Memorial Park; authorizing the City Manager to install any signs and recognition plaques reflecting the new name of the park as may be appropriate; and declaring an effective date.

33. Discuss and consider the appointment of Council Member Baker to fill a vacancy on the Census 2020 Complete Count Committee, and provide direction to staff.

34. Hold discussion regarding Arts Commission Recommendation Resolution 2019-03RR to consider amendments to the Permanent Art Rules, and provide direction to Staff.

EXECUTIVE SESSION (if necessary)

35. Executive Session in accordance with the following Government Code Section(s):

   A. Section § 551.087 - Economic Development: to receive a staff briefing and deliberate regarding Project Barker
   B. Section §551.071 - Consultation with Attorney: to discuss Legal considerations of anti-discrimination ordinance

DIRECTION/ACTION FOLLOWING EXECUTIVE SESSION

36. Consider action, by motion, regarding the following Executive Session items held during the Work Session and/or Regular Meeting:

   A. Section § 551.087 - Economic Development: to receive a staff briefing and deliberate regarding Project Barker
   B. Section §551.071 - Consultation with Attorney: to discuss Legal considerations of anti-discrimination ordinance

VI. Question and Answer Session with Press and Public.

VII. Adjournment.

POSTED ON THURSDAY, MARCH 12, 2020 @ 4:00PM
Notice of Assistance at the Public Meetings

The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 855-461-6674 or sent by e-mail to ADArequest@sanmarcostx.gov
AGENDA CAPTION:
Receive a presentation from Deliotte and Touche, LLP on the Community Development Block Grant-Disaster Recovery (CDBG-DR) Quarterly Internal Audit Report, and provide direction to Staff.

Meeting date: March 17, 2020

Department: Finance-Heather Hurlbert, Finance Director

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

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

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

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

Master Plan: [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]
Background Information:
The City contracted with Deloitte and Touche, LLP to perform the internal audit function in relation to the CDBG-DR funds that were granted to the City for flood recovery. Due to the progression of the projects and an increase in the number of projects, Deloitte has begun conducting audits quarterly. Per HUD requirements, the results of the quarterly monitoring must be communicated to the Finance and Audit Committee and the City Council as the governing body. This report was presented to the Finance and Audit Committee on March 16, 2020.

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

Alternatives:
Click or tap here to enter text.

Recommendation:
Click or tap here to enter text.
March 5, 2020

Honorable Jane Hughson
Mayor
City of San Marcos
630 E Hopkins
San Marcos, TX 78666

Dear Ms. Hughson:

We are pleased to provide the attached Internal Audit Report with respect to internal audit services related to the Housing and Urban Development (HUD) Community Development Block Grant - Disaster Recovery (CDBG-DR) funding the City of San Marcos, Texas (the City) received as a result of the May 2015 (DR-4223) and October 2015 (DR-4245) floods. This work was performed based on the terms outlined in the engagement letter dated April 10, 2017. The of the risk assessment was jointly identified with the City.

Our services were performed in accordance with the Statement on Standards for Consulting Services issued by the American Institute of Certified Public Accountants (AICPA). However, our services did not constitute an engagement to provide audit, compilation, review, or attestation services as described in the pronouncements on professional standards issued by the AICPA, and, therefore, we will not express an opinion or other form of assurance with respect to our services.

In addition, our services did not constitute an examination or compilation of prospective financial information in accordance with standards established by the AICPA. We did not provide any assurance regarding the outcome of any future audit or regulatory examination or other regulatory action; nor did we provide any legal advice regarding our services; the responsibility for all regulatory and legal issues with respect to these matters resides with the City. It is further understood that the City is responsible for, among other things, identifying and ensuring compliance with laws and regulations applicable to the City’s financial statement activities.

This report is intended solely for the information and use of City and is not intended to be, and should not be, used by any other party, with the exception of oversight agencies for the performance of their oversight responsibilities.

We appreciate the cooperation received from management and staff of the City during the performance of this risk assessment.

Very truly yours,

Deloitte & Touche LLP

By: ______________________________
Kathie Schwerdtfeger, Partner
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Executive Summary

Background
The City has been awarded approximately $34 million in Community Development Block Grant Disaster Recovery (CDBG-DR) grants by the U.S. Housing and Urban Development Department (HUD) as a result of the significant flooding events of May and October 2015. This funding is subject to federal compliance requirements found in 2 CFR §200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards and 24 CFR §570 Community Development Block Grants. Based on the HUD Action Plan developed by the City, the funds were allocated for the development of infrastructure and housing projects. To oversee the spending and oversight of the grant funds received, the City has developed policies and procedures to administer the CDBG-DR program. As needed, contracted professionals are engaged to provide additional technical assistance. Additionally, the City developed CDBG-DR policies and procedures, established internal controls, and implemented systems to govern the use of the HUD funds received.

In accordance with requirements set forth by HUD, The City has engaged Deloitte & Touche LLP to conduct internal audits each year of program funds and activities to evaluate compliance with national objectives, the City’s HUD CDBG-DR Action plan and related amendments, federal program regulations, and City policies and procedures related to the CDBG-DR funding. Additionally, the internal audits evaluate the design and operating effectiveness of internal controls over program activities and funds and provides recommendations for enhancement, when needed.

Our Scope & Objectives
The area of focus for this internal audit was to perform the annual update to the City of San Marcos HUD CDBG-DR Risk Assessment. The risk assessment included an evaluation of current processes in place to manage the CDBG-DR funding received and projects that are underway and planned. To perform the risk assessment, City of San Marcos stakeholders were interviewed along, current policies and procedures were evaluated, and spending reports were evaluated.

Based on the interviews performed and evaluation of program documentation, the risk assessment scoring was updated to evaluate the risk associated with HUD CDBG-DR activities and projects being performed by the City. These activities and programs were evaluated from a vulnerability and impact perspective, and the scoring was used to identify activities and projects as either high, medium, or low risk. The results of the risk assessment will be used to identify focus areas for internal audit for the next year.

Due to the City experiencing a high volume of internal and external audits, as well as key staff turnover, third quarter testing of procurement, contracts and expenditures of CDBG-DR related activities conducted from July 23 through August 16th was suspended to allow the City to focus on addressing the integral needs of these activities. Deloitte re-engaged with the City in the fourth quarter to complete fieldwork for Quarter 3 as well as to perform fieldwork for Q4. That work was conducted from November 5 through November 29, 2019 and will be reported on in the Quarter 4 Internal Audit Report being released concurrently with this Risk Assessment focused Internal Audit Report.
Approach
The internal audit risk assessment activities performed included the following:

• **Step 1**: Performed the risk assessment.
  - **Identified Population of HUD CDBG-DR Activities and Projects**
    - Updated the risk assessment to include projects that have started since the last risk assessment.
  - **Scored the HUD CDBG-DR Activities and Projects**
    - Summarized the information received through interviews and evaluation of documentation.
    - Based on the scoring, ranked projects as either low, medium, or high risk.

• **Step 2**: Identified potential areas for the annual internal audit plan
  - **Risk Assessment Results**
    - Evaluated the results of the risk assessment to determine high and medium risk activities and programs.
  - **Highlighted Areas for Focused Internal Audits in the Coming Year**
    - Summarized the information for high and medium risk activities and programs.

• **Step 3**: Conducted a closing meeting with management to discuss the results of the risk assessment to include the proposed focus areas for audit in 2020. We also discussed the scope and timing of quarterly procurement, contracts, and expenditure testing for both Q3 and Q4. The results of the expanded Q3 testing is being released in the Q4 report and issued concurrently with this report.
Summary of Risk Assessment Results

The table below provides a high-level overview of the identified levels of risk for each functional area of CDBG-DR Program Administration within the City. The level of risk for each area was based on our assessment of overall vulnerability of the area to adverse risks and the impact of such adverse risks to the overall program should they occur.

Vulnerability or residual risk is the extent to which a functional area may be exposed or unprotected in relation to various risk factors after existing controls have been considered.

- High vulnerability exists when controls minimally reduce the functional area’s exposure to adverse risks. Controls are primarily detective (vs. preventative) or non-existent.
- Medium vulnerability exists when controls moderately reduce the functional area’s exposure to adverse risks. Controls are primarily detective (vs. preventative).
- Low vulnerability exists when controls currently produce the desired result to significantly reduce the functional area’s exposure to adverse risks. Controls are primarily preventative (vs. detective) and believed by management to be operating effectively.

The extent to which identified vulnerabilities impact program success varies depending on the specific risk causing the vulnerabilities.

- High impact is assessed when weaknesses in controls, inadequate program administration, and/or poor execution of controls is identified. These conditions generally result in program objectives not being met, noncompliance with governing rules and regulations, and significant internal and external audit findings and questioned costs.
- Medium impact is assessed when there is some level of control weakness or minor inconsistencies in executing program controls that may lead to minor instances of noncompliance. These conditions may result in minor internal and external audit findings and/or low levels of questions costs.
- Low impact is assessed when the processes examined do not result in indications of weaknesses in controls, poor program administration and/or noncompliance with governing rules and regulations.
### CDBG-DR Risk Assessment Rating Detail

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<thead>
<tr>
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<tbody>
<tr>
<td>2- Update / Establish Policies and Procedures</td>
<td>2- Identify Recovery Needs</td>
<td>2- Establish Procurement Consistent with HUD</td>
<td>2- Subrecipient Awarding</td>
<td>2- Complete Monitoring Protocols</td>
<td>2- Annual and Quarterly Reporting</td>
<td>2- HUD Closeout Coordination</td>
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<tr>
<td>3- Evaluate Program and Grant Management Risks</td>
<td>3- Finalize Action Plan, Submit to HUD</td>
<td>3- Process Initial Vendor</td>
<td>3- Process Assistance Applications</td>
<td>3- Internal Stakeholder Reporting</td>
<td>3- Adjust Retention and Income Plans</td>
<td>3- Coordinate Closeout with Stakeholders</td>
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<tr>
<td>4- Define Grant Program &amp; Management Needs</td>
<td>4- Act on HUD Feedback related to Action Plan</td>
<td>4- DRGR Drawdown and Grant Accounting</td>
<td>4- Assess Initial Vendor Performance</td>
<td>4- Internal Audit Monitoring</td>
<td>4- Assess Internal Controls as a result of Internal Audits</td>
<td>4- Coordinate Closeout with Stakeholders</td>
</tr>
<tr>
<td></td>
<td></td>
<td>5- Begin Ongoing DRGR Reporting</td>
<td>5- Construction Requests for Reimbursement</td>
<td>5- Ongoing Federal Monitoring Readiness</td>
<td>5- Ongoing Project Communication</td>
<td></td>
</tr>
</tbody>
</table>

#### Risk Levels
- **Low risk**
- **Medium risk**
- **High risk**

#### Process Status
- **Process not yet underway**
2020 Annual Internal Audit Plan

As a result of the risk analysis performed above, no areas were identified as high risk. The areas identified below were ranked as Moderate Risk Areas requiring additional focus by the City and internal audit coverage through the 2020 Internal Audit Plan. Specifically:

1. **Housing Programs** – The City of San Marcos housing programs are complex due to many compliance requirements. In addition, the City has had some difficulty in identifying potential applicants for the housing programs, high staff turnover of key resources, and multiple HUD audit findings.

2. **Environmental Assessments** – Delays have occurred related to performance of environmental assessments and the activities required.

3. **Procurement** – The last year of internal audits has produced quite a few purchasing department findings including some have yet to be resolved. It also demands constant monitoring of procurement processes and reports required by Federal regulations (Section 3 and Davis Bacon).

4. **Slow Program Spend** – The City has been identified by HUD as a slow spender. Projects will need to be continually monitored in order to determine established timelines for program completion are met.

Areas identified as low risk do no necessitate specialized audit coverage in the 2020 Internal Audit Plan. Controls and compliance testing of all new procurements, contracts, change orders, and expenditures receive testing each quarter regardless of the level of risk. Audit planning and follow up review are performed each quarter to determine progress on remediation efforts for prior internal and external audit comments and/or recommendations from HUD technical visits.

<table>
<thead>
<tr>
<th>Process</th>
<th>Risk Rating</th>
<th>Audit Schedule</th>
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<tr>
<td>Environmental Review Process</td>
<td>Medium</td>
<td>Q1 2020</td>
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<tr>
<td>Housing Program Administration and Compliance</td>
<td>Medium</td>
<td>Q2 2020</td>
</tr>
<tr>
<td>Slow Spend Analysis</td>
<td>Medium</td>
<td>Q3 2020</td>
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<tr>
<td>Infrastructure Project Oversight</td>
<td>Medium</td>
<td>Q4 2020</td>
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<tr>
<td>Quarterly Review of New Procurements, Contracts, and Expenditures</td>
<td>Medium</td>
<td>Each Quarter 2020</td>
</tr>
<tr>
<td>Follow up on Prior Findings: Internal and External Audits, HUD Technical Visits</td>
<td>Medium</td>
<td>Each Quarter 2020</td>
</tr>
</tbody>
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City of San Marcos
CDBG-DR Internal Audit Report
2019 Quarter 4: Procurement, Contract and Expenditure Review

Deloitte & Touche LLP | March 5, 2020
March 5, 2020

Honorable Jane Hughson
Mayor
City of San Marcos
630 E Hopkins
San Marcos, TX 78666

Dear Ms. Hughson:

We are pleased to provide the attached Internal Audit Report with respect to internal audit services performed for procurement and finance activities related to the Housing and Urban Development (HUD) Community Development Block Grant - Disaster Recovery (CDBG-DR) funding the City of San Marcos, Texas (the City) received as a result of the May 2015 (DR-4223) and October 2015 (DR-4245) floods. This work was performed based on the terms outlined in the engagement letter dated April 10, 2017. The areas covered during the internal audit were jointly identified with the City according to a risk-based internal audit plan and is outlined within this report.

Our services were performed in accordance with the Statement on Standards for Consulting Services issued by the American Institute of Certified Public Accountants (AICPA). However, our services did not constitute an engagement to provide audit, compilation, review, or attestation services as described in the pronouncements on professional standards issued by the AICPA, and, therefore, we will not express an opinion or other form of assurance with respect to our services.

In addition, our services did not constitute an examination or compilation of prospective financial information in accordance with standards established by the AICPA. We did not provide any assurance regarding the outcome of any future audit or regulatory examination or other regulatory action; nor did we provide any legal advice regarding our services; the responsibility for all regulatory and legal issues with respect to these matters resides with the City. It is further understood that the City is responsible for, among other things, identifying and ensuring compliance with laws and regulations applicable to the City’s financial statement activities.

This report is intended solely for the information and use of City and is not intended to be, and should not be, used by any other party, with the exception of oversight agencies for the performance of their oversight responsibilities.

We appreciate the cooperation received from management and staff of the City during the performance of this internal audit.

Very truly yours,

Deloitte & Touche LLP

By: ______________________________
Kathie Schwerdtfeger, Partner
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<tr>
<td>Management Response and Corrective Action Plan</td>
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</table>
Executive Summary

Background
The City has been awarded approximately $34 million in Community Development Block Grant Disaster Recovery (CDBG-DR) grants by the U.S. Housing and Urban Development Department (HUD) as a result of the significant flooding events of May and October 2015. This funding is subject to federal compliance requirements found in 2 CFR §200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards and 24 CFR §570 Community Development Block Grants. Based on the HUD Action Plan developed by the City, the funds were allocated for the development of infrastructure and housing projects. To oversee the spending and oversight of the grant funds received, the City has developed policies and procedures to administer the CDBG-DR program. As needed, contracted professionals are engaged to provide additional technical assistance. Additionally, the City developed CDBG-DR policies and procedures, established internal controls, and implemented systems to govern the use of the HUD funds received.

In accordance with requirements set forth by HUD, The City has engaged Deloitte & Touche LLP to conduct internal audits each year of program funds and activities to evaluate compliance with national objectives, the City’s HUD CDBG-DR Action plan and related amendments, federal program regulations, and City policies and procedures related to the CDBG-DR funding. Additionally, the internal audits evaluate the design and operating effectiveness of internal controls over program activities and funds and provides recommendations for enhancement, when needed.

Our Scope & Objectives
The area of focus for this internal audit included procurement, contracts, and finance activities for CDBG-DR activities. Each area was reviewed to determine the following:

- Design and operating effectiveness of internal controls
- Compliance with Federal program and administrative regulations governing the CDBG-DR program
- Compliance with City policies and procedures governing the CDBG-DR program
- Compliance with the City’s HUD Action Plan for Disaster Recovery and related amendments

Procurement and Contracting:
The assessment procedures included evaluation of the contract front-end life cycle, from request for proposal (RFP) to the establishment of a contract. The procurement process was evaluated for the services listed below and included the procurements for which an RFP was issued under these grants between April 24, 2019 and September 30, 2019. Any contracts resulting from the procurement process were also reviewed in addition to any procurements and/or contracts not provided in previous quarters.

<table>
<thead>
<tr>
<th>Contract Number</th>
<th>Company Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>217-435.11</td>
<td>Cobb, Fendley &amp; Associates</td>
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<tr>
<td>218-412</td>
<td>On-Call Engineering</td>
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<tr>
<td>218-412</td>
<td>Scheibe Consulting, LLC</td>
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<tr>
<td>219-111.2</td>
<td>Byrn &amp; Associates</td>
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<tr>
<td>218-283</td>
<td>On-Call Appraisers</td>
</tr>
<tr>
<td>218-283.3</td>
<td>BBG, Inc</td>
</tr>
</tbody>
</table>

This document is intended solely for the internal use of the City of San Marcos and should not be used or relied upon by any other person or entity.
Expenditures:
The assessment procedures evaluated whether federal regulations and City policies and procedures were followed in the approval and payment of CDBG-DR related expenditures during the period of April 24, 2019 through September 30, 2019. The selected expenditures were also evaluated to determine whether they were reasonable, necessary, allowable, and properly evidenced by supporting documentation. A sample of expenditures was selected from all program expenditures for the period and included infrastructure, housing, public facilities, administration and planning activities.

The testing methodology included an analysis of at least 30% of the transactions executed during the period and consisted of an evaluation of invoices, proof of payment, general ledger, the HUD Quarterly Performance Reports (QPR) and HUD Disaster Recovery Grants Reporting System (DRGR) reporting and compliance with applicable policies, procedures, and federal grant regulations.

Fieldwork for transactions occurring in Quarter 3 was initially conducted from July 23 through August 16, 2019. Due to the City experiencing a high volume of internal and external audits, as well as key staff turnover, Deloitte suspended fieldwork to allow the City to focus on addressing the integral needs of these activities. Deloitte re-engaged with the City to complete fieldwork for Quarter 3 as well as perform fieldwork for Q4. That work was performed November 5 through November 29, 2019. Given that portions of the Q3 and Q4 reviews were completed concurrently, all Observations and Recommendations, along with Management Response and Corrective Action Plan, are presented and addressed in this Q4 report.

Initial observations and recommendations were discussed with the City on January 13, 2020. The report was finalized and released to the City on [March 5, 2020].

Prior Audit Findings:
The assessment procedures utilize interviews and meetings to review the status of resolution and evidence of progress relating to all prior audit findings that were still open at the time of fieldwork. In Quarter 2 of 2019, the City had 6 total findings from prior Internal Audit Reports and one overall recommendation. Five were confirmed as resolved during the term of our fieldwork and one remains in process as noted in the observations and recommendations on page 7. The overall recommendation that the City provide program-specific training to those staff members involved in CDBG-DR grants management activities has been discussed but has not yet been implemented at this time.
**Approach**

The internal audit activities performed included the following:

- **Step 1:** Interviewed the following key stakeholders involved in administering the CDBG-DR program to gain an understanding of program activities during the period and obtain their input related to potential risks to the program:
  - Aaron Harris* - Community Initiatives Program Administrator
  - Andrea Veach - Grants Manager
  - Heather Hurlbert - Director of Finance
  - Ismael Garcia - Accounting Manager
  - Jacque Thomas - Senior Engineer
  - John Espinoza - Engineer
  - Kirk Abbott - Engineer
  - Laurie Moyer - Director of Engineering and Capital Improvement
  - Lynda Williams - Purchasing Manager
  - Shannon Mattingly - Director of Planning and Development Services
  - Stacy Brown* - Housing and Community Development Manager
  - Sylvia Ruiz - Community Development Compliance Specialist

*Aaron Harris and Stacy Brown are no longer employees of the City of San Marcos as of the time of this report release.*

- **Step 2:** Performed the following review and testing procedures:
  - **CDBG-DR Contracts**
    - Obtained procurement and contract related documents for all procurement and contract activities that occurred during the period.
    - Assessed the City of San Marcos Action Plan for Disaster Recovery and the City’s Purchasing Policy to verify consistency and adherence with federal regulations and HUD policy;
    - Evaluated RFP and Contract activity since the last internal audit to determine whether they were consistent with the City’s procurement policy;
    - Assessed the RFP and bid review evaluation process;
    - Evaluated contracts established for required Federal clauses;
    - Identified areas for improvement and developed recommendations for consideration.
  - **CDBG-DR Expenditures**
    - Obtained expenditure data for all program expenditures that occurred during the period.
    - Selected approximately 30% of expenditures for testing from General Ledger with a focus on activities with high spend during the period;
    - Assessed purchase or approval processes related to work performed;
    - Evaluated invoices for contracts established and associated purchase orders
    - Evaluated labor, equipment, and other charges based on rates and amounts and mathematical accuracy and reasonable of invoice and/or allocation methods; and
    - Evaluated invoice review processes.
• **Step 3:** Conducted a closing meeting and discussed the observations and recommendations with management.
### Observations and Recommendations

As noted on page 4 of this report, all Observations and Recommendations, including Management Response & Corrective Action Plan are presented and addressed herein.

<table>
<thead>
<tr>
<th>Observation Category</th>
<th>Observation</th>
<th>Observation</th>
<th>Recommendations/Management Action Plans</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1</strong> Procurement</td>
<td>Cost Reasonableness analyses required by federal regulation were not reviewed by or filed with the Purchasing and Contracting Division for any procurements this period. Cost Analyses are required for every transaction and should be included in procurement files and decisions. The Housing and Community Development Manager performed the cost analyses and had them on file.</td>
<td>Per 2 CFR §200.323, a cost or price analysis must be performed in connection with every procurement action in excess of the simplified acquisition threshold. Although the Cost Reasonableness Analyses were performed by the grants department, the purchasing department being unable to validate or provide these in the event of an audit could result in high questioned costs due to non-compliance with federal procurement regulations. Additionally, lack of Cost Analysis review by purchasing can result in vendors being selected that do not provide the best value.</td>
<td>This is a prior finding from 2019 Quarter 2. We continued to see the same issue for transactions sampled in this Q3-Q4 review period. The City should create and integrate a Cost Reasonableness Analysis process into its purchasing activities. Purchasing should oversee this process and validate that costs were determined reasonable prior to approving contracts. They should maintain documentation of the analyses performed in the procurement files.</td>
</tr>
<tr>
<td><strong>2</strong> Procurement</td>
<td>Denial letters were not issued by the Procurement department following vendor selection. In some cases, letters were issued months after selection and contract award, and other cases letters were dated the same date of our request. The City did show that they post the final successful vendor selection on their website. However, this is insufficient to satisfy protest procedures.</td>
<td>Per Federal Regulations 24 CFR 85.36(b)(0) and 2 CFR 200.318(i), Selection Criteria and 24 CFR 85.36(B)(12) and TX Government Code 2155.076, Protest Procedures, vendors that are not selected during a procurement must be allowed the opportunity to protest an award and an award. Grantees and sub grantees will have protest procedures to handle and resolve disputes relating to their Procurements. Although the City posts the selected vendor award on their website, this hinders the ability for a non-selected vendor to protest within an appropriate timeframe as no notification is made when that post is made.</td>
<td>The purchasing department should create and implement protest procedures including a process for sending vendor denial letters immediately following a vendor selection. Evidence of this notification should be kept in the purchasing file for each procurement.</td>
</tr>
<tr>
<td><strong>3</strong> Contracts</td>
<td>The City did not follow its internal policy for approving Authorization of Change in Service (ACIS). Additionally, the City’s policy for ACIS and construction change orders does not address requirements for Cost Analyses relating to funding changes. It was noted that an ACIS in the amount of $46,599.00 for a</td>
<td>City policy states that all contract amendments will be approved by the City Council if the contract was originally approved by the City Council. Amendments not originally approved by the City Council and not involving the expenditure of additional money in excess of $50,000.00 may be approved by the City Manager. In the event that an ACIS causes the original contract to increase in excess of the $50,000</td>
<td>The policy is clear that these changes to contract should have gone through City Council approval. Therefore, the City should implement additional internal controls prior to final approval of a change order to confirm the appropriate approvals are received in line with the policy. The City should also update its policy to include the federal requirement for performing a cost or price analysis of</td>
</tr>
<tr>
<td>Observation Category</td>
<td>Observation</td>
<td>Observation</td>
<td>Recommendations/Management Action Plans</td>
</tr>
<tr>
<td>-----------------------</td>
<td>-------------</td>
<td>-------------</td>
<td>-----------------------------------------</td>
</tr>
<tr>
<td>Condition</td>
<td>Criteria, Cause, Effect</td>
<td>Action Plans</td>
<td>Recommendation</td>
</tr>
<tr>
<td>contract originally over $600,000 was not approved through City Council. As the contract was originally approved by City Council, it should have been ratified by Council as well. Additionally, this caused an increase to the original contract in excess of $50,000 which is prohibited by City regulation unless approved by City Council. Additionally, we noted multiple contracts which had three or more ACIS approved within 6-12 months, totaling 30% or more in contract value.</td>
<td>threshold, the original contract will be ratified by the City Council. Failure to follow the City’s policy related to approval of ACIS and Change Orders bypasses the intent of the approval process and poses a risk for fraud and / or improper procurement. While a single ACIS may individually fall below $50,000, approval of multiple ACIS in short time periods could pose a risk to bypass the intended approval process by breaking additional funding into multiple change order requests below the threshold. It was also noted that no Cost Analysis was performed as a part of the ACIS process. Per 2 CFR §200.323, a cost or price analysis must be performed in connection with every procurement action in excess of the simplified acquisition threshold including contract modifications. The City’s policy does not indicate that a Cost Analysis should be performed and thereby does not conform to federal program requirements.</td>
<td>every procurement action in excess of the simplified acquisition threshold including contract modifications. The policy should also require the results of the analysis be documented and included with the approval request as supporting documentation for the increase.</td>
<td></td>
</tr>
<tr>
<td>4 Contracts</td>
<td>To comply with requirements of 2 CFR 200 and HUD to provide preference to MWBE/WBE and Section 3 businesses, the City has in place contract Exhibits 5B and 5C. These are self-certification forms by which the contractor discloses their own HUB status and their intent to contract with minority-owned businesses. In several contracts, these forms were either incomplete or not present in the contract.</td>
<td>Per 2 CFR §200.321, the non-Federal entity must take all necessary affirmative steps to assure that minority businesses, women’s business enterprises, and labor surplus area firms are used when possible. The non-Federal entity must also require the prime contractor, if subcontractors are to be let, to take the affirmative steps listed in this section. The City’s Exhibits 5B and 5C, if not reviewed and documented by Purchasing and Contracting, does not ensure the City’s compliance with the procurement of the prime contractor nor does it ensure proper monitoring of the prime’s subcontracting methods.</td>
<td>The City should create and integrate an Economic Opportunities process into its purchasing activities. Purchasing should oversee this process and validate that prime contractors are certified HUBs or intend to contract with minority and women-owned business prior to approving contracts. This documentation should be maintained and reviewed by purchasing and contracting again, should any subcontractors be used by the prime in future billing.</td>
</tr>
<tr>
<td>Observation Category</td>
<td>Observation</td>
<td>Observation</td>
<td>Recommendations/Management Action Plans</td>
</tr>
<tr>
<td>----------------------</td>
<td>-------------</td>
<td>-------------</td>
<td>-----------------------------------------</td>
</tr>
<tr>
<td>Condition</td>
<td>Criteria, Cause, Effect</td>
<td>Recommendation</td>
<td></td>
</tr>
</tbody>
</table>
| **5** Expenditure Review | In two instances, it was identified that invoiced rates did not align with approved contract rates. Specifically:  
  - The incorrect labor rate was charged for an individual and full invoice was subsequently paid.  
  - An invoice was missing a detailed breakdown of total labor charge – thereby bypassing a confirmation of proper invoiced rates. | Per 2 CFR §200.328(a), the non-Federal entity is responsible for oversight of the operations of the Federal award supported activities. This includes confirming all contractor activities are performed and paid in alignment with the contract terms.  
The City’s policy does cover contract monitoring but does not go into detail regarding confirmation of invoice rates. Not confirming that invoiced rates tie to approved contract rates would result in inappropriate and inaccurate vendor payments which in turn would result in audit findings and questioned costs. | The City should update its finance policies to include more detail regarding contract monitoring procedures and a segregation of duties to identify which departments are responsible for certain requirements. Finance should detail that contract rates should be verified prior to approval of invoices and should provide education and communication to team members processing invoices to confirm understanding of such requirements.  
The City has evidenced that it has resolved this issue and credited the CDBG-DR program for any overpayments that were made with Federal funds. |
Management Response and Corrective Action Plan

As noted on page 4 of this report, all Observations and Recommendations, including Management Response & Corrective Action Plan are presented and addressed in the Q4 report.
AGENDA CAPTION: Receive the Annual Audit Report and highlights from the City of San Marcos’ Comprehensive Annual Financial Report (CAFR) for the Fiscal Year ended September 30, 2019 from the City’s audit firm ABIP, P.C.

Meeting date: March 17, 2020

Department: Finance-Heather Hurlbert-Finance Director

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

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

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

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu below]

☐ Economic Development - Choose an item.
☐ Environment & Resource Protection - Choose an item.
☐ Land Use - Choose an item.
☐ Neighborhoods & Housing - Choose an item.
☐ Parks, Public Spaces & Facilities - Choose an item.
☐ Transportation - Choose an item.
☒ Not Applicable

Master Plan: [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]
Background Information:
The audit of the City's annual financial statements has been completed by ABIP, P.C. Janet Pitman, shareholder with the firm, will be available to discuss the results of the audit and the City's financial position as of September 30, 2019.

The City's audit report and Comprehensive Annual Financial Report (CAFR) was presented to the Finance and Audit Committee on March 16.

Council Committee, Board/Commission Action:
Finance & Audit Committee received the report on March 16, 2020.

Alternatives:
Click or tap here to enter text.

Recommendation:
Click or tap here to enter text.
CITY OF SAN MARCOS, TEXAS

BALANCE SHEET – GOVERNMENTAL FUNDS

September 30, 2019

<table>
<thead>
<tr>
<th>ASSETS</th>
<th>GENERAL FUND</th>
<th>CAPITAL PROJECTS FUND</th>
<th>DEBT SERVICE FUND</th>
<th>OTHER GOVERNMENTAL FUNDS</th>
<th>TOTAL GOVERNMENTAL FUNDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash and cash equivalents</td>
<td>$287,440</td>
<td>$4,450,975</td>
<td>$45,185</td>
<td>$6,058,282</td>
<td>$10,841,882</td>
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<tr>
<td>Investments</td>
<td>20,996,125</td>
<td>37,776,684</td>
<td>12,857,754</td>
<td>1,101,323</td>
<td>72,731,886</td>
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<tr>
<td>Receivables - net of allowances for uncollectibles</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Taxes, net</td>
<td>442,622</td>
<td>-</td>
<td>367,618</td>
<td>300,360</td>
<td>1,110,600</td>
</tr>
<tr>
<td>Accounts</td>
<td>4,201,075</td>
<td>306,490</td>
<td>3,603,759</td>
<td>1,628,250</td>
<td>9,739,574</td>
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<tr>
<td>Due from other funds</td>
<td>-</td>
<td>6,737,812</td>
<td>-</td>
<td>813,958</td>
<td>7,551,770</td>
</tr>
<tr>
<td>Due from other governments</td>
<td>-</td>
<td>9,198,571</td>
<td>-</td>
<td>618,788</td>
<td>9,817,359</td>
</tr>
<tr>
<td>Inventories</td>
<td>484,993</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>484,993</td>
</tr>
<tr>
<td>Prepaids</td>
<td>13,787</td>
<td>-</td>
<td>-</td>
<td>10,862</td>
<td>24,649</td>
</tr>
<tr>
<td>Total assets</td>
<td>$26,426,042</td>
<td>$58,470,532</td>
<td>$16,874,316</td>
<td>$10,531,823</td>
<td>$112,302,713</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>LIABILITIES</th>
<th>GENERAL FUND</th>
<th>CAPITAL PROJECTS FUND</th>
<th>DEBT SERVICE FUND</th>
<th>OTHER GOVERNMENTAL FUNDS</th>
<th>TOTAL GOVERNMENTAL FUNDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accounts payable</td>
<td>$3,682,522</td>
<td>$1,977,762</td>
<td>-</td>
<td>$1,495,724</td>
<td>$7,156,008</td>
</tr>
<tr>
<td>Accrued liabilities</td>
<td>2,737,854</td>
<td>-</td>
<td>-</td>
<td>34,877</td>
<td>2,772,731</td>
</tr>
<tr>
<td>Unearned revenue</td>
<td>2,520,333</td>
<td>94,172</td>
<td>-</td>
<td>497,969</td>
<td>3,112,474</td>
</tr>
<tr>
<td>Customer deposits</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>2,131</td>
<td>2,131</td>
</tr>
<tr>
<td>Due to other funds</td>
<td>-</td>
<td>-</td>
<td>6,737,812</td>
<td>813,958</td>
<td>7,551,770</td>
</tr>
<tr>
<td>Total liabilities</td>
<td>8,940,709</td>
<td>2,071,934</td>
<td>6,737,812</td>
<td>2,844,659</td>
<td>20,595,114</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DEFERRED INFLOWS OF RESOURCES</th>
<th>GENERAL FUND</th>
<th>CAPITAL PROJECTS FUND</th>
<th>DEBT SERVICE FUND</th>
<th>OTHER GOVERNMENTAL FUNDS</th>
<th>TOTAL GOVERNMENTAL FUNDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unavailable revenue - property taxes</td>
<td>351,791</td>
<td>-</td>
<td>313,520</td>
<td>-</td>
<td>665,311</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FUND BALANCES</th>
<th>GENERAL FUND</th>
<th>CAPITAL PROJECTS FUND</th>
<th>DEBT SERVICE FUND</th>
<th>OTHER GOVERNMENTAL FUNDS</th>
<th>TOTAL GOVERNMENTAL FUNDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nonspendable:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Inventories</td>
<td>484,993</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>484,993</td>
</tr>
<tr>
<td>Prepaids</td>
<td>13,787</td>
<td>-</td>
<td>-</td>
<td>3,949</td>
<td>3,949</td>
</tr>
<tr>
<td>Endowment</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Restricted for:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Court technology</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>203,160</td>
<td>203,160</td>
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<tr>
<td>Seized assets</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>110,742</td>
<td>110,742</td>
</tr>
<tr>
<td>Court security</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>121,245</td>
<td>121,245</td>
</tr>
<tr>
<td>Juvenile case manager</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>56,778</td>
<td>56,778</td>
</tr>
<tr>
<td>Community services</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>7,191,290</td>
<td>7,191,290</td>
</tr>
<tr>
<td>Capital projects</td>
<td>-</td>
<td>56,398,598</td>
<td>-</td>
<td>-</td>
<td>56,398,598</td>
</tr>
<tr>
<td>Debt service</td>
<td>-</td>
<td>-</td>
<td>9,822,984</td>
<td>-</td>
<td>9,822,984</td>
</tr>
<tr>
<td>Unassigned</td>
<td>16,634,762</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>16,634,762</td>
</tr>
<tr>
<td>Total fund balances</td>
<td>17,133,542</td>
<td>56,398,598</td>
<td>9,822,984</td>
<td>7,687,164</td>
<td>91,042,288</td>
</tr>
</tbody>
</table>

Total liabilities, deferred inflows of resources and fund balances | $26,426,042 | $58,470,532 | $16,874,316 | $10,531,823 | $112,302,713 |

The accompanying notes are an integral part of the financial statements.
CITY OF SAN MARCOS, TEXAS

STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES - GOVERNMENTAL FUNDS

For the year ended September 30, 2019

<table>
<thead>
<tr>
<th></th>
<th>GENERAL FUND</th>
<th>CAPITAL PROJECTS FUND</th>
<th>DEBT SERVICE FUND</th>
<th>OTHER GOVERNMENTAL FUNDS</th>
<th>TOTAL GOVERNMENTAL FUNDS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>REVENUES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Taxes</td>
<td>$66,447,447</td>
<td>$</td>
<td>$11,420,928</td>
<td>$4,475,042</td>
<td>$82,343,417</td>
</tr>
<tr>
<td>Licenses and permits</td>
<td>3,480,906</td>
<td></td>
<td></td>
<td></td>
<td>3,480,906</td>
</tr>
<tr>
<td>Fees and penalties</td>
<td>1,286,335</td>
<td></td>
<td></td>
<td></td>
<td>1,406,806</td>
</tr>
<tr>
<td>Charges for services</td>
<td>7,521,939</td>
<td></td>
<td></td>
<td>204,937</td>
<td>7,726,876</td>
</tr>
<tr>
<td>Intergovernmental</td>
<td>686,211</td>
<td>347,369</td>
<td>3,603,738</td>
<td></td>
<td>11,176,043</td>
</tr>
<tr>
<td>Interest on investments</td>
<td>447,565</td>
<td>1,274,541</td>
<td>336,665</td>
<td>174,008</td>
<td>2,223,779</td>
</tr>
<tr>
<td>Contributions and donations</td>
<td>85,144</td>
<td></td>
<td></td>
<td></td>
<td>85,144</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>881,909</td>
<td>3,146,037</td>
<td>93,204</td>
<td>275,710</td>
<td>4,396,860</td>
</tr>
<tr>
<td>Total revenues</td>
<td>80,837,456</td>
<td>4,767,947</td>
<td>15,454,535</td>
<td>11,788,893</td>
<td>112,848,831</td>
</tr>
<tr>
<td><strong>EXPENDITURES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Current:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General government</td>
<td>28,978,552</td>
<td>2,869,349</td>
<td></td>
<td>4,384,876</td>
<td>36,232,777</td>
</tr>
<tr>
<td>Public safety</td>
<td>33,654,880</td>
<td></td>
<td></td>
<td>201,477</td>
<td>33,856,357</td>
</tr>
<tr>
<td>Community service</td>
<td>12,073,332</td>
<td></td>
<td></td>
<td>6,963,321</td>
<td>19,036,653</td>
</tr>
<tr>
<td>Capital outlay</td>
<td>89,408</td>
<td>22,094,909</td>
<td></td>
<td>119,569</td>
<td>22,303,886</td>
</tr>
<tr>
<td>Debt service:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Principal</td>
<td>93,210</td>
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<td>9,061,843</td>
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<tr>
<td>Interest and fiscal charges</td>
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<td>15,200</td>
<td>6,200,073</td>
<td>387,595</td>
<td>6,616,431</td>
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<tr>
<td>Bond issuance cost</td>
<td>-</td>
<td>124,993</td>
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<td>458,225</td>
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<td>Total expenditures</td>
<td>74,902,945</td>
<td>25,358,084</td>
<td>14,915,073</td>
<td>12,515,063</td>
<td>127,691,165</td>
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<tr>
<td>Excess (deficiency) of revenues over (under) expenditures</td>
<td>5,934,511</td>
<td>(20,590,137)</td>
<td>539,462</td>
<td>(726,170)</td>
<td>(14,842,334)</td>
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<td><strong>OTHER FINANCING SOURCES (USES)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Transfers in</td>
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<td>8,549,323</td>
<td>2,198,163</td>
<td>3,049,963</td>
<td>13,950,056</td>
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<td>Transfers out</td>
<td>(5,117,265)</td>
<td></td>
<td>(1,994,480)</td>
<td>(11,932,779)</td>
<td>(19,044,524)</td>
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<td>Insurance recoveries</td>
<td>-</td>
<td>46,957</td>
<td></td>
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<tr>
<td>Forgiveness of debt</td>
<td>-</td>
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<td>Capital lease</td>
<td>-</td>
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<td></td>
<td></td>
<td>532,244</td>
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<tr>
<td>Issuance of debt</td>
<td>-</td>
<td>10,395,000</td>
<td></td>
<td>11,885,000</td>
<td>22,280,000</td>
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<td>Premium on debt issued</td>
<td>-</td>
<td>783,528</td>
<td></td>
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<td>783,528</td>
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<tr>
<td>Total other financing sources (uses)</td>
<td>(4,964,658)</td>
<td>21,581,952</td>
<td>203,683</td>
<td>3,002,184</td>
<td>19,823,161</td>
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<tr>
<td>Net change in fund balances</td>
<td>969,853</td>
<td>991,815</td>
<td>743,145</td>
<td>2,276,014</td>
<td>4,980,827</td>
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<tr>
<td><strong>FUND BALANCES - BEGINNING</strong></td>
<td>16,163,689</td>
<td>55,406,783</td>
<td>9,079,839</td>
<td>5,411,150</td>
<td>86,061,461</td>
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<td><strong>FUND BALANCES – ENDING</strong></td>
<td>$17,133,542</td>
<td>$56,398,598</td>
<td>$9,822,984</td>
<td>$7,687,164</td>
<td>$91,042,288</td>
</tr>
</tbody>
</table>

The accompanying notes are an integral part of the financial statements.
CITY OF SAN MARCOS, TEXAS

STATEMENT OF NET POSITION

PROPRIETARY FUNDS

September 30, 2019

The accompanying notes are an integral part of the financial statements.
CITY OF SAN MARCOS, TEXAS
STATEMENT OF NET POSITION
PROPRIETARY FUNDS
September 30, 2019

The accompanying notes are an integral part of the financial statements.
CITY OF SAN MARCOS, TEXAS

STATEMENT OF REVENUES, EXPENSES, AND CHANGES IN FUND NET POSITION

PROPRIETARY FUNDS

For the year ended September 30, 2019

The accompanying notes are an integral part of the financial statements.
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CITY OF SAN MARCOS, TEXAS

COMBINING BALANCE SHEET
NONMAJOR GOVERNMENTAL FUNDS

September 30, 2019

<table>
<thead>
<tr>
<th>Assets</th>
<th>Community Development</th>
<th>Public Education</th>
<th>Public Safety Grants</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash and cash equivalents</td>
<td>$ -</td>
<td>$ 592,404</td>
<td>$ -</td>
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<tr>
<td>Investments</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Receivables - net of allowances for uncollectibles</td>
<td>-</td>
<td>-</td>
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<tr>
<td>Accounts</td>
<td>730,298</td>
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<td>Taxes</td>
<td>-</td>
<td>-</td>
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<tr>
<td>Loans</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Due from other funds</td>
<td>-</td>
<td>-</td>
<td>158,245</td>
</tr>
<tr>
<td>Prepaid items</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total assets</strong></td>
<td>$ 730,298</td>
<td>$ 610,514</td>
<td>$ 158,245</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Liabilities and Fund Balances</th>
<th>Community Development</th>
<th>Public Education</th>
<th>Public Safety Grants</th>
</tr>
</thead>
<tbody>
<tr>
<td>Liabilities</td>
<td></td>
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<td>Accounts payable</td>
<td>$ 189,839</td>
<td>$ -</td>
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<td>Accrued liabilities</td>
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<td>-</td>
<td>-</td>
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<tr>
<td>Unearned revenue</td>
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<td>Customer deposits</td>
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<tr>
<td>Due to other funds</td>
<td>271,539</td>
<td>-</td>
<td>119,185</td>
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<tr>
<td><strong>Total liabilities</strong></td>
<td>656,625</td>
<td>-</td>
<td>158,245</td>
</tr>
</tbody>
</table>

| Fund balances | | | |
| Nonspendable | - | - | - |
| Restricted for | | | |
| Public safety | - | - | - |
| Community services | 73,673 | 610,514 | - |
| Endowment | - | - | - |
| **Total fund balances** | 73,673 | 610,514 | - |

<p>| <strong>Total liabilities and fund balances</strong> | $ 730,298 | $ 610,514 | $ 158,245 |</p>
<table>
<thead>
<tr>
<th></th>
<th>WIC PROJECT</th>
<th>PARD RECREATION PROGRAMS</th>
<th>HOTEL OCCUPANCY</th>
<th>MUNICIPAL COURT TECHNOLOGY</th>
<th>SEIZED ASSETS</th>
<th>PUBLIC IMPROVEMENT DISTRICT</th>
<th>LIBRARY MEMORIAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$</td>
<td>$ 317,282</td>
<td>$ 170,448</td>
<td>$ 203,160</td>
<td>$ 134,936</td>
<td>$ 1,444,240</td>
<td>$ 41,388</td>
</tr>
<tr>
<td></td>
<td>-</td>
<td>-</td>
<td>1,077,653</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>-</td>
<td>-</td>
<td>300,360</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>460,543</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>6,913</td>
<td>-</td>
<td>3,949</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>$ 467,456</td>
<td>$ 317,282</td>
<td>$ 1,552,410</td>
<td>$ 203,160</td>
<td>$ 134,936</td>
<td>$ 1,444,240</td>
<td>$ 41,388</td>
</tr>
</tbody>
</table>

|                | $ 25,520    | $ 22,157                | $ 142,371       | -                         | $ 24,194      | -                           | -                |
| 18,702         | -           | -                       | 15,450          | -                         | -             | -                           | -                |
|                | -           | 50,000                  | 98              | -                         | -             | -                           | -                |
| 423,234        | -           | -                       | -               | -                         | -             | -                           | -                |
|                | 467,456     | 72,157                  | 157,919         | -                         | 24,194        | -                           | -                |

|                | -           | -                       | 3,949           | -                         | -             | -                           | -                |
|                | -           | -                       | -               | 203,160                   | 110,742       | -                           | -                |
|                | -           | 245,125                 | 1,390,542       | -                         | -             | 1,444,240                   | 41,388           |
|                | -           | 245,125                 | 1,394,491       | 203,160                   | 110,742       | 1,444,240                   | 41,388           |

|                | $ 467,456   | $ 317,282                | $ 1,552,410     | $ 203,160                 | $ 134,936     | $ 1,444,240                 | $ 41,388         |

(continued)
# CITY OF SAN MARCOS, TEXAS

## COMBINING BALANCE SHEET

### NONMAJOR GOVERNMENTAL FUNDS

**September 30, 2019**

<table>
<thead>
<tr>
<th>MUNICIPAL COURT SECURITY FEE</th>
<th>JUVENILE CASE MANAGER FEE</th>
<th>SPECIAL CONTRIBUTIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ASSETS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash and cash equivalents</td>
<td>$121,970</td>
<td>$57,977 $</td>
</tr>
<tr>
<td>Investments</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Receivables - net of allowances for uncollectibles</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Accounts</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Taxes</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Due from other funds</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Due from other governments</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Prepaid items</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total assets</strong></td>
<td>$121,970 $</td>
<td>$57,977 $</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>LIABILITIES AND FUND BALANCES</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Liabilities</td>
</tr>
<tr>
<td>Accounts payable</td>
</tr>
<tr>
<td>Accrued liabilities</td>
</tr>
<tr>
<td>Deferred revenue</td>
</tr>
<tr>
<td>Customer deposits</td>
</tr>
<tr>
<td>Due to other funds</td>
</tr>
<tr>
<td><strong>Total liabilities</strong></td>
</tr>
</tbody>
</table>

| Fund balances                    |                           |
| Nonspendable                     | -                         |
| Restricted for public safety     | 121,245 $56,778 $        |
| Community services               | -                         |
| **Total fund balances**          | 121,245 $56,778 $        |

<table>
<thead>
<tr>
<th><strong>Total liabilities and fund balances</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>$121,970 $57,977 $101,490 $</td>
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<tr>
<td>TIRZ #2</td>
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<tr>
<td>--------</td>
</tr>
<tr>
<td>$2,131</td>
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</tr>
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<tr>
<td></td>
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<tr>
<td>$2,131</td>
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<tr>
<td>$2,131</td>
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</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>$2,131</td>
</tr>
</tbody>
</table>

(continued)
CITY OF SAN MARCOS, TEXAS

COMBINING BALANCE SHEET
NONMAJOR GOVERNMENTAL FUNDS

September 30, 2019

<table>
<thead>
<tr>
<th></th>
<th>SPECIAL REVENUE</th>
<th>TOW FORFEITURE</th>
<th>CEMETERY PERPETUAL</th>
<th>TOTALS</th>
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<tr>
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<td></td>
</tr>
<tr>
<td>Cash and cash equivalents</td>
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<td>9,760</td>
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<tr>
<td>Investments</td>
<td>23,670</td>
<td>-</td>
<td>-</td>
<td>1,101,323</td>
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<tr>
<td>Receivables - net of allowances</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accounts</td>
<td>459,020</td>
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<td>-</td>
<td>1,628,250</td>
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<tr>
<td>Taxes</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>300,360</td>
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<tr>
<td>Due from other funds</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>813,958</td>
</tr>
<tr>
<td>Due from other governments</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>618,788</td>
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<tr>
<td>Prepaid items</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>10,862</td>
</tr>
<tr>
<td><strong>Total assets</strong></td>
<td>$ 948,905</td>
<td>$ 9,760</td>
<td>-</td>
<td>$ 10,531,823</td>
</tr>
</tbody>
</table>

| LIABILITIES AND FUND BALANCES |               |                |                    |              |
| Liabilities               |                 |                |                    |              |
| Accounts payable          | $ 119,319       | $ -            | $ -                | $ 1,495,724  |
| Accrued liabilities       | -               | -              | -                  | 34,877       |
| Deferred revenue          | 214,719         | -              | -                  | 497,969      |
| Customer deposits         | -               | -              | -                  | 2,131        |
| Due to other funds        | -               | -              | -                  | 813,958      |
| **Total liabilities**     | $ 334,038       | -              | -                  | $ 2,844,659  |

| Fund balances            |                 |                |                    |              |
| Nonspendable             | -               | -              | -                  | 3,949        |
| Restricted for           |                 |                |                    |              |
| Public safety            | -               | -              | -                  | 491,925      |
| Community services       | 614,867         | 9,760          | -                  | 7,191,290    |
| **Total fund balances**  | 614,867         | 9,760          | -                  | 7,687,164    |

| **Total liabilities and fund balances** | $ 948,905 | $ 9,760 | - | $ 10,531,823 |

$
CITY OF SAN MARCOS, TEXAS

COMBINING STATEMENT OF REVENUES, EXPENDITURES, AND
CHANGES IN FUND BALANCES
NONMAJOR GOVERNMENTAL FUNDS

For the year ended September 30, 2019

<table>
<thead>
<tr>
<th></th>
<th>COMMUNITY DEVELOPMENT BLOCK GRANT</th>
<th>PUBLIC SAFETY GRANTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>REVENUES</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Taxes</td>
<td>$</td>
<td>$ 92,003</td>
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<tr>
<td>Fines and penalties</td>
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<td>-</td>
</tr>
<tr>
<td>Intergovernmental</td>
<td>3,060,307</td>
<td>-</td>
</tr>
<tr>
<td>Charges for services</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Investment earnings</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total revenues</strong></td>
<td>3,060,307</td>
<td>92,003</td>
</tr>
</tbody>
</table>

| EXPENDITURES              |                                   |                      |
| Current                  |                                   |                      |
| General government       | -                                 | 1,350                | -                    |
| Public safety            | -                                 | -                    | 113,426              |
| Community services       | 3,060,307                         | -                    | -                    |
| Capital outlay           | -                                 | 25,388               | -                    |
| Debt service:            |                                   |                      |
| Interest and fiscal charges | -                        | -                | -                    |
| Bond issuance cost       | -                                 | -                    | -                    |
| **Total expenditures**   | 3,060,307                         | 26,738               | 113,426              |
| Excess (deficiency) of revenues over (under) expenditures | - | 65,265 | - |

| OTHER FINANCING SOURCES (USES) |                                   |                      |
| Issuance of debt            | -                                 | -                    | -                    |
| Transfers in                | -                                 | -                    | -                    |
| Transfers out               | -                                 | -                    | -                    |
| **Total other financing sources (uses)** | - | - | - |
| Net change in fund balance  | -                                 | 65,265               | -                    |

FUND BALANCES - BEGINNING  
73,673  545,249  -

FUND BALANCES - ENDING  
$ 73,673 $ 610,514 $ -
<table>
<thead>
<tr>
<th>WIC PROJECT</th>
<th>PARD RECREATION PROGRAMS</th>
<th>HOTEL OCCUPANCY</th>
<th>MUNICIPAL COURT TECHNOLOGY</th>
<th>SEIZED ASSETS</th>
<th>PUBLIC IMPROVEMENT DISTRICT</th>
<th>LIBRARY MEMORIAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>$</td>
<td>$</td>
<td>$</td>
<td>$</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>-</td>
<td>-</td>
<td>-</td>
<td>24,575</td>
<td>40,091</td>
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<tr>
<td>1,542,230</td>
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<td>204,937</td>
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<td>77,744</td>
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<td>73,078</td>
<td>38,949</td>
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<td>1,592</td>
<td>2,000</td>
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<tr>
<td>1,542,230</td>
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<td>4,081,619</td>
<td>24,575</td>
<td>884,674</td>
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<td>1,328,345</td>
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<td>-</td>
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<td>387,595</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<tr>
<td>1,542,230</td>
<td>230,522</td>
<td>2,065,693</td>
<td>-</td>
<td>123,020</td>
<td>2,174,165</td>
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<tr>
<td>-</td>
<td>47,493</td>
<td>2,015,926</td>
<td>24,575</td>
<td>(82,929)</td>
<td>(1,289,491)</td>
<td>2,000</td>
</tr>
<tr>
<td>-</td>
<td>-</td>
<td>-</td>
<td>11,885,000</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
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<td>-</td>
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<td>47,493</td>
<td>648,579</td>
<td>24,575</td>
<td>1,444,240</td>
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<td>745,912</td>
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<td>193,671</td>
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<td>$</td>
<td>$ 245,125</td>
<td>$ 1,394,491</td>
<td>$ 203,160</td>
<td>$ 110,742</td>
<td>$ 1,444,240</td>
<td>$ 41,388</td>
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(continued)
CITY OF SAN MARCOS, TEXAS

COMBINING STATEMENT OF REVENUES, EXPENDITURES, AND
CHANGES IN FUND BALANCES
NONMAJOR GOVERNMENTAL FUNDS

For the year ended September 30, 2019

<table>
<thead>
<tr>
<th></th>
<th>MUNICIPAL COURT SECURITY FEE</th>
<th>JUVENILE CASE SECURITY FEE</th>
<th>SPECIAL CONTRIBUTIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>REVENUES</strong></td>
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</tr>
<tr>
<td>Taxes</td>
<td>$ -</td>
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<tr>
<td>Fines and penalties</td>
<td>$17,659</td>
<td>$33,692</td>
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<tr>
<td>Intergovernmental</td>
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<tr>
<td>Charges for services</td>
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<td>-</td>
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<td>Investment earnings</td>
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</tr>
<tr>
<td>Miscellaneous</td>
<td>-</td>
<td>-</td>
<td>156,977</td>
</tr>
<tr>
<td>Total revenues</td>
<td>$17,659</td>
<td>$33,692</td>
<td>$156,977</td>
</tr>
</tbody>
</table>

| **EXPENDITURES**       |                             |                             |                       |
| Current                |                             |                             |                       |
| General government     | -                           | -                           | -                     |
| Public safety          | $30,925                     | $28,287                     | -                     |
| Community services     | -                           | -                           | 64,569                |
| Capital outlay         | -                           | -                           | -                     |
| Debt service:          |                             |                             |                       |
| Interest and fiscal charges | -                       | -                           | -                     |
| Bond issuance cost     | -                           | -                           | -                     |
| Total expenditures     | $30,925                     | $28,287                     | $64,569               |
| Excess (deficiency) of revenues over (under) expenditures | $(13,266)          | $5,405                      | $92,408               |

<table>
<thead>
<tr>
<th><strong>OTHER FINANCING SOURCES (USES)</strong></th>
<th>MUNICIPAL COURT SECURITY FEE</th>
<th>JUVENILE CASE SECURITY FEE</th>
<th>SPECIAL CONTRIBUTIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Issuance of debt</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Transfers in</td>
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<tr>
<td>Transfers out</td>
<td>-</td>
<td>-</td>
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</tr>
<tr>
<td>Total other financing sources (uses)</td>
<td>-</td>
<td>-</td>
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</tr>
</tbody>
</table>

| Net change in fund balance         | $(13,266)          | $5,405                      | $92,408               |

| **FUND BALANCES - BEGINNING**      | $134,511           | $51,373                     | $9,082                |
| **FUND BALANCES - ENDING**         | $121,245           | $56,778                     | $101,490              |
CITY OF SAN MARCOS, TEXAS

COMBINING STATEMENT OF REVENUES, EXPENDITURES, AND
CHANGES IN FUND BALANCES

NONMAJOR GOVERNMENTAL FUNDS

For the year ended September 30, 2019

<table>
<thead>
<tr>
<th>TIRZ #2</th>
<th>TIRZ #3</th>
<th>TIRZ #4</th>
<th>TIRZ #5</th>
<th>TIRZ LOOP 110</th>
<th>TIRZ RAIL</th>
<th>MUNICIPAL JUDICIAL EFFICIENCY</th>
</tr>
</thead>
<tbody>
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<td>40,990</td>
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</table>

$63,247 | $207,363 | $2,340,498 | $3,139 | $45,444
## CITY OF SAN MARCOS, TEXAS

### COMBINING STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES

#### NONMAJOR GOVERNMENTAL FUNDS

For the year ended September 30, 2019

<table>
<thead>
<tr>
<th></th>
<th>SPECIAL REVENUE</th>
<th>PERMANENT</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TOW</strong></td>
<td><strong>MISCELLANEOUS</strong></td>
<td><strong>FORFEITURE</strong></td>
</tr>
<tr>
<td><strong>GRANTS</strong></td>
<td></td>
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<tr>
<td><strong>FUND</strong></td>
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<tr>
<td><strong>REVENUES</strong></td>
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<td>$743,250</td>
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<td><strong>EXPENDITURES</strong></td>
<td>$463,250</td>
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<tr>
<td><strong>OTHER FINANCING SOURCES (USES)</strong></td>
<td>-</td>
<td>414,250</td>
</tr>
<tr>
<td><strong>Net change in fund balance</strong></td>
<td>$272,000</td>
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</table>

### REVENUES

<table>
<thead>
<tr>
<th>Item</th>
<th>Special Revenue</th>
<th>TOW</th>
<th>Cemetery</th>
<th>Perpetual</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Taxes</td>
<td>$</td>
<td>-</td>
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<td>Charges for services</td>
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<tr>
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<td>Miscellaneous</td>
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### EXPENDITURES

<table>
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<tr>
<th>Item</th>
<th>Special Revenue</th>
<th>TOW</th>
<th>Cemetery</th>
<th>Perpetual</th>
<th>Totals</th>
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<tbody>
<tr>
<td>General government</td>
<td>$873,789</td>
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<tr>
<td>Community services</td>
<td>-</td>
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<td>-</td>
<td>$6,963,321</td>
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<tr>
<td>Capital outlay</td>
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<td>$119,569</td>
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<tr>
<td>Interest and fiscal charges</td>
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<td>Bond issuance cost</td>
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<td><strong>Total expenditures</strong></td>
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<td>-</td>
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<td>$11,669,243</td>
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### OTHER FINANCING SOURCES (USES)

<table>
<thead>
<tr>
<th>Item</th>
<th>Special Revenue</th>
<th>TOW</th>
<th>Cemetery</th>
<th>Perpetual</th>
<th>Totals</th>
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</thead>
<tbody>
<tr>
<td>Issuance of debt</td>
<td>-</td>
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<td>$11,885,000</td>
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<td>Transfers in</td>
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<td>$3,049,963</td>
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<tr>
<td>Transfers out</td>
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<td>(1,131,271)</td>
<td>-</td>
<td>(11,932,779)</td>
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<tr>
<td><strong>Total other financing sources and uses</strong></td>
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<td>-</td>
<td>(1,131,271)</td>
<td>-</td>
<td>(8,882,816)</td>
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### FUND BALANCES - BEGINNING

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<tr>
<th>Item</th>
<th>Special Revenue</th>
<th>TOW</th>
<th>Cemetery</th>
<th>Perpetual</th>
<th>Totals</th>
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</thead>
<tbody>
<tr>
<td>$496,306</td>
<td>$9,760</td>
<td>1,084,563</td>
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<td>$5,411,150</td>
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### FUND BALANCES - ENDING

<table>
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<tr>
<th>Item</th>
<th>Special Revenue</th>
<th>TOW</th>
<th>Cemetery</th>
<th>Perpetual</th>
<th>Totals</th>
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<tbody>
<tr>
<td>$614,867</td>
<td>$9,760</td>
<td>-</td>
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<td>$7,687,164</td>
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94
AGENDA CAPTION:
Receive a Staff presentation of the Quarterly Investment and Financial Reports, and provide direction to City Manager.

Meeting date: March 17, 2020

Department: Finance-Heather Hurlbert, Finance Director

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

Fiscal Note:
Prior Council Action: Received by the Finance and Audit Committee on March 28, 2019

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

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

Master Plan: [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]
Choose an item.

**Background Information:**

The Texas Public Fund Investment Act requires the City's Quarterly Investment Report be received by City Council. The reports cover the 1st quarter of fiscal year 2019-2020 reflecting investment activity and balances as of December 31, 2019.

The City's total portfolio summary as of December 31, 2019 reflects a total market value of $276,365,534 made up of funds from:

- **Pooled Cash** $ 69,368,973
- **Pooled Cash Reserves** $ 13,737,454
- **Enterprise Cash** $175,279,147
- **Enterprise Cash Reserves** $ 17,979,961

These funds are invested in various investment types including:

- **Bank Deposits** $ 22,321,706
- **Money Market Mutual Funds** $ 42,525,528
- **Local Government Pools** $ 85,659,438
- **Municipal Coupon Securities** $ 8,959,138
- **Federal Agencies** $ 116,899,534

The City's financial performance through December 31, 2019 is detailed in the enclosed Financial Summary Report. The report includes revenues and expenditures for the City's major funds. The reported funds include the General Fund, Hotel Tax Fund, Water Wastewater Fund, Storm Water Management Fund, Electric Fund, Resource Recovery Fund and Airport Fund. Included on the report are trending analysis for both year-to-date and quarter-to-date with the related variances.

The Investment Report for quarter ended December 31, 2019 and the Financial Summary Report for quarter ended December 31, 2019 were reviewed by the Finance and Audit Committee on March 16, 2020.

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

Click or tap here to enter text.

**Alternatives:**

Click or tap here to enter text.

**Recommendation:**

Click or tap here to enter text.
**REVENUE HIGHLIGHTS**

- **General Fund-Favorable $628K or 1.7%**
  - Sales tax collections above forecast $319K due to collections above budget for the Outlet Malls and Best Buy
  - Property Tax collections above forecast due to timing

- **W/WW-Favorable $467K or 4.3%**
  - Primarily due to current services revenue

- **Electric-Favorable $726K or 5.1%**
  - Primarily due to timing of pole attachment revenue and revenue generated by the Ferguson Power Plant

- **Stormwater Management-Unfavorable $202K or 12.1%**
  - Primarily due budgeted rates different from actual rates since new rates/rate structure not implemented

- **Resource Recovery-Favorable $110K or 9.6%**
  - Primarily due to customer counts higher than budgeted
Expenditure Highlights

- **General Fund**-Favorable $2.0M or 9.7%
  - Primarily due to personnel savings and the timing of economic development incentive payments

- **W/WW**-Favorable $396K or 6.5%
  - Primarily due to contract payment timing

- **Electric**-Favorable $1.4M or 10.1%
  - Primarily due to personnel savings, cost of energy savings, and contract payment timing

- **Stormwater Management**-Favorable $119K or 18.4%
  - Primarily due to timing of capital purchases
Investment Balance by Account

First Quarter 2020
12-31-19

- Enterprise: $175.3
- Pooled Cash: $69.4
- Reserves: $18.0

Total Investments: $276.4 Million
(Market Value)

Fourth Quarter 2019
9-30-19

- Enterprise: $164.1
- Pooled Cash: $67.0
- Reserves: $13.7

Total Investments: $262.8 Million
(Market Value)
Average Yield to Maturity-Year over Year

Average Yield to Maturity 12-31-19
1.68%
2.34%
1.87%
1.68%
1.72%
2.16%

Average Yield to Maturity 12-31-18
1.88%
1.88%
2.16%
2.14%
Quarterly Investment Report
December 31, 2019
### Aggregate Portfolio Composition

<table>
<thead>
<tr>
<th>Investments</th>
<th>December 31, 2019</th>
<th>% of Portfolio</th>
<th>September 30, 2019</th>
<th>% of Portfolio</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Bank Deposits</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wells Fargo Choice IV</td>
<td>21,214,300</td>
<td>7.7</td>
<td>15,095,578</td>
<td>5.7</td>
</tr>
<tr>
<td>Wells Fargo Bus. Market Rate Public Funds</td>
<td>1,107,406</td>
<td>0.4</td>
<td>1,106,569</td>
<td>0.4</td>
</tr>
<tr>
<td><strong>Total Bank Deposits</strong></td>
<td>22,321,706</td>
<td>8.1</td>
<td>16,202,147</td>
<td>6.2</td>
</tr>
<tr>
<td><strong>Money Market Mutual Funds</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federated Government OBL-PRM/Blackrock</td>
<td>42,525,528</td>
<td>15.4</td>
<td>52,051,328</td>
<td>19.8</td>
</tr>
<tr>
<td><strong>Local Government Investment Pools</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TexSTAR</td>
<td>102,030</td>
<td>0.0</td>
<td>1,217,305</td>
<td>0.5</td>
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<tr>
<td>Logic</td>
<td>709,442</td>
<td>0.3</td>
<td>27,188,569</td>
<td>10.3</td>
</tr>
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<td>TexPOOL</td>
<td>534,876</td>
<td>0.2</td>
<td>532,540</td>
<td>0.2</td>
</tr>
<tr>
<td>Lone Star</td>
<td>627,319</td>
<td>0.2</td>
<td>624,311</td>
<td>0.2</td>
</tr>
<tr>
<td>TexasCLASS</td>
<td>23,379,334</td>
<td>8.5</td>
<td>23,263,584</td>
<td>8.9</td>
</tr>
<tr>
<td>TexasTERM</td>
<td>45,000,000</td>
<td>16.3</td>
<td>35,000,000</td>
<td>13.3</td>
</tr>
<tr>
<td>TexasTERM - Daily</td>
<td>15,306,437</td>
<td>5.5</td>
<td>22,789,377</td>
<td>8.7</td>
</tr>
<tr>
<td><strong>Total Local Government Investment Pools</strong></td>
<td>85,659,438</td>
<td>31.0</td>
<td>110,615,686</td>
<td>42.1</td>
</tr>
<tr>
<td><strong>Municipal/Local Govt Bonds/ US Treas Note</strong></td>
<td>8,959,138</td>
<td>3.2</td>
<td>10,963,490</td>
<td>4.2</td>
</tr>
<tr>
<td><strong>Corporate Commercial Paper</strong></td>
<td>0</td>
<td>-</td>
<td>10,947,039</td>
<td>4.2</td>
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<tr>
<td><strong>Federal Agency Coupon Securities</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FANNIE MAE (FNMA)</td>
<td>1,000,023</td>
<td>0.4</td>
<td>998,886</td>
<td>0.4</td>
</tr>
<tr>
<td>FEDERAL HOME LOAN BANK (FHLB)</td>
<td>52,973,713</td>
<td>19.2</td>
<td>3,031,131</td>
<td>1.2</td>
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<tr>
<td>FEDERAL FARM CREDIT BANK (FFCB)</td>
<td>40,990,935</td>
<td>14.8</td>
<td>37,996,328</td>
<td>14.5</td>
</tr>
<tr>
<td>FREDDIE MAC (FHLMC)</td>
<td>21,935,053</td>
<td>7.9</td>
<td>20,000,577</td>
<td>7.6</td>
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<tr>
<td>FARMER MAC (FAMCA)</td>
<td>0</td>
<td>-</td>
<td>0</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total Federal Agency Coupon Securities</strong></td>
<td>116,899,724</td>
<td>42.3</td>
<td>62,026,922</td>
<td>23.6</td>
</tr>
<tr>
<td><strong>Total Investments</strong></td>
<td>276,365,534</td>
<td>100.00</td>
<td>262,806,612</td>
<td>100.00</td>
</tr>
</tbody>
</table>

**Portfolio Composition as of 12/31/19**

- **Bank Deposits**: 8%
- **Money Market Mutual Funds**: 16%
- **Local Government Investment Pools**: 31%
- **Federal Agencies**: 42%
- **Municipal Coupon Securities**: 3%
- **Commercial Paper**: 0%

**Portfolio Composition as of 09/30/19**

- **Bank Deposits**: 6%
- **Money Market Mutual Funds**: 20%
- **Local Government Investment Pools**: 42%
- **Municipal Coupon Securities**: 4%
- **Commercial Paper**: 4%
- **Federal Agencies**: 24%
## Aggregate Portfolio Summary

### Pooled Cash Fund

<table>
<thead>
<tr>
<th></th>
<th>December 31, 2019</th>
<th>September 30, 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Book Value</td>
<td>69,370,744</td>
<td>66,982,621</td>
</tr>
<tr>
<td>Market Value</td>
<td>69,368,973</td>
<td>66,992,552</td>
</tr>
<tr>
<td>% of Portfolio</td>
<td>25.1%</td>
<td>25.5%</td>
</tr>
<tr>
<td>Accrued Interest</td>
<td>124,774</td>
<td>99,601</td>
</tr>
<tr>
<td>Cash Receipts - Interest Earned</td>
<td>226,994</td>
<td>374,468</td>
</tr>
<tr>
<td>Weighted Average Maturity (Days)</td>
<td>166</td>
<td>146</td>
</tr>
<tr>
<td>Wt'd Average Yield to Maturity for Period:</td>
<td>1.68%</td>
<td>2.08%</td>
</tr>
</tbody>
</table>

### Pooled Cash Reserves

<table>
<thead>
<tr>
<th></th>
<th>December 31, 2019</th>
<th>September 30, 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Book Value</td>
<td>13,746,051</td>
<td>13,727,994</td>
</tr>
<tr>
<td>Market Value</td>
<td>13,737,454</td>
<td>13,728,099</td>
</tr>
<tr>
<td>% of Portfolio</td>
<td>5.0%</td>
<td>5.2%</td>
</tr>
<tr>
<td>Accrued Interest</td>
<td>62,222</td>
<td>11,667</td>
</tr>
<tr>
<td>Cash Receipts - Interest Earned</td>
<td>18,057</td>
<td>72,443</td>
</tr>
<tr>
<td>Weighted Average Maturity (Days)</td>
<td>715</td>
<td>783</td>
</tr>
<tr>
<td>Wt'd Average Yield to Maturity for Period:</td>
<td>1.87%</td>
<td>1.97%</td>
</tr>
</tbody>
</table>

### Enterprise Fund

<table>
<thead>
<tr>
<th></th>
<th>December 31, 2019</th>
<th>September 30, 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Book Value</td>
<td>175,281,623</td>
<td>164,116,907</td>
</tr>
<tr>
<td>Market Value</td>
<td>175,279,147</td>
<td>164,114,605</td>
</tr>
<tr>
<td>% of Portfolio</td>
<td>63.4%</td>
<td>62.4%</td>
</tr>
<tr>
<td>Accrued Interest</td>
<td>281,663</td>
<td>155,159</td>
</tr>
<tr>
<td>Cash Receipts - Interest Earned</td>
<td>548,640</td>
<td>888,023</td>
</tr>
<tr>
<td>Weighted Average Maturity (Days)</td>
<td>233</td>
<td>92</td>
</tr>
<tr>
<td>Wt'd Average Yield to Maturity for Period:</td>
<td>1.72%</td>
<td>2.08%</td>
</tr>
</tbody>
</table>

### Enterprise Fund Reserves

<table>
<thead>
<tr>
<th></th>
<th>December 31, 2019</th>
<th>September 30, 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Book Value</td>
<td>17,958,254</td>
<td>17,941,639</td>
</tr>
<tr>
<td>Market Value</td>
<td>17,979,961</td>
<td>17,971,356</td>
</tr>
<tr>
<td>% of Portfolio</td>
<td>6.5%</td>
<td>6.8%</td>
</tr>
<tr>
<td>Accrued Interest</td>
<td>133,504</td>
<td>45,466</td>
</tr>
<tr>
<td>Cash Receipts - Interest Earned</td>
<td>16,615</td>
<td>144,429</td>
</tr>
<tr>
<td>Weighted Average Maturity (Days)</td>
<td>596</td>
<td>675</td>
</tr>
<tr>
<td>Wt'd Average Yield to Maturity for Period:</td>
<td>2.16%</td>
<td>2.21%</td>
</tr>
</tbody>
</table>

### Benchmark

<table>
<thead>
<tr>
<th></th>
<th>December 31, 2019</th>
<th>September 30, 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average Yield 1 Year US Treasury Bill for period:</td>
<td>1.58%</td>
<td>1.85%</td>
</tr>
<tr>
<td>Average Yield 6-month Treasury Bill for period:</td>
<td>1.61%</td>
<td>1.97%</td>
</tr>
</tbody>
</table>
Investment Report ‐ Quarter Ended December 31, 2019

City of San Marcos, TX

Investments by Fund
Pool Cash

Pool Cash ‐
Reserves

Enterprise

Enterprise ‐
Reserves

Account
TexSTAR
Logic
TexPOOL
Lone Star
TexasCLASS
TexasTERM ‐ Daily
TexasTERM*
TexasTERM
TexasTERM
TexasTERM
TexasTERM
TexasTERM
Wells Fargo
1AB57407
1AB57407
1AB57407
1AB57407
1AB57407
1AB57407

09248U700
34074GDH4
3133EKTL0
3133EKTM8
3130AHCE1
3130AHCD3

Wells Fargo MM
1AB71306

608919718
3134GT6T5

TexSTAR
Logic
TexPOOL
Lone Star
TexasCLASS
TexasTERM ‐ Daily
TexasTERM*
TexasTERM
TexasTERM
TexasTERM
TexasTERM
TexasTERM
Wells Fargo
Wells Fargo
Wells Fargo MM
1AB57431
1AB57431
1AB57431
1AB57431
1AB57431
1AB57431
1AB57431
1AB57431
1AB57431
1AB57431
1AB57431
1AB57431

CUSIP

09248U700
3133ECJ54
31337OE38
3130AHCL5
733911BY6
3133EKTL0
3133EKZ58
3130AHCE1
3130AHCD3
3133EK2F2
3134GUHC7
3133EKTM8
733911BK6

Maturity
Date

Issuer / Description
Govt Pool ‐ Overnight Fund
Govt Pool ‐ Overnight Fund
Govt Pool ‐ Overnight Fund
Govt Pool ‐ Overnight Fund
Govt Pool ‐ Overnight Fund
Govt Pool ‐ Overnight Fund
Texas CD Program (8)‐Interest at Maturity
Interest at Maturity
Interest at Maturity
Interest at Maturity
Interest at Maturity
Interest at Maturity
WF ‐ Choice IV
BLACKROCK
FLORIDA HURRICANE CATASTROP
FEDERAL FARM CR BKS (FFCB)
FEDERAL FARM CR BKS (FFCB)
FEDERAL HOME LOAN BANKS (FHLB)
FEDERAL HOME LOAN BANKS (FHLB)
Subtotal and Average

Book Value
50,713.21
89,301.14
5,315.62
128,078.95
5,358,730.35
5,116,014.75
0.00
5,000,000.00
‐
2,500,000.00
2,500,000.00
2,000,000.00
7,625,334.18
15,497,255.98
3,500,000.00
0.00
0.00
10,000,000.00
10,000,000.00
$ 69,370,744.18 $

Par Value
50,713.21
89,301.14
5,315.62
128,078.95
5,358,730.35
5,116,014.75
0.00
5,000,000.00
‐
2,500,000.00
2,500,000.00
2,000,000.00
7,625,334.18
15,497,255.98
3,500,000.00
0.00
0.00
10,000,000.00
10,000,000.00
69,370,744.18

Market Value
50,713.21
89,301.14
5,315.62
128,078.95
5,358,730.35
5,116,014.75
0.00
5,000,000.00
‐
2,500,000.00
2,500,000.00
2,000,000.00
7,625,334.18
15,497,255.98
3,522,470.00
‐
‐
9,996,740.20
9,979,018.40
69,368,972.78

2/24/2020
12/17/2019
4/8/2020
7/6/2020
7/10/2020

FEDERATED GOVERNMENT OBL‐PRM
FEDERAL HOME LN MTG CORP (FHLMC)
Subtotal and Average

3,746,050.71
10,000,000.00
13,746,050.71 $

3,746,050.71
10,000,000.00
13,746,050.71

3,746,050.71
9,991,403.10
13,737,453.81

9/9/2022

$

Govt Pool ‐ Overnight Fund
Govt Pool ‐ Overnight Fund
Govt Pool ‐ Overnight Fund
Govt Pool ‐ Overnight Fund
Govt Pool ‐ Overnight Fund
Govt Pool ‐ Overnight Fund
Texas CD Program (0)‐Interest at Maturity
Interest at Maturity
Interest at Maturity
Interest at Maturity
Interest at Maturity
Interest at Maturity
WF ‐ Choice IV
Business Market Rate Public Funds
BLACKROCK
FEDERAL FARM CR BKS (FFCB)
FEDERAL HOME LOAN BANKS (FHLB)
FEDERAL HOME LOAN BANKS (FHLB)
PORT CORPUS CHRISTI AUTH TE
FEDERAL FARM CR BKS (FFCB)
FEDERAL FARM CR BKS (FFCB)
FEDERAL HOME LOAN BANKS (FHLB)
FEDERAL HOME LOAN BANKS (FHLB)
FEDERAL FARM CR BKS (FFCB)
FEDERAL HOME LN MTG CORP (FHLMC)
FEDERAL FARM CR BKS (FFCB)
PORT CORPUS CHRISTI AUTH TE
Subtotal and Average

51,317.28
51,317.28
620,141.05
620,141.05
529,560.52
529,560.52
499,240.16
499,240.16
18,020,603.33
18,020,603.33
10,190,421.82
10,190,421.82
0.00
0.00
0.00
0.00
0.00
0.00
10,000,000.00
10,000,000.00
10,000,000.00
10,000,000.00
13,000,000.00
13,000,000.00
13,588,965.90
13,588,965.90
1,107,405.60
1,107,405.60
20,723,967.72
20,723,967.72
3,000,000.00
3,000,000.00
3,000,000.00
3,000,000.00
10,000,000.00
10,000,000.00
1,000,000.00
1,000,000.00
0.00
0.00
10,000,000.00
10,000,000.00
10,000,000.00
10,000,000.00
10,000,000.00
10,000,000.00
28,000,000.00
28,000,000.00
1,950,000.00
1,950,000.00
0.00
0.00
0.00
0.00
$ 175,281,623.38 $ 175,281,623.38

51,317.28
620,141.05
529,560.52
499,240.16
18,020,603.33
10,190,421.82
0.00
0.00
0.00
10,000,000.00
10,000,000.00
13,000,000.00
13,588,965.90
1,107,405.60
20,723,967.72
3,000,258.87
3,021,837.45
10,000,357.90
1,008,420.00
0.00
9,999,805.70
9,996,740.20
9,979,018.40
27,990,870.32
1,950,214.62
0.00
0.00
175,279,146.84

7/1/2020
1/8/2021
4/8/2021
4/15/2021
4/16/2021

10/7/2019
12/17/2019
2/24/2020
4/8/2020
7/10/2020

03/18/2020
06/12/2020
10/15/2020
12/01/2020
01/08/2021
01/15/2021
04/15/2021
04/16/2021
10/15/2021
10/15/2021
04/08/2021
12/01/2019

Current
Yield to
Wt'd Avg Yield
Rate (%) Maturity (%) Maturity (%)
1.5643
1.5643
0.0000114
1.8173
1.8173
0.0000234
1.6226
1.6226
0.0000012
1.8100
1.8100
0.0000334
1.8800
1.8800
0.0014523
1.6600
1.6600
0.0012242
0.0000
0.0000
‐
2.2400
2.2400
0.0016145
0.0000
0.0000
‐
1.8600
1.8600
0.0006703
1.8400
1.8400
0.0006631
1.9400
1.9400
0.0005593
0.6000
0.6000
0.0006595
1.5200
1.5200
0.0033956
2.9950
2.9950
0.0015208
0.0000
0.0000
‐
0.0000
0.0000
‐
1.7500
1.7500
0.0025219
1.7000
1.7000
0.0024455
1.41%
1.68%

1.5300
2.0000

1.5643
1.8173
1.6226
1.8100
1.8800
1.6600
0.0000
0.0000
0.0000
2.2400
1.8600
1.9400
0.6000
0.3000
1.5200
1.5200
3.3750
1.7500
2.9370
0.0000
1.7400
1.7500
1.7000
1.8200
1.7500
0.0000
0.0000

Days To
Maturity
1
1
1
1
1
1
0
55
0
99
188
192
1
1
183
0
0
471
472

Current
Price
1.0000
1.0000
1.0000
1.0000
1.0000
1.0000
0.0000
1.0000
0.0000
1.0000
1.0000
1.0000
1.0000
1.0000
1.0064
0.0000
0.0000
0.9997
0.9979

1.0000
0.9991

1.530
2.000
1.77%

0.0042
0.0145
1.87%

1
983

1.5643
1.8173
1.6226
1.8100
1.8800
1.6600
0.0000
0.0000
0.0000
2.2400
1.8600
1.9400
0.6000
0.3000
1.5200
1.5200
3.3750
1.7500
2.9370
0.0000
1.7400
1.7500
1.7000
1.8200
1.7500
0.0000
0.0000
1.38%

0.0000
0.0001
0.0000
0.0001
0.0019
0.0010
0.0000
0.0000
0.0000
0.0013
0.0011
0.0014
0.0005
0.0000
0.0018
0.0003
0.0006
0.0010
0.0002
0.0000
0.0010
0.0010
0.0010
0.0029
0.0002
0.0000
0.0000
1.72%

1
1
1
1
1
1
0
0
0
55
99
192
1
1
1
78
164
289
336
0
381
471
472
654
654
0
0

1.530
1.650
2.995
2.000
2.04%

0.0022
0.0009
0.0074
0.0111
2.16%

1
27
183
986

1.0000
1.0000
1.0000
1.0000
1.0000
1.0000
0.0000
0.0000
0.0000
1.0000
1.0000
1.0000
1.0000
1.0000
1.0000
1.0001
1.0073
1.0000
1.0084
0.0000
1.0000
0.9997
0.9979
0.9997
1.0001
0.0000
0.0000

12/31/2019
Current
Wt'd Avg Days
Par
to Maturity
50,713.21
89,301.14
5,315.62
128,078.95
5,358,730.35
5,116,014.75
0.00
5,000,000.00
‐
2,500,000.00
2,500,000.00
2,000,000.00
7,625,334.18
15,497,255.98
3,500,000.00
‐
‐
10,000,000.00
10,000,000.00
69,370,744.18
166

3,746,050.71
10,000,000.00
13,746,050.71

715

51,317.28
620,141.05
529,560.52
499,240.16
18,020,603.33
10,190,421.82
0.00
0.00
0.00
10,000,000.00
10,000,000.00
13,000,000.00
13,588,965.90
1,107,405.60
20,723,967.72
3,000,000.00
3,000,000.00
10,000,000.00
1,000,000.00
0.00
10,000,000.00
10,000,000.00
10,000,000.00
28,000,000.00
1,950,000.00
0.00
0.00
175,281,623.38

233

2,558,253.64
1,000,000.00
4,400,000.00
10,000,000.00
17,958,253.64

596

608919718
Wells Fargo MM
1AB71308
1AB71308
1AB71308

3135G0S46
34074GDH4
3134GT7D9

FEDERATED GOVERNMENT OBL‐PRM
FEDERAL NATL MTG ASSN (FNMA)
FLORIDA HURRICANE CATASTROP
FEDERAL HOME LN MTG CORP (FHLMC)
Subtotal and Average

*Texas Term CD Program yields and terms to maturity are blended rates of individual CD's
**Brokered CD's held in Wells Fargo Safekeeping Account. Yields and terms to maturity are blended rates of individual CD's

2,558,253.64
1,000,000.00
4,400,000.00
10,000,000.00
17,958,253.64

2,558,253.64
1,000,023.26
4,428,248.00
9,993,435.70
17,979,960.60

Portfolio Total $ 276,356,671.91 $ 276,356,671.91

276,365,534.03

$

2,558,253.64
1,000,000.00
4,400,000.00
10,000,000.00
17,958,253.64 $

01/27/2020
07/01/2020
09/12/2022

1.5300
1.6500
2.9950
2.0000

1.0000
1.0000
1.0064
0.9993


# Investment Report - Quarter Ended December 31, 2019

## City of San Marcos, TX

### Summary by Type

<table>
<thead>
<tr>
<th>Number of Investments or Accounts</th>
<th>Book Value</th>
<th>Market Value</th>
<th>% of Portfolio</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Pooled Cash</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Municipal Coupon Securities</td>
<td>1</td>
<td>3,500,000</td>
<td>3,522,470</td>
</tr>
<tr>
<td>Federal Agency Coupon Securities</td>
<td>2</td>
<td>20,000,000</td>
<td>19,975,759</td>
</tr>
<tr>
<td>Government Investment Pools</td>
<td>10</td>
<td>22,748,154</td>
<td>22,748,154</td>
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<tr>
<td>Commercial Paper</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Wells Fargo Choice IV</td>
<td>1</td>
<td>7,625,334</td>
<td>7,625,334</td>
</tr>
<tr>
<td>Money Market Mutual Funds</td>
<td>1</td>
<td>15,497,256</td>
<td>15,497,256</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>69,370,744</td>
<td>69,368,973</td>
<td>25.10%</td>
</tr>
<tr>
<td><strong>Pooled Cash - Reserves</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Agency Coupon Securities</td>
<td>1</td>
<td>10,000,000</td>
<td>9,991,403</td>
</tr>
<tr>
<td>Money Market Mutual Funds</td>
<td>1</td>
<td>3,746,051</td>
<td>3,746,051</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>13,746,051</td>
<td>13,737,454</td>
<td>4.97%</td>
</tr>
<tr>
<td><strong>Enterprise</strong></td>
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<td></td>
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</tr>
<tr>
<td>Municipal Coupon Securities</td>
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<td>1,000,000</td>
<td>1,008,420</td>
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<tr>
<td>Federal Agency Coupon Securities</td>
<td>8</td>
<td>75,950,000</td>
<td>75,939,103</td>
</tr>
<tr>
<td>Government Investment Pools</td>
<td>9</td>
<td>62,911,284</td>
<td>62,911,284</td>
</tr>
<tr>
<td>Wells Fargo Choice IV</td>
<td>1</td>
<td>13,588,966</td>
<td>13,588,966</td>
</tr>
<tr>
<td>Wells Fargo Bus. Market Rate Public Funds</td>
<td>1</td>
<td>1,107,406</td>
<td>1,107,406</td>
</tr>
<tr>
<td>Money Market Mutual Funds</td>
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<td>20,723,968</td>
<td>20,723,968</td>
</tr>
<tr>
<td>Commercial Paper</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>175,281,623</td>
<td>175,279,147</td>
<td>63.42%</td>
</tr>
<tr>
<td><strong>Enterprise - Reserves</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Municipal Coupon Securities</td>
<td>1</td>
<td>4,400,000</td>
<td>4,428,248</td>
</tr>
<tr>
<td>Federal Agency Coupon Securities</td>
<td>2</td>
<td>11,000,000</td>
<td>10,993,459</td>
</tr>
<tr>
<td>Money Market Mutual Funds</td>
<td>1</td>
<td>2,558,254</td>
<td>2,558,254</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>17,958,254</td>
<td>17,979,961</td>
<td>6.51%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>276,356,672</td>
<td>276,365,534</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

Heather Hurlbert, Director of Finance
## City of San Marcos
### FY 2019 Revenue & Expenditure Analysis
#### December 31, 2019

<table>
<thead>
<tr>
<th></th>
<th>Adopted Budget</th>
<th>YTD Trend Estimate</th>
<th>YTD Actual</th>
<th>Favorable/ (Unfavorable) Variance</th>
<th>YTD % Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Revenues:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>86,383,933</td>
<td>37,776,434</td>
<td>38,404,083</td>
<td>627,649</td>
<td>1.66%</td>
</tr>
<tr>
<td>Stormwater Management Fund</td>
<td>6,943,593</td>
<td>1,668,044</td>
<td>1,466,184</td>
<td>(201,860)</td>
<td>-12.10%</td>
</tr>
<tr>
<td>Electric Fund</td>
<td>62,018,344</td>
<td>14,153,406</td>
<td>14,878,982</td>
<td>725,576</td>
<td>5.13%</td>
</tr>
<tr>
<td>Water Waste/Water Fund</td>
<td>46,324,215</td>
<td>10,941,094</td>
<td>11,408,117</td>
<td>467,023</td>
<td>4.27%</td>
</tr>
<tr>
<td>Resource Recovery Fund</td>
<td>4,808,429</td>
<td>1,141,243</td>
<td>1,250,801</td>
<td>109,558</td>
<td>9.60%</td>
</tr>
<tr>
<td>Airport Fund</td>
<td>615,855</td>
<td>129,032</td>
<td>119,446</td>
<td>(9,586)</td>
<td>-7.43%</td>
</tr>
<tr>
<td>Hotel Tax Fund</td>
<td>3,995,707</td>
<td>882,082</td>
<td>905,034</td>
<td>22,952</td>
<td>2.60%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>211,090,076</td>
<td>66,691,334</td>
<td>68,432,647</td>
<td>1,741,313</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Expenditures:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>87,918,318</td>
<td>20,478,253</td>
<td>18,489,172</td>
<td>1,989,082</td>
<td>9.71%</td>
</tr>
<tr>
<td>Stormwater Management Fund</td>
<td>6,805,451</td>
<td>647,124</td>
<td>528,041</td>
<td>119,083</td>
<td>18.40%</td>
</tr>
<tr>
<td>Electric Fund</td>
<td>62,929,979</td>
<td>14,397,682</td>
<td>12,944,365</td>
<td>1,453,316</td>
<td>10.09%</td>
</tr>
<tr>
<td>Water Waste/Water Fund</td>
<td>45,254,293</td>
<td>6,103,724</td>
<td>5,707,965</td>
<td>395,759</td>
<td>6.48%</td>
</tr>
<tr>
<td>Resource Recovery Fund</td>
<td>4,793,597</td>
<td>728,373</td>
<td>793,590</td>
<td>(65,217)</td>
<td>-8.95%</td>
</tr>
<tr>
<td>Airport Fund</td>
<td>615,915</td>
<td>128,463</td>
<td>156,617</td>
<td>(28,154)</td>
<td>-21.92%</td>
</tr>
<tr>
<td>Hotel Tax Fund</td>
<td>4,057,936</td>
<td>928,042</td>
<td>828,519</td>
<td>99,523</td>
<td>10.72%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>212,375,489</td>
<td>43,411,661</td>
<td>39,448,269</td>
<td>3,963,391</td>
<td></td>
</tr>
</tbody>
</table>
AGENDA CAPTION:
Consider approval, by motion, of the following meeting Minutes:
A. February 4, 2020 - Regular Meeting Minutes
B. February 27, 2020 - Budget Policy Workshop Meeting Minutes
C. March 3, 2020 - Work Session Meeting Minutes

Meeting date: 3/17/2020

Department: City Clerk

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

Fiscal Note:
Prior Council Action: Approval of Previous Meeting Minutes

City Council Goal: [Please select goal from dropdown menu below]
Choose an item.

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

Master Plan: [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]
Background Information:
The following minutes are attached for review:
A. February 4, 2020 - Regular Meeting Minutes
B. February 27, 2020 - Budget Policy Workshop Meeting Minutes
C. March 3, 2020 - Work Session Meeting Minutes

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

Alternatives:

Recommendation: Approve Minutes as attached
630 E. Hopkins - Budget Policy Workshop

I. Call To Order

With a quorum present, the budget policy workshop meeting of the San Marcos City Council was called to order by Mayor Hughson at 4:31 p.m. Thursday, February 27, 2020 in the City Council Chambers, 630 E. Hopkins, San Marcos, Texas 78666.

II. Roll Call

Council Member Marquez arrived after roll call at 4:41p.m.

Present: 7 - Council Member Melissa Derrick, Mayor Jane Hughson, Mayor Pro Tem Ed Mihalkanin, Council Member Joca Marquez, Deputy Mayor Pro Tem Mark Rockeymoore, Council Member Maxfield Baker and Council Member Saul Gonzales

PRESENTATIONS

1. Receive a Staff presentation and hold discussion regarding the Fiscal Year 2020-2021 Budget Policy for the City of San Marcos, and provide direction to the City Manager.

Bert Lumbreras, City Manager provided a brief introduction and thanked the Council for the direction provided last week. Staff received a lot of good feedback that will be integrated in the budget development over the next few months.

Both the Budget Policy statement and Strategic Initiatives are scheduled to be on the March 17 Council meeting for consideration and approval.

Heather Hurlbert, Director of Finance and Melissa Neal, Assistant Director of Finance led the presentation.

Ms. Neal provided a recap from the previous Budget Policy Workshop held on February 20, 2020.

Council provided consensus to increase the Municipal Judges hours from 30 to 40 hours per week. This will be a budget impact of $36,000.

Last week Council proposed funding the Homebuyer Incentive Program at $70-75K annually, a decrease from $100K. After further Council discussion
this evening, consensus was to dissolve this program. If there are legal considerations and it cannot be dissolved we would continue to fund it at the level needed.

Council held discussion on sales tax revenue projections and the need to be very conservative when budgeting with the current climate of the economy. Staff will be taking a very conservative approach and bring back projections as the year goes on and numbers are available. It is early in the process and the ability to see how the actuals develop is difficult. However, once the tax rolls come in in April, staff will be better able to present a strategy.

Dr. Mihalkanin asked about an emergency contingency fund if an emergency were to occur, specifically spoke on the Corona Virus. Ms. Neal indicated there are federal funds and the City has a contingency fund of $100,000 set aside that City Council can utilize in the event of an emergency.

Staff reviewed the 2020-21 Strategic Initiatives, which include:

Multi Modal Transportation
A. City reviews the benefits and challenges of creating an integrated, seamless transit partnership between the City and Texas State University. (Dr. Mihalkanin Abstained)
B. City continues other multi-modal initiatives

Workforce Development
A. Leverage and partner with the community.
B. Facilitate opportunities for Training and Programming.

Workforce Housing
A. Update, consolidate, and communicate housing policies and action plans.
B. Develop dedicated housing and revenue sources.
C. Implement land use and zoning regulations that support diverse, mixed income communities in all areas of the City.

Downtown Vitality
A. Support diversified business activity.
B. Take measures to improve downtown quality of place.
C. Accessibility to and within the downtown.

Sustainability
A. Develop a baseline of sustainability performance measures.
B. Promote sustainability practices throughout the community.
C. Determine strategies to incorporate sustainability into City construction and operations.
D. Develop economic development and procurement policies to encourage sustainability for businesses that work with the City.

After a brief discussion, consensus is to maintain the strategic initiatives as presented. This will be brought back for formal adoption at the March 17th City Council Meeting. The Sustainability Committee will submit their report to include in the strategic initiative adoption prior to the March 17th regular meeting.

III. Adjournment.

Mayor Hughson adjourned the budget policy workshop meeting of the City Council at 5:32 p.m. Thursday, February 27, 2020.

Tammy K. Cook, Interim City Clerk                                           Jane Hughson, Mayor
I. Call To Order

With a quorum present, the regular meeting of the San Marcos City Council was called to order by Mayor Hughson at 6:00 p.m. Tuesday, February 4, 2020 in the City Council Chambers, 630 E. Hopkins, San Marcos, Texas 78666.

II. Roll Call

Present: 7 - Council Member Melissa Derrick, Mayor Jane Hughson, Mayor Pro Tem Ed Mihalkanin, Council Member Joca Marquez, Deputy Mayor Pro Tem Mark Rockeymoore, Council Member Maxfield Baker and Council Member Saul Gonzales

III. Invocation

A moment of silence was observed.

IV. Pledges of Allegiance - United States and Texas

Calvin Essoufi, 1st grade student at San Marcos Preparatory School, led the assembly in the pledges of allegiance.

V. 30 Minute Citizen Comment Period

Roland Saucedo, would like to give a big thank you to the Mayor, Council and Mr. Lumbreras' Office recognizing Stephanie and Hayden. In the Planning department, Shannon Mattingly, Amanda Hernandez, and Shavon Caldwell. In the Communications department, Kristy Stark, Lauren and Rebecca. Mr. Saucedo stated that today they had the San Marcos Complete Count Census 2020 kickoff event and it was a huge success. Thanked Councilmember Baker that attended the event. Humbly asking to consider the application on the Neighborhood Commission and would like to continue to serve on the Neighborhood Commission, and learned that he can sit on one other board and that is the Comprehensive Plan Oversight Committee. He submitted application and ask for support and nomination because it's an important committee. Mr. Saucedo stated by the given diversity in our community and by being Hispanic he can bring a lot to the oversight for shaping and development for the future of San Marcos citizens.
Bob Holder, spoke on item #5 regarding the proposed contact with TruGreen for the amount of $142,000 for four years. His concern is that we understand the company and know its products and appreciate the effect that the products will have on the ground. The company and products need to be carefully and seriously vetted, he understands that TruGreen offers an organic option, if requested, but not sure if it's out of date. If the organic option is offered does the City plan to request the organic option? Is the organic option alternative really organic? Or is it improvement on the standard option? Again, the company be vetted and the contract be postponed until then. He researched TruGreen recently and was disturbed by what he found on the products. This information is available on Conserve San Marcos Facebook page. The last two postings indicating how the chemicals are banned in other countries and the effects they have on children, animals and microorganisms.

Albert Sierra, representative from the San Marcos Housing Authority, spoke on item #12. Res. 2020-28R will allow a letter of no objection for the purposed development of Lantana at Bastrop. The City of San Marcos Housing Authority and other public entities are partners in this development. We want to express our appreciation for your efforts to create affordable housing to the broader population of our City. The established criteria endorsed by the City Council for accepting low income tax housing credit properties in San Marcos complies with current housing policies. Your position allowing a governmental entity like the San Marcos Housing Authority and public corporations to develop a partnership with a private developer assures that a max benefit is created for the City in its efforts for the construction of affordable housing. Specifically, it allows the Housing Authority to maintain and rehab and construct affordable housing for lower income residents of the City. For the people that are at 30% medium income or less it allows for the construction of assisted housing. We the Housing Authority and Board of Commissioners encourage your vote in favor of a letter of no objection for the Lantana on Bastrop. The unit mixed with the property is forty, fifty, sixty and some seventy units the overall blended rate is 56% in area medium income. No other development in our community can currently make this claim. Once again, thank you and it will benefit our community.

Mary Beth Harper, stated at the last city council meeting and asked the council to finalize the agreement with the City of Martindale regarding the disputed ETJ area, that San Marcos claims. Martindale incorporated originally in 1982 in the area that is called the Ohnheiser property was added to Martindale ETJ in 1983. In December 2018, San Marcos wanted to annex the land in the Martindale ETJ, but this disagreement has been going on for fourteen months.
Res. 2020-17R (#13) needs to be approved tonight. San Marcos is getting 161 acres of high value land that is going to be part of the SMART terminal. Please finalize this agreement.

Shandee Lynn, would like to be considered for the appointment on the Main Street Downtown advisory board. As a downtown employee at Bloom Bar a local florist and locally owned business and sees day to day San Marcos downtown and as a resident since 2011. As a Texas State University alumnus, staying in San Marcos after graduation can be difficult. Would like to create more opportunities and activities for individuals like myself to stay and enjoy this great City. I believe my views as a downtown employee; a Texas State University alumnus and a San Marcos resident would be a great addition to the Main Street advisory board. Whether it's morning coffee or out in the evening, or enjoying the music she would like to give back to the community. Thank you for your consideration.

Frank Arredondo, was on City Council, was Mayor and served on the board chair of the Housing Authority during the flood on CM Allen. He cares about housing for those that can't afford housing. HUD (Housing and Urban Development) through public housing allows tenants to pay up to 30% of their income towards rent. A lot of jobs in San Marcos are low skill jobs. Speaking in favor of item #12 on the agenda, too many times the apartments we have in San Marcos are student populated. The people that need that specific housing are the para professionals, the skilled and unskilled laborer are left out in the street because they can't afford the price of land to construct a house in San Marcos. The only avenue they have is to go housing is into the tax credit properties. Housing to the family is crucial, children need to feel protected, generations living in one house; they know family but they can't spread their wings. Urge you to support this project.

Gloria Salazar, currently a member of the Housing Authority board and is in support of item #12. Ms. Salazar read the letter provided from the Housing Authority Board.

Honorable Mayor Jane Hughson & City Council Members,

The San Marcos Housing Authority appreciates your vision to provide affordable housing for individuals and families earning 60% of an AMI or less. City staff, developers and the Housing Authority have worked together to comply with the Councils established criteria to construct LIHTC properties.
Lantana on Bastrop (Rattler Road) development meets the selected criteria (6 of 9) and proposes to partner with San Marcos Housing Authority, a local governmental entity which qualifies for tax exemptions. Criteria 1(e) as adopted by resolution #2019-209R on November 6, 2019 ensures that revenues generated by this partnership remain in the City. On January 13, 2020 the LIHTC committee met with the developers of Rattler Road and suggested that Payment in Lieu of Taxed (PILOT) be considered.

On January 24, 2020 Victor Miramontes (Mission DG) replied with an email and responded that a nominal amount of $11,000 would be the best that could be paid. Please refer to the attached email which states their position. On February 4, 2020 the council will consider whether to issue a letter of no objection for Rattler Road.

We as a Board of the San Marcos Housing Authority encourage your approval for this project. Any further delays would essentially cause this project to fail. Failure would result in the loss of affordable units to our community, the loss of potential revenue for the San Marcos Housing Authority and of course a loss of investment for the developer. All parties involved including the City have acted in good faith. We encourage their type of partnerships because it benefits the residents of our City who need affordable housing. Your favorable vote is appreciated.

Mark Tolley, spoke as the developer of Lantana on Bastrop during the last two months and back to the Housing Committee, we have listened to the concerns and worked with the City Manager's office and the Planning staff to answer questions and we substantially modified our proposal. The project is a groundbreaking and partnership with San Marcos Housing Authority that will benefit the Housing Authority and the citizens of San Marcos in search quality and long-term and affordable housing. Stated he is available to answer questions along with his partner Mr. Miramontes.

Lisa Marie Coppoletta, spoke on leadership, is confused on why are you passing exorbitant salaries, created a new position Chief of Staff position, how many cops and firefighters we could have hired for a Chief of Staff that was never in her office. Her background is in HR, beautiful voice and is very personable and hard working. But qualifications is what we need when we have
important issues. Kristy Stark would have been more qualified because she knows the code. Two of our Assistant City Managers quit and now we have three Assistant City Managers. Why do we have three Assistant City Managers? That is more cops and firefighters and more affordable housing we can have. Mr. Stapp is making $167,000, Stephanie is making $185,000 and Joe is making $185,000. Why is Joe and Stephanie making more money than Chase. When Chase has an impeccable track record and why do we need three people? Was there a national search? Was there a hiring committee? This is government not private sector. Finding it more problematic is that the City Manager keeps adding items for his own neighborhood. The Mayor could never vote on an agenda item that impacts her land. She would have to recuse herself. Not sure why the charter is not allowing that provision. Would like a charter amendment if City Manager and City Secretary have to live in the City limits should also have the Assistant City Managers require to live in the City limits. Or only have the City Manager live in the City limits. Speaking on multigenerational. We are losing property taxes when people are packed in a house like rats with all the cars on the street. We got chop shops in Blanco Gardens and others selling drugs and staff have meet with. Death warrant on Belvin Street because City Manager has refused to fix the sidewalks in front of the habitant homes. List of names has not been provided from the residents of Victory Gardens that didn't wanted the Historic Resource Survey.

CONSENT AGENDA

A motion was made by Deputy Mayor Pro Tem Rockeymoore, seconded by Council Member Baker, to approve the consent agenda, with the exception of #5 and #11, which were pulled and considered separately. The motion carried by the following vote:

For:  7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

1. Consider approval, by motion, of the following meeting Minutes:
   A. January 7, 2020 - Regular Meeting Minutes
   B. January 10, 2020 - Council Visioning Meeting Minutes
   C. January 11, 2020 - Council Visioning Meeting Minutes
   D. January 21, 2020 - Work Session Meeting Minutes
   E. January 21, 2020 - Regular Meeting Minutes

2. Consider approval of Ordinance 2020-04, on the second of two readings, amending the City’s 2018-2019 Fiscal Year budget to allocate a total amount not to exceed $573,000 from excess revenues collected for sales taxes and Resource Recovery customer services to increase the General Fund budget $548,000 for economic development
incentives and to increase the Resource Recovery Fund budget $25,000 for trash and recycling services; and providing an effective date.

3. Consider approval of Resolution 2020-18R, approving a professional services agreement with WestEast Design Group, LLC for architectural and engineering design services for Fire Station Six in the estimated amount of $306,388; authorizing the City Manager or his designee to execute the professional services agreement on behalf of the City; and declaring an effective date.

4. Consider approval of Resolution 2020-19R, approving a Change in Service to the agreement with The Brandt Companies, LLC., procured through the Texas Local Government Purchasing Cooperative BuyBoard Contract, for the rental and maintenance of boiler equipment at the San Marcos Police Department in the annual amount of $23,450 and authorizing two additional annual renewals for a total contract price of $97,850; authorizing the City Manager or his designee to execute all necessary documents on behalf of the City; and declaring an effective date.

5. Consider approval of Resolution 2020-20R, approving a Change in Service to the agreement with TruGreen/Outdoor Home Services, procured through the Texas Local Government Purchasing Cooperative BuyBoard contract, for lawn services in the annual amount of $35,630.06 and authorizing three additional annual renewals for a total contract price of $142,520.24; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.

A motion was made by Mayor Pro Tem Mihalkanin, seconded by Deputy Mayor Pro Tem Rockeymoore, to approve Resolution 2020-20R. The motion to approve carried by the following vote:

For: 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

6. Consider approval of Resolution 2020-21R, approving a second amendment to the Amended and Restated Interconnection Agreement with the LCRA Transmission Services Corporation (“LCRA TSC”) to, among other things, add the new 138kv Rattler Substation to facilities operated under the agreement; and declaring an effective date.

7. Consider approval of Resolution 2020-22R, approving the purchase of a Front End Loader from Waukesha-Pearce, Inc. through the Sourcewell Cooperative for use by the Transportation Department in the amount of $167,150; authorizing the City Manager or his designee to execute all appropriate documents to complete the purchase; and declaring an effective date.

8. Consider approval of Resolution 2020-23R, approving a Change in Service to the agreement with Tyler Technologies, Inc. to renew the Tyler Munis Enterprise Resource Planning Software License and Application in the annual amount of $205,410.53 and...
authorizing four one-year renewal periods to include an 8% increase in maintenance costs each year and authorizing an additional $100,000.00 for any future services that may be needed bringing the total contract price to $3,075,066.00; authorizing the City Manager or his designee to execute the appropriate documents to implement the change in service; and declaring an effective date.

9. Consider approval of Resolution 2020-24R, approving a Change in Service to the agreement with Survalent Technology, Inc. to renew the electric SCADA System software license and application used to monitor and control electric substations, transformers and electrical assets in the estimated annual amount of $24,160 and authorizing three one-year renewals; authorizing the City Manager or his designee to execute the appropriate documents to implement the change in service; and declaring an effective date.

10. Consider approval of Resolution 2020-25R, approving a renewal of the agreement with Certified Folder Display Services, Inc. for the distribution of media brochures to support the work of the San Marcos Convention and Visitor Bureau in the estimated annual amount of $21,753.05 and authorizing three one-year additional renewals for a total contract price of $63,967.18; authorizing the City Manager or his designee to execute the appropriate documents related to the renewal of the agreement on behalf of the City; and declaring an effective date.

11. Consider approval of Resolution 2020-26R, approving Change in Service No. 4 to the agreement with Halff Associates, Inc. relating to the Blanco Riverine Flood Mitigation Project for additional professional services to advance the project from the preliminary engineering phase through the preparation of construction documents in the amount of $1,194,262.50; authorizing the City Manager or his designee to execute the appropriate documents to implement the change in service; and declaring an effective date.

A motion was made by Mayor Pro Tem Mihalkanin, seconded by Deputy Mayor Pro Tem Rockeymoore, to approve Resolution 2020-26R. The motion carried by the following vote:

For: 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

PUBLIC HEARINGS

12. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2020-28R, providing no objection to the submission of an application for low income housing tax credits to the Texas Department of Housing and Community Affairs for the proposed Lantana on Bastrop Multifamily Housing Project located at the intersection of South Old Bastrop Highway and Rattler Road; approving findings related to the application; imposing conditions for such non objection; including the requirement that the applicant make an annual payment in lieu of taxes in the amount of $11,000;
providing authorizations for execution or submission of documents related to the application and for negotiation and execution of an agreement for the annual payment in lieu of taxes; and declaring an effective date.

Shannon Mattingly, Director of Planning and Development Services provided a brief presentation regarding the project, she provided the proposed Total Units and the income restriction.

Mayor Hughson opened the Public Hearing at 6:48p.m.

Those who spoke:
Victor Miramontes, spoke in support of this item and as a managing partner he believes in his project. He respects the housing policy process and believes in local control and local ownership. They have teamed up with the San Marcos Housing Authority and this ownership partnership will produce about $3.8 million dollars over 13 years. It is affordable, they are 56% AMI on average and 42% of the units are 50% AMI and below. It is true mixed income. Spoke about the comment made about the need for diversity and he believe this is accurate and there is also a need for developer diversity.

Roland Saucedo, former member of the workforce housing task force, has come forward on many of these requests. He asked that Council approve this project. They have gone above and beyond to meet the requirements set out by Council. The only concern he has is the money spent on the housing survey and how it recognized the huge lack of affordable housing in our community and the great need we have. He believes these two development projects have in good faith shown a good project. His fear is if we keep putting them off, the materials will go up in price due to inflation. They are trying to better our community. People learn from people and mixed income units helps the community. Please support this.

There being no further comments, the Mayor closed the Public Hearing at 7:01p.m.

A motion was made by Council Member Derrick, seconded by Deputy Mayor Pro Tem Rockeymoore, to approve Resolution 2020-28R. The motion carried by the following vote:

For: 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0
NON-CONSENT AGENDA

13. Consider approval of Resolution 2020-17R, approving an agreement with the City of Martindale relating to the extra-territorial boundaries between the cities; authorizing the Mayor or City Manager to execute the agreement on behalf of the City; and declaring an effective date.

A motion was made by Council Member Derrick, seconded by Deputy Mayor Pro Tem Rockeymoore to approve Resolution 2020-17R. The motion carried by the following vote:

For: 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

14. Consider approval of Resolution 2020-27R, providing no objection to the submission of an application for low income housing tax credits to the Texas Department of Housing and Community Affairs for the proposed Redwood Multifamily Housing Project located in the 1600 block of Redwood Road; approving findings related to the application; imposing conditions for such non-objection, including the requirement that the applicant make an annual payment in lieu of taxes in the initial amount of $75,000 and increasing by $1,500 annually; providing authorizations for execution or submission of documents related to the application and for execution of an agreement for the annual payment in lieu of taxes; and declaring an effective date.

A motion was made by Council Member Derrick, seconded by Mayor Pro Tem Mihalkanin, to approve Resolution 2020-27R. Shannon Mattingly, Director of Planning and Development Services, provided a brief presentation. Council provided consensus to discuss the Payment In Lieu Of Taxes (PILOT) proposal at the Policy Budget Workshop and to schedule a Housing Committee Meeting prior to the Budget Policy Workshop.

The motion to approve carried by the following vote:

For: 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

15. Consider approval of Resolution 2020-29R, making an appointment to fill a vacancy of Board Position 8, on the Board of Directors of the Alliance Regional Water Authority (ARWA), and declaring an effective date.

A motion was made by Mayor Pro Tem Mihalkanin, seconded by Council Member Derrick, to approve Resolution 2020-29R appointing Heather
Hurlbert to Board Position 8, on the Board of Directors of the Alliance Regional Water Authority (ARWA). The motion carried by the following vote:

For: 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

16. Discuss and consider the appointment of a Council Committee on Homelessness, and provide direction to Staff.

Mayor Hughson, Deputy Mayor Pro Tem Rockeymoore, and Council Member Marquez volunteered to serve on the Homelessness Committee. The motion to approve these members to serve carried by the following vote:

For: 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

17. Discuss and consider annual appointments to various Boards and Commissions, to wit:

A) Airport Advisory Board
B) Animal Shelter Advisory Committee
C) Arts Commission
D) Cemetery Commission
E) Citizen Utility Advisory Board (CUAB)
F) Comprehensive Plan Oversight Committee
G) Convention and Visitors Bureau Board
H) Economic Development San Marcos Board
I) Ethics Review Commission
J) Historic Preservation Commission
K) Housing Authority
L) Human Services Advisory Board
M) Library Board
N) Main Street Advisory Board
O) Neighborhood Commission
P) Parks and Recreation Board
Q) Planning and Zoning Commission
R) San Marcos Commission on Children and Youth
S) San Marcos Youth Commission
T) Senior Citizen Advisory Board
U) Veteran Affairs Advisory Board
V) Zoning Board of Adjustment

The following applicants were nominated for consideration to serve on the Planning and Zoning Commission:
Mark Gleason - nominated by Council Member Gonzales  
Kate McCarty - nominated by Mayor Hughson  
Michael Nolen - nominated by Mayor Pro Tem Mihalkanin  
Griffin Spell - nominated by Council Member Rockeymoore  
Nicholas Costilla - nominated by Council Member Derrick  
Eric Tyson Terwort - nominated by Council Member Baker

Following a roll call vote Mark Gleason, Kate McCarty, and Griffin Spell received a majority of the votes and were appointed to the Planning and Zoning Commission.

Mayor Pro Tem Mihalkanin nominated Gary White for consideration to serve on the Airport Advisory Board.

Following a roll call vote Gary White was unanimously approved for appointment to the Airport Advisory Board. There are still two positions open.

The following applicants were nominated for consideration to serve on the Animal Shelter Advisory Board:
Jonathan Coco - nominated by Council Member Derrick  
John Trinidad - nominated by Mayor Pro Tem Mihalkanin  
Briana Brecher - nominated by Mayor Pro Tem Mihalkanin  
Dale Nave - nominated by Mayor Hughson  
Jeff Jorgensen - nominated by Mayor Hughson

Following a roll call vote all members were unanimously appointed to serve on the Animal Shelter Advisory Board.

The following applicants were nominated for consideration to serve on the Arts Commission:
Jamey Poole - nominated by Council Member Baker  
Priscilla Leder - nominated by Deputy Mayor Pro Tem Rockeymoore  
Kelly King-Green - nominated by Mayor Pro Tem Mihalkanin

Following a roll call vote all members were unanimously appointed to serve on the Arts Commission.

The following applicants were nominated for consideration to serve on the Cemetery Commission:
Robert Cotner - nominated by Mayor Hughson  
Shannon Fitzpatrick - nominated by Mayor Hughson
Laura Kennedy - nominated by Deputy Mayor Pro Tem Rockeymoore
Alison Tudor - nominated by Mayor Pro Tem Mihalkanin
Virginia Eben - nominated by Mayor Hughson

Following a roll call vote all members were unanimously appointed to serve on
the Cemetery Commission.

The following applicants were nominated to serve on the Citizen Utility
Advisory Board:
Heather Baca - nominated by Council Member Rockeymoore
Paul Jensen - nominated by Mayor Hughson
Ray Palermo - nominated by Council Member Derrick

Following a roll call vote all members were unanimously appointed to serve on
the Citizen Utility Advisory Board.

The following applicants were nominated for consideration to serve on the
Comprehensive Plan Oversight Committee:
Jim Garber - nominated by Mayor Hughson
Betsy Robertson - nominated by Mayor Hughson
Tom Wassenich - nominated by Mayor Hughson
Joe Cox - nominated by Mayor Hughson
Jim Pendergast - nominated by Mayor Hughson
Paul Murray - nominated by Mayor Hughson
William DeSoto - nominated by Deputy Mayor Pro Tem Rockeymoore
Stephanie Korcheck - nominated by Council Member Marquez
Roland Saucedo - nominated by Council Member Baker

Following a roll call vote Jim Garber, Betsy Robertson, Tom Wassenich, Joe
Cox, Jim Pendergast, Paul Murray and Roland Saucedo received a majority of
the votes and were appointed to the Comprehensive Plan Oversight
Committee.

The following applicants were nominated for consideration to the serve on the
Convention and Visitor Bureau Board:
Philip Fusco III - nominated by Mayor Hughson
Cody Taylor - nominated by Mayor Pro Tem Mihalkanin
Josie Falletta - nominated by Mayor Hughson
Rosina Valle - nominated by Mayor Hughson
Jamie Lee Case - nominated by Mayor Pro Tem Mihalkanin
Bert Lumbraeras - nominated by Mayor Hughson
Joca Marquez - volunteered to serve as Council Representative

Following a roll call vote all members were unanimously approved to serve on the Convention and Visitor Bureau Board. The food and beverage representative position remains open.

The following applicants were nominated for consideration to serve on the Economic Development Board:
Bert Lumbreras - nominated by Mayor Hughson
Jason Giulietti - nominated by Mayor Hughson
Lizbeth Dobbins - nominated by Mayor Hughson
Eric Terwort - nominated by Council Member Baker

Following a roll call vote all members were unanimously approved to serve on the Economic Development Board.

The following applicants were nominated for consideration to serve on the Ethics Review Commission:
Jonathan Loller - nominated by Mayor Pro Tem Mihalkanin
Nicholas Costilla - nominated by Council Member Derrick
Forrest Fulkerson - nominated by Council Member Marquez
L.A. "Annie" Tran - nominated by Mayor Pro Tem Mihalkanin
Arlis Hiebert - nominated by Mayor Hughson

Following a roll call vote Jonathan Loller and L.A. "Annie" Tran received a majority of the votes and were appointed to the Ethics Commission.

A motion was made by Deputy Mayor Pro Tem Rockeymoore, seconded by Council Member Baker to postpone the Historic Preservation Commission appointments to a later meeting date.

The following applicants were nominated for consideration to serve on the Housing Authority:
Richard Cruz - nominated by Mayor Pro Tem Mihalkanin
Nina Ramos - nominated by Mayor Pro Tem Mihalkanin
Rachel Hannah Durrance - nominated by Mayor Hughson
Mittie Miller - nominated by Council Member Marquez

Following a roll call vote Nina Ramos, Rachel Hannah Durrance, and Mittie Miller received a majority of the votes and were appointed to the Housing Authority.
The following applicants were nominated for consideration to serve on the Human Services Advisory Board:
Mary Earls - nominated by Mayor Pro Tem Mihalkanin
Gloria Quinn - nominated by Mayor Hughson
Monica Elisa Gonzales - nominated by Council Member Baker
Daniel Steele - nominated by Council Member Baker

Following a roll call vote all members were unanimously appointed to serve on the Human Services Advisory Board.

The following applicants were nominated for consideration to serve on the Library Board:
Kathryn Brady - nominated by Mayor Hughson
Lauren Mikiten - nominated by Mayor Hughson
Joan Nagel - nominated by Council Member Derrick
Joanne Engle - nominated by Deputy Mayor Pro Tem Rockeymoore

Following a roll call vote all members were unanimously appointed to serve on the Library Board. Joan Nagel and Joanne Engle were allowed to continue for a two year term due to the construction of the Library, estimated to be completed in 15-18 months.

The following applicants were nominated for consideration to serve on the Main Street Advisory Board:
Anita Collins as the Hays County Representative - nominated by Deputy Mayor Pro Tem Rockeymoore
Anita Collins was appointed as the Hays County Representative
Shandee Lee - nominated by Mayor Hughson
Rose Brooks - nominated by Council Member Marquez
Barbara Riggins - nominated by Council Member Derrick

Following a roll call vote Shandee Lynn and Rose Brooks received a majority of the votes and were appointed to the Main Street Advisory Board.

The following applicants were nominated for consideration to serve on the Neighborhood Commission:
Roland Saucedo - nominated by Mayor Pro Tem Mihalkanin
Lupe Costilla - nominated by Mayor Pro Tem Mihalkanin
Johnny Garcia - nominated by Mayor Hughson
Joe Cantu - nominated by Mayor Hughson
William DeSoto - nominated by Council Member Marquez

Following a roll call vote, Roland Saucedo, Lupe Costilla, Johnny Garcia, Joe Cantu, and William DeSoto were appointed to the Neighborhood Commission.

The following applicants were nominated for consideration to serve on the Parks and Recreation Board:
Ryan McGillicuddy - nominated by Mayor Pro Tem Mihalkanin
Diane Phalen - nominated by Mayor Pro Tem Mihalkanin
Nicholas Aluotto - nominated by Mayor Hughson
Peter Vogt - nominated by Council Member Marquez
Cherif Gacis - nominated by Council Member Baker

Following a roll call vote Ryan McGillicuddy, Diane Phalen, Peter Vogt, and Cherif Gacis received a majority of the votes and were appointed to the Parks and Recreation Board.

The following applicants were nominated for consideration to serve on the San Marcos Commission on Children and Youth:
Stephanie Korcheck - nominated by Mayor Hughson
Marsha Moore - nominated by Mayor Hughson
Shirley Ogletree - nominated by Council Member Derrick
Daniel Steele - nominated by Council Member Baker
Michelle Harper - nominated by Mayor Pro Tem Mihalkanin

Following a roll call vote Michelle Harper, Marsha Moore, Shirley Ogletree, and Daniel Steele received a majority of the votes and were appointed to the San Marcos Commission on Children and Youth.

The following applicants were nominated for consideration to serve on the Senior Citizen Advisory Board:
Sara Carlson - nominated by Mayor Pro Tem Mihalkanin
Mary Hodges - nominated by Council Member Baker
Diane Eure - nominated by Mayor Hughson
Alan Atchison - nominated by Mayor Hughson
David Ross - nominated by Council Member Derrick

Following a roll call vote all members were unanimously appointed to serve on the Senior Citizen Advisory Board.

The following applicants were nominated, by Mayor Pro Tem Mihalkanin, and
unanimously approved for appointment to serve the San Marcos Youth Commission:
Daniel Abujaber
Catarina Vasquez
Kayla Livingston
Jada Cartwright
Avery Jones
Zachary Keel
Aaron Emerich
Jasmine Thomas

The following applicants were nominated for consideration to serve on the Zoning Board of Adjustments:
Nicholas Costilla - nominated by Mayor Pro Tem Mihalkanin
Chana Temple - nominated by Council Member Derrick
Wayman Jones - nominated by Mayor Hughson
Thomas Rowe - nominated by Mayor Hughson

Following a roll call vote Nicholas Costilla, Wayman Jones, and Chana Temple received a majority of the votes and were appointed to serve on the Zoning Board of Adjustments.

The following applicants were nominated, by Council Member Baker, and unanimously appointed to serve on the Veteran Affairs Advisory Board:
William Burleson Jr.
Michael Hernandez
John Minyard
Marty Nelson

18. Hold discussion regarding Historic Preservation Commission Recommendation Resolution 2020-01RR to consider the Commission’s proposal to amend the qualifications for membership on the Historic Preservation Commission, and provide direction to Staff.

Council Consensus was to bring an Ordinance back that amends the qualifications for membership on the Historic Preservation Commission at the next Regular City Council meeting.

19. Hold discussion regarding Historic Preservation Commission Recommendation Resolution 2019-03RR to consider the initial authorization of a text amendment, per Section 2.4.1.2 of the San Marcos Development Code, to Article 5 of the Historic Design Guidelines to include a purpose statement regarding sustainability, and provide direction to Staff.
Council consensus is to move forward with the inclusion of a purpose statement regarding sustainability in Section 2.4.1.2 of the San Marcos Development Code, Article 5 of the Historic Design Guidelines.

20. Hold discussion regarding Historic Preservation Commission Recommendation Resolution 2019-04RR to consider the Commission’s proposal to expand the City’s historic preservation program, and provide direction to Staff.

The proposed recommendations will be discussed during the Budget Policy Workshop and during the Budget Process.

EXECUTIVE SESSION (if necessary)

21. Executive Session in accordance with the following Government Code Section § 551.071 - Consultation with Attorney: to receive a legal briefing and deliberation regarding Martindale ETJ Matters.

Not needed this evening.

DIRECTION / ACTION FOLLOWING EXECUTIVE SESSION

22. Consider action, by motion, regarding the following Executive Session items held during the Work Session and/or Regular Meeting:

Section § 551.071 - Consultation with Attorney: to receive a legal briefing and deliberation regarding Martindale ETJ Matters.

The City Council completed Executive Session at 4:42 p.m. during the work session meeting.

Mayor Hughson stated the item discussed during Executive Session was voted on during our Regular meeting this evening. (Item #13)

VI. Question and Answer Session with Press and Public.

VII. Adjournment.

A motion was made by Council Member Gonzales, seconded by Council Member Baker, that this be adjourned. The motion carried by the following vote:

For: 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

Tammy K. Cook, Interim City Clerk

Jane Hughson, Mayor
I. Call To Order

With a quorum present, the work session meeting of the San Marcos City Council was called to order by Mayor Hughson at 3:03 p.m. Tuesday, March 3, 2020 in the City Council Chambers, 630 E. Hopkins, San Marcos, Texas 78666.

II. Roll Call

Council Member Marquez arrived after roll call at 4:00 p.m.

Present: 7 - Council Member Melissa Derrick, Mayor Jane Hughson, Mayor Pro Tem Ed Mihalkanin, Council Member Joca Marquez, Deputy Mayor Pro Tem Mark Rockeymoore, Council Member Maxfield Baker and Council Member Saul Gonzales

PRESENTATIONS

1. Receive a Staff presentation and hold a discussion on the San Marcos Development Code amendments and Strategic Housing Action Plan, and provide direction to the City Manager.

Bert Lumbreras, City Manager provided a brief introduction. He turned the presentation over to Amanda Hernandez, Planning Manager and Shannon Mattingly, Director of Planning and Development Services.

Ms. Hernandez provided the Land Development Code (LDC) background and summary:
• April 2018 San Marcos Land Development Code Adoption
• March – May 2019 Solicitation of comments for annual update
• June 2019 Joint workshop between City Council and Planning and Zoning Commission. This workshop identified the following:
  – Items to expedite – Typos, Technical Errors, etc. (Phase 1)
  – Amendments requiring additional analysis (Phase 2 & 3)
  – Amendments not recommended for additional analysis
• December 2019 Adoption of Phase 1 amendments and discussion on Phase 2 & 3 amendments.
• March 3, 2020 Initial authorization for Phase 2 amendments and direction on amendments not recommended for additional analysis.
Next Steps for Phase 2:

2. April 21, 2020 City Council Public Hearing & First Reading
3. May 5, 2020 City Council Reconsideration Second Reading
*Staff recommends analysis of Phase 3 items following the Comprehensive Plan Update

Greg Schwarz, Engineer, provided the recommendations from the Engineering Department:
  • Increase protection zone around sensitive geologic features.
  • Incorporate natural channel design for water quality zone reclamations.
  • Clarify delineation of Water Quality and Buffer Zones.
  • Waiver for geological assessment within Transition Zone and Contributing Zone within Transition Zone.
  • Fee-in-Lieu / Exception for detention / water quality for 4 or less residential lots.
  • Fee-in-Lieu of detention outside of the Urban Stormwater Management District.
  • Expand administrative approval for Qualified Watershed Protection Plans.

Council asked questions regarding watershed protection and the waiver for geological assessment. There were some reservations on this and Staff will address prior to adoption.

Alcohol Conditional Use Permit Committee Recommendations:
  • Expire conditional use permits after three years.
  • Limit appeal eligibility to the applicant.
  • Require permit holders to keep their site in clean and sanitary condition.
  • Update the noise ordinance.

Workforce Housing Task Force Recommendations:
  • Exempt infill from minimum lot depth-to-width requirement.
  • Add Strategic Housing Action Plan as zoning criteria.
  • Allow accessory dwelling unit parking in the second layer.
  • Modify the definition of RV & manufactured home to include tiny homes.

Additional Amendments:
  • Block Perimeter waiver for Heavy Industrial districts.
• City Council appellate body for City-owned properties denied by the Historic Preservation Commission.
• Align cross sections with Transportation Master Plan.
• Increase ETJ block perimeter.
• Remove initial authorization for code amendments by City.
• Update Concept Plat applicability.
• Provide definitions for House and Cottage.
• Include occupancy restrictions in CD-3.
• Make pre-development meetings mandatory.
• Include sustainability language per HPC-2019-03RR.*
• Add Event Center as a use.*

Neighborhood Density District Amendment Summary:
• Create an additional district to allow a moderate increase in density from conventional residential districts.
• Require a Comprehensive Plan map amendment any time higher density is requested by amending Table 4.1.
• Require “majority plus one” votes at the Planning & Zoning Commission and City Council for all Comprehensive Plan map amendments.
• Rename “Neighborhood Density Districts” to “Neighborhood Diversity Districts”

Amendments not recommended for additional analysis:
• 24 amendments discussed on June 5, 2019 were not recommended for additional analysis.
• 3 amendments moved to this list following adoption of House Bill 2439, limiting where cities can enforce durable building materials.

• Options for the action item on the regular agenda:
  1) Remove from the list of amendments to consider
  2) Send back to P&Z for recommendation(s)

Strategic Housing Action Plan:
• Staff identified four actions which may result amendments to the San Marcos Development Code.
• All actions were identified as items which should be considered following the Comprehensive Plan Update except:
  – Adding Tiny Homes as an allowable use in the Manufactured Home zoning district.
• Staff is seeking direction on the Housing Action Plan approval process.

Staff is requesting the Housing Action Plan to be reviewed by the Workforce
Housing Committee or placed on future agenda for action. Council asked that this also include the chair and vice-chair of the Housing Task Force Committee.

Council provided consensus to move forward with the following:
• Remove the amendment to rename Neighborhood Density Districts - maintain current name
• Add the amendment to remove parking exemptions for projects with 10 or fewer units in CD-5 and CD-5D
• Add an amendment to remove the provision that allows on street parking to count toward multi-family requirements in CD-5D
• Add an amendment to require conditional use permits for accessory dwelling units
• Add an amendment to limit the height of commercial buildings to one-story when adjacent or across the street from single-family zoning districts
• Add an amendment that states the City's preference for durable building materials

Staff will update the Code amendment document, as recommended by Council, and ask for a motion to move forward at the regular meeting this evening.

EXECUTIVE SESSION

2. Executive Session in accordance with Section § 551.089 - Security Devices: to discuss Security Measures and Deployment of Information Resources Technology.

A motion was made by Mayor Pro Tem Mihalkanin, seconded by Deputy Mayor Pro Tem Rockeymoore to enter into Executive Session at 4:40 p.m. The motion carried by the following vote:

For:  7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against:  0

III. Adjournment.

Mayor Hughson stated Executive Session concluded at 5:20 p.m.

A motion was made by Council Member Derrick, seconded by Mayor Pro Tem Mihalkanin, to adjourn the work session meeting of the City Council at 5:21 p.m, February 18, 2020 The motion carried by the following vote:

For:  4 - Council Member Derrick, Mayor Hughson, Council Member Marquez and Deputy Mayor Pro Tem Rockeymoore
Against: 0

Absent: 3 - Mayor Pro Tem Mihalkanin, Council Member Baker and Council Member Gonzales

TAMMY K. COOK, INTERIM CITY CLERK   JANE HUGHSON, MAYOR
AGENDA CAPTION:
Consider approval of Resolution 2020-55R, approving an agreement with the Leadership San Marcos Class of 2021 providing for its members to construct a cat barn at the San Marcos Regional Animal Shelter at no cost to the city; authorizing the City Manager, or his designee, to execute the agreement; and declaring an effective date.

Meeting date: March 17, 2020

Department: Click or tap here to enter text.

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

Fiscal Note:
Prior Council Action: In both 2005 & 2007, the City Council approved donation agreements with past Leadership San Marcos classes. In 2005, the Leadership class constructed and donated the electronic message board near the Activity Center & Library; In 2007, the Leadership class donated and placed the statue of Chief Placido in the Park near the Old Fish Hatchery Building. Past Resolutions are attached.

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

Comprehensive Plan Element(s): [Please select the Plan element(s) and Goal # from dropdown menu below]
☐ Economic Development - Choose an item.
☐ Environment & Resource Protection - Choose an item.
Background Information:
The Leadership San Marcos Class of 2021 has chosen to raise funds for the cost to construct an outdoor cat barn enclosure for unsocial cats at the San Marcos Regional Animal Shelter in an estimated amount between $5,000 - $10,000 depending on the total funds raised. This will be done at no cost to the City and the work is planned to be completed by December 2020. Any excess funds would be applied to other improvements in the Shelter play yard.

Lauren Lanmon who has served in the Communications Department is part of this Leadership San Marcos class and pitched the project to the Leadership Board for their approval. Complete details of the project are attached. This outdoor cat shelter will be especially beneficial for our barn cat program (feral/unsocial cats) which allows them to be outdoors in an environment that is more suited for them, and also allows more space indoors for domestic cats. Staff is thrilled to have this opportunity to partner with Leadership San Marcos and thanks them and their Board of Directors for approving this project for the 2021 Class.

Council Committee, Board/Commission Action:

Alternatives:
Click or tap here to enter text.

Recommendation:
Staff recommends approval of the Resolution and Donation Agreement with the Leadership San Marcos Class of 2021.
RESOLUTION NO. 2020-55R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS APPROVING AN AGREEMENT WITH THE LEADERSHIP SAN MARCOS CLASS OF 2021 PROVIDING FOR ITS MEMBERS TO CONSTRUCT A CAT BARN AT THE SAN MARCOS REGIONAL ANIMAL SHELTER AT NO COST TO THE CITY; AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT; AND DECLARING AN EFFECTIVE DATE.

RECITALS:

1. The Leadership San Marcos Class of 2021 (“LSM”) proposes to raise funds for and construct a cat barn for unsocial cats at the San Marcos Regional Animal Shelter.

2. The City Council wishes to accept this donation, subject to terms of the attached Agreement.

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

PART 1. The attached agreement between the City of San Marcos and Leadership San Marcos, Class of 2021 is approved.

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

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

ADOPTED on March 17, 2020.

Jane Hughson
Mayor

Attest:

Tammy K. Cook
Interim City Clerk
AGREEMENT

Parties: Leadership San Marcos, Class of 2021 ("LSM"), and the City of San Marcos (the "City").

LSM Agreements: LSM agrees to:

1. Raise funds for the cost to construct an outdoor enclosure ("cat barn") for unsocial cats at the San Marcos Regional Animal Shelter in an estimated amount between $5,000 and $10,000, as set forth in the proposal from LSM attached hereto.

2. Construct the cat barn at no cost to the City on or before December 1, 2020, subject to any allowed delays that are due to factors beyond the control of LSM.

3. Apply any excess funds raised and collected by LSM for the cat barn toward the cost to construct an ADA compliant concrete ramp entering the play yard and any other agreed upon improvements at the Shelter as set forth in the proposal from LSM attached hereto.

4. Cooperate with the City to determine the exact specifications for and placement of the cat barn.

5. Cooperate with and agree to any requirements of the City in scheduling the dates, hours, safety measures and logistics associated with LSM’s construction of the cat barn.

6. Apply for and obtain any permits that may be required for construction of the cat barn.

7. Before beginning construction of the cat barn, obtain and deliver to the City a duly signed agreement from each LSM member and participant involved in construction of the cat barn in such form as required by the City Manager of the City, holding the City harmless and releasing the City from any injury or liability arising from the construction of the cat barn.

City Agreements: The City agrees to:

1. Cooperate with LSM to determine the exact specifications for and placement of the cat barn.

2. Cooperate with LSM in scheduling the dates, hours, safety measures and logistics associated with LSM’s construction of the cat barn.

3. Waive all fees for any permits for the cat barn.

4. Extend the date for completion of the cat barn due to delays that are beyond the control of LSM.
5. Accept the cat barn for use and maintenance upon completion.

6. Accept any excess funds raised by LSM to be applied toward construction of the concrete ramp.

EXECUTED to be effective as of March 17, 2020.

CITY: ______________________________
By: ______________________________
Name: ______________________________
Title: ______________________________

LSM: ______________________________
By: ______________________________
Name: ______________________________
Title: ______________________________
San Marcos Regional Animal Shelter:

In 2018 more than 20,000 people visited the San Marcos Regional Animal Shelter. Out of those visitors, 2,439 dogs were adopted, more than likely every single one of those visited the shelter’s play yard with their new family before being adopted.

The play yard consists of three different sections; a large yard (A) and two smaller yards (B,C). The ground is uneven in many places presenting a safety concern, and the entrance to the yard is a step down (D), making it difficult, sometimes impossible to access for visitors in wheelchairs.

A few small upgrades and additions would make a huge difference for the thousands of community members who use the yard every year.
SAN MARCOS REGIONAL ANIMAL SHELTER

PLAY YARD

(A) Large yard looking toward small yards.
(B) Small yards looking toward large yard.
(C) Courtyard
(D) Step down to large yard. (ADA concern)

LEADERSHIP SAN MARCOS 2021
San Marcos Regional Animal Shelter Upgrades:

- Outdoor enclosure for unsocial cats
  - Estimated cost: $5,000 - $10,000

- Construct a concrete ramp entering the large play yard.
  - Estimated cost: $6,000 - $10,000

- Level the play yard

Leadership San Marcos

2021
San Marcos Regional Animal Shelter
Outdoor Cat Enclosure

Quite often, the San Marcos Regional Animal Shelter is packed to capacity. In regards to cats, when all kennels are full, staff is forced to house the overflow animals in much smaller kennels until the permanent kennels open up. In some situations, staff is forced to make difficult decisions and euthanize animals when there is no space, and rescue groups are unable to help out.

The shelter takes in domestic and feral cats. Feral cats (also known as barn cats) are more difficult to adopt out due to their temperament. Because of this, feral cats often take up space in a kennel where other adoptable cats could be.

A barn cat house will dramatically increase kennel space and provide these cats with an environment they are more used to.

Barn Cat Enclosures
$5,000 - $10,000

Leadership San Marcos 2021
SAN MARCOS REGIONAL ANIMAL SHELTER

PLAY YARD UPDATES: COST ESTIMATES

Drinking Fountain With Hose Bibb and Hose
$2,970

DOGIPOT Aluminum Trash Receptacle
$209

Leash Post
$359

Stand Alone Shade Structure 10x10
$1,866.99

Paw and bone Bench
$759

Raised Training Platform
$679

Water Tap
No Cost

Small ramp
$600 - $800

Level Yard
Unknown

LEADERSHIP SAN MARCOS

2021
RESOLUTION NO 2005-189 R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A DONATION AGREEMENT BETWEEN THE CITY AND LEADERSHIP SAN MARCOS FOR AN ELECTRONIC MESSAGE BOARD SIGN, AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT, AND DECLARING AN EFFECTIVE DATE.

RECITALS

1. The Leadership San Marcos Class of 2006 (LSM) is proposing to raise funds and construct an electronic message board sign near the Activity Center.

2. LSM wishes to approach potential contributors and offer to advertise them on the sign as sponsors for varying periods of time depending on the size of donations.

3. The City Council wishes to accept this donation in accordance with the terms of the attached Donation Agreement.

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

PART 1. The attached Donation Agreement between the City of San Marcos and Leadership San Marcos for an electronic message board sign is approved.

PART 2. The City Manager, Dan O'Leary, is authorized to execute the agreement on behalf of the City.

PART 3. This Resolution is in full force and effect immediately from and after its adoption.

ADOPTED on December 14, 2005.

Attest:

Susan Narvaiz
Mayor

Jánis K. Womack
City Clerk
DONATION AGREEMENT

Date: December 14, 2005

Parties: Leadership San Marcos, Class of 2006 ("LSM"), and the City of San Marcos (the "City")

LSM Agreements: LSM agrees to perform the following:

1. Seek charitable contributions from individuals, businesses, and organizations to erect an electronic community message board sign (the "Sign") in the grassy area in front of the San Marcos Activity Center and the San Marcos Public Library, to commemorate the 20th anniversary of the Leadership San Marcos program. In connection with contributions of $500 or more, LSM will offer contributors advertising on the Sign of their sponsorship (with noncommercial wording such as "Funding for this Sign provided by [individual, business or organization name]" in accordance with the following.

<table>
<thead>
<tr>
<th>Contribution Level</th>
<th>Period of Recognition</th>
</tr>
</thead>
<tbody>
<tr>
<td>$5,000 and up</td>
<td>Four months</td>
</tr>
<tr>
<td>$2,500 - $4,999</td>
<td>Three months</td>
</tr>
<tr>
<td>$1,500 - $2,499</td>
<td>Two months</td>
</tr>
<tr>
<td>$500 - $1,499</td>
<td>One month</td>
</tr>
</tbody>
</table>

2. Cooperate with the City to determine the exact location for placement of the Sign.
3. Apply for and obtain all appropriate construction permits from the City for the Sign.
4. Engage licensed contractors to perform the construction work, and ensure that the construction of the Sign is completed by the contractors.
5. Pay for all labor and materials involved in the design and construction of the Sign.

City Agreements: The City agrees to perform the following

1. Cooperate with LSM to determine the exact location for placement of the Sign.
2. Waive all fees for construction permits for the Sign.
4. Accept the Sign for City maintenance and operation upon completion.
5. Upon completion of the Sign, honor LSM commitments to contributors in accordance with the table above and information provided by LSM on contribution levels.

Miscellaneous Provisions:

1. Neither party may assign any of its rights, or delegate or subcontract any of its duties under this Agreement, in whole or in part, without the prior written consent of the other party.

2. This Agreement constitutes the entire agreement between the parties. This
Agreement may be amended only by a written document that is duly approved and executed by all parties.

3 This agreement takes effect immediately upon execution by the parties.

City of San Marcos

By: __________________________
   Dan O’Leary, City Manager

Date: 12/24/05

Leadership San Marcos, Class of 2006

Pat Tessaro, President

Date: 2/8/06
LEADERSHIP SAN MARCOS
CLASS OF 2006

Group Project Recommendation – Electronic Message Board / San Marcos Activity Center

PROJECT RECOMMENDATION

1. Project Scope – Briefly describe your recommended group project in a paragraph.

The Class of 2006 requests approval from the LSM Board to partner with the Parks and Recreation Department of the City of San Marcos to raise voluntary financial support to erect a message board type sign in front of the Activity Center on E. Hopkins. The sign would be a low monument style with an electronic message stream announcing Activity Center classes and schedules, City of San Marcos community events, and high priority/emergency civic information.

2. Project Purpose – What can the group accomplish by coordinating this project?

This year, Leadership San Marcos celebrates its 20th Anniversary, and the Class of 2006 is inspired and determined to make a meaningful contribution of the City of San Marcos commemorating this historical benchmark. Working on a project of this size, the class will work together to reach out to meet the business and city leaders to create awareness and support of the project, and in turn, as a Class and as individuals, the Class will expand its professional and personal networks within the community.

As a class, members will recognize individual leadership styles and how to best work with each other to plan, implement and successfully complete a large project with far-reaching impact.

3. Project Legacy - What type of lasting impact could this project have on the community?

The San Marcos Activity Center is a community based center that offers programs throughout the year for youth, teens, adults and senior citizens to promote family health and entertainment. An electronic sign will eliminate the use of banners which currently are used to advertise their services and upcoming events.

Providing an electronic message board that operates 24/7/365 will provide clear, concise information on Activity Center events and civic information to a majority of citizens of San Marcos. The Activity Center is centrally located on one of the most highly traveled city streets, which guarantees high visibility not only to relay information but will recognize Leadership San Marcos in perpetuity. Agreements with Parks and Recreation will allow for messages to be broadcast on a daily schedule giving credit to Leadership San Marcos Class of 2006. A commemorative plaque to recognize all donors to the project will be prominently displayed in the Activity Center foyer.

In addition, disseminating time-critical civic information to the citizens of San Marcos poses a challenge to our city officials and other non-profits that serve the members of our community. San Marcos does not have a central media outlet to which the community turns in times of civic and/or state and national emergencies. There is not an exclusive radio station to provide announcements for San Marcos, and the local newspaper is limited in its ability to alert citizens of high priority/emergency information. The sign can easily provide official alerts and instructions for safety which could save lives and prevent harm to people and property.
4. Project Service – Who would this project benefit?

This project will benefit the citizens of San Marcos and the surrounding communities as well as recognizing the corporate and individual donors for making this project possible. Leadership San Marcos will be acknowledged in a consistent, highly visible means for its service to the community.

The project also benefits the individual members of the Class of 2006 and Leadership San Marcos. Working together, the class will build lasting friendships that will promote and motivate its members to become involved citizens of San Marcos.

5. Preliminary Fundraising Strategy

The Class is compiling a list of prospective donors, both corporate and individual. Each prospect will be assigned to a class member relevant to the member's knowledge, friendship, personal and professional relationships with the prospect, however, more than one class member, but not more than three, will make a face-to-face request for a contribution—either cash or gift-in-kind.

Conversations of the Class to date have established, for the most part, that the ask amounts for corporate gifts be greater than the ask amounts for individuals. A hierarchy of recognition is to be developed and reflected on the plaque planned for display in the foyer of the Activity Center (see item #3).

The Class fundraising strategy includes selling tickets for a raffle with numerous prizes available to win. This broad sweep will capture smaller gifts from a large number of donors and will heighten the awareness of LSM and this year's project. Monies from the sale of tickets will serve as the Class' contribution to the project.

Donor packets to be presented to major corporate and individual prospects will include brochures or flyers that describe the history and goal of Leadership San Marcos, and in particular, the project goal of the Class of 2006. A description of the project complete with detailed budget, a roster of the members of the Class of 2006, an updated list of any donors to date, along with business cards of the individuals making the face-to-face visit will be included in the packet.
RESOLUTION NO. 2007-27

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS GRANTING PRELIMINARY APPROVAL FOR THE PLACEMENT OF A PIECE OF PERMANENT ARTWORK ON PUBLIC PROPERTY.

RECITALS:

1. Leadership San Marcos applied to the Arts Commission for permission to place a statute of Chief Placido at the Fish Hatchery. The Application is attached to this resolution. In the application, Leadership San Marcos requested that the statue be placed at the Fish Hatchery; or alternatively at a location denoted as “open.”

2. The Arts Commission considered the application and placement; however after consideration of the location and scale the Commission approved of the work, but not the location at the Fish Hatchery. The Commission requested that the application be forwarded to the Council for preliminary approval and referral to the appropriate city department for a recommendation as to location.

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

Part 1. The City Council finds that the statute of Chief Placido, as proposed in the attached application, meets the guidelines and policies for permanent display on city property, and gives preliminary approval for such placement.

Part 2. The City Council authorizes Dan O'Leary, the City Manager, to forward the approved application to the appropriate city department and applicable Commission for an analysis of the proper location for placement of this artwork.

ADOPTED this the 6th day of February 2007.

Susan Narvaiz
Mayor

Attest:

Shelley Goodwin
Interim City Clerk
APPLICATION FOR THE PLACEMENT
OF PERMANENT AND TEMPORARY ARTWORK,
MONUMENTS AND STRUCTURES ON CITY PROPERTY
Based on Resolution No. 2005-43R

APPLICANT NAME: Rodney van Oudekerke
PROJECT NAME: Chief Placido STATUE
ORGANIZATION: (if applicable) LEADERSHIP SAN MARCOS
ADDRESS: 323 Scott
CITY/STATE/ZIP: SAN MARCOS, TEXAS 78666
TELEPHONE: (Day) 754-2205 (Evening) 878-0461 (Fax) —
CONTACT PERSON: Rodney Van Oudekerke EMAIL ADDRESS: RKVD@grandecom.net

Please list (in order of preference) the proposed location(s), including name of facility and street address:
1. open area in front of old fish hatchery where sidewalks come together
2. open

Is the public artwork intended to be permanent or temporary? (Circle one)
If temporary, please define the exact timeframe:

THE FOLLOWING ATTACHMENTS ARE REQUIRED:

- A visual depiction or model of the artwork, monument or structure
- A statement noting the appropriateness of the proposed artwork, monument or structure to be placed on city property.
- An estimate of the cost required to place the artwork, monument or structure on city property.
- A description of the artwork, monument, or structure and its estimated size and value.
- A description and list of materials to be used in placing the art, monument or structure on city property.
- A statement noting the role of the city in the on-going maintenance (repairs, utilities, etc) and operation of the artwork, monument or structure
- Any conditions associated with the proposed placement.
- For any application for placing a structure on City Property, a narrative that addresses operation and use issues.

I/we understand that I/we must participate in a review process that may include the San Marcos Arts Commission, City Council, city departments, and other appropriate boards, commissions and/or neighborhood associations, as needed, in accordance with the City’s Art in Public Places Policy.
I have received a copy of the Art in Public Places Policy and Procedural Guidelines.

Rodney van Oudekerke 1-5-07
Applicant Signature Date
Project Purpose, Benefit, Explanation:

Most historians and archeologists agree that San Marcos has been inhabited for over ten thousand years, and in that time many different cultures have resided in or near the famous springs. Today it is fairly easy to find information on the Spanish missionaries who were here in the Eighteenth century mapping out the area and setting up colonies. It is even easier to find information on the Anglo founders of San Marcos in the 1840's. Burleson, Merriman, Lindsey, Moon, and Pitt are well-known names to most current-day residents of San Marcos.

But most people in San Marcos have no idea who Hashukana was, or even know him by the name given him by the white man, Chief Placido. Placido was chief of the Tonkawa tribe living in the area when Burleson and Merriman first came to San Marcos. He quickly allied his tribe with the new settlers and became a personal friend of not only Burleson, but also other great Texas heroes like Sam Houston, Jack C. Hays, and Stephen F. Austin. Placido and his tribe of Tonkawa, serving as allies and scouts, fought side by side with the “Texians” against the marauding Comanche Indians who raided the frontier settlements from the Canadian River to the Gulf Coast.

Life was hard for the early settlers of San Marcos, but it would have been much more difficult without the friendship and help of Chief Placido and the Tonkawa. Yet few know and none are taught the role of this tribe and their leader in the final settling of this region. Nowhere in the City of San Marcos or Hays County is there a street name or historical marker to remind us of these earliest settlers of the Balcones region.

One of the great characteristics of San Marcos is the way in which the community honors its historical heritage; yet the Tonkawa and their great leader seem to have been forgotten. Through the efforts of the Class of 2007, Leadership San Marcos now has an opportunity to correct this omission by dedicating a monument to honor Placido, and, by extension, his people, the Tonkawa of Central Texas. Further, the proposed monument will provide an opportunity to showcase Mr. Eric Slocombe, a talented sculptor who has made San Marcos his home for the past two decades. By locating the monument on a public space subject to heavy community use, many will be exposed, some for the first time, to the historical presence of these Native Americans and their pivotal leader, who made their home near present day San Marcos, and whose loyalty and friendship were crucial to the establishment of our home town.
Description:
The project will consist of a sculpture set within a small semi-circle of park benches located on a public site under the jurisdiction of the City of San Marcos Department of Parks and Recreation. Proposed sculpture will be an artist’s rendition of the Tonkawa Chief Placido, based upon existing historical renderings of that individual’s likeness. The sculpture will be a bust set upon a base of granite. A bronze plaque will contain relief copy briefly describing Placido’s contribution to the American immigrant settlement of the area surrounding the headwaters of the San Marcos River, currently comprising Hays and surrounding counties along the Balcones Fault. The plaque will contain fewer than 200 words, will be no more than 18 inches on a side, and will be set on the base of the sculpture. The plaque will contain text identifying the sculptor and identifying the sculpture as a contribution of Leadership San Marcos. Set among approximately four 8 foot park benches, the site will be approximately 24 feet across and approximately 16 feet deep, and will create an informal historical educational opportunity and a place for quiet reflection in a park setting with the focus on the sculpture. (Please see attachment for layout

Location:
As planned for a public site, the project location is subject to city approval. Adjacent to Old Fish Hatchery Building on the west side of the river, in the fork in the sidewalk approaching the footbridge;

Sculptor:
The Class of 2007 has contacted Eric Slocombe, a noted and gifted local sculptor. Mr. Slocombe has agreed to do the sculpting in clay, donating his time, asking that Leadership San Marcos pay only for his materials. Mr. Slocombe has an ongoing relationship with a Bastrop foundry that will cast the sculpture in bronze.

Costs:
Leadership San Marcos will be responsible for the foundry costs, for the stone or concrete base, for the informational plaque, and for the benches surrounding the sculpture. Foundry costs are estimated to be between $12,000 and $15,000 for a bust approximately 36 inches high. The cost of the base is estimated to be approximately $3,000 (polished pink granite). Mr. Slocombe’s materials are estimated to cost approximately $500. Park benches, 8 feet long, set on two 2.5 inch pipes, mounted in concrete are available through municipal and school supply sources for $300 - $400 each, plus shipping. Shipping is estimated at approximately $200. Bench installation and incidental concrete work may be donated by Gary Job Corps or other volunteer sourcing. Total estimated range between $15,000 and $20,000. Cash outlays will be required in December (artist’s materials, $500), in early April (advance on mold and foundry charges, $7,000 - $10,000), and October (final payment to foundry, plus installation). Payment for educational/informational plaque or plaques will be required prior to project completion, scheduled for mid-October of 2007.
Design: Sculpture will be a bust approximately 36 inches high, mounted on a pink granite base 20x20x36 inches. Granite base to be mounted on and attached to a concrete slab 32x32x24 inches. Site layout (size and configuration) to be finalized no later than December 31, 2006. (See attached photo of model.)

Sculpture: Clay sculpture to be completed no later than April 10, 2007 for delivery to foundry. Foundry work completed no later than October 15, 2007 for delivery to Leadership San Marcos.

Presentation/Dedication: To be completed no later than December 1, 2007.

Project Site Proposal

LSM Class 2007, the site selection committee met in the park today and feels strongly about a particular location. In the picture below you can see the suggested location. This spot offers easy access/viewing and is in a fairly busy area (several side walks meeting in this area). Due to the nature of people and the desire to take sort cuts, the landscaping has not been allowed to grow in this section.

Location: in city park on the west side of the river and near the old fish hatchery.
Proposed Educational Activities Plan

Goal:

To educate our community regarding the significant role of the Tonkawa Indian Tribe, and in particular Hashukana (Chief Placido), played in the foundation and establishment of San Marcos by creating:

- a public memorial (statue)
- curriculum for use in schools
- promotional material and streaming video available for visitor bureaus and local entities
File #: Res. 2020-56R, Version: 1

AGENDA CAPTION:
Consider approval of Resolution 2020-56R, approving the City Council’s Strategic Initiatives for Fiscal Year 2020-2021.

Meeting date: March 3, 2020

Department: City Manager’s Office

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

Fiscal Note:

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

Comprehensive Plan Element(s): [Please select the Plan element(s) and Goal # from dropdown menu below]
☒ Economic Development - Choose an item.
☒ Environment & Resource Protection - Choose an item.
☒ Land Use - Choose an item.
☒ Neighborhoods & Housing - Choose an item.
☒ Parks, Public Spaces & Facilities - Choose an item.
☒ Transportation - Choose an item.
☐ Core Services
☐ Not Applicable
**Background Information:**
City Council reviewed and provided comments regarding the 2020-2021 Strategic Initiatives at its Visioning Session held on January 10-11, 2020. At that session, Council agreed that the progress begun on City Facilities meant that priority could be removed, and they added Sustainability, resulting in the following strategic priorities:
- Workforce Housing;
- Multi-Modal Transportation;
- Workforce Development;
- Downtown Vitality; and
- Sustainability

The draft initiatives and strategies were presented to Council during the February 27, 2020 Budget Policy Work Session.

Staff teams have been developed around each Strategic Initiative. Once Council approves the initiatives, staff will add specific outcomes and timelines for each strategy. These strategies will be used to focus Council and staff priorities for the next 12 to 18 months. Staff will also provide quarterly updates to Council regarding progress for each initiative.

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

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

**Recommendation:**
Staff recommends approval.
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS ADOPTING THE CITY COUNCIL’S STRATEGIC INITIATIVES FOR FISCAL YEAR 2020-2021; AND DECLARING AN EFFECTIVE DATE.

RECITALS:

1. The City Council conducted visioning workshops to formulate strategic initiatives to guide its decisions and the policies of the City.

2. The City Council wishes to formally adopt such initiatives for the current fiscal year.

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

PART 1. The following strategic initiatives and priorities for fiscal year 2020-2021 are hereby adopted:

   a. Workforce Housing;
   b. Multi-Modal Transportation;
   c. Workforce Development;
   d. Downtown Vitality; and
   e. Sustainability

PART 2. This resolution shall be in full force and effect from and after its passage.

ADOPTED on March 17, 2020.

Jane Hughson
Mayor

Attest:

Tammy K. Cook
Interim City Clerk
**Key Priorities:**

The Strategic Initiatives identified by the Council during the Visioning Meeting in January 2020 focus around the following key priorities:

- Workforce Housing
- Multi Modal Transportation
- Workforce Development
- Downtown Vitality
- Sustainability

**Strategic Initiatives**

**Key Priority: Workforce Housing**

**A. Update, consolidate and communicate housing policies and action plans.**

**Strategies:**

I. Update the Affordable Housing Policy and adopt a housing framework / blueprint based on the work of the San Marcos Workforce housing Task Force.

II. Maintain a robust website and participate as a community partner in advancing the City’s housing goals.

III. Develop internal city capacity and support capacity building efforts in community partners to advance the City’s housing goals. Work with local employers such as Texas State University, San Marcos CISD, Hays County, Central Texas Medical Center, the banking community, the Greater San Marcos Partnership and area non-profits to identify and implement housing solutions.

IV. Focus on improving sub-standard housing and research additional funding sources.
   
a. Determine appropriate role for code enforcement.
   
b. Research budgetary impact of increased role for Tenants Council.
   
c. Evaluate requirements for owners to make repairs to rental properties.

**B. Develop dedicated housing and revenue sources that meet goals.**

**Strategies:**

I. Build additional permanently affordable homes targeted to flood victims on city-owned lots with CDBG-DR funds.

II. Apply for HOME funds. Utilize CDBG funds to preserve and maintain for households earning less than 80% AMI through the Housing Rehabilitation Program.

III. Enter into cooperative agreements with other taxing entities to identify tax-forfeiture properties and make them available for construction of permanently affordable workforce housing.

IV. Establish a land bank and community land trust with the purpose of supporting permanently affordable workforce housing.

C. Implement land use and zoning regulations that support diverse, mixed income communities in all areas of the City.

**Strategies:**

I. Encourage mixed income communities within new development.

II. Monitor the bonus density program for effectiveness and re-assess during the annual code update.

III. Monitor the number of new missing middle housing types built under Code SMTX and re-assess during the annual Code update.

IV. Draft an ordinance targeting geographic locations and non-profit home builders for appropriate zoning when permanently affordable for sale housing is constructed.

V. Research what is necessary in order to
utilize data, such as average median income, specific to San Marcos instead of the data for the Austin metropolitan statistical area in regards to low income housing tax credit and other housing projects.

**Key Priority: Multi-Modal Transportation**

**A. City reviews the benefits and challenges of creating an integrated, seamless transit partnership between the City and Texas State University.**

Strategies:
I. Assess the operating and financial alternatives for coordinated transit services.
   a. Continue Five Year Strategic Plan for Transit Service
II. Evaluate the benefits and constraints of a transit partnership with Texas State, to include:
   a. Seamless transit services for all customers.
   b. Expand community access to transit options
   c. Share capital budget resources.
   d. Coordinate transit routes to maximize efficiency.
   e. Leverage state and federal funding opportunities.
   f. Contribute to regional goals to reduce traffic and protect air quality.
III. Evaluate the challenges of a transit partnership with Texas State, to include:
   a. Create a shared governance structure.
   b. Compliance with federal and state regulations, to include paratransit services.
   c. Coordinate transit routes to maximize efficiency.
   d. Establish a financial plan to include operating funds, initial investment of capital for vehicles, maintenance facility, and passenger amenities.
IV. Consider the potential impacts of the 2020 US Census upon transit services in the San Marcos urbanized area.

**B. City continues other multi-modal initiatives.**

Strategies:
I. Transportation Demand Management/including downtown parking management:
   a. Adopt and implement parking management plan.
   b. Prioritize Transportation Master Plan projects to improve multi-modal alternatives.
   c. Evaluate and prioritize other transportation demand management tactics.
   d. Work with Texas State on park and ride locations
   e. Market businesses that promote multimodal transportation
II. Improve Bicycle Friendly Community rating:
   a. Improve and expand dockless bike share program and explore other shared mobility opportunities.
   b. Revisit Complete Streets policy and propose changes for Council consideration.
   c. Consider creation of a Bicycle & Pedestrian Advisory Committee.
   d. Adopt and implement bicycle master plan.
   e. Engage community at events for bicycles
III. Improve pedestrian connectivity and accessibility:
   a. Conduct updated assessment of existing sidewalk infrastructure.
   b. Develop and adopt Sidewalk Master Plan.
   c. Identify and program long-term pedestrian improvements.
   d. Conduct site survey sampling for ADA compliance.
IV. Other regional transit partnerships:
   a. Evaluate the benefits of regional transit partnerships with interurban providers including multimodal transit facility options.
   b. Investigate light rail, AMTRAK, and other future transit opportunities.
   c. Explore options for a downtown circulator, including all alternative fuel/vehicle options.
V. Pursue multi-modal funding opportunities.
Key Priority: Workforce Development

A. Leverage and Partner with the Community.

Strategies:
I. Identify current assets including partners, existing services, possible locations, and organizational purpose. Include mapping of assets and services within the City.
II. Identify community partner to anchor a cradle to career initiative.
III. Identify and develop outreach opportunities.
IV. Identify challenges and unmet needs in the business community that are impacted by workforce development.
V. Explore possibility of a day labor program implemented through social service agencies

B. Facilitate opportunities for Training and Programming.

Strategies:
I. Identify and communicate existing training available, including through technology such as a mobile phone application.
II. Explore opportunities to promote Career and Technical Education (CTE), General Education Diploma (GED), financial literacy, and life skills.
III. Identify potential gaps and barriers for San Marcos residents and consider alternate delivery methods when possible.
IV. Identify potential items to include when incentivizing economic development agreements.
V. Evaluate Greater San Marcos Partnership (GSMP) contract to include deliverables that require training and programming opportunities.
VI. Determine where to invest city funding to mitigate gaps and barriers that have been identified including a possible training location.

Key Priority: Downtown Vitality

A. Support diversified business activity.

Strategies:
I. Begin a revised Downtown Master Plan including, the innovation, cultural and arts districts.
   a) Scope and Visioning Exercise with district Stakeholders and City Council.
   b) Request for Proposal (RFP) and Contract for consultant.
   c) Public outreach with key stakeholders including the Downtown Association, Main Street, the University, as well as other key stakeholders.
   d) Work with Arts Commission to identify projects linking Downtown and the river
   e) Drafting and adopting the Downtown Master Plan.
II. Define goals and objectives for the Main Street program.
   a) Review current goals and objectives within the Four Point approach of (1-Economic Vitality, 2-Design, 3-Organization, and 4-Promotion).
   b) Develop a strategy for transformation of Downtown along the Four Points.
   c) Define quantifiable outcomes for the transformation strategies identified.
   d) Align organizational resources to achieve desired outcomes through the budget process.
III. Review possible programs for legacy businesses.
   a) Promoting City grant programs.
   b) Buying down interest rates for small businesses.
IV. Evaluate funding for co-working sites.

B. Take measures to improve downtown quality of place.

Strategies:
I. Review and assess possible sites and facilities which could promote San Marcos as a destination.
II. Review and address underground electric ordinances.
   a) Identify code amendments during the annual code update process.
   b) Procure parking management technology (meters & mobile app).
   c) Create program branding and marketing campaign.
   d) Initiate phased rollout of on-street paid parking.
   e) Negotiate off-street parking agreements with private property owners and facilitate options.

III. Review and assess strategies for vacant and neglected buildings.
   a) Review model programs, including incentives, and identify resources needed for implementation.
   b) Propose code amendments during the annual code update process.
   c) Identify possible options to maintain health and safety, including inspections.

IV. Identify strategic locations for streetscape and infrastructure improvements and identify funding options.
   a) Develop an interim maintenance and beautification plan and coordinate efforts amongst stakeholders.
   b) Explore the long-term solutions for beautification and maintenance including a downtown management district with downtown stakeholders.
   c) Align organizational resources to achieve desired outcomes through the budget process.

V. Identify advertising opportunities with area stakeholders to highlight city attractions.

VI. Continue working with Texas State University Police regarding Downtown patrols.

VII. Review and amend the Downtown Tax Increment Reinvestment Zone (TIRZ) #5.
   a) Prepare a revised Project & Finance Plan for Board consideration and approval.
   b) Present revised Project & Finance Plan for Council and Commissioner’s Court consideration.
   c) Work with the County and TIRZ Board on Downtown vision.

C. Accessibility to and within the downtown.

Strategies:
I. Approve and implement the Parking Management Plan.
   a) Hire Parking & Mobility Manager.

Key Priority: Sustainability

A. Develop a baseline of sustainability performance measures.

Strategies:
I. Work with Texas State University and other Texas communities to assess their sustainability programs.
   a) Current organizations available (Cost - initial staff time to analyze and hold meeting 2x per year)
   b) Identify City and local stakeholder groups
   c) Conduct networking opportunities

II. Consider if a consultant is necessary in order to determine the baseline of sustainability measures.
   a) Data collection for usage
      (Cost - initial staff time to analyze and public outreach components)
      - Water, Electric, Fossil Fuels, Renewables (high view snapshot guesstimates)
      - City Facilities
      - Residential (public outreach)
      - Commercial (public outreach)
   b) Possible Cost-Benefit analysis
      - Consider a means to evaluate upfront expenses compared to overall savings
      - Include quality of life in financial calculations
   c) Consultant
      (Cost - probably between 50k - 100k)
- Coordinate data collection (or by staff)
- Plan roll out of reduction programs
- Public out reach
- Potentially identify need for full time position after observing roll out success metrics

c) Evaluate financial incentives to builders to not install irrigation systems in new development.
d) Research requirement for separate meters for all new irrigation systems (currently single-family is exempted).

III. Develop and adopt incentive programs for comprehensive weatherization or energy efficiency retrofits.
a) Investigate volunteer program, similar to Habitat for Humanity, to provide weatherization for low-income homes.
b) Discuss partnership with Combined Community Action on their existing weatherization program.
c) Consider additional staff or contractor to evaluate and weatherize low-income homes.

C. Determine strategies to incorporate sustainability into City construction and operations.

Strategies:
I. Implement sustainable infrastructure solutions in the City’s capital improvement program projects.
II. Develop a formal Building Design Standard for municipal buildings or design elements that reduce resource consumption.
III. Continue evaluation of alternate energy technologies and opportunities.
a) Research feasibility of community solar project.
b) Research feasibility of Time of Use (TOU) strategies (e.g. education, billing)
c) Evaluate offering customer’s purchase of Renewable Energy Credits (RECs)
IV. Develop and implement programs for elimination of bottled water usage and other single use plastic products (SUPs).
a) Research purchasing and/or personnel policies that discourage or prohibit using City funds to purchase SUPs.
b) Consider installing bottle fill/fountains in all City facilities.
V. Research potential funding sources and revenues for sustainability initiative implementation

D. Develop economic development and procurement policies to encourage sustainability for businesses that work with the City.

Strategies:

I. Research and adopt policies encouraging sustainability in economic development.
   a) Resource Grants for sustainability (30k - 50K)
      1. Focus on helping small businesses transition to sustainable practices
         - Work with Economic Development staff (City Staff time needed)
         - Installing solar, HVAC upgrades, windows, single use plastic/to-go containers, etc.
      2. Potential home/business conservation rebates
         - Farmland, wildscape, urban farms, water collection, grey water reclamation, etc.
         - Possible awards and marketing for businesses and maybe neighborhoods
      3. Organizational partnerships and resources
         - Matching grants
         - Opportunities to use our marketing force to help (City Staff time needed)
         - Education, Outreach, Diversion bins

II. Consider policies incorporating sustainability in the procurement process.
   a) Reduction projections
      (Cost - initial staff time to analyze)
      - Cut back on obvious waste
      - Paper purchasing, water bottles, color printing, single use plastic, etc.
      - Survey each office and ask where they think waste can be reduced.

- Staff will continue to implement work on City Facilities through completion of the bond projects, Public Service Center, and determining next steps on City Hall.
- Staff will work towards “Year of the City”.
- Staff will continue to assist on homelessness initiatives.
Key Priorities:
The Strategic Initiatives identified by the Council during the Visioning Meeting in January 2019 focus around the following key priorities:

- Workforce Housing
- Multi Modal Transportation
- City Facilities
- Workforce Development
- Downtown Vitality
- Sustainability

Strategic Initiatives

Key Priority: Workforce Housing

A. Update, consolidate and communicate housing policies and action plans.

Strategies:

I. Conduct a housing study that analyzes housing supply, housing demand, and housing choice.

II. Update the Affordable Housing Policy and adopt a housing framework / blueprint based on the work of the San Marcos Workforce housing Task Force.

III. Maintain a robust website and participate as a community partner in advancing the City’s housing goals.

III. Develop internal city capacity and support capacity building efforts in community partners to advance the City’s housing goals. Work with local employers such as Texas State University, San Marcos CISD, Hays County, Central Texas Medical Center, the banking community, the Greater San Marcos Partnership and area non-profits to identify and implement housing solutions.

IV. Focus on improving sub-standard housing and research additional funding sources.

B. Develop dedicated housing and revenue sources that meet goals.

Strategies:

I. Build additional permanently affordable homes targeted to flood victims on city-owned lots with CDBG-DR funds.

II. Apply for HOME funds. Utilize CDBG funds to preserve and maintain for households earning less than 80% AMI through the Housing Rehabilitation Program.

IV. Lend CDBG first-time homebuyer funds to households earning less than 80% AMI to purchase housing.

II. Enter into cooperative agreements with other taxing entities to identify tax-forfeiture properties and make them available for construction of permanently affordable workforce housing.

III. Establish a land bank and community land trust with the purpose of supporting permanently affordable workforce housing.

IV. Establish an Emergency Housing Rehabilitation Program.

C. Implement land use and zoning regulations that support diverse, mixed income communities in all areas of the City.

Strategies:

I. Encourage mixed income communities within new development.

II. Monitor the bonus density program for effectiveness and re-assess during the annual code update.

III. Monitor the number of new missing middle housing types built under Code.
I. Adopt the Strategic Initiatives and re-assess during the annual Code update.

IV. Draft an ordinance targeting geographic locations and non-profit home builders for appropriate zoning when permanently affordable for sale housing is constructed.

IV.V. Research what is necessary in order to utilize data, such as average median income, specific to San Marcos instead of the data for the Austin metropolitan statistical area in regards to low income housing tax credit and other housing projects.

Key Priority: Multi-Modal Transportation

A. City becomes the Direct Recipient for federal and state transit funding allocated to the San Marcos urbanized area.

Strategies:

I. Formalize official concurrence from TxDOT-PTN and the FTA, that the City is the Direct Recipient for the San Marcos urbanized area. All federal and state requirements for the Direct Recipient from CARTS to the City by October 1, 2019.

II. Consider the potential impacts of the 2020 Census upon transit services in the San Marcos urbanized area.

Strategies:

A. City reviews the benefits and challenges of creating an integrated, seamless transit partnership between the City and Texas State University.

Strategies:

I. Review transit partnership models and select a system model to operate and manage the transit services, which that historically have been accepted by the FTA and TxDOT.

II. Assess the operating and financial alternatives for coordinated transit services.

a. Continue Five Year Strategic Plan for Transit Service

II. Evaluate the benefits and constraints of a transit partnership with Texas State, to include:

a. Seamless transit services for all customers.

b. Expand community access to transit options

c. Share capital budget resources.

d. Coordinate transit routes to maximize efficiency.

e. Leverage state and federal funding opportunities.

f. Contribute to regional goals to reduce traffic and protect air quality.

III. Evaluate the challenges of a transit partnership with Texas State, to include:

a. Determine who will be the Direct Recipient.

b-a. Create a shared governance structure.

b-b. Compliance with federal and state regulations, to include paratransit services.

b-c. Coordinate transit routes to maximize efficiency.

b-d. Establish a financial plan to include operating funds, initial investment of capital for vehicles, maintenance facility, and passenger amenities.

IV. Consider the potential impacts of the 2020 US Census upon transit services in the San Marcos urbanized area.

B. City continues other multi-modal initiatives.

Strategies:

I. Transportation Demand Management/ including downtown parking management:

a. Adopt and implement parking management plan.

b. Prioritize Transportation Master Plan projects to improve multi-modal

Adopted March 5, 2019
alternatives.
c. Evaluate and prioritize other transportation demand management tactics.
d. Work with Texas State on park and ride locations
c. e. Market businesses that promote multimodal transportation
II. Improve Bicycle Friendly Community rating:
a. Improve and expand dockless bike share program and explore other shared mobility opportunities.
b. Revisit Complete Streets policy and propose changes for Council consideration.
d. Consider creation of a Bicycle & Pedestrian Advisory Committee.
d. Adopt and implement bicycle master plan.
e. Engage community at events for bicycles
III. Improve pedestrian connectivity and accessibility:
a. Conduct updated assessment of existing sidewalk infrastructure.
b. Conduct gap analysis and identify/prioritize needed connections to multimodal facilities, transit stops, schools, neighborhoods, hike-bike trails, and east-west connections.
c. b. Develop and adopt Sidewalk Master Plan.
d. Identify and implement short-term maintenance and gap improvements.
e. c. Identify and program long-term pedestrian improvements.
f. d. Conduct site survey sampling for ADA compliance.
g. Continue utilizing external sources to confirm ADA compliance and staff training.
IV. Other regional transit partnerships:
a. Evaluate the benefits of regional transit partnerships with interurban providers including multimodal transit facility options.
b. Explore Investigate light rail, AMTRAK, and other future transit opportunities.
c. Explore options for a downtown circulator, including all alternative fuel/vehicle options.
V. Pursue multi-modal funding opportunities.

Key Priority: City Facilities

A. Explore short-term alternatives for staff expansion within City Hall Complex.

Strategies:
I. Determine 3-4 year staff growth potential for current City Hall Services.
II. Examine possible facility expansion alternatives to current City Hall campus, which could include temporary portable facilities.
III. Examine potential for possible short-term facility lease.
IV. Explore possible City Hall parking alternatives.

B. Review all possible alternative delivery methods for new facility construction.

Strategies:
I. Identify advantages and disadvantages of alternative delivery methods for City facility related projects.
II. Provide education materials to City staff and City Council on the alternative delivery methods.
III. Hire experienced project manager to implement those alternatives.
IV. Evaluate the success or issues related to each delivery method used by the City.

C. Develop a 5-year Fiscal Strategic Plan for implementation of Bond Projects.

Strategies:
I. Develop design and construction schedules for all facility projects.
II. Develop cost and time tracking system for all facility projects.
III. Develop Citizen Bond Review Committee that will meet periodically to review projects.
IV. Provide quarterly updates to Council.

D. Develop Public Services, Community
**Services and City Hall Project Design and Scope.**

**Strategies:**

I. Develop RFP for Public and Community Service Maintenance Facility project.
II. Evaluate potential future alternatives for City Hall Campus.
III. Create a master plan for City Hall redevelopment.
IV. Implement strategic plan for City Hall redevelopment.

E. Explore alternatives for future land purchases for facilities.

**Strategies:**

I. Develop strategy for future facility site locations.
II. Build cost into 10-year CIP Projects.
III. Identify opportunities for land and/or facility acquisitions related to all City services and programs.

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**Key Priority: Workforce Development**

A. Leverage and Partner with the Community.

**Strategies:**

I. Identify current assets including partners, existing services, possible locations, and organizational purpose. Include mapping of assets and services within the City.
II. Identify community partner to anchor a cradle to career initiative.
III. Identify and develop outreach opportunities.
IV. Identify challenges and unmet needs in the business community that are impacted by workforce development.
V. Explore possibility of a day labor program implemented through social service agencies.

B. Facilitate opportunities for Training and Programming.

**Strategies:**

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**Key Priority: Downtown Vitality**

A. Support diversified business activity.

**Strategies:**

I. Begin a revised Downtown Master Plan including, the innovation, cultural and arts districts.
   a) Scope and Visioning Exercise with district Stakeholders and City Council.
   b) Request for Proposal (RFP) and Contract for consultant.
   c) Public outreach with key stakeholders including the Downtown Association, Main Street, the University, as well as other key stakeholders.
   d) Work with Arts Commission to identify projects linking Downtown and the river
   e) Drafting and adopting the Downtown Master Plan.
   f) Review permitted and conditional uses in the downtown area.

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Adopted March 5, 2019
**2019-2021 Strategic Initiatives**

City of San Marcos

A) Identify potential code amendments during the annual code update process.

B) Explore other modifications to alcohol Conditional Use Permits (CUP) related ordinances.

C) Discuss bar service hours with the Council CUP Committee.

II. Define goals and objectives for the Main Street program.

III.

a) Review current goals and objectives within the Four Point approach of (1- Economic Vitality, 2- Design, 3- Organization, and 4- Promotion).

b) Develop a strategy for transformation of Downtown along the Four Points.

c) Define quantifiable outcomes for the transformation strategies identified.

d) Align organizational resources to achieve desired outcomes through the budget process.

III. Review possible programs for legacy businesses.

a) Promoting City grant programs.

b) Buying down interest rates for small businesses.

IV. Evaluate funding for co-working sites.

B. Take measures to improve downtown quality of place.

Strategies:

I. Review and assess possible sites and facilities which could promote San Marcos as a destination.

II. Review and address underground electric ordinances.

a) Feasibility and cost analysis.

b) Identify code amendments during the annual code update process.

III. Review and assess strategies for vacant and neglected buildings.

a) Review model programs, including incentives, and identify resources needed for implementation.

b) Propose code amendments during the annual code update process.

b) Identify possible options to maintain health and safety, including inspections.

IV. Identify strategic locations for streetscape and infrastructure improvements and identify funding options.

a) Define departmental roles and responsibilities with regard to design, construction, operation and maintenance of downtown streetscape and infrastructure improvements.

b) Develop an interim maintenance and beautification plan and coordinate efforts amongst stakeholders.

c) Explore the long-term solutions for beautification and maintenance including a downtown management district with downtown stakeholders.

c) Align organizational resources to achieve desired outcomes through the budget process.

V. Identify advertising opportunities with area stakeholders to highlight city attractions.

VI. Continue working with Texas State University Police regarding Downtown patrols.

V. Review and amend the Downtown Tax Increment Reinvestment Zone (TIRZ) #5.

a) Convene the TIRZ Board to consider pending funding request for Cheatham Street Flats project.

b) Ensure previously approved project (Crossroads/Justice Center) is completed, in conjunction with TxDOT and COSM improvements to Guadalupe Street.

c) Prepare a revised Project & Finance Plan for Board consideration and approval.

b) Present revised Project & Finance Plan for Council and Commissioner’s Court consideration.

c) Work with the County and TIRZ Board on Downtown vision.

C. Accessibility to and within the downtown.
Strategies:

I. Complete the San Marcos River Bike and Pedestrian Trail project.
   a) Finalize design.
   b) Letting of Project — TXDOT.

II. Approve and implement the Parking Management Plan.
   a) Hire Parking & Mobility Manager.
   b) Parking Advisory Board orientation, bylaws and work plan.
   c) Procure parking management technology (meters & mobile app).
   d) Create program branding and marketing campaign.
   e) Initiate phased rollout of on-street paid parking.
   f) Negotiate off-street parking agreements with private property owners and facilitate options.

Key Priority: Sustainability

A. Develop a baseline of sustainability performance measures.

Strategies:

I. Work with Texas State University and other Texas communities to assess their sustainability programs.
   a) Current organizations available
      (Cost - initial staff time to analyze and hold meeting 2x per year)
   b) Identify City and local stakeholder groups
   c) Conduct networking opportunities

II. Consider if a consultant is necessary in order to determine the baseline of sustainability measures.
   a) Data collection for usage
      (Cost - initial staff time to analyze and public outreach components)
      - Water, Electric, Fossil Fuels, Renewables (high view snapshot guesstimates)
      - City Facilities
      - Residential (public outreach)

   b) Possible Cost-Benefit analysis
      - Consider a means to evaluate upfront expenses compared to overall savings
      - Include quality of life in financial calculations

   c) Consultant
      (Cost - probably between 50k - 100k)
      - Coordinate data collection (or by staff)
      - Plan roll out of reduction programs
      - Public outreach
      - Potentially identify need for full time position after observing roll out success metrics

B. Promote sustainability practices throughout the community.

Strategies:

I. Increase public education and outreach of City’s conservation and sustainability efforts.
   a) Add Sustainability page to website to centralize City environmental programs (water/energy conservation, recycling, air quality, etc). Example - City of Austin Office of Sustainability page www.austintexas.gov/department/sustainability.
   b) Increase use of social media such as Facebook to promote environmental programs; add environmental programs to FB schedule.
   c) Evaluate optional or mandatory training on sustainability (anti-idling, recycling, etc) for City staff.
   d) Discuss with school district increased use of environmental curriculum (such as Learning to be WaterWise Outdoors program which is currently offered to teachers and funded by the City).

II. Develop and adopt incentive programs for water conservation to include...
incentivizing builders to reduce or eliminate turf irrigation systems.
   a) Consider building codes that limit the amount of turf in new development.
   b) Evaluate financial incentives to builders for using alternative landscaping (i.e., xeriscape and pervious hardscape) instead of turfgrass in new development.
   c) Evaluate financial incentives to builders to not install irrigation systems in new development.
   d) Research requirement for separate meters for all new irrigation systems (currently single-family is exempted).

III. Develop and adopt incentive programs for comprehensive weatherization or energy efficiency retrofits.
   a) Investigate volunteer program, similar to Habitat for Humanity, to provide weatherization for low-income homes.
   b) Discuss partnership with Combined Community Action on their existing weatherization program.
   c) Consider additional staff or contractor to evaluate and weatherize low-income homes.

C. Determine strategies to incorporate sustainability into City construction and operations.

Strategies:
I. Implement sustainable infrastructure solutions in the City’s capital improvement program projects.
II. Develop a formal Building Design Standard for municipal buildings or design elements that reduce resource consumption.
III. Continue evaluation of alternate energy technologies and opportunities.
   a) Research feasibility of community solar project.
   b) Research feasibility of Time of Use (TOU) strategies (e.g., education, billing)
   c) Evaluate offering customer’s purchase of Renewable Energy Credits (RECs)

IV. Develop and implement programs for elimination of bottled water usage and other single use plastic products (SUPs).
   a) Research purchasing and/or personnel policies that discourage or prohibit using City funds to purchase SUPs.
   b) Consider installing bottle fill/fountains in all City facilities.

V. Research potential funding sources and revenues for sustainability initiative implementation

D. Develop economic development and procurement policies to encourage sustainability for businesses that work with the City.

Strategies:
I. Research and adopt policies encouraging sustainability in economic development.
   a) Resource Grants for sustainability (30k - 50K)
      1. Focus on helping small businesses transition to sustainable practices
         - Work with Economic Development staff (City Staff time needed)
         - Installing solar, HVAC upgrades, windows, single use plastic/to-go containers, etc.
         2. Potential home/business conservation rebates
            - Farmland, wildscape, urban farms, water collection, grey water reclamation, etc.
            - Possible awards and marketing for businesses and maybe neighborhoods
      3. Organizational partnerships and resources
         - Matching grants
         - Opportunities to use our marketing force to help (City Staff time needed)
         - Education, Outreach, Diversion bins
   II. Consider policies incorporating sustainability in the procurement process.
a) Reduction projections
(Cost - initial staff time to analyze)
- Cut back on obvious waste
- Paper purchasing, water bottles, color printing, single use plastic, etc.
- Survey each office and ask where they think waste can be reduced.

- Staff will continue to prioritize work around Stormwater and Community Partnerships moving forward implement work on City Facilities through completion of the bond projects, Public Service Center, and determining next steps on City Hall.
- Staff will work towards “Year of the City”.
- Staff will continue to assist on homelessness initiatives.
File #: Res. 2020-57R, Version: 1

AGENDA CAPTION:
Consider approval of Resolution 2020-57R, approving an agreement with Enterprise Fleet Management, Inc. through the Texas Interlocal Purchasing System (TIPS) for the lease of thirty-seven light vehicles and the purchase of miscellaneous equipment and maintenance in the estimated amount of $1,650,000.00; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.

Meeting date: March 17, 2020

Department: Finance Department - Heather Hurlbert, Director (by Lynda Williams, Purchasing Manager)

Amount & Source of Funding
Funds Required: Total $1,650,000 FY20-$450,000
Account Number: CAPL-GENERALN-VEHICLE, 20006301.52112, 21006322.52112, 22006335.52112
Funds Available: $450,000
Account Name: Vehicle/Equipment Finance Payments, City Fleet Leasing

Fiscal Note:
Prior Council Action: The City first entered into a contract for leased vehicles with Enterprise Fleet Management in 2014. Vehicles have been added each year since then.

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

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

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 Police Department detective and undercover vehicles. Enterprise presented a citywide fleet management proposal to staff after the successful leasing of the PD vehicles. The City has over one hundred seventy-five (175) 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, non-pursuit rated vehicles are directly bought from the manufacturer at government pricing or better with all applicable rebates applied. A leasing factor is applied to the purchase price and annual lease payments are set. The City buys aftermarket equipment and the equipment is not included in the recurring annual lease amount but is included in the contracted amount with Enterprise. Vehicles are 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 Fleet Management contracts with local vendors for these services. By moving the routine maintenance out of the City shop, mechanics are able to work on larger equipment repairs that are routinely outsourced. Bringing these repairs in-house has minimized the repair cost and created efficiencies. Fiscal year 2020 is the fifth year that vehicle replacements in the general fund have been leased instead of purchased and the fourth year for the enterprise funds.

This contract is brought to City Council each year for the approval of the annual vehicle allocation and contract increase. For FY20, the City will lease thirty-seven (37) vehicles from Enterprise Fleet Management, Inc., with estimated annual lease payments in the amount of $300,000 per year, the purchase of equipment the first year estimated at $150,000 totaling an estimated $1,650,000 for the five (5) year period. The 37 vehicles are to be distributed as follows:

- Water/Wastewater Utility-3
- Electric Utility-5
- Stormwater Management-3
- General Fund-26

Council Committee, Board/Commission Action:

Click or tap here to enter text.
**Alternatives:**
Revert back to purchasing vehicles instead of leasing.

**Recommendation:**
Click or tap here to enter text.
RESOLUTION NO. 2020- R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS APPROVING AN AGREEMENT WITH ENTERPRISE FLEET MANAGEMENT, INC. THROUGH THE TEXAS INTERLOCAL PURCHASING SYSTEM (TIPS) FOR THE LEASE OF THIRTY-SEVEN LIGHT VEHICLES AND THE PURCHASE OF MISCELLANEOUS EQUIPMENT AND MAINTENANCE IN THE ESTIMATED AMOUNT OF $1,650,000.00; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT; AND DECLARING AN EFFECTIVE DATE.

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

PART 1. The Agreement with Enterprise Fleet Management, Inc. through the Texas Interlocal Purchasing System (TIPS) for the lease of thirty-seven light vehicles and the purchase of miscellaneous equipment and maintenance in the estimated amount of $1,650,000.00 is approved.

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

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

ADOPTED on March 17, 2020.

Jane Hughson
Mayor

Attest:

Tammy K. Cook
Interim City Clerk
<table>
<thead>
<tr>
<th>Vehicle #</th>
<th>year</th>
<th>OEM Type</th>
<th>Type</th>
<th>yearly cost</th>
<th>equipment</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Srvs</td>
<td>83-920</td>
<td>Chevy Terverse</td>
<td>$ 6,404.50</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>83-927</td>
<td>2020</td>
<td>Ford F250 Diesel Ext Cab add 5th wheel</td>
<td>$ 7,548.40</td>
<td>$ 1,850.00</td>
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<tr>
<td>85-014</td>
<td>2020</td>
<td>F150 4 X 2 crew cab SBW</td>
<td>$ 7,360.00</td>
<td>$ 1,850.00</td>
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</tr>
<tr>
<td>PRKRG</td>
<td></td>
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<tr>
<td>32-006</td>
<td>2020</td>
<td>Chevy Terverse awd</td>
<td>$ 6,404.50</td>
<td>$ 1,850.00</td>
<td></td>
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<tr>
<td>PRKRG</td>
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<td></td>
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</tr>
<tr>
<td>166-148L</td>
<td>2020</td>
<td>Chevy Silverado 4x4 Crew Cab SSV</td>
<td>$ 8,468.17</td>
<td></td>
<td></td>
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<tr>
<td>83-929</td>
<td>2020</td>
<td>Chevy Silverado 4x4 Crew Cab SSV</td>
<td>$ 8,468.17</td>
<td></td>
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<td>Animal Cont</td>
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<tr>
<td>65-265</td>
<td>2020</td>
<td>Ford F250 XL 4x4 gas, ext cab, swb</td>
<td>$ 9,280.00</td>
<td>$ 3,000.00</td>
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<tr>
<td>Engineering</td>
<td></td>
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<td></td>
<td></td>
<td></td>
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<tr>
<td>41-007</td>
<td>2020</td>
<td>F150 4X4 Super Crew SWB 4 door * NO HEADACHE RK*</td>
<td>$ 7,260.00</td>
<td>$ 1,850.00</td>
<td></td>
</tr>
<tr>
<td>41-006</td>
<td>2020</td>
<td>F150 4X4 Super Crew SWB 4 door * NO HEADACHE RK*</td>
<td>$ 7,260.00</td>
<td>$ 1,850.00</td>
<td></td>
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<tr>
<td>TAD</td>
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</tr>
<tr>
<td>70-231</td>
<td>2020</td>
<td>Ford Explorer BASE add tow package</td>
<td>$ 6,450.00</td>
<td>$ 1,850.00</td>
<td></td>
</tr>
<tr>
<td>Streets</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>72-729</td>
<td>2020</td>
<td>F150 4 X 2 crew cab SBW</td>
<td>$ 7,360.00</td>
<td>$ 1,850.00</td>
<td></td>
</tr>
<tr>
<td>WWCOL</td>
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</tr>
<tr>
<td>76–914</td>
<td>2020</td>
<td>1 TON the LWB, Crew Cab, and 10' utility bed.</td>
<td>$ 9,666.60</td>
<td>$ 10,795.00</td>
<td></td>
</tr>
<tr>
<td>SMEU</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>38-907</td>
<td>2020</td>
<td>FORD F150 EXT CAB 4X2</td>
<td>$ 7,260.00</td>
<td>$ 1,850.00</td>
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</tr>
<tr>
<td>36-211</td>
<td>2020</td>
<td>TOYOTA HIGHLANDER HYBRID</td>
<td>$ 7,941.00</td>
<td></td>
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<tr>
<td>39-905</td>
<td>2020</td>
<td>TOYOTA HIGHLANDER HYBRID</td>
<td>$ 7,941.00</td>
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<td></td>
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<tr>
<td>GF_NEW</td>
<td></td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>eng new</td>
<td>2020</td>
<td>F150 4X4 Super Crew SWB 4 door * NO HEADACHE RK*</td>
<td>$ 7,260.00</td>
<td>$ 1,850.00</td>
<td></td>
</tr>
<tr>
<td>eng new</td>
<td>2020</td>
<td>Chevy Terverse awd</td>
<td>$ 7,260.00</td>
<td>$ 1,850.00</td>
<td></td>
</tr>
<tr>
<td>ENG-NEW</td>
<td>2020</td>
<td>F150 4X4 Super Crew SWB 4 door * NO HEADACHE RK*</td>
<td>$ 7,260.00</td>
<td>$ 1,850.00</td>
<td></td>
</tr>
<tr>
<td>124-NEW</td>
<td>2020</td>
<td>FORD F150 EXT CAB 4X2</td>
<td>$ 7,260.00</td>
<td>$ 1,850.00</td>
<td></td>
</tr>
<tr>
<td>124-NEW</td>
<td>2020</td>
<td>FORD F150 EXT CAB 4X2</td>
<td>$ 7,260.00</td>
<td>$ 1,850.00</td>
<td></td>
</tr>
<tr>
<td>PARD-NEW</td>
<td>2020</td>
<td>FORD, 3/4, SWB, 4X4, GAS, SUPER CREW</td>
<td>$ 8,196.12</td>
<td>$ 1,850.00</td>
<td></td>
</tr>
<tr>
<td>75-NEW</td>
<td>2020</td>
<td>F350 4x4 Regular Cab Diesel/Service beds, duals, lwb</td>
<td>$ 10,479.48</td>
<td>$ 18,672.00</td>
<td></td>
</tr>
<tr>
<td>32-NEW</td>
<td>2020</td>
<td>FORD F150 supercrew 4X4</td>
<td>$ 7,260.00</td>
<td>$ 1,850.00</td>
<td></td>
</tr>
<tr>
<td>166-NEW?</td>
<td>2020</td>
<td>FORD TRANSIT CONNECT VAN</td>
<td>$ 6,345.60</td>
<td>$ 2,500.00</td>
<td></td>
</tr>
<tr>
<td>166-NEW?</td>
<td>2020</td>
<td>FORD EXP HYBRID INTERCEPTOR</td>
<td>$ 10,999.44</td>
<td>$ 2,500.00</td>
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<tr>
<td>166-NEW?</td>
<td>2020</td>
<td>FORD TRANSIT 250/350 VAN</td>
<td>$ 8,930.16</td>
<td>$ 2,500.00</td>
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<tr>
<td>166-NEW?</td>
<td>2020</td>
<td>NISSAN PATHFINDER</td>
<td>$ 7,228.80</td>
<td>$ 2,500.00</td>
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<tr>
<td>166-NEW?</td>
<td>2020</td>
<td>GMC ACADIA</td>
<td>$ 7,437.84</td>
<td>$ 2,500.00</td>
<td></td>
</tr>
<tr>
<td>166-NEW?</td>
<td>2020</td>
<td>FORD EXP UPI</td>
<td>$ 11,082.00</td>
<td>$ 2,500.00</td>
<td></td>
</tr>
<tr>
<td>166-NEW?</td>
<td>2020</td>
<td>FORD RANGER</td>
<td>$ 7,808.76</td>
<td>$ 2,500.00</td>
<td></td>
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<tr>
<td>Enterprise-NEW</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DRAIN-NEW</td>
<td>2020</td>
<td>SILVERADO, 3500, DIESEL, CREW CAB, 4X2, DUALS, 10 ft SRV BED</td>
<td>$ 9,606.60</td>
<td>$ 10,795.00</td>
<td></td>
</tr>
<tr>
<td>DRAIN-NEW</td>
<td>2020</td>
<td>FORD F250 SUPER CREW, 4X2 FULL, LWB &quot;4 FULL DOOR&quot;</td>
<td>$ 7,267.92</td>
<td>$ 1,850.00</td>
<td></td>
</tr>
<tr>
<td>39-NEW</td>
<td>2020</td>
<td>CHEVY TRAVERSE</td>
<td>$ 6,380.88</td>
<td>$ 1,850.00</td>
<td></td>
</tr>
<tr>
<td>79-NEW</td>
<td>2020</td>
<td>FORD F250, SWB, Gas, (EXT CAB)</td>
<td>$ 6,073.92</td>
<td>$ 2,280.00</td>
<td></td>
</tr>
<tr>
<td>79-NEW</td>
<td>2020</td>
<td>FORD F350 CREW CAB 4 DOOR CARBON COPY TO 22XSPW</td>
<td>$ 9,666.60</td>
<td>$ 10,795.00</td>
<td></td>
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<thead>
<tr>
<th>Vehicle</th>
<th>Equipment</th>
<th>Count</th>
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<tbody>
<tr>
<td>General Fund</td>
<td>$ 187,305.60</td>
<td>$ 82,008.34</td>
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<td>Water Wastewater</td>
<td>$ 25,407.12</td>
<td>$ 23,870.00</td>
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<tr>
<td>Electric Utility</td>
<td>$ 36,413.76</td>
<td>$ 5,550.00</td>
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<tr>
<td>Stormwater Management</td>
<td>$ 24,134.52</td>
<td>$ 14,495.00</td>
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<tr>
<td>Contingency</td>
<td>$ 26,739.00</td>
<td>$ 24,076.66</td>
</tr>
<tr>
<td>Annual Total</td>
<td>$ 300,000.00</td>
<td>$ 150,000.00</td>
</tr>
<tr>
<td>5 Year Total</td>
<td>$ 1,500,000.00</td>
<td>$ 150,000.00</td>
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</tbody>
</table>
AGENDA CAPTION:
Consider approval of Resolution 2020-59R, approving a grant agreement with the United States Department of Justice in the amount of $50,000.00 to assist the City’s Police Department by providing funding to identify and secure a Criminal Justice Information Services (CJIS) compliant information sharing platform; authorizing the City Manager or his designee to execute the grant agreement on behalf of the City; and declaring an effective date.

Meeting date: March 17, 2020

Department: Police

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

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

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

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

Information gathering, documenting and sharing are all core components of the law enforcement profession. The San Marcos Police Department’s (SMPD) current method of implementing these core components relies primarily upon (1) anecdotal information shared at shift briefings (2) informal meetings (3) mass emails and (4) a shared drive that is inconsistently available from an officers’ mobile devices. This existing structure creates both process and data issues due to the unreliable and non-uniform communication methods for collection, sharing, analysis and dissemination.

To address these identified issues, SMPD identified and was awarded funding by the Department of Justice to secure a Criminal Justice Information Services (CJIS)-compliant information sharing platform (ISP) that will help standardize information sharing department-wide in a secure and reliable manner wherever cellular service is available. The ISP technology would also provide law enforcement personnel with the ability to actively document, organize and communicate criminal trends, significant incidents, suspicious activity reports and tracking efforts.

The funding awarded will provide for the acquisition, licensing and maintenance of a web-based ISP platform and software over a two-year grant period.

Recommendation:

Staff recommends approval.
RESOLUTION NO. 2020- R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS APPROVING A GRANT AGREEMENT WITH THE UNITED STATES DEPARTMENT OF JUSTICE IN THE AMOUNT OF $50,000.00 TO ASSIST THE CITY’S POLICE DEPARTMENT BY PROVIDING FUNDING TO IDENTIFY AND SECURE A CRIMINAL JUSTICE INFORMATION SERVICES (CJIS) COMPLIANT INFORMATION SHARING PLATFORM; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE GRANT 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 Grant Agreement between the United States Department of Justice and City of San Marcos in the amount of $50,000.00 to assist the City’s Police Department by providing funding to identify and secure a Criminal Justice Information Services (CJIS) compliant information sharing platform is approved.

PART 2. The City Manager or his designee is authorized to sign the Grant Agreement on behalf of the City.

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

ADOPTED on March 17, 2020.

Jane Hughson
Mayor

Attest:

Tammy K. Cook
Interim City Clerk
February 12, 2020

Mr. Bert Lumbreras
City of San Marcos
630 East Hopkins Street
San Marcos, TX 78666-6314

Dear Mr. Lumbreras:

On behalf of Attorney General William P. Barr, it is my pleasure to inform you that the Office of Justice Programs (OJP), U.S. Department of Justice (DOJ), has approved the application by City of San Marcos for an award under the OJP funding opportunity entitled "BJA FY 19 Gulf States Regional Law Enforcement Technology Assistance Initiative." The approved award amount is $50,000. These funds are for the project entitled FY 19 Gulf States Regional Law Enforcement Technology Initiative.

The award document, including award conditions, is enclosed. The entire document is to be reviewed carefully before any decision to accept the award. Also, the webpage entitled "Legal Notices: Special circumstances as to particular award conditions" (ojp.gov/funding/Explore/LegalNotices-AwardReqs.htm) is to be consulted prior to an acceptance. Through that "Legal Notices" webpage, OJP sets out -- by funding opportunity -- certain special circumstances that may or will affect the applicability of one or more award requirements. Any such legal notice pertaining to award requirements that is posted through that webpage is incorporated by reference into the award.

Please note that award requirements include not only award conditions, but also compliance with assurances and certifications that relate to conduct during the period of performance for the award. Because these requirements encompass financial, administrative, and programmatic matters, as well as other important matters (e.g., specific restrictions on use of funds), it is vital that all key staff know the award requirements, and receive the award conditions and the assurances and certifications, as well as the application as approved by OJP. (Information on all pertinent award requirements also must be provided to any subrecipient of the award.)

Should City of San Marcos accept the award and then fail to comply with an award requirement, DOJ will pursue appropriate remedies for non-compliance, which may include termination of the award and/or a requirement to repay award funds.

Please direct questions regarding this award as follows:

- For program questions, contact Tahitia M. Barringer, Program Manager at (202) 616-8241; and
- For financial questions, contact the Customer Service Center of OJP's Office of the Chief Financial Officer at (800) 458-0786, or at ask.ocfo@usdoj.gov.

We look forward to working with you.

Sincerely,

Katharine T. Sullivan
Principal Deputy Assistant Attorney General

Encl.
Director
Michael L. Alston
U.S. Department of Justice
Office of Justice Programs
Office of Civil Rights

Washington, DC 20531

February 12, 2020

Mr. Bert Lumbreras
City of San Marcos
630 East Hopkins Street
San Marcos, TX 78666-6314

Dear Mr. Lumbreras:

Congratulations on your recent award. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) has been delegated the responsibility for ensuring that recipients of federal financial assistance from the OJP, the Office of Community Oriented Policing Services (COPS), and the Office on Violence Against Women (OVW) are not engaged in discrimination prohibited by law. Several federal civil rights laws, such as Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972, require recipients of federal financial assistance to give assurances that they will comply with those laws. In addition to those civil rights laws, many grant program statutes contain nondiscrimination provisions that require compliance with them as a condition of receiving federal financial assistance. For a complete review of these civil rights laws and nondiscrimination requirements, in connection with OJP and other DOJ awards, see https://ojp.gov/funding/Explore/LegalOverview/CivilRightsRequirements.htm

Under the delegation of authority, the OCR investigates allegations of discrimination against recipients from individuals, entities, or groups. In addition, the OCR conducts limited compliance reviews and audits based on regulatory criteria. These reviews and audits permit the OCR to evaluate whether recipients of financial assistance from the Department are providing services in a non-discriminatory manner to their service population or have employment practices that meet equal-opportunity standards.

If you are a recipient of grant awards under the Omnibus Crime Control and Safe Streets Act or the Juvenile Justice and Delinquency Prevention Act and your agency is part of a criminal justice system, there are two additional obligations that may apply in connection with the awards: (1) complying with the regulation relating to Equal Employment Opportunity Programs (EEOPs); and (2) submitting findings of discrimination to OCR. For additional information regarding the EEOP requirement, see 28 CFR Part 42, subpart E, and for additional information regarding requirements when there is an adverse finding, see 28 C.F.R. §§ 42.204(c), .205(c)(5). Please submit information about any adverse finding to the OCR at the above address.

We at the OCR are available to help you and your organization meet the civil rights requirements that are associated with OJP and other DOJ grant funding. If you would like the OCR to assist you in fulfilling your organization’s civil rights or nondiscrimination responsibilities as a recipient of federal financial assistance, please do not hesitate to let us know.

Sincerely,

Michael L. Alston
Director

cc: Grant Manager
    Financial Analyst
Grant

1. RECIPIENT NAME AND ADDRESS (Including Zip Code)
City of San Marcos
630 East Hopkins Street
San Marcos, TX 78666-6314

4. AWARD NUMBER: 2020-RZ-BX-0020

5. PROJECT PERIOD: FROM 12/01/2019 TO 11/30/2021
BUDGET PERIOD: FROM 12/01/2019 TO 11/30/2021

6. AWARD DATE 02/12/2020
7. ACTION Initial

2a. GRANTEE IRS/VENDOR NO. 746002239

8. SUPPLEMENT NUMBER 00

28. GRANTEE DUNS NO. 069462869

9. PREVIOUS AWARD AMOUNT $0

3. PROJECT TITLE
FY 19 Gulf States Regional Law Enforcement Technology Initiative

10. AMOUNT OF THIS AWARD $50,000

11. TOTAL AWARD $50,000

12. SPECIAL CONDITIONS
THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).

13. STATUTORY AUTHORITY FOR GRANT
This project is supported under FY19(BJA - Regional Law Enforcement Technology Initiative) Pub. L. No. 116-6, 133 Stat 13, 112

14. CATALOG OF DOMESTIC FEDERAL ASSISTANCE (CFDA Number)
16.843 - Gulf States Regional Law Enforcement Technology Training and Technical Assistance Initiative

15. METHOD OF PAYMENT
GPRS

16. TYPED NAME AND TITLE OF APPROVING OFFICIAL
Katharine T. Sullivan
Principal Deputy Assistant Attorney General

18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL
Bert Lumbreras
City Manager

17. SIGNATURE OF APPROVING OFFICIAL

19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL

19A. DATE

20. ACCOUNTING CLASSIFICATION CODES
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<tr>
<th>FISCAL YEAR CODE</th>
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<th>OFC.</th>
<th>REG.</th>
<th>SUB.</th>
<th>POMS</th>
<th>AMOUNT</th>
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<td>X</td>
<td>B</td>
<td>RZ</td>
<td>80</td>
<td>00</td>
<td>00</td>
<td>50000</td>
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</table>

21. VRZUGT0015
SPECIAL CONDITIONS

1. Requirements of the award; remedies for non-compliance or for materially false statements

The conditions of this award are material requirements of the award. Compliance with any assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance also is a material requirement of this award. By signing and accepting this award on behalf of the recipient, the authorized recipient official accepts all material requirements of the award, and specifically adopts all such assurances or certifications as if personally executed by the authorized recipient official.

Failure to comply with any one or more of these award requirements -- whether a condition set out in full below, a condition incorporated by reference below, or an assurance or certification related to conduct during the award period -- may result in the Office of Justice Programs ("OJP") taking appropriate action with respect to the recipient and the award. Among other things, the OJP may withhold award funds, disallow costs, or suspend or terminate the award. The U.S. Department of Justice ("DOJ"), including OJP, also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. 1001 and/or 1621, and/or 34 U.S.C. 10271-10273), and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. 3729-3730 and 3801-3812).

Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or unenforceable, such provision shall be deemed severable from this award.

2. Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this FY 2019 award from OJP.

The Part 200 Uniform Requirements were first adopted by DOJ on December 26, 2014. If this FY 2019 award supplements funds previously awarded by OJP under the same award number (e.g., funds awarded during or before December 2014), the Part 200 Uniform Requirements apply with respect to all funds under that award number (regardless of the award date, and regardless of whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this FY 2019 award.

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and subawards ("subgrants"), see the OJP website at https://ojp.gov/funding/Part200UniformRequirements.htm.

Record retention and access: Records pertinent to the award that the recipient (and any subrecipient ("subgrantee") at any tier) must retain -- typically for a period of 3 years from the date of submission of the final expenditure report (SF 425), unless a different retention period applies -- and to which the recipient (and any subrecipient ("subgrantee") at any tier) must provide access, include performance measurement information, in addition to the financial records, supporting documents, statistical records, and other pertinent records indicated at 2 C.F.R. 200.333.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact OJP promptly for clarification.
SPECIAL CONDITIONS

3. Compliance with DOJ Grants Financial Guide

   References to the DOJ Grants Financial Guide are to the DOJ Grants Financial Guide as posted on the OJP website (currently, the "DOJ Grants Financial Guide" available at https://ojp.gov/financialguide/DOJ/index.htm), including any updated version that may be posted during the period of performance. The recipient agrees to comply with the DOJ Grants Financial Guide.

4. Reclassification of various statutory provisions to a new Title 34 of the United States Code

   On September 1, 2017, various statutory provisions previously codified elsewhere in the U.S. Code were editorially reclassified (that is, moved and renumbered) to a new Title 34, entitled "Crime Control and Law Enforcement." The reclassification encompassed a number of statutory provisions pertinent to OJP awards (that is, OJP grants and cooperative agreements), including many provisions previously codified in Title 42 of the U.S. Code.

   Effective as of September 1, 2017, any reference in this award document to a statutory provision that has been reclassified to the new Title 34 of the U.S. Code is to be read as a reference to that statutory provision as reclassified to Title 34. This rule of construction specifically includes references set out in award conditions, references set out in material incorporated by reference through award conditions, and references set out in other award requirements.

5. Required training for Point of Contact and all Financial Points of Contact

   Both the Point of Contact (POC) and all Financial Points of Contact (FPOCs) for this award must have successfully completed an "OJP financial management and grant administration training" by 120 days after the date of the recipient's acceptance of the award. Successful completion of such a training on or after January 1, 2017, will satisfy this condition.

   In the event that either the POC or an FPOC for this award changes during the period of performance, the new POC or FPOC must have successfully completed an "OJP financial management and grant administration training" by 120 calendar days after -- (1) the date of OJP's approval of the "Change Grantee Contact" GAN (in the case of a new POC), or (2) the date the POC enters information on the new FPOC in GMS (in the case of a new FPOC). Successful completion of such a training on or after January 1, 2017, will satisfy this condition.

   A list of OJP trainings that OJP will consider "OJP financial management and grant administration training" for purposes of this condition is available at https://www.ojp.gov/training/fmts.htm. All trainings that satisfy this condition include a session on grant fraud prevention and detection.

   The recipient should anticipate that OJP will immediately withhold ("freeze") award funds if the recipient fails to comply with this condition. The recipient's failure to comply also may lead OJP to impose additional appropriate conditions on this award.

6. Requirements related to "de minimis" indirect cost rate

   A recipient that is eligible under the Part 200 Uniform Requirements and other applicable law to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the "de minimis" indirect cost rate, must advise OJP in writing of both its eligibility and its election, and must comply with all associated requirements in the Part 200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC) as defined by the Part 200 Uniform Requirements.
SPECIAL CONDITIONS

7. Requirement to report potentially duplicative funding

If the recipient currently has other active awards of federal funds, or if the recipient receives any other award of federal funds during the period of performance for this award, the recipient promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the recipient must promptly notify the DOJ awarding agency (OJP or OVW, as appropriate) in writing of the potential duplication, and, if so requested by the DOJ awarding agency, must seek a budget-modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.

8. Requirements related to System for Award Management and Universal Identifier Requirements

The recipient must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at https://www.sam.gov/. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

The recipient also must comply with applicable restrictions on subawards ("subgrants") to first-tier subrecipients (first-tier "subgrantees"), including restrictions on subawards to entities that do not acquire and provide (to the recipient) the unique entity identifier required for SAM registration.

The details of the recipient's obligations related to SAM and to unique entity identifiers are posted on the OJP web site at https://ojp.gov/funding/Explore/SAM.htm (Award condition: System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here.

This condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).
SPECIAL CONDITIONS

9. Employment eligibility verification for hiring under the award

1. The recipient (and any subrecipient at any tier) must--

   A. Ensure that, as part of the hiring process for any position within the United States that is or will be funded (in whole or in part) with award funds, the recipient (or any subrecipient) properly verifies the employment eligibility of the individual who is being hired, consistent with the provisions of 8 U.S.C. 1324a(a)(1) and (2).

   B. Notify all persons associated with the recipient (or any subrecipient) who are or will be involved in activities under this award of both--

      (1) this award requirement for verification of employment eligibility, and

      (2) the associated provisions in 8 U.S.C. 1324a(a)(1) and (2) that, generally speaking, make it unlawful, in the United States, to hire (or recruit for employment) certain aliens.

   C. Provide training (to the extent necessary) to those persons required by this condition to be notified of the award requirement for employment eligibility verification and of the associated provisions of 8 U.S.C. 1324a(a)(1) and (2).

   D. As part of the recordkeeping for the award (including pursuant to the Part 200 Uniform Requirements), maintain records of all employment eligibility verifications pertinent to compliance with this award condition in accordance with Form I-9 record retention requirements, as well as records of all pertinent notifications and trainings.

2. Monitoring

   The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

   To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

4. Rules of construction

   A. Staff involved in the hiring process

      For purposes of this condition, persons "who are or will be involved in activities under this award" specifically includes (without limitation) any and all recipient (or any subrecipient) officials or other staff who are or will be involved in the hiring process with respect to a position that is or will be funded (in whole or in part) with award funds.

   B. Employment eligibility confirmation with E-Verify

      For purposes of satisfying the requirement of this condition regarding verification of employment eligibility, the recipient (or any subrecipient) may choose to participate in, and use, E-Verify (www.e-verify.gov), provided an appropriate person authorized to act on behalf of the recipient (or subrecipient) uses E-Verify (and follows the proper E-Verify procedures, including in the event of a "Tentative Nonconfirmation" or a "Final Nonconfirmation") to confirm employment eligibility for each hiring for a position in the United States that is or will be funded (in whole or in part) with award funds.

      C. "United States" specifically includes the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

      D. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or
SPECIAL CONDITIONS

any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.

E. Nothing in this condition, including in paragraph 4.B., shall be understood to relieve any recipient, any subrecipient at any tier, or any person or other entity, of any obligation otherwise imposed by law, including 8 U.S.C. 1324a(a)(1) and (2).

Questions about E-Verify should be directed to DHS. For more information about E-Verify visit the E-Verify website (https://www.e-verify.gov/) or email E-Verify at E-Verify@dhs.gov. E-Verify employer agents can email E-Verify at E-VerifyEmployerAgent@dhs.gov.

Questions about the meaning or scope of this condition should be directed to OJP, before award acceptance.

10. Requirement to report actual or imminent breach of personally identifiable information (PII)

The recipient (and any "subrecipient" at any tier) must have written procedures in place to respond in the event of an actual or imminent "breach" (OMB M-17-12) if it (or a subrecipient) -- (1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of "personally identifiable information (PII)" (2 CFR 200.79) within the scope of an OJP grant-funded program or activity, or (2) uses or operates a "Federal information system" (OMB Circular A-130). The recipient's breach procedures must include a requirement to report actual or imminent breach of PII to an OJP Program Manager no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.

11. All subawards ("subgrants") must have specific federal authorization

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a "subaward" (and therefore does not consider a procurement "contract").

The details of the requirement for authorization of any subaward are posted on the OJP web site at https://ojp.gov/funding/Explore/SubawardAuthorization.htm (Award condition: All subawards ("subgrants") must have specific federal authorization), and are incorporated by reference here.

12. Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed $250,000

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, $250,000). This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a procurement "contract" (and therefore does not consider a subaward).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP web site at https://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed $250,000)), and are incorporated by reference here.
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13. Unreasonable restrictions on competition under the award; association with federal government

SCOPE. This condition applies with respect to any procurement of property or services that is funded (in whole or in part) by this award, whether by the recipient or by any subrecipient at any tier, and regardless of the dollar amount of the purchase or acquisition, the method of procurement, or the nature of any legal instrument used. The provisions of this condition must be among those included in any subaward (at any tier).

1. No discrimination, in procurement transactions, against associates of the federal government

Consistent with the (DOJ) Part 200 Uniform Requirements -- including as set out at 2 C.F.R. 200.300 (requiring awards to be "manage[d] and administer[ed] in a manner so as to ensure that Federal funding is expended and associated programs are implemented in full accordance with U.S. statutory and public policy requirements") and 200.319(a) (generally requiring "[a]ll procurement transactions [to] be conducted in a manner providing full and open competition" and forbidding practices "restrictive of competition," such as "[p]lacing unreasonable requirements on firms in order for them to qualify to do business" and taking "[a]ny arbitrary action in the procurement process") -- no recipient (or subrecipient, at any tier) may (in any procurement transaction) discriminate against any person or entity on the basis of such person or entity's status as an "associate of the federal government" (or on the basis of such person or entity's status as a parent, affiliate, or subsidiary of such an associate), except as expressly set out in 2 C.F.R. 200.319(a) or as specifically authorized by USDOJ.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

4. Rules of construction

A. The term "associate of the federal government" means any person or entity engaged or employed (in the past or at present) by or on behalf of the federal government -- as an employee, contractor or subcontractor (at any tier), grant recipient or subrecipient (at any tier), agent, or otherwise -- in undertaking any work, project, or activity for or on behalf of (or in providing goods or services to or on behalf of) the federal government, and includes any applicant for such employment or engagement, and any person or entity committed by legal instrument to undertake any such work, project, or activity (or to provide such goods or services) in future.

B. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.
### SPECIAL CONDITIONS

14. Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients, subrecipients ("grantees"), or individuals defined (for purposes of this condition) as "employees" of the recipient or of any subrecipient.

The details of the recipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at [https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm](https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm) (Award condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.

15. Determination of suitability to interact with participating minors

**SCOPE.** This condition applies to this award if it is indicated -- in the application for the award (as approved by DOJ)(or in the application for any subaward, at any tier), the DOJ funding announcement (solicitation), or an associated federal statute -- that a purpose of some or all of the activities to be carried out under the award (whether by the recipient, or a subrecipient at any tier) is to benefit a set of individuals under 18 years of age.

The recipient, and any subrecipient at any tier, must make determinations of suitability before certain individuals may interact with participating minors. This requirement applies regardless of an individual's employment status.

The details of this requirement are posted on the OJP web site at [https://ojp.gov/funding/Explore/Interact-Minors.htm](https://ojp.gov/funding/Explore/Interact-Minors.htm) (Award condition: Determination of suitability required, in advance, for certain individuals who may interact with participating minors), and are incorporated by reference here.

16. Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Postaward Requirements" in the "DOJ Grants Financial Guide").

17. Requirement for data on performance and effectiveness under the award

The recipient must collect and maintain data that measure the performance and effectiveness of work under this award. The data must be provided to OJP in the manner (including within the timeframes) specified by OJP in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, and other applicable laws.

18. OJP Training Guiding Principles

Any training or training materials that the recipient -- or any subrecipient ("subgrantee") at any tier -- develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at [https://ojp.gov/funding/Implement/TrainingPrinciplesForGrantees-Subgrantees.htm](https://ojp.gov/funding/Implement/TrainingPrinciplesForGrantees-Subgrantees.htm).
**SPECIAL CONDITIONS**

19. **Effect of failure to address audit issues**

   The recipient understands and agrees that the DOJ awarding agency (OJP or OVW, as appropriate) may withhold award funds, or may impose other related requirements, if (as determined by the DOJ awarding agency) the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

20. **Potential imposition of additional requirements**

   The recipient agrees to comply with any additional requirements that may be imposed by the DOJ awarding agency (OJP or OVW, as appropriate) during the period of performance for this award, if the recipient is designated as “high-risk” for purposes of the DOJ high-risk grantee list.

21. **Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42**

   The recipient, and any subrecipient (“subgrantee”) at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.

22. **Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 54**

   The recipient, and any subrecipient (“subgrantee”) at any tier, must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain “education programs.”

23. **Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38**

   The recipient, and any subrecipient (“subgrantee”) at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38 (as may be applicable from time to time), specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries.

   Currently, among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38, currently, also sets out rules and requirements that pertain to recipient and subrecipient (“subgrantee”) organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations.

   The text of 28 C.F.R. Part 38 is available via the Electronic Code of Federal Regulations (currently accessible at https://www.ecfr.gov/cgi-bin/ECFR?page=browse), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR “current” data.
24. Restrictions on "lobbying"

In general, as a matter of federal law, federal funds awarded by OJP may not be used by the recipient, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.)

Another federal law generally prohibits federal funds awarded by OJP from being used by the recipient, or any subrecipient at any tier, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

Should any question arise as to whether a particular use of federal funds by a recipient (or subrecipient) would or might fall within the scope of these prohibitions, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

25. Compliance with general appropriations-law restrictions on the use of federal funds (FY 2019)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions, including from various "general provisions" in the Consolidated Appropriations Act, 2019, are set out at https://ojp.gov/funding/Explore/FY19AppropriationsRestrictions.htm, and are incorporated by reference here.

Should a question arise as to whether a particular use of federal funds by a recipient (or a subrecipient) would or might fall within the scope of an appropriations-law restriction, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

26. Reporting potential fraud, waste, and abuse, and similar misconduct

The recipient and any subrecipients ("subgrantees") must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award -- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by--(1) online submission accessible via the OIG webpage at https://oig.justice.gov/hotline/contact-grants.htm (select "Submit Report Online"); (2) mail directed to: Office of the Inspector General, U.S. Department of Justice, Investigations Division, 1425 New York Avenue, N.W. Suite 7100, Washington, DC 20530; and/or (3) by facsimile directed to the DOJ OIG Fraud Detection Office (Attn: Grantee Reporting) at (202) 616-9881 (fax).

Additional information is available from the DOJ OIG website at https://oig.justice.gov/hotline.
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27. Restrictions and certifications regarding non-disclosure agreements and related matters

No recipient or subrecipient ("subgrantee") under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the recipient--

   a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

   b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

2. If the recipient does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both--

   a. it represents that--

      (1) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

      (2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

   b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.
28. Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)

The recipient (and any subrecipient at any tier) must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

The recipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the recipient is to contact the DOJ awarding agency (OJP or OVW, as appropriate) for guidance.

29. Encouragement of policies to ban text messaging while driving

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving,” 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages recipients and subrecipients (“subgrantees”) to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

30. Requirement to disclose whether recipient is designated "high risk" by a federal grant-making agency outside of DOJ

If the recipient is designated “high risk” by a federal grant-making agency outside of DOJ, currently or at any time during the course of the period of performance under this award, the recipient must disclose that fact and certain related information to OJP by email at OJP.ComplianceReporting@ojp.usdoj.gov. For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the recipient's past performance, or other programmatic or financial concerns with the recipient. The recipient's disclosure must include the following: 1. The federal awarding agency that currently designates the recipient high risk, 2. The date the recipient was designated high risk, 3. The high-risk point of contact at that federal awarding agency (name, phone number, and email address), and 4. The reasons for the high-risk status, as set out by the federal awarding agency.

31. The recipient agrees to submit to BJA for review and approval any curricula, training materials, proposed publications, reports, or any other written materials that will be published, including web-based materials and web site content, through funds from this grant at least thirty (30) working days prior to the targeted dissemination date. Any written, visual, or audio publications, with the exception of press releases, whether published at the grantee's or government's expense, shall contain the following statements: "This project was supported by Grant No. 2020-RZ-BX-0020 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice." The current edition of the DOJ Grants Financial Guide provides guidance on allowable printing and publication activities.

32. The recipient agrees to cooperate with any assessments, national evaluation efforts, or information or data collection requests, including, but not limited to, the provision of any information required for the assessment or evaluation of any activities within this project.
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33. Any Web site that is funded in whole or in part under this award must include the following statement on the home page, on all major entry pages (i.e., pages (exclusive of documents) whose primary purpose is to navigate the user to interior content), and on any pages from which a visitor may access or use a Web-based service, including any pages that provide results or outputs from the service:

“This Web site is funded [insert “in part,” if applicable] through a grant from the [insert name of OJP component], Office of Justice Programs, U.S. Department of Justice. Neither the U.S. Department of Justice nor any of its components operate, control, are responsible for, or necessarily endorse, this Web site (including, without limitation, its content, technical infrastructure, and policies, and any services or tools provided).”

The full text of the foregoing statement must be clearly visible on the home page. On other pages, the statement may be included through a link, entitled "Notice of Federal Funding and Federal Disclaimer," to the full text of the statement.

34. Justification of consultant rate

Approval of this award does not indicate approval of any consultant rate in excess of $650 per day. A detailed justification must be submitted to and approved by the OJP program office prior to obligation or expenditure of such funds.

35. Copyright; Data rights

The recipient acknowledges that OJP reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use (in whole or in part, including in connection with derivative works), for Federal purposes: (1) any work subject to copyright developed under an award or subaward (at any tier); and (2) any rights of copyright to which a recipient or subrecipient (at any tier) purchases ownership with Federal support.

The recipient acknowledges that OJP has the right to (1) obtain, reproduce, publish, or otherwise use the data first produced under any such award or subaward; and (2) authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes. “Data” includes data as defined in Federal Acquisition Regulation (FAR) provision 52.227-14 (Rights in Data - General).

It is the responsibility of the recipient (and of each subrecipient (at any tier), if applicable) to ensure that the provisions of this condition are included in any subaward (at any tier) under this award.

The recipient has the responsibility to obtain from subrecipients, contractors, and subcontractors (if any) all rights and data necessary to fulfill the recipient's obligations to the Government under this award. If a proposed subrecipient, contractor, or subcontractor refuses to accept terms affording the Government such rights, the recipient shall promptly bring such refusal to the attention of the OJP program manager for the award and not proceed with the agreement in question without further authorization from the OJP program office.

36. Confidentiality of data

The recipient (and any subrecipient at any tier) must comply with all confidentiality requirements of 34 U.S.C. 10231 and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. The recipient further agrees, as a condition of award approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, 28 C.F.R. 22.23.

37. The award recipient agrees to participate in a data collection process measuring program outputs and outcomes. The data elements for this process will be outlined by the Office of Justice Programs.
38. Protection of human research subjects

The recipient (and any subrecipient at any tier) must comply with the requirements of 28 C.F.R. Part 46 and all OJP policies and procedures regarding the protection of human research subjects, including obtaining of Institutional Review Board approval, if appropriate, and subject informed consent.

39. Applicants must certify that Limited English Proficiency persons have meaningful access to the services under this program(s). National origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with Title VI and the Safe Streets Act, recipients are required to take reasonable steps to ensure that LEP persons have meaningful access to their programs. Meaningful access may entail providing language assistance services, including oral and written translation when necessary. The U.S. Department of Justice has issued guidance for grantees to help them comply with Title VI requirements. The guidance document can be accessed on the Internet at www.lep.gov.

40. FFATA reporting: Subawards and executive compensation

The recipient must comply with applicable requirements to report first-tier subawards (“subgrants”) of $25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients (first-tier “subgrantees”) of award funds. The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the OJP web site at https://ojp.gov/funding/Explore/FFATA.htm (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here.

This condition, including its reporting requirement, does not apply to-- (1) an award of less than $25,000, or (2) an award made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

41. Cooperating with OJP Monitoring

The recipient agrees to cooperate with OJP monitoring of this award pursuant to OJP’s guidelines, protocols, and procedures, and to cooperate with OJP (including the grant manager for this award and the Office of Chief Financial Officer (OCFO)) requests related to such monitoring, including requests related to desk reviews and/or site visits. The recipient agrees to provide to OJP all documentation necessary for OJP to complete its monitoring tasks, including documentation related to any subawards made under this award. Further, the recipient agrees to abide by reasonable deadlines set by OJP for providing the requested documents. Failure to cooperate with OJP’s monitoring activities may result in actions that affect the recipient’s DOJ awards, including, but not limited to: withholdings and/or other restrictions on the recipient's access to award funds; referral to the DOJ OIG for audit review; designation of the recipient as a DOJ High Risk grantee; or termination of an award(s).

42. Verification and updating of recipient contact information

The recipient must verify its Point of Contact (POC), Financial Point of Contact (FPOC), and Authorized Representative contact information in GMS, including telephone number and e-mail address. If any information is incorrect or has changed, a Grant Adjustment Notice (GAN) must be submitted via the Grants Management System (GMS) to document changes.
SPECIAL CONDITIONS

43. Compliance with 28 C.F.R. Part 23

With respect to any information technology system funded or supported by funds under this award, the recipient (and any subrecipient at any tier) must comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, the recipient may be fined as per 34 U.S.C. 10231(c)-(d). The recipient may not satisfy such a fine with federal funds.

44. Within 120 days of the award date, the recipient shall submit to the Office of Justice Programs a finalized Memorandum of Understanding (MOU) that reflects the goals and objectives of the project and lists the identities, roles, and contributions of the participating agencies. The MOU must be signed by the Chief Executive Officer of each collaborating agency. The grantee also agrees to notify the Bureau of Justice Assistance of any change in the status or duties of the collaborating agency partners or individuals.

45. Withholding of funds: Disclosure of pending applications

The recipient may not obligate, expend, or draw down any award funds until: (1) it has provided to the grant manager for this OJP award either an "applicant disclosure of pending applications" for federal funding or a specific affirmative statement that no such pending applications (whether direct or indirect) exist, in accordance with the detailed instructions in the program solicitation, (2) OJP has completed its review of the information provided and of any supplemental information it may request, (3) the recipient has made any adjustments to the award that OJP may require to prevent or eliminate any inappropriate duplication of funding (e.g., budget modification, project scope adjustment), (4) if appropriate adjustments to a discretionary award cannot be made, the recipient has agreed in writing to any necessary reduction of the award amount in any amount sufficient to prevent duplication (as determined by OJP), and (5) a Grant Adjustment Notice has been issued to remove this condition.

46. The recipient may not obligate, expend or draw down funds until the Office of the Chief Financial Officer (OCFO) has approved the budget and budget narrative and a Grant Adjustment Notice (GAN) has been issued to remove this special condition.
Memorandum To:   Official Grant File

From:          Orbin Terry, NEPA Coordinator

Subject:       Categorical Exclusion for City of San Marcos

NEPA Type: Categorical Exclusion – Awards under this program will be used to leverage state, local or tribal subject-matter expertise. None of the following activities will be conducted whether under the Office of Justice Programs Federal action or a related third party action:

(1) New construction.
(2) Renovation or remodeling of a property either (a) listed on or eligible for listing on the National Register of Historic Places or (b) located within a 100-year flood plain.
(3) A renovation which will change the basic prior use of a facility or significantly change its size.
(4) Research and technology whose anticipated and future application could be expected to have an effect on the environment.
(5) Implementation of a program involving the use of chemicals.

Consequently, the subject federal action meets the Office of Justice Programs' criteria for a categorical exclusion as contained in paragraph 4(b) of Appendix D to Part 61 of the Code of Federal Regulations. Additionally, the proposed action is neither a phase nor a segment of a project which when reviewed in its entirety would not meet the criteria for a categorical exclusion.
1. STAFF CONTACT (Name & telephone number)
   - Tahitia M. Barringer
   - (202) 598-7580

2. PROJECT DIRECTOR (Name, address & telephone number)
   - Erik Spriegel
   - Commander
   - 630 East Hopkins Street
   - San Marcos, TX 78666
   - (512) 753-2109

3a. TITLE OF THE PROGRAM
   - BJA FY 19 Gulf States Regional Law Enforcement Technology Assistance Initiative

3b. POMS CODE (SEE INSTRUCTIONS ON REVERSE)

4. TITLE OF PROJECT
   - FY 19 Gulf States Regional Law Enforcement Technology Initiative

5. NAME & ADDRESS OF GRANTEE
   - City of San Marcos
   - 630 East Hopkins Street
   - San Marcos, TX 78666-6314

6. NAME & ADDRESS OF SUBGRANTEE

7. PROGRAM PERIOD
   - FROM: 12/01/2019
   - TO: 11/30/2021

8. BUDGET PERIOD
   - FROM: 12/01/2019
   - TO: 11/30/2021

9. AMOUNT OF AWARD
   - $ 50,000

10. DATE OF AWARD
    - 02/12/2020

11. SECOND YEAR'S BUDGET

12. SECOND YEAR'S BUDGET AMOUNT

13. THIRD YEAR'S BUDGET PERIOD

14. THIRD YEAR'S BUDGET AMOUNT

15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse)
   - The BJA Gulf States Regional Law Enforcement Technology Assistance Initiative is an innovative new program designed to provide resources and technology to law enforcement jurisdictions within the five Gulf States (Florida, Alabama, Louisiana, Mississippi, and Texas) to assist with information and intelligence sharing to reduce crime and illegal drug trafficking. The grants awarded under this initiative are expected to enhance information and criminal intelligence sharing between local law enforcement agencies and their local fusion centers. Awardees under this initiative should also work toward sharing this type of information with federal and state agencies with the intention to reduce crime.
   - CA/NCF
City of San Marcos, TX – Law Enforcement Information Sharing Initiative

Project Abstract

Information gathering, documenting and sharing are all core components of the law enforcement profession. The San Marcos Police Department’s (SMPD) current method of implementing these core components relies primarily upon (1) anecdotal information shared at shift briefings (2) informal meetings (3) mass emails and (4) a shared drive that is inconsistently available from an officers’ mobile devices. This existing structure creates both process and data issues due to the unreliable and non-uniform communication methods for collection, sharing, analysis and dissemination. It impedes daily work flows, convolutes work trends and yields questionable reliability of content that can prevent an officer from receiving critical public safety information while on duty.

In order to address these identified issues, SMPD has identified securing a Criminal Justice Information Services (CJIS)-compliant information sharing platform (ISP) as a departmental priority and primary strategy. If awarded funding, SMPD will utilize funding to acquire an ISP that would make communication sharing a priority and be flexible and expandable to meet the growing needs of the department and City. In its most basic form, an ISP software system allows the department to standardize information sharing department-wide in a secure and reliable manner wherever cellular service is available. The ISP technology would also provide law enforcement personnel with the ability to actively document, organize and communicate criminal trends, significant incidents, suspicious activity reports and tracking efforts. This will enable both SMPD staff and their law enforcement counterparts in adjacent jurisdictions accessibility to critical information and intelligence necessary to perform their work both efficiently and effectively.
City of San Marcos, TX – Law Enforcement Information Sharing Initiative

Project Narrative

1. Description of the Project/Initiative and Issues to be Addressed

   Located in the Austin-San Antonio growth corridor, San Marcos (population 63,071) is the largest city in Hays County, one of the fastest-growing counties in the U.S., and is home to Texas State University, which has a current student enrollment of 38,661. In the course of the last 9 years, the city has experienced a steady average growth rate of 3% and Hays County is projected to continue this rapid pace over the next few decades as people seek more affordable housing options in areas outside the main urban areas. Along with this growth comes the additional pains that cities face to keep pace with that population growth – ensuring that there are sufficient resources, such as social services, housing and public safety options.

   San Marcos has a strong, well-respected police department comprised of a workforce of about 150 personnel ranging from patrol officers to victim services coordinators to crime analysts. These law enforcement personnel, in order to keep pace with the population and the service area they monitor and protect, rely a significant portion of their duties on technology usage. From robotic cameras to handheld lasers to tablets, law enforcement personnel (patrol and investigations alike) rely on technology and its supporting software in order to perform their jobs. The technology is critical to help them in acquiring, documenting and analyzing crime data to inform their work. Often, however, technology becomes outdated and/or personnel may not be appropriately trained in it and/or there is not an appropriate, consistent, communication system of information flow within the department or between or among external law enforcement agencies (such as surrounding jurisdictions or the regional fusion center). As a result, staff’s day to day duties and responsibilities become more challenging due to delayed or
inaccurate data; work outcomes and outputs less effective; and, the public safety potentially compromised.

Fortunately, there are some evidence-based practices or solutions, to address these type of problems that arise. One with demonstrated success is the usage of a Criminal Justice Information Services (CJIS) compliant information sharing cloud or platform. Simply put, this technology allows law enforcement departments to standardize information sharing department-wide in a secure and reliable manner wherever cellular service is available. It allows law enforcement personnel to actively document, organize and communicate criminal trends, significant incidents, suspicious activity reports and tracking efforts that allow other law enforcement counterparts to make criminal connections to their respective area or scope of responsibility. It is this CJIS platform and interface that the SMPD has identified as one of its primary strategies to 1) improve day to day law enforcement duties 2) standardize data 3) improve information sharing among law enforcement professional, and 4) improve reporting with local intelligence centers.

The San Marcos Police Department is requesting funding in the amount of $50,000 to purchase an Information Sharing Platform - one that is highly reputable and widely recognized agency management software product to help support its administrative functions, patrol operations, investigations, crime analysis and community policing efforts. There are many ISP that are general, but only a few have been developed and are specific to the law enforcement field. Neighboring law enforcement agencies are experiencing the benefits of ISPs that comply with the designated CJIS regulations. Funding requested from this solicitation will provide for the acquisition, licensing, staff training and maintenance of an ISP platform and software for the two-year grant period.
2. Project/Initiative Design and Implementation

San Marcos Police Department (SMPD) identified an information-sharing platform (ISP) as a departmental priority through a needs assessment process that included a focus group and follow-up questionnaires with staff from different ranks and divisions within SMPD and from other City departments, over a one and half year period. Beginning in 2018, the IT department worked closely with key SMPD staff to discuss (1) how information was shared across the police department, (2) issues surrounding the current information system and (3) what would make an ideal communication system (systems criteria).

Feedback collected from the session and questionnaires identified that information being shared between the department’s patrol shifts was inconsistent. The information being collected by patrol officers among different data entry sources varied due to different technological platforms or lack of availability. For example, the ability to gather and analyze information at a desktop computer was not available on a mobile phone. This inability for systems to collect crime data in a consistent manner causes significant issues for all law enforcement personnel for the reasons outlined above. As such, some of the key criteria the research group identified that would be needed for any technology to have include (1) an ability for the ISP solution to be compatible with the department’s existing communication system and (2) be easily accessible among multiple domains (3) ArcGIS compatible (4) CJIS compliant and (5) flexible to the ever-changing needs of Law Enforcement as a whole and within Texas.

Additional key features sought in an ISP would be the ability to have a live, responsive and multi-point access ISP as well as a user-friendly interface. Having a centralized hub for information loops would also be key for relaying and accessing information such as alerts of key
incidents, crime trends, or suspicious activity. This, in turn, will improve the department's existing crime preventions and reduction efforts.

In general, the ISP will afford San Marcos Police Department with the ability to have a sound reliable information exchange system to achieve the grant’s key objectives: (1) improved law enforcement technology, information and intelligence sharing (2) improved information and intelligence sharing with adjacent jurisdictions (3) improved law enforcement components and increase participation in this project and (4) a responsibly deployed and maintained project. From data entry to analysis to dissemination and feedback, an ISP will provide a solid foundation to not only document the information involved and integral to SMPD’s police work, but also manage the processes associated with them.

**Data Collection** From the moment a staff member receives a service call requesting assistance or following an incident, that staff member can document the type of crime, their initial response to the call, the request for assistance and put forth any investigative follow-up. Staff also have the capacity to utilize a built-in template or checklist to ensure the information that they’re collecting is uniform. The ISP platform would enable other personnel involved in the policing service continuum, such as an investigator to be able to enter into that same entry additional evidence, such as interview notes, photos, or biometrics, pertaining to that same case or incident.

**Data Sharing** At the scene of a crime, patrol units would be able to access information from not only the local records management systems (RMS) and computer aided dispatch system (CAD) but from key exchanges of surrounding jurisdictions or regions about particular persons of interest or locations involved. SMPD would be able to relay collected data to its counterparts in Hays, Caldwell, Guadalupe and Comal Counties as well as smaller cities along
the interstate highway, such as New Braunfels, Buda or Kyle and to national crime data exchange units, such as the local intelligence center. In short, participation in the ISP could help a patrol officer achieve a greater situational awareness of crimes and suspicious activity which in turn they can share with other law enforcement colleagues to assist with their own and the public’s safety.

Within SMPD, the Patrol Sergeant would also be able to utilize information to *standardize patrol briefings*, blotter uploads and district pages, as well as post on the general Operations Board. Field Contacts would be able to review this point in time data and determine (in a unified manner) with that respective Local Contact appropriate next steps, such as dissemination of an alert or bulletin, or record keeping for further analysis or intelligence.

**Data Analysis** The investigations unit which is comprised of 11 detectives and the Crime Analyst could use this information to be able to locate and examine evidence about a particular case, analyze data to identify, at-risk people or places. They would be key in being able to identify any trends and make inferences on the various type of data available through the ISP, which may include, but not be limited to crime and call data, temporal and geospatial data.

**Data Dissemination** SMPD Command Staff will be able to update and assign tasks on the department’s operations board thereby effectively managing a local coordinated response to a singular incident that may have multiple staff involved at different points in time. In the event that the particular incident or case requires a larger scope of involvement from surrounding jurisdictions or enforcement or intelligence agencies, the Command Staff could either send out an advisory update or develop a uniform response.
In short, the ISP provides for a centralized and secure hub to manage the multi-faceted, highly detailed and sensitive nature of police work.

3. Capabilities and Competencies

San Marcos Police Department (SMPD) is comprised of more than 150 full time employees serving in patrol, investigative, analysis, records keeping, programmatic and/or administrative-type roles. The majority of the Department’s workforce (nearly 47%) serve as Police Officers and are overseen by one Police Chief, two Assistant Chiefs of Police, four Commanders and multiple Sergeants and Corporals. The entire department has several personnel having served the department for more than 20 years - nearly their entire law enforcement career – enhancing the department’s efforts because of their comprehensive understanding of the community, the department and policing.

For purposes of the newly created ISP, there will be three primary staff overseeing the ISP project from start-up to completion: The City’s IT Business Analyst, the SMPD’s Crime Analyst and a SMPD Commander, in conjunction with a departmental Management Team.

The City’s IT Business Analyst, Matthew Williams, has more than 25 years in Information Technology in varying roles from that of Support Desk, System Administrator to Network Administration, and over five years working for the City of San Marcos. His vast experience and familiarity with both the City’s and department’s IT landscape and general law enforcement infrastructure will be extremely beneficial to set-up this ISP, if funded. He will work with the City’s Purchasing Department to identify and select a business/enterprise application that will meet the Department’s needs and interests, as outlined in this grant application; assist with set-up and serve as the City’s primary business liaison and technical assistance point of contact for the grant’s project period.
The Crime Analyst, Patricia Hom, has had more than 8 years of experience as a crime analyst and 5 years of experience at San Marcos PD tracking crimes, supporting criminal investigations as well as designing and developing methods and visualizations that assist in understanding the effect that crime activity has on the San Marcos area. She was responsible for creating the department’s initial case management database that manages detectives’ workload, audit work and tracks usage of specialized resources. Ms. Hom, also serves as a partner analyst with the Austin Regional Intelligence Center (ARIC) - a regional fusion center. Her involvement with ARIC has allowed her the ability to test and evaluate the merit of various software programs intended for multiple-agency usage. For the ISP project, Ms. Hom will serve in a functional role as the Program Manager working closely with guidance from the department’s management team which includes Commander and Sergeant staff. Some of her key roles will be to coordinate focus groups at the onset of the project, ensuring that quality control measures are being evaluated and assist the management group in identifying and implementing changes it deems to be fit for the San Marcos Police Department and the agencies that will be contributing criminal information.

Erik Spriegel, one of SMPD’s four Commanders, will serve as the ISP’s Project Director - overseeing the project from acquisition to completion, ensuring that there are appropriate resources (staff, other items) allocated to ensure its success. Erik has spent the majority of his law enforcement career in Hays County/San Marcos serving in roles from SWAT Assistant Commander to Detective to current position of Commander. He has numerous certifications and professional affiliations with other law enforcement and criminal justice agencies, such as the ALERRT Center that will assist with implementation of such a project. Erik is well-suited to assume the responsibility to start-up the San Marcos ISP project, as he has
overseen several departmental large-scale projects, such as the revamping of its field training program and a law enforcement technology project - the acquisition of body cameras, related software and staff training.

The San Marcos Police Department has received and successfully managed state and federal grants in the past and is a current recipient of several grants. Current grants include the Department of Justice, Bureau of Justice’s JAG, VAWA and Bullet-Proof Vest Program grants. The department is also familiar and served as a partner on grant projects.

4. Plan for Collecting the Data Required for this Solicitation’s Performance Measures

A collaborative effort between the Management Team and Program Manager (Crime Analyst) will be responsible for the proposal’s performance data collection and reporting. The Program Manager will work with the internal management team at the onset of the project to collect baseline data on the following Grant -required performance measures:

- Number of technology solutions implemented (by purpose)
- Number of partners that are actively engaged (pre/post)
- Number of newly accessed local, state, or federal databases
- Number of new formal partnership agreements or MOUs
- New data-sharing agreements with local, state, or federal partners
- Number of new or revised policy or procedural documents
- Percentage of suspicious activity reports/tips/incidents resulting in an investigation
- Number of investigations resulting in an arrest resulting from this grant initiative
- Percent decrease in number of targeted crimes that occurred in the target area compared to the baseline
Performance data collected will be stored in a database at San Marcos Police Department, created explicitly for this grant. Data will be evaluated at designated intervals and on an ongoing basis by key staff and the management team to gauge whether the project is on track to meeting its objective/goals. If there are issues identified, the Program Manager and management team will discuss potential causes and determine modifications that can be made to processes or functions to ensure that the project stays on course towards meeting the intended objectives of the grant.

Performance data will be shared with BJA according to the grant requirements, e.g. quarterly reports. SMPD will share its performance data with its partners and other agencies in the field as determined by the needs and interests of the initiatives or collaborations in which they partnering with the department. This could look like data being shared more formally on a quarterly basis and informally on a monthly/biweekly basis.
Budget Detail Worksheet

(1) **Purpose:** The Budget Detail Worksheet is provided for your use in the preparation of the budget and budget narrative. All required information (including the budget narrative) must be provided. Any category of expense not applicable to your budget may be left blank. Indicate any non-federal (match) amount in the appropriate category, if applicable.

(2) For each budget category, you can see a sample by clicking (To View an Example, Click Here) at the end of each description.

(3) There are various hot links listed in red in the budget categories that will provide additional information via documents on the internet.

(4) **Record Retention:** In accordance with the requirements set forth in 2 CFR Part 200,333, all financial records, supporting documents, statistical records, and all other records pertinent to the award shall be retained by each organization for at least three years following the closure of the audit report covering the grant period.

(5) The information disclosed in this form is subject to the Freedom of Information Act under 5 U.S.C. 55.2.
A. **Personnel** – List each position by title and name of employee, if available. Show the annual salary rate and the percentage of time to be devoted to the project. Compensation paid for employees engaged in grant activities must be consistent with that paid for similar work within the applicant organization. Include a description of the responsibilities and duties of each position in relationship to fulfilling the project goals and objectives. *(Note: Use whole numbers as the percentage of time, an example is 75.50% should be shown as 75.50)*  
[To View an Example, Click Here]

**PERSONNEL (FEDERAL)**

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**PERSONNEL NARRATIVE (FEDERAL)**
**PERSONNEL (NON-FEDERAL)**

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**NOT APPLICABLE**

**NON-FEDERAL TOTAL** $0

**PERSONNEL NARRATIVE (NON-FEDERAL)**

**TOTAL PERSONNEL** $0
**Fringe Benefits** — Fringe benefits should be based on actual known costs or an approved negotiated rate by a Federal agency. If not based on an approved negotiated rate, list the composition of the fringe benefit package. Fringe benefits are for the personnel listed in budget category (A) and only for the percentage of time devoted to the project. Fringe benefits on overtime hours are limited to FICA, Workman’s Compensation and Unemployment Compensation. (Note: Use decimal numbers for the fringe benefit rates, an example is 7.65% should be shown as .0765) [To View an Example, Click Here]

### Fringe Benefits (Federal)

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**FEDERAL TOTAL** $0

### Fringe Benefits Narrative (Federal)

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[Link to view example]
### FRINGE BENEFITS (NON-FEDERAL)

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### FRINGE BENEFITS NARRATIVE (NON-FEDERAL)

| TOTAL FRINGE BENEFITS | $0 |

| TOTAL FRINGE BENEFITS | $0 |
C. Travel – Itemize travel expenses of staff personnel by purpose (e.g., staff to training, field interviews, advisory group meeting, etc.). Describe the purpose of each travel expenditure in reference to the project objectives. Show the basis of computation (e.g., six people to 3-day training at $X airfare, $X lodging, $X subsistence). In training projects, travel and meals for trainees should be listed separately. Show the number of trainees and the unit costs involved. Identify the location of travel, if known; or if unknown, indicate “location to be determined.” Indicate source of Travel Policies applied Applicant or Federal Travel Regulations. Note: Travel expenses for consultants should be included in the “Contractual/Consultant” category. To View an Example, Click Here

**TRAVEL (FEDERAL)**

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**TRAVEL NARRATIVE (FEDERAL)**
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<td>Local Travel</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Other</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Subtotal</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**NON-FEDERAL TOTAL**

$0

### TRAVEL NARRATIVE (NON-FEDERAL)

---

**TOTAL TRAVEL**

$0
D. **Equipment** – List non-expendable items that are purchased (Note: Organization’s own capitalization policy for classification of equipment should be used). Expendable items should be included in the “Supplies” category. Applicants should analyze the cost benefits of purchasing versus leasing equipment, especially high cost items and those subject to rapid technological advances. Rented or leased equipment costs should be listed in the “Contractual” category. Explain how the equipment is necessary for the success of the project, and describe the procurement method to be used. [To View an Example, Click Here](#)

**EQUIPMENT (FEDERAL)**

<table>
<thead>
<tr>
<th>Item</th>
<th>Computation</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Quantity</td>
<td>Cost</td>
</tr>
<tr>
<td>Not applicable</td>
<td></td>
<td>$0</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$0</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$0</td>
</tr>
</tbody>
</table>

**FEDERAL TOTAL**

$0

**EQUIPMENT NARRATIVE (FEDERAL)**
### EQUIPMENT (NON-FEDERAL)

<table>
<thead>
<tr>
<th>Item</th>
<th>Computation</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Quantity</td>
<td>Cost</td>
</tr>
<tr>
<td>Not applicable</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

NON-FEDERAL TOTAL $0

### EQUIPMENT NARRATIVE (NON-FEDERAL)

TOTAL EQUIPMENT $0
E. **Supplies** – List items by type (office supplies, postage, training materials, copying paper, and *expendable* equipment items costing less than $5,000, such as books, hand held tape recorders) and show the basis for computation. Generally, supplies include any materials that are expendable or consumed during the course of the project. To View an Example, Click Here

**SUPPLIES (FEDERAL)**

<table>
<thead>
<tr>
<th>Supply Items</th>
<th>Computation</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Quantity/Duration</td>
<td>Cost</td>
</tr>
<tr>
<td>Not applicable</td>
<td></td>
<td>$0</td>
</tr>
</tbody>
</table>

**FEDERAL TOTAL**

$0

**SUPPLIES NARRATIVE (FEDERAL)**
### SUPPLIES (NON-FEDERAL)

<table>
<thead>
<tr>
<th>Supply Items</th>
<th>Computation</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Quantity/Duration</td>
<td></td>
</tr>
<tr>
<td>Not applicable</td>
<td></td>
<td>$0</td>
</tr>
</tbody>
</table>

NON-FEDERAL TOTAL $0

### SUPPLIES NARRATIVE (NON-FEDERAL)

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

TOTAL SUPPLIES $0
F. **Construction** – Provide a description of the construction project and an estimate of the costs. As a rule, construction costs are not allowable. In some cases, minor repairs or **renovations** may be allowable. Minor repairs and renovations should be classified in the "other" category. Consult with the program office before budgeting funds in this category. [To View an Example, Click Here](#)

**CONSTRUCTION (FEDERAL)**

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Description of Work</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not applicable</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**FEDERAL TOTAL** $0

**CONSTRUCTION NARRATIVE (FEDERAL)**

-
### Construction (Non-Federal)

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Description of Work</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Non-Federal Total** $0

### Construction Narrative (Non-Federal)

**Total Construction** $0
G. Consultants/Contracts – Indicate whether applicant’s formal, written Procurement Policy or the Federal Acquisition Regulations are followed.
Consultant Fees: For each consultant enter the name, if known, service to be provided, hourly or daily fee (8-hour day), and estimated time on the project. Consultant fees in excess of $650 per day or $81.25 per hour require additional justification and prior approval from OJP. To View an Example, Click Here

<table>
<thead>
<tr>
<th>Name of Consultant</th>
<th>Service Provided</th>
<th>Computation</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Fee</td>
<td>Basis</td>
</tr>
<tr>
<td>Not applicable</td>
<td></td>
<td>8 Hour Day</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

SUBTOTAL $0

CONSULTANT FEES NARRATIVE (FEDERAL)


### CONSULTANT FEES (NON-FEDERAL)

<table>
<thead>
<tr>
<th>Name of Consultant</th>
<th>Service Provided</th>
<th>Computation</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not applicable</td>
<td></td>
<td>8 Hour Day</td>
<td>$0</td>
</tr>
</tbody>
</table>

**SUBTOTAL** $0

### CONSULTANT FEES NARRATIVE (NON-FEDERAL)

[Blank space for narrative notes]
**Consultant Expenses**: List all expenses to be paid from the grant to the individual consultants in addition to their fees (i.e., travel, meals, lodging, etc.). This includes travel expenses for anyone who is not an employee of the applicant such as participants, volunteers, partners, etc.

### CONSULTANT EXPENSES (FEDERAL)

<table>
<thead>
<tr>
<th>Purpose of Travel</th>
<th>Location</th>
<th>Computation</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td><strong>Item</strong></td>
<td><strong>Cost Rate</strong></td>
</tr>
<tr>
<td>Lodging</td>
<td></td>
<td>Night</td>
<td>$0.00</td>
</tr>
<tr>
<td>Meals</td>
<td></td>
<td>Day</td>
<td>$0.00</td>
</tr>
<tr>
<td>Mileage</td>
<td></td>
<td>Mile</td>
<td>$0.00</td>
</tr>
<tr>
<td>Transportation:</td>
<td></td>
<td>Round-trip</td>
<td>$0.00</td>
</tr>
<tr>
<td>Local Travel</td>
<td></td>
<td></td>
<td>$0.00</td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
<td>$0.00</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td></td>
<td></td>
<td>$0.00</td>
</tr>
<tr>
<td><strong>SUBTOTAL</strong></td>
<td></td>
<td></td>
<td>$0.00</td>
</tr>
<tr>
<td><strong>FEDERAL TOTAL</strong></td>
<td></td>
<td></td>
<td>$0.00</td>
</tr>
</tbody>
</table>

### CONSULTANT EXPENSES NARRATIVE (FEDERAL)


### Consultant Expenses (Non-Federal)

<table>
<thead>
<tr>
<th>Purpose of Travel</th>
<th>Location</th>
<th>Computation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Item</td>
<td>Cost Rate</td>
<td>Basis for Rate</td>
</tr>
<tr>
<td>Lodging</td>
<td>Night</td>
<td></td>
</tr>
<tr>
<td>Meals</td>
<td>Day</td>
<td></td>
</tr>
<tr>
<td>Mileage</td>
<td>Mile</td>
<td></td>
</tr>
<tr>
<td>Transportation:</td>
<td>Round-trip</td>
<td></td>
</tr>
<tr>
<td>Local Travel</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subtotal</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**SUBTOTAL** $0

**Non-Federal Total** $0

### Consultant Expenses Narrative (Non-Federal)

**Total Consultants** $0
Contracts: Provide a description of the product or service to be procured by contract and an estimate of the cost. Applicants are encouraged to promote free and open competition in awarding contracts. A separate justification must be provided for **sole source** contracts in excess of $150,000. A sole source contract may not be awarded to a commercial organization that is ineligible to receive a direct award. Note: This budget category may include subawards.

**CONTRACTS (FEDERAL)**

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Communication Information Sharing Platform (ISP) for Law Enforcement - Estimated Annual Software and Subscription fee of $25,000 * 2 years</td>
<td>$50,000</td>
</tr>
</tbody>
</table>

**FEDERAL TOTAL**

$50,000

**CONTRACTS NARRATIVE (FEDERAL)**

The City's Police department has determined that an information sharing platform (ISP) will be its priority strategy to help it improve its communication, information sharing and overall work efficiencies and effectiveness. Should the City of San Marcos be awarded funding through this grant, the City will adhere to its own and the state's procurement processes and procedures, utilizing a best value methodology to select an ISP for acquisition, installation and usage. An interdepartmental team comprised of IT and Police staff have identified key selection criteria for an ISP. Estimates for software and subscription fees are $25,000 a year for 2 years.
## CONTRACTS (NON-FEDERAL)

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not applicable</td>
<td></td>
</tr>
<tr>
<td><strong>NON-FEDERAL TOTAL</strong></td>
<td><strong>$0</strong></td>
</tr>
</tbody>
</table>

## CONTRACTS NARRATIVE (NON-FEDERAL)

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TOTAL CONTRACTS</strong></td>
<td><strong>$50,000</strong></td>
</tr>
<tr>
<td><strong>TOTAL CONSULTANTS/CONTRACTS</strong></td>
<td><strong>$50,000</strong></td>
</tr>
</tbody>
</table>
H. Other Costs – List items (e.g., rent (arms-length transaction only), reproduction, telephone, janitorial or security services, and investigative or confidential funds) by major type and the basis of the computation. For example, provide the square footage and the cost per square foot for rent or provide a monthly rental cost and how many months to rent. The basis field is a text field to describe the quantity such as square footage, months, etc. To View an Example, Click Here

**OTHER COSTS (FEDERAL)**

<table>
<thead>
<tr>
<th>Description</th>
<th>Computation</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Quantity</td>
<td>Basis</td>
</tr>
<tr>
<td>Not applicable</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| FEDERAL TOTAL     | $0          |
## OTHER COSTS (NON-FEDERAL)

<table>
<thead>
<tr>
<th>Description</th>
<th>Quantity</th>
<th>Basis</th>
<th>Cost</th>
<th>Length of Time</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not applicable</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$0</td>
</tr>
</tbody>
</table>

**NON-FEDERAL TOTAL** $0

## OTHER COSTS NARRATIVE (NON-FEDERAL)


**TOTAL OTHER COSTS** $0
I. **Indirect Costs** – Indirect costs are allowed if the applicant has a Federally approved indirect cost rate. A copy of the rate approval, (a fully executed, negotiated agreement), must be attached. If the applicant does not have an approved rate, one can be requested by contacting the applicant’s cognizant Federal agency, or the applicant may elect to charge a deminimis rate of 10% of modified total direct costs as indicated in 2 CFR Part 200.414f. If the applicant's accounting system permits, costs may be allocated in the direct cost categories. *(Use whole numbers as the indirect rate, an example is an indirect rate of 15.73% should be shown as 15.73)*  

To View an Example, Click Here

### INDIRECT COSTS (FEDERAL)

<table>
<thead>
<tr>
<th>Description</th>
<th>Computation</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Base Rate</td>
<td></td>
</tr>
<tr>
<td>Not applicable</td>
<td></td>
<td>$0</td>
</tr>
</tbody>
</table>

FEDERAL TOTAL $0

### INDIRECT COSTS NARRATIVE (FEDERAL)

...
## INDIRECT COSTS (NON-FEDERAL)

<table>
<thead>
<tr>
<th>Description</th>
<th>Computation</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Not applicable</td>
<td></td>
<td>$0</td>
</tr>
</tbody>
</table>

NON-FEDERAL TOTAL $0

## INDIRECT COSTS NARRATIVE (NON-FEDERAL)

<table>
<thead>
<tr>
<th>TOTAL INDIRECT COSTS</th>
<th>$0</th>
</tr>
</thead>
</table>


Budget Summary – When you have completed the budget worksheet, transfer the totals for each category to the spaces below. Compute the total direct costs and the total project costs. Indicate the amount of Federal funds requested and the amount of non-Federal funds that will support the project.

<table>
<thead>
<tr>
<th>Budget Category</th>
<th>Federal Request</th>
<th>Non-Federal Amounts</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Personnel</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>B. Fringe Benefits</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>C. Travel</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>D. Equipment</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>E. Supplies</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>F. Construction</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>G. Consultants/Contracts</td>
<td>$50,000</td>
<td>$0</td>
<td>$50,000</td>
</tr>
<tr>
<td>H. Other</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Total Direct Costs</td>
<td>$50,000</td>
<td>$0</td>
<td>$50,000</td>
</tr>
<tr>
<td>I. Indirect Costs</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td><strong>TOTAL PROJECT COSTS</strong></td>
<td><strong>$50,000</strong></td>
<td><strong>$0</strong></td>
<td><strong>$50,000</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Federal Request</th>
<th>Non-Federal Amount</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal Request</td>
<td>$50,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-Federal Amount</td>
<td>$0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Project Cost</td>
<td>$50,000</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Public Reporting Burden**

Paperwork Reduction Act Notice: Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a current valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. The estimated average time to complete and file this application is four (4) hours per application. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write the Office of Justice Programs, Office of the Chief Financial Officer, 810 Seventh Street, NW, Washington, DC 20531; and to the Public Use Reports Project, 1121-0188, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.
City of San Marcos Police Department Service Area 2019

County Boundary
San Marcos Extraterritorial Jurisdiction
San Marcos City Limits
San Marcos PD Service Area

This product is for informational purposes only 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.
Map Date: October 3, 2019

Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community
AGENDA CAPTION:
Consider approval of Resolution 2020-58R, approving the sale of a tract of property identified as the Southwesterly 28 feet of Lot 5, Block 11, C.D. Wallace Subdivision, (Hays CAD Parcel ID No. R47051), City of San Marcos, Hays County, Texas acquired by the San Marcos Consolidated Independent School District for Unpaid Taxes, to Ganymede Enterprises, LLC for $3,200.00; authorizing the execution of any deed or instruments necessary to complete the sale; and declaring an effective date.

Meeting date: March 17, 2020

Department: City Clerk and City Attorney

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

Fiscal Note:
Prior Council Action: The last tax sale through proposed Resolution 2019-85R was denied in 2019 due to the City need to use the property for a drainage easement.

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

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu below]
☐ Economic Development - Choose an item.
☐ Environment & Resource Protection - Choose an item.
☐ Land Use - Choose an item.
☒ Neighborhoods & Housing - Protected Neighborhoods in order to maintain high quality of life and stable property values
Background Information:
The property in question was taken off the tax rolls in 2000. The County placed it up for public auction on 09-05-2000 with an original minimum bid amount set at $3080.00, and did not receive bid. Ganymede Enterprises, LLC has put in a bid to purchase the property for $3,200.00. The property has an estimated value of $4,620.00. The County and School District have approved the bid price due to the benefits of having this property back on the tax rolls. If the City were to decline the sale, the property would remain off of the tax rolls. City Staff has reviewed the property and possible uses and is recommending the approval of the sale of this property.

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

Alternatives:
Click or tap here to enter text.

Recommendation:
Click or tap here to enter text.
RESOLUTION NO. 2020-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS APPROVING THE SALE OF A TRACT OF PROPERTY IDENTIFIED AS THE SOUTHWESTERLY 28 FEET OF LOT 5, BLOCK 11, C.D. WALLACE SUBDIVISION, (HAYS CAD PARCEL ID NO. R47051), CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, ACQUIRED BY THE SAN MARCOS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT FOR UNPAID TAXES, TO GANYMEDE ENTERPRISES, LLC FOR $3,200.00; AUTHORIZING THE EXECUTION OF ANY DEED OR INSTRUMENTS NECESSARY TO COMPLETE THE SALE; AND DECLARING AN EFFECTIVE DATE.

RECITALS:

1. The San Marcos Consolidated Independent School District (the “District”), as trustee for all taxing units, acquired the tract of real property identified as the southwesterly 28 feet of Lot 5, Block 11, C.D. Wallace Subdivision, (Hays CAD Parcel ID No. R47051), City of San Marcos, Hays County, Texas (the “Property”) through a tax foreclosure sale of the Property for unpaid taxes.

2. The District received an offer from Ganymede Enterprises, LLC to purchase the Property for $3,200.00, which is above the original minimum stated bid amount of $3,080.00. The estimated value of the Property of $4,620.00.

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

PART 1. The sale of the Property by the District to Ganymede Enterprises, LLC for $3,200.00 is approved.

PART 2. The City Manager, or the Mayor, is authorized to execute a deed and any related instruments, on behalf of the City, necessary to complete such sale.

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

ADOPTED on March 17, 2020.

Jane Hughson
Mayor

Attest:

Tammy K. Cook
Interim City Clerk
SAN MARCOS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT
Analysis of Bid Received on Trustee Property

CAUSE NO: 4689


LEGAL DESCRIPTION: All that certain lot, tract or parcel of land being the Southwesterly 28 feet of Lot 5, Block 11, C.D. Wallace Subdivision, according to the map or plat thereof recorded in Volume 136, Page 110, Deed Records of Hays County, Texas. Account No. 11-9315-1100-00500-3 (R47051)

JUDGMENT DATE: 05-24-00

DATE OF ORIGINAL TAX SALE: 09-05-2000

VALUE AT JUDGMENT: $3,080.00

CURRENT APPRAISED VALUE: $4,620.00

PROSPECTIVE BUYER: Ganymede Enterprises, LLC, P.O. Box 2206, Canyon Lake, TX 78133

AMOUNT OF ORIGINAL MINIMUM BID: $3,080.00

CURRENT RESALE BID: $3,200.00

TOTAL TAXES DUE AS OF JANUARY 2019:
San Marcos CISD and Hays County: $1,432.00 (1996-2000)

ACCOUNTING OF PROCEEDS PURSUANT TO § 34.06 & 34.02 OF THE TEXAS PROPERTY TAX CODE

<table>
<thead>
<tr>
<th>Taxing Entity</th>
<th>Judgment Amount</th>
<th>Tax Percentage</th>
<th>Disbursement Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Publication Costs</td>
<td>$100.00</td>
<td>n/a</td>
<td>$100.00</td>
</tr>
<tr>
<td>Attorney Ad Litem</td>
<td>n/a</td>
<td></td>
<td></td>
</tr>
<tr>
<td>District Clerk Court Costs</td>
<td>$232.00</td>
<td>n/a</td>
<td>$232.00</td>
</tr>
<tr>
<td>Abstract/Title Costs</td>
<td>$150.00</td>
<td>n/a</td>
<td>$150.00</td>
</tr>
<tr>
<td>Hays County Taxes (1996-2000)</td>
<td>$552.36</td>
<td>39%</td>
<td>$552.36</td>
</tr>
<tr>
<td>San Marcos CISD Taxes (1996-2000)</td>
<td>$879.64</td>
<td>61%</td>
<td>$879.64</td>
</tr>
<tr>
<td>Total Taxes Only</td>
<td>$1,432.00</td>
<td>100%</td>
<td>$1,432.00</td>
</tr>
<tr>
<td>Total Taxes &amp; Costs</td>
<td>$1,914.00</td>
<td></td>
<td>$1,914.00</td>
</tr>
<tr>
<td>Excess Proceeds</td>
<td></td>
<td></td>
<td>$1,286.00</td>
</tr>
</tbody>
</table>
TAX RESALE DEED

STATE OF TEXAS X

COUNTY OF HAYS X

That San Marcos Consolidated Independent School District, Trustee, acting through the presiding officer of its governing body, hereunto duly authorized by resolution and order of said governing body which is duly recorded in its official Minutes, hereinafter called grantor, for and in consideration of the sum of $3,200.00 cash in hand paid by:

Ganymede Enterprises, LLC
P.O Box 2206
Canyon Lake, TX 78133

hereinafter called grantee(s), the receipt of which is acknowledged and confessed, has quitclaimed and by these presents does quitclaim unto said grantee(s) all of the right, title and interest of grantor and all other taxing units interested in the tax foreclosure judgment against the property herein described, acquired by tax foreclosure sale heretofore held under Suit No. 4689, San Marcos Independent School District, et al vs. Manuel Ortiz, et al, in the district court of said county, said property being located in Hays County, Texas, and described as follows:

All that certain lot, tract or parcel of land being the Southwesterly 28 feet of Lot 5, Block 11, C.D. Wallace Subdivision, according to the map or plat thereof recorded in Volume 136, Page 110, Deed Records of Hays County, Texas. Account No. 11-9315-1100-00500-3 (R47051)

TO HAVE AND TO HOLD the said premises, together with all and singular the rights, privileges, and appurtenances thereto in any manner belonging unto the said grantee(s), their heirs and assigns forever, so that neither grantor, nor any other taxing unit interested in said tax foreclosure judgment, nor any person claiming under it and them, shall at any time hereafter have, claim or demand any right or title to the aforesaid premises or appurtenances, or any part thereof.

Taxes for the present year are to be paid by grantee(s) herein.

This deed is given expressly subject to recorded restrictive covenants running with the land, and valid easements of record as of the date of this sale, if such covenants or easements were recorded prior to January 1 of the year the tax lien(s) arose.
IN TESTIMONY WHEREOF San Marcos Consolidated Independent School District has caused these presents to be executed this ______ day of __________________, 20____.

BY: ______________________________________
John McGlothlin, President of the Board of Trustees
San Marcos Consolidated Independent School District
Hays County, Texas

STATE OF TEXAS     X
COUNTY OF HAYS     X

This instrument was acknowledged before me on this __________ day of ____________________, 2020, by the President of the Board of Trustees, San Marcos Consolidated Independent School District.

________________________________________
Notary Public, State of Texas
My Commission Expires: ____________________

After recording return to:

Ganymede Enterprises, LLC
P.O Box 2206
Canyon Lake, TX 78133
IN TESTIMONY WHEREOF the City of San Marcos has caused these presents to be executed this ______ day of ___________________, 20_____.

BY: ______________________________________
    Jane Hughson, Mayor
    City of San Marcos
    Hays County, Texas

STATE OF TEXAS   X
COUNTY OF HAYS   X

This instrument was acknowledged before me on this ___________ day of ___________________, 2020, by the Mayor of the City of San Marcos.

________________________________________
Notary Public, State of Texas
My Commission Expires: ________________
IN TESTIMONY WHEREOF Hays County has caused these presents to be executed this ______ day of ___________________, 20_____.

BY: ______________________________________
    Ruben Becerra
    County Judge
    Hays County, Texas

STATE OF TEXAS       X
COUNTY OF HAYS       X

This instrument was acknowledged before me on this ___________ day of ___________________, 2020, by the County Judge of Hays County, Texas.

________________________________________
Notary Public, State of Texas
My Commission Expires: ________________

After recording return to:

Ganymede Enterprises, LLC
P.O Box 2206
Canyon Lake, TX 78133
This product is for informational purposes only 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.
AGENDA CAPTION:
Consider approval of Resolution 2020-60R, approving an agreement with Freese and Nichols, Inc. for the preparation of a Risk and Resilience Assessment and Emergency Response Plan for the City’s Water Infrastructure as required by the Federal America’s Water Infrastructure Act in the estimated amount of $124,600.00; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.
Meeting date: March 17, 2020

Amount & Source of Funding
Funds Required: $124,600
Account Number: 22006333.52230
Funds Available: $125,000
Account Name: Professional Services

Fiscal Note:
Prior Council Action: N/A

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

Comprehensive Plan Element(s): [Please select the Plan element(s) and Goal # from dropdown menu below]
- ☑ Environment & Resource Protection - Choose an item.
- ☐ Economic Development - Choose an item.
- ☐ Land Use - Choose an item.
- ☐ Neighborhoods & Housing - Choose an item.
- ☐ Parks, Public Spaces & Facilities - Choose an item.
- ☐ Transportation - Choose an item.
- ☐ Core Services
Background Information:
On January 9, 2020, the City received six (6) proposals in response to RFP 220-003 for Risk and Resilience Assessment and Emergency Response Plan for City Water Infrastructure. A City-staffed evaluation committee reviewed and evaluated all proposals and determined the most highly qualified firm to be Freese & Nichols, Inc., located in Fort Worth, Texas.

The estimated cost of this contract is $124,600 and will be across two fiscal years.

Freese & Nichols, Inc., will work with the City to conduct a risk and resilience assessment (“RRA”) and develop an emergency response plan (“ERP”) for the City’s water infrastructure. This stems from America’s Water Infrastructure Act (“AWIA”) of 2018 which requires community drinking water systems serving more than 3,300 people to develop or update RRAs and ERPs. The law specifies the components that the RRAs and ERPs must address, and it establishes deadlines by which water systems must certify to United States Environmental Protection Agency (“USEPA”/“EPA”) completion of the RRA and ERP. For City of San Marcos, the population served is in the range of 50,000 to 99,999; therefore, the RRA certification deadline is December 31, 2020. Based on the project schedule submitted by Freese & Nichols, Inc., the Final RRA Report and Certification of Compliance should be completed in October 2020, two months ahead of the deadline.

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

Alternatives:
Click or tap here to enter text.

Recommendation:
City staff recommends contract award to Freese & Nichols, Inc., for Risk and Resilience Assessment and Emergency Response Plan for City Water Infrastructure.
RESOLUTION NO. 2020-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS APPROVING AN AGREEMENT WITH FRESEE AND NICHOLS, INC. FOR THE PREPARATION OF A RISK AND RESILIENCE ASSESSMENT AND EMERGENCY RESPONSE PLAN FOR THE CITY’S WATER INFRASTRUCTURE AS REQUIRED BY THE FEDERAL AMERICA’S WATER INFRASTRUCTURE ACT IN THE ESTIMATED AMOUNT OF $124,600; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE 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 Agreement between the City and Freese and Nichols, Inc. for the preparation of a risk and resilience assessment and emergency response plan for the City’s water infrastructure as required by the Federal America’s Water Infrastructure Act in the estimated amount of $124,600.00 is approved.

PART 2. The City Manager or his 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 on March 17, 2020.

Jane Hughson
Mayor

Attest:

Tammy K. Cook
Interim City Clerk
PROPOSAL SUBMITTAL LOG
Risk and Resilience Assessment
and Emergency Response Plan
for City Water Infrastructure
#220-003
January 9, 2020 – 2:00 p.m., C.S.T.

<table>
<thead>
<tr>
<th>PROPONENT NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>True North Consulting Group</td>
</tr>
<tr>
<td>Austin, TX</td>
</tr>
<tr>
<td>Freese &amp; Nichols, Inc.</td>
</tr>
<tr>
<td>Fort Worth, TX</td>
</tr>
<tr>
<td>Tidal Basin</td>
</tr>
<tr>
<td>Utica, NY</td>
</tr>
<tr>
<td>LSPS Solutions, LLC</td>
</tr>
<tr>
<td>Victoria, TX</td>
</tr>
<tr>
<td>AARC Consultants, LLC</td>
</tr>
<tr>
<td>Houston, TX</td>
</tr>
<tr>
<td>Sentinel Security Solutions</td>
</tr>
<tr>
<td>Camden, South Carolina</td>
</tr>
</tbody>
</table>

Recorded by: [Signature]
Witnessed by: [Signature]
RECOMMENDATION MEMO

TO: Lynda Williams, Purchasing Manager
FROM: Evaluation Committee Members
DATE: FEBRUARY 6, 2020
RE: Risk and Resilience Assessment and Emergency Response Plan for City Water Infrastructure, RFQ 220-003

As a member of the Evaluation Committee for the referenced solicitation, I have completed my evaluations pursuant to Texas Government Code 2254.004, for each of the Statements of Qualifications submitted in response to this solicitation. I have performed these evaluations fairly and in strict compliance to the rules and guidelines for which I have attested.

By my signature concurrence below, Freese and Nichols, Inc., located in Fort Worth, Texas, is the most highly qualified firm based on demonstrated competence and qualifications. The Evaluation Committee elects to forgo the interview process and subsequently recommends award to the top-ranked firm.

CONCURRENCE:

[Signatures]

Rev. 08/20/18
File #: Res. 2020-61R, Version: 1

AGENDA CAPTION:
Consider approval of Resolution 2020-61R, approving an agreement with Stanley Consultants, Inc. relating to the San Marcos Electric Utility Master Plan Project in the estimated amount of $400,000.00; authorizing the City Manager or his designee to execute the agreement; and declaring an effective date.

Meeting date: March 17, 2020

Department: Public Services Department - Tom Taggart, Director (By Lynda Williams, Purchasing Manager)

Amount & Source of Funding
Funds Required: $400,000
Account Number: C383
Funds Available: $400,000
Account Name: Electric Utility Master Plan

Fiscal Note:
Prior Council Action: Approval of the FY18 CIP Budget

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

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

San Marcos Electric Utility Master Plan

**Background Information:**

The scope of work in this Master Plan includes validation of the existing system modelling software, a thorough analysis of vulnerabilities and recommendations to address resiliency issues, identification of potential CIP projects, an analysis of technically and financially attractive overhead to underground conversions, and an assessment of how and where to introduce smart grid component and algorithms to provide better fault isolation and improved system restoration times.

Funding for the master plan was approved in the FY18 CIP budget. Detailed project development was deferred due to key personnel openings until 2019.

On November 14, 2019, the City received twelve (12) proposals for Electric Utility Master Plan Project, RFQ 220-032. A City-staffed evaluation committee reviewed and evaluated all proposals and determined Stanley Consultants, Inc., located in Austin, Texas, to be the most highly qualified firm. The City intends to award a contract to Stanley Consultants, Inc., in the not-to-exceed amount of $400,000 for the Electric Utility Master Plan Project and related services.

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

Click or tap here to enter text.

**Alternatives:**

Click or tap here to enter text.

**Recommendation:**

Staff recommends award of a contract to Stanley Consultants, Inc., for Electric Utility Master Plan Project.
RESOLUTION NO. 2020- R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS APPROVING AN AGREEMENT WITH STANLEY CONSULTANTS, INC. RELATING TO THE SAN MARCOS ELECTRIC UTILITY MASTER PLAN PROJECT IN THE ESTIMATED AMOUNT OF $400,000.00; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT; AND DECLARING AN EFFECTIVE DATE.

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

PART 1. The Agreement with Stanley Consultants, Inc. relating to San Marcos Electric Utility Master Plan Project in the estimated amount of $400,000.00 is approved.

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

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

ADOPTED on March 17, 2020.

Jane Hughson
Mayor

Attest:

Tammy K. Cook
Interim City Clerk
PROPOSAL SUBMITTAL LOG
Electric Utility Master Plan Project
220-032
November 14, 2019 – 2:00 p.m., C.S.T.

<table>
<thead>
<tr>
<th>PROPONENT NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Finley Engineering Co, Inc</td>
</tr>
<tr>
<td>Overland Park, Kansas</td>
</tr>
<tr>
<td>Jacobs Engineering Group Inc</td>
</tr>
<tr>
<td>Austin, Texas</td>
</tr>
<tr>
<td>EN Engineering</td>
</tr>
<tr>
<td>San Antonio, Texas</td>
</tr>
<tr>
<td>Schneider Engineering</td>
</tr>
<tr>
<td>Boerne, Texas</td>
</tr>
<tr>
<td>Pike Engineering LLC</td>
</tr>
<tr>
<td>Austin, Texas</td>
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<tr>
<td>Leidos Engineering LLC</td>
</tr>
<tr>
<td>Hendersonville, Tennessee</td>
</tr>
<tr>
<td>GERS USA LLC</td>
</tr>
<tr>
<td>Weston, Florida</td>
</tr>
<tr>
<td>Electric Power Engineers</td>
</tr>
<tr>
<td>Austin, Texas</td>
</tr>
<tr>
<td>Burns &amp; McDonnell</td>
</tr>
<tr>
<td>Houston, Texas</td>
</tr>
<tr>
<td>McCord Engineering, Inc</td>
</tr>
<tr>
<td>College Station, Texas</td>
</tr>
<tr>
<td>Stanley Consultants Inc</td>
</tr>
<tr>
<td>Austin, Texas</td>
</tr>
<tr>
<td>Electrical Consultants Inc</td>
</tr>
<tr>
<td>Billings, Montana</td>
</tr>
</tbody>
</table>

Recorded by:  

Witnessed by:  

Rev. 05/23/18
AGENDA CAPTION:
Consider approval of Resolution 2020-62R, approving an agreement with San Juanita Rosario Vela appointing her as the Interim Finance Director in a not-to-exceed amount of $75,000.00 through September 15, 2020; and declaring an effective date.

Meeting date: March 17, 2020

Department: Finance Department - Heather Hurlbert, Director (By Lynda Williams, Purchasing Manager)

Amount & Source of Funding
Funds Required: $25,001
Account Number: 10001105.52230
Funds Available: $42,400
Account Name: Professional Services

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

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

Comprehensive Plan Element(s): [Please select the Plan element(s) and Goal # from dropdown menu below]
☐ Economic Development - Choose an item.
☐ Environment & Resource Protection - Choose an item.
☐ Land Use - Choose an item.
☐ Neighborhoods & Housing - Choose an item.
☐ Parks, Public Spaces & Facilities - Choose an item.
☐ Transportation - Choose an item.
☐ Core Services
☒ Not Applicable
Background Information:
The City of San Marcos entered into a contract for Interim Finance Director with Ms. San Juanita Rosario Vela on March 4, 2020 to serve in the role of Finance Director through end of August, 2020 for the amount of $49,999, as the existing Finance Director, Ms. Heather Hurlbert, will be departing for a new role in Corpus Christi. It has been determined that the contract term should be extended through September 15, 2020 and increased to a not-to-exceed amount of $75,000.00, thus, requiring City Council approval.

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

Alternatives:
Click or tap here to enter text.

Recommendation:
City staff recommends approval of the contract.
RESOLUTION NO. 2020-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS APPROVING AN AGREEMENT WITH SAN JUANITA ROSARIO VELA APPOINTING HER AS THE INTERIM FINANCE DIRECTOR IN A NOT-TO-EXCEED AMOUNT OF $75,000.00 THROUGH SEPTEMBER 15, 2020; AND DECLARING AN EFFECTIVE DATE.

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

PART 1. The Agreement between the City and San Juanita Rosario Vela appointing her as the Interim Finance Director in a not-to-exceed amount of $75,000 through August 31, 2020 is approved.

PART 2. This resolution shall be in full force and effect immediately from and after its passage.

ADOPTED on March 17, 2020.

Jane Hughson
Mayor

Attest:

Tammy K. Cook
Interim City Clerk
EXHIBIT “B”
AUTHORIZATION OF CHANGE IN SERVICE

<table>
<thead>
<tr>
<th>AGREEMENT/ SERVICES NAME:</th>
<th>220-172</th>
<th>Interim Director of Finance</th>
</tr>
</thead>
<tbody>
<tr>
<td>CITY REPRESENTATIVE:</td>
<td>Linda Spacek, HR Director</td>
<td></td>
</tr>
<tr>
<td>CONTRACTOR:</td>
<td>San Juanita Rosario Vela</td>
<td></td>
</tr>
<tr>
<td>CONTRACT EFFECTIVE DATE:</td>
<td>March 4, 2020</td>
<td></td>
</tr>
<tr>
<td>THIS AUTHORIZATION DATE:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

AUTHORIZED DATE: 
AUTHORIZATION NO.: 1

DESCRIPTION OF WORK TO BE ADDED TO OR DELETED FROM SCOPE OF SERVICES:

The Term of the Agreement is hereby revised to extend to September 15, 2020 modifying the estimated services amount to $75,000.

<table>
<thead>
<tr>
<th>Original Contract Amount:</th>
<th>NTE</th>
<th>$49,999.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Previous Increases/Decreases in Contact Amount:</td>
<td>NTE</td>
<td>$</td>
</tr>
<tr>
<td>This Increase/Decrease in Contract Amount:</td>
<td>NTE</td>
<td>$25,001.00</td>
</tr>
<tr>
<td>Revised Contract Amount:</td>
<td>NTE</td>
<td>$75,000.00</td>
</tr>
</tbody>
</table>

CONTRACTOR: San Juanita Rosario Vela

Signature
Date
San Juanita Rosario Vela
Print Full Name / Title (if not in individual capacity)

CITY:

Signature
Date
Bert Lumbreras, City Manager
Print Name

City Department Use Only Below This Line (PM, etc.).

<table>
<thead>
<tr>
<th>Account Number(s):</th>
<th>Date:</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>#</td>
<td></td>
<td></td>
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<td>#</td>
<td></td>
<td></td>
</tr>
<tr>
<td>#</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
AGENDA CAPTION:
Consider approval of Resolution 2020-63R, approving a release of easements in the Cottonwood Creek Subdivision, subject to the dedication to the city of alternate easements, as appropriate; authorizing the City Manager, or his designee, to execute the release of easements on behalf of the city; and declaring an effective date.

Meeting date: March 17, 2020

Department: CIP & Engineering

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

Fiscal Note:
Prior Council Action: NA

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

Comprehensive Plan Element(s): [Please select the Plan element(s) and Goal # from dropdown menu below]
☐ Economic Development - Choose an item.
☐ Environment & Resource Protection - Choose an item.
☐ Land Use - Choose an item.
☒ Neighborhoods & Housing - Well maintained, stable neighborhoods protected from encroachment of incompatible land uses
☐ Parks, Public Spaces & Facilities - Choose an item.
☐ Transportation - Choose an item.
Background Information:
The Cottonwood Creek Subdivision Phase 3 Unit 3 initially dedicated easements by separate instrument for offsite drainage. The subdivision is now in the final design and platting the areas encompassing these easements and require adjustments to the easements. The release of these easements will be followed by the platting of permanent easements to replace and adjust what exists.

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

Alternatives:
Click or tap here to enter text.

Recommendation:
Staff recommends approval of the release of these easements.
RESOLUTION NO. 2020- R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS APPROVING A RELEASE OF EASEMENTS IN THE COTTONWOOD CREEK SUBDIVISION, SUBJECT TO THE DEDICATION TO THE CITY OF ALTERNATE EASEMENTS, AS APPROPRIATE; AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE RELEASE OF EASEMENTS 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 Release of Easements is hereby approved.

PART 2. The City Manager, or his designee, is authorized to execute said Release of Easements on behalf of the City.

PART 3. The Release of Easements shall not be recorded until alternate easements, as appropriate, are approved by the City’s Engineering and Capital Improvements Department, and concurrently dedicated to the City.

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

ADOPTED on March 17, 2020.

Jane Hughson
Mayor

Attest:

Tammy K. Cook
Interim City Clerk
RELEASE OF EASEMENTS

Date:

Easement Holder: City of San Marcos, Texas, 630 East Hopkins Street, San Marcos, Hays County, Texas 78666

Easements: That certain drainage easement from Cottonwood Creek, JDR, Ltd. to the City of San Marcos as recorded on September 12, 2018 in the Official Public Records of Hays County, Texas as Instrument No. 18032673.

That certain drainage easement from Cottonwood Creek, JDR, Ltd. to the City of San Marcos as recorded on June 28, 2019 in the Official Public Records of Hays County, Texas as Instrument No. 19021626.

That certain drainage easement from Cottonwood Creek, JDR, Ltd. to the City of San Marcos as recorded on June 28, 2019 in the Official Public Records of Hays County, Texas as Instrument No. 19021628.

That certain drainage easement from Cottonwood Creek, JDR, Ltd. to the City of San Marcos as recorded on June 28, 2019 in the Official Public Records of Hays County, Texas as Instrument No. 19021629.

That certain drainage easement from Continental Homes of Texas to the City of San Marcos as recorded on June 28, 2019 in the Official Public Records of Hays County, Texas as Instrument No. 19021623.

That certain drainage easement from Continental Homes of Texas to the City of San Marcos as recorded on June 28, 2019 in the Official Public Records of Hays County, Texas as Instrument No. 19021624.

Consideration: $10.00 and other good and valuable consideration.

Release of Easements: For the Consideration, Easement Holder hereby releases and relinquishes any right, title or interest in and to the Easements, and discharges the owners of any property subject to the Easements from any obligations or restrictions thereunder.

[SIGNATURE ON NEXT PAGE]
CITY OF SAN MARCOS:

By: __________________________
    Bert Lumbreras, City Manager

THE STATE OF TEXAS §

COUNTY OF HAYS §

This instrument was acknowledged before me on this the ___ day of ____________, 2020, by Bert Lumbreras, City Manager of the City of San Marcos, Texas in such capacity, on behalf of the said municipal corporation.

___________________________
Notary Public, State of Texas
NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER’S LICENSE NUMBER.

CITY OF SAN MARCOS DRAINAGE EASEMENT

Date: \textit{June 27th, 2019}

Grantor: Continental Homes of Texas, a Texas Limited partnership

Grantor’s Address: 210 W Hutchison Street, San Marcos, Texas 78666, Hays, County

Grantee: City of San Marcos, Texas, a home rule municipal corporation

Grantees’ Address: 630 East Hopkins, San Marcos, Hays County, Texas 78666

Consideration: Ten dollars ($10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged.

Easement Area: A 0.878 of an acre, or 38,251 square feet more or less, easement located on a 45.298 acre tract described in deed to Continental Homes of Texas, L.P. recorded in Instrument No. 18028863 of the Official Public Records of Hays County, Texas, out of the John F. Geister Survey No. 7, Abstract 203, and out of the Farmar Frye Survey No. 17, Abstract 183, in the City of San Marcos, Hays County, Texas. Said 0.878 of an acre easement tract, as more fully described by metes and bounds in the attached Exhibit “A,” made a part hereof for all purposes.

Grant of Easement:

Grantor, for the Consideration, grants and conveys to Grantee a perpetual easement and right-of-way for storm water drainage purposes along, within, across, over, under and through the Easement Area, including the right to construct, install, repair, replace, maintain and operate drainage ways, drainage channels, culverts, box culverts, pipelines, enclosures, or other such drainage and detention facilities, and all related equipment and appurtenances (the foregoing facilities and related equipment and appurtenances being referred to, collectively, as the “Drainage Facilities”), together with a right of ingress and egress at all times upon and across the Easement Area for these purposes, TO HAVE AND TO HOLD this easement to Grantee, its successors and assigns, forever. Grantor binds Grantor and Grantor’s successors and assigns to warrant and forever defend all and singular this easement to Grantee and Grantee’s successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof.

The Grantor covenants for itself and its successors and assigns, not to place or maintain any building, structure, or any other obstruction on or within the Easement Area, or to use the surface of the Easement Area for any purpose that would interfere with or prevent the use of the Easement Area for the purposes set forth herein without the consent of Grantee. Grantee shall have the right...
to remove any building, structure or other improvements in the Easement Area to which it has not consented.

Grantee shall have the right to cut, trim, and control the growth of trees and other vegetation and to remove or alleviate other such obstructions on and in the Easement Area without payment to the Grantor, which interferes with or threatens the operation and maintenance of the Drainage Facilities.

Grantor acknowledges that any and all Drainage Facilities in the Easement Area shall remain the property of Grantee.

Grantor acknowledges that this easement may be freely assigned, in whole or in part, by Grantee.

Grantor expressly subordinates all rights of surface use of the Easement Area incident to the mineral estate to the above-described uses and surface uses by Grantee, and agrees to any lien holder subordinations as may be requested by Grantee.

If any clause, sentence, paragraph or article of this easement is determined by a court of competent jurisdiction to be invalid, illegal, or unenforceable in any respect, such determination shall not be deemed to impair, invalidate, or nullify the remainder of this easement if the easement can be given effect without the invalid portion. To this extent, the provisions of this easement are declared to be severable.

When the context requires, singular nouns and pronouns include the plural.

[SIGNATURES ON NEXT PAGE]
GRANTOR:
Continental Homes of Texas, L.P.
(a Texas limited partnership)
By: CHTEX of Texas, Inc.
(a Delaware corporation)
Its General Partner

By: ________________________________
Robert Daigle, Vice President

ACKNOWLEDGMENT

The State of Texas  §  
County of Hays  §  

This instrument was acknowledged before me on May 24, 2019, by Robert Daigle, Vice President of Continental Homes of Texas, L.P. in such capacity on behalf of said entity.

JENNIFER GABRIELLE MARZANO
Notary Public, State of Texas
Comm. Expires 10-12-2020
Notary ID 130860380

ACCEPTED BY GRANTEE:

CITY OF SAN MARCOS

By: ________________________________
Phil Steed,
Real Estate Manager
Engineering / Capital Improvements
City of San Marcos

ACKNOWLEDGMENT

The State of Texas  §  
County of Hays  §  

This instrument was acknowledged before me on 6-27-2019 by Phil Steed, Real Estate Manager, Engineering/Capital Improvements, City of San Marcos, in such capacity on behalf of said entity.

J - T
Notary Public, State of Texas

BRANDON TOMASINI
Notary Public, State of Texas
Comm. Expires 08-18-2022
Notary ID 128612539
LEGEND:
OPR OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS
FIR FOUND 1/2" IRON ROD
(PD) PAPE-DAWSON

NOTES:
1. THIS EXHIBIT IS ISSUED IN CONJUNCTION WITH A METES AND BOUNDS DESCRIPTION PREPARED UNDER JOB NO. 11172-59 BY PAPE-DAWSON ENGINEERS, INC.

LINE TABLE
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<td>L2</td>
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<tr>
<td>L3</td>
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VARIABLE-WIDTH DRAINAGE EASEMENT
0.878 OF AN ACRE
(39,251 SQUARE FEET MORE OR LESS)

R = 370.00'
Delta = 11°37'06"
CB = N32°04'18"E
CD = 74.90'
L = 75.03'

P.O.B.
FD I.R. (PD)

RATTLE ROAD
(PROPOSED COTTONWOOD CREEK PHASE 3 UNIT 3
(AN APPROVED BUT UNRECORDED PLAT)

49.137 ACRES
CONTINENTAL HOMES OF TEXAS, LP
(INSTRUMENT NO. 17028182 OPR)

STATE OF TEXAS
REGISTERS
JON W. COOPER
6716
PROFESSIONAL LAND SURVEYOR

EXHIBIT FOR
A VARIABLE-WIDTH DRAINAGE EASEMENT

A 0.878 OF AN ACRE, OR 39,251 SQUARE FEET MORE OR LESS, EASEMENT LOCATED ON A 45.298 ACRES EASEMENT DESCRIBED IN DEED TO CONTINENTAL HOMES OF TEXAS, LP, RECORDED IN INSTRUMENT NO. 18028863 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, OUT OF THE JOHN F. GEISLER SURVEY NO. 7, ABSTRACT 263, AND OUT OF THE FARNAM FRYE SURVEY NO. 17, ABSTRACT 163, HAYS COUNTY, TEXAS.

PAPE-DAWSON ENGINEERS
SAN ANTONIO I AUSTIN I HOUSTON I FORT WORTH I DALLAS
2300 NW LOOP 410 I SAN ANTONIO, TX 78225 I 210.375.5900
TEXAS FIRM REGISTRATION #476 I TEXAS FIRM REGISTRATION #1023883

MARCH 22, 2019
JOB NO.: 11172-05

REFERENCE:
SHEET 1 OF 1

DATE: MARCH 22, 2019
JOB NO.: 11172-05
METES AND BOUNDS DESCRIPTION
FOR
A VARIABLE-WIDTH DRAINAGE EASEMENT

A 0.878 of an acre, or 38,251 square feet more or less, easement located on a 45.298 acre tract described in deed to Continental Homes of Texas, L.P. recorded in Instrument No. 18028863 of the Official Public Records of Hays County, Texas, out of the John F. Geister Survey No. 7, Abstract 203, and out of the Farnam Frye Survey No. 17, Abstract 183, Hays County, Texas. Said 0.878 of an acre tract being more fully described as follows, with bearings based on the Texas Coordinate System established for the South Central Zone from the North American Datum of 1983 NAD 83 (NA2011) epoch 2010.00;

BEGINNING: At a found ½ inch iron rod with cap stamped “Pape-Dawson” at the west corner of said 45.298 acre tract, on the northeast line of a 49.137 acre tract described in deed to Continental homes of Texas, L.P., recorded in Instrument No. 17028182 of the Official Public Records of Hays County, Texas, and on the proposed north right-of-way line of Rattler Road, an 80-foot public right-of-way dedicated in Cottonwood Creek Phase 3, Unit 3, an approved but unrecorded plat;

THENCE: Departing the north line of said 49.137 acre tract, with the northwest line of said 45.298 acre tract, the following bearings and distances:

N 37°52'51" E, a distance of 8.87 feet to a found ½ inch iron rod with a yellow cap stamped “Pape-Dawson”;

Northeasterly, along a curve to the left, said curve having a radius of 370.00 feet, a central angle of 11°37’06”, a chord bearing and distance of N 32°04’18” E, 74.90 feet, for an arc length of 75.03 feet to a found ½ inch iron rod with a yellow cap stamped “Pape-Dawson”;

N 26°15’45” E, a distance of 414.34 feet to a point;

THENCE: Departing the northwest line of said 45.298 acre tract, over and across said 45.298 acre tract, the following bearings and distances:

S 63°44’15” E, a distance of 78.50 feet to a point;

S 26°15’45” W, a distance of 372.71 feet to a point;
0.878 Acre
Job No.: 11173-05
Page 2 of 2

S 36°59'00" W, a distance of 139.99 feet to point;

THENCE: N 52°07'09" W, at a distance of 3.12 feet passing a ½ inch iron rod with a yellow cap stamped “Pape-Dawson” for a reentrant corner of said 45.298 acre tract and on the north line of said 49.137 acre tract, continuing with the north line of said 49.137 acre tract for a total distance of 63.12 feet to the POINT OF BEGINNING, and containing 0.878 of an acre in Hays County, Texas. Said easement tract being described in conjunction with an exhibit prepared under job number 11173-05 by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.
DATE: March 22, 2019
JOB NO. 11173-05
DOC. ID. N:\CIVIL\11173-05\Word\11173-05 ESSD-0.878 AC.docx
NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER’S LICENSE NUMBER.

CITY OF SAN MARCOS DRAINAGE EASEMENT

Date: September 12, 2018

Grantor: Cottonwood Creek JDR, Ltd. a Texas Limited partnership

Grantor’s Address: 333 Cheatham Street, San Marcos, Texas 78666, Hays County

Grantee: City of San Marcos, Texas, a home rule municipal corporation

Grantees’ Address: 630 East Hopkins, San Marcos, Hays County, Texas 78666

Consideration: Ten dollars ($10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged.

Easement Area: A 0.599 of an acre, or 26,074 square feet more or less, easement located on the remainder of a 272.24 acre tract described in deed to Cottonwood Creek JDR, LTD recorded in Volume 2457, Page 9 of the Official Public Records of Hays County, Texas, out of the Farnam Frye Survey No. 14, Abstract 203, Hays County, Texas., as more fully described by metes and bounds in the attached Exhibit “A,” made a part hereof for all purposes.

Grant of Easement:

Grantor, for the Consideration, grants and conveys to Grantee a perpetual easement and right-of-way for storm water drainage purposes along, within, across, over, under and through the Easement Area, including the right to construct, install, repair, replace, maintain and operate drainage ways, drainage channels, culverts, box culverts, pipelines, enclosures, or other such drainage and detention facilities, and all related equipment and appurtenances (the foregoing facilities and related equipment and appurtenances being referred to, collectively, as the “Drainage Facilities”), together with a right of ingress and egress at all times upon and across the Easement Area for these purposes, TO HAVE AND TO HOLD this easement to Grantee, its successors and assigns, forever. Grantor binds Grantor and Grantor’s successors and assigns to warrant and forever defend all and singular this easement to Grantee and Grantee’s successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof.

The Grantor covenants for itself and its successors and assigns, not to place or maintain any building, structure, or any other obstruction on or within the Easement Area, or to use the surface of the Easement Area for any purpose that would interfere with or prevent the use of the Easement Area for the purposes set forth herein without the consent of Grantee. Grantee shall have the right to remove any building, structure or other improvements in the Easement Area to which it has not consented.
Grantee shall have the right to cut, trim, and control the growth of trees and other vegetation and to remove or alleviate other such obstructions on and in the Easement Area without payment to the Grantor, which interferes with or threatens the operation and maintenance of the Drainage Facilities.

Grantor acknowledges that any and all Drainage Facilities in the Easement Area shall remain the property of Grantee.

Grantor acknowledges that this easement may be freely assigned, in whole or in part, by Grantee.

Grantor expressly subordinates all rights of surface use of the Easement Area incident to the mineral estate to the above-described uses and surface uses by Grantee, and agrees to any lien holder subordinations as may be requested by Grantee.

If any clause, sentence, paragraph or article of this easement is determined by a court of competent jurisdiction to be invalid, illegal, or unenforceable in any respect, such determination shall not be deemed to impair, invalidate, or nullify the remainder of this easement if the easement can be given effect without the invalid portion. To this extent, the provisions of this easement are declared to be severable.

When the context requires, singular nouns and pronouns include the plural.

[SIGNATURES ON NEXT PAGE]
GRANTOR:
Cottonwood Creek JDR, Ltd.
(a Texas limited partnership)

By:  
Alamo Creek Investments, Inc.
(a Texas Corporation)
its General Partner

ACKNOWLEDGMENT

The State of Texas §

County of Hays §

This instrument was acknowledged before me on 2018 by Randall Morris,
President of Alamo Creek Investments, in such capacity on behalf of said entity.

JENNY FRISBIE
My Notary ID # 11768590
Expires October 19, 2019

ACCEPTED BY GRANTEE:

CITY OF SAN MARCOS

By:  
Phil Steed,
Real Estate Acquisition Manager
Engineering / Capital Improvements
City of San Marcos

ACKNOWLEDGMENT

The State of Texas §

County of Hays §

This instrument was acknowledged before me on 9/12/18 by Phil Steed,
Real Estate Acquisition Manager, Engineering/Capital Improvements, City of San Marcos, in such capacity on behalf of said entity.

JENNIFER GABRIELLE MARZANO
Notary Public, State of Texas
Comm. Expires 10-12-2020
Notary ID 130860380
EXHIBIT “A”
Description of Easement Area

[METES AND BOUNDS DESCRIPTION]
[METES AND BOUNDS EXHIBIT]
METES AND BOUNDS DESCRIPTION
FOR
70-FOOT DRAINAGE EASEMENT

A 0.599 of an acre, or 26,074 square feet more or less, easement located on the remainder of a 272.24 acre tract described in deed to Cottonwood Creek JDR, LTD recorded in Volume 2457, Page 9 of the Official Public Records of Hays County, Texas, out of the Farmen Frye Survey No. 14, Abstract 203, Hays County, Texas. Said 0.599 of an acre easement tract being more fully described as follows, with bearings based on the Texas Coordinate System established for the South Central Zone from the North American Datum of 1983 NAD 83 (NA2011) epoch 2010.00;

COMMENCING: At a found ½" iron rod with a cap marked “BYRN”, a southwest corner of a 49.137 acre tract recorded in Document No. 170280182 of the Official Public Records of Hays County, Texas, the northwest corner of a 1.506 acre tract recorded in Volume 3349, Page 162 of the Official Public Records of Hays County, Texas, and on the east right-of-way line of State Highway 123, Guadalupe Street, a 130-foot public right-of-way;

THENCE: N 88°39'28" E, a south line of said 49.137 acre tract, the north line of said 1.506 acre tract and a 1.00 acre tract recorded in Volume 3349, Page 156 of the Official Public Records of Hays County, Texas, a distance of 389.00 feet to a found ½" iron rod with a cap marked “BYRN”, the northeast corner of said 1.00 acre tract, a reentrant corner of said 49.137 acre tract;

THENCE: N 69°03'45" E, departing a west line of said 49.137 acre tract, the east line of said 1.00 acre tract, over and across said 49.137 acre tract, a distance of 1405.16 feet to a point on the northeast line of said 49.137 acre tract and the POINT OF BEGINNING of the herein described easement;

THENCE: Over and across said 272.24 acre tract the following bearings and distances:
N 79°41'54" E, a distance of 26.16 feet to a point;
N 43°08'02" E, a distance of 365.00 feet to a point;
S 46°51'58" E, a distance of 70.00 feet to a point;
S 43°08'02" W, a distance of 360.06 feet to a point on the northeast line of said 49.137 acre tract;
0.599 Acre
Job No.: 11173-03
Page 2 of 2

THENCE: N 63° 44' 15" W, along and with the northeast line of said 49.137 acre tract, a distance of 89.43 feet to the POINT OF BEGINNING, and containing 0.599 of an in the City of San Marcos, Hays County, Texas. Said easement tract being described in accordance with an exhibit prepared under job number 11173-03 by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.
DATE: June 13, 2018
JOB NO. 11173-03
DOC. ID. N:\CIVIL\11173-00\WORD\11173-00 ESDR-0.599 AC.docx

[Signature]
13 June, 18
LEGEND:
OPR = OFFICIAL PUBLIC RECORDS OF HAY'S COUNTY, TEXAS
FIRCBYRN FOUND 1/2" IRON ROD WITH CAP MARKED "BYRN"

NOTES:
1. THE PROFESSIONAL SERVICES PROVIDED HEREWITH INCLUDE THE PREPARATION OF A METES AND BOUNDS DESCRIPTION.

70’ DRAINAGE EASEMENT
0.599 OF AN ACRE
(26,074 SQUARE FEET MORE OR LESS)

P.O.B.

FARNAM FRYE
SURVEY NO 17
ABSTRACT 183

EXHIBIT FOR
A 70-FOOT WIDE DRAINAGE EASEMENT
A 0.599 OF AN ACRE, OR 26,074 SQUARE FEET MORE OR LESS,
EASEMENT LOCATED ON THE REMAINDER OF A 272.24 ACRE TRACT
DESCRIBED IN DEED TO COTTONWOOD CREEK JR, LTD REC'D IN
VOLUME 2457, PAGE 9 OF THE OFFICIAL PUBLIC RECORDS OF HAYS
COUNTY, TEXAS, OUT OF THE FARNAM FRYE SURVEY NO. 14,
ABSTRACT 203, HAYS COUNTY, TEXAS.

JUNE 2018
JOB No.: 11173-00

PAPE-DAWSON
ENGINEERS
SAN ANTONIO I AUSTIN I HOUSTON I FORT WORTH I DALLAS
2000 NEW LOOP 410 I SAN ANTONIO, TX 78213 I 210.577.0900

Date: Jun 13, 2018, 8:32pm  User Id: Wholmes
File: N:\DIV3\11173-00\11173-00 ES00-0-599 AC.dwg
NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER’S LICENSE NUMBER.

CITY OF SAN MARCOS DRAINAGE EASEMENT

Date:  June 27, 2019

Grantor:  Continental Homes of Texas, a Texas Limited partnership

Grantor’s Address:  210 W Hutchison Street, San Marcos, Texas 78666, Hays County

Grantee:  City of San Marcos, Texas, a home rule municipal corporation

Grantees’ Address:  630 East Hopkins, San Marcos, Hays County, Texas 78666

Consideration:  Ten dollars ($10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged.

Easement Area:  A 1.250 acre, or 54,434 square feet more or less, easement located on a 45.298 acre tract described in deed to Continental Homes of Texas, L.P., recorded in Instrument No. 18028863 of the Official Public Records of Hays County, Texas, out of the John F. Geister Survey No. 7, Abstract 203, in the City of San Marcos, Hays County, Texas. Said 1.250 of an acre easement tract, as more fully described by metes and bounds in the attached Exhibit “A,” made a part hereof for all purposes.

Grant of Easement:

Grantor, for the Consideration, grants and conveys to Grantee a perpetual easement and right-of-way for storm water drainage purposes along, within, across, over, under and through the Easement Area, including the right to construct, install, repair, replace, maintain and operate drainage ways, drainage channels, culverts, box culverts, pipelines, enclosures, or other such drainage and detention facilities, and all related equipment and appurtenances (the foregoing facilities and related equipment and appurtenances being referred to, collectively, as the “Drainage Facilities”), together with a right of ingress and egress at all times upon and across the Easement Area for these purposes, TO HAVE AND TO HOLD this easement to Grantee, its successors and assigns, forever. Grantor binds Grantor and Grantor’s successors and assigns to warrant and forever defend all and singular this easement to Grantee and Grantee’s successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof.

The Grantor covenants for itself and its successors and assigns, not to place or maintain any building, structure, or any other obstruction on or within the Easement Area, or to use the surface of the Easement Area for any purpose that would interfere with or prevent the use of the Easement Area for the purposes set forth herein without the consent of Grantee. Grantee shall have the right
to remove any building, structure or other improvements in the Easement Area to which it has not consented.

Grantee shall have the right to cut, trim, and control the growth of trees and other vegetation and to remove or alleviate other such obstructions on and in the Easement Area without payment to the Grantor, which interferes with or threatens the operation and maintenance of the Drainage Facilities.

Grantor acknowledges that any and all Drainage Facilities in the Easement Area shall remain the property of Grantee.

Grantor acknowledges that this easement may be freely assigned, in whole or in part, by Grantee.

Grantor expressly subordinates all rights of surface use of the Easement Area incident to the mineral estate to the above-described uses and surface uses by Grantee, and agrees to any lien holder subordinations as may be requested by Grantee.

If any clause, sentence, paragraph or article of this easement is determined by a court of competent jurisdiction to be invalid, illegal, or unenforceable in any respect, such determination shall not be deemed to impair, invalidate, or nullify the remainder of this easement if the easement can be given effect without the invalid portion. To this extent, the provisions of this easement are declared to be severable.

When the context requires, singular nouns and pronouns include the plural.

[SIGNATURES ON NEXT PAGE]
GRANTOR:
Continental Homes of Texas, L.P.  
(a Texas limited partnership)
By: CHTEX of Texas, Inc.  
(a Delaware corporation)
Its General Partner

By: Robert Daigle, Vice President

ACKNOWLEDGMENT

The State of Texas
County of Hays

This instrument was acknowledged before me on May 24, 2019 by Robert Daigle of Continental Homes of Texas, L.P., in such capacity on behalf of said entity.

Notary Public, State of Texas

ACCEPTED BY GRANTEE:

CITY OF SAN MARCOS

By: Phil Steed, Real Estate Manager, Engineering/Capital Improvements, City of San Marcos

ACKNOWLEDGMENT

The State of Texas
County of Hays

This instrument was acknowledged before me on 6-27-2019 by Phil Steed, Real Estate Manager, Engineering/Capital Improvements, City of San Marcos, in such capacity on behalf of said entity.

Notary Public, State of Texas
EXHIBIT "A"
Description of Easement Area

[METES AND BOUNDS DESCRIPTION]
[PAGE # - #]

[METES AND BOUNDS EXHIBIT]
[PAGE # - #]
LEGEND:
OPR OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS
FIR FOUND 1/2" IRON ROD
(PD) FOUND 1/2" IRON ROD (PAPE-DAWSON)

NOTES:
1. THIS EXHIBIT IS ISSUED IN CONJUNCTION WITH A METES AND BOUNDS DESCRIPTION PREPARED UNDER JOB NO. 11173-05 BY PAPE-DAWSON ENGINEERS, INC.
2. THE BEARINGS ARE BASED ON THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE SOUTH CENTRAL ZONE FROM THE NORTH AMERICAN DATUM OF 1983 NAD 83 (NA2051) EPOCH 2010.00.

CURVE TABLE

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LINE TABLE

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<td>L12</td>
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</table>

PAPE-DAWSON
ENGINEERS

SAN ANTONIO | AUSTIN | HOUSTON | FORT WORTH | DALLAS
2000 NW LOOP 410 | SAN ANTONIO, TX 78251 | 210.375.0900

P.O.B.

REMAINING PORTION OF 1.250 ACRE TRACT
COTTONWOOD CREEK JDR., LTD.
(VOL. 2457, PG. 9 OPR)

45.298 ACRES
CONTINENTAL HOMES OF TEXAS, LP
(INSTRUMENT NO. 18028863 OPR)

VARIABLE WIDTH DRAINAGE EASEMENT
1.250 ACRES
(54,434 SQ. FT. MORE OR LESS)

PAPE-DAWSON
ENGINEERS

MARCH 22, 2019
JOB No.:11173-05

REFERENCE:
STATE OF TEXAS
JON W. COOPER
6716 PROFESSIONAL LAND SURVEYOR

49.137 ACRES
CONTINENTAL HOMES OF TEXAS, LP.
(INSTRUMENT NO. 17028182 OPR)

EXHIBIT FOR A VARIABLE WIDTH DRAINAGE EASEMENT
A 1.250 ACRE, OR 54,434 SQUARE FEET MORE OR LESS, EASEMENT LOCATED ON A 45.296 ACRE TRACT DESCRIBED IN DEED TO CONTINENTAL HOMES OF TEXAS, LP, RECORDED IN INSTRUMENT NO. 18028863 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, OUT OF THE JOHN F. GEISTER SURVEY NO. 7, ABSTRACT 203, HAYS COUNTY, TEXAS.
METES AND BOUNDS DESCRIPTION
FOR
A VARIABLE-WIDTH DRAINAGE EASEMENT

A 1.250 acre, or 54,434 square feet more or less, easement located on a 45.298 acre tract described in deed to Continental Homes of Texas, L.P., recorded in Instrument No. 18028863 of the Official Public Records of Hays County, Texas, out of the John F. Geister Survey No. 7, Abstract 203, Hays County, Texas. Said 1.250 acre easement being more fully described as follows, with bearings based on the Texas Coordinate System established for the South Central Zone from the North American Datum of 1983 NAD 83 (NA2011) epoch 2010.00;

COMMENCING: At a found ½ inch iron rod with cap stamped “Pape-Dawson” at the west corner of said 45.298 acre tract, on the northeast line of a 49.137 acre tract described in deed to Continental Homes of Texas, L.P., recorded in Instrument No. 17028182 of the Official Public Records of Hays County, Texas, and on the proposed northeast right-of-way line of Rattler Road, an 80-foot right-of-way dedicated in Cottonwood Creek Phase 3, Unit 3, an approved but unrecorded plat;

THENCE: Departing the northeast line of said 49.137 acre tract, with the northwest line of said 45.298 acre tract, the following bearings and distances:

N 37°52'51" E, a distance of 8.87 feet to a found ½ inch iron rod with a yellow cap stamped “Pape-Dawson”;

Northeasterly, along a tangent curve to the left, said curve having a radius of 370.00 feet, a central angle of 11°37'06", a chord bearing and distance of N 32°04'18" E, 74.90 feet, for an arc length of 75.03 feet to a found ½ inch iron rod with a yellow cap stamped “Pape-Dawson”;

N 26°15'45" E, a distance of 414.34 feet to the POINT OF BEGINNING of the herein described easement;

THENCE: Continuing with said line, the following bearings and distances:

N 26°15'45" E, a distance of 130.98 feet to a found ½ inch iron rod with a yellow cap stamped “Pape-Dawson”;

Northeasterly, along a tangent curve to the right, said curve having a radius of 475.00 feet, a central angle of 37°51'46", a chord bearing and distance of
N 45°11'38" E, 308.21 feet, for an arc length of 313.89 feet to a found ½ inch iron rod with yellow cap stamped “Pape-Dawson”;

N 25°52'29" W, a distance of 150.28 feet to a found ½ inch iron rod with cap stamped “Baker – Aicklen” at a west corner of said 45.298 acre tract, and the south corner of a 38.04 acre tract described in deed to the City of San Marcos, recorded in Volume 3416, Page 751 of the Official Public Records of Hays County, Texas;

THENCE: With the southeast line of said 38.04 acre tract and the northwest line of said 45.298 acre tract, the following bearings and distances:

Northeasterly, along a curve to the right, said curve having a radius of 830.00 feet, a central angle of 05°55'42", a chord bearing and distance of N 34°14'46" E, 85.84 feet, for an arc length of 85.88 feet to a point;

N 37°05'12" E, a distance of 196.56 feet to a point;

THENCE: Departing the southeast line of said 38.04 acre tract, over and across said 45.298 acre tract, the following bearings and distances:

S 79°46'17" E, a distance of 3.23 feet to a point;

S 10°13'43" W, a distance of 327.27 feet to a point;

S 06°23'47" E, a distance of 20.15 feet to a point;

Southwesterly, along a non-tangent curve to the left, said curve having a radius of 475.00 feet, a central angle of 05°50'38", a chord bearing and distance of S 67°33'22" W, 48.43 feet, for an arc length of 48.45 feet to a point;

S 10°13'43" W, a distance of 36.56 feet to a point;

Southwesterly, along a tangent curve to the right, said curve having a radius of 137.00 feet, a central angle of 39°46'48", a chord bearing and distance of S 30°07'07" W, 93.22 feet, for an arc length of 95.12 feet to a point;

S 50°00'31" W, a distance of 4.18 feet to a point;
Southwesterly, along a tangent curve to the left, said curve having a radius of 404.50 feet, a central angle of 23°44'40'', a chord bearing and distance of S 38°08'11" W, 166.43 feet, for an arc length of 167.63 feet to a point;

S 26°15'45" W, a distance of 131.00 feet to a point;

N 63°44'15" W, a distance of 70.50 feet to the POINT OF BEGINNING, and containing 1.250 acres in the Hays County, Texas. Said easement being described in conjunction with an exhibit prepared under job number 11173-05 by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.
DATE: March 22, 2019
JOB NO. 11173-05
DOC. ID. N:\CIVIL\11173-05\Word\11173-05 ESSD-.1.250 AC.docx
NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER’S LICENSE NUMBER.

CITY OF SAN MARCOS DRAINAGE EASEMENT

Date: June 27th 2019

Grantor: Cottonwood Creek JDR, Ltd. a Texas Limited partnership

Grantor’s Address: 333 Cheatham Street, San Marcos, Texas 78666, Hays, County

Grantee: City of San Marcos, Texas, a home rule municipal corporation

Grantees’ Address: 630 East Hopkins, San Marcos, Hays County, Texas 78666

Consideration: Ten dollars ($10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged.

Easement Area: A 0.247 of an acre, or 10,750 square feet more or less, easement located on the remaining portion of a 272.24 acre tract described in deed to Cottonwood Creek JDR, Ltd., recorded in Volume 2457, Page 9 of the Official Public Records of Hays County, Texas, out of the Farnam Frye Survey No. 17, Abstract 183, in the City of San Marcos, Hays County, Texas. Said 0.247 of an acre easement tract, as more fully described by metes and bounds in the attached Exhibit “A,” made a part hereof for all purposes.

Grant of Easement:

Grantor, for the Consideration, grants and conveys to Grantee a perpetual easement and right-of-way for storm water drainage purposes along, within, across, over, under and through the Easement Area, including the right to construct, install, repair, replace, maintain and operate drainage ways, drainage channels, culverts, box culverts, pipelines, enclosures, or other such drainage and detention facilities, and all related equipment and appurtenances (the foregoing facilities and related equipment and appurtenances being referred to, collectively, as the “Drainage Facilities”), together with a right of ingress and egress at all times upon and across the Easement Area for these purposes, TO HAVE AND TO HOLD this easement to Grantee, its successors and assigns, forever. Grantor binds Grantor and Grantor’s successors and assigns to warrant and forever defend all and singular this easement to Grantee and Grantee’s successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof.

The Grantor covenants for itself and its successors and assigns, not to place or maintain any building, structure, or any other obstruction on or within the Easement Area, or to use the surface of the Easement Area for any purpose that would interfere with or prevent the use of the Easement Area for the purposes set forth herein without the consent of Grantee. Grantee shall have the right
to remove any building, structure or other improvements in the Easement Area to which it has not consented.

Grantee shall have the right to cut, trim, and control the growth of trees and other vegetation and to remove or alleviate other such obstructions on and in the Easement Area without payment to the Grantor, which interferes with or threatens the operation and maintenance of the Drainage Facilities.

Grantor acknowledges that any and all Drainage Facilities in the Easement Area shall remain the property of Grantee.

Grantor acknowledges that this easement may be freely assigned, in whole or in part, by Grantee.

Grantor expressly subordinates all rights of surface use of the Easement Area incident to the mineral estate to the above-described uses and surface uses by Grantee, and agrees to any lien holder subordinations as may be requested by Grantee.

If any clause, sentence, paragraph or article of this easement is determined by a court of competent jurisdiction to be invalid, illegal, or unenforceable in any respect, such determination shall not be deemed to impair, invalidate, or nullify the remainder of this easement if the easement can be given effect without the invalid portion. To this extent, the provisions of this easement are declared to be severable.

When the context requires, singular nouns and pronouns include the plural.

[SIGNATURES ON NEXT PAGE]
GRANTOR:
Cottonwood Creek JDR, Ltd.
(a Texas limited partnership)
By: Alamo Creek Investments, Inc.
    (a Texas corporation)
    Its General Partner

By: [Signature]
Randall Morris, President

ACKNOWLEDGMENT

The State of Texas

County of Hays

This instrument was acknowledged before me on [Date] by [Name],
President of [Company], in such capacity on behalf of said entity.

[Notary Seal]
Jenny Frisbie
Notary Public, State of Texas
Expires October 10, 2019

ACCEPTED BY GRANTEE:

CITY OF SAN MARCOS

By: [Signature]
Phil Steed,
Real Estate Manager
Engineering / Capital Improvements
City of San Marcos

ACKNOWLEDGMENT

The State of Texas

County of Hays

This instrument was acknowledged before me on [Date] by Phil Steed,
Real Estate Manager, Engineering/Capital Improvements, City of San Marcos, in such capacity on
behalf of said entity.

[Notary Seal]
Brandon Tomasini
Notary Public, State of Texas
Comm. Expires 05-18-2022
Notary ID 120612539
EXHIBIT “A”
Description of Easement Area

[METES AND BOUNDS DESCRIPTION]
[METES AND BOUNDS EXHIBIT]
LEGEND:
OPR OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS
(FD) FOUND 1/2" IRON ROD (PAPE-DAWSON)

NOTES:
1. THIS EXHIBIT IS ISSUED IN CONJUNCTION WITH A METES AND BOUNDS DESCRIPTION PREPARED UNDER JOB NO. 11173-05 BY PAPE-DAWSON ENGINEERS, INC.

LOCATION MAP
NOT TO SCALE

<table>
<thead>
<tr>
<th>CURVE</th>
<th>RADIUS</th>
<th>DELTA</th>
<th>CHORD BEARING</th>
<th>CHORD LENGTH</th>
</tr>
</thead>
<tbody>
<tr>
<td>C1</td>
<td>20.00'</td>
<td>66°13'40&quot;</td>
<td>S80°59'42&quot;W</td>
<td>27.34' 30.10'</td>
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<tr>
<td>C2</td>
<td>740.00'</td>
<td>1°48'07&quot;</td>
<td>N56°47'32&quot;W</td>
<td>23.27' 23.27'</td>
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<td>C3</td>
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<td>2°32'16&quot;</td>
<td>N58°57'43&quot;W</td>
<td>32.77' 32.78'</td>
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<tr>
<td>C4</td>
<td>50.00'</td>
<td>51°30'37&quot;</td>
<td>S52°01'04&quot;W</td>
<td>43.45' 44.95'</td>
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</tbody>
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FARNAM FYRE SURVEY NO 17
ABSTRACT 183

TARGETS: 70 DRAINAGE EASEMENT
(INSTRUMENT NO. 18032673 OPR)

70' DRAINAGE EASEMENT
(INSTRUMENT NO. 180332675 OPR)

RATTLER ROAD

0.247 OF AN ACRE
(10,750 SQUARE FEET MORE OR LESS)

49.137 ACRES
CONTINENTAL HOMES OF TEXAS, LP
(INSTRUMENT NO. 17028182 OPR)

STATE OF TEXAS REGISTERS

PAPE-DAWSON ENGINEERS
SAN ANTONIO | AUSTIN | HOUSTON | FORT WORTH | DALLAS
2030 I-35 LOOP 410 | SAN ANTONIO, TX 78213 | 210-375-9000
TRP ENGINEERING REGISTRATION 429 | TEXAS FIRM REGISTRATION 11026600

VARIABLE WIDTH DRAINAGE EASEMENT

JON W. COOPER
VOLUME 2457, PAGE 9 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, OUT OF THE FARNAM FYRE SURVEY NO. 17, ABSTRACT 183, HAYS COUNTY, TEXAS.

MARCH 22, 2019

JOB No.: 11173-05

REFERENCE:

SHEET 1 OF 1
METES AND BOUNDS DESCRIPTION
FOR
A VARIABLE-WIDTH DRAINAGE EASEMENT

A 0.247 of an acre, or 10,750 square feet more or less, easement located on the remaining portion of a 272.24 acre tract described in deed to Cottonwood Creek JDR, Ltd., recorded in Volume 2457, Page 9 of the Official Public Records of Hays County, Texas, out of the Farm and Frye Survey No. 17, Abstract 183, Hays County, Texas. Said 0.247 of an acre easement being more fully described as follows, with bearings based on the Texas Coordinate System established for the South Central Zone from the North American Datum of 1983 NAD 83 (NA2011) epoch 2010.00;

COMMENCING: At a found ½ inch iron rod with a yellow cap stamped “Pape-Dawson” at the west corner of a 45.298 acre tract described in deed to Continental Homes of Texas, L.P., recorded in Instrument No. 18028863 of the Official Public Records of Hays County, Texas, on the northeast line of a 49.137 acre tract described in deed to Continental Homes of Texas, L.P., recorded in Instrument No. 17028182 of said Official Public Records, the proposed northeast right-of-way line of Rattler Road, an 80-foot public right-of-way dedicated in Cottonwood Creek Phase 3, Unit 3, an approved but unrecorded plat;

THENCE: With the northeast line of said 49.137 acre tract, the following bearings and distances:

Southwesterly, along a curve to the right, said curve having a radius of 20.00 feet, a central angle of 86°13'40", a chord bearing and distance of S 80°59'42" W, 27.34 feet, for an arc length of 30.10 feet to a found ½ inch iron rod with a yellow cap stamped “Pape-Dawson”;

Northwesterly, along a curve to the left, said curve having a radius of 740.00 feet, a central angle of 01°48'07", a chord bearing and distance of N 56°47'32", 23.27 feet, for an arc length of 23.27 feet to the POINT OF BEGINNING of the herein described easement;

THENCE: Northwesterly, continuing with the northeast line of said 49.137 acre tract, along a curve to the left, said curve having a radius of 740.00 feet, a central angle of 02°32'16", a chord bearing and distance of N 58°57'43" W, 32.77 feet, for an arc length of 32.78 feet to a point;
0.247 Acre
Job No.: 11173-05
Page 2 of 2

THENCE: Departing the northeast line of said 49.137 acre tract, over and across said 272.24 acre tract, the following bearings and distances:

N 02°58'33" W, a distance of 160.12 feet to a point;
N 43°08'02" E, a distance of 174.54 feet to a point;
S 18°29'01" W, a distance of 106.34 feet to a point;
S 26°15'45" W, a distance of 49.39 feet to a point;

Southwesterly, along a tangent curve to the right, said curve having a radius of 50.00 feet, a central angle of 51°30'37", a chord bearing and distance of S 52°01'04" W, 43.45 feet, for an arc length of 44.95 feet to a point;

S 02°58'33" E, a distance of 132.46 feet to the POINT OF BEGINNING, and containing 0.247 of an acre in Hays County, Texas. Said easement being described in conjunction with an exhibit prepared under job number 11173-05 by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.
DATE: March 22, 2019
JOB NO. 11173-05
DOC. ID. N:\CIVIL\11173-05\Word\11173-05 ESSD-0.247 AC.docx
NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER’S LICENSE NUMBER.

CITY OF SAN MARCOS DRAINAGE EASEMENT

Date: June 27th, 2019

Grantor: Cottonwood Creek JDR, Ltd. a Texas Limited partnership

Grantor’s Address: 333 Cheatham Street, San Marcos, Texas 78666, Hays, County

Grantee: City of San Marcos, Texas, a home rule municipal corporation

Grantees’ Address: 630 East Hopkins, San Marcos, Hays County, Texas 78666

Consideration: Ten dollars ($10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged.

Easement Area: A 0.118 of an acre, or 5,145 square feet more or less, easement located on the remaining portion of a 272.24 acre tract of land described in deed to Cottonwood Creek JDR, Ltd., recorded in Volume 2457, Page 9 of the Official Public Records of Hays County, out of the Farnam Frye Survey no. 17, Abstract 183, and the John F. Geister survey No. 7, Abstract 203, in the City of San Marcos, Hays County, Texas. Said 0.118 of an acre easement tract, as more fully described by metes and bounds in the attached Exhibit “A,” made a part hereof for all purposes.

Grant of Easement:

Grantor, for the Consideration, grants and conveys to Grantee a perpetual easement and right-of-way for storm water drainage purposes along, within, across, over, under and through the Easement Area, including the right to construct, install, repair, replace, maintain and operate drainage ways, drainage channels, culverts, box culverts, pipelines, enclosures, or other such drainage and detention facilities, and all related equipment and appurtenances (the foregoing facilities and related equipment and appurtenances being referred to, collectively, as the “Drainage Facilities”), together with a right of ingress and egress at all times upon and across the Easement Area for these purposes, TO HAVE AND TO HOLD this easement to Grantee, its successors and assigns, forever. Grantor binds Grantor and Grantor’s successors and assigns to warrant and forever defend all and singular this easement to Grantee and Grantee’s successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof.

The Grantor covenants for itself and its successors and assigns, not to place or maintain any building, structure, or any other obstruction on or within the Easement Area, or to use the surface of the Easement Area for any purpose that would interfere with or prevent the use of the Easement Area for the purposes set forth herein without the consent of Grantee. Grantee shall have the right
to remove any building, structure or other improvements in the Easement Area to which it has not consented.

Grantee shall have the right to cut, trim, and control the growth of trees and other vegetation and to remove or alleviate other such obstructions on and in the Easement Area without payment to the Grantor, which interferes with or threatens the operation and maintenance of the Drainage Facilities.

Grantor acknowledges that any and all Drainage Facilities in the Easement Area shall remain the property of Grantee.

Grantor acknowledges that this easement may be freely assigned, in whole or in part, by Grantee.

Grantor expressly subordinates all rights of surface use of the Easement Area incident to the mineral estate to the above-described uses and surface uses by Grantee, and agrees to any lien holder subordinations as may be requested by Grantee.

If any clause, sentence, paragraph or article of this easement is determined by a court of competent jurisdiction to be invalid, illegal, or unenforceable in any respect, such determination shall not be deemed to impair, invalidate, or nullify the remainder of this easement if the easement can be given effect without the invalid portion. To this extent, the provisions of this easement are declared to be severable.

When the context requires, singular nouns and pronouns include the plural.

[SIGNATURES ON NEXT PAGE]
GRANTOR:
Cottonwood Creek JDR, Ltd.
(a Texas limited partnership)
By: Alamo Creek Investments, Inc.
    (a Texas corporation)
    Its General Partner

ACKNOWLEDGMENT

The State of Texas §
County of Hays §

This instrument was acknowledged before me on June 6, 2019, by Randall Morris, President of Alamo Creek Investments. He appeared in such capacity on behalf of said entity.

JENNY FRISBIE
My Notary ID # 11758590
Expires October 18, 2019
Notary Public, State of Texas

ACCEPTED BY GRANTEE:

CITY OF SAN MARCOS

By:
Phil Steed,
Real Estate Manager
Engineering / Capital Improvements
City of San Marcos

ACKNOWLEDGMENT

The State of Texas §
County of Hays §

This instrument was acknowledged before me on 6.27.2019 by Phil Steed, Real Estate Manager, Engineering/Capital Improvements, City of San Marcos, in such capacity on behalf of said entity.

Jenny Frisbie
Notary Public, State of Texas

Brandon Tomasini
Notary Public, State of Texas
Comm. Expires 05-18-2022
Notary ID 126612539
EXHIBIT “A”
Description of Easement Area

[METES AND BOUNDS DESCRIPTION]
[PAGE # - #]

[METES AND BOUNDS EXHIBIT]
[PAGE # - #]
LEGEND:
OPR OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS
"FIR FOUND 1/2" IRON ROD
(PD) PAPE-DAWSON

NOTES:
1. THIS EXHIBIT IS ISSUED IN CONJUNCTION WITH A METES AND BOUNDS DESCRIPTION PREPARED UNDER JOB NO. 11173-05 BY PAPE-DAWSON ENGINEERS, INC.

VARIABLE WIDTH DRAINAGE EASEMENT
0.118 OF AN ACRE
(5,145 SQUARE FEET MORE OR LESS)

R=370.00'
Delta=11°37'06"
CB=S32°04'18"W
CD=74.90'
L=75.03'
45,298 ACRES CONTINENTAL HOMES OF TEXAS, LP
(INSTRUMENT NO. 18028883 OPR)

EXHIBIT FOR A VARIABLE WIDTH DRAINAGE EASEMENT
A 0.118 OF AN ACRE, OR 5,145 SQUARE FEET MORE OR LESS, EASEMENT LOCATED ON THE REMAINING PORTION OF A 272.24 ACRE TRACT OF LAND DESCRIBED IN DEED TO COTTONWOOD CREEK LTD., RECORDED IN VOLUME 2457, PAGE 8 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, OUT OF THE FARMAN FRYE SURVEY NO. 1, ABSTRACT 183, AND THE JOHN F. GEISTER SURVEY NO. 7, ABSTRACT 203, HAYS COUNTY, TEXAS.

PAPE-DAWSON ENGINEERS
SAN ANTONIO | AUSTIN | HOUSTON | FORT WORTH | DALLAS
2500 NW LONE Fm 410 | SAN ANTONIO, TX 78213 | 210.320.5000
TEXAS FIRM REGISTRATION NO. 1 | TEXAS FIRM REGISTRATION NO. 20205000
MARCH 22, 2019
JOB No.:11173-05
METES AND BOUNDS DESCRIPTION
FOR
A VARIABLE WIDTH DRAINAGE EASEMENT

A 0.118 of an acre, or 5,145 square feet more or less, easement located on the remaining portion of a 272.24 acre tract of land described in deed to Cottonwood Creek JDR, Ltd., recorded in Volume 2457, Page 9 of the Official Public Records of Hays County, out of the Farnam Frye Survey no. 17, Abstract 183, and the John F. Geister survey No. 7, Abstract 203, Hays County, Texas. Said 0.118 of an acre easement being more fully described as follows, with bearings based on the Texas Coordinate System established for the South Central Zone from the North American Datum of 1983 NAD 83 (NA2011) epoch 2010.00;

BEGINNING: At a found ½ inch iron rod with a yellow cap stamped “Pape-Dawson” for the west corner of a 45.298 acre tract described in deed to Continental Homes of Texas, L.P., recorded in Instrument No. 18028863 of the Official Public Records of Hays County, Texas, on the northeast line of a 49.137 acre tract described in deed to Continental Homes of Texas, L.P., recorded in Instrument No. 17028182 of the Official Public Records of Hays County, Texas, the proposed north right-of-way line of Rattler Road, an 80-foot right-of-way dedicated in Cottonwood Creek Phase 3, Unit 3, an approved but unrecorded plat;

THENCE: Departing the northeast line of said 49.137 acre tract, over and across said 272.24 acre tract, the following bearings and distances:

N52°07'09" W, a distance of 26.89 feet to a point;

N 36°59'00" E, a distance of 159.70 feet to a point;

N 26°15'45" E, a distance of 335.21 feet to a point;

S 63°44'15" E, a distance of 6.00 feet to a point on the northwest line of said 45.298 acre tract;

THENCE: With the northwest line of said 45.298 acre tract, the following bearings and distances:

S 26°15'45" W, a distance of 414.34 feet to a found ½ inch iron rod with a yellow cap stamped “Pape-Dawson”;

Page 1 of 2
Southwesterly, along a tangent curve to the right, said curve having a radius of 370.00 feet, a central angle of 11°37'06", a chord bearing and distance of S 32°04'18" W, 74.90 feet, for an arc length of 75.03 feet to a found ½ inch iron rod with a yellow cap stamped "Pape-Dawson";

S 37°52'51" W, a distance of 8.87 feet to the POINT OF BEGINNING, and containing 0.118 of an acre in Hays County, Texas. Said easement being described in conjunction with an exhibit prepared under job number 11173-05 by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.
DATE: March 22, 2019
JOB NO. 11173-05
DOC. ID. N:\CIVIL\11173-05\Word\11173-05 ESSD-0.118 AC.docx
NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER’S LICENSE NUMBER.

CITY OF SAN MARCOS DRAINAGE EASEMENT

Date:       June 27, 2019

Grantor:   Cottonwood Creek JDR, Ltd. a Texas Limited partnership

Grantor's Address:  333 Cheatham Street, San Marcos, Texas 78666, Hays, County

Grantee:   City of San Marcos, Texas, a home rule municipal corporation

Grantees’ Address:  630 East Hopkins, San Marcos, Hays County, Texas 78666

Consideration:  Ten dollars ($10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged.

Easement Area:  A 0.335 of an acre, or 14,575 square feet more or less, easement located on the remaining portion of a 272.24 acre tract described in deed to Cottonwood Creek JDR, LTD., recorded in Volume 2457, Page 9 of the Official Public Records of Hays County, Texas, out of the John F. Geister Survey No. 7, Abstract 203, in the City of San Marcos, Hays County, Texas. Said 0.335 of an acre easement tract, as more fully described by metes and bounds in the attached Exhibit “A,” made a part hereof for all purposes.

Grant of Easement:

Grantor, for the Consideration, grants and conveys to Grantee a perpetual easement and right-of-way for storm water drainage purposes along, within, across, over, under and through the Easement Area, including the right to construct, install, repair, replace, maintain and operate drainage ways, drainage channels, culverts, box culverts, pipelines, enclosures, or other such drainage and detention facilities, and all related equipment and appurtenances (the foregoing facilities and related equipment and appurtenances being referred to, collectively, as the “Drainage Facilities”), together with a right of ingress and egress at all times upon and across the Easement Area for these purposes, TO HAVE AND TO HOLD this easement to Grantee, its successors and assigns, forever. Grantor binds Grantor and Grantor’s successors and assigns to warrant and forever defend all and singular this easement to Grantee and Grantee’s successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof.

The Grantor covenants for itself and its successors and assigns, not to place or maintain any building, structure, or any other obstruction on or within the Easement Area, or to use the surface of the Easement Area for any purpose that would interfere with or prevent the use of the Easement Area for the purposes set forth herein without the consent of Grantee. Grantee shall have the right
to remove any building, structure or other improvements in the Easement Area to which it has not consented.

Grantee shall have the right to cut, trim, and control the growth of trees and other vegetation and to remove or alleviate other such obstructions on and in the Easement Area without payment to the Grantor, which interferes with or threatens the operation and maintenance of the Drainage Facilities.

Grantor acknowledges that any and all Drainage Facilities in the Easement Area shall remain the property of Grantee.

Grantor acknowledges that this easement may be freely assigned, in whole or in part, by Grantee.

Grantor expressly subordinates all rights of surface use of the Easement Area incident to the mineral estate to the above-described uses and surface uses by Grantee, and agrees to any lien holder subordinations as may be requested by Grantee.

If any clause, sentence, paragraph or article of this easement is determined by a court of competent jurisdiction to be invalid, illegal, or unenforceable in any respect, such determination shall not be deemed to impair, invalidate, or nullify the remainder of this easement if the easement can be given effect without the invalid portion. To this extent, the provisions of this easement are declared to be severable.

When the context requires, singular nouns and pronouns include the plural.

[SIGNATURES ON NEXT PAGE]
GRANTOR:
Cottonwood Creek JDR, Ltd.
(a Texas limited partnership)
By: Alamo Creek Investments, Inc.
(a Texas corporation)
Its General Partner

By: [Signature]
Randall Morris, President

ACKNOWLEDGMENT

The State of Texas §
County of Hays §

This instrument was acknowledged before me on June 26, 2019 by Randall Morris, President of Alamo Creek Investments, in such capacity on behalf of said entity.

JENNY FRISBIE
My Notary ID # 11768590
Expires October 18, 2019
Notary Public, State of Texas

ACCEPTED BY GRANTEE:

CITY OF SAN MARCOS

By: [Signature]
Phil Steed,
Real Estate Manager
Engineering / Capital Improvements
City of San Marcos

ACKNOWLEDGMENT

The State of Texas §
County of Hays §

This instrument was acknowledged before me on 6-27-2019 by Phil Steed, Real Estate Manager, Engineering/Capital Improvements, City of San Marcos, in such capacity on behalf of said entity.

BRANDON TOMASINI
Notary Public, State of Texas
Comm. Expires 05-18-2022
Notary ID 126612538
EXHIBIT “A”
Description of Easement Area

[METES AND BOUNDS DESCRIPTION]
[PAGE # - #]

[METES AND BOUNDS EXHIBIT]
[PAGE # - #]
METES AND BOUNDS DESCRIPTION
FOR
A VARIABLE-WIDTH DRAINAGE EASMENT

A 0.335 of an acre, or 14,575 square feet more or less, easement located on the remaining portion of a 272.24 acre tract described in deed to Cottonwood Creek JDR, LTD., recorded in Volume 2457, Page 9 of the Official Public Records of Hays County, Texas, out of the John F. Geister Survey No. 7, Abstract 203, Hays County, Texas. Said 0.335 of an acre easement being more fully described as follows, with bearings based on the Texas Coordinate System established for the South Central Zone from the North American Datum of 1983 NAD 83 (NA2011) epoch 2010.00;

COMMENCING: At a found ½ inch iron rod with a yellow cap stamped “Pape-Dawson” at the west corner of a 45.298 acre tract described in deed to Continental Homes of Texas, L.P., recorded in Instrument No. 18028863 of the Official Public Records of Hays County, Texas, on the northeast line of a 49.137 acre tract described in deed to Continental Homes of Texas, L.P., recorded in Instrument No. 17028182 of the Official Public Records of Hays County, Texas, and on the proposed northeast right-of-way line of Rattler Road, an 80-foot public right-of-way dedicated in Cottonwood Creek Phase 3, Unit 3, an approved but unrecorded plat;

THENCE: Departing the proposed northeast right-of-way line of said Rattler Road and the northeast line of said 49.137 acre tract, with the northwest line of said 45.298 acre tract, the following bearings and distances:

N 37°52'51" E, a distance of 8.87 feet to a found ½ inch iron rod with a yellow cap stamped “Pape-Dawson”;

Northeasterly, along a tangent curve to the left, said curve having a radius of 370.00 feet, a central angle of 11°37'06", a chord bearing and distance of N 32°04'18" E, 74.90 feet, for an arc length of 75.03 feet to a set ½ inch iron rod with cap stamped “Pape-Dawson”;

N 26°15'45" E, a distance of 414.34 feet to the POINT OF BEGINNING of the herein described easement;
THENCE: Departing the west line of said 45.298 acre tract, over and across said 272.24 acre tract, the following bearings and distances:

N 63°44'15" W, a distance of 16.50 feet to a point;

N 26°15'45" E, a distance of 130.98 feet to a point;

Northeastery along a tangent curve to the right, said curve having a radius of 491.50 feet, a central angle of 23°44'46", a chord bearing and distance of N 38°08'08" E, 202.25 feet, for an arc length of 203.70 feet to a point;

N 50°00'31" E, a distance of 4.18 feet to a point;

Northeastery along a tangent curve to the left, said curve having a radius of 50.00 feet, a central angle of 39°46'48", a chord bearing and distance of N 30°07'07" E, 34.02 feet, for an arc length of 34.71 feet to a point;

N 10°13'43" E, a distance of 29.23 feet to a point;

N 06°23'47" W, a distance of 34.95 feet to a point;

N 10°13'43" E, a distance of 94.79 feet to a point on the south line of a 38.04 acre tract described in deed to the City of San Marcos, recorded in Volume 3416, Page 751 of the Official Public Records of Hays County, Texas;

THENCE: S 58°06'18" E, with the south line of said 38.04 acre tract a distance of 5.41 feet to a found ½ inch iron rod with cap stamped “Baker – Aicklen” at a west corner of said 45.298 acre tract;

THENCE: Departing the south line of said 38.04 acre tract, with the northwest line of said 45.298 acre tract, the following bearings and distances:

S 25°52'29" E, a distance of 150.28 feet to a found ½ inch iron rod with a yellow cap stamped “Pape-Dawson";
Southwesterly, along a curve to the left, said curve having a radius of 475.00 feet, a central angle of 37°51'46", a chord bearing and distance of S 45°11'38" W, 308.21 feet, for an arc length of 313.89 feet to a found ½ inch iron rod with a yellow cap stamped "Pape-Dawson";

S 26°15'45", a distance of 130.98 feet to the POINT OF BEGINNING, and containing 0.335 of an acre in the Hays County, Texas. Said easement being described in conjunction with an exhibit prepared under job number 11173-05 by Pape-Dawson Engineers, Inc.
File #: Res. 2020-64R, Version: 1

AGENDA CAPTION:
Consider approval of Resolution 2020-64R, approving a release of easement in connection with the Riverstone Apartments development at 1430 Wonder World Drive, subject to the dedication to the City of Alternate Easements, as appropriate; authorizing the City Manager, or his designee, to execute the release of easements on behalf of the City; and declaring an effective date.

Meeting date: March 17, 2020

Department: SMEU

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

Fiscal Note:
Prior Council Action: NA

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

Comprehensive Plan Element(s): [Please select the Plan element(s) and Goal # from dropdown menu below]
☐ Economic Development - Choose an item.
☐ Environment & Resource Protection - Choose an item.
☒ Land Use - Choose an item.
☒ Neighborhoods & Housing - Well maintained, stable neighborhoods protected from encroachment of incompatible land uses
☐ Parks, Public Spaces & Facilities - Choose an item.
☐ Transportation - Choose an item.
☐ Core Services
Master Plan: [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]
San Marcos Electric Utility Master Plan

Background Information:
The property at 1430 Wonder World Drive is being developed for the Riverstone Apartments. The property is presently encumbered by an existing electric utility easement originally granted to the Lower Colorado River Authority, which easement was later assigned to the City.

Redevelopment of the property for the Riverstone Apartments requires relocating electric easements and facilities. SMEU has agreed to the release of the existing easement, subject to appropriate alternate easements being provided with the new development.

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

Alternatives:
Click or tap here to enter text.

Recommendation:
Staff recommends approval of the release of these easements.
RESOLUTION NO. 2020-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS APPROVING A RELEASE OF EASEMENT IN CONNECTION WITH THE RIVERSTONE APARTMENTS DEVELOPMENT AT 1430 WONDER WORLD DRIVE, SUBJECT TO THE DEDICATION TO THE CITY OF ALTERNATE EASEMENTS, AS APPROPRIATE; AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE RELEASE OF EASEMENTS 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 Release of Easement is hereby approved.

PART 2. The City Manager, or his designee, is authorized to execute said Release of Easement on behalf of the City.

PART 3. The Release of Easement shall not be recorded until alternate easements, as appropriate, are approved by the City’s Engineering and Capital Improvements Department, and concurrently dedicated to the City.

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

ADOPTED on March 17, 2020.

Jane Hughson
Mayor

Attest:

Tammy K. Cook
Interim City Clerk
THREE STATE OF TEXAS
COUNTY OF Hays

KNOW ALL MEN BY THESE PRESENTS:

That Eugene Ferrer

hereinafter referred to as "Grantee," (whether one or more), for and in consideration of One $1,000.00 to Grantee in hand paid by LOWER COLORADO RIVER AUTHORITY, of Austin, Texas (hereinafter called the "Authority") have granted, sold and conveyed and by these presents do grant, sell and convey unto the said Authority, an easement and right-of-way for electric transmission and/or distribution lines consisting of variable number and sizes of wires, and all necessary or desirable appurtenances (including towers, H-frames or poles made of wood, metal or other materials, telephone and telegraph wires, props and guys), at or near the location and along the general course now located and staked out by the said Authority, over, across and upon the following described lands located in Hays County, Texas, to-wit:

All that certain tract or parcel of land, being (Tract "C") 6.00 acres of land a part of and out of the J. M. Veramendi League Number One (1).

This easement shall consist of a strip of land twenty five feet (25') wide along the northeast side of said property as shown on attached Exhibit "A".

The centerline described above is shown on plat attached hereto, marked EXHIBIT "A," and incorporated herein by reference.

Together with the right of ingress and egress over Grantee’s adjacent lands to or from said right-of-way for the purpose of constructing, reconstructing, inspecting, patrolling, operating, maintaining and removing said lines and appurtenances; the right to place new or additional poles or wires on said lines and to change the sizes thereof; the right to relocate along the same general direction of said lines; the right to remove from said lands all trees and parts thereof, or other obstructions, which endanger or may interfere with the efficiency of said lines or their appurtenances; and the right to place temporary guy, poles, and supporting structures for use in erecting or repairing said lines.

Grantee warrants that Grantee is the owner of said property and has the right to execute this easement.

This easement docs not include any damages, if any, which may occur in the future after the original construction of said lines and resulting from the reconstruction or repairing thereof.

To have and to hold the above described easement and rights unto the Authority, its successors and assigns, until said easement and rights shall be relinquished by Authority.

Grantee does hereby bind himself, his heirs and legal representatives, to warrant and forever defend all and singular the above described easement and rights unto Authority, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Witnesses My hand this 27th day of April 1984.

[Signatures]

Real Property Records
Hays County Texas
THE STATE OF TEXAS,

County of __________

BEFORE ME, __________, a Notary Public in and for __________, County, Texas, on this day personally appeared, ____________.

known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that __________ executed the same for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this __________ day of __________, A.D. __________.

Notary Public __________

County, Texas.

THE STATE OF TEXAS,

County of __________

BEFORE ME, __________, a Notary Public in and for __________, County, Texas, on this day personally appeared, ____________.

known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that __________ executed the same for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this __________ day of __________, A.D. __________.

Notary Public __________

County, Texas.

THE STATE OF TEXAS,

County of __________

BEFORE ME, __________, a Notary Public in and for __________, County, Texas, on this day personally appeared, ____________.

President of __________, of the County and State aforesaid, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that __________ executed the same as the act and deed of __________ and as the President thereof, and for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this __________ day of __________, A.D. __________.
AGENDA CAPTION:
Consider approval of Resolution 2020-65R, approving a second change order amendment to the participation agreement with Lazy Oaks Ranch, LP (La Cima) providing for the extension of a roadway to the new Fire Station in the La Cima development with a cost participation amount by the City of up to $300,000.00; authorizing the City Manager, or his designee, to execute said amendment; and declaring an effective date.

Meeting date: March 17, 2020

Department: CIP & Engineering

Amount & Source of Funding
Funds Required: $300,000.00
Account Number: C724
Funds Available: $300,000.00
Account Name: Fire Station #2 - New Road

Fiscal Note:
Prior Council Action: 3/7/17 - Initial Participation Agreement, 12/5/17 - Change Order #1

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

Comprehensive Plan Element(s): Please select the Plan element(s) and Goal # from dropdown menu below
☐ Economic Development - Choose an item.
☐ Environment & Resource Protection - Choose an item.
☐ Land Use - Choose an item.
☒ Neighborhoods & Housing - Protected Neighborhoods in order to maintain high quality of life and stable property values
☐ Parks, Public Spaces & Facilities - Choose an item.
☐ Transportation - Choose an item.
File #: Res. 2020-65R, Version: 1

☐ Core Services
☐ Not Applicable

**Master Plan:** [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]

Choose an item.

**Background Information:**
The Lazy Oaks Ranch, LP (La Cima Development) is partnering with the City for the construction of the new roadway to provide access to the new Fire Station Site currently under construction in the La Cima Subdivision. The development will design and construct the road, wastewater, water quality and street lighting improvements between Centerpoint Road and Academy Oaks Drive. The La Cima Development agreed to move up the construction of the full roadway to assist the City with completing access to the Fire Station Site. The City will cost participate in an amount not to exceed $300,000.00 in these improvements.

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

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

**Recommendation:**
Staff Recommends approval of this amendment.
RESOLUTION NO. 2020- R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS APPROVING A SECOND CHANGE ORDER AMENDMENT TO THE PARTICIPATION AGREEMENT WITH LAZY OAKS RANCH, LP (LA CIMA) PROVIDING FOR THE EXTENSION OF A ROADWAY TO THE NEW FIRE STATION IN THE LA CIMA DEVELOPMENT WITH A COST PARTICIPATION AMOUNT BY THE CITY OF UP TO $300,000.00; AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE SAID AMENDMENT; AND DECLARING AN EFFECTIVE DATE.

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

PART 1. The attached Change Order No. 2 Amendment to Participation Agreement (the “Amendment”), is hereby approved.

PART 2. The City Manager, or his designee, is authorized to execute the Amendment on behalf of the City.

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

ADOPTED on March 17, 2020.

Jane Hughson
Mayor

Attest:

Tammy K. Cook
Interim City Clerk
CHANGE ORDER #2 AMENDMENT TO PARTICIPATION AGREEMENT

This Change Order #2 Amendment to Participation Agreement (the “Second Amendment”) is entered into by and between the City of San Marcos, Texas, a municipal corporation (the “City”) and Lazy Oaks Ranch, LP, a Texas limited partnership (the “Owner”), and hereby amends, supplements and modifies that certain Participation Agreement (the “Agreement”) between the City and Owner approved by resolution of the City numbered 2017-43R and dated to be effective March 7, 2017.

I. RECITALS

1.1 Under the terms of the Agreement, the Owner is constructing certain public improvements on behalf of the City within the La Cima land development project area.

1.2 The City wishes to construct a fire station on that certain 3.505 acre tract of land transferred by Owner to the City pursuant to that certain Special Warranty Deed recorded Document No. 17001899 of the Official Public Records of Hays County on January 13, 2017 (the “Fire Station Site”);

1.3 The City desires that a collector road be constructed to provide the Fire Station Site public road access between West Centerpoint Road and Academy Oaks Drive and that wastewater lines, water lines, gas lines, and electric lines be installed to serve the Fire Station Site. The foregoing improvements, as further shown and described in the map and Description of Work attached as Attachment 1 are collectively referred to as the “Additional Public Improvements.”

1.4 The City has determined that portions of the Additional Public Improvements qualify for cost participation by the City pursuant to TEXAS LOCAL GOVERNMENT CODE SECTION 212.071 and the City desires to have the Owner design and construct both the Owner’s and the City’s portion of the Additional Public Improvements as an addition to the original scope of services being performed by Owner under the Agreement.

1.5 For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and the Owner enter into this Second Amendment.

II. AMENDMENT

2.1 Paragraph 1.2 of the Agreement is hereby amended to add the Additional Public Improvements as a part of the Public Improvements.

2.2 Paragraph 2.2.2 of the Agreement is amended to increase the City’s maximum cost participation amount from $1,166,968.81 to $1,466,968.81.

2.3 Exhibit A of the Agreement is amended to include the map and project description attached hereto as Attachment 1.
2.4 Exhibit B of the Agreement is amended to include the cost proposal attached hereto as Attachment 2.

2.5 All other terms of the Agreement not amended, modified or supplemented by this Second Amendment shall remain the same and in full force and effect.

SIGNATURES ON NEXT PAGE
EXECUTED to be effective as of January __, 2020.

CITY:

CITY OF SAN MARCOS, TEXAS

By: ____________________________
   Bert Lumbreras, City Manager

OWNER:

LAZY OAKS RANCH, LP
By: Lazy Oaks GP, LLC, its general partner

By: ____________________________
   Bryan W. Lee, Manager
### Wastewater Improvements

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<th>Unit Price</th>
<th>Amount</th>
<th>City %</th>
<th>City Cost</th>
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### Flint Ridge Road Improvements

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<th>City Cost</th>
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### Water Quality Improvements

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<td>2</td>
<td>WATER QUALITY PONDS</td>
<td>$60,500.00</td>
<td>$121,000</td>
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<td>$60,500</td>
<td>50%</td>
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</tr>
<tr>
<td>3.2</td>
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<td>MOBILIZATION</td>
<td>$9,080</td>
<td>$9,080</td>
<td>50%</td>
<td>$4,540</td>
<td>50%</td>
<td>$4,540</td>
</tr>
</tbody>
</table>

### Electrical Improvements

<table>
<thead>
<tr>
<th>Bid Item</th>
<th>Quantity</th>
<th>Description</th>
<th>Unit Price</th>
<th>Amount</th>
<th>City %</th>
<th>City Cost</th>
<th>Owner %</th>
<th>Owner Cost</th>
</tr>
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<tbody>
<tr>
<td>4.1</td>
<td>1</td>
<td>PEC CABLE FEE</td>
<td>$61,800</td>
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<td>$0</td>
<td>100%</td>
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<td>4.2</td>
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<td>MOBILIZATION</td>
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<td>$5,104</td>
<td>0%</td>
<td>$0</td>
<td>100%</td>
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### Total Option A Improvements

<table>
<thead>
<tr>
<th>Description</th>
<th>Unit Price</th>
<th>Amount</th>
<th>City %</th>
<th>City Cost</th>
<th>Owner %</th>
<th>Owner Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>WASTEWATER IMPROVEMENTS</td>
<td>90,048</td>
<td>90,048</td>
<td>0%</td>
<td>100%</td>
<td>$90,048</td>
<td>$90,048</td>
</tr>
<tr>
<td>COMMERCIAL COLLECTOR IMPROVEMENTS</td>
<td>348,773</td>
<td>348,773</td>
<td>0%</td>
<td>100%</td>
<td>$348,773</td>
<td>$348,773</td>
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<tr>
<td>WATER QUALITY COLLECTOR IMPROVEMENTS</td>
<td>130,680</td>
<td>130,680</td>
<td>0%</td>
<td>100%</td>
<td>$130,680</td>
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<tr>
<td>ELECTRICAL COLLECTOR IMPROVEMENTS</td>
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<td>0%</td>
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<tr>
<td>TOTAL</td>
<td>508,607</td>
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<td>0%</td>
<td>100%</td>
<td>$508,607</td>
<td>$508,607</td>
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</table>

### Notes:
1. Quantities shown above are based on preliminary road and wastewater plans, not construction plans.
2. Engineering, Surveying, Governmental Fees excluded.
3. Inflation, Contingency excluded.
4. Cost of land, easement acquisition excluded.
RESOLUTION NO. 2017-43R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS APPROVING A PARTICIPATION AGREEMENT WITH LAZY OAKS RANCH, LP PROVIDING FOR THE CITY TO PARTICIPATE IN THE COST OF OVERSIZING CERTAIN PUBLIC WATER SYSTEM IMPROVEMENTS IN AN AMOUNT NOT TO EXCEED $1,028,631 IN CONNECTION WITH THE LA CIMA DEVELOPMENT PROJECT; AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE SAID AGREEMENT; AND DECLARING AN EFFECTIVE DATE.

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

PART 1. The attached Participation Agreement (the "Agreement"), is hereby approved.

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

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

ADOPTED on March 7, 2017.

John Thomaides
Mayor

Attest:

Jamie Lee Case
City Clerk
PARTICIPATION AGREEMENT
LA CIMA

This Participation Agreement (the “Agreement”) is effective as of March 7, 2017 (the “Effective Date”), by and between the City of San Marcos, Texas, a home rule municipal corporation (the “City”), 630 East Hopkins Street, San Marcos, Texas 78666 and Lazy Oaks Ranch, LP, a Texas limited partnership (the “Owner”), 303 Colorado, Suite 2300, Austin, Texas 78701.

I. RECITALS

1.1 TEXAS LOCAL GOVERNMENT CODE SECTION 212.071 authorizes the City to cost participate with a developer of a subdivision or land to construct public improvements.

1.2 In connection with the Owner’s construction of master infrastructure related to the La Cima land development project, Owner has submitted a request for the City’s cost participation in the construction of public improvements consisting of upsizing water lines for the Ranch Road 12 Booster Station from 12 inches to 16 inches, upsizing another water line from 12 inches to 16 inches, upsizing a 300,000 gallon elevated storage tank to 500,000 gallons, upgrading a 16 inch water line from PVC to ductile iron, adding new liner to the wet well of the Franklin Lift Station, and upgrading the intersection of proposed West Centerpoint Road and Wonderwold Drive to ultimate buildout conditions as approved in the La Cima traffic impact analysis (TIA). The foregoing improvements, as further shown and described in the map or site plan and Description of Work attached as Exhibit “A” are collectively, the “Public Improvements.”

1.3 The City has determined that portions of the Public Improvements qualify for cost participation by the City and the City desires to have the Owner design and construct both the Owner’s and the City’s portion of the Public Improvements subject to the terms of this Agreement.

II. AGREEMENT

In consideration of the mutual benefits to and obligations of the parties under this Agreement, the parties agree to the following terms and conditions:

2.1 Design and Construction of Public Improvements

2.1.1 Design and Construction. The Public Improvements will be designed and constructed by the Owner according to plans and specifications approved by the City in accordance with the City’s applicable ordinances, standards and processes.

2.1.2 Project Manager. The Owner will act as project manager in the construction of the Public Improvements. The Owner shall employ a professional
engineer registered in the State of Texas to monitor and inspect all phases of the installation of the Public Improvements for conformance with the plans and specifications approved by the City.

2.1.3 Independent Contractor. The Owner shall be solely responsible for selecting, supervising and paying the construction contractor(s) or subcontractors and for complying with all applicable laws, including but not limited to all requirements concerning workers compensation and construction retainage. The parties agree and understand that all contractors, employees, volunteers and personnel furnished or used by the Owner in the installation of the Public Improvements shall be the responsibility of the Owner and shall not be deemed employees or agents of City for any purpose.

2.1.4 Completion and Acceptance. The parties anticipate a completion date for the Public Improvements to be 180 working days from the commencement of construction. The date of completion shall be the date on which the City accepts the Public Improvements in accordance with the City’s applicable ordinances, standards and processes and provides notice of such acceptance in writing to the Owner.

a. Before the City accepts the Public Improvements, Owner agrees to and shall provide to the City such warranties associated therewith as required under applicable ordinances and dedicate at no cost to the City all easements and/or rights-of-way, in forms acceptable to the City, related to and necessary for the location, operation and maintenance of the Public Improvements.

2.2 Cost Participation; Payment; Contract Matters

2.2.1 Overall Project Cost. The cost breakdown for the Public Improvements is set forth in the attached engineer’s estimates, attached as Exhibit “B”.

2.2.2 City Participation Amount. The City is cost participating in the Public Improvements, in an amount not to exceed $1,028,630.36, for those portions of the work requested by the City to be included as itemized in Exhibit “B.”

2.2.3 Contractor Agreement. Owner will provide the City with a copy of the bid form provided by its contractor, and one complete copy of the construction contract between Owner and the contractor.

a. Insurance Requirements. Owner will include in the contract requirements that the contractor must maintain commercial general liability insurance coverage for all of its operations under the
contract, and all persons engaged in work under the contract must be covered by workers' compensation insurance.

b. **Payment and Performance Bonds.** Owner will require payment and performance bonds in accordance with the TEXAS GOVERNMENT CODE CHAPTER 2253.

2.2.4 **Application for Payment.** The Owner shall submit to the City a written application for partial payment toward the costs associated with the City’s portion of the Public Improvements in connection with each monthly payment request provided by the Owner’s contractors as defined in the contractor agreement provided to the City as stated in paragraph 2.2.3. The application for payment to the City shall be for the lesser of the amount of the actual costs associated with the City’s portion of the completed components of the Public Improvements reflected in the contractor’s payment request or City’s participation amount as stated in paragraph 2.2.2. The application for payment by the Owner to the City for payment to the Owner shall be in a form acceptable to City and must include a breakdown of actual costs of the completed components of the Public Improvements incurred through the date of the application, together with supporting documentation, including invoices, all payment receipts and any other documentation reasonably requested by the City to support the City’s expenditure of public funds.

a. **Suppliers and Subcontractors.** Prior to the City’s payment under this section, Owner shall, among other applicable requirements, provide City with supporting documentation, including invoices, all payment receipts and any other documentation reasonably requested by the City to support the City’s expenditure of public funds, including a notarized affidavit stating that all bills for labor, materials, and incidentals incurred have been paid in full, that any claims from manufacturers, materialmen and subcontractors have been released, and that there are no claims pending of which Owner has been notified.

b. **City Payment.** Subject to all applicable ordinances, standards and processes, the City will pay its participation funds within 30 days after receipt of each complete (as determined by the City) written application for participation payment from Owner.

2.2.5 **Payments to Subcontractors and Suppliers.** Owner shall be solely and exclusively responsible for compensating any of its contractors, employees, subcontractors, materialmen and/or suppliers of any type or nature whatsoever and insuring that no claims or liens of any type will be filed against any property owned by the City arising out of or incidental to the performance of any service performed pursuant to this Agreement. In the event a statutory lien notice is sent to the City, Owner shall, where no payment bond covers the work, upon written notice from the City, immediately obtain a bond at its expense and hold City
harmless from any losses that may result from the filing or enforcement of any said lien notice.

2.2.6 Books and Records. All of Owner's books and other records related to the design, bidding and construction of the Public Improvements shall be available for inspection by the City.

2.3 GOVERNMENTAL IMMUNITY, INDEMNITY AND RELEASE

2.3.1 No Waiver of Immunity. The City's execution of and performance under this Agreement will not act as a waiver of any immunity of the City to suit or liability under applicable law. The parties acknowledge that the City, in executing and performing this Agreement, is a governmental entity acting in a governmental capacity.

2.3.2 Indemnity and Release. Owner agrees to and shall indemnify, hold harmless, and defend City and its officers, agents, and employees from and against any and all claims, losses, damages, causes of action, suits, and liability of every kind, including all expenses of litigation, court costs, expert fees and attorney's fees, for injury to or death of any person, or for damage to any property, or for breach of contract, arising out of or in connection with the work done by Owner, its officers, employees, agents and contractors, under this Agreement, regardless of whether such injuries, death, damages or breach are caused in whole or in part by the negligence of City, any other party indemnified hereunder, or Owner.

2.3.3 Indemnity and Hold Harmless as to Subcontractors. Owner shall indemnify and hold the City harmless from any claims of suppliers or subcontractors of Owner for improvements constructed or caused to be constructed by Owner.

2.3.4 Indemnity and Hold Harmless as to Others. Owner shall indemnify and hold the City harmless from any and all injuries to or claims of adjacent property owners or occupants resulting from or relating to Owner's performance under this Agreement.

2.3.5 Release. Owner assumes full responsibility for the work to be performed hereunder, and releases, relinquishes and discharges the City, its officers, agents and employees, from all claims, demands, and causes of action of every kind and character, including the cost of defense therefore, for any injury to or death of any persons and any loss of or damage to any property that is caused by, alleged to be caused by, arising out of, or in connection with, Owner's work to be performed hereunder. This release shall apply whether or not said claims, demands, and causes or action are covered in whole or in part by insurance and regardless of whether or not said
claims, demands, and causes of action were caused in whole or in part by the negligence of the City, any other party released hereunder, or Owner.

2.3.6 Exclusions. Subject to any warranties and maintenance obligations under applicable ordinances of the City, Owner’s indemnity and release obligations set forth in sections 2.3.2 through 2.3.5 shall not extend to claims, losses, damages, demands, causes of action, suits or liabilities caused by or otherwise arising out of the City’s operation and/or maintenance of the Public Improvements following City’s acceptance of the Public Improvements.

2.4 Miscellaneous

2.4.1 Entire Agreement; Amendment; Assignment. This Agreement constitutes the entire agreement between the parties hereto and may be amended only by a written document signed by the parties. This Agreement shall be binding upon the successors and assigns of the parties.—The assignment of all or part of this Agreement by a party is not valid without the written consent of the other party.

2.4.2 Subject to Ordinances and Laws. This Agreement and the obligations of the parties hereunder are subject to all valid and applicable ordinances, fees (including City impact fees and/or pro rata fees), rules, regulations, and laws of all governmental agencies having lawful jurisdiction over them.

2.4.3 Applicable Law and Venue. This Agreement shall be governed and construed under and in accordance with the laws of the State of Texas. Jurisdiction and venue for any matter arising out of this Agreement shall be in Hays County, Texas. Jurisdiction and venue in federal court for matters arising out of this Agreement shall be in the United States District Court for the Western District of Texas, Austin Division.

EXECUTED to be effective as of the Effective Date first written above.

CITY OF SAN MARCOS:  LAZY OAKS RANCH, LP
By: Collette Jamison, Interim City Manager  a Texas limited partnership

By:  Lazy Oaks GP, LLC
By:  Bryan W. Lee, Manager
a Texas limited liability company, its
general partner
EXHIBIT A
Project Map or Site Plan and Description of the Public Improvements
LA CIMA ONSITE WATER IMPROVEMENTS

PHASE I - 500,000 GAL. ELEVATED WATER STORAGE TANK

SAN MARCOS, TEXAS

PERMIT NO. - 2016-19121 - CIVIL DRAWINGS

PROJECT ADDRESS:


FLOODPLAIN:


ADDENDA:

THIS PROJECT CAN BE MODIFIED AT ANY TIME.

GENERAL NOTES:

1. THIS PROJECT IS SUBJECT TO THE ZONING ORDINANCE OF THE CITY OF SAN MARCOS.
2. CONSTRUCTION OF THE PROJECT IS SUBJECT TO THE REQUIREMENTS OF THE ZONING ORDINANCE OF THE CITY OF SAN MARCOS.
3. CONSTRUCTION OF THE PROJECT IS SUBJECT TO THE REQUIREMENTS OF THE CITY OF SAN MARCOS.
4. THE PROJECT IS SUBJECT TO THE REQUISITES OF THE CITY OF SAN MARCOS.
5. THE PROJECT IS SUBJECT TO THE REQUISITES OF THE CITY OF SAN MARCOS.

SHEET INDEX

NO. TITLE
1 COVER SHEET
2 GENERAL NOTES (1 OF 2)
3 GENERAL NOTES (2 OF 2)
4 STORMWATER POLLUTION PREVENTION PLAN (SWPPP)
5 ACCESS ROAD AND EROSION & SEDIMENT CONTROL PLAN
6 ACCESS ROAD PLAN & PROFILE
7 SITE DIMENSION, GRADING, AND UTILITY PLAN
8 DETAILS

ENGINEER:

BOWMAN CONSULTING GROUP
1125 S. CAPITAL OF TEXAS HWY
BLDG 2 SUITE 200
Texas 78745
[Phone] (512) 327-1150
[Fax] (512) 327-4562

OWNER:

LA CIMA DEVELOPERS, LLC
303 Colorado St., Suite #330
Austin, Texas 78701

SURVEYOR:

BOWMAN CONSULTING GROUP
1125 S. CAPITAL OF TEXAS HWY
BLDG 2 SUITE 200
Texas 78745
[Phone] (512) 327-1150
[Fax] (512) 327-4562

REVISED / CORRECTED SHEETS DEPICTED BELOW:

1 WATERMARKS DRAFTED/EDITED

2 WATERMARKS DRAFTED/EDITED

GRAPHIC SCALE

1 ft = 1 inch

DRAWN: J Hasse

CHECKED: R Juechter

SHEET: 1

DRAWN: J Hasse

CHECKED: R Juechter

SHEET: 1
LA CIMA - ONSITE WATER IMPROVEMENTS PH1
16" WATER LINE B AND ASSOCIATED LINES
SAN MARCOS, TEXAS

LOCATION MAP

OWNER:
LAZY OAKS RANCH L.P.,
302 CIVICMARK TOWER 2000
AUSTIN, TEXAS 78746

ENGINEER:
BOYMAN CONSULTING GROUP
1320 E. CAPITOL DRIVE SUITE 300
AUSTIN, TEXAS 78701
(Tel) 512.507.1150
(Fax) 512.507.4962

SURVEYOR:
BOYMAN CONSULTING GROUP
1320 E. CAPITOL DRIVE SUITE 300
AUSTIN, TEXAS 78701
(Tel) 512.507.1150
(Fax) 512.507.4962

EROSION CONTROL NOTE:
1. THE PERMIT GRANTEE SPECIFIES THE FOLLOWING EROSION CONTROL PLAN FOR THE PHASE 1 CONSTRUCTION PROJECT. PLAN WORK TO BE EXECUTED AS SPECIFIED IN THE EROSION CONTROL PLAN.

2. THE FOLLOWING ARE THE TYPICAL CROSS SECTIONS TO BE EXECUTED PER THE EROSION CONTROL PLAN.

3. THE PERMIT GRANTEE IS RESPONSIBLE FOR THE IMPLEMENTATION OF THE EROSION CONTROL PLAN.

4. THE PERMIT GRANTEE SHALL BE RESPONSIBLE FOR THE PROPER EXECUTION OF THE EROSION CONTROL PLAN.

5. THE PERMIT GRANTEE SHALL BE RESPONSIBLE FOR THE PROPER EXECUTION OF THE EROSION CONTROL PLAN.

6. THE PERMIT GRANTEE SHALL BE RESPONSIBLE FOR THE PROPER EXECUTION OF THE EROSION CONTROL PLAN.

7. THE PERMIT GRANTEE SHALL BE RESPONSIBLE FOR THE PROPER EXECUTION OF THE EROSION CONTROL PLAN.

8. THE PERMIT GRANTEE SHALL BE RESPONSIBLE FOR THE PROPER EXECUTION OF THE EROSION CONTROL PLAN.

9. THE PERMIT GRANTEE SHALL BE RESPONSIBLE FOR THE PROPER EXECUTION OF THE EROSION CONTROL PLAN.

10. THE PERMIT GRANTEE SHALL BE RESPONSIBLE FOR THE PROPER EXECUTION OF THE EROSION CONTROL PLAN.

11. THE PERMIT GRANTEE SHALL BE RESPONSIBLE FOR THE PROPER EXECUTION OF THE EROSION CONTROL PLAN.

12. THE PERMIT GRANTEE SHALL BE RESPONSIBLE FOR THE PROPER EXECUTION OF THE EROSION CONTROL PLAN.

13. THE PERMIT GRANTEE SHALL BE RESPONSIBLE FOR THE PROPER EXECUTION OF THE EROSION CONTROL PLAN.

14. THE PERMIT GRANTEE SHALL BE RESPONSIBLE FOR THE PROPER EXECUTION OF THE EROSION CONTROL PLAN.

15. THE PERMIT GRANTEE SHALL BE RESPONSIBLE FOR THE PROPER EXECUTION OF THE EROSION CONTROL PLAN.

16. THE PERMIT GRANTEE SHALL BE RESPONSIBLE FOR THE PROPER EXECUTION OF THE EROSION CONTROL PLAN.

17. THE PERMIT GRANTEE SHALL BE RESPONSIBLE FOR THE PROPER EXECUTION OF THE EROSION CONTROL PLAN.

18. THE PERMIT GRANTEE SHALL BE RESPONSIBLE FOR THE PROPER EXECUTION OF THE EROSION CONTROL PLAN.

19. THE PERMIT GRANTEE SHALL BE RESPONSIBLE FOR THE PROPER EXECUTION OF THE EROSION CONTROL PLAN.

20. THE PERMIT GRANTEE SHALL BE RESPONSIBLE FOR THE PROPER EXECUTION OF THE EROSION CONTROL PLAN.

21. THE PERMIT GRANTEE SHALL BE RESPONSIBLE FOR THE PROPER EXECUTION OF THE EROSION CONTROL PLAN.

22. THE PERMIT GRANTEE SHALL BE RESPONSIBLE FOR THE PROPER EXECUTION OF THE EROSION CONTROL PLAN.

23. THE PERMIT GRANTEE SHALL BE RESPONSIBLE FOR THE PROPER EXECUTION OF THE EROSION CONTROL PLAN.

24. THE PERMIT GRANTEE SHALL BE RESPONSIBLE FOR THE PROPER EXECUTION OF THE EROSION CONTROL PLAN.

25. THE PERMIT GRANTEE SHALL BE RESPONSIBLE FOR THE PROPER EXECUTION OF THE EROSION CONTROL PLAN.

26. WATER UTILITY DETAILS 1 OF 3

27. WATER UTILITY DETAILS 2 OF 3

28. WATER UTILITY DETAILS 3 OF 3

SUBMITTED FOR APPROVAL BY:

DATE:

BOWMAN CONSULTING GROUP
1320 E. CAPITOL DRIVE SUITE 300
AUSTIN, TEXAS 78701
(Tel) 512.507.1150
(Fax) 512.507.4962
EXHIBIT B
Itemized Cost Estimate for all Public Improvements
(to include Separate Itemized Breakdown of City’s Portion of Costs)
## EXHIBIT B - LA CIMA COST SHARING AGREEMENT PROJECT COSTS

### CONSTRUCTION COSTS

#### BOOSTER STATION
- **BID PRICE WITH 12" PIPING** $705,100.00
- **BID PRICE WITH 16" PIPING** $721,100.00
- **CITY PARTICIPATION** $16,000.00

#### 12" WATER LINE
- **BID PRICE FOR 12" WATER LINE** $655,083.00
- **BID PRICE FOR 16" WATER LINE** $830,454.00
- **CITY PARTICIPATION** $175,371.00

#### ELEVATED STORAGE TANK
- **BID PRICE FOR 300,000 GALLON EST** $1,221,100.00
- **BID PRICE FOR 500,000 GALLON EST** $1,436,600.00
- **CITY PARTICIPATION** $215,500.00

#### 16" WATER LINE
- **BID PRICE FOR 16" PVC WATER LINE** $946,988.80
- **BID PRICE FOR 16" DUCTILE IRON WATER LINE** $1,049,360.80
- **CITY PARTICIPATION** $102,372.00

#### FRANKLIN LIFT STATION
- **BID PRICE FOR FRANKLIN LIFT STATION** $518,605.00
- **BID PRICE FOR WET WELL LINER ASSOCIATED ITEMS** $25,500.00
- **CITY PARTICIPATION** $25,500.00

#### W. CENTERPOINT-RR 12 INTERSECTION
- **ESTIMATE FOR W. CENTERPOINT-RR 12 INTERSECTION** $1,097,997.70
- **CITY SHARE OF INTERSECTION IMPROVEMENTS PER TIA** $400,375.51
- **CITY PARTICIPATION** $400,375.51

#### TOTAL CONSTRUCTION COSTS
$4,956,495.31

#### TOTAL CITY PARTICIPATION IN CONSTRUCTION COSTS
$935,118.51

#### CITY PARTICIPATION AS % OF CONSTRUCTION COST
19%

#### 10% CONTINGENCY ON CITY PARTICIPATION COSTS
$93,511.85

#### TOTAL REQUESTED CITY REIMBURSEMENT
$1,028,630.36

#### TOTAL REQUESTED CITY REIMBURSEMENT AS % OF CONSTRUCTION COSTS
21%

---

*Note: Bid tabulations for each project and bid forms for low bidder are attached.*
LA CIMA - RR 12 BOOSTER PUMP STATION
PID MPA BID - 003
Bid Opening: December 1, 2016

CC Carlton Industries

<table>
<thead>
<tr>
<th>Bid Bond</th>
<th>Addendum #1 Acknowledged</th>
<th>Addendum #2 Acknowledged</th>
<th>Addendum #3 Acknowledged</th>
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</thead>
<tbody>
<tr>
<td>Yes</td>
<td>Yes</td>
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<td>Yes</td>
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### 1.0 BASE BID

<table>
<thead>
<tr>
<th>Bid Item</th>
<th>Quantity</th>
<th>Unit</th>
<th>Description</th>
<th>Unit Price</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1</td>
<td>1</td>
<td>LS</td>
<td>30'x20' PRECAST CONCRETE BUILDING</td>
<td>$150,000.00</td>
<td>$150,000.00</td>
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<tr>
<td>1.2</td>
<td>3</td>
<td>EA</td>
<td>3 - Domestic Booster Pumps (75 HP) w/ VFD's</td>
<td>$32,000.00</td>
<td>$96,000.00</td>
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<td>LS</td>
<td>Pump Station Site Work - Grading Plan, Silt Fence, and Rock Berms.</td>
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<tr>
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<td>Electrical Equipment/Controls/Alarms</td>
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<td>LS</td>
<td>Generator (Approximately 200 KW)</td>
<td>$48,500.00</td>
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<td>Site Fencing (6' Chain Link Fence with gate)</td>
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<td>1.7</td>
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<td>LS</td>
<td>Valves, Flow meters and Appurtenance</td>
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<td>1.8</td>
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<td>Electrical Service</td>
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<td>RR12 Connection and Valves and Disinfection</td>
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**SUBTOTAL BASE BID**

$661,100.00

### ALTERNATE 1

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<th>Unit</th>
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<th>Unit Price</th>
<th>Amount</th>
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<tbody>
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<td>A1.1</td>
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<td>LF</td>
<td>12' Suction Piping and Valves</td>
<td>$900.00</td>
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<td>A1.2</td>
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<td>LF</td>
<td>12' Discharge Piping and Valves (100 feet from the PS Building)</td>
<td>$280.00</td>
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**SUBTOTAL ALTERNATE 1**

$44,000.00

### ALTERNATE 2

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<tbody>
<tr>
<td>A2.1</td>
<td>20</td>
<td>LF</td>
<td>Substitute 16' Suction Piping and Valves for Bid Item A1.1</td>
<td>$1,300.00</td>
<td>$26,000.00</td>
</tr>
<tr>
<td>A2.2</td>
<td>100</td>
<td>LF</td>
<td>Substitute 16' Discharge Piping and Valves (100 feet from the PS Building) for Bid Item A1.2</td>
<td>$340.00</td>
<td>$34,000.00</td>
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</table>

**SUBTOTAL ALTERNATE 2**

$60,000.00

### BID SUMMARY

- **1.0 BASE BID**
  - $661,100.00

- **TOTAL BASE BID**
  - $661,100.00

- **BASE BID + ALTERNATE 1**
  - $705,100.00

- **BASE BID + ALTERNATE 2**
  - $721,100.00

Note: Contractor's math was incorrect on bid; amount corrected for this tabulation.
LA CIMA - PHASE 1 - 12" WL A
PID MPA BID - 003
Bid Opening: December 1, 2016

Bid Bond
Addendum #1 Acknowledged
Addendum #2 Acknowledged
Addendum #3 Acknowledged

1.0 GENERAL

<table>
<thead>
<tr>
<th>Bid Item</th>
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<th>Description</th>
<th>Unit Price</th>
<th>Amount</th>
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<tbody>
<tr>
<td>1.1</td>
<td>1</td>
<td>LS</td>
<td>Traffic Control</td>
<td>$25,000.00</td>
<td>$25,000.00</td>
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<td>1.2</td>
<td>4.9</td>
<td>AC</td>
<td>Clear and Grub within Limits of Construction</td>
<td>$5,500.00</td>
<td>$26,950.00</td>
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<td>1.3</td>
<td>4,698</td>
<td>LF</td>
<td>Silt Fence (w/j Hooks)</td>
<td>$2.00</td>
<td>$14,094.00</td>
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<td>1.4</td>
<td>1,077</td>
<td>LF</td>
<td>Tree Protection Fencing</td>
<td>$4.00</td>
<td>$4,308.00</td>
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<td>1.5</td>
<td>60</td>
<td>LF</td>
<td>Rock Berm</td>
<td>$40.00</td>
<td>$2,400.00</td>
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<td>1.6</td>
<td>1</td>
<td>EA</td>
<td>Stabilized Construction Entrance</td>
<td>$2,500.00</td>
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SUBTOTAL BASE BID  $75,252.00

2.0 POTABLE WATER IMPROVEMENTS

<table>
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<tr>
<th>Bid Item</th>
<th>Quantity</th>
<th>Unit</th>
<th>Description</th>
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<tbody>
<tr>
<td>2.1</td>
<td>60</td>
<td>LF</td>
<td>8&quot; C-900 DR-14 PVC WL including pipe, fittings, restraints, and all other appurtenances (all depths)</td>
<td>$110.00</td>
<td>$6,600.00</td>
</tr>
<tr>
<td>2.2</td>
<td>77</td>
<td>LF</td>
<td>18&quot; Bore &amp; Steel Encasement with 8&quot; C-900 DR-14 PVC WL including pipe, fittings, restraints, and all other appurtenances (all depths) per CoSM 5015-1 SM</td>
<td>$540.00</td>
<td>$41,580.00</td>
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<tr>
<td>2.3</td>
<td>5</td>
<td>EA</td>
<td>8&quot; Gate Valve, including any necessary appurtenances</td>
<td>$1,700.00</td>
<td>$8,500.00</td>
</tr>
<tr>
<td>2.4</td>
<td>6</td>
<td>EA</td>
<td>Standard Fire Hydrant Assembly, including pipe, fittings, restraints, valve, hydrant, and all required appurtenances</td>
<td>$4,700.00</td>
<td>$28,200.00</td>
</tr>
<tr>
<td>2.5</td>
<td>2</td>
<td>EA</td>
<td>2&quot; Automatic Air Release, including all appurtenances</td>
<td>$4,800.00</td>
<td>$9,600.00</td>
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<tr>
<td>2.6</td>
<td>1</td>
<td>EA</td>
<td>Flush Valve, including all appurtenances</td>
<td>$4,700.00</td>
<td>$4,700.00</td>
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<tr>
<td>2.7</td>
<td>60</td>
<td>LF</td>
<td>Trench safety systems for water line</td>
<td>$2.00</td>
<td>$120.00</td>
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<tr>
<td>2.8</td>
<td>1</td>
<td>LS</td>
<td>Relocate existing San Marcos Academy water service</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
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SUBTOTAL POTABLE WATER IMPROVEMENTS $104,300.00

ALTERNATE 1

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<tr>
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<th>Quantity</th>
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<th>Amount</th>
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<tbody>
<tr>
<td>A1.1</td>
<td>3,020</td>
<td>LF</td>
<td>12&quot; C-900 DR-14 PVC WL including pipe, fittings, restraints, and all other appurtenances (all depths)</td>
<td>$87.00</td>
<td>$262,740.00</td>
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<tr>
<td>A1.2</td>
<td>359</td>
<td>LF</td>
<td>16&quot; C-900 DR-14 PVC WL including pipe, fittings, restraints, and all other appurtenances (all depths)</td>
<td>$108.00</td>
<td>$36,772.00</td>
</tr>
<tr>
<td>A1.3</td>
<td>246</td>
<td>LF</td>
<td>24&quot; Bore &amp; Steel Encasement with 12&quot; C-900 DR-14 PVC WL including pipe, fittings, restraints, and all other appurtenances (all depths) per CoSM 5015-1 SM</td>
<td>$490.00</td>
<td>$120,540.00</td>
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<tr>
<td>A1.4</td>
<td>13</td>
<td>EA</td>
<td>12&quot; Gate Valve, including any necessary appurtenances</td>
<td>$2,700.00</td>
<td>$35,100.00</td>
</tr>
<tr>
<td>A1.5</td>
<td>2</td>
<td>EA</td>
<td>16&quot; Gate Valve, including any necessary appurtenances</td>
<td>$7,500.00</td>
<td>$15,000.00</td>
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<tr>
<td>A1.6</td>
<td>3379</td>
<td>LF</td>
<td>Trench safety systems for water line</td>
<td>$1.00</td>
<td>$3,379.00</td>
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SUBTOTAL ALTERNATE 1 $475,531.00
LA CIMA - PHASE 1 - 12" WL A
PID MPA BID - 003
Bid Opening: December 1, 2016

CC Carlton Industries

ALTERNATE 2

<table>
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<tr>
<th>Bid Item</th>
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<th>Description</th>
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<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>A2.1</td>
<td>3,020</td>
<td>LF</td>
<td>Substitute 12&quot; AWWA CL350 DUCTILE IRON WL for Bid Item A1.1</td>
<td>$95.00</td>
<td>$286,600.00</td>
</tr>
<tr>
<td>A2.2</td>
<td>359</td>
<td>LF</td>
<td>Substitute 16&quot; AWWA CL250 DUCTILE IRON WL for Bid Item A1.2</td>
<td>$117.00</td>
<td>$42,003.00</td>
</tr>
<tr>
<td>A2.3</td>
<td>246</td>
<td>LF</td>
<td>Substitute 24&quot; Bore &amp; Steel Encasement with 12&quot; AWWA CL350 DUCTILE IRON WL for Bid Item A1.3</td>
<td>$500.00</td>
<td>$123,000.00</td>
</tr>
<tr>
<td>A2.4</td>
<td>13</td>
<td>EA</td>
<td>12&quot; Gate Valve, including any necessary appurtenances</td>
<td>$2,700.00</td>
<td>$35,100.00</td>
</tr>
<tr>
<td>A2.5</td>
<td>2</td>
<td>EA</td>
<td>16&quot; Gate Valve, including any necessary appurtenances</td>
<td>$7,500.00</td>
<td>$15,000.00</td>
</tr>
<tr>
<td>A2.6</td>
<td>3379</td>
<td>LF</td>
<td>Trench safety systems for water line</td>
<td>$1.00</td>
<td>$3,379.00</td>
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SUBTOTAL ALTERNATE 2

$505,382.00

ALTERNATE 3

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<th>Quantity</th>
<th>Unit</th>
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<th>Unit Price</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>A3.1</td>
<td>3,379</td>
<td>LF</td>
<td>Substitute 16&quot; AWWA CL250 DUCTILE IRON WL for Bid Items A1.1 and A1.2</td>
<td>$117.00</td>
<td>$395,043.00</td>
</tr>
<tr>
<td>A3.2</td>
<td>246</td>
<td>LF</td>
<td>Substitute 30&quot; Bore &amp; Steel Encasement with 16&quot; AWWA CL250 DUCTILE IRON WL for Bid Items A1.3</td>
<td>$580.00</td>
<td>$142,680.00</td>
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<tr>
<td>A3.3</td>
<td>13</td>
<td>EA</td>
<td>Substitute 16&quot; Gate Valve for Bid Item A1.4</td>
<td>$7,300.00</td>
<td>$94,900.00</td>
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<tr>
<td>A3.4</td>
<td>2</td>
<td>EA</td>
<td>16&quot; Gate Valve, including any necessary appurtenances</td>
<td>$7,300.00</td>
<td>$14,600.00</td>
</tr>
<tr>
<td>A3.5</td>
<td>3379</td>
<td>LF</td>
<td>Trench safety systems for water line</td>
<td>$1.00</td>
<td>$3,379.00</td>
</tr>
</tbody>
</table>

SUBTOTAL ALTERNATE 3

$650,902.00

BID SUMMARY

1.0 GENERAL

$75,252.00

2.0 POTABLE WATER IMPROVEMENTS

$104,300.00

TOTAL BASE BID

$179,552.00

ALTERNATE 1

$475,531.00

BASE BID + ALTERNATE 1

$655,083.00

ALTERNATE 2

$505,382.00

BASE BID + ALTERNATE 2

$684,934.00

ALTERNATE 3

$650,902.00

BASE BID + ALTERNATE 3

$830,454.00
LA CIMA - 300,000 GAL. ELEVATED STORAGE TANK
PID MPA BID - 003
Bid Opening: December 1, 2016

<table>
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<tr>
<th>CC Carlton Industries</th>
</tr>
</thead>
<tbody>
<tr>
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</tbody>
</table>

**Bid Bond**

- Yes
- Yes
- Yes

**Addendums**

- Addendum #1 Acknowledged
- Addendum #2 Acknowledged
- Addendum #3 Acknowledged

### 1.0 BASE BID

<table>
<thead>
<tr>
<th>Bid Item</th>
<th>Quantity</th>
<th>Unit</th>
<th>Description</th>
<th>Unit Price</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1</td>
<td>1</td>
<td>LS</td>
<td>Site Work - Grading Plan, Silt Fence, and Rock Berms.</td>
<td>$33,000.00</td>
<td>$33,000.00</td>
</tr>
<tr>
<td>1.2</td>
<td>1</td>
<td>LS</td>
<td>Electrical Work (Lighting, Controls and Alarms)</td>
<td>$57,600.00</td>
<td>$57,600.00</td>
</tr>
<tr>
<td>1.3</td>
<td>1</td>
<td>LS</td>
<td>16’’ Inlet/Outlet Piping and Valves (Approximately 20’’ away from Tank)</td>
<td>$13,000.00</td>
<td>$13,000.00</td>
</tr>
<tr>
<td>1.4</td>
<td>1</td>
<td>LS</td>
<td>Access Drive</td>
<td>$65,000.00</td>
<td>$65,000.00</td>
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<tr>
<td>1.5</td>
<td>1</td>
<td>LS</td>
<td>Site Drainage and Rip-Rap</td>
<td>$3,500.00</td>
<td>$3,500.00</td>
</tr>
<tr>
<td>1.6</td>
<td>1</td>
<td>LS</td>
<td>Site Fencing (6’ Chain Link Fence with manual gate)</td>
<td>$16,000.00</td>
<td>$16,000.00</td>
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**Subtotal Base Bid**

$178,100.00

### ALTERNATE 1: ELEVATED STORAGE TANK - 300,000 GALLONS - PEDESPHERE

<table>
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<th>Quantity</th>
<th>Unit</th>
<th>Description</th>
<th>Unit Price</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1.1</td>
<td>1</td>
<td>LS</td>
<td>300,000 Gallon Storage Tank including standard accessories</td>
<td>$885,000.00</td>
<td>$885,000.00</td>
</tr>
<tr>
<td>A1.2</td>
<td>1</td>
<td>LS</td>
<td>Tank Foundation</td>
<td>$100,000.00</td>
<td>$100,000.00</td>
</tr>
<tr>
<td>A1.3</td>
<td>1</td>
<td>LS</td>
<td>Electrical Work (Lighting, Controls and Alarms)</td>
<td>$68,000.00</td>
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**Subtotal Alternate 1**

$1,043,000.00

### ALTERNATE 2: ELEVATED STORAGE TANK - 500,000 GALLONS - PEDESPHERE

<table>
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<th>Bid Item</th>
<th>Quantity</th>
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<th>Description</th>
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<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>A2.1</td>
<td>1</td>
<td>LS</td>
<td>500,000 Gallon Storage Tank including standard accessories</td>
<td>$1,100,000.00</td>
<td>$1,100,000.00</td>
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<tr>
<td>A2.2</td>
<td>1</td>
<td>LS</td>
<td>Tank Foundation</td>
<td>$103,000.00</td>
<td>$103,000.00</td>
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<tr>
<td>A2.3</td>
<td>1</td>
<td>LS</td>
<td>Electrical Work (Lighting, Controls and Alarms)</td>
<td>$65,000.00</td>
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**Subtotal Alternate 2**

$1,258,500.00

### BID SUMMARY

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<th>ALTERNATE 2</th>
<th>BASE BID + ALTERNATE 2</th>
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<tbody>
<tr>
<td><strong>1.0 BASE BID</strong></td>
<td>$178,100.00</td>
<td></td>
<td>$1,221,100.00</td>
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<td>$1,436,600.00</td>
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<td><strong>TOTAL BASE BID</strong></td>
<td></td>
<td>$1,043,000.00</td>
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</tr>
<tr>
<td><strong>BASE BID + ALTERNATE 1</strong></td>
<td></td>
<td>$1,221,100.00</td>
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<tr>
<td><strong>BASE BID + ALTERNATE 2</strong></td>
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<td>$1,436,600.00</td>
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## 1.0 GENERAL

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</thead>
<tbody>
<tr>
<td>1.1</td>
<td>0.73</td>
<td>AC</td>
<td>Clear and Grub within Limits of Construction</td>
<td>$10,000.00</td>
<td>$7,300.00</td>
</tr>
<tr>
<td>1.2</td>
<td>291</td>
<td>LF</td>
<td>Silt Fence (w/J Hooks)</td>
<td>$7.00</td>
<td>$2,037.00</td>
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<tr>
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<td><strong>SUBTOTAL</strong></td>
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## 2. POTABLE WATER IMPROVEMENTS

<table>
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<tr>
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<th>Description</th>
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<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1</td>
<td>1,703</td>
<td>LF</td>
<td>8&quot; C-900 DR-14 PVC WL including pipe, fittings, restraints, and all appurtenances (all depths)</td>
<td>$32.00</td>
<td>$54,496.00</td>
</tr>
<tr>
<td>2.2</td>
<td>19</td>
<td>EA</td>
<td>8&quot; Gate Valve, including any necessary appurtenances</td>
<td>$1,500.00</td>
<td>$28,500.00</td>
</tr>
<tr>
<td>2.3</td>
<td>9</td>
<td>EA</td>
<td>12&quot; Gate Valve, including any necessary appurtenances</td>
<td>$2,500.00</td>
<td>$22,500.00</td>
</tr>
<tr>
<td>2.4</td>
<td>21</td>
<td>EA</td>
<td>16&quot; Gate Valve, including any necessary appurtenances</td>
<td>$6,700.00</td>
<td>$140,700.00</td>
</tr>
<tr>
<td>2.5</td>
<td>11</td>
<td>EA</td>
<td>Automatic Flushing Valve Assembly</td>
<td>$9,000.00</td>
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<tr>
<td>2.6</td>
<td>4</td>
<td>EA</td>
<td>Flush Valve</td>
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<td>$14,600.00</td>
</tr>
<tr>
<td>2.7</td>
<td>15</td>
<td>EA</td>
<td>Standard Fire Hydrant Assembly, including pipe, fittings, restraints, valve, hydrant, and all required appurtenances</td>
<td>$3,700.00</td>
<td>$55,500.00</td>
</tr>
<tr>
<td>2.8</td>
<td>2</td>
<td>EA</td>
<td>2&quot; Automatic Air Release/Vacuum Valve, including all appurtenances</td>
<td>$4,700.00</td>
<td>$9,400.00</td>
</tr>
<tr>
<td>2.9</td>
<td>10,958</td>
<td>LF</td>
<td>Trench safety systems for water line</td>
<td>$0.10</td>
<td>$1,095.80</td>
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<td><strong>SUBTOTAL</strong></td>
<td><strong>$425,791.80</strong></td>
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## ALTERNATE 1

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<th>Unit</th>
<th>Description</th>
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<th>Amount</th>
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<tbody>
<tr>
<td>A1.1</td>
<td>2,696</td>
<td>LF</td>
<td>12&quot; C-900 DR-14 PVC WL including pipe, fittings, restraints, and all other appurtenances (all depths)</td>
<td>$45.00</td>
<td>$130,320.00</td>
</tr>
<tr>
<td>A1.2</td>
<td>6,359</td>
<td>LF</td>
<td>16&quot; C-905 DR-18 PVC WL including pipe, fittings, restraints, and all other appurtenances (all depths)</td>
<td>$60.00</td>
<td>$381,540.00</td>
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<td><strong>SUBTOTAL</strong></td>
<td><strong>$511,860.00</strong></td>
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LA CIMA - 16" WATER LINE B AND ASSOCIATED LINES
PID MPA BID - 004
Bid Opening: December 1, 2016

CC Carlton Industries, Ltd.

ALTERNATE 2

<table>
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<tr>
<th>Bid Item</th>
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<th>Unit</th>
<th>Description</th>
<th>Unit Price</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>A2.1</td>
<td>2,896</td>
<td>LF</td>
<td>Substitute 12&quot; AWWA CL350 DUCTILE IRON WL for Bid Item A1.1</td>
<td>$54.00</td>
<td>$156,384.00</td>
</tr>
<tr>
<td>A2.2</td>
<td>6,359</td>
<td>LF</td>
<td>Substitute 16&quot; AWWA CL250 DUCTILE IRON WL for Bid Item A1.2</td>
<td>$72.00</td>
<td>$457,848.00</td>
</tr>
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SUBTOTAL $614,232.00

BID SUMMARY

1. GENERAL $9,337.00
2. POTABLE WATER IMPROVEMENTS $425,791.80

TOTAL BASE BID $435,128.80

ALTERNATE 1 $511,860.00

BASE BID + ALTERNATE 1 $946,988.80

ALTERNATE 2 $614,232.00

BASE BID + ALTERNATE 2 $1,049,360.80

$102,372.00
**LA CIMA - FRANKLIN LIFT STATION**

**PID MPA BID - 001A**

**Bid Opening: December 1, 2016**

<table>
<thead>
<tr>
<th>Bid Bond</th>
<th>Addendum #1 Acknowledged</th>
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### 1.0 GENERAL CONSTRUCTION

<table>
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<th>Description</th>
<th>Unit Price</th>
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<td>LS</td>
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**SUBTOTAL GENERAL**

$28,200.00

### 2.0 FRANKLIN LIFT STATION MISC. IMPROVEMENTS

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<th>Bid Item</th>
<th>Quantity</th>
<th>Unit</th>
<th>Description</th>
<th>Unit Price</th>
<th>Amount</th>
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<tbody>
<tr>
<td>2.1</td>
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<td>EA</td>
<td>Remove and Replace Existing Pumps with new 60 HP Pumps per Contract Documents, include all associate work, equipment and material for removal, haul</td>
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<td>2.2</td>
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<td>Remove and Replace Existing Guardrails with New SS 316 Guardrails incl. associate work, equipment and material for removal, haul off and disposal per</td>
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<td>$6,600.00</td>
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<tr>
<td>2.3</td>
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<td>Remove and Replace Existing Floats with new SS 316 Fixed Mounting Assembly per contract documents, incl. associate work, equipment and material for,</td>
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<td>$3,500.00</td>
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<tr>
<td>2.4</td>
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<td>Remove and Replace Existing discharge pipes from 6-inch DIP to 8-inch DIP per contract documents. incl. combination air release valve, check and gate valves</td>
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<td>$80,000.00</td>
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<td>2.5</td>
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<td>Furnish and Install Wood Fence Match Existing per COSM Standards.</td>
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<td>$75.00</td>
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<td>2.6</td>
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<td>LF</td>
<td>Furnish, install, maintain and remove Silt Fence.</td>
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<td>$255.00</td>
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<td>2.7</td>
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<td>Franklin Lift Station Electrical improvements include pump Control Panel, Electrical Rack, Generator Connection Box. Manual Transfer Switch, Mini-Power</td>
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<td>By-pass Pumping required for the wet well lining.</td>
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**FRANKLIN LIFT STATION MISC. IMPROVEMENTS**

$464,905.00

### 3.0 CITY OF SAN MARCOS IMPROVEMENTS

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<th>Bid Item</th>
<th>Quantity</th>
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**SUBTOTAL CITY OF SAN MARCOS IMPROVEMENTS**

$25,500.00

### BID SUMMARY

1. GENERAL CONSTRUCTION

$28,200.00

2. FRANKLIN LIFT STATION MISC. IMPROVEMENTS

$464,905.00

3. CITY OF SAN MARCOS IMPROVEMENTS

$25,500.00

**FRANKLIN LIFT STATION OFFSITE WASTEWATER IMPROVEMENTS TOTAL BID**

$518,605.00
### 1. GENERAL

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</table>

La Cima
Center Point Road Intersection Improvement
Engineer's Probable Cost of Construction
2/9/2017
<table>
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<tr>
<th>Item</th>
<th>Unit</th>
<th>Quantity</th>
<th>Unit Cost</th>
<th>Total Cost</th>
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<td>1</td>
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<tr>
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<td>LS</td>
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<td><strong>SUB TOTAL - 5</strong></td>
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<tr>
<td>6 Eastbound Approach</td>
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<td></td>
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<tr>
<td>Subgrade Preparation (3’ Beyond Back of Curbs Eastbound)</td>
<td>SY</td>
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**La Cima**  
**Center Point Road Intersection Improvement**  
**Engineer's Probable Cost of Construction**  

2/9/2017

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<tr>
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<th>Quantity</th>
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<td><strong>Pavers</strong></td>
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<td><strong>ADA ramps</strong></td>
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<td><strong>Traffic Control per Plan</strong></td>
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<td><strong>SUB TOTAL -6</strong></td>
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<td></td>
<td></td>
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<thead>
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<th>Cost</th>
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<tr>
<td>5% Mobilization</td>
<td>$46,319.24</td>
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<tr>
<td>Payment performance bond</td>
<td>$23,159.62</td>
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<tr>
<td>Maintenance Bond</td>
<td>$2,315.96</td>
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<td><strong>TOTAL CONSTRUCTION COST</strong></td>
<td><strong>$998,179.73</strong></td>
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</table>

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
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<tr>
<td>10% Contingency</td>
<td>$99,817.97</td>
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<td><strong>TOTAL CONSTRUCTION COST WITH CONTINGENCY</strong></td>
<td><strong>$1,097,997.70</strong></td>
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</table>
La Cima
Centerpoint Intersection Improvements
Engineer's Probable Cost of Construction

2/9/2017

<table>
<thead>
<tr>
<th>Bid Item</th>
<th>Description</th>
<th>Total Cost</th>
<th>Developer %</th>
<th>City of San Marcos %</th>
<th>Developer Total</th>
<th>City of San Marcos Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.0</td>
<td>Northbound Right Turn Lane with Island</td>
<td>$273,151.56</td>
<td>37%</td>
<td>63%</td>
<td>$101,066.08</td>
<td>$172,085.49</td>
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<td>Northbound Left Turn Lane</td>
<td>$239,416.18</td>
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<td>$239,416.18</td>
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<tr>
<td>3.0</td>
<td>Southbound Right Turn Lane with Island</td>
<td>$264,712.75</td>
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<td>0%</td>
<td>$264,712.75</td>
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<tr>
<td>4.0</td>
<td>Southbound Left Turn Lane</td>
<td>$6,633.98</td>
<td>37%</td>
<td>63%</td>
<td>$2,454.57</td>
<td>$4,179.41</td>
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<tr>
<td>5.0</td>
<td>Westbound Approach</td>
<td>$86,402.34</td>
<td>37%</td>
<td>63%</td>
<td>$20,838.86</td>
<td>$35,533.47</td>
</tr>
<tr>
<td>6.0</td>
<td>Eastbound Approach</td>
<td>$105,068.08</td>
<td>100%</td>
<td>0%</td>
<td>$105,068.08</td>
<td>$0.00</td>
</tr>
<tr>
<td>7.0</td>
<td>Signal Construction</td>
<td>$200,000.00</td>
<td>37%</td>
<td>63%</td>
<td>$74,000.00</td>
<td>$126,000.00</td>
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<td></td>
<td><strong>Total Construction Cost</strong></td>
<td><strong>$926,384.90</strong></td>
<td><strong>37%</strong></td>
<td><strong>63%</strong></td>
<td><strong>$356,068.08</strong></td>
<td><strong>$588,316.82</strong></td>
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</table>

- 5% Mobilization: $46,319.24
- Payment performance bond: $23,159.62
- Maintenance Bond: $2,316.96
- **Total Construction Cost**: $898,179.73
- 10% Contingency: $99,817.97
- **TOTAL CONSTRUCTION COST WITH CONTINGENCY**: $1,097,997.70
Table 29: Improvements Cost Share

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Developers (%)</th>
<th>Marcos Project (%)</th>
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<tbody>
<tr>
<td><strong>Phase I</strong></td>
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<tr>
<td>Signal Construction</td>
<td>37%</td>
<td>63%</td>
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<tr>
<td>Eastbound Approach</td>
<td>100%</td>
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<td><strong>Phase II</strong></td>
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<td></td>
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<tr>
<td>Eastbound Left Turn Lane</td>
<td>100%</td>
<td>0%</td>
</tr>
<tr>
<td>Northbound Left Turn Lane</td>
<td>100%</td>
<td>0%</td>
</tr>
<tr>
<td><strong>Phase III</strong></td>
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<tr>
<td>Westbound Left Turn Lane</td>
<td>37%</td>
<td>63%</td>
</tr>
<tr>
<td>Storage Increase - SB Left Turn Lane</td>
<td>37%</td>
<td>63%</td>
</tr>
<tr>
<td><strong>Phase IV</strong></td>
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<td></td>
</tr>
<tr>
<td>Southbound right turn lane</td>
<td>100%</td>
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<tr>
<td>Northbound right turn lane</td>
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<td>63%</td>
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<tr>
<td>Eastbound Island</td>
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</tr>
<tr>
<td>Northbound Island</td>
<td>37%</td>
<td>63%</td>
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<tr>
<td>Westbound Island</td>
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<td>63%</td>
</tr>
<tr>
<td>Southbound Island</td>
<td>100%</td>
<td>0%</td>
</tr>
</tbody>
</table>
RESOLUTION NO. 2017-180R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS APPROVING A CHANGE ORDER AMENDING AN INFRASTRUCTURE PARTICIPATION AGREEMENT WITH LAZY OAKS RANCH, LP IN ORDER TO ADD THE INSTALLATION OF CONDUIT FOR FIBER OPTIC LINES TO THE PUBLIC IMPROVEMENTS BEING INSTALLED ON BEHALF OF THE CITY WITHIN THE LA CIMA DEVELOPMENT PROJECT AT AN ESTIMATED COST OF $138,338.45; AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AMENDMENT; AND DECLARING AN EFFECTIVE DATE.

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

PART 1. The attached Change Order Amendment to Participation Agreement (the "Amendment"), is hereby approved.

PART 2. The City Manager is authorized to execute the Amendment on behalf of the City.

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

ADOPTED on December 5, 2017.

[Signature]
John Thomaides
Mayor

Attest:

[Signature]
Jamie Lee Case
City Clerk
CHANGE ORDER AMENDMENT TO PARTICIPATION AGREEMENT

This Change Order Amendment to Participation Agreement (the “First Amendment”) is entered into by and between the City of San Marcos, Texas, a municipal corporation (the “City”) and Lazy Oaks Ranch, LP, a Texas limited partnership (the “Owner”), and hereby amends, supplements and modifies that certain Participation Agreement (the “Agreement”) between the City and Owner approved by resolution of the City numbered 2017-43R and dated to be effective March 7, 2017.

I. RECITALS

1.1 Under the terms of the Agreement, the Owner is constructing certain public improvements on behalf of the City within the La Cima land development project area.

1.2 The City wishes to install fiber optic lines within such area to serve various City facilities. In order to enable the fiber optic installation, the City and has requested that the Owner add the laying of conduit to the original scope of services being performed on behalf of the City under the Agreement.

1.3 For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and the Owner enter into this First Amendment.

II. AMENDMENT

2.1 Paragraph 1.2 of the Agreement is hereby amended to add conduit for fiber optic lines as a part of the Public Improvements.

2.2 Paragraph 2.2.2 of the Agreement is amended to increase the City’s cost participation amount from $1,028,630.36 to $1,166,968.81 (adding the conduit installation cost of $138,338.45 to the original amount).

2.3 Exhibit A of the Agreement is amended to include the map and project description attached hereto as Attachment 1.

2.4 Exhibit B of the Agreement is amended to include the cost proposal attached hereto as Attachment 2.

2.5 All other terms of the Agreement not amended, modified or supplemented by this First Amendment shall remain the same and in full force and effect.

SIGNATURES ON NEXT PAGE
EXECUTED to be effective as of December 5, 2017.

CITY:
CITY OF SAN MARCOS, TEXAS
By: Bert Oumbreras, City Manager

OWNER:
LAZY OAKS RANCH, LP
By: Lazy Oaks GP, LLC, its general partner
By: Bryan W. Lee, Manager
ATTACHMENT 1
(Next Page)
PEC WILL ULTIMATELY ISSUE PEC DESIGN FOR CONSTRUCTION
### Total Options No. 1, 2 & 3 $138,338.45

**Proposal Contingencies:**

Denbow Company, Inc.'s Proposal is contingent on the following:

1. The parties reaching agreement on acceptable contract terms and conditions including, but not limited to, scope of work, payment, differing site conditions, exclusion by Denbow Company, Inc. of any warranty of suitability of design documents, indemnity, insurance, and waivers of consequential damages.

2. An agreement that the retainage, if any, shall be paid to Denbow Company, Inc. within thirty five (35) days following the completion of its work on the project.
A - In the event a draft or proposed contract is included in the bid documents, this Proposal remains subject to the contingencies identified above. Modifications to the draft or proposed contract will need to be negotiated by the parties in order to reach a final agreement on the terms and conditions.

B - This Proposal is null and void in the event we are not able to reach agreement on the contract terms and conditions including, but not limited to, the payment of retainage.

NOTES:
SEE ATTACHED DRAWINGS INDICATING OPTION 1 AND 2 AREAS.

** RE-EXCAVATE STREET CROSSING W/ CLSM OPTION ONLY IF HAYS COUNTY ALLOWS. OTHERWISE WILL HAVE TO BORE.**

No plans provided.
Price is subject to change per plan changes/field changes.
Price reflects flowable fill backfill for crossings.

EXCLUSIONS:
Price does not include bonds, permits or fees.
Price does not include clearing, boring or removal of trees.
Price does not include additional mobilizations.
Price does not include spoil removal.
Price does not include cost of any primary conductor or gear.
Price does not include SWPPP or erosion controls.
Price does not include any bores.
Price does not include any revegetation.
Price does not include any flatwork or asphalt repair/replace.
Price does not include landscape repair/replace.
Price does not include street lights.

Respectfully Submitted,

Reagan Shepperd
Denbow Company, Inc.
AGENDA CAPTION:
Consider approval of Resolution 2020-66R, approving a change order to the construction contract awarded to Santa Clara Construction, Ltd. for construction of sewer mains in the Edwards Aquifer Recharge Zone to decrease the total contract price by $123,929.52; authorizing the City Manager or his designee to execute the appropriate documents to implement the change order; and declaring an effective date.

Meeting date: March 17, 2020

Department: Engineering and CIP, Laurie Moyer, Director (by Lynda Williams, Purchasing Manager)

Amount & Source of Funding
Funds Required: 0
Account Number: C207
Funds Available: $956,810.75
Account Name: SSES & Repairs

Fiscal Note:
Prior Council Action: Resolution 2018-145R - Approval of construction contract to Santa Clara Construction, Ltd.

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

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

Background Information:
In October 2018 the city commenced construction to replace several areas of sewer mains in the Edwards Aquifer Recharge Zone in the original contract amount of $1,843,113.00. Construction is complete and this change order is to rectify all of the quantities and to close out the project. After final reconciliation of quantities, this change order reduces the contract value by $123,929.52.

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

Alternatives:
Click or tap here to enter text.

Recommendation:
Staff recommends approval of deductive change order reducing the final contract amount.
RESOLUTION NO. 2020-    R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS APPROVING A CHANGE ORDER TO THE CONSTRUCTION CONTRACT AWARDED TO SANTA CLARA CONSTRUCTION, LTD. FOR CONSTRUCTION OF SEWER MAINS IN THE EDWARDS AQUIFER RECHARGE ZONE TO DECREASE THE TOTAL CONTRACT PRICE BY $123,929.52; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE APPROPRIATE DOCUMENTS TO IMPLEMENT THE CHANGE ORDER; AND DECLARING AN EFFECTIVE DATE.

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

PART 1. A change order to the construction contract awarded to Santa Clara Construction, Ltd. for construction of sewer mains in the Edwards Aquifer Recharge Zone to decrease the total contract price by $123,929.52 is approved.

PART 2. The City Manager or his designee is authorized to execute the appropriate documents to implement the change order.

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

ADOPTED on March 17, 2020.

Jane Hughson
Mayor

Attest:

Tammy K. Cook
Interim City Clerk
CITY OF SAN MARCOS
CONSTRUCTION CHANGE ORDER

PROJECT:
Water Resource & Refurbishment - Edwards Aquifer Recharge Zone

CONTRACT NO.:
PB-Z21-004

CONTRACTOR:
Santa Clara Construction, Ltd.

ADDRESS:
9811 Andrews Rd.
Austin, TX 78750

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

This authorization provides for the following modifications or additions:
1. Cleanup quantities at project end. Correct over and under runs using contingency as necessary. Add new item for pipe work that wasn't in original quantities.

### 1. Explanation of Items: Over runs

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<thead>
<tr>
<th>ITEM NUMBER</th>
<th>DESCRIPTION</th>
<th>PREVIOUS QUANTITY</th>
<th>REVISED QUANTITY</th>
<th>CHANGE IN QUANTITY</th>
<th>UNIT</th>
<th>UNIT PRICE</th>
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Total for BID Category: $102,764.10

### 2. Explanation of Items: Under runs

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Total for BID Category: $135,235.52

Total Change Order: $237,999.62

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

1. Prepared By Project Manager: Kirk Abbott
   Date: 2020.02.03 10:07/01 - 06:00

2. Contractor: Jacob Snyder
   Contractor (Contractor's Signature: 11/06)

3. Recommended by Design Consultant: Kevin McElhany
   Date: 2020.02.01 02:45 - 06:00

4. Approved by Department Director:
   Date: 2020.02.06 12:49

5. Reviewed By Finance:
   Date: 2020.02.06 14:00

6. Purchasing Manager: Date: 2020.02.06 14:00

7. Distribution List: Project Manager, Financial Department - Contract Administration, Contractor, Inspector

Rev. 02/06/20
AGENDA CAPTION:
Consider approval of Resolution 2020-67R, approving an agreement with Freese and Nichols, Inc. for engineering design services related to a new Lift Station No. Five in the estimated amount of $100,651.00; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.

Meeting date: March 17, 2020

Department: Engineering and Capital Improvements, Laurie Moyer, Director (by Lynda Williams, Purchasing Manager)

Amount & Source of Funding
Funds Required: $100,651.00
Account Number: C425
Funds Available: $589,611.98
Account Name: Capital Project-Care Inn Wastewater Lift Station 5

Fiscal Note:

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

Comprehensive Plan Element(s): [Please select the Plan element(s) and Goal # from dropdown menu below]
- Economic Development - Choose an item.
- Environment & Resource Protection - Choose an item.
- Land Use - Choose an item.
- Neighborhoods & Housing - Choose an item.
- Parks, Public Spaces & Facilities - Choose an item.
- Transportation - Choose an item.
Background Information:
Lift Station No. 5 located next to Care Inn on IH-35 has deteriorated significantly in recent years and no longer meets TCEQ requirements. After preliminary analysis it is determined that relocating the lift station, rather than rehabilitation in place, is the optimum solution. The new location will be adjacent to the current location but allows for an optimized layout and improved access for ongoing operation and maintenance work. This request is to award a contract for professional services to Freese and Nichol, Inc. for engineering design services for the new lift station. Freese and Nichols, Inc. is selected to perform these services from the previously approved list of qualified engineering firms.

Construction is estimated at $375,000 and following completion of engineering design services, construction is scheduled to commence early 2021.

Recommendation:
Staff recommends approval of a contract with Freese and Nichols, Inc. for engineering design services.
RESOLUTION NO. 2020-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS APPROVING AN AGREEMENT WITH FRESEE AND NICHOLS, INC. FOR ENGINEERING DESIGN SERVICES RELATED TO A NEW LIFT STATION NO. FIVE IN THE ESTIMATED AMOUNT OF $100,651.00; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE 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 Agreement between the City and Freese and Nichols, Inc. for engineering design services related to a new Lift Station No. 5 in the estimated amount of $100,651.00 is approved.

PART 2. The City Manager or his 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 on March 17, 2020.

Jane Hughson
Mayor

Attest:

Tammy K. Cook
Interim City Clerk
ENGINEERING SCOPE OF SERVICES

PROJECT DESCRIPTION: As indicated herein, Freese and Nichols, Inc. (FNI) will provide engineering services to the City of San Marcos (City) related to construction of a new San Marcos Lift Station No. 5 (Project) to replace the existing Lift Station No. 5 located near the Care Inn along North IH-35 Frontage Road as indicated in the Technical Memorandum “Lift Station No. 5 Rehabilitation Evaluation” provided by FNI and dated October 28, 2019.

Services include final design, bid phase assistance and construction services. The Project is anticipated to include the following facilities:

1. Site improvements for lift station, including asphalt driveway and fencing
2. Fiberglass wet well
3. Submersible pumps with rail support system; pumps and wet well are anticipated to match the peak flow capacity of the existing lift station. An evaluation of the flows to this lift station is not included within the scope of this project.
4. Discharge piping and vaults will be in below grade vault
5. Connection to existing 6” force main at the site (evaluation or replacement of the existing force main is not included within this scope)
6. Replacement of the existing lift station with a manhole
7. Coordination with local electric utility for new electrical service drop. The electrical service will either be 120/240V, 3-phase or will be 480Y/277V, 3-phase if needed in order to provide the option for more than one pump supplier.
8. New electrical distribution system with a service disconnect, manual transfer switch with generator connections and a vendor furnished duplex pump control panel.
9. An electrical equipment rack with canopy
10. New SCADA RTU cabinet, associated instrumentation and antenna tower.

The following assumptions have been made in the development of this proposal:

1. The City of San Marcos will provide all surveying services, including metes and bounds descriptions for easement acquisition and topographic survey of the new site. FNI will provide a scope and exhibit to the City for the surveying work to complete the project design.
2. City of San Marcos Standard Contract Documents (Division 00 and 01) will be used.
3. City of San Marcos Standard Technical Specifications and Details will be used as applicable to this project. FNI Technical Specifications and Details will be used as needed to supplement City of San Marcos standards.
4. A radio path study will not be performed by FNI. It is assumed that the requirements for the existing lift station can apply to the new lift station and the contract documents will require the contractor or SCADA integrator to confirm so during construction.
5. Odor control facilities are not anticipated as part of this project.
PROJECT SCOPE:

BASIC SERVICES: FNI shall render the following professional services in connection with the development of the Project:

1. Project Management
   A. Conduct Project Kickoff Meeting with City Staff and Internal Kickoff Meeting: Purpose of this meeting is to identify project team members, establish project communications protocols, confirm project goals and objectives, review scope, schedule and budget, and coordinate initial project tasks. FNI will prepare and distribute a kickoff meeting agenda prior to the meeting and prepare and distribute meeting minutes following meeting.
   B. Monthly Invoicing and Project Updates: FNI will prepare and submit monthly invoices to City for payment. FNI will also prepare and submit monthly status reports to the City with each invoice. Monthly status reports will comprise a one page summary of the progress to date on the project, work completed during the prior month, work anticipated to be completed during the upcoming month, and discussion of any scope, schedule, or budget issues that may need to be resolved.
   C. Project Team Coordination: Direct and coordinate FNI and Subconsultant staff for initiation of contracts, completion of required tasks, deliverables, scheduling and QA/QC management.

2. Final Design
   A. Data Collection and Review: Review data provided by the City for completeness and consistency for incorporation into the scope of work including:
      1. Pump performance curves, head versus flow, HP or efficiency versus flow, rated performance at best efficiency
      2. Data on the existing portable generator. This information will be used to develop an engineering report to meet the TCEQ emergency power requirements. Data collected will include licensed operator capability, description of operation, storage location of portable generator, transport time, pumps required for operation, and maintenance procedures for the portable generator.
   B. 75% Design:
      1. Geotechnical Investigation: FNI will contract with Rock Engineering and Testing Laboratory, Inc. as a subconsultant to perform the following tasks:
         a. Field work to complete one test boring to a depth of 20 feet at the wet well site and obtain soil samples at 2-foot intervals to 10 feet and 5-foot intervals thereafter. During drilling, observations of groundwater will be made. The Texas 811 System will be notified to located existing utilities in the area before field work commences.
         b. Laboratory testing of the soil samples to determine geotechnical properties.
c. Prepare geotechnical engineering report that includes a description of the field exploration and laboratory tests, boring log, discussion of engineering properties of the subsurface materials encountered, and geotechnical considerations for the proposed lift station.

2. Lift Station Engineering Report
   a. Prepare brief Engineering Report to document the project and submit the project to the TCEQ for permitting.
   b. For this system FNI is assuming the City’s existing portable generator will be used to provide emergency backup power to the lift station. If the TCEQ does not approve the use of a portable generator or if oversizing the wet well to provide additional storage volume is not feasible, an onsite generator may be required or an alternate electrical power source brought to the site. The design of a generator or evaluation of alternate electrical power feed are not included in the scope of this project.
   c. A recommended voltage for the electrical service based on available pump selections from the various pump suppliers will be included.

3. Prepare 75% design drawings
4. Prepare 75% technical specifications
5. Prepare OPCC based on 75% design
6. Deliverables: Submit PDF files of 75% plans, specifications and OPCC

C. 75% Design Review Workshop: Meet with the City to discuss and solicit comments on the 75% Design.

D. 100% Design:
   1. Prepare 100% design drawings
   2. Prepare 100% technical specifications
   3. Prepare OPCC based on 100% design
   4. Deliverables: Submit PDF files of 100% (signed and sealed) plans, specifications and OPCC

3. Bid & Award Phase
   A. Pre-Bid Conference: Attend one (1) pre-bid conference. FNI shall assist with preparation of an agenda and meeting notes. Written responses to issues identified at the pre-bid conference shall be written in the form of addenda issued after the conference.
   B. Interpretations: Respond to questions, interpreting the bid documents, and prepare addenda to the bid documents.
   C. Bid Evaluation: Preparation of bid tabulations and researching Contractor qualifications and references.
D. **Conformed Documents:** Conform the Contract Documents by incorporating all addenda items into the plan and specifications. One electronic copy in PDF and one hard copy will be provided to the City.

4. **Construction Phase**

   FNI will provide general construction contract administration services as follows:

   **A. Meetings and Site Visits:**
   1. **Pre-construction Meeting:** Assist the City in conducting a pre-construction conference with the Contractor.
   2. **Construction Progress Meetings:** Conduct monthly progress meetings with Contractor.
   3. **Construction Site Visits:** Conduct up to a total of 8 (estimated to be approximately 8-month construction schedule) site visits to observe the progress and the quality of work and to determine in general if the work is proceeding in accordance with the Contract Documents. FNI shall notify the City of the Contractor’s non-conforming work observed on site visits and prepare observation site visit reports for each visit to the construction site.

   **B. Construction General Representation Services:**
   1. **Contractor Submittal Review:** FNI shall review the following contractor submittals for compliance with the design concepts. Contractor submittals beyond the numbers outline below and excessive re-submittals will be an Additional service:
      a. Shop drawings
      b. Requests for information (RFI)
      c. Schedules
      d. Operation and maintenance manuals
   2. FNI shall manage field/change order documents and requests for proposals (“field order/change order”) and Contractor claim process as follows:
      a. Assist the City to process contract modifications and negotiate with the Contractor on behalf of the City to determine the cost and time impacts of these changes.
      b. Review and approve up to 2 field orders for minor alterations and up to 2 change orders.
      c. Support City in evaluation and negotiation of notices of Contractor claims based on information submitted by the Contractor or available Project documentation.
   3. Approve estimates for payment to the Contractor pursuant to the general conditions of the construction contract during the course of the Project.
   4. Attend monthly construction progress meetings and associated site visits at time of the meeting to observe the progress and quality of Work and to attempt
to determine in general if the work is proceeding in accordance with the Contract Documents.

5. Attend a substantial completion and final completion walkthrough with the City and Contractor to assist in the development of punch list items.

6. Record Drawings: Prepare the record drawings based on the revised redline construction drawings and information furnished by the Contractor reflecting changes in the Project made during construction. Prepare and submit electronically to the City, one set of record drawings at the completion of the project in CAD and PDF format.

**Additional Services**: Additional Services to be performed by FNI if authorized by the City, which are not included in the above basic services, are described as follows:

A. Preparation of easement documents/field notes including:
   1. Perform deed, plat and courthouse record research and prepare metes and bounds descriptions, survey parcels and field notes for up to three (3) impacted parcels of land for permanent and temporary easement acquisition. The descriptions shall each contain drawing and verbal description in accordance with State surveying standards.
   2. Obtain copies of deeds and easement documents.
   3. Survey existing property corners, fences and appurtenant property evidence along the alignment route.
   4. Stake Final easement corridor from alignment data.
   5. Show ownership and adjoiner ownership data for properties along the route.
   6. Revise parcel descriptions and field notes per comments and final title report.
   7. Stake all parcels.

B. Acquisition of easements

C. Topographic survey

D. Subsurface Utility Engineering

E. Utilizing more than one construction contract.

F. Updates to the City of San Marcos Wastewater Master Plan.

G. Evaluate/design odor control system

H. Preparing applications and supporting documents for government grants, loans, or planning advances and providing data for detailed applications.

I. Preparing data and reports for assistance to the City in preparation for hearings before regulatory agencies, courts, arbitration panels or any mediator, giving testimony, personally or by deposition, and preparations therefore before any regulatory agency, court, arbitration panel, or mediator.

J. Resident project representative and/or daily construction observation services.

K. Preparation of construction traffic control plan(s).

L. Preparing Operation and Maintenance Manual or conducting operator training.
M. Landscape design.
N. Noise control and hazardous waste assessments and abatement.
O. Construction Staking.
P. Provide design services for a new portable or permanent stand-by generator.
Q. Environmental studies and coordination with Texas Historical Commission.
Compensation to FNI for the Basic Services shall be a not to exceed fee of $100,651.00.

If FNI sees the Scope of Services changing so that additional services are needed, including but not limited to those services described as Additional Services, FNI will notify City for City’s written approval before proceeding.
# Exhibit 2
## Detailed Fee Schedule

### City of San Marcos
**Lift Station 5 Replacement**
**12/24/2020**

**Detailed Cost Breakdown**

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<th>Eric Love</th>
<th>Rebecca Sanden</th>
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<th>Peter Baratz</th>
<th>Michael Robertson</th>
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<td>a Pre-Bid Conference</td>
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<td>b Interpretations</td>
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<td>4</td>
<td>Construction Phase</td>
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<td>a Meetings/Visits</td>
<td>24</td>
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<td>b Construction General Representation Services</td>
<td>66</td>
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<td>8</td>
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<td>8</td>
<td>46</td>
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<td>12</td>
</tr>
</tbody>
</table>

### Total Hours / Quantity
- 20
- 208
- 18
- 4
- 84
- 4
- 8
- 45
- 4
- 4
- 4
- 4
- 441

### Total Labor Effort
- $64,254
PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF SAN MARCOS AND FREESE AND NICHOLS, INC.

PROJECT SCHEDULE

TIME OF COMPLETION: FNI is authorized to commence work on the Project upon execution of this AGREEMENT and agrees to complete the services in accordance with the following schedules.

<table>
<thead>
<tr>
<th>Milestone/Deliverable</th>
<th>Calendar Days</th>
</tr>
</thead>
<tbody>
<tr>
<td>75% Design Phase</td>
<td>75 days from receipt of survey files from City</td>
</tr>
<tr>
<td>100% Design Phase</td>
<td>Completed 45 days from receipt of 75% Design review comments</td>
</tr>
<tr>
<td>Bid Phase</td>
<td>Completed 120 calendar days from 100% Design</td>
</tr>
<tr>
<td>Construction Phase</td>
<td>Substantial Completion 210 Days from Construction NTP Final Completion 30 Days from Substantial Completion</td>
</tr>
</tbody>
</table>

If FNI’s services are delayed through no fault of FNI, FNI shall be entitled to adjust contract schedule consistent with the number of days of delay. These delays may include but are not limited to delays in City or regulatory reviews, delays on the flow of information to be provided to FNI, governmental approvals, easement acquisition necessary for construction, etc.
AGENDA CAPTION:
Consider approval of Resolution 2020-68R, confirming the City Manager’s appointment of George R. Landry to the San Marcos Civil Service Commission; and declaring an effective date.

Meeting date: March 17, 2020

Department: Human Resources

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

CITY COUNCIL GOAL: N/A

COMPREHENSIVE PLAN ELEMENT(s): N/A

BACKGROUND:
Texas Local Government Code, Chapter 143.006 outlines the appointment of Commissioners to the Civil Service Commission. This appointment is made by the City Manager with confirmation of the City Council. George Landry was appointed to the Civil Service Commission on February 7, 2017 to fill a term which expired February 28, 2020. The City Manager has re-appointed Mr. Landry to a three-year term subject to confirmation of the City Council.
RESOLUTION NO. 2020-____R

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF SAN MARCOS, TEXAS, CONFIRMING THE
CITY MANAGER’S APPOINTMENT OF GEORGE R.
LANDRY TO THE SAN MARCOS CIVIL SERVICE
COMMISSION; AND DECLARING AN EFFECTIVE
DATE.

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

PART 1. The City Council hereby confirms the Interim City Manager’s
appointment of George R. Landry to the San Marcos Civil Service Commission for a

PART 2. This Resolution shall be in full force and effect from and after its
passage.

ADOPTED on March 17, 2020.

Jane Hughson
Mayor

Attest:

Tammy K. Cook
City Clerk
Consider approval of Resolution 2020-69R, directing publication of a notice of intention to issue certificates of obligation in the amount of approximately $50,500,000 for constructing, improving, designing, acquiring and equipping the city's (1) water and waste water system; (2) electric utility system; (3) streets including related drainage, sidewalks, traffic improvements and lighting; (4) municipal buildings to include the City Hall and other city facilities, HVAC improvements, roof replacements and security improvements; (5) stormwater management and flood control facilities; (6) airport, including hangars; (7) public safety facilities to include police and fire station improvements and a new ladder truck and engine; (8) network and fiber optic infrastructure equipment; (9) recreational facilities including parks and sports fields; (10) city cemetery including land acquisition; (11) animal shelter; (12) parking including land acquisition; and (13) the payment of professional services in connection therewith including legal, fiscal and engineering fees and the costs of issuing the certificates of obligation and other matters related thereto.

Meeting date: March 17, 2020

Department: Finance-Heather Hurlbert, Finance Director

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

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

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

Comprehensive Plan Element(s): [Please select the Plan element(s) and Goal # from dropdown menu below]
☐ Economic Development - Choose an item.
The City of San Marcos approved a Capital Improvements Plan (CIP) during the FY2020 Budget process that called for the funding of approximately $58,600,000 in Capital Improvement Projects for the City of San Marcos. These projects include streets, drainage, electric, water/wastewater and airport improvements; facility improvements and repairs; network and fiber optic infrastructure; 3 fire apparatus and master and comprehensive plan studies and implementation. The funding for these projects comes from a combination of Certificates of Obligation and General Obligation bonds approved in the 2017.

The first step in the process of issuing Certificate of Obligation bonds is a resolution directing publication of the notice to the public of City Council’s intention to issue the certificates of obligation in an amount not to exceed $50,500,000 including issuance costs. Two public notices are required to be posted in the local newspaper. Due to changes made during the last legislative session, the first notice must be posted at least 45 days prior to the sale. This is a change from the prior requirement of 30 days. A negotiated sale is scheduled for either May 11th or May 18th and Council will consider an ordinance delegating authorization for the parameters for the sales on May 5th. A complete timeline is attached. General Obligation bonds do not require a public process since they were approved by voters in 2017.

Prior to issuance each project is reviewed to determine the project is still needed or if the scope has changed, if the project will begin in the next 12 months, and if there is alternative funding available for the project. If the project will not be started in the next 12 months, the debt issuance is deferred to a future fiscal year.

The City Council will receive a full report on the projects and the final debt totals during a workshop scheduled for April 21st. This notice will provide the citizens a not to exceed amount and the final amount of debt issued may be less than this amount once the review of projects is completed.
File #: Res. 2020-69R, Version: 1

Click or tap here to enter text.

**Alternatives:**

Click or tap here to enter text.

**Recommendation:**

Click or tap here to enter text.
# Tentative Timeline of Events – Negotiated Sale

**Thursday, March 17, 2020**
- The City Council receives an update from SPFI regarding the issuance timeline for all issues.
- The City Council considers a resolution directing publication of the notice of intent to issue COs.

**Week of March 17, 2020**
- First notice of intent appears in the newspaper.

**Week of March 22, 2020**
- Second notice appears in the newspaper.
- SPFI makes application to Standard & Poor’s in order to obtain ratings on the Bonds and COs.

**Week of April 20, 2020**
- Bond Rating Meeting.

**Tuesday, May 5, 2020**
- S&P assigns bond rating.
- Preliminary Official Statement (POS) is electronically distributed by SPFI to the Underwriters.

**Tuesday, May 5, 2020**
- The City Council considers Delegation Ordinances authorizing the parameters for the sale of Bonds and COs (Delegated Persons are Mayor and/or City Manager).

**Week of May 11 or 18, 2020**
- Pricing and Award. Bonds and COs are priced and awarded to the Underwriters by Delegated City Officials.

**Thursday, June 4, 2020**
- Closing. Bonds and COs are delivered and proceeds distributed.

*Requires Official City Council Meeting.*
<table>
<thead>
<tr>
<th>Project ID</th>
<th>Project Name</th>
<th>Project Description</th>
<th>FUND</th>
<th>FY20 APPROVED</th>
</tr>
</thead>
<tbody>
<tr>
<td>689</td>
<td>AMI Generation 2 Upgrade</td>
<td>Upgrade Advanced Metering Infrastructure to Generation 2, including meters and migrating from eCare to Customer Connect.</td>
<td>Electric</td>
<td>$ 4,288,000</td>
</tr>
<tr>
<td>183</td>
<td>Bishop Street Improvements</td>
<td>Stormwater (DMP #35 &amp; extension on Veramendi), Water (per master plan) and Wastewater improvements along Belvin &amp; S. Bishop to improve Stormwater issues downstream along San Antonio Street. Includes a sidewalk and full depth construction.</td>
<td>Electric</td>
<td>$ 200,000</td>
</tr>
<tr>
<td>709</td>
<td>Carlson Circle Streetlight Repair and Replace</td>
<td>Replace and repair damaged wire and conduit that lights up Carlson Circle from Fire Station 5 to Canyon Substation.</td>
<td>Electric</td>
<td>$ 210,000</td>
</tr>
<tr>
<td>C542</td>
<td>City Hall Reconstruction</td>
<td>Public/Private/Partnership (PPP) to renovate City Hall Site. Must occur after Public Service &amp; Community Services Complex (project 132). Approx. 70,000 sf building. Stormwater channels along Hopkins St. DMP #40</td>
<td>Electric</td>
<td></td>
</tr>
<tr>
<td>C31</td>
<td>Comprehensive Plan</td>
<td>Implement items in Vision San Marcos. $100k in HUD-DR funds combined with FY2019 funding will be used to update the comprehensive plan to reflect new flood information. 2022 funding will be implementation of the updated Comp plan. Comp Plan updated every 5 years.</td>
<td>Electric</td>
<td>$ 100,000</td>
</tr>
<tr>
<td>667</td>
<td>Critical Facility Security</td>
<td>Security access control and video security for city facility security needs.</td>
<td>Electric</td>
<td>$ 50,000</td>
</tr>
<tr>
<td>40</td>
<td>Customer Extensions - New Service</td>
<td>Purchase of transformers to keep up with demand of growth</td>
<td>Electric</td>
<td>$ 478,247</td>
</tr>
<tr>
<td>C40</td>
<td>Customer Extensions - New Service</td>
<td>Purchase of transformers to keep up with demand of growth</td>
<td>Electric</td>
<td></td>
</tr>
<tr>
<td>415</td>
<td>Downtown Alley Reconstruction</td>
<td>Reconstruct the alleys between LBJ and Guadalupe from Hopkins to University, approx. 1200 LF. Kissing Alley from University to Hopkins will occur first in 2020 and 2021. Remaining alley's will occur in 2025/2027. Pavers will be used in Kissing Alley and the remaining alleys will have reconstructed asphalt paving. Both alleys between Hopkins and Hutchison will convert to underground electrical and telecom. Possible TIRZ funding. May include green infrastructure. Electric will need a place for transformer (acquisition needed) in Kissing Alley.</td>
<td>Electric</td>
<td>$ 50,000</td>
</tr>
<tr>
<td>712</td>
<td>Downtown Pedestrian Safety &amp; Comfort Improvements</td>
<td>Sidewalk, Curbs, landscaping, trees, pedestrian lighting (250 light poles) and 32 signals, pavement markings, signage, wayfinding and place making improvements in focused (smaller) areas to improve safety, aesthetics, act as a demonstration project to encourage private development/participation.</td>
<td>Electric</td>
<td>$ 235,000</td>
</tr>
<tr>
<td>69</td>
<td>Fiber Optic Infrastructure Expansions</td>
<td>Purchase the required fiber optic equipment to expand fiber ring. Locations for expansion include the PSAP ($35k), Airport, Gary Sports Complex, Surface Water Treatment Plant, Electric Substations.</td>
<td>Electric</td>
<td>$ 80,000</td>
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<tr>
<td>Project ID</td>
<td>Project Name</td>
<td>Project Description</td>
<td>FUND</td>
<td>FY20 APPROVED</td>
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<tr>
<td>c480</td>
<td>Hopkins Sidewalk Widening CM Allen to Thorpe</td>
<td>Install 10’ multi-use sidewalk along Hopkins (Library Side) with pedestrian lighting from CM Allen - Thorpe Lane, identified in sidewalk analysis performed by Staff. Coordinate with expansion of library. Add pedestrian hybrid beacon (PHB) on Hopkins at Library Driveway and Riverside Drive. Add second left turn lane on Southbound Charles Austin and modify signals to create dedicated right turn leaving City Hall at Hopkins - 2018/2019 funding for turn lane/additional costs over and above CAMPO match. Approved funding for this project from 2016 &amp; 2017 and $2M in CAMPO funds (which will be funded in 2018 by CAMPO).</td>
<td>Electric</td>
<td>$ 200,000</td>
</tr>
<tr>
<td>594</td>
<td>Hopkins Street Improvements Project from Moore to Guadalupe</td>
<td>Reconstruct street, water, wastewater, stormwater and electric infrastructure pursuant with complete streets ordinance on Hopkins Street from Moore St. to Guadalupe. Widen Comanche Street to add a dedicated Left turn lane onto Hopkins St. to improve safety and intersection capacity to alleviate the congestion. Modify the traffic signal to accommodate new geometry. Acquisition will be needed, funding in 2022.</td>
<td>Electric</td>
<td>$ 200,000</td>
</tr>
<tr>
<td>629</td>
<td>IH-35 Utility Relocations</td>
<td>Phase 1 of the project will include utility relocation along IH35 frontage roads from River Ridge to Loop 82 and IH35/Posey Rd. interchage, which will include the County Water Line Crossing. Phase 2 will include relocation/upsizing of utilities at IH-35/SH123 interchange including W/WW upsizing at Riverside, Marshall, and Woodcrest water line crossings and a Storm Drain system between SH80 and RM12. TxDOT project consists of reconstructing portions of northbound and southbound frontage roads, including improving bicycle and pedestrian facilities. Future Phase 3 will extend from Wonderworld to Posey and will include the Wonderworld Dr., Cottonwood, McCarty and Centerpoint Water Line Crossings. Funding reimbursable by TxDOT for any utilities that are in conflict.</td>
<td>Electric</td>
<td>$ 100,000</td>
</tr>
<tr>
<td>678</td>
<td>Network Cabling Infrastructure for City Facilities - Bond</td>
<td>New network cabling and fiber infrastructure for city facilities due to redesign, expansions or new buildings. 2018 funds include cabling for the Library and Police Department. 2019 funds include cabling for Fire Station #2. 2021 funds include cabling for Fire Station District #8 - Trace.</td>
<td>Electric</td>
<td>$ 75,000</td>
</tr>
<tr>
<td>464</td>
<td>Old Ranch Road 12 Bike &amp; Ped &amp; Widening Project</td>
<td>Addition of bike and pedestrian facilities, as well as a center turn lane to improve mobility and increase safety along Old RR 12 between Craddock and Holland. Replacement of utilities and stormwater improvements at problem locations within project limits will also be addressed. $200K stormwater funds moved to Coers Drive #597. The remaining $300K will be used to make improvements at Sara Street and to improve the stormwater scope on Old RR12. Previously approved funding is from FY2014 and FY2016 funds. Reroute drainage at Hughson and Old RR12 around the neighborhood so it outfalls along Craddock. DMP#32</td>
<td>Electric</td>
<td>$ 350,000</td>
</tr>
<tr>
<td>Project ID</td>
<td>Project Name</td>
<td>Project Description</td>
<td>FUND</td>
<td>FY20 APPROVED</td>
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<tr>
<td>372</td>
<td>Pat Garrison Improvements from Comanche to Guadalupe</td>
<td>New waterline from Guadalupe to the dead-end past Comanche, include road and sidewalk improvements in this area and the possible realignment of Pat Garrison at Fredericksburg. Continue the WW improvements from Vistas 2, upsize the 6” WW line to 8” WW line in the alley and continue down Pat Garrison from the dead end to Comanche. Electrical improvements to include underground conversion at the end of Pat Garrison. Initial layouts of Pat Garrison and Fredericksburg intersection complete. Drainage Master Plan sites #20 &amp; #27, Comanche at Lindsey St. Water Quality Imp #46. PER was prepared by HDR in March 2017. Require ROW for the private street from the bank.</td>
<td>Electric</td>
<td></td>
</tr>
<tr>
<td>710</td>
<td>Pole Replacement - CIP Projects</td>
<td>Annual funding for power pole replacement associated with CIP projects.</td>
<td>Electric</td>
<td>$200,000</td>
</tr>
<tr>
<td>405</td>
<td>Pole Replacement - Elect Power poles</td>
<td>Annual funding for the replacement of electric poles within the City’s electric service area.</td>
<td>Electric</td>
<td>$150,000</td>
</tr>
<tr>
<td>735</td>
<td>Power Transformer Monitoring</td>
<td>Retrofit high voltage PWTs at San Marcos, Redwood, Hilltop, and Ranch Road 12 Substations with online dissolved gas monitors, temp and pressure alarms, LTC counters, etc.</td>
<td>Electric</td>
<td>$45,000</td>
</tr>
<tr>
<td>C132</td>
<td>Public Services and Community Services Complex</td>
<td>Install fiber to new facility and a monopole for wireless connectivity to electric substations. Coordinate with proj #132</td>
<td>Electric</td>
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</tr>
<tr>
<td>C639</td>
<td>Public Svs/Comm Svs Complex – Technology Infrastructure Fiber &amp; Monopole tower</td>
<td></td>
<td>Electric</td>
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</tr>
<tr>
<td>679</td>
<td>Purgatory Creek Improvements Ph 1</td>
<td>Purgatory Creek improvements from the San Marcos River to Wonder World Drive. The project addresses flood mitigation including channel modifications, H&amp;H analysis, ROW acquisition, utility, storm drain and bridge modifications, trails, and environmental permitting. The project considers recommendations from various master plans including the Comprehensive, Stormwater, Transportation/Greenways and Parks master plans. The project will be conducted in two phases. Phase 1 limits is from the San Marcos River to near Johnson Avenue. Other possible funding sources (FEMA, TxDOT, grants, etc.) are being explored. Phase 1 project designs, permitting and purchase of right-of-way will be conducted through year 2020 and construction estimated to start in 2022.</td>
<td>Electric</td>
<td>$100,000</td>
</tr>
<tr>
<td>C596</td>
<td>Ramsey St Reconstruction</td>
<td></td>
<td>Electric</td>
<td>$300,000</td>
</tr>
<tr>
<td>717</td>
<td>Rattler Electric Substation</td>
<td>Construction of the Rattler Electric Substation off of Clovis Barker Road near Leah Avenue</td>
<td>Electric</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>C419</td>
<td>Sessom/Academy Intersection Improvements</td>
<td>Stormwater improvements along Sessom Drive from Yale to Comanche. Abandon a storm drain that currently runs through private property. Mill and overlay within utility improvements. Water and Wastewater replacement within project limits. Improvements and cost participation will be coordinated with development and TX State and with Drainage Master Plan #31. Previously approved funding in FY2015 and FY2016.</td>
<td>Electric</td>
<td></td>
</tr>
<tr>
<td>Project ID</td>
<td>Project Name</td>
<td>Project Description</td>
<td>FUND</td>
<td>FY20 APPROVED</td>
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</tr>
<tr>
<td>C649</td>
<td>SMEU Substation Feeder Breaker Upgrade</td>
<td>This project is required to maintain system reliability and minimize outages throughout SMEU's service area, within existing SMEU 12.5 kV substations. Some of the feeder breakers and control relays are of an older technology and do not provide needed options. Present technology equipment provides more information and capability to reduce outage times and minimize trouble shooting outages.</td>
<td>Electric</td>
<td>$ 400,000</td>
</tr>
<tr>
<td>C648</td>
<td>SMEU System Power Factor Improvement</td>
<td>This project is required to maintain SMEU's system power factor within LCRA and ERCOT guidelines. SMEU is required to maintain a power factor greater than 97 percent. As loads increase more capacitors are required. Capacitors will also improve voltage, reduce losses, and provide better system stability. Capacitor banks will be turned on and off as needed. Locations will be based on engineering studies.</td>
<td>Electric</td>
<td>$ 150,000</td>
</tr>
<tr>
<td>641</td>
<td>Storage Area Network (SAN) replacement - IT</td>
<td>The Storage Area Network (SAN) located in the Municipal building data center will be end of life support December 31, 2019. Once the product reaches end of life support, EMC will no longer provide support or replacement parts. This SAN is the primary storage device for the City.</td>
<td>Electric</td>
<td>$ 200,000</td>
</tr>
<tr>
<td>C749</td>
<td>Underground Electric Conversion</td>
<td>Annual funding amount for underground electric conversion to be available for addressing interconnections as downtown projects develop, but for which the developer is not responsible to complete</td>
<td>Electric</td>
<td>$ 1,000,000</td>
</tr>
<tr>
<td>C232</td>
<td>URD Cable Replacement</td>
<td>Required maintenance and replacement of Underground equipment. The project began in 2014 with $100,000 and will continue through 2021.</td>
<td>Electric</td>
<td>$ 100,000</td>
</tr>
<tr>
<td>C652</td>
<td>WWTP Electric Backup Feed</td>
<td>This project is to provide backup feed to the COSM Waste Water Treatment Plant on River Road. In order to improve the reliability of the electrical service at the WWTP SMEU will provide multiple sources of electric power. Electric service can be provided from San Marcos Substation Transformer #2 with San Marcos T1 and Redwood Substations as backup. Easements may be required.</td>
<td>Electric</td>
<td>$ 4,500,000</td>
</tr>
<tr>
<td>653</td>
<td>Airport - City Facilities</td>
<td>Improvements to city owned facilities at Airport</td>
<td>General</td>
<td>$ 100,000</td>
</tr>
<tr>
<td>C606</td>
<td>Airport - FM 110 Connection Drive</td>
<td></td>
<td>General</td>
<td></td>
</tr>
<tr>
<td>159</td>
<td>Airport - Routine Maintenance Grant Match</td>
<td>50/50 match with TxDOT for routine airport maintenance; move into operating cost in 2022</td>
<td>General</td>
<td>$ 50,000</td>
</tr>
<tr>
<td>C9</td>
<td>Airport Hanger Project</td>
<td>Construct city owned box hangar (70x115) at the Kilo Development Area by SH21 and Airport Drive. Construction of the hangar will increase revenues at the airport. City will provide 10% match to federal funds. City requested the project to TxDOT in 2015. Additional funding needed due to original estimates from 2015 and cost of construction increasing.</td>
<td>General</td>
<td>$ 70,000</td>
</tr>
<tr>
<td>12</td>
<td>Animal Shelter - Short Term Imps</td>
<td>2019 funding: Short term repairs such as; Roof, kennels, paint, relocation &amp; expansion of euthanasia room, HVAC, ceiling tile replacement is required for state compliance. 2020 Funding: Acquire and set a modular building to relocate administrative offices. Remodel current administrative space for adoption center and medical space.</td>
<td>General</td>
<td>$ 400,000</td>
</tr>
<tr>
<td>750</td>
<td>Bugg Lane Alley</td>
<td>Alley between Barbara and Conway, from Bugg Lane to Highline does not drain and it is causing the road to fall apart.</td>
<td>General</td>
<td>$ 35,000</td>
</tr>
</tbody>
</table>
### FY 2018-2027 10 Year CIP Project List

<table>
<thead>
<tr>
<th>Project ID</th>
<th>Project Name</th>
<th>Project Description</th>
<th>FUND</th>
<th>FY20 APPROVED</th>
</tr>
</thead>
<tbody>
<tr>
<td>C472</td>
<td>Capes Camp Improvement and Dam</td>
<td>The City's cemetery is nearing capacity. Acquisition of adjacent property or the development of an additional cemetery is required. Some funding will come from cemetery perpetual fund. Razing 4 houses and rehabilitating 1 house for an office. Survey of property for plating, new fence, road ways, electric lines and water lines. Construction of infrastructure. First year funding is for demo of buildings, 2nd year funding is for master plan, 3rd year is for construction.</td>
<td>General</td>
<td></td>
</tr>
<tr>
<td>616</td>
<td>Cemetery Land Acquisition</td>
<td></td>
<td>General</td>
<td>$700,000</td>
</tr>
<tr>
<td>C616</td>
<td>Cemetery Land Acquisition</td>
<td></td>
<td>General</td>
<td></td>
</tr>
<tr>
<td>475</td>
<td>City Facilities HVAC Replacement</td>
<td>HVAC Replacement for City Facilities at multiple locations. Activity Center, Price Center. 2021 Will begin replacement of SECO units (installed 2011/12) over multiple years.</td>
<td>General</td>
<td>$250,000</td>
</tr>
<tr>
<td>169</td>
<td>City Facility Parking Lots</td>
<td>Repave/restripe all City parking facilities based upon condition, with drainage improvements as needed. Locations include; Activity Center, Grant Harris, Cock House, Nature Center, CVB and park parking lots. Includes WQ ponds. Will coordinate with project #358 - Downtown SmartCode. Funding for this project is split over multiple years.</td>
<td>General</td>
<td>$150,000</td>
</tr>
<tr>
<td>526</td>
<td>City Facility Renovations</td>
<td>Renovations to current city facilities. FY2019 funds include: Activity Center Pool $230k, Municipal Bldg. Awnings $15k, Library water damaged areas, wall paper and paint $30k, Pub Svs Roof $25k, CVB Bldg. ADA Door $15k, Grant Harris structural repairs, parking lot, awning, painting $200k, Rec Hall HVAC Replacement $15k, Fire Sta #1 roof replacement, HVAC and plumbing repairs $50k, FS#2 HVAC and plumbing $15k, FS#3 HVAC and plumbing $15k, FS#5 roof repairs, HVAC, Electrical, Plumbing $55k. Dunbar Center FY 20 paint, flooring and ADA restrooms $150k. Fish hatchery building concrete, deck ADA improvements $80k. Price center interior improvements $100k.</td>
<td>General</td>
<td>$450,000</td>
</tr>
<tr>
<td>C542</td>
<td>City Hall Reconstruction</td>
<td>Public/Private/Partnership (PPP) to renovate City Hall Site. Must occur after Public Service &amp; Community Services Complex (project 132). Approx. 70,000 sf building. Stormwater channels along Hopkins St. DMP #40</td>
<td>General</td>
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<tr>
<td>438</td>
<td>City Park - ADA Playground</td>
<td>Improve City Park playground to insure ADA compliance.</td>
<td>General</td>
<td>$750,000</td>
</tr>
<tr>
<td>C31</td>
<td>Comprehensive Plan</td>
<td></td>
<td>General</td>
<td></td>
</tr>
<tr>
<td>667</td>
<td>Critical Facility Security</td>
<td>Security access control and video security for city facility security needs.</td>
<td>General</td>
<td>$50,000</td>
</tr>
<tr>
<td>415</td>
<td>Downtown Alley Reconstruction</td>
<td>Reconstruct the alleys between LBJ and Guadalupe from Hopkins to University, approx. 1200 LF. Kissing Alley from University to Hopkins will occur first in 2020 and 2021. Remaining alley's will occur in 2025/2027. Pavers will be used in Kissing Alley and the remaining alleys will have reconstructed asphalt paving. Both alleys between Hopkins and Hutchison will convert to underground electrical and telecom. Possible TIRZ funding. May include green infrastructure. Electric will need a place for transformer (acquisition needed) in Kissing Alley.</td>
<td>General</td>
<td>$60,000</td>
</tr>
<tr>
<td>Project ID</td>
<td>Project Name</td>
<td>Project Description</td>
<td>FUND</td>
<td>FY20 APPROVED</td>
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<tr>
<td>712</td>
<td>Downtown Pedestrian Safety &amp; Comfort Improvements</td>
<td>Sidewalk, Curbs, landscaping, trees, pedestrian lighting (250 light poles) and 32 signals, pavement markings, signage, wayfinding and place making improvements in focused (smaller) areas to improve safety, aesthetics, act as a demonstration project to encourage private development/participation.</td>
<td>General</td>
<td>$ 200,000</td>
</tr>
<tr>
<td>C739</td>
<td>Dunbar Education Building Rehab</td>
<td>Rehab of the old home economic education building at the Dunbar center. Consider adding/converting to public restroom.</td>
<td>General</td>
<td>$ 25,000</td>
</tr>
<tr>
<td>582</td>
<td>E. Aquarena Springs Drive Reconstruction</td>
<td>This is a safety project to reconstruct E. Aquarena Springs Drive at the curve to super elevate the road to decrease accidents in this area. The road is currently super elevated in the wrong direction. This project will also address stormwater issues in the area.</td>
<td>General</td>
<td>$ 25,000</td>
</tr>
<tr>
<td>69</td>
<td>Fiber Optic Infrastructure Expansions</td>
<td>Purchase the required fiber optic equipment to expand fiber ring. Locations for expansion include the PSAP ($35k), Airport, Gary Sports Complex, Surface Water Treatment Plant, Electric Substations.</td>
<td>General</td>
<td>$ 80,000</td>
</tr>
<tr>
<td>62</td>
<td>Fire Department Replacement Engine (52-614)</td>
<td>Replace Fire Engine. 2007 Smeal Pumper at Station 2</td>
<td>General</td>
<td></td>
</tr>
<tr>
<td>102</td>
<td>Fire Department Replacement Ladder Truck (52-300)</td>
<td>Replacement of Ladder Truck at Station #5</td>
<td>General</td>
<td>$ 250,000</td>
</tr>
<tr>
<td>724</td>
<td>Fire Station #2 - New Road</td>
<td>The City is responsible for constructing the road or a portion the road to the new Fire Station #2 site, located inside the La Cima development. Tentatively, the developer has offered to provide the design for the road. It is possible that we may only need to construct a portion of the roadway.</td>
<td>General</td>
<td>$ 300,000</td>
</tr>
<tr>
<td>336</td>
<td>Gary Softball Complex Renovation- Existing Fields</td>
<td>Renovate existing softball fields at Gary Complex. Improvements needed to update the 30 year old facility and meet ADA requirements. New concession stand, restrooms, need parking renovations/expansion, drainage and fire access.</td>
<td>General</td>
<td>$ 600,000</td>
</tr>
<tr>
<td>C477</td>
<td>Guadalupe Street Improvements</td>
<td>Striping plans from Grove to University to be incorporated into TxDOT mill &amp; overlay project early 2019. Striping plans to accommodate 2 travel lanes, buffered cycle tract and parallel on street parking. Sidewalk and landscape improvements along Shields property. Pedestrian and bike lane accommodations at RR-Xing and Purgatory Creek. Includes closing of access and sidewalk repairs between MLK &amp; San Antonio as able with TxDOT approval.</td>
<td>General</td>
<td></td>
</tr>
<tr>
<td>594</td>
<td>Hopkins Street Improvements Project from Moore to Guadalupe</td>
<td>Reconstruct street, water, wastewater, stormwater and electric infrastructure pursuant with complete streets ordinance on Hopkins Street from Moore St. to Guadalupe. Widen Comanche Street to add a dedicated Left turn lane onto Hopkins St. to improve safety and intersection capacity to alleviate the congestion. Modify the traffic signal to accommodate new geometry. Acquisition will be needed, funding in 2022.</td>
<td>General</td>
<td>$ 350,000</td>
</tr>
<tr>
<td>600</td>
<td>Kingwood and Sherwood Imps</td>
<td>Rehabilitate existing wastewater lines along Kingwood and Sherwood Streets. Approx. 1800 LF total. Reconstruction of streets and stormwater. The existing water line is needed due to the line being undersized and does not provide fire coverage. Install stormwater channel to Willow Springs Creek. DMP#50 Construct cul-de-sac at the end of Sherwood. Possible new sidewalks. May include ROW acquisition.</td>
<td>General</td>
<td>$ 70,000</td>
</tr>
<tr>
<td>Project ID</td>
<td>Project Name</td>
<td>Project Description</td>
<td>FUND</td>
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<tr>
<td>698</td>
<td>PARD Maintenance Facility - crew building</td>
<td></td>
<td>General</td>
<td>$ 300,000</td>
</tr>
<tr>
<td>713</td>
<td>Parks - ADA Access to River</td>
<td>Provide 2-3 ADA access points along the San Marcos River in city parks.</td>
<td>General</td>
<td>$ 500,000</td>
</tr>
<tr>
<td>372</td>
<td>Pat Garrison Improvements from Comanche to Guadalupe</td>
<td>New waterline from Guadalupe to the dead-end past Comanche, include road and sidewalk improvements in this area and the possible realignment of Pat Garrison at Fredericksburg. Continue the WW improvements from Vistas 2, upsize the 6&quot; WW line to 8&quot; WW line in the alley and continue down Pat Garrison from the dead end to Comanche. Electrical improvements to include underground conversion at the end of Pat Garrison. Initial layouts of Pat Garrison and Fredericksburg intersection complete. Drainage Master Plan sites #20 &amp; #27, Comanche at Lindsey St. Water Quality Imp #46. PER was prepared by HDR in March 2017. Require ROW for the private street from the bank.</td>
<td>General</td>
<td></td>
</tr>
<tr>
<td>C132</td>
<td>Public Services and Community Services Complex</td>
<td></td>
<td>General</td>
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<tr>
<td>C132</td>
<td>Public Services and Community Services Complex</td>
<td></td>
<td>General</td>
<td></td>
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<tr>
<td>C639</td>
<td>Public SvS/Comm SvS Complex – Technology Infrastructure Fiber &amp; Monopole tower</td>
<td>Install fiber to new facility and a monopole for wireless connectivity to electric substations. Coordinate with proj #132</td>
<td>General</td>
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</tr>
<tr>
<td>679</td>
<td>Purgatory Creek Improvements Ph 1</td>
<td>Purgatory Creek improvements from the San Marcos River to Wonder World Drive. The project addresses flood mitigation including channel modifications, H&amp;H analysis, ROW acquisition, utility, storm drain and bridge modifications, trails, and environmental permitting. The project considers recommendations from various master plans including the Comprehensive, Stormwater, Transportation/Greenways and Parks master plans. The project will be conducted in two phases. Phase 1 limits is from the San Marcos River to near Johnson Avenue. Other possible funding sources (FEMA, TxDOT, grants, etc.) are being explored. Phase 1 project designs, permitting and purchase of right-of-way will be conducted through year 2020 and construction estimated to start in 2022.</td>
<td>General</td>
<td>$ 1,750,000</td>
</tr>
<tr>
<td>740</td>
<td>River Parks ADA Restroom Imps</td>
<td>Public restroom improvements including ADA access in River Park system; City Park, San Marcos Plaza Park, Children's Park, Rio Vista Park, Stokes Park.</td>
<td>General</td>
<td></td>
</tr>
<tr>
<td>C521</td>
<td>Sessom Creek Bank Stabilization And Wastewater Replacement From N.LBJ to Canyon Road</td>
<td>Creek bank eroding and undermining roadway from intersection of Loquat to dead end of Canyon. Roadway may need to be replaced. Exposed 12&quot; waterline in creek. Culvert at Canyon/Loquat intersection needs to be upgraded. Project may need to be given priority before roadway is compromised. Install 2,000 LF of 8&quot; &amp; 15&quot; wastewater mostly by bore along Sessom between N LBJ and Canyon/Loquat. Repair Sessom Creek Remediation Sites 9 &amp; 10 as identified by RPS. Demonstration project for additional EAA Upper San Marcos Watershed Protection plan funding for erosion.</td>
<td>General</td>
<td></td>
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<tr>
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<td>Project Description</td>
<td>FUND</td>
<td>FY20 APPROVED</td>
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<tr>
<td>C419</td>
<td>Sessom/Academy Intersection Improvements</td>
<td>Stormwater improvements along Sessom Drive from Yale to Comanche. Abandon a storm drain that currently runs through private property. Mill and overlay within utility improvements. Water and Wastewater replacement within project limits. Improvements and cost participation will be coordinated with development and TX State and with Drainage Master Plan #31. Previously approved funding in FY2015 and FY2016.</td>
<td>General</td>
<td>$ 250,000</td>
</tr>
<tr>
<td>C476</td>
<td>Sheltered Bus Stops</td>
<td>In 2012 the City became a Small Urban Transit District. The City contracts with CARTS to provide transit service. CARTS has 160 stops, and only 4 are covered. This project will improve bus stops throughout the city based on the Strategic Plan completed in 2014. The cost will cover improvements to approx. 4 shelters and 3 pads per year.</td>
<td>General</td>
<td></td>
</tr>
<tr>
<td>430</td>
<td>Staples Rd 12” Water Line</td>
<td>Construct 7000 LF of new 12” line in Staples Road from existing 12” water line at Lago Vista to Old Bastrop Road. Within the project limits, we will swap Crystal Clear Water Supply Corporation customers into our CCN. This project is required per the City's agreement with Crystal Clear to swap portions of CCN's and to strengthen the City's water supply. Intersection safety improvements and sidewalks at DeZavala and Staples Road.</td>
<td>General</td>
<td>$ 100,000</td>
</tr>
<tr>
<td>641</td>
<td>Storage Area Network (SAN) replacement - IT</td>
<td>The Storage Area Network (SAN) located in the Municipal building data center will be end of life support December 31, 2019. Once the product reaches end of life support, EMC will no longer provide support or replacement parts. This SAN is the primary storage device for the City.</td>
<td>General</td>
<td>$ 200,000</td>
</tr>
<tr>
<td>C703</td>
<td>Traffic Signal Synchronization and Improvement Project</td>
<td>Over time, traffic patterns change. If traffic signal timings are not updated routinely to reflect traffic changes, traffic signals will not be coordinated resulting in added delays, congestion, and increased emissions. This project will keep the traffic signals synchronized to optimize traffic flow and include installation of leading pedestrian indicators where warranted through the City. Synchronization will occur every 3 years and upgrade of signals annually, reimbursed by TxDOT through 2021.</td>
<td>General</td>
<td></td>
</tr>
<tr>
<td>C583</td>
<td>Transportation Oversize</td>
<td>Provide an annual funding source for the City to participate in transportation projects with new development. This will allow for the construction of facilities beyond the proportional impact of new development.</td>
<td>General</td>
<td>$ 100,000</td>
</tr>
<tr>
<td>731</td>
<td>Wallace Addition Offsite Drainage Imps</td>
<td>Offsite drainage improvements are required to avoid flooding in Wallace Addition neighborhood. The existing Cape Road Channel as well as Staples Road ditch including culverts do not have adequate capacity to convey 25 year fully developed storm event without spilling out of their banks and resulting in runoff backing up into the neighborhood. Cape Channel improvements, culverts upsizing and Staples Road ditch diversion via a proposed culvert under Staples Road and a channel along fish hatchery property is required to contain 25 year fully developed storm. The proposed improvements will alleviate surface runoff and flooding issues currently experienced in the neighborhood.</td>
<td>General</td>
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<tr>
<td>Project ID</td>
<td>Project Name</td>
<td>Project Description</td>
<td>FUND</td>
<td>FY20 APPROVED</td>
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<tr>
<td>680</td>
<td>Castle Forest Channel</td>
<td>Increase capacity along Castle Forest Channel due to erosion and damage caused to fences during recent storm events. DMP #51 to repair driveway at 2029 Castle Gate Circle and extend storm system down Castle Gate Circle. The project will include an H&amp;H analysis considering the entire subdivision, development of proposed flood risk reduction alternatives and summarized in a Preliminary Engineering Report (Phase 1).</td>
<td>Stormwater</td>
<td>$ 100,000</td>
</tr>
<tr>
<td>734</td>
<td>Cemetery/Franklin Stormwater Imps</td>
<td>This project will address drainage issues previously reported at 604 Franklin, Clyde Court and 609 Franklin. The project evaluates runoff from the Cemetery and through the Franklin Place subdivision. Possible recommendations could include a storm drain, drainage ditch and or curbs. Preliminary evaluation to be conducted as part of the Various Stormwater Improvements (CIP 618) project.</td>
<td>Stormwater</td>
<td>$ 250,000</td>
</tr>
<tr>
<td>C542</td>
<td>City Hall Reconstruction</td>
<td>Public/Private/Partnership (PPP) to renovate City Hall Site. Must occur after Public Service &amp; Community Services Complex (project 132). Approx. 70,000 sf building. Stormwater channels along Hopkins St. DMP #40</td>
<td>Stormwater</td>
<td></td>
</tr>
<tr>
<td>C622</td>
<td>Corps of Engineers Flood Project Participation</td>
<td></td>
<td>Stormwater</td>
<td></td>
</tr>
<tr>
<td>415</td>
<td>Downtown Alley Reconstruction</td>
<td>Reconstruct the alley's between LBJ and Guadalupe from Hopkins to University, approx. 1200 LF. Kissing Alley from University to Hopkins will occur first in 2020 and 2021. Remaining alley's will occur in 2025/2027. Pavers will be used in Kissing Alley and the remaining alley's will have reconstructed asphalt paving. Both alley's between Hopkins and Hutchison will convert to underground electrical and telecom. Possible TIRZ funding. May include green infrastructure. Electric will need a place for transformer (acquisition needed) in Kissing Alley.</td>
<td>Stormwater</td>
<td>$ 50,000</td>
</tr>
<tr>
<td>358</td>
<td>Downtown SmartCode Water Quality Plan Implementation</td>
<td>Water quality features downtown from study in 2015. $500,000 over 5 years starting in 2019. Locations include City Hall at Hopkins St, Guadalupe and LBJ at RR Crossing, S. Guadalupe St and IH-35, LBJ at IH-35 truck stop parking lot, City Activity Center Parking Lot, City Library Parking Lot, City Memorial Park/RR ROW, Alleys between Hutchison, LBJ, Guadalupe and Hopkins Block, San Antonio St and LBJ Drive.</td>
<td>Stormwater</td>
<td>$ 100,000</td>
</tr>
<tr>
<td>582</td>
<td>E. Aquarena Springs Drive Reconstruction</td>
<td>This is a safety project to reconstruct E. Aquarena Springs Drive at the curve to super elevate the road to decrease accidents in this area. The road is currently super elevated in the wrong direction. This project will also address stormwater issues in the area.</td>
<td>Stormwater</td>
<td>$ 25,000</td>
</tr>
<tr>
<td>594</td>
<td>Hopkins Street Improvements Project from Moore to Guadalupe</td>
<td>Reconstruct street, water, wastewater, stormwater and electric infrastructure pursuant with complete streets ordinance on Hopkins Street from Moore St. to Guadalupe. Widen Comanche Street to add a dedicated Left turn lane onto Hopkins St. to improve safety and intersection capacity to alleviate the congestion. Modify the traffic signal to accommodate new geometry. Acquisition will be needed, funding in 2022.</td>
<td>Stormwater</td>
<td>$ 100,000</td>
</tr>
<tr>
<td>Project ID</td>
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<td>Project Description</td>
<td>FUND</td>
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<tr>
<td>600</td>
<td>Kingwood and Sherwood Imps</td>
<td>Rehabilitate existing wastewater lines along Kingwood and Sherwood Streets. Approx. 1800 LF total. Reconstruction of streets and stormwater. The existing water line is needed due to the line being undersized and does not provide fire coverage. Install stormwater channel to Willow Springs Creek. DMP#50 Construct cul-de-sac at the end of Sherwood. Possible new sidewalks. May include ROW acquisition.</td>
<td>Stormwater</td>
<td>$ 230,000</td>
</tr>
<tr>
<td>682</td>
<td>Midtown Stormwater Ph. 2</td>
<td>DMP #43 Address flooding issues on west side of IH-35 at Uhland and Mil St. Improvements to include storm water system to relieve flooding from upstream pond/outfall of Copper Beach Apartments. Possible DR Project.</td>
<td>Stormwater</td>
<td>$ 100,000</td>
</tr>
<tr>
<td>679</td>
<td>Purgatory Creek Improvements Ph 1</td>
<td>Purgatory Creek improvements from the San Marcos River to Wonder World Drive. The project addresses flood mitigation including channel modifications, H&amp;H analysis, ROW acquisition, utility, storm drain and bridge modifications, trails, and environmental permitting. The project considers recommendations from various master plans including the Comprehensive, Stormwater, Transportation/Greenways and Parks master plans. The project will be conducted in two phases. Phase 1 limits is from the San Marcos River to near Johnson Avenue. Other possible funding sources (FEMA, TxDOT, grants, etc.) are being explored. Phase 1 project designs, permitting and purchase of right-of-way will be conducted through year 2020 and construction estimated to start in 2022.</td>
<td>Stormwater</td>
<td>$ 1,275,000</td>
</tr>
<tr>
<td>675</td>
<td>Rio Vista Stormwater Imps</td>
<td>Infrastructure project to resolve local flooding in events up to 25-years in Rio Vista area including: re-grading of roadways and ditches in 3 areas along Riverside Dr. and Riviera St. to address overland flow and ponding issues by improving conveyance to the San Marcos River. Possible DR funding.</td>
<td>Stormwater</td>
<td>$ 70,000</td>
</tr>
<tr>
<td>C521</td>
<td>Sessom Creek Bank Stabilization And Wastewater Replacement From N.LBJ to Canyon Road</td>
<td>Creek bank eroding and undermining roadway from intersection of Loquat to dead end of Canyon. Roadway may need to be replaced. Exposed 12&quot; waterline in creek. Culvert at Canyon/Loquat intersection needs to be upgraded. Project may need to be given priority before roadway is compromised. Install 2,000 LF of 8&quot; &amp; 15&quot; wastewater mostly by bore along Sessom between N LBJ and Canyon/Loquat. Repair Sessom Creek Remediation Sites 9 &amp; 10 as identified by RPS. Demonstration project for additional EAA Upper San Marcos Watershed Protection plan funding for erosion.</td>
<td>Stormwater</td>
<td></td>
</tr>
<tr>
<td>C419</td>
<td>Sessom/Academy Intersection Improvements</td>
<td>Stormwater improvements along Sessom Drive from Yale to Comanche. Abandon a storm drain that currently runs through private property. Mill and overlay within utility improvements. Water and Wastewater replacement within project limits. Improvements and cost participation will be coordinated with development and TX State and with Drainage Master Plan #31. Previously approved funding in FY2015 and FY2016.</td>
<td>Stormwater</td>
<td>$ 100,000</td>
</tr>
<tr>
<td>C210</td>
<td>Stormwater System Improvements</td>
<td>Annual program for minor unplanned stormwater improvements &amp; repairs to address localized deficiencies and problems in the stormwater system.</td>
<td>Stormwater</td>
<td>$ 120,000</td>
</tr>
<tr>
<td>Project ID</td>
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<tr>
<td>618</td>
<td>Various Stormwater Imps</td>
<td>This general project will fund design and construction for areas that don’t require larger projects to address. Where possible design and construction will be handled in-house. Locations identified: FY17, FY18 and FY19 Projects: Crockett Elementary near Clyde; Fire Station No. 1 Drain (Hutchison Street); Harper Drive and River Road (DMP #48); South LBJ at Willow Springs Bridge Repair Hot Spot #22, and Water Quality Imp #51 (S LBJ &amp; IH35); FY20 Projects: DMP #53 Rogers at Maury St. $230k. FY2021 projects - Hill Drive Drainage Imps. FY 2022 Proj - Browne Terrace Culvert Upgrade</td>
<td>Stormwater</td>
<td>$ 230,000</td>
</tr>
<tr>
<td>731</td>
<td>Wallace Addition Offsite Drainage Imps</td>
<td>Offsite drainage improvements are required to avoid flooding in Wallace Addition neighborhood. The existing Cape Road Channel as well as Staples Road ditch including culverts do not have adequate capacity to convey 25 year fully developed storm event without spilling out of their banks and resulting in runoff backing up into the neighborhood. Cape Channel improvements, culverts upsizing and Staples Road ditch diversion via a proposed culvert under Staples Road and a channel along fish hatchery property is required to contain 25 year fully developed storm. The proposed improvements will alleviate surface runoff and flooding issues currently experienced in the neighborhood.</td>
<td>Stormwater</td>
<td>$ 825,000</td>
</tr>
<tr>
<td>255</td>
<td>William Pettus Improvements</td>
<td>Reconstruct William Pettus Rd low-water crossing.</td>
<td>Stormwater</td>
<td>$ 200,000</td>
</tr>
<tr>
<td>C711</td>
<td>Asset Management System Development</td>
<td>External resources required to support development of asset management systems for use between city departments. This includes the development of web-based applications and reporting services to provide up-to-date infrastructure condition, maintenance, and risk assessment for city infrastructure assets. Examples include web based dashboards to support identification of future CIP projects and prioritization. Additionally, develop tools to support financial forecasting/estimates of projects. Development of a rehabilitation/repair matrix to support decision making. Other GIS/web based tools to support automation of data analysis.</td>
<td>Wastewater</td>
<td>$ 25,000</td>
</tr>
<tr>
<td>578</td>
<td>Browne Terrace Lift Station 20 Rehabilitation</td>
<td>This project consists of rehabilitating Lift Station #20 on Browne Terrace, between Viola St. and Burleson St. WWMP#33</td>
<td>Wastewater</td>
<td>$ 50,000</td>
</tr>
<tr>
<td>C425</td>
<td>Care Inn Wastewater Lift Station 5</td>
<td>Rehab lift station to repair concrete deterioration. Lift station is close to overflow during heavy rain events. Coordinate with Midtown East Drainage Proj.</td>
<td>Wastewater</td>
<td>$ 100,000</td>
</tr>
<tr>
<td>C542</td>
<td>City Hall Reconstruction</td>
<td>Public/Private/Partnership (PPP) to renovate City Hall Site. Must occur after Public Service &amp; Community Services Complex (project 132). Approx. 70,000 sf building. Stormwater channels along Hopkins St. DMP #40</td>
<td>Wastewater</td>
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<td>Downtown Alley Reconstruction</td>
<td>Reconstruct the alleys between LBJ and Guadalupe from Hopkins to University, approx. 1200 LF. Kissing Alley from University to Hopkins will occur first in 2020 and 2021. Remaining alley’s will occur in 2025/2027. Pavers will be used in Kissing Alley and the remaining alleys will have reconstructed asphalt paving. Both alleys between Hopkins and Hutchison will convert to underground electrical and telecom. Possible TIRZ funding. May include green infrastructure. Electric will need a place for transformer (acquisition needed) in Kissing Alley.</td>
<td>Wastewater</td>
<td>$ 30,000</td>
</tr>
<tr>
<td>Project ID</td>
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<td>704</td>
<td>Dunbar Utility Imps</td>
<td>Upgrade water and wastewater mains to 8&quot; to provide fire protection and improve flows on San Antonio, MLK, Faris, Wilson, Johnson, Mead and Dailey.</td>
<td>Wastewater</td>
<td>$ 500,000</td>
</tr>
<tr>
<td>59</td>
<td>East IH 35 WW Oversize</td>
<td>Participate in the oversize of wastewater extensions with proposed developments such as Trace and Gas Lamp, (second phase) east side of IH 35 to Old Bastrop Hwy. Funds will come from Impact Fees.</td>
<td>Wastewater</td>
<td>$ 400,000</td>
</tr>
<tr>
<td>69</td>
<td>Fiber Optic Infrastructure Expansions</td>
<td>Purchase the required fiber optic equipment to expand fiber ring. Locations for expansion include the PSAP ($35k), Airport, Gary Sports Complex, Surface Water Treatment Plant, Electric Substations.</td>
<td>Wastewater</td>
<td>$ 80,000</td>
</tr>
<tr>
<td>423</td>
<td>Gary Job Corp LS 46 Rehab</td>
<td>Rehab lift station by lining wet well and increasing elevation to provide protection from overflowing during rain events.</td>
<td>Wastewater</td>
<td>$ 300,000</td>
</tr>
<tr>
<td>555</td>
<td>Highway 80 Lift Station and 12-Inch Force Main</td>
<td>This project consists of constructing a new lift station with an initial firm pumping capacity of 1.25 MGD and a wet well capacity to handle the 2035 peak flow of 5.0 MGD. The proposed lift station will be located at Highway 80 and CR 102 and includes a 12-inch force main that discharges directly to the existing wastewater treatment facility. WWMP#11</td>
<td>Wastewater</td>
<td>$ 5,000,000</td>
</tr>
<tr>
<td>594</td>
<td>Hopkins Street Improvements Project from Moore to Guadalupe</td>
<td>Reconstruct street, water, wastewater, stormwater and electric infrastructure pursuant with complete streets ordinance on Hopkins Street from Moore St. to Guadalupe. Widen Comanche Street to add a dedicated left turn lane onto Hopkins St. to improve safety and intersection capacity to alleviate the congestion. Modify the traffic signal to accommodate new geometry. Acquisition will be needed, funding in 2022.</td>
<td>Wastewater</td>
<td>$ 130,000</td>
</tr>
<tr>
<td>97</td>
<td>IH 35 Ellis to Wonderworld WW Improvements</td>
<td>Use trenchless technology to rehabilitate existing wastewater line along IH35 from Ellis to Wonder World. Existing lines on Texas will be rehabilitated as well. Approx. 5000 LF total. 6&quot; Wastewater line along Texas needs to be upsized to 8&quot; lines and the 8&quot; Wastewater line along IH35 needs to be upsized to a 12&quot; line according to the Wastewater Master Plan.</td>
<td>Wastewater</td>
<td>$ 200,000</td>
</tr>
<tr>
<td>600</td>
<td>Kingwood and Sherwood Imps</td>
<td>Rehabilitate existing wastewater lines along Kingwood and Sherwood Streets. Approx. 1800 LF total. Reconstruction of streets and stormwater. The existing water line is needed due to the line being undersized and does not provide fire coverage. Install stormwater channel to Willow Springs Creek. DMP#50 Construct cul-de-sac at the end of Sherwood. Possible new sidewalks. May include ROW acquisition.</td>
<td>Wastewater</td>
<td>$ 20,000</td>
</tr>
<tr>
<td>733</td>
<td>Midway Wastewater Imps</td>
<td>Install new wastewater line along Midway St and part of Perkins St to provide service to new properties and existing properties not connected to the city sewer system. Project may also include improvements to existing sewer along Alto St.</td>
<td>Wastewater</td>
<td>$ 500,000</td>
</tr>
<tr>
<td>729</td>
<td>Posey Rd. Wastewater Extension</td>
<td>This project consists of the extension of wastewater from the Trace Subdivision across IH-35 to the Posey Road Industrial Park. This is a developer driven project.</td>
<td>Wastewater</td>
<td>$ 800,000</td>
</tr>
<tr>
<td>C132</td>
<td>Public Services and Community Services Complex</td>
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<td>Wastewater</td>
<td></td>
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<td>679</td>
<td>Purgatory Creek Improvements Ph 1</td>
<td>Purgatory Creek improvements from the San Marcos River to Wonder World Drive. The project addresses flood mitigation including channel modifications, H&amp;H analysis, ROW acquisition, utility, storm drain and bridge modifications, trails, and environmental permitting. The project considers recommendations from various master plans including the Comprehensive, Stormwater, Transportation/Greenways and Parks master plans. The project will be conducted in two phases. Phase 1 limits is from the San Marcos River to near Johnson Avenue. Other possible funding sources (FEMA, TxDOT, grants, etc.) are being explored. Phase 1 project designs, permitting and purchase of right-of-way will be conducted through year 2020 and construction estimated to start in 2022.</td>
<td>Wastewater</td>
<td>$121,000</td>
</tr>
<tr>
<td>C521</td>
<td>Sessom Creek Bank Stabilization And Wastewater Replacement From N.LBJ to Canyon Road</td>
<td>Creek bank eroding and undermining roadway from intersection of Loquat to dead end of Canyon. Roadway may need to be replaced. Exposed 12” waterline in creek. Culvert at Canyon/Loquat intersection needs to be upgraded. Project may need to be given priority before roadway is compromised. Install 2,000 LF of 8” &amp; 15” wastewater mostly by bore along Sessom between N LBJ and Canyon/Loquat. Repair Sessom Creek Remediation Sites 9 &amp; 10 as identified by RPS. Demonstration project for additional EAA Upper San Marcos Watershed Protection plan funding for erosion.</td>
<td>Wastewater</td>
<td>$300,000</td>
</tr>
<tr>
<td>707</td>
<td>Sessom Creek Restoration - Phase 2</td>
<td>Relocate 850 LF of wastewater main in Sessom Creek along Canyon Rd from Loquat to Canyon Fork, in conflict with the Sessom Creek Restoration Project. This may be a joint bid project (if HCP funding is available) between the City and the Habitat Conservation Plan team who will design and fund the creek restoration work using Natural Channel Design, stabilize eroding streambanks and provide grade control structures to balance the processes of aggradation/degradation.</td>
<td>Wastewater</td>
<td>$300,000</td>
</tr>
<tr>
<td>C419</td>
<td>Sessom/Academy Intersection Improvements</td>
<td>Stormwater improvements along Sessom Drive from Yale to Comanche. Abandon a storm drain that currently runs through private property. Mill and overlay within utility improvements. Water and Wastewater replacement within project limits. Improvements and cost participation will be coordinated with development and TX State and with Drainage Master Plan #31. Previously approved funding in FY2015 and FY2016.</td>
<td>Wastewater</td>
<td></td>
</tr>
<tr>
<td>C207</td>
<td>SSES &amp; Repairs</td>
<td>Continue systematic sanitary sewer evaluation study and correction of defects throughout the City. Previous funding includes; SSES EAR2 Repairs - Replacement of various deteriorated sewer mains at Veramendi St., Nevada St., Bert Brown St., Brown St., and Indiana St. to protect the Edwards Aquifer Recharge Zone and SSES Defect Repairs. Future funding includes Basin SM-04 (WWMP #20) in 2019 and Basin SM-07 (WWMP #21) in 2020.</td>
<td>Wastewater</td>
<td></td>
</tr>
<tr>
<td>C258</td>
<td>Wastewater Collection Improvements</td>
<td>Minor operation projects to repair or replace deteriorating wastewater infrastructure, add cleanouts, install monitoring equipment, etc.</td>
<td>Wastewater</td>
<td>$150,000</td>
</tr>
<tr>
<td>244</td>
<td>Wastewater Improvements</td>
<td>Minor engineering projects to repair or replace deteriorating wastewater infrastructure, add cleanouts, install monitoring equipment, etc.</td>
<td>Wastewater</td>
<td>$150,000</td>
</tr>
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<td>Project ID</td>
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<tr>
<td>c245</td>
<td>Wastewater Lift Station Improvements</td>
<td>Operational systematic upgrade of existing wastewater lift stations.</td>
<td>Wastewater</td>
<td>$150,000</td>
</tr>
<tr>
<td>546</td>
<td>West Purgatory Creek 18-inch Wastewater Interceptor</td>
<td>This project consists of replacing the existing 12-inch wastewater main with a 18-inch wastewater interceptor from the corner of San Antonio St. &amp; Pitt St. to the existing 24-inch wastewater interceptor at Ellis St. Developer will design the project and we will construct.</td>
<td>Wastewater</td>
<td>$1,725,000</td>
</tr>
<tr>
<td>652</td>
<td>WWTP Electric Backup Feed</td>
<td>This project is to provide backup feed to the COSM Waste Water Treatment Plant on River Road. In order to improve the reliability of the electrical service at the WWTP SMEU will provide multiple sources of electric power. Electric service can be provided from San Marcos Substation Transformer #2 with San Marcos T1 and Redwood Substations as backup. Easements may be required.</td>
<td>Wastewater</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>727</td>
<td>WWTP Misc. Improvements Ph 2</td>
<td>Additional fine screen and conveyor at headworks; roof replacement over grit &amp; screenings area; sludge drying bed rehab; primary sludge screen; covers for secondary clarifier launders; sludge centrifuge replacement (2); new blower building to house existing and 1 additional high speed blower.</td>
<td>Wastewater</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>689</td>
<td>AMI Generation 2 Upgrade</td>
<td>Upgrade Advanced Metering Infrastructure to Generation 2, including meters and migrating from eCare to Customer Connect.</td>
<td>Water</td>
<td>$1,079,000</td>
</tr>
<tr>
<td>741</td>
<td>ARWA Delivery Improvements</td>
<td>Improvements at the surface water treatment plant to take delivery of ARWA water supply and new elevated storage tank in Blanco Vista.</td>
<td>Water</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>C711</td>
<td>Asset Management System Development</td>
<td>External resources required to support development of asset management systems for use between city departments. This includes the development of web-based applications and reporting services to provide up-to-date infrastructure condition, maintenance, and risk assessment for city infrastructure assets. Examples include web based dashboards to support identification of future CIP projects and prioritization. Additionally, develop tools to support financial forecasting/estimates of projects. Development of a rehabilitation/repair matrix to support decision making. Other GIS/web based tools to support automation of data analysis.</td>
<td>Water</td>
<td>$25,000</td>
</tr>
<tr>
<td>C542</td>
<td>City Hall Reconstruction</td>
<td>Public/Private/Partnership (PPP) to renovate City Hall Site. Must occur after Public Service &amp; Community Services Complex (project 132). Approx. 70,000 sf building. Stormwater channels along Hopkins St. DMP #40</td>
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<tr>
<td>556</td>
<td>Comanche Pump Station Improvements</td>
<td>New Pumps at Comanche to fill RR12 &amp; 50 LF 16” yard piping. WMP#1</td>
<td>Water</td>
<td>$50,000</td>
</tr>
<tr>
<td>C31</td>
<td>Comprehensive Plan</td>
<td>Implement items in Vision San Marcos. $100k in HUD-DR funds combined with FY2019 funding will be used to update the comprehensive plan to reflect new flood information. 2022 funding will be implementation of the updated Comp plan. Comp Plan updated every 5 years.</td>
<td>Water</td>
<td>$100,000</td>
</tr>
<tr>
<td>667</td>
<td>Critical Facility Security</td>
<td>Security access control and video security for city facility security needs.</td>
<td>Water</td>
<td>$50,000</td>
</tr>
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<td>Water</td>
<td>$ 130,000</td>
</tr>
<tr>
<td>414</td>
<td>Hwy 21 Water</td>
<td>Extend the 12” water line in SH 21 approximately 9600lf from the airport entrance to William Pettus Road to accommodate future planned development along SH-21, including expansion of businesses at the airport. WMP#17.</td>
<td>Water</td>
<td>$ 500,000</td>
</tr>
<tr>
<td>661</td>
<td>Hwy 80 Water Line</td>
<td>Extend 12” line from existing 30” along SH 80 to edge of CCN, then north along property boundaries to connect to dead end at airport. 17,000lf WMP#29</td>
<td>Water</td>
<td>$ 250,000</td>
</tr>
<tr>
<td>629</td>
<td>IH-35 Utility Relocations</td>
<td>Phase 1 of the project will include utility relocation along IH35 frontage roads from River Ridge to Loop 82 and IH35/ Posey Rd. interchange, which will include the County Water Line Crossing. Phase 2 will include relocation/upsizing of utilities at IH-35/SH123 interchange including W/WW upsizing at Riverside, Marshall, and Woodcrest water line crossings and a Storm Drain system between SH80 and RM12. TxDOT project consists of reconstructing portions of northbound and southbound frontage roads, including improving bicycle and pedestrian facilities. Future Phase 3 will extend from Wonderworld to Posey and will include the Wonderworld Dr., Cottonwood, McCarty and Centerpoint Water Line Crossings. Funding reimbursable by TxDOT for any utilities that are in conflict.</td>
<td>Water</td>
<td>$ 50,000</td>
</tr>
<tr>
<td>600</td>
<td>Kingwood and Sherwood Imps</td>
<td>Rehabilitate existing wastewater lines along Kingwood and Sherwood Streets. Approx. 1800 LF total. Reconstruction of streets and stormwater. The existing water line is needed due to the line being undersized and does not provide fire coverage. Install stormwater channel to Willow Springs Creek. DMP#50 Construct cul-de-sac at the end of Sherwood. Possible new sidewalks. May include ROW acquisition.</td>
<td>Water</td>
<td>$ 20,000</td>
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<tr>
<td>678</td>
<td>Network Cabling Infrastructure for City Facilities - Bond</td>
<td>New network cabling and fiber infrastructure for city facilities due to redesign, expansions or new buildings. 2018 funds include cabling for the Library and Police Department ($225k). 2019 funds include cabling for Fire Station #2 ($100k). 2020 funds include cabling for Fire Station #2 ($150k). 2021 funds include cabling for Fire Station #6 - Trace ($300k).</td>
<td>Water</td>
<td>$ 75,000</td>
</tr>
</tbody>
</table>
## FY 2018-2027 10 Year CIP Project List

<table>
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<td>Public Services and Community Services Complex</td>
<td>透析water to new facility and a monopole for wireless connectivity to electric substations. Coordinate with proj #132</td>
<td>Water</td>
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</tr>
<tr>
<td>C639</td>
<td>Public SvS/Comm SvS Complex – Technology Infrastructure Fiber &amp; Monopole tower</td>
<td>Purgatory Creek Improvements from the San Marcos River to Wonder World Drive. The project addresses flood mitigation including channel modifications, H&amp;H analysis, ROW acquisition, utility, storm drain and bridge modifications, trails, and environmental permitting. The project considers recommendations from various master plans including the Comprehensive, Stormwater, Transportation/Greenways and Parks master plans. The project will be conducted in two phases. Phase 1 limits is from the San Marcos River to near Johnson Avenue. Other possible funding sources (FEMA, TxDOT, grants, etc.) are being explored. Phase 1 project designs, permitting and purchase of right-of-way will be conducted through year 2020 and construction estimated to start in 2022.</td>
<td>Water</td>
<td>$ 121,000</td>
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<tr>
<td>679</td>
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<td>透析water to new facility and a monopole for wireless connectivity to electric substations. Coordinate with proj #132</td>
<td>Water</td>
<td></td>
</tr>
<tr>
<td>166</td>
<td>Red Sky Water Improvements</td>
<td>Replace undersized 2&quot; mains with 8&quot; mains on Horace Howard/Dachshund St. Approx. 4,370. LF.</td>
<td>Water</td>
<td>$ 1,100,000</td>
</tr>
<tr>
<td>C521</td>
<td>Sessom Creek Bank Stabilization And Wastewater Replacement From N.LBJ to Canyon Road</td>
<td>Creek bank eroding and undermining roadway from intersection of Loquat to dead end of Canyon. Roadway may need to be replaced. Exposed 12&quot; waterline in creek. Culvert at Canyon/Loquat intersection needs to be upgraded. Project may need to be given priority before roadway is compromised. Install 2,000 LF of 8&quot; &amp; 15&quot; wastewater mostly by bore along Sessom between N LBJ and Canyon/Loquat. Repair Sessom Creek Remediation Sites 9 &amp; 10 as identified by RPS. Demonstration project for additional EAA Upper San Marcos Watershed Protection plan funding for erosion.</td>
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<td>Stormwater improvements along Sessom Drive from Yale to Comanche. Abandon a storm drain that currently runs through private property. Mill and overlay within utility improvements. Water and Wastewater replacement within project limits. Improvements and cost participation will be coordinated with development and TX State and with Drainage Master Plan #31. Previously approved funding in FY2015 and FY2016.</td>
<td>Water</td>
<td>$ 200,000</td>
</tr>
<tr>
<td>641</td>
<td>Storage Area Network (SAN) replacement - IT</td>
<td>The Storage Area Network (SAN) located in the Municipal building data center will be end of life support December 31, 2019. Once the product reaches end of life support, EMC will no longer provide support or replacement parts. This SAN is the primary storage device for the City.</td>
<td>Water</td>
<td>$ 200,000</td>
</tr>
<tr>
<td>248</td>
<td>Water Improvements</td>
<td>Minor engineering projects to repair waterlines</td>
<td>Water</td>
<td>$ 150,000</td>
</tr>
<tr>
<td>c251</td>
<td>Water Pump Station Improvements</td>
<td>Systematic repair, replacement and upgrade of water pump stations</td>
<td>Water</td>
<td>$ 150,000</td>
</tr>
<tr>
<td>c247</td>
<td>Water System Improvements</td>
<td>On-going effort to replace, repair, and add water valves and hydrants throughout system, and make emergency replacements</td>
<td>Water</td>
<td>$ 150,000</td>
</tr>
</tbody>
</table>

**Total:** $ 50,162,247
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- GENERAL: 8,165,000.00
- Wastewater: 13,531,000.00
- Water: 8,930,000.00
- Stormwater: 3,775,000.00
- Electric: 15,761,247.00
- Total: 50,162,247.00
RESOLUTION NO. 2020-____

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, DIRECTING PUBLICATION OF A NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION IN THE AMOUNT OF APPROXIMATELY $50,500,000 FOR CONSTRUCTING, IMPROVING, DESIGNING, ACQUIRING AND EQUIPPING THE CITY’S (1) WATER AND WASTE WATER SYSTEM; (2) ELECTRIC UTILITY SYSTEM; (3) STREETS INCLUDING RELATED DRAINAGE, SIDEWALKS, TRAFFIC IMPROVEMENTS AND LIGHTING; (4) MUNICIPAL BUILDINGS TO INCLUDE THE CITY HALL AND OTHER CITY FACILITIES, HVAC IMPROVEMENTS, ROOF REPLACEMENTS AND SECURITY IMPROVEMENTS; (5) STORMWATER MANAGEMENT AND FLOOD CONTROL FACILITIES; (6) AIRPORT, INCLUDING HANGARS; (7) PUBLIC SAFETY FACILITIES TO INCLUDE POLICE AND FIRE STATION IMPROVEMENTS AND A NEW LADDER TRUCK AND ENGINE; (8) NETWORK AND FIBER OPTIC INFRASTRUCTURE EQUIPMENT; (9) RECREATIONAL FACILITIES INCLUDING PARKS AND SPORTS FIELDS; (10) CITY CEMETERY INCLUDING LAND ACQUISITION; (11) ANIMAL SHELTER; (12) PARKING INCLUDING LAND ACQUISITION; AND (13) THE PAYMENT OF PROFESSIONAL SERVICES IN CONNECTION THEREWITH INCLUDING LEGAL, FISCAL AND ENGINEERING FEES AND THE COSTS OF ISSUING THE CERTIFICATES OF OBLIGATION AND OTHER MATTERS RELATED THERETO.

WHEREAS, this City Council deems it advisable to give notice of intention to issue certificates of obligation (the "Certificates") of the City of San Marcos, Texas, as hereinafter provided; and

WHEREAS, prior to the issuance of the Certificates, the City Council is required under Section 271.041 et seq., Local Government Code to publish notice of its intention to issue the Certificates in a newspaper of general circulation in the City and continuously on the City's website, the notice stating: (i) the time and place tentatively set for the passage of the order authorizing the issuance of the Certificates, (ii) the purpose of the Certificates to be authorized; and (iii) the manner in which the Certificates will be paid; (iv) the then-current principal of all outstanding debt obligations of the issuer; (v) the then-current combined principal and interest required to pay all outstanding debt obligations of the issuer on time and in full; (vi) the maximum principal amount of the certificates to be authorized; (vii) the estimated combined principal and interest required to pay the certificates to be authorized on time and in full; (viii) the estimated interest rate for the certificates to be authorized or that the maximum interest rate for the certificates may not exceed the maximum legal interest rate; and (ix) the maximum maturity date of the certificates to be authorized.

WHEREAS, it is officially found and determined that the meeting at which this
resolution has been considered and acted upon was open to the public and public notice of the
time, place and subject of said meeting was given, all as required by Tex. Gov't Code Ann. Ch.
551; Now, Therefore

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

Section 1. Form of Notice. Attached hereto is a form of "Notice of Intention to Issue
Certificates of Obligation" the form and substance of which is hereby adopted and approved.

Section 2. Publication of Notice. Said Notice shall be published, in substantially the form
attached hereto, in a newspaper, as defined in Tex. Gov't Code Ann. §2051.044, of general
circulation in the area of said City, once a week for two consecutive weeks, the date of the first
publication thereof to be before the 45th day before the date tentatively set for passage of the
ordinance authorizing the issuance of the Certificates.

Section 3. City Website Posting of Notice. Further, said notice shall be continuously
published in substantially the form attached hereto on the City's website for at least 45 days
before the date tentatively set for passage of the ordinance authorizing the issuance of the
Certificates.

Section 4. Effective Date. This Resolution shall become effective immediately upon
adoption. The Mayor, City Clerk, City Manager and Director of Finance are each hereby
authorized and directed to execute this Resolution on behalf of the City, as appropriate, and to do
any and all things proper and necessary to carry out the intent of this Resolution including
approving appropriate changes to the notice and approving the final form of any Preliminary
Official Statement for distribution to the market in connection with the sale of the Certificates.

Section 4. Attorney General Fee. The City Council hereby authorizes the disbursement of
a fee equal to the lesser of (i) one-tenth of one percent of the principal amount of each series of
obligations being issued or (ii) $9,500 for each series, provided that such fee shall not be less
than $750, to the Attorney General of Texas Public Finance Division for payment of the
examination fee charged by the State of Texas for the Attorney General's review and approval of
public securities and credit agreements, as required by Section 1202.004 of the Texas
Government Code. The appropriate member of the City's staff is hereby instructed to take the
necessary measures to make this payment. The City is also authorized to reimburse the
appropriate City funds for such payment from proceeds of the debt.

[Execution Page Follows]
PASSED, APPROVED AND EFFECTIVE this March ___, 2020.

ATTEST: ________________________________
Mayor, City of San Marcos, Texas

________________________
City Clerk, City of San Marcos, Texas

[CITY SEAL]
NOTICE OF INTENTION TO ISSUE
CERTIFICATES OF OBLIGATION

NOTICE IS HEREBY GIVEN that the City Council of the City of San Marcos, Texas (the "City"), at its meeting to commence at 6:00 P.M. on May 5, 2020 (the "meeting"), at its regular meeting place in the City Hall, 630 East Hopkins, San Marcos, Texas, tentatively proposes to authorize the issuance of one or more series of interest bearing certificates of obligation of the City, in the total aggregate principal amount not to exceed $50,500,000, for the public purpose of paying contractual obligations incurred or to be incurred for constructing, improving, designing, acquiring and equipping the City's (1) water and waste water system; (2) electric utility system; (3) streets including related drainage, sidewalks, traffic improvements and lighting; (4) municipal buildings to include the city hall and other city facilities, HVAC improvements, roof replacements and security improvements; (5) stormwater management and flood control facilities; (6) airport, including hangars; (7) public safety facilities to include police and fire station improvements and a new ladder truck and engine; (8) network and fiber optic infrastructure equipment; (9) recreational facilities including parks and sports fields; (10) cemetery including land acquisition; (11) animal shelter; (12) parking including land acquisition; and (13) the payment of professional services in connection therewith including legal, fiscal and engineering fees and the costs of issuing the certificates of obligation and other matters related thereto. The City presently proposes to provide for the payment of the certificates of obligation by the levy of ad valorem taxes, within the limits prescribed by law. The certificates of obligation will be additionally payable from a limited pledge of surplus revenues of the City's water and waste water system not to exceed $1,000.

The following information is required pursuant to Texas Local Government Code, Section 271.049(b)(4) to be provided by the City (excludes $_____________ in principal amount of outstanding debt obligations that the City has designated as self-supporting and which the City reasonably expects to pay from revenues sources other than ad valorem taxes; provided, however, that in the event that such self-supporting revenue sources are insufficient to pay debt service, the City is obligated to levy ad valorem taxes to pay such debt obligations): As of March 17, 2020 principal of all outstanding debt obligations of the City is $_____________. As of March 17, 2020 combined principal and interest required to pay all outstanding debt obligations of the City on time and in full is $_____________. The maximum principal amount of the Certificates to be authorized is $_____________. The estimated combined principal and interest required to pay the Certificates to be authorized on time and in full is $_____________. The estimated interest rate for the Certificates to be authorized is ____%. Such estimates take into account a number of factors, including the issuance schedule, maturity schedule and the expected ratings of the proposed Certificates. Such estimated maximum interest rates is provided as a matter of information, but is not a limitation on the interest rate at which the Certificates, or any series thereof, may be sold. The maximum maturity date of the Certificates to be authorized is _____________. More information on the specific debt obligations that the City has designated as self-supporting is available upon request to the City at the address noted above.
AGENDA CAPTION:
Consider approval of Resolution 2020-70R, adopting revised Investment Policies for Operating Funds and Reserve Funds; and declaring an effective date.

Meeting date: March 17, 2020

Department: Finance-Heather Hurlbert, Finance Director

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

Fiscal Note:
Prior Council Action: Presentation and discussion with the Finance and Audit Committee March 16, 2020

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

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

Master Plan: [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]
**Background Information:**
The Public Funds Investment Act (PFIA) requires the Investment Officer present the City's investment policy to City Council for approval on an annual basis. Staff proposes several changes to the policy, which include the following:

- Modified section X-Authorized and Suitable Investments
  - Section 7 to reflect a change in the PFIA language in both the operating and reserve policy.
  - Section 8 to increase commercial paper maximum term from 270 to 365 days to reflect a change in the PFIA allowable term in both the operating and reserve policy.
  - Section 10 to reflect the new website address in both the operating and reserve policy.
- Modified section XI-Collateralization to reflect a change in the PFIA language in both the operating and reserve policy.

These changes were presented to the Finance and Audit Committee on March 16, 2020. The modified investment policies are attached.

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

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

**Recommendation:**
Click or tap here to enter text.
RESOLUTION NO. 2020- R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS ADOPTING REVISED INVESTMENT POLICIES FOR OPERATING FUNDS AND RESERVE FUNDS; AND DECLARING AN EFFECTIVE DATE.

RECITALS:

1. Texas Government Code, §2256.005 requires the City Council to adopt a written policy regarding the investment of City funds and funds under City control.

2. The Director of Finance has recommended the adoption of revised City of San Marcos investment policies for operating funds and reserve funds.

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

PART 1. The revised City of San Marcos investment policies for operating funds and reserve funds attached to this resolution are approved and adopted.

PART 2. This resolution shall be in full force and effect from and after its passage.

ADOPTED on March 17, 2020.

Jane Hughson
Mayor

Attest:

Tammy K. Cook
Interim City Clerk
CITY OF SAN MARCOS, TEXAS
OPERATING AND BOND FUNDS
INVESTMENT POLICY

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INVESTMENT POLICY – OPERATING AND BOND FUNDS

CITY OF SAN MARCOS
FINANCE DEPARTMENT

I. POLICY

It is the policy of the City of San Marcos to invest public funds in a manner which will optimize interest earnings with maximum security while meeting the daily cash flow demands of the City and conforming to all state and local statutes governing the investment of public funds.

II. SCOPE

This Investment Policy (hereafter referred to as Policy) applies to all financial assets of the City except Reserve Funds which are longer in terms and represent different risk profiles. Reserve Funds are managed and controlled by a separate Investment Policy. These financial assets covered by this Policy are within funds that are accounted for in the Comprehensive Annual Financial Report and include:

1. General Fund
2. Special Revenue Funds
3. Capital Projects Funds
4. Debt Service Funds
5. Enterprise Funds
6. Trust and Agency Funds

and any new funds created by the City unless specifically exempted by the City Council and this Policy.

III. PRUDENCE

The standard of prudence to be used by investment officers and Finance Administrators shall be the “prudent person” standard and shall be applied in the context of managing an overall portfolio.

*Investments shall be made with judgment and care—under circumstances then prevailing—which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.*

IV. OBJECTIVES

All operating and bond funds will be pooled for investment purposes. The primary objectives, in priority order, of the City’s investment activities for all funds shall be:

1. Safety: Safety of principal is the foremost objective of the investment program. Investments of the City shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio.
2. Liquidity: The City’s investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements, which might be reasonably anticipated.
3. Diversification: In order to supplement the safety objective, diversification is needed to minimize credit and market risk and to reduce overall portfolio impact from potential losses on individual securities.
4. Yield: The City’s investment portfolio shall be designed with the objective of attaining a market rate of return in accordance with its designated benchmark which is based on the City’s cash
flow requirements throughout budgetary and economic cycles, commensurate with the City's investment risk constraints and the cash flow characteristics of the portfolio.

V. Strategy

The structure and management of the pooled City portfolio will address the varying needs, goals and objectives of each fund. Investment strategies for General Fund, Special Revenue Funds, Capital Projects Funds, Enterprise Funds, and Trust and Agency Funds are designed to assure that anticipated cash flows are matched with adequate liquidity in each fund. A secondary strategy is to create a portfolio structure that will experience minimal volatility during economic cycles. Both may be accomplished by purchasing high quality, short-to-medium term securities that will complement each other in a laddered structure and assure the marketability of those investments should liquidity needs arise. Investments are to be chosen in a manner that promotes diversity by market sector, credit and maturity. The maximum dollar weighted average maturity of the total portfolio to accomplish these goals will not exceed 18 months, dependent on market conditions.

Investment strategies will address the unique needs for Debt Service Funds to primarily assure investment liquidity adequate to cover the debt service obligation for each consecutive debt service payment. Investments shall progressively fund each succeeding debt service.

Effective cash management is recognized as essential to good fiscal management. Cash management is defined as the process of managing monies in order to ensure maximum cash availability to the City for investment use. The City shall maintain a comprehensive cash management program that includes collection of accounts receivable, prudent investment of its available cash, disbursement of payments in accordance with invoice terms and the management of banking services.

VI. Delegation of Authority

Investment Officers

Management responsibility for the investment program is hereby delegated to the Director of Finance, the Accounting Manager, and Cash Management Accountant or staff accountant as designated by Director of Finance and they are therefore designated as the Investment Officers under the Act and by resolution of the City Council. The Investment Officer(s) shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials.

Investment Officers who are employees of the City acting in accordance with this standard, written procedures and the Policy and exercising due diligence shall be relieved of personal liability for an individual security’s credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments. Investment Advisors / Managers acting under contract to the City are not relieved of personal responsibility.

Investment advisors / managers under contract to the City may also be designated as Investment Officers by the City Council. A contracted Investment Advisor / Manager will perform the investment responsibilities of the Investment Officer. The investment management firm selected to transact investment business on behalf of the City will be provided a copy of this Policy to assure that they are familiar with the goals and objectives of the investment program. All key investment professionals of the investment management firm will be required to return a signed copy of the Certification by Business Organization substantially in the form provided as Appendix B. The investment management firm, which will act in a fiduciary capacity, must be registered with the Securities and Exchange Commission under the Investment Advisor’s Act of 1940. The Investment Advisor / Manager will be required to manage the City’s funds in accordance with the laws of the State of Texas, and Investment Policies and procedures established by the City.

In accordance with the Act, Investment Officers shall attend investment training session no less than once every two years receiving not less than 8 hours of instruction relating to investment responsibilities. A newly
The appointed Investment Officer must attend a training session of at least 10 hours of instruction within twelve months of the date the officer took office or assumed investment officer duties. The investment training sessions shall be provided by an independent source approved and authorized to issue PFIA training certification. For purposes of this Policy, an “independent source” from which investment training shall be obtained shall include a professional organization, an institution of higher education or any other sponsor authorized to issue PFIA training certification.

Investment Committee
An Investment Committee consisting of the Finance and Audit committee members, and Accounting Manager is established to review quarterly reports and Policy changes as well as advise the City Council on investment matters. The Investment Committee shall, at least annually or as required by market conditions, review, revise, and adopt a list of authorized broker/dealers that may engage in investment transactions with the City based on the annual review of the financial condition and registrations of dealers and institutions conducted by the Investment Officer(s) (in accordance with this Policy).

VII. INVESTMENT PROCEDURES

The Investment Officer(s) shall establish reasonable commercial written procedures for the operation of the investment program consistent with this Policy. The procedures should include to safekeeping, repurchase agreements, wire transfer agreements, banking service contracts and collateral/depository agreements. No person may engage in an investment transaction except as provided under the terms of this Policy and the procedures established by the Investment Officer(s). Investment Committee will make the recommendation when to contract with an Investment Advisor / Manager firm depending on market conditions and review / analysis of contract cost versus investment portfolio return.

All investment purchases will be executed using the competitive bidding process and settled on a delivery versus payment (DVP) basis. A minimum of three competitive offers on the purchase/sale of every security will be obtained or approval from an Investment Committee officer on a competitive offer due to market conditions and time constraints. All investment purchases will be executed in compliance with the Internal Revenue Service’s Fair Market Rules.

VIII. ETHICS AND CONFLICTS OF INTEREST

Investment officers and employees involved in the investment process shall refrain from any personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Investment officers shall disclose in writing to the City Manager any material financial interests in financial institutions that conduct business with the City, and they shall further disclose any large personal financial/investment positions that could be related to the performance of the City’s portfolio. Investment officers involved in the investment process with personal business relationships or relatives within the second degree of affinity or consanguinity seeking to sell investments/securities to the City shall disclose the relationship and file a statement with the Texas Ethics Commission and the City Council. Personal business relationships are defined in the Act.

IX. AUTHORIZED BROKER/DEALERS AND FINANCIAL INSTITUTIONS

The objective of safety requires that the City transact business with financially strong broker/dealers and financial institutions. Therefore, financial broker/dealers and institutions shall be subject to a screening process by the Investment Officers and/or City contracted Investment Advisor / Manager to eliminate those dealers and institutions that lack economic viability or whose past practices put the safety of public capital at risk.

The Investment Advisor / Manager under contract will observe the instructions of the City with respect to broker/dealers who are approved to execute transactions involving the City’s Managed Funds and in the
absence of such instructions will engage broker/dealers which the Advisor / Manager reasonably believes to be reputable, qualified and financially sound.

These broker/dealers may include “primary” dealers or regional dealers that qualify under Securities and Exchange Commission Rule 15C3-1 (uniform net capital rule). Authorized dealers and institutions shall provide proof of Financial Institutions Regulatory Authority (FINRA) certification, an annual audited financial statement, and a completed broker/dealer questionnaire.

Additional financial institutions may be used for time or demand deposits designed for investment purposes (i.e. not as the primary depository of the City). These institutions may be approved by the Investment Officer(s) on an ongoing basis to accommodate the need for timely action. Action by the Investment Committee is not required before use of such institutions. Each financial institution will provide policy certification and execute a depository agreement. The City may utilize third-party rating agencies in order to assess the overall financial strength of potential depositories.

The depository, or its brokerage subsidiary, from which the City obtains banking services including safekeeping, will not be used for brokerage services in order to perfect ownership on delivery versus payment settlement. The bank may be used for time deposits but these deposits will be bid competitively.

X. AUTHORIZED AND SUITABLE INVESTMENTS

Authorized investments shall be limited to the instruments listed below as authorized and further described by the Act.

1. Obligations of the United States, its agencies and instrumentalities, not to exceed two years to the stated final maturity, excluding mortgage-backed securities.

2. Direct obligations of the State of Texas or its agencies and instrumentalities, not to exceed two years to the stated final maturity;

3. Other obligations, the principal of and interest of which are unconditionally guaranteed or insured by the full faith and credit of, the State of Texas or the United States or their respective agencies and instrumentalities, not to exceed two years to the stated final maturity;

4. Obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent, not to exceed two years to the stated final maturity;

5. Fully insured or collateralized certificates of deposit or share certificates, issued by state and national banks or credit unions, not to exceed two years to the stated final maturity that are:
   a. Guaranteed or insured by the Federal Deposit Insurance Corporation or the National Credit Union Association, or other federal agency, or successors; or
   b. Collateralized to 102% in accordance with this Policy (Section XI).

6. Fully collateralized direct repurchase agreements having a defined termination date, collateralized in accordance with this Policy, safe-kept with an independent third party approved by the City, with an executed master repurchase agreement, and placed through a primary government securities dealer, as defined by the Federal Reserve, or a bank doing business in Texas, not to exceed 90 days to the stated maturity;

   Flexible repurchase agreements (flex repos) are authorized for investment of bond proceeds, if collateralized in accordance with this Policy, safe-kept with an independent third party approved by the City, with an executed master repurchase agreement, and placed through a primary government securities dealer, as defined by the Federal Reserve. The term of the flex
repo may exceed two years but not exceed the anticipated expenditure schedule of the bond proceeds and no party involved with the issuance of the debt shall be involved with the funds reinvestment.

7. Investment Pools as defined and regulated by the PFIA. Investment pools maintaining a \$1.00 net asset value must calculate and report yield to investors in the pool in accordance with federal regulations applicable to money market funds.

8. Commercial paper rated not less than A1/P1 or its equivalent by two nationally recognized rating agencies and not to exceed 270-365 days to stated final maturity.

9. AAA-rated, SEC registered money market funds as described in Sec. 2256.014 of the PFIA.

10. FDIC insured brokered certificate of deposit securities from banks in any US state, delivered versus payment to the City’s safekeeping depository, not to exceed one year to maturity. Before purchase the Investment Officer or adviser must verify the FDIC status of the bank on https://research2.fdic.gov/bankfind/index.html to assure that the bank is FDIC insured.

XI. COLLATERALIZATION

Pledged Collateral
Collateralization is required on time and demand deposits. In order to anticipate market changes and provide a level of security for all funds, the collateralization margin level will be maintained at a minimum of 102% of deposits plus accrued. The counter party shall be made contractually liable for monitoring and maintaining the collateral and required margins at all times. Collateral shall be priced at least monthly. The custodian shall provide the required periodic reports directly to the City.

Owned Collateral
Repurchase agreements shall be collateralized to 102% of principal and accrued interest. The counter party shall be made contractually liable for monitoring and maintaining the collateral and required margins at all times. Collateral shall be priced daily. The Custodian shall provide the required periodic reports directly to the City.

Authorized Collateral
Collateral shall be limited to the following:
- Obligations of the US Government, its agencies and instrumentalities to include mortgage-backed securities which pass the bank test.
- Obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent.
- For repurchase agreements (Sec. 2256.011), Cash and obligations of the United States, its agencies or instrumentalities to include commercial paper and corporate bonds, when applicable

Collateral will always be held by an independent third party with whom the City has a current custodial agreement. A clearly marked evidence of ownership (report or receipt) must be supplied to the City and retained. The right of collateral substitution is granted with prior City approval.

XII. SAFEKEEPING

Safekeeping function will be provided by the City’s banking services depository or a PFIA approved Safekeeping service contracted in conjunction to the City’s banking services depository agreement. In order to ensure protection for City owned securities, the City requires delivery versus payment procedures for all transactions, except pools, money market funds and time deposits, which have no book entry
delivery.

All security transactions, including collateral for repurchase agreements shall be conducted on a delivery versus payment (DVP) basis to the City’s depository or a City approved third party custodian. Securities will be held by a third party custodian approved by the Investment Officer(s) and evidenced by proof of ownership (original safekeeping receipts).

XIII. **DIVERSIFICATION**

Diversification of the overall portfolio will be maintained in accordance with the following diversification limits.

<table>
<thead>
<tr>
<th>Security Type</th>
<th>Maximum % of Portfolio</th>
</tr>
</thead>
<tbody>
<tr>
<td>US Government Treasury Obligations</td>
<td>100%</td>
</tr>
<tr>
<td>US Government Agencies and Instrumentalities</td>
<td>80%</td>
</tr>
<tr>
<td>Municipal Instruments</td>
<td>50%</td>
</tr>
<tr>
<td>Certificates of Deposit</td>
<td>30%</td>
</tr>
<tr>
<td>Issued by institution</td>
<td>20%</td>
</tr>
<tr>
<td>Repurchase Agreements</td>
<td>30%</td>
</tr>
<tr>
<td>Flex repurchase agreements for bond proceeds</td>
<td>100%</td>
</tr>
<tr>
<td>Local Government Investment pools</td>
<td>100%</td>
</tr>
<tr>
<td>Ownership of the pool</td>
<td>10%</td>
</tr>
<tr>
<td>Commercial Paper</td>
<td>40%</td>
</tr>
<tr>
<td>Limit per commercial paper issuer</td>
<td>10%</td>
</tr>
<tr>
<td>Money Market Mutual Fund</td>
<td>50%</td>
</tr>
<tr>
<td>Ownership of the fund</td>
<td>10%</td>
</tr>
</tbody>
</table>

XIV. **INTERNAL CONTROLS**

The Investment Officer(s) shall establish a system of written internal controls that will be reviewed annually with the City or independent auditor of the City along with quarterly investment reports. The controls will be designed to prevent loss of public funds due to fraud, employee error, misrepresentation by third parties, unanticipated market changes, or imprudent actions by employees, contracted investment managers or financial counterparties of the City.

Loss of Rating
The Investment Officer or investment adviser / manager shall monitor, on no less than a weekly basis, the credit rating on all authorized investments in the portfolio based upon independent information from a nationally recognized rating agency. If any security falls below the minimum rating required by Policy, the Investment Officer or adviser shall notify the City Manager of the loss of rating, conditions affecting the rating and possible loss of principal with liquidation options available, within two weeks after the loss of the required rating.

Monitoring FDIC Status
The Investment Officer or Investment Adviser / manager shall monitor, on no less than a weekly basis, the status and ownership of all banks issuing brokered CDs owned by the City based upon information from the FDIC. If any bank has been acquired or merged with another bank in which brokered CDs are owned, the Investment Officer or Adviser shall immediately liquidate any brokered CD which places the City above the FDIC insurance level.

XV. **PERFORMANCE STANDARDS**
The investment portfolio shall be designed with the objective of obtaining a rate of return throughout budgetary and economic cycles, commensurate with the investment risk constraints and cash flow needs of the City. A benchmark for performance of the portfolio will be included in the quarterly reports based on the portfolio’s maximum weighted average maturity of 360 days. The periodic total return of the six-month U.S. Treasury Bill will be used as the City's operating benchmark.

XVI. REPORTING

The Investment Officer(s) shall provide the Investment Committee and City Council quarterly investment reports as required by the Act. The reports will reflect both detail and summary information enabling the reader to determine the value and risk associated with the portfolio. Market values for the report will be derived from an independent source.

A management report will be included with the quarterly investment report. The management report should include comments on the fixed income markets and economic conditions, discussions regarding diversification, allocation restrictions on investments, possible changes in the portfolio structure going forward and thoughts on investment strategies.

XVII. CASH MANAGEMENT PROGRAMS AND ACTIVITIES

The Department of Finance is committed to the overall success of the City's cash management programs. These programs address a variety of cash management issues, including:

1. The design and implementation of reliable and effective cash flow forecasting methodologies to assist Finance Department personnel and Investment Officer(s) in the determination of the amounts of cash available for investment, the time period for which the funds may be invested with a reasonable level of confidence, and a measure of the volatility of specific cash forecasts, which will allow viable determination of the required liquidity.
2. The design and implementation of appropriate "revenue-acceleration programs", aimed at enhancing the speed at which monies are collected and deposited by the City and the elimination of bad debt expense/write-offs.
3. The design and implementation of suitable "controlled disbursement" programs, which will ensure that the City's expenses are met in timely manner, but not in such a way as to jeopardize the earning capacity of the City's portfolio.
4. The utilization of modern and efficient techniques and technology for the physical movement of money, taking advantage of technological and operational procedures.
5. The design and implementation of banking relationships which are both favorable to the City and responsive to the day-to-day requirements of the City's complex financial operations.
6. The design of investment policies and procedures to ensure the total safety of all funds while allowing the City to maximize its interest earnings.
7. The design and implementation of appropriate policies and procedures with regard to the proper and effective use of the City's municipal credit authority.

XVIII. INVESTMENT POLICY ADOPTION

The City’s Investment Policy shall be annually reviewed and adopted by resolution of the City Council. Any modifications made thereto must be noted in the approving Resolution.
APPENDIX A

Broker / Dealer Questionnaire & TX PFIA Certification
APPENDIX B

PFIA
APPENDIX C

CITY OF SAN MARCOS
INVESTMENT PROCEDURES

I. PURPOSE

The purpose of these procedures is to assist Finance Department staff with day-to-day investment operations and assign responsibilities. These procedures are an outline, with individual items to be added or deleted as necessary or appropriate.

II. CASH REVIEW

The City Investment Officer(s) must review the cash balances and investment portfolio at least daily, or as needed. Items to be reviewed should include:

- All balances and float amounts at contracted depository bank.
- All maturing investments.
- All incoming wires, bond sales and other anticipated receipts.
- All outgoing wires, bond and coupon payments (debt service) and other anticipated cash disbursements.

III. INVESTMENT SELECTION

The City Investment Officer(s) determines how much of the cash balance is available for investment and selects the maximum maturity date.

The Investment Officer(s) and/or the contracted Investment Advisor / Manager will review market conditions in conjunction with approved brokers to search for suitable investments.

Information including the following is used to determine optimal maturity to take advantage of current and expected interest rate environments:

- Market information (yield analysis, spread analysis, and future expectations)
- General trends of economic statistics.
- Input from independent data services (Bloomberg, Reuters, etc.)
IV. PURCHASING AND INVESTMENT

The Policy requires establishment and approval of an authorized broker/dealer list with whom the City may transact business. The broker/dealer questionnaire helps provide the following evaluation:

- Financial condition, strength and capability to fulfill commitments.
- Overall reputation with other broker/dealers and investors.
- Regulatory status of the broker/dealer.
- Background and expertise of the individual representative.

The City investment officer(s) and/or the contracted Investment Adviser / Manager will contact an appropriate number of broker/dealers for offers based on market evaluation, Investment Policy and collateral limitations, and cash flow information given.

The following will be determined with the broker/dealer:
- Settlement basis – i.e. cash (same day), regular (next day), or when-issued (issue date) if a new agency issue.
- Amount available for investment,
- Type of security to be purchased excluded.
- Targeted maturity, or maturity range.

If choosing an investment pool as the preferred investment vehicle, the Council resolution and authorized individuals (PIN) resolutions must be in place prior to purchase and at any reasonable time thereafter. All pool transactions are initiated and controlled by City Investment Officer(s).

All investment purchases will be executed using the competitive bidding process. A minimum of three competitive offers on the purchase of every security will be obtained or approval from an Investment Committee officer on a competitive offer due to market conditions and time constraints. All investment purchases will be executed in compliance with the Internal Revenue Service’s Fair Market Rules.

Before concluding the transaction, the City investment officer(s) and/or the Investment Adviser / Manager verifies the following:

- The security meets all cash flow and Policy criteria.
- The security structure including any imbedded options such as call provisions or coupon adjustments.
- Yield calculations and settlement amounts.
- Total purchase cost (including accrued interest).

And,
- Advises the successful provider that their offering has been selected for purchase.
- Notifies any unsuccessful broker/dealers. Best price may be disclosed.
Prior to settlement date, the City Investment Officer and/or Investment Adviser /Manager and broker/dealer exchange and review the following settlement instructions to ensure prompt, and uninterrupted settlement.

- Name of third-party safekeeping agent.
- ABA number of safekeeping agent.
- Safekeeping account number.
- Amount of transaction.
- Settlement date.
- CUSIP number of security, if applicable.

V. SETTLEMENT AND FOLLOW-THROUGH

The City Investment Officer and/or the Investment Adviser / Manager will obtain a written trade ticket for the City’s records and the safekeeping agent.

City follow-up procedures may include:
- Internal provision of receipt or disbursement of funds.
- Internal transfer or wiring of funds.
- Validation of written “safekeeping receipt”.
- Immediate notification by the adviser if a fail has occurred.
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INVESTMENT POLICY – OPERATING AND BOND FUNDS

CITY OF SAN MARCOS
FINANCE DEPARTMENT

I.      POLICY

It is the policy of the City of San Marcos to invest public funds in a manner which will optimize interest earnings with maximum security while meeting the daily cash flow demands of the City and conforming to all state and local statutes governing the investment of public funds.

II.     SCOPE

This Investment Policy (hereafter referred to as Policy) applies to all financial assets of the City except Reserve Funds which are longer in terms and represent different risk profiles. Reserve Funds are managed and controlled by a separate Investment Policy. These financial assets covered by this Policy are within funds that are accounted for in the Comprehensive Annual Financial Report and include:

1. General Fund
2. Special Revenue Funds
3. Capital Projects Funds
4. Debt Service Funds
5. Enterprise Funds
6. Trust and Agency Funds

and any new funds created by the City unless specifically exempted by the City Council and this Policy.

III.    PRUDENCE

The standard of prudence to be used by investment officers and Finance Administrators shall be the “prudent person” standard and shall be applied in the context of managing an overall portfolio.

*Investments shall be made with judgment and care—under circumstances then prevailing—which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.*

IV.     OBJECTIVES

All operating and bond funds will be pooled for investment purposes. The primary objectives, in priority order, of the City’s investment activities for all funds shall be:

1. Safety: Safety of principal is the foremost objective of the investment program. Investments of the City shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio.
2. Liquidity: The City’s investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements, which might be reasonably anticipated.
3. Diversification: In order to supplement the safety objective, diversification is needed to minimize credit and market risk and to reduce overall portfolio impact from potential losses on individual securities.
4. Yield: The City’s investment portfolio shall be designed with the objective of attaining a market rate of return in accordance with its designated benchmark which is based on the City’s cash
flow requirements throughout budgetary and economic cycles, commensurate with the City's investment risk constraints and the cash flow characteristics of the portfolio.

V. Strategy

The structure and management of the pooled City portfolio will address the varying needs, goals and objectives of each fund. Investment strategies for General Fund, Special Revenue Funds, Capital Projects Funds, Enterprise Funds, and Trust and Agency Funds are designed to assure that anticipated cash flows are matched with adequate liquidity in each fund. A secondary strategy is to create a portfolio structure that will experience minimal volatility during economic cycles. Both may be accomplished by purchasing high quality, short-to-medium term securities that will complement each other in a laddered structure and assure the marketability of those investments should liquidity needs arise. Investments are to be chosen in a manner that promotes diversity by market sector, credit and maturity. The maximum dollar weighted average maturity of the total portfolio to accomplish these goals will not exceed 18 months, dependent on market conditions.

Investment strategies will address the unique needs for Debt Service Funds to primarily assure investment liquidity adequate to cover the debt service obligation for each consecutive debt service payment. Investments shall progressively fund each succeeding debt service.

Effective cash management is recognized as essential to good fiscal management. Cash management is defined as the process of managing monies in order to ensure maximum cash availability to the City for investment use. The City shall maintain a comprehensive cash management program that includes collection of accounts receivable, prudent investment of its available cash, disbursement of payments in accordance with invoice terms and the management of banking services.

VI. Delegation of Authority

Investment Officers
Management responsibility for the investment program is hereby delegated to the Director of Finance, the Accounting Manager, and Cash Management Accountant or staff accountant as designated by Director of Finance and they are therefore designated as the Investment Officers under the Act and by resolution of the City Council. The Investment Officer(s) shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials.

Investment Officers who are employees of the City acting in accordance with this standard, written procedures and the Policy and exercising due diligence shall be relieved of personal liability for an individual security’s credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments. Investment Advisors / Managers acting under contract to the City are not relieved of personal responsibility.

Investment advisors / managers under contract to the City may also be designated as Investment Officers by the City Council. A contracted Investment Advisor / Manager will perform the investment responsibilities of the Investment Officer. The investment management firm selected to transact investment business on behalf of the City will be provided a copy of this Policy to assure that they are familiar with the goals and objectives of the investment program. All key investment professionals of the investment management firm will be required to return a signed copy of the Certification by Business Organization substantially in the form provided as Appendix B. The investment management firm, which will act in a fiduciary capacity, must be registered with the Securities and Exchange Commission under the Investment Advisor’s Act of 1940. The Investment Advisor / Manager will be required to manage the City’s funds in accordance with the laws of the State of Texas, and Investment Policies and procedures established by the City.

In accordance with the Act, Investment Officers shall attend investment training session no less than once every two years receiving not less than 8 hours of instruction relating to investment responsibilities. A newly
appointed Investment Officer must attend a training session of at least 10 hours of instruction within twelve months of the date the officer took office or assumed investment officer duties. The investment training sessions shall be provided by an independent source approved and authorized to issue PFIA training certification. For purposes of this Policy, an “independent source” from which investment training shall be obtained shall include a professional organization, an institution of higher education or any other sponsor authorized to issue PFIA training certification.

Investment Committee
An Investment Committee consisting of the Finance and Audit committee members, and Accounting Manager is established to review quarterly reports and Policy changes as well as advise the City Council on investment matters. The Investment Committee shall, at least annually or as required by market conditions, review, revise, and adopt a list of authorized broker/dealers that may engage in investment transactions with the City based on the annual review of the financial condition and registrations of dealers and institutions conducted by the Investment Officer(s) (in accordance with this Policy).

VII. INVESTMENT PROCEDURES
The Investment Officer(s) shall establish reasonable commercial written procedures for the operation of the investment program consistent with this Policy. The procedures should include to safekeeping, repurchase agreements, wire transfer agreements, banking service contracts and collateral/depository agreements. No person may engage in an investment transaction except as provided under the terms of this Policy and the procedures established by the Investment Officer(s). Investment Committee will make the recommendation when to contract with an Investment Advisor / Manager firm depending on market conditions and review / analysis of contract cost versus investment portfolio return.

All investment purchases will be executed using the competitive bidding process and settled on a delivery versus payment (DVP) basis. A minimum of three competitive offers on the purchase/sale of every security will be obtained or approval from an Investment Committee officer on a competitive offer due to market conditions and time constraints. All investment purchases will be executed in compliance with the Internal Revenue Service’s Fair Market Rules.

VIII. ETHICS AND CONFLICTS OF INTEREST
Investment officers and employees involved in the investment process shall refrain from any personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Investment officers shall disclose in writing to the City Manager any material financial interests in financial institutions that conduct business with the City, and they shall further disclose any large personal financial/investment positions that could be related to the performance of the City’s portfolio. Investment officers involved in the investment process with personal business relationships or relatives within the second degree of affinity or consanguinity seeking to sell investments/securities to the City shall disclose the relationship and file a statement with the Texas Ethics Commission and the City Council. Personal business relationships are defined in the Act.

IX. AUTHORIZED BROKER/DEALERS AND FINANCIAL INSTITUTIONS
The objective of safety requires that the City transact business with financially strong broker/dealers and financial institutions. Therefore, financial broker/dealers and institutions shall be subject to a screening process by the Investment Officers and/or City contracted Investment Advisor / Manager to eliminate those dealers and institutions that lack economic viability or whose past practices put the safety of public capital at risk.

The Investment Advisor / Manager under contract will observe the instructions of the City with respect to broker/dealers who are approved to execute transactions involving the City’s Managed Funds and in the
absence of such instructions will engage broker/dealers which the Advisor / Manager reasonably believes to be reputable, qualified and financially sound.

These broker/dealers may include “primary” dealers or regional dealers that qualify under Securities and Exchange Commission Rule 15C3-1 (uniform net capital rule). Authorized dealers and institutions shall provide proof of Financial Institutions Regulatory Authority (FINRA) certification, an annual audited financial statement, and a completed broker/dealer questionnaire.

Additional financial institutions may be used for time or demand deposits designed for investment purposes (i.e. not as the primary depository of the City). These institutions may be approved by the Investment Officer(s) on an ongoing basis to accommodate the need for timely action. Action by the Investment Committee is not required before use of such institutions. Each financial institution will provide policy certification and execute a depository agreement. The City may utilize third-party rating agencies in order to assess the overall financial strength of potential depositories.

The depository, or its brokerage subsidiary, from which the City obtains banking services including safekeeping, will not be used for brokerage services in order to perfect ownership on delivery versus payment settlement. The bank may be used for time deposits but these deposits will be bid competitively.

X. **AUTHORIZED AND SUITABLE INVESTMENTS**

Authorized investments shall be limited to the instruments listed below as authorized and further described by the Act.

1. Obligations of the United States, its agencies and instrumentalities, not to exceed two years to the stated final maturity, excluding mortgage-backed securities.

2. Direct obligations of the State of Texas or its agencies and instrumentalities, not to exceed two years to the stated final maturity;

3. Other obligations, the principal of and interest of which are unconditionally guaranteed or insured by the full faith and credit of, the State of Texas or the United States or their respective agencies and instrumentalities, not to exceed two years to the stated final maturity;

4. Obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent, not to exceed two years to the stated final maturity;

5. Fully insured or collateralized certificates of deposit or share certificates, issued by state and national banks or credit unions, not to exceed two years to the stated final maturity that are:
   a. Guaranteed or insured by the Federal Deposit Insurance Corporation or the National Credit Union Association, or other federal agency, or successors; or
   b. Collateralized to 102% in accordance with this Policy (Section XI).

6. Fully collateralized direct repurchase agreements having a defined termination date, collateralized in accordance with this Policy, safe-kept with an independent third party approved by the City, with an executed master repurchase agreement, and placed through a primary government securities dealer, as defined by the Federal Reserve, or a bank doing business in Texas, not to exceed 90 days to the stated maturity;

   Flexible repurchase agreements (flex repos) are authorized for investment of bond proceeds, if collateralized in accordance with this Policy, safe-kept with an independent third party approved by the City, with an executed master repurchase agreement, and placed through a primary government securities dealer, as defined by the Federal Reserve. The term of the flex
repo may exceed two years but not exceed the anticipated expenditure schedule of the bond proceeds and no party involved with the issuance of the debt shall be involved with the funds reinvestment.

7. Investment Pools as defined and regulated by the PFIA. Investment pools maintaining a $1.00 net asset value must calculate and report yield to investors in the pool in accordance with federal regulations applicable to money market funds.

8. Commercial paper rated not less than A1/P1 or its equivalent by two nationally recognized rating agencies and not to exceed 365 days to stated final maturity.

9. AAA-rated, SEC registered money market funds as described in Sec. 2256.014 of the PFIA.

10. FDIC insured brokered certificate of deposit securities from banks in any US state, delivered versus payment to the City’s safekeeping depository, not to exceed one year to maturity. Before purchase the Investment Officer or adviser must verify the FDIC status of the bank on https://research2.fdic.gov/bankfind/index.html to assure that the bank is FDIC insured.

XI. COLLATERALIZATION

Pledged Collateral
Collateralization is required on time and demand deposits. In order to anticipate market changes and provide a level of security for all funds, the collateralization margin level will be maintained at a minimum of 102% of deposits plus accrued. The counter party shall be made contractually liable for monitoring and maintaining the collateral and required margins at all times. Collateral shall be priced at least monthly. The custodian shall provide the required periodic reports directly to the City.

Owned Collateral
Repurchase agreements shall be collateralized to 102% of principal and accrued interest. The counter party shall be made contractually liable for monitoring and maintaining the collateral and required margins at all times. Collateral shall be priced daily. The Custodian shall provide the required periodic reports directly to the City.

Authorized Collateral
Collateral shall be limited to the following:
- Obligations of the US Government, its agencies and instrumentalities to include mortgage-backed securities which pass the bank test.
- Obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent.
- For repurchase agreements (Sec. 2256.011), Cash and obligations of the United States, its agencies or instrumentalities to include commercial paper and corporate bonds, when applicable

Collateral will always be held by an independent third party with whom the City has a current custodial agreement. A clearly marked evidence of ownership (report or receipt) must be supplied to the City and retained. The right of collateral substitution is granted with prior City approval.

XII. SAFEKEEPING

Safekeeping function will be provided by the City’s banking services depository or a PFIA approved Safekeeping service contracted in conjunction to the City’s banking services depository agreement. In order to ensure protection for City owned securities, the City requires delivery versus payment procedures for all transactions, except pools, money market funds and time deposits, which have no book entry delivery.
All security transactions, including collateral for repurchase agreements shall be conducted on a delivery versus payment (DVP) basis to the City’s depository or a City approved third party custodian. Securities will be held by a third party custodian approved by the Investment Officer(s) and evidenced by proof of ownership (original safekeeping receipts).

XIII. DIVERSIFICATION

Diversification of the overall portfolio will be maintained in accordance with the following diversification limits.

<table>
<thead>
<tr>
<th>Security Type</th>
<th>Maximum % of Portfolio</th>
</tr>
</thead>
<tbody>
<tr>
<td>US Government Treasury Obligations</td>
<td>100%</td>
</tr>
<tr>
<td>US Government Agencies and Instrumentalities</td>
<td>80%</td>
</tr>
<tr>
<td>Municipal Instruments</td>
<td>50%</td>
</tr>
<tr>
<td>Certificates of Deposit</td>
<td>30%</td>
</tr>
<tr>
<td>Issued by institution</td>
<td>20%</td>
</tr>
<tr>
<td>Repurchase Agreements</td>
<td>30%</td>
</tr>
<tr>
<td>Flex repurchase agreements for bond proceeds</td>
<td>100%</td>
</tr>
<tr>
<td>Local Government Investment pools</td>
<td>100%</td>
</tr>
<tr>
<td>Ownership of the pool</td>
<td>10%</td>
</tr>
<tr>
<td>Commercial Paper</td>
<td>40%</td>
</tr>
<tr>
<td>Limit per commercial paper issuer</td>
<td>10%</td>
</tr>
<tr>
<td>Money Market Mutual Fund</td>
<td>50%</td>
</tr>
<tr>
<td>Ownership of the fund</td>
<td>10%</td>
</tr>
</tbody>
</table>

XIV. INTERNAL CONTROLS

The Investment Officer(s) shall establish a system of written internal controls that will be reviewed annually with the City or independent auditor of the City along with quarterly investment reports. The controls will be designed to prevent loss of public funds due to fraud, employee error, misrepresentation by third parties, unanticipated market changes, or imprudent actions by employees, contracted investment managers or financial counterparties of the City.

Loss of Rating
The Investment Officer or investment adviser / manager shall monitor, on no less than a weekly basis, the credit rating on all authorized investments in the portfolio based upon independent information from a nationally recognized rating agency. If any security falls below the minimum rating required by Policy, the Investment Officer or adviser shall notify the City Manager of the loss of rating, conditions affecting the rating and possible loss of principal with liquidation options available, within two weeks after the loss of the required rating.

Monitoring FDIC Status
The Investment Officer or Investment Adviser / manager shall monitor, on no less than a weekly basis, the status and ownership of all banks issuing brokered CDs owned by the City based upon information from the FDIC. If any bank has been acquired or merged with another bank in which brokered CDs are owned, the Investment Officer or Adviser shall immediately liquidate any brokered CD which places the City above the FDIC insurance level.

XV. PERFORMANCE STANDARDS

The investment portfolio shall be designed with the objective of obtaining a rate of return throughout
budgetary and economic cycles, commensurate with the investment risk constraints and cash flow needs of the City. A benchmark for performance of the portfolio will be included in the quarterly reports based on the portfolio’s maximum weighted average maturity of 360 days. The periodic total return of the six-month U.S. Treasury Bill will be used as the City’s operating benchmark.

XVI. REPORTING

The Investment Officer(s) shall provide the Investment Committee and City Council quarterly investment reports as required by the Act. The reports will reflect both detail and summary information enabling the reader to determine the value and risk associated with the portfolio. Market values for the report will be derived from an independent source.

A management report will be included with the quarterly investment report. The management report should include comments on the fixed income markets and economic conditions, discussions regarding diversification, allocation restrictions on investments, possible changes in the portfolio structure going forward and thoughts on investment strategies.

XVII. CASH MANAGEMENT PROGRAMS AND ACTIVITIES

The Department of Finance is committed to the overall success of the City's cash management programs. These programs address a variety of cash management issues, including:

1. The design and implementation of reliable and effective cash flow forecasting methodologies to assist Finance Department personnel and Investment Officer(s) in the determination of the amounts of cash available for investment, the time period for which the funds may be invested with a reasonable level of confidence, and a measure of the volatility of specific cash forecasts, which will allow viable determination of the required liquidity.
2. The design and implementation of appropriate "revenue-acceleration programs", aimed at enhancing the speed at which monies are collected and deposited by the City and the elimination of bad debt expense/write-offs.
3. The design and implementation of suitable "controlled disbursement" programs, which will ensure that the City's expenses are met in timely manner, but not in such a way as to jeopardize the earning capacity of the City's portfolio.
4. The utilization of modern and efficient techniques and technology for the physical movement of money, taking advantage of technological and operational procedures.
5. The design and implementation of banking relationships which are both favorable to the City and responsive to the day-to-day requirements of the City's complex financial operations.
6. The design of investment policies and procedures to ensure the total safety of all funds while allowing the City to maximize its interest earnings.
7. The design and implementation of appropriate policies and procedures with regard to the proper and effective use of the City's municipal credit authority.

XVIII. INVESTMENT POLICY ADOPTION

The City’s Investment Policy shall be annually reviewed and adopted by resolution of the City Council. Any modifications made thereto must be noted in the approving Resolution.
APPENDIX A

Broker / Dealer Questionnaire & TX PFIA Certification
APPENDIX B

PFIA
I. PURPOSE

The purpose of these procedures is to assist Finance Department staff with day-to-day investment operations and assign responsibilities. These procedures are an outline, with individual items to be added or deleted as necessary or appropriate.

II. CASH REVIEW

The City Investment Officer(s) must review the cash balances and investment portfolio at least daily, or as needed. Items to be reviewed should include:

- All balances and float amounts at contracted depository bank.
- All maturing investments.
- All incoming wires, bond sales and other anticipated receipts.
- All outgoing wires, bond and coupon payments (debt service) and other anticipated cash disbursements.

III. INVESTMENT SELECTION

The City Investment Officer(s) determines how much of the cash balance is available for investment and selects the maximum maturity date.

The Investment Officer(s) and/or the contracted Investment Advisor / Manager will review market conditions in conjunction with approved brokers to search for suitable investments.

Information including the following is used to determine optimal maturity to take advantage of current and expected interest rate environments:

- Market information (yield analysis, spread analysis, and future expectations)
- General trends of economic statistics.
- Input from independent data services (Bloomberg, Reuters, etc.)
IV. PURCHASING AND INVESTMENT

The Policy requires establishment and approval of an authorized broker/dealer list with whom the City may transact business. The broker/dealer questionnaire helps provide the following evaluation:

- Financial condition, strength and capability to fulfill commitments.
- Overall reputation with other broker/dealers and investors.
- Regulatory status of the broker/dealer.
- Background and expertise of the individual representative.

The City investment officer(s) and/or the contracted Investment Adviser / Manager will contact an appropriate number of broker/dealers for offers based on market evaluation, Investment Policy and collateral limitations, and cash flow information given. The following will be determined with the broker/dealer:

- Settlement basis – i.e. cash (same day), regular (next day), or when-issued (issue date) if a new agency issue.
- Amount available for investment,
- Type of security to be purchased excluded.
- Targeted maturity, or maturity range.

If choosing an investment pool as the preferred investment vehicle, the Council resolution and authorized individuals (PIN) resolutions must be in place prior to purchase and at any reasonable time thereafter. All pool transactions are initiated and controlled by City Investment Officer(s).

All investment purchases will be executed using the competitive bidding process. A minimum of three competitive offers on the purchase of every security will be obtained or approval from an Investment Committee officer on a competitive offer due to market conditions and time constraints. All investment purchases will be executed in compliance with the Internal Revenue Service’s Fair Market Rules.

Before concluding the transaction, the City investment officer(s) and/or the Investment Adviser / Manager verifies the following:

- The security meets all cash flow and Policy criteria.
- The security structure including any imbedded options such as call provisions or coupon adjustments.
- Yield calculations and settlement amounts.
- Total purchase cost (including accrued interest).

And,

- Advises the successful provider that their offering has been selected for purchase.
- Notifies any unsuccessful broker/dealers. Best price may be disclosed.
Prior to settlement date, the City Investment Officer and/or Investment Adviser /Manager and broker/dealer exchange and review the following settlement instructions to ensure prompt, and uninterrupted settlement.

- Name of third-party safekeeping agent.
- ABA number of safekeeping agent.
- Safekeeping account number.
- Amount of transaction.
- Settlement date.
- CUSIP number of security, if applicable.

V. SETTLEMENT AND FOLLOW-THROUGH

The City Investment Officer and/or the Investment Adviser / Manager will obtain a written trade ticket for the City’s records and the safekeeping agent.

City follow-up procedures may include:
- Internal provision of receipt or disbursement of funds.
- Internal transfer or wiring of funds.
- Validation of written “safekeeping receipt”.
- Immediate notification by the adviser if a fail has occurred.
CITY OF SAN MARCOS, TEXAS
RESERVE FUNDS
INVESTMENT POLICY

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INVESTMENT POLICY – RESERVE FUNDS
CITY OF SAN MARCOS
FINANCE DEPARTMENT

I. Policy

It is the policy of the City of San Marcos to invest public funds in a manner which will optimize interest earnings with maximum security while meeting the daily cash flow demands of the City and conforming to all state and local statutes governing the investment of public funds.

II. Scope

This Investment Policy (the “Policy”) applies only to the Reserve assets of the City. Reserve funds are undesignated and are invested for a longer term by nature than operating funds and are therefore managed and controlled under parameters more directly suited to their unique nature.

III. Prudence

The standard of prudence to be used by investment officers and Finance Administrators shall be the “prudent person” standard and shall be applied in the context of managing an overall portfolio.

*Investments shall be made with judgment and care—under circumstances then prevailing—which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.*

IV. Objectives

All operating and bond funds will be pooled for investment purposes. The primary objectives, in priority order, of the City’s investment activities for all funds shall be:

1. Safety: Safety of principal is the foremost objective of the investment program. Investments of the City shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio.
2. Liquidity: The City’s investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements, which might be reasonably anticipated.
3. Diversification: In order to supplement the safety objective, diversification is needed to minimize credit and market risk and to reduce overall portfolio impact from potential losses on individual securities.
4. Yield: The City’s investment portfolio shall be designed with the objective of attaining a market rate of return in accordance with its designated benchmark which is based on the City’s cash flow requirements throughout budgetary and economic cycles, commensurate with the City’s investment risk constraints and the cash flow characteristics of the portfolio.

V. Strategy

The structure and management of the Reserve Funds portfolio will address the longer term nature and needs of the funds. The primary investment strategy will be to utilize financial markets to maximize yield in order to build the reserves. A secondary strategy objective is to create a portfolio structure that will
experience minimal volatility during economic cycles. These objectives may be accomplished by purchasing high credit quality, medium term securities while assuring the marketability of those investments. Investments are to be chosen in a manner that promotes diversity by market sector, credit and maturity. The maximum dollar weighted average maturity of the total portfolio to accomplish these goals will not exceed twenty-four (24) months and will fluctuate dependent on market conditions.

VI. DELEGATION OF AUTHORITY

Investment Officers
Management responsibility for the investment program is hereby delegated to the Director of Finance, the Accounting Manager, and Cash Management Accountant or staff accountant as designated by Director of Finance and they are therefore designated as the Investment Officers under the Act and by resolution of the City Council. The Investment Officer(s) shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials.

Investment Officers who are employees of the City acting in accordance with this standard, written procedures and the Policy and exercising due diligence shall be relieved of personal liability for an individual security’s credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments. Investment Advisors / Managers acting under contract to the City are not relieved of personal responsibility.

Investment advisors / managers under contract to the City may also be designated as Investment Officers by the City Council. A contracted Investment Advisor / Manager will perform the investment responsibilities of the Investment Officer. The investment management firm selected to transact investment business on behalf of the City will be provided a copy of this Policy to assure that they are familiar with the goals and objectives of the investment program. All key investment professionals of the investment management firm will be required to return a signed copy of the Certification by Business Organization substantially in the form provided as Appendix B. The investment management firm, which will act in a fiduciary capacity, must be registered with the Securities and Exchange Commission under the Investment Advisor’s Act of 1940. The Investment Advisor / Manager will be required to manage the City’s funds in accordance with the laws of the State of Texas, and Investment Policies and procedures established by the City.

In accordance with the Act, Investment Officers shall attend investment training session no less than once every two years receiving not less than 8 hours of instruction relating to investment responsibilities. A newly appointed Investment Officer must attend a training session of at least 10 hours of instruction within twelve months of the date the officer took office or assumed investment officer duties. The investment training sessions shall be provided by an independent source approved and authorized to issue PFIA training certification. For purposes of this Policy, an “independent source” from which investment training shall be obtained shall include a professional organization, an institution of higher education or any other sponsor authorized to issue PFIA training certification.

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An Investment Committee consisting of the Finance and Audit committee members, and Accounting Manager is established to review quarterly reports and Policy changes as well as advise the City Council on investment matters. The Investment Committee shall, at least annually or as required by market conditions, review, revise, and adopt a list of authorized broker/dealers that may engage in investment transactions with the City based on the annual review of the financial condition and registrations of dealers and institutions conducted by the Investment Officer(s) (in accordance with this Policy).

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The Investment Officer(s) shall establish reasonable commercial written procedures for the operation of the investment program consistent with this Policy. The procedures should include to safekeeping, repurchase agreements, wire transfer agreements, banking service contracts and collateral/depository agreements. No
person may engage in an investment transaction except as provided under the terms of this Policy and the procedures established by the Investment Officer(s). Investment Committee will make the recommendation when to contract with an Investment Advisor / Manager firm depending on market conditions and review / analysis of contract cost versus investment portfolio return.

All investment purchases will be executed using the competitive bidding process and settled on a delivery versus payment (DVP) basis. A minimum of three competitive offers on the purchase/sale of every security will be obtained or approval from an Investment Committee officer on a competitive offer due to market conditions and time constraints. All investment purchases will be executed in compliance with the Internal Revenue Service’s Fair Market Rules.

VIII. ETHICS AND CONFLICTS OF INTEREST

Investment officers and employees involved in the investment process shall refrain from any personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Investment officers shall disclose in writing to the City Manager any material financial interests in financial institutions that conduct business with the City, and they shall further disclose any large personal financial/investment positions that could be related to the performance of the City’s portfolio. Investment officers involved in the investment process with personal business relationships or relatives within the second degree of affinity or consanguinity seeking to sell investments/securities to the City shall disclose the relationship and file a statement with the Texas Ethics Commission and the City Council. Personal business relationships are defined in the Act.

IX. AUTHORIZED BROKER/DEALERS AND FINANCIAL INSTITUTIONS

The objective of safety requires that the City transact business with financially strong broker/dealers and financial institutions. Therefore, financial broker/dealers and institutions shall be subject to a screening process by the Investment Officers and/or City contracted Investment Advisor / Manager to eliminate those dealers and institutions that lack economic viability or whose past practices put the safety of public capital at risk.

The Investment Advisor / Manager under contract will observe the instructions of the City with respect to broker/dealers who are approved to execute transactions involving the City’s Managed Funds and in the absence of such instructions will engage broker/dealers which the Advisor / Manager reasonably believes to be reputable, qualified and financially sound.

These broker/dealers may include “primary” dealers or regional dealers that qualify under Securities and Exchange Commission Rule 15C3-1 (uniform net capital rule). Authorized dealers and institutions shall provide proof of Financial Institutions Regulatory Authority (FINRA) certification, an annual audited financial statement, and a completed broker/dealer questionnaire.

Additional financial institutions may be used for time or demand deposits designed for investment purposes (i.e. not as the primary depository of the City). These institutions may be approved by the Investment Officer(s) on an ongoing basis to accommodate the need for timely action. Action by the Investment Committee is not required before use of such institutions. Each financial institution will provide policy certification and execute a depository agreement. The City may utilize third-party rating agencies in order to assess the overall financial strength of potential depositories.

The depository, or its brokerage subsidiary, from which the City obtains banking services including safekeeping, will not be used for brokerage services in order to perfect ownership on delivery versus payment settlement. The bank may be used for time deposits but these deposits will be bid competitively.
X. AUTHORIZED AND SUITABLE INVESTMENTS

Authorized investments shall be limited to the instruments listed below as authorized and further described by the Act.

1. Obligations of the United States, its agencies and instrumentalities, not to exceed three years to the stated final maturity, excluding mortgage-backed securities;

2. Direct obligations of the State of Texas or its agencies and instrumentalities, not to exceed three years to the stated final maturity;

3. Other obligations, the principal of and interest of which are unconditionally guaranteed or insured by the full faith and credit of, the State of Texas or the United States or their respective agencies and instrumentalities, not to exceed three years to the stated final maturity;

4. Obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent, not to exceed three years to the stated final maturity;

5. Fully insured or collateralized certificates of deposit or share certificates issued by state and national banks or credit unions, not to exceed two year to the stated final maturity that are:
   a. Guaranteed or insured by the Federal Deposit Insurance Corporation or the National Credit Union Association, or other federal agency, or successors; or
   b. Collateralized at 102% in accordance with this Policy (Section XI).

6. Fully collateralized direct repurchase agreements having a defined termination date, collateralized in accordance with this Policy, safe-kept with an independent third party selected or approved by the City, with an executed master repurchase agreement, and placed through a primary government securities dealer, as defined by the Federal Reserve, or a bank doing business in Texas, not to exceed one year to stated maturity;

7. Investment Pools as defined and regulated by the PFIA. Investment pools maintaining a $1.00 net asset value must calculate and report yield to investors in the pool in accordance with federal regulations applicable to money market funds.

8. Commercial paper rated not less than A1/P1 or its equivalent by two nationally recognized rating agencies and not to exceed 270-365 days to stated final maturity.

9. AAA-rated, SEC registered money market funds as described in Sec. 2256.014 of the PFIA.

10. FDIC insured brokered certificate of deposit securities from banks in any US state, delivered versus payment to the City’s safekeeping depository, not to exceed one year to maturity. Before purchase the Investment Officer or adviser must verify the FDIC status of the bank on https://research2.fdic.gov/bankfind/index.html to assure that the bank is FDIC insured.

XI. COLLATERALIZATION

Pledged Collateral
Collateralization is required on time and demand deposits. In order to anticipate market changes and provide a level of security for all funds, the collateralization margin level will be maintained at a minimum of 102% of deposits plus accrued. The counter party shall be made contractually liable for monitoring and maintaining the collateral and required margins at all times. Collateral shall be priced at least monthly.
The custodian shall provide the required periodic reports directly to the City.

**Owned Collateral**
Repurchase agreements shall be collateralized to 102% of principal and accrued interest. The counterparty shall be made contractually liable for monitoring and maintaining the collateral and required margins at all times. Collateral shall be priced daily. The Custodian shall provide the required periodic reports directly to the City.

**Authorized Collateral**
Collateral shall be limited to the following:
- Obligations of the US Government, its agencies and instrumentalities to include mortgage-backed securities which pass the bank test.
- Obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent.
- For repurchase agreements (Sec. 2256.011), Cash and obligations of the United States, its agencies or instrumentalities to include commercial paper and corporate bonds, when applicable

Collateral will always be held by an independent third party with whom the City has a current custodial agreement. A clearly marked evidence of ownership (report or receipt) must be supplied to the City and retained. The right of collateral substitution is granted with prior City approval.

### XII. Safekeeping

Safekeeping function will be provided by the City's banking services depository or a PFIA approved Safekeeping service contracted in conjunction to the City's banking services depository agreement. In order to ensure protection for City owned securities, the City requires delivery versus payment procedures for all transactions, except pools, money market funds and time deposits, which have no book entry delivery.

All security transactions, including collateral for repurchase agreements shall be conducted on a delivery versus payment (DVP) basis to the City's depository or a City approved third party custodian. Securities will be held by a third party custodian approved by the Investment Officer(s) and evidenced by proof of ownership (original safekeeping receipts).

### XIII. Diversification

Diversification of the overall portfolio will be maintained in accordance with the following diversification limits.

<table>
<thead>
<tr>
<th>Security Type</th>
<th>Maximum % of Portfolio</th>
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<tbody>
<tr>
<td>US Government Treasury Obligations</td>
<td>100%</td>
</tr>
<tr>
<td>US Government Agencies and Instrumentalities</td>
<td>80%</td>
</tr>
<tr>
<td>Municipal Instrument</td>
<td>50%</td>
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<tr>
<td>Certificates of Deposit</td>
<td>40%</td>
</tr>
<tr>
<td>Issued by institution</td>
<td>20%</td>
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<tr>
<td>Repurchase Agreements</td>
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<tr>
<td>Flex repurchase agreements for bond proceeds</td>
<td>100%</td>
</tr>
<tr>
<td>Local Government Investment pools</td>
<td>100%</td>
</tr>
<tr>
<td>Ownership of the pool</td>
<td>10%</td>
</tr>
<tr>
<td>Commercial Paper</td>
<td>30%</td>
</tr>
<tr>
<td>Limit per commercial paper issuer</td>
<td>10%</td>
</tr>
<tr>
<td>Money Market Mutual Fund</td>
<td>50%</td>
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</table>
XIV. INTERNAL CONTROLS

The Investment Officer(s) shall establish a system of written internal controls that will be reviewed annually with the City or independent auditor of the City along with quarterly investment reports. The controls will be designed to prevent loss of public funds due to fraud, employee error, misrepresentation by third parties, unanticipated market changes, or imprudent actions by employees, contracted investment managers or financial counterparties of the City.

Loss of Rating
The Investment Officer or investment adviser / manager shall monitor, on no less than a weekly basis, the credit rating on all authorized investments in the portfolio based upon independent information from a nationally recognized rating agency. If any security falls below the minimum rating required by Policy, the Investment Officer or adviser shall notify the City Manager of the loss of rating, conditions affecting the rating and possible loss of principal with liquidation options available, within two weeks after the loss of the required rating.

Monitoring FDIC Status
The Investment Officer or Investment Adviser / manager shall monitor, on no less than a weekly basis, the status and ownership of all banks issuing brokered CDs owned by the City based upon information from the FDIC. If any bank has been acquired or merged with another bank in which brokered CDs are owned, the Investment Officer or Adviser shall immediately liquidate any brokered CD which places the City above the FDIC insurance level.

XV. PERFORMANCE STANDARDS

The investment portfolio shall be designed with the objective of obtaining a rate of return throughout budgetary and economic cycles, commensurate with the investment risk constraints and cash flow needs of the City. A benchmark for performance of the portfolio will be included in the quarterly reports based on the portfolio’s maximum weighted average maturity of 360 days. The periodic total return of the six-month U.S. Treasury Bill will be used as the City’s operating benchmark.

XVI. REPORTING

The Investment Officer(s) shall provide the Investment Committee and City Council quarterly investment reports as required by the. The reports will reflect both detail and summary information enabling the reader to determine the value and risk associated with the portfolio. Market values for the report will be derived from an independent source.

A management report will be included with the quarterly investment report. The management report should include comments on the fixed income markets and economic conditions, discussions regarding diversification, allocation restrictions on investments, possible changes in the portfolio structure going forward and thoughts on investment strategies.

XVII. CASH MANAGEMENT PROGRAMS AND ACTIVITIES

The Department of Finance is committed to the overall success of the City’s cash management programs. These programs address a variety of cash management issues, including:

1. The design and implementation of reliable and effective cash flow forecasting methodologies to assist Finance Department personnel and Investment Officer(s) in the determination of the
amounts of cash available for investment, the time period for which the funds may be invested with a reasonable level of confidence, and a measure of the volatility of specific cash forecasts, which will allow viable determination of the required liquidity.

2. The design and implementation of appropriate "revenue-acceleration programs", aimed at enhancing the speed at which monies are collected and deposited by the City and the elimination of bad debt expense/write-offs.

3. The design and implementation of suitable "controlled disbursement" programs, which will ensure that the City's expenses are met in timely manner, but not in such a way as to jeopardize the earning capacity of the City's portfolio.

4. The utilization of modern and efficient techniques and technology for the physical movement of money, taking advantage of technological and operational procedures.

5. The design and implementation of banking relationships which are both favorable to the City and responsive to the day-to-day requirements of the City's complex financial operations.

6. The design of investment policies and procedures to ensure the total safety of all funds while allowing the City to maximize its interest earnings.

7. The design and implementation of appropriate policies and procedures with regard to the proper and effective use of the City's municipal credit authority.

XVIII. INVESTMENT POLICY ADOPTION

The City's Investment Policy shall be annually reviewed and adopted by resolution of the City Council. Any modifications made thereto must be noted in the approving Resolution.
APPENDIX A

Broker / Dealer Questionnaire & PFIA Certification
APPENDIX B

PFIA
APPENDIX C

CITY OF SAN MARCOS
INVESTMENT PROCEDURES

I. PURPOSE

The purpose of these procedures is to assist Finance Department staff with day-to-day investment operations and assign responsibilities. These procedures are an outline, with individual items to be added or deleted as necessary or appropriate.

II. CASH REVIEW

The City Investment Officer(s) must review the cash balances and investment portfolio at least daily, or as needed. Items to be reviewed should include:

- All balances and float amounts at contracted depository bank.
- All maturing investments.
- All incoming wires, bond sales and other anticipated receipts.
- All outgoing wires, bond and coupon payments (debt service) and other anticipated cash disbursements.

III. INVESTMENT SELECTION

The City Investment Officer(s) determines how much of the cash balance is available for investment and selects the maximum maturity date.

The Investment Officer(s) and/or the contracted Investment Advisor/Manager will review market conditions in conjunction with approved brokers to search for suitable investments.

Information including the following is used to determine optimal maturity to take advantage of current and expected interest rate environments:
  - Market information (yield analysis, spread analysis, and future expectations)
  - General trends of economic statistics.
  - Input from independent data services (Bloomberg, Reuters, etc.)
IV. PURCHASING AND INVESTMENT

The Policy requires establishment and approval of an authorized broker/dealer list with whom the City may transact business. The broker/dealer questionnaire helps provide the following evaluation:

- Financial condition, strength and capability to fulfill commitments.
- Overall reputation with other broker/dealers and investors.
- Regulatory status of the broker/dealer.
- Background and expertise of the individual representative.

The City investment officer(s) and/or the contracted Investment Adviser / Manager will contact an appropriate number of broker/dealers for offers based on market evaluation, Investment Policy and collateral limitations, and cash flow information given.

The following will be determined with the broker/dealer:
- Settlement basis – i.e. cash (same day), regular (next day), or when-issued (issue date) if a new agency issue.
- Amount available for investment,
- Type of security to be purchased excluded.
- Targeted maturity, or maturity range.

If choosing an investment pool as the preferred investment vehicle, the Council resolution and authorized individuals (PIN) resolutions must be in place prior to purchase and at any reasonable time thereafter. All pool transactions are initiated and controlled by City Investment Officer(s).

All investment purchases will be executed using the competitive bidding process. A minimum of three competitive offers on the purchase of every security will be obtained or approval from an Investment Committee officer on a competitive offer due to market conditions and time constraints. All investment purchases will be executed in compliance with the Internal Revenue Service’s Fair Market Rules.

Before concluding the transaction, the Investment Adviser verifies the following:

- The security meets all cash flow and Policy criteria.
- The security structure including any imbedded options such as call provisions or coupon adjustments.
- Yield calculations and settlement amounts.
- Total purchase cost (including accrued interest).

And,
- Advises the successful provider that their offering has been selected for purchase.
- Notifies any unsuccessful broker/dealers. Best price may be disclosed.
Prior to settlement date, the City Investment Officer and/or Investment Adviser /Manager and broker/dealer exchange and review the following settlement instructions to ensure prompt, and uninterrupted settlement.

- Name of third-party safekeeping agent.
- ABA number of safekeeping agent.
- Safekeeping account number.
- Amount of transaction.
- Settlement date.
- CUSIP number of security, if applicable.

V. SETTLEMENT AND FOLLOW-THROUGH

The City Investment Officer and/or the Investment Adviser / Manager will obtain a written trade ticket for the City’s records and the safekeeping agent

City follow-up procedures may include:
- Internal provision of receipt or disbursement of funds.
- Internal transfer or wiring of funds.
- Validation of written “safekeeping receipt”.
- Immediate notification by the adviser if a fail has occurred.
# CITY OF SAN MARCOS, TEXAS

## RESERVE FUNDS

### INVESTMENT POLICY

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## APPENDICES

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INVESTMENT POLICY – RESERVE FUNDS

CITY OF SAN MARCOS
FINANCE DEPARTMENT

I. Policy

It is the policy of the City of San Marcos to invest public funds in a manner which will optimize interest earnings with maximum security while meeting the daily cash flow demands of the City and conforming to all state and local statutes governing the investment of public funds.

II. Scope

This Investment Policy (the “Policy”) applies only to the Reserve assets of the City. Reserve funds are undesignated and are invested for a longer term by nature than operating funds and are therefore managed and controlled under parameters more directly suited to their unique nature.

III. Prudence

The standard of prudence to be used by investment officers and Finance Administrators shall be the “prudent person” standard and shall be applied in the context of managing an overall portfolio.

Investments shall be made with judgment and care—under circumstances then prevailing—which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

IV. Objectives

All operating and bond funds will be pooled for investment purposes. The primary objectives, in priority order, of the City’s investment activities for all funds shall be:

1. Safety: Safety of principal is the foremost objective of the investment program. Investments of the City shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio.
2. Liquidity: The City’s investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements, which might be reasonably anticipated.
3. Diversification: In order to supplement the safety objective, diversification is needed to minimize credit and market risk and to reduce overall portfolio impact from potential losses on individual securities.
4. Yield: The City’s investment portfolio shall be designed with the objective of attaining a market rate of return in accordance with its designated benchmark which is based on the City’s cash flow requirements throughout budgetary and economic cycles, commensurate with the City’s investment risk constraints and the cash flow characteristics of the portfolio.

V. Strategy

The structure and management of the Reserve Funds portfolio will address the longer term nature and needs of the funds. The primary investment strategy will be to utilize financial markets to maximize yield in order to build the reserves. A secondary strategy objective is to create a portfolio structure that will
experience minimal volatility during economic cycles. These objectives may be accomplished by purchasing high credit quality, medium term securities while assuring the marketability of those investments. Investments are to be chosen in a manner that promotes diversity by market sector, credit and maturity. The maximum dollar weighted average maturity of the total portfolio to accomplish these goals will not exceed twenty-four (24) months and will fluctuate dependent on market conditions.

VI. DELEGATION OF AUTHORITY

Investment Officers
Management responsibility for the investment program is hereby delegated to the Director of Finance, the Accounting Manager, and Cash Management Accountant or staff accountant as designated by Director of Finance and they are therefore designated as the Investment Officers under the Act and by resolution of the City Council. The Investment Officer(s) shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials.

Investment Officers who are employees of the City acting in accordance with this standard, written procedures and the Policy and exercising due diligence shall be relieved of personal liability for an individual security’s credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments. Investment Advisors / Managers acting under contract to the City are not relieved of personal responsibility.

Investment advisors / managers under contract to the City may also be designated as Investment Officers by the City Council. A contracted Investment Advisor / Manager will perform the investment responsibilities of the Investment Officer. The investment management firm selected to transact investment business on behalf of the City will be provided a copy of this Policy to assure that they are familiar with the goals and objectives of the investment program. All key investment professionals of the investment management firm will be required to return a signed copy of the Certification by Business Organization substantially in the form provided as Appendix B. The investment management firm, which will act in a fiduciary capacity, must be registered with the Securities and Exchange Commission under the Investment Advisor’s Act of 1940. The Investment Advisor / Manager will be required to manage the City’s funds in accordance with the laws of the State of Texas, and Investment Policies and procedures established by the City.

In accordance with the Act, Investment Officers shall attend investment training session no less than once every two years receiving not less than 8 hours of instruction relating to investment responsibilities. A newly appointed Investment Officer must attend a training session of at least 10 hours of instruction within twelve months of the date the officer took office or assumed investment officer duties. The investment training sessions shall be provided by an independent source approved and authorized to issue PFIA training certification. For purposes of this Policy, an “independent source” from which investment training shall be obtained shall include a professional organization, an institution of higher education or any other sponsor authorized to issue PFIA training certification.

Investment Committee
An Investment Committee consisting of the Finance and Audit committee members, and Accounting Manager is established to review quarterly reports and Policy changes as well as advise the City Council on investment matters. The Investment Committee shall, at least annually or as required by market conditions, review, revise, and adopt a list of authorized broker/dealers that may engage in investment transactions with the City based on the annual review of the financial condition and registrations of dealers and institutions conducted by the Investment Officer(s) (in accordance with this Policy).

VII. INVESTMENT PROCEDURES

The Investment Officer(s) shall establish reasonable commercial written procedures for the operation of the investment program consistent with this Policy. The procedures should include to safekeeping, repurchase agreements, wire transfer agreements, banking service contracts and collateral/depository agreements. No
person may engage in an investment transaction except as provided under the terms of this Policy and the procedures established by the Investment Officer(s). Investment Committee will make the recommendation when to contract with an Investment Advisor / Manager firm depending on market conditions and review / analysis of contract cost versus investment portfolio return.

All investment purchases will be executed using the competitive bidding process and settled on a delivery versus payment (DVP) basis. A minimum of three competitive offers on the purchase/sale of every security will be obtained or approval from an Investment Committee officer on a competitive offer due to market conditions and time constraints. All investment purchases will be executed in compliance with the Internal Revenue Service’s Fair Market Rules.

VIII. ETHICS AND CONFLICTS OF INTEREST

Investment officers and employees involved in the investment process shall refrain from any personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Investment officers shall disclose in writing to the City Manager any material financial interests in financial institutions that conduct business with the City, and they shall further disclose any large personal financial/investment positions that could be related to the performance of the City’s portfolio. Investment officers involved in the investment process with personal business relationships or relatives within the second degree of affinity or consanguinity seeking to sell investments/securities to the City shall disclose the relationship and file a statement with the Texas Ethics Commission and the City Council. Personal business relationships are defined in the Act.

IX. AUTHORIZED BROKER/DEALERS AND FINANCIAL INSTITUTIONS

The objective of safety requires that the City transact business with financially strong broker/dealers and financial institutions. Therefore, financial broker/dealers and institutions shall be subject to a screening process by the Investment Officers and/or City contracted Investment Advisor / Manager to eliminate those dealers and institutions that lack economic viability or whose past practices put the safety of public capital at risk.

The Investment Advisor / Manager under contract will observe the instructions of the City with respect to broker/dealers who are approved to execute transactions involving the City’s Managed Funds and in the absence of such instructions will engage broker/dealers which the Advisor / Manager reasonably believes to be reputable, qualified and financially sound.

These broker/dealers may include “primary” dealers or regional dealers that qualify under Securities and Exchange Commission Rule 15C3-1 (uniform net capital rule). Authorized dealers and institutions shall provide proof of Financial Institutions Regulatory Authority (FINRA) certification, an annual audited financial statement, and a completed broker/dealer questionnaire.

Additional financial institutions may be used for time or demand deposits designed for investment purposes (i.e. not as the primary depository of the City). These institutions may be approved by the Investment Officer(s) on an ongoing basis to accommodate the need for timely action. Action by the Investment Committee is not required before use of such institutions. Each financial institution will provide policy certification and execute a depository agreement. The City may utilize third-party rating agencies in order to assess the overall financial strength of potential depositories.

The depository, or its brokerage subsidiary, from which the City obtains banking services including safekeeping, will not be used for brokerage services in order to perfect ownership on delivery versus payment settlement. The bank may be used for time deposits but these deposits will be bid competitively.
X. AUTHORIZED AND SUITABLE INVESTMENTS

Authorized investments shall be limited to the instruments listed below as authorized and further described by the Act.

1. Obligations of the United States, its agencies and instrumentalities, not to exceed three years to the stated final maturity, excluding mortgage-backed securities;

2. Direct obligations of the State of Texas or its agencies and instrumentalities, not to exceed three years to the stated final maturity;

3. Other obligations, the principal of and interest of which are unconditionally guaranteed or insured by the full faith and credit of, the State of Texas or the United States or their respective agencies and instrumentalities, not to exceed three years to the stated final maturity;

4. Obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent, not to exceed three years to the stated final maturity;

5. Fully insured or collateralized certificates of deposit or share certificates issued by state and national banks or credit unions, not to exceed two years to the stated final maturity that are:
   a. Guaranteed or insured by the Federal Deposit Insurance Corporation or the National Credit Union Association, or other federal agency, or successors; or
   b. Collateralized at 102% in accordance with this Policy (Section XI).

6. Fully collateralized direct repurchase agreements having a defined termination date, collateralized in accordance with this Policy, safe-kept with an independent third party selected or approved by the City, with an executed master repurchase agreement, and placed through a primary government securities dealer, as defined by the Federal Reserve, or a bank doing business in Texas, not to exceed one year to stated maturity;

7. Investment Pools as defined and regulated by the PFIA. Investment pools maintaining a $1.00 net asset value must calculate and report yield to investors in the pool in accordance with federal regulations applicable to money market funds.

8. Commercial paper rated not less than A1/P1 or its equivalent by two nationally recognized rating agencies and not to exceed 365 days to stated final maturity.

9. AAA-rated, SEC registered money market funds as described in Sec. 2256.014 of the PFIA.

10. FDIC insured brokered certificate of deposit securities from banks in any US state, delivered versus payment to the City’s safekeeping depository, not to exceed one year to maturity. Before purchase the Investment Officer or adviser must verify the FDIC status of the bank on https://research2.fdic.gov/bankfind/index.html to assure that the bank is FDIC insured.

XI. COLLATERALIZATION

Pledged Collateral
Collateralization is required on time and demand deposits. In order to anticipate market changes and provide a level of security for all funds, the collateralization margin level will be maintained at a minimum of 102% of deposits plus accrued. The counter party shall be made contractually liable for monitoring and maintaining the collateral and required margins at all times. Collateral shall be priced at least monthly. The custodian shall provide the required periodic reports directly to the City.
Owned Collateral
Repurchase agreements shall be collateralized to 102% of principal and accrued interest. The counterparty shall be made contractually liable for monitoring and maintaining the collateral and required margins at all times. Collateral shall be priced daily. The Custodian shall provide the required periodic reports directly to the City.

Authorized Collateral
Collateral shall be limited to the following:
- Obligations of the US Government, its agencies and instrumentalities to include mortgage-backed securities which pass the bank test.
- Obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent.
For repurchase agreements (Sec. 2256.011), Cash and obligations of the United States, its agencies or instrumentalities to include commercial paper and corporate bonds, when applicable
Collateral will always be held by an independent third party with whom the City has a current custodial agreement. A clearly marked evidence of ownership (report or receipt) must be supplied to the City and retained. The right of collateral substitution is granted with prior City approval.

XII. SAFEKEEPING

Safekeeping function will be provided by the City’s banking services depository or a PFIA approved Safekeeping service contracted in conjunction to the City’s banking services depository agreement. In order to ensure protection for City owned securities, the City requires delivery versus payment procedures for all transactions, except pools, money market funds and time deposits, which have no book entry delivery.

All security transactions, including collateral for repurchase agreements shall be conducted on a delivery versus payment (DVP) basis to the City’s depository or a City approved third party custodian. Securities will be held by a third party custodian approved by the Investment Officer(s) and evidenced by proof of ownership (original safekeeping receipts).

XIII. DIVERSIFICATION

Diversification of the overall portfolio will be maintained in accordance with the following diversification limits.

<table>
<thead>
<tr>
<th>Security Type</th>
<th>Maximum % of Portfolio</th>
</tr>
</thead>
<tbody>
<tr>
<td>US Government Treasury Obligations</td>
<td>100%</td>
</tr>
<tr>
<td>US Government Agencies and Instrumentalities</td>
<td>80%</td>
</tr>
<tr>
<td>Municipal Instrument</td>
<td>50%</td>
</tr>
<tr>
<td>Certificates of Deposit</td>
<td>40%</td>
</tr>
<tr>
<td>Issued by institution</td>
<td>20%</td>
</tr>
<tr>
<td>Repurchase Agreements</td>
<td>30%</td>
</tr>
<tr>
<td>Flex repurchase agreements for bond proceeds</td>
<td>100%</td>
</tr>
<tr>
<td>Local Government Investment pools</td>
<td>100%</td>
</tr>
<tr>
<td>Ownership of the pool</td>
<td>10%</td>
</tr>
<tr>
<td>Commercial Paper</td>
<td>30%</td>
</tr>
<tr>
<td>Limit per commercial paper issuer</td>
<td>10%</td>
</tr>
<tr>
<td>Money Market Mutual Fund</td>
<td>50%</td>
</tr>
<tr>
<td>Ownership of the fund</td>
<td>10%</td>
</tr>
</tbody>
</table>
XIV.  INTERNAL CONTROLS

The Investment Officer(s) shall establish a system of written internal controls that will be reviewed annually with the City or independent auditor of the City along with quarterly investment reports. The controls will be designed to prevent loss of public funds due to fraud, employee error, misrepresentation by third parties, unanticipated market changes, or imprudent actions by employees, contracted investment managers or financial counterparties of the City.

Loss of Rating
The Investment Officer or investment adviser / manager shall monitor, on no less than a weekly basis, the credit rating on all authorized investments in the portfolio based upon independent information from a nationally recognized rating agency. If any security falls below the minimum rating required by Policy, the Investment Officer or adviser shall notify the City Manager of the loss of rating, conditions affecting the rating and possible loss of principal with liquidation options available, within two weeks after the loss of the required rating.

Monitoring FDIC Status
The Investment Officer or Investment Adviser / manager shall monitor, on no less than a weekly basis, the status and ownership of all banks issuing brokered CDs owned by the City based upon information from the FDIC. If any bank has been acquired or merged with another bank in which brokered CDs are owned, the Investment Officer or Adviser shall immediately liquidate any brokered CD which places the City above the FDIC insurance level.

XV.  PERFORMANCE STANDARDS

The investment portfolio shall be designed with the objective of obtaining a rate of return throughout budgetary and economic cycles, commensurate with the investment risk constraints and cash flow needs of the City. A benchmark for performance of the portfolio will be included in the quarterly reports based on the portfolio’s maximum weighted average maturity of 360 days. The periodic total return of the six-month U.S. Treasury Bill will be used as the City’s operating benchmark.

XVI.  REPORTING

The Investment Officer(s) shall provide the Investment Committee and City Council quarterly investment reports as required by the. The reports will reflect both detail and summary information enabling the reader to determine the value and risk associated with the portfolio. Market values for the report will be derived from an independent source.

A management report will be included with the quarterly investment report. The management report should include comments on the fixed income markets and economic conditions, discussions regarding diversification, allocation restrictions on investments, possible changes in the portfolio structure going forward and thoughts on investment strategies.

XVII.  CASH MANAGEMENT PROGRAMS AND ACTIVITIES

The Department of Finance is committed to the overall success of the City’s cash management programs. These programs address a variety of cash management issues, including:

1. The design and implementation of reliable and effective cash flow forecasting methodologies to assist Finance Department personnel and Investment Officer(s) in the determination of the amounts of cash available for investment, the time period for which the funds may be invested with a reasonable level of confidence, and a measure of the volatility of specific cash forecasts, which will allow viable determination of the required liquidity.
2. The design and implementation of appropriate "revenue-acceleration programs", aimed at enhancing the speed at which monies are collected and deposited by the City and the elimination of bad debt expense/write-offs.
3. The design and implementation of suitable "controlled disbursement" programs, which will ensure that the City's expenses are met in timely manner, but not in such a way as to jeopardize the earning capacity of the City's portfolio.
4. The utilization of modern and efficient techniques and technology for the physical movement of money, taking advantage of technological and operational procedures.
5. The design and implementation of banking relationships which are both favorable to the City and responsive to the day-to-day requirements of the City's complex financial operations.
6. The design of investment policies and procedures to ensure the total safety of all funds while allowing the City to maximize its interest earnings.
7. The design and implementation of appropriate policies and procedures with regard to the proper and effective use of the City's municipal credit authority.

XVIII. INVESTMENT POLICY ADOPTION

The City's Investment Policy shall be annually reviewed and adopted by resolution of the City Council. Any modifications made thereto must be noted in the approving Resolution.
APPENDIX A

Broker / Dealer Questionnaire & PFIA Certification
APPENDIX B

PFIA
APPENDIX C

CITY OF SAN MARCOS
INVESTMENT PROCEDURES

I. PURPOSE

The purpose of these procedures is to assist Finance Department staff with day-to-day investment operations and assign responsibilities. These procedures are an outline, with individual items to be added or deleted as necessary or appropriate.

II. CASH REVIEW

The City Investment Officer(s) must review the cash balances and investment portfolio at least daily, or as needed. Items to be reviewed should include:

- All balances and float amounts at contracted depository bank.
- All maturing investments.
- All incoming wires, bond sales and other anticipated receipts.
- All outgoing wires, bond and coupon payments (debt service) and other anticipated cash disbursements.

III. INVESTMENT SELECTION

The City Investment Officer(s) determines how much of the cash balance is available for investment and selects the maximum maturity date.

The Investment Officer(s) and/or the contracted Investment Advisor / Manager will review market conditions in conjunction with approved brokers to search for suitable investments.

Information including the following is used to determine optimal maturity to take advantage of current and expected interest rate environments:

- Market information (yield analysis, spread analysis, and future expectations)
- General trends of economic statistics.
- Input from independent data services (Bloomberg, Reuters, etc.)
IV. PURCHASING AND INVESTMENT

The Policy requires establishment and approval of an authorized broker/dealer list with whom the City may transact business. The broker/dealer questionnaire helps provide the following evaluation:

- Financial condition, strength and capability to fulfill commitments.
- Overall reputation with other broker/dealers and investors.
- Regulatory status of the broker/dealer.
- Background and expertise of the individual representative.

The City investment officer(s) and/or the contracted Investment Adviser / Manager will contact an appropriate number of broker/dealers for offers based on market evaluation, Investment Policy and collateral limitations, and cash flow information given

The following will be determined with the broker/dealer:
- Settlement basis – i.e. cash (same day), regular (next day), or when-issued (issue date) if a new agency issue.
- Amount available for investment,
- Type of security to be purchased excluded.
- Targeted maturity, or maturity range.

If choosing an investment pool as the preferred investment vehicle, the Council resolution and authorized individuals (PIN) resolutions must be in place prior to purchase and at any reasonable time thereafter. All pool transactions are initiated and controlled by City Investment Officer(s)

All investment purchases will be executed using the competitive bidding process. A minimum of three competitive offers on the purchase of every security will be obtained or approval from an Investment Committee officer on a competitive offer due to market conditions and time constraints. All investment purchases will be executed in compliance with the Internal Revenue Service’s Fair Market Rules.

Before concluding the transaction, the Investment Adviser verifies the following:

- The security meets all cash flow and Policy criteria.
- The security structure including any imbedded options such as call provisions or coupon adjustments.
- Yield calculations and settlement amounts.
- Total purchase cost (including accrued interest).

And,
- Advises the successful provider that their offering has been selected for purchase.
- Notifies any unsuccessful broker/dealers. Best price may be disclosed.
Prior to settlement date, the City Investment Officer and/or Investment Adviser /Manager and broker/dealer exchange and review the following settlement instructions to ensure prompt, and uninterrupted settlement.

- Name of third-party safekeeping agent.
- ABA number of safekeeping agent.
- Safekeeping account number.
- Amount of transaction.
- Settlement date.
- CUSIP number of security, if applicable.

V. SETTLEMENT AND FOLLOW-THROUGH

The City Investment Officer and/or the Investment Adviser / Manager will obtain a written trade ticket for the City’s records and the safekeeping agent

City follow-up procedures may include:
- Internal provision of receipt or disbursement of funds.
- Internal transfer or wiring of funds.
- Validation of written “safekeeping receipt”.
- Immediate notification by the adviser if a fail has occurred.
AGENDA CAPTION:
Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2020-08, approving annexation of approximately 62.48 acres of land generally located at the intersection of Gregsons Bend and Commercial Loop; and consider approval of Ordinance 2020-08, on the first of two readings.

Meeting date: March 17, 2020

Department: Planning & Development Services

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

Fiscal Note:

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

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

Comprehensive Plan Element(s): [Please select the Plan element(s) and Goal # from dropdown menu below]
☒ Economic Development - Choose an item.
☐ Environment & Resource Protection - Choose an item.
☒ Land Use - Choose an item.
☐ Neighborhoods & Housing - Choose an item.
☐ Parks, Public Spaces & Facilities - Choose an item.
☐ Transportation - Choose an item.
Background Information:
The City of San Marcos will provide water and wastewater services at the site. The developer will be responsible for extending water and wastewater facilities through the site. Pedernales Electric Cooperative will provide electric service for this development.

The City of San Marcos will provide Police, Fire, and EMS services to the site.

Below is a proposed schedule for this annexation, which complies with the Texas Local Government Code requirements:

- **City Council Resolution (Approval of Service Agreement and set a public hearing date):**
  - March 3, 2020
- **City Council Ordinance 1st Reading (Public Hearing):** March 17, 2020 (Today)
- **City Council Ordinance 2nd Reading:** April 7, 2020

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

Alternatives:
Click or tap here to enter text.

Recommendation:
Click or tap here to enter text.
Consider approval of Resolution 2020-53R, approving an agreement for the provision of services in connection with the proposed owner requested annexation of approximately 62.48 acres of land generally located at the intersection of Gregsons Bend and Commercial Loop; authorizing the City Manager, or his designee, to execute said agreement on behalf of the City; setting a date for a public hearing concerning the proposed annexation of said tract of land; and declaring an effective date.
Context:

- Gregsons Bend & Commercial Loop
- 62.48 acres
- Employment Center
- Concurrent Zoning Change application to “Planning Area”
- Service Plan (Attachment)
Annexation & Zoning Schedules:

*This schedule reflects the new annexation schedule per Texas House Bill 347

Annexation Schedule

- City Council Resolution (Approval of Service Agreement and set a public hearing date): March 3, 2020
- **City Council Ordinance 1st Reading (Public Hearing):** March 17, 2020 (Today)
- City Council Ordinance 2nd Reading: April 7, 2020

Zoning Schedule

- Planning and Zoning Commission (Public Hearing): February 25, 2020
- **City Council Ordinance 1st Reading (Public Hearing):** March 17, 2020
- City Council Ordinance 2nd Reading: April 7, 2020
ORDINANCE NO. 2020-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS ANNEXING INTO THE CITY APPROXIMATELY 62.48 ACRES OF LAND GENERALLY LOCATED AT THE INTERSECTION OF GREGSONS BEND AND COMMERCIAL LOOP; INCLUDING PROCEDURAL PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

1. The owner of approximately 39.37 acres of land out generally located at the intersection of Gregsons Bend and Commercial Loop, as further described by metes and bounds in Exhibit “A,” attached hereto and incorporated herein for all purposes (the “Property”), made a request for the City to annex the Property. A location map of the Property is also shown in Exhibit “A.”

2. Said owner of the Property has declined the offer of a development agreement from the City concerning the Property.

3. The Owner and the City have entered into a written agreement for the provision of services to the Property.

4. The Property is contiguous and adjacent to the current boundaries of the City.

5. The City Council held a public hearing regarding the request.

6. 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 recitals of this ordinance are approved and adopted.

SECTION 2. The Property is annexed to and is a part of the City of San Marcos, Texas and subject to the acts, ordinances, resolutions and regulations of the City.

SECTION 3. Services to the Property will be provided under the terms of the written agreement for the provision of services entered into between the Owner and the City as noted in Recital 3.

SECTION 4. The corporate limits of the City are extended to include the Property.

SECTION 5. The inhabitants of the Property are entitled to all the rights and privileges of other citizens of the City, and are bound by the acts, ordinances, resolutions and regulations of
the City.

SECTION 6. 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 7. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 8. This ordinance shall be effective only after its passage, approval and adoption on second reading and the purchase of the Property by Pursuant Ventures Development, LLC.

PASSED AND APPROVED on first reading on March 17, 2020.

PASSED, APPROVED AND ADOPTED on second reading on April 7, 2020.

Jane Hughson
Mayor

Attest: Approved:

Tammy K. Cook               Michael Cosentino
Interim City Clerk           City Attorney
EXHIBIT “A”
Property Description
FIELD NOTES DESCRIPTION

DESCRIPTION OF 62.48 ACRES OF LAND IN THE EDWARD BURLESON SURVEY NO. 18, A-63, HAYS COUNTY, TEXAS, BEING A PORTION OF A CERTAIN CALLED 109.22 ACRE TRACT DESCRIBED IN THE DEED TO OUTLET WEST INVESTORS, LTD. OF RECORD IN VOLUME 1486, PAGE 887, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; SAID 62.48 ACRE TRACT, AS SURVEYED BY BOWMAN CONSULTING GROUP, LTD., BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½-inch iron rod with a plastic cap stamped “BYRN SURVEY” found in the southeast right-of-way line of that certain 200-foot wide Union Pacific Railroad right-of-way, being the south corner of that 100-foot strip described in the deed to the Missouri, Kansas & Texas Railway Company of Texas of record in Volume 41, Page 23, Deed Records of Hays County, Texas, in the northeast line of a certain 29.07 acre tract designated as Tract Number 3 and described in the deed to Eugene A. Herry, Jr. and Frances K. Herry of record in Volume 276, Page 313, Deed Records of Hays County, Texas, at the west corner of the said 109.22 acre tract, for the west corner and POINT OF BEGINNING of the tract described herein;

THENCE N 46°39'30" E, leaving the northeast line of the said 29.07 acre tract, with the southeast railroad right-of-way line and the northwest line of the said 109.22 acre tract, with the northwest line of the tract described herein, a distance of 1903.09 feet to a ½-inch iron rod with a plastic cap stamped “BYRN SURVEY” found, for the north corner of the tract described herein, from which a ½-inch iron rod with a plastic cap stamped “BYRN SURVEY” found in the southeast railroad right-of-way line and the northwest line of the said 109.22 acre tract bears S 46°39'30" W, a distance of 160.21 feet;

THENCE leaving the said southeast railroad right-of-way line, crossing the said 109.22 acre tract, with the northeast, southeast and northeast lines of the tract described herein, the following seven (7) courses and distances:

1. S 46°27'37" E, a distance of 657.03 feet to a calculated angle point;
2. S 52°15'35" E, a distance of 229.85 feet to a calculated point for the most northerly east corner,
3. S 39°31'34" W, a distance of 198.77 feet to a ½-inch iron rod with a plastic cap stamped “BYRN SURVEY” found,
4. S 32°44'39" W, a distance of 199.24 feet to a ½-inch iron rod with a plastic cap stamped “BYRN SURVEY” found at a re-entrant corner,
5. S 46°16'38" E, a distance of 348.25 feet to a ½-inch iron rod with a plastic cap stamped “BYRN SURVEY” found at an east corner,
6. S 45°29'11" W, a distance of 46.11 feet to a ½-inch iron rod found at a re-entrant corner, and
7. S 36°50'33" E, a distance of 111.52 feet to a ½-inch iron rod with a plastic cap stamped “BYRN SURVEY” found in the southeast line of the said 109.22 acre tract, same being the curving northwest right-of-way line of Gregson’s Bend, a 60-foot right-of-way, as shown on the Lot 2 and Gregson Road of Section 1, the Lomwan Ranch Subdivision plat of record in Volume 7, Page 215, Plat Records of Hays County, Texas, for an east corner of the tract described herein;

THENCE with the west and northwest right-of-way line of said Gregson’s Bend, with the east and southeast line of the tract described herein, the following five (5) courses and distances:

1. with the arc of a curve to the left, having a radius of 350.00 feet, an arc distance of 69.66 feet, and a chord which bears S 31°22'59" W, a distance of 69.55 feet to a ½-inch iron rod with a plastic cap stamped “BYRN SURVEY” found at a point-of-tangency,
2. S 25°56'16" W, a distance of 277.98 feet to a ½-inch iron rod found at a point-of-curvature,
3. with the arc of a curve to the right, having a radius of 503.00 feet, an arc distance of 293.42 feet, and a chord which bears S 42°37'23" W, a distance of 289.28 feet to a ½-inch iron rod with a plastic cap stamped “BYRN SURVEY” found at a point-of-tangency,

4. S 69°20'03" W, a distance of 40.49 feet to a calculated point-of-curvature, and

5. with the arc of a curve to the right, having a radius of 25.00 feet, an arc distance of 40.54 feet, and a chord which bears N 74°10'24" W, a distance of 36.24 feet to a calculated point for the northeast terminus of Commercial Loop, a 70-foot right-of-way as shown on the Proposed Roadway and Lot 3, Lowman Ranch Subdivision, Section 1 plat of record in Volume 9, Page 62, Plat Records of Hays County, Texas, for a re-entrant corner of the tract described herein, from which a ½-inch iron rod with a plastic cap stamped “BYRN Survey” found bears N 62°00'33" E, a distance of 1.27 feet;

THENCE S 62°00'33" W, continuing across the said 109.22 acre tract, with the north terminus of said Commercial Loop, with a south line of the tract described herein, a distance of 70.00 feet to a ½-inch iron rod with a plastic cap stamped “BYRN SURVEY” found at the northeast terminus of said Commercial Loop and a reentrant corner of the tract described herein, and from which a ½-inch iron rod with a plastic cap stamped “BYRN SURVEY” found bears S 62°00'33" W, a distance of 4.93 feet;

THENCE continuing across the said 109.22 acre tract, with the curving northeast right-of-way line of said Commercial Loop, with a northeast line of the tract described herein, with the arc of a curve to the left, having a radius of 1245.00 feet, an arc distance of 123.28 feet, and a chord which bears S 30°42'26" E, a distance of 123.23 feet to a ½-inch iron rod with a plastic cap stamped “BYRN SURVEY” found at the northerly east corner of Lot 3, said Proposed Roadway and Lot 3, Lowman Ranch Subdivision, Section 1, for a northeast corner of the tract described herein;

THENCE leaving the northeast right-of-way line of said Commercial Loop, continuing across the said 109.22 acre tract, with the north and northwest line of said Lot 3, Lowman Ranch Subdivision, Section 1, with a south and southeast line of the tract described herein, the following two (2) courses and distances:

1. with the arc of a curve to the left, having a radius of 25.00 feet, an arc distance of 44.76 feet, and a chord which bears N 84°42'52" W, a distance of 39.02 feet to an "X" in concrete found at a point-of-tangency, and

2. S 43°35'28" W, at a distance of 21.70 feet, a ½-inch iron rod with a plastic cap stamped “BYRN SURVEY” found bears S 46°24'32" E, a distance of 0.49 feet, and continuing for a total distance of 356.89 feet to a ½-inch iron rod with a plastic cap stamped “BYRN SURVEY” found at the west corner of said Lot 3, Lowman Ranch Subdivision, Section 1, and the north corner of Lot 5, Section 1, Lowman Ranch Subdivision of record in Volume 17, Page 134, Plat Records of Hays County, Texas, for an angle point in the southeast line of the tract described herein;

THENCE S 43°32'32" W, continuing across the said 109.22 acre tract, with the northwest line of said Lot 5, Section 1, Lowman Ranch Subdivision, with the southeast line of the tract described herein, a distance of 322.26 feet to a ½-inch iron rod with a plastic cap stamped “BYRN SURVEY” found at the west corner of said Lot 5, Section 1, Lowman Ranch Subdivision, in the southwest line of the said 109.22 acre tract and the northeast line of the said 29.07 acre tract, for the south corner of the tract described herein, from which a 3/8-inch iron rod found in the southwest line of the said 109.22 acre tract at the northeast corner of the said 29.07 acre tract, same being an angle point in the southwest line of said Lot 5, Section 1, Lowman Ranch Subdivision and the north corner of Lot 13, South Park Commercial Subdivision of record in Volume 4, Page 59, Plat Records of Hays County, Texas bears S 45°19'13" E, a distance of 172.98 feet;

THENCE with the southwest line of the said 109.22 acre tract and the northeast line of the said 29.07 tract, with the southwest line of the tract described herein, the following three (3) courses and distances:

1. N 45°12'23" W, a distance of 147.03 feet to a cedar fence post found at an angle point,

2. N 45°53'12" W, a distance of 1024.34 feet to a cedar fence post found, and
62.48 Ac.  
Edward Burleson Survey No. 18, A-63,  
Hays County, Texas

Job No. 070199-01-001  
FN1965(en)  
Page 3 of 3

3. N 45°57'03" W, a distance of 451.51 feet to the POINT OF BEGINNING and containing 62.48 acres of land more or less.

BEARING BASIS: Texas Coordinate System, NAD 83, South Central Zone, Grid.

BOWMAN WORD FILE: FN1965(en)  
BOWMAN REF PLAN NO.: 3557  
H:\Survey\FieldNotes\FN-1965\FN1965(en).doc

THE STATE OF TEXAS   
COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS

That I, George L. Sanders, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground during the months of November and December 2016, under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, on this 4th day of January, 2017 A.D.

Bowman Consulting Group, Ltd.  
Austin, Texas 78746  

George L. Sanders  
Registered Professional Land Surveyor No. 1838  
State of Texas
AGREEMENT FOR THE PROVISION OF SERVICES
(Pursuant to Tex. Local Gov’t Code §43.0672)

Date: March 3, 2020

Owner: Outlet West Investors, Ltd., 415 N Guadalupe St, Ste 400

City: City of San Marcos, Texas, a home rule municipal corporation, 630 East Hopkins Street, San Marcos, Texas 78666

Property: As described in Exhibit A.

1. The Owner has petitioned the City and the City has elected to annex the Property into the corporate limits of the City. Pursuant to Tex. Local Gov’t Code §43.0672, the Owner and the City enter this agreement (the “Agreement”) for the provision of services to the Property when annexed.

2. By this Agreement, the Owner affirms its consent to such annexation of the Property by the City and that Owner does not wish to enter into and has declined the offer from the City of a development agreement under Sections 43.016 and 212.172 of the Texas Local Government Code.

3. In consideration of the mutual benefits to the Owner and the City arising from the annexation of the Property, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Owner and the City enter into this Agreement and agree that services to the Property will be provided as described in Exhibit B.

4. This Agreement is made, and shall be construed and interpreted under the laws of the State of Texas. Venue for any legal proceedings shall lie in state courts located in Hays County, Texas. Venue for any matters in federal court will be in the United States District Court for the Western District of Texas.

5. If any word, phrase, clause, sentence, or paragraph of this Agreement is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this Agreement will continue in force if they can be given effect without the invalid portion.

6. This Agreement shall be binding upon Owner, and Owner’s heirs, successors and assigns, and all future owners of all or any portion of the Property.

7. This Agreement will become effective as of the date an ordinance annexing the Property is finally passed, approved and adopted by the City’s city council (the Effective Date).

[SIGNATURES ON NEXT PAGES]
CITY:

By: __________________________

Name: __________________________

Title: __________________________

ACKNOWLEDGMENT

STATE OF TEXAS §

COUNTY OF HAYS §

This instrument was acknowledged before me on _____________________, 20___, by __________________________, __________________________of the City of San Marcos, in such capacity, on behalf of said municipality.

__________________________
Notary Public, State of Texas
OWNER:
Outlet West Investors, Ltd.

By: ______________________,
    Its general partner

By: ______________________

Name: ______________________

Title: ______________________

ACKNOWLEDGMENT

STATE OF _____  §
COUNTY OF _____  §

This instrument was acknowledged before me on _____________, 20__ by
____________________, ___________________ of ______________________, general
partner of Outlet West Investors, Ltd., in such capacity on behalf of said entity.

____________________
Notary Public, State of ________
EXHIBIT A

62.48 Ac. Job No. 070199-01-001
Edward Burleson Survey No. 18, A-63, FN1965(en)
Hays County, Texas Page 1 of 3

FIELD NOTES DESCRIPTION

DESCRIPTION OF 62.48 ACRES OF LAND IN THE EDWARD BURLESON SURVEY NO. 18, A-63, HAYS COUNTY, TEXAS; BEING A PORTION OF A CERTAIN CALLED 109.22 ACRE TRACT DESCRIBED IN THE DEED TO OUTLET WEST INVESTORS, LTD. OF RECORD IN VOLUME 1486, PAGE 887, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; SAID 62.48 ACRE TRACT, AS SURVEYED BY BOWMAN CONSULTING GROUP, LTD., BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found in the southeast right-of-way line of that certain 200-foot wide Union Pacific Railroad right-of-way, being the south corner of that 100-foot strip described in the deed to the Missouri, Kansas & Texas Railway Company of Texas of record in Volume 41, Page 23, Dead Records of Hays County, Texas, in the northeast line of a certain 29.07 acre tract designated as Tract Number 3 and described in the deed to Eugene A. Henry, Jr. and Frances K. Henry of record in Volume 276, Page 313, Dead Records of Hays County, Texas, at the west corner of the said 109.22 acre tract, for the west corner and POINT OF BEGINNING of the tract described herein;

THENCE N 46°39’30” E, leaving the northeast line of the said 29.07 acre tract, with the southeast railroad right-of-way line and the northwest line of the said 109.22 acre tract, with the northwest line of the tract described herein, a distance of 1900.39 feet to a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found, for the north corner of the tract described herein, from which a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found in the southeast railroad right-of-way line and the northwest line of the said 109.22 acre tract bears S 46°39’30” W, a distance of 160.21 feet;

THENCE leaving the said southeast railroad right-of-way line, crossing the said 109.22 acre tract, with the northeast, southeast and northeast lines of the tract described herein, the following seven (7) courses and distances:

1. S 46°27’37” E, a distance of 657.03 feet to a calculated angle point,
2. S 52°15’35” E, a distance of 229.85 feet to a calculated point for the most northerly east corner,
3. S 30°31’34” W, a distance of 198.77 feet to a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found,
4. S 32°44’39” W, a distance of 199.24 feet to a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found at a re-entrant corner,
5. S 46°16’38” E, a distance of 348.25 feet to a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found at an east corner,
6. S 45°29’11” W, a distance of 461.11 feet to a ½-inch iron rod found at a re-entrant corner, and
7. S 36°50’33” E, a distance of 111.52 feet to a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found in the southeast line of the said 109.22 acre tract, same being the curving northwest right-of-way line of Gregson's Bend, a 60-foot right-of-way, as shown on the Lot 2 and Gregson Road of Section 1, the Lowman Ranch Subdivision plat of record in Volume 7, Page 215, Plat Records of Hays County, Texas, for an east corner of the tract described herein;

THENCE with the west and northwest right-of-way line of said Gregson's Bend, with the east and southeast line of the tract described herein, the following five (5) courses and distances:

1. with the arc of a curve to the left, having a radius of 360.00 feet, an arc distance of 69.68 feet, and a chord which bears S 31°22’59” W, a distance of 69.55 feet to a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found at a point-of-tangency,
2. S 25°56’16” W, a distance of 277.98 feet to a ½-inch iron rod found at a point-of-curvature,
3. with the arc of a curve to the right, having a radius of 503.00 feet, an arc distance of 293.42 feet, and a chord which bears S 42°37'23" W, a distance of 289.28 feet to a ¾-inch iron rod with a plastic cap stamped “BYRN SURVEY” found at a point-of-tangency,

4. S 69°20'03" W, a distance of 40.49 feet to a calculated point-of-curvature, and

5. with the arc of a curve to the right, having a radius of 25.00 feet, an arc distance of 40.54 feet, and a chord which bears N 74°10'24" W, a distance of 36.24 feet to a calculated point for the northeast terminus of Commercial Loop, a 70-foot right-of-way as shown on the Proposed Roadway and Lot 3, Lowman Ranch Subdivision, Section 1 plat of record in Volume 9, Page 62, Plat Records of Hays County, Texas, for a re-entrant corner of the tract described herein, from which a ¾-inch iron rod with a plastic cap stamped “BYRN Survey” found bears N 62°00'33" E, a distance of 1.27 feet;

THENCE S 62°00'33" W, continuing across the said 109.22 acre tract, with the north terminus of said Commercial Loop, with a south line of the tract described herein, a distance of 70.00 feet to a ¾-inch iron rod with a plastic cap stamped “BYRN SURVEY” found at the northwest terminus of said Commercial Loop and a reentrant corner of the tract described herein, and from which a ¾-inch iron rod with a plastic cap stamped “BYRN SURVEY” found bears S 62°00'33" W, a distance of 4.93 feet;

THENCE continuing across the said 109.22 acre tract, with the curving northwest right-of-way line of said Commercial Loop, with a northeast line of the tract described herein, with the arc of a curve to the left, having a radius of 1245.00 feet, an arc distance of 123.28 feet, and a chord which bears S 30°42'26" E, a distance of 123.23 feet to a ¾-inch iron rod with a plastic cap stamped “BYRN SURVEY” found at the northeasterly corner of Lot 3, said Proposed Roadway and Lot 3, Lowman Ranch Subdivision, Section 1, for a northeast corner of the tract described herein;

THENCE leaving the northwest right-of-way line of said Commercial Loop, continuing across the said 109.22 acre tract, with the north and northwest line of said Lot 3, Lowman Ranch Subdivision, Section 1, with a south and southeast line of the tract described herein, the following two (2) courses and distances:

1. with the arc of a curve to the left, having a radius of 25.00 feet, an arc distance of 44.76 feet, and a chord which bears N 84°42'52" W, a distance of 39.02 feet to an ‘X’ in concrete found at a point-of-tangency, and

2. S 43°35'28" W, at a distance of 21.70 feet, a ¾-inch iron rod with a plastic cap stamped “BYRN SURVEY” found bears S 46°24'32" E, a distance of 0.49 feet, and continuing for a total distance of 356.89 feet to a ¾-inch iron rod with a plastic cap stamped “BYRN SURVEY” found at the west corner of said Lot 3, Lowman Ranch Subdivision, Section 1, and the north corner of Lot 5, Section 1, Lowman Ranch Subdivision of record in Volume 17, Page 154, Plat Records of Hays County, Texas, for an angle point in the southeast line of the tract described herein;

THENCE S 43°32'32" W, continuing across the said 109.22 acre tract, with the northwest line of said Lot 5, Section 1, Lowman Ranch Subdivision, with the southeast line of the tract described herein, a distance of 322.26 feet to a ¾-inch iron rod with a plastic cap stamped “BYRN SURVEY” found at the west corner of said Lot 5, Section 1, Lowman Ranch Subdivision, in the southwest line of the said 109.22 acre tract and the northeast line of the said 29.07 acre tract, for the south corner of the tract described herein, from which a 3/8-inch iron rod found in the southwest line of the said 109.22 acre tract at the northeast corner of the said 29.07 acre tract, same being an angle point in the southwest line of said Lot 5, Section 1, Lowman Ranch Subdivision and the north corner of Lot 13, South Park Commercial Subdivision of record in Volume 4, Page 59, Plat Records of Hays County, Texas bears S 45°19'13" E, a distance of 172.98 feet;

THENCE with the southwest line of the said 109.22 acre tract and the northeast line of the said 29.07 tract, with the southwest line of the tract described herein, the following three (3) courses and distances:

1. N 45°12'23" W, a distance of 147.03 feet to a cedar fence post found at an angle point,

2. N 45°53'12" W, a distance of 1024.34 feet to a cedar fence post found, and
3. N 45°57'03" W, a distance of 451.51 feet to the POINT OF BEGINNING and containing 62.48 acres of land more or less.

BEARING BASIS: Texas Coordinate System, NAD 83, South Central Zone, Grid.

BOWMAN WORD FILE: FN1965(en)
BOWMAN REF PLAN NO.: 3557
H:\Survey\FieldNotes\FN-1900\FN1965(en).doc

THE STATE OF TEXAS 

KNOW ALL MEN BY THESE PRESENTS

COUNTY OF TRAVIS

That I, George L. Sanders, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground during the months of November and December 2016, under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, on this 4th day of January, 2017 A.D.

Bowman Consulting Group, Ltd.
Austin, Texas 78746

George L. Sanders
Registered Professional Land Surveyor No. 1838
State of Texas
EXHIBIT B

When the Property is annexed, services will be provided to the Property as follows:

1. Police Protection
   Police services, including patrolling, response to calls and other routine services, will begin on the Effective Date of the annexation using existing personnel and equipment.

2. Fire Protection
   Fire protection services, including emergency response calls, will begin on the Effective Date of the annexation using existing personnel and equipment and within the limitations of the available water supply.

3. Emergency Medical Services
   Emergency medical services, including emergency response calls, will continue at the same level of service after the annexation. The City of San Marcos contracts for emergency medical services through the San Marcos – Hays County EMS, which already provides service to the area being annexed.

4. Solid Waste Collection
   Solid waste collection services, provided under contract with a private company, will be made available to all properties on the Effective Date of the annexation. Residents of the Property may elect to continue using the services of a private solid waste hauler for a period of two years after the Effective Date of the annexation. Businesses and institutions must make arrangements with private solid waste haulers.

5. Operation and Maintenance of Water and Wastewater Facilities
   a. Water. The Property is located within an area over which the City of San Marcos holds a Certificate of Convenience and Necessity (CCN) for water service. The City will make water service available to the Property on the Effective Date of the annexation on the same basis as available to other owners of property in the City, i.e., the Owner is solely responsible for the cost to construct and extend all infrastructure, facilities, and lines necessary to serve the Property.

   b. Wastewater. The Property is not covered by a CCN for wastewater service, however, the City of San Marcos has wastewater lines adjacent to the Property and agrees to make wastewater service available to the Property on the Effective Date of the annexation on the same basis as available to other owners of property in the City, i.e., the Owner is solely responsible for the cost to construct and extend all infrastructure, facilities, and lines necessary to serve the Property. In addition, the City is in the process of adding the Property as an area covered by the City’s CCN for wastewater service.

6. Construction, Operation and Maintenance of Roads and Streets
   As new development occurs within the Property, the Owner(s) of Property will be required to construct streets at the Owner’s sole expense in accordance with applicable ordinances of the City.
7. Electric Service
The Property is located in the Pedernales Electric Cooperative service area. Thus, the City will not provide electric service to the Property.

8. Operation and Maintenance of Parks, Playgrounds, and/or Swimming Pools
No parks, playgrounds, and/or swimming pools currently exist within the Property. The same standards and policies now established and in force within the city limits will be followed in maintaining and expanding recreational facilities to serve the Property. Upon annexation, the owners and residents of property located within the Property shall be entitled to the use of all municipal parks and recreational facilities, subject to the same restrictions, fees, and availability that pertains to the use of those facilities by other citizens of the city.

9. Operation and Maintenance of Other Public Facilities, Buildings, and Services
No other public facilities, buildings, or services currently exist within the Property. The same standards and policies now established and in force currently exist within the city limits will be followed in maintaining and expanding other public facilities, building, and services. Upon annexation, the owners and residents of property located within the Property shall be entitled to the use of all municipal facilities, buildings, and services, subject to the same restrictions, fees, and availability that pertains to the use of those facilities and services by other citizens of the city.
AN-20-02
Existing Zoning Map
Annexation — Commercial Loop / Gregsons Bend

Site Location
Subject Property
Parcels
City Limit

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.

Map Date: 2/18/2020
AN-20-02
Transportation Master Plan
Annexation — Commercial Loop / Gregsons Bend

Thorough Fare Street Plan
- Enhanced Facilities Thoroughfare, Blvd
- Enhanced Facilities Thoroughfare, HW
- Proposed Facilities Thoroughfare, Ave
- Proposed Facilities Thoroughfare, Blvd

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.

Map Date: 2/18/2020
Thorough Fare Bike Plan

- Enhanced Facilities Thoroughfare, CT/BB
- Enhanced Facilities Thoroughfare, CT/SP
- Enhanced Facilities Thoroughfare, SP
- Proposed Facilities Thoroughfare, CT
- Proposed Facilities Thoroughfare, SP

Site Location
- Subject Property
- Parcels
- City Limit

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.

Map Date: 2/18/2020
CONTACT INFORMATION

<table>
<thead>
<tr>
<th>Applicant’s Name</th>
<th>Ed Theriot</th>
<th>Property Owner</th>
<th>Outlet West Investors, Ltd.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Company</td>
<td>Doucet &amp; Associates, Inc.</td>
<td>Company</td>
<td>c/o Tyler Sibley Pursuant Ventures Development</td>
</tr>
<tr>
<td>Applicant’s Mailing Address</td>
<td>7401B Hwy. 71 W., Ste. 160 Austin, TX 78735</td>
<td>Owner’s Mailing Address</td>
<td>415 North Guadalupe, Ste. 400 San Marcos, Texas 78666</td>
</tr>
<tr>
<td>Applicant’s Phone #</td>
<td>512-618-2865</td>
<td>Owner’s Phone #</td>
<td>214-282-8970</td>
</tr>
<tr>
<td>Applicant’s Email</td>
<td><a href="mailto:etheriot@doucetengineers.com">etheriot@doucetengineers.com</a></td>
<td>Owner’s Email</td>
<td><a href="mailto:tylersibley1@gmail.com">tylersibley1@gmail.com</a></td>
</tr>
</tbody>
</table>

PROPERTY INFORMATION

Is the property adjacent to city limits  □ YES ■ NO

Is the property less than ½ mile in width  □ YES ■ NO

Are there less than 3 qualified voters living on the property  □ YES ■ NO

Proposed Use: Employment Area  Proposed Zoning: Planning Area District

Reason for Annexation / Other Considerations: Development of the tract requires annexation to apply appropriate zoning controls.

AUTHORIZATION

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

Filing Fee $1,181  Technology Fee $13  TOTAL COST $1,194

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

APPLY ONLINE – WWW.MYGOVERNMENTONLINE.ORG/
PROPERTY OWNER AUTHORIZATION

Robert C. Wilson III, President
of SOQ GP, LLC, as general partner (owner name) on behalf of Outlet West Investors, Ltd. (company, if applicable) acknowledge that I/we am/are the rightful owner of the property located at a portion of the property identified in the Hays County Appraisal District as R13080 (address).

I hereby authorize Tyler Sibley and his respective consultants (agent name) on behalf of Pursuant Ventures Development, LLC (agent company) to file this application for (application type), and, if necessary, to work with the Responsible Official / Department on my behalf throughout the process.

Signature of Owner

Date: 12/29/19

Printed Name, Title: Robert C. Wilson III, President of SOQ GP, LLC, general partner of Outlet West Investors, Ltd.

Signature of Agent

Date: 12/29/19

Printed Name, Title: Tyler Sibley

Form Updated October 2019
PROPERTY OWNER AUTHORIZATION

I, ____________________________(owner name) on behalf of Outlet West Investors, Ltd. ____________________________ (company, if applicable) acknowledge that I/we am/are the rightful owner of the property located at a portion of the property identified in the Hays County Appraisal District as R13080 ____________________________ (address).

I hereby authorize ____________________________ (agent name) on behalf of Pursuant Ventures Development, LLC ____________________________ (agent company) to file this application for For the annexation of the subject property in a manner agreeable to both the City of San Marcos & Pursuant Ventures Development, LLC ____________________________ (application type), and, if necessary, to work with the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: ____________________________ Date: _____________

Printed Name, Title: ____________________________

Signature of Agent: ____________________________ Date: 2019.12.30 16:06:19 -06'00' Date: __________________

Printed Name, Title: Ed Theriot, Project Manager
# Checklist for Annexation Application

The following items are requested for consideration of this application. These and additional items may be required at the request of the Department.

<table>
<thead>
<tr>
<th>Item</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-development meeting with staff is recommended</td>
<td>Pre-development meeting occurred 10-8-18</td>
</tr>
<tr>
<td>- Please visit <a href="http://sanmarcostx.gov/1123/Pre-Development-Meetings">http://sanmarcostx.gov/1123/Pre-Development-Meetings</a> to schedule</td>
<td></td>
</tr>
<tr>
<td>Completed Application for Annexation</td>
<td>See attached</td>
</tr>
<tr>
<td>Metes &amp; Bounds description of the area to be annexed</td>
<td>See attached</td>
</tr>
<tr>
<td>CAD file in grid for GIS integration. Projection: NAD 1983 StatePlane Texas South Central FIPS 4204 Feet</td>
<td>See attached</td>
</tr>
<tr>
<td>Authorization to represent the property owner, if the applicant is not the owner</td>
<td>See attached authorization</td>
</tr>
<tr>
<td>Written request to waive the timing requirements for processing annexation under Chapter 43 of the Texas Local Government Code, if the applicant wishes for concurrent consideration of a Zoning Change</td>
<td>Requested per this document</td>
</tr>
<tr>
<td>Application Filing Fee $1,181</td>
<td></td>
</tr>
<tr>
<td>Technology Fee $13</td>
<td></td>
</tr>
</tbody>
</table>

**San Marcos Development Code Section 2.3.1.1(C): “Every application accepted by the responsible official for filing shall be subject to a determination of completeness...the responsible official is not required to review an application unless it is complete...”**
FIELD NOTES DESCRIPTION

DESCRIPTION OF 62.48 ACRES OF LAND IN THE EDWARD BURLESON SURVEY NO. 18, A-63, HAYS COUNTY, TEXAS; BEING A PORTION OF A CERTAIN CALLED 109.22 ACRE TRACT DESCRIBED IN THE DEED TO OUTLET WEST INVESTORS, LTD. OF RECORD IN VOLUME 1486, PAGE 887, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; SAID 62.48 ACRE TRACT, AS SURVEYED BY BOWMAN CONSULTING GROUP, LTD., BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found in the southeast right-of-way line of that certain 200-foot wide Union Pacific Railroad right-of-way, being the south corner of that 100-foot strip described in the deed to the Missouri, Kansas & Texas Railway Company of Texas of record in Volume 41, Page 23, Deed Records of Hays County, Texas, in the northeast line of a certain 29.07 acre tract designated as Tract Number 3 and described in the deed to Eugene A. Henry, Jr. and Frances K. Henry of record in Volume 276, Page 313, Deed Records of Hays County, Texas, at the west corner of the said 109.22 acre tract, for the west corner and POINT OF BEGINNING of the tract described herein;

THENCE N 46°39'30" E, leaving the northeast line of the said 29.07 acre tract, with the southeast railroad right-of-way line and the northwest line of the said 109.22 acre tract, with the northwest line of the tract described herein, a distance of 1903.09 feet to a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found, for the north corner of the tract described herein, from which a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found in the southeast railroad right-of-way line and the northwest line of the said 109.22 acre tract bears S 46°39'30" W, a distance of 160.21 feet;

THENCE leaving the said southeast railroad right-of-way line, crossing the said 109.22 acre tract, with the northeast, southeast and northeast lines of the tract described herein, the following seven (7) courses and distances:

1. S 46°27'37" E, a distance of 657.03 feet to a calculated angle point,
2. S 52°15'35" E, a distance of 229.85 feet to a calculated point for the most northerly east corner,
3. S 39°31'34" W, a distance of 198.77 feet to a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found,
4. S 32°44'39" W, a distance of 199.24 feet to a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found at a re-entrant corner,
5. S 46°16'38" E, a distance of 348.25 feet to a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found at an east corner,
6. S 45°29'11" W, a distance of 46.11 feet to a ½-inch iron rod found at a re-entrant corner, and
7. S 36°50'33" E, a distance of 111.52 feet to a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found in the southeast line of the said 109.22 acre tract, same being the curving northwest right-of-way line of Gregson's Bend, a 60-foot right-of-way, as shown on the Lot 2 and Gregson Road of Section 1, the Lowman Ranch Subdivision plat of record in Volume 7, Page 215, Plat Records of Hays County, Texas, for an east corner of the tract described herein;

THENCE with the west and northwest right-of-way line of said Gregson's Bend, with the east and southeast line of the tract described herein, the following five (5) courses and distances:

1. with the arc of a curve to the left, having a radius of 360.00 feet, an arc distance of 69.66 feet, and a chord which bears S 31°22'59" W, a distance of 69.55 feet to a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found at a point-of-lanegency,
2. S 25°56'16" W, a distance of 277.98 feet to a ½-inch iron rod found at a point-of-curvature,
3. with the arc of a curve to the right, having a radius of 503.00 feet, an arc distance of 293.42 feet, and a chord which bears S 42°37'23" W, a distance of 289.28 feet to a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found at a point-of-tangency,

4. S 59°20'03" W, a distance of 40.49 feet to a calculated point-of-curvature, and

5. with the arc of a curve to the right, having a radius of 25.00 feet, an arc distance of 40.54 feet, and a chord which bears N 74°10'24" W, a distance of 36.24 feet to a calculated point for the northeast terminus of Commercial Loop, a 70-foot right-of-way as shown on the Proposed Roadway and Lot 3, Lowman Ranch Subdivision, Section 1 plat of record in Volume 9, Page 62, Plat Records of Hays County, Texas, for a re-entrant corner of the tract described herein, from which a ½-inch iron rod with a plastic cap stamped "BYRN Survey" found bears N 62°00'33" E, a distance of 1.27 feet;

THENCE S 62°00'33" W, continuing across the said 109.22 acre tract, with the north terminus of said Commercial Loop, with a south line of the tract described herein, a distance of 70.00 feet to a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found at the northwest terminus of said Commercial Loop and a reentrant corner of the tract described herein, and from which a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found bears S 62°00'33" W, a distance of 4.93 feet;

THENCE continuing across the said 109.22 acre tract, with the curving northwest right-of-way line of said Commercial Loop, with a northeast line of the tract described herein, with the arc of a curve to the left, having a radius of 1246.00 feet, an arc distance of 123.28 feet, and a chord which bears S 30°42'59" E, a distance of 123.23 feet to a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found at the northerly east corner of Lot 3, said Proposed Roadway and Lot 3, Lowman Ranch Subdivision, Section 1, for a northeast corner of the tract described herein;

THENCE leaving the northwest right-of-way line of said Commercial Loop, continuing across the said 109.22 acre tract, with the north and northwest line of said Lot 3, Lowman Ranch Subdivision, Section 1, with a south and southeast line of the tract described herein, the following two (2) courses and distances:

1. with the arc of a curve to the left, having a radius of 25.00 feet, an arc distance of 44.76 feet, and a chord which bears N 84°42'52" W, a distance of 39.02 feet to an "X" in concrete found at a point-of-tangency, and

2. S 43°35'28" W, at a distance of 21.70 feet, a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found bears S 46°24'32" E, a distance of 0.49 feet, and continuing for a total distance of 356.89 feet to a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found at the west corner of said Lot 3, Lowman Ranch Subdivision, Section 1, and the north corner of Lot 5, Section 1, Lowman Ranch Subdivision of record in Volume 17, Page 134, Plat Records of Hays County, Texas, for an angle point in the southeast line of the tract described herein;

THENCE S 43°32'32" W, continuing across the said 109.22 acre tract, with the northwest line of said Lot 5, Section 1, Lowman Ranch Subdivision, with the southeast line of the tract described herein, a distance of 322.26 feet to a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found at the west corner of said Lot 5, Section 1, Lowman Ranch Subdivision, in the southwest line of the said 109.22 acre tract and the northeast line of the said 29.07 acre tract, for the south corner of the tract described herein, from which a 3/8-inch iron rod found in the southwest line of the said 109.22 acre tract at the northeast corner of the said 29.07 acre tract, same being an angle point in the southwest line of said Lot 5, Section 1, Lowman Ranch Subdivision and the north corner of Lot 13, South Park Commercial Subdivision of record in Volume 4, Page 59, Plat Records of Hays County, Texas bears S 45°19'13" E, a distance of 172.98 feet;

THENCE with the southwest line of the said 109.22 acre tract and the northeast line of the said 29.07 tract, with the southwest line of the tract described herein, the following three (3) courses and distances:

1. N 45°12'23" W, a distance of 147.03 feet to a cedar fence post found at an angle point,

2. N 45°53'12" W, a distance of 1024.34 feet to a cedar fence post found,
3. N 45°57'03" W, a distance of 451.51 feet to the POINT OF BEGINNING and containing 62.48 acres of land more or less.

BEARING BASIS: Texas Coordinate System, NAD 83, South Central Zone, Grid.

BOWMAN WORD FILE: FN1965(en)
BOWMAN REF PLAN NO.: 3557
H:\Survey\_FieldNotes\FN-1900s\FN1965(en).doc

THE STATE OF TEXAS § KNOW ALL MEN BY THESE PRESENTS

COUNTY OF TRAVIS §

That I, George L. Sanders, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground during the months of November and December 2016, under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, on this 1th of January, 2017 A.D.

George L. Sanders
Registered Professional Land Surveyor No. 1838
State of Texas

Bowman Consulting Group, Ltd.
Austin, Texas 78746
AGENDA CAPTION:
Receive a Staff presentation and hold a public hearing to receive comments for or against Ordinance 2020-09, amending the Official Zoning Map of the City by rezoning approximately 62.48 acres of land generally located at the intersection of Commercial Loop and Gregsons Bend from “FD” Future Development District and “GC” General Commercial District to “PA” Planning Area District; and including procedural provisions; and consider approval of Ordinance 2020-09, on the first of two readings.

Meeting date: March 17, 2020

Department: Planning & Development Services

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

Fiscal Note:
Prior Council Action: N/A

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

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

Choose an item.

Background Information:
In November 2019, the City Council approved economic incentives and a land purchase agreement for a portion of this property for the use of sportsplex facility.

The Planning Area District is intended for larger greenfield tracts in low to medium intensity areas or employment areas where residential uses are incorporated into a corporate campus or similar employment type use. If approved, the developer would allocate a percentage of the development to the following zoning districts:

- “CD-4” Character District 4,
- “CD-5” Character District 5,
- “EC” Employment Center, and
- “LI” Light Industrial

Council Committee, Board/Commission Action:
At their February 25 meeting, the Planning & Zoning Commission voted to approve the request (8-0).

Alternatives:
Click or tap here to enter text.

Recommendation:
Staff recommends approval of the zoning change as submitted.
ZC-20-03 (Sportsplex)

Hold a public hearing and consider a request by Ed Theriot, on behalf of Outlet West Investors, Ltd., for a zoning change from “FD” Future Development and “GC” General Commercial to “PA” Planning Area District, for approximately 62.48 acres, more or less, out of the Edward Burleson Survey, generally located at the intersection of Commercial Loop and Gregsons Bend.(T. Carpenter)
Location:

- Approximately 62.48 acres

- **Current Configuration:**
  Vacant / Agricultural land

- Surrounding uses include:
  - Hotels
  - Car Dealership

- Located outside the City Limits (Extraterritorial Jurisdiction) / General Commercial
Context & History

• Existing Zoning:
  • Partially Outside City Limits (ETJ)
  • General Commercial
  • Future Development

• Proposed Zoning:
  Planning Area (PA)

• Annexation request is being processed concurrently for property located outside City Limits
Comprehensive Plan Analysis

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

Located in an Employment Center

“An area intended to accommodate economic growth and the recruitment of major employers.” (4.1.1.6)
Comprehensive Plan Analysis

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

Applicant is requesting a “Planning Area” (PA) within an Employment Center. Zoning request is NP – Not Preferred, and is further scrutiny is required to determine consistency with the Comprehensive Plan.

<table>
<thead>
<tr>
<th>DISTRICT CLASSIFICATION</th>
<th>OPEN SPACE/AGRICULTURAL</th>
<th>LOW INTENSITY</th>
<th>EXISTING NEIGHBORHOOD</th>
<th>MEDIUM OR HIGH INTENSITY ZONE</th>
<th>EMPLOYMENT CENTER</th>
<th>CORRIDOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conventional Residential</td>
<td>NP</td>
<td>NP</td>
<td>C</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Neighborhood Density Districts</td>
<td>NP</td>
<td>NP</td>
<td>See Section 4.1.2.4 - 4.1.2.5</td>
<td>NP</td>
<td>NP</td>
<td>C</td>
</tr>
<tr>
<td>Character Districts</td>
<td>NP</td>
<td>C</td>
<td>--</td>
<td>C</td>
<td>NP</td>
<td>C</td>
</tr>
<tr>
<td>Special Districts</td>
<td>--</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>C</td>
<td>C</td>
</tr>
</tbody>
</table>

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

• Employment Planning Area. The intention of the employment planning area is to accommodate large employers or a corporate campus that can incorporate some residential or mixed use.

• Proposed rezoning aligns with vision of the Comprehensive Plan, which states that the community needs diversified housing options and additional park facilities.

• The property is vacant.

Table 4.14  Planning Area District Allocation

<table>
<thead>
<tr>
<th>Preferred Scenario Area</th>
<th>Planning Area Description</th>
<th>District</th>
<th>% Allocation (Buildable Lands)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employment Center</td>
<td>Employment Planning Area. The intention of the employment planning area is to accommodate large employers or a corporate campus that can incorporate some residential or mixed use.</td>
<td>CD-1, 2, or 3</td>
<td>0 - 10%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>CD-4</td>
<td>10 - 40%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>CD-5</td>
<td>60 - 90%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>EC</td>
<td>0 - 30%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>LI</td>
<td>0 - 30%</td>
</tr>
<tr>
<td>High Intensity Zone</td>
<td>High Intensity Planning Area. The intention of the high intensity planning area is to accommodate high intensity and high density infill development within a compact mixed use area.</td>
<td>CD-1, 2, or 3</td>
<td>0 - 10%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>CD-4</td>
<td>10 - 40%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>CD-5</td>
<td>60 - 90%</td>
</tr>
<tr>
<td>Medium Intensity Zone</td>
<td>Medium Intensity Planning Area. The intention of the medium intensity planning area is to accommodate new master planned communities with diverse housing types developed around a 5 minute walk to all services.</td>
<td>CD-1, 2, or 3</td>
<td>10 - 30%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>CD-4</td>
<td>30 - 60%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>CD-5</td>
<td>10 - 30%</td>
</tr>
<tr>
<td>Low Intensity Area</td>
<td>Conservation Planning Area. The intention of the conservation planning area is to preserve large areas of environmentally sensitive or prime agricultural lands while providing for clustered residential development in appropriate areas.</td>
<td>CD-1 or 2</td>
<td>50% min.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>CD-3</td>
<td>20 - 40%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>CD-4</td>
<td>10 - 30%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>CD-5</td>
<td>0 - 5%</td>
</tr>
</tbody>
</table>
Environmental Analysis

- Not located in floodplain.

- Not located within any Edwards Aquifer Zone.

- Not located on significant slopes.

- Not located within a sensitive watershed.
Staff Recommendation:

Staff provides this request to the Commission for your consideration and recommends approval of the request for a zoning change from “GC” General Commercial and “FD” Future Development to “PA” Planning Area District.
## Zoning District Comparison Chart

<table>
<thead>
<tr>
<th>Topic</th>
<th>Existing Zoning: N/A - Extraterritorial Jurisdiction (ETJ)</th>
<th>Existing Zoning: Future Development (FD)</th>
<th>Proposed Zoning: Planning Area (PA)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning Description</td>
<td>The City does not have zoning outside of City Limits. The City primarily regulates the subdivision of land within the ETJ.</td>
<td>The Future Development (FD) District is intended to serve as a temporary zoning district for properties that shall develop in the future, but have been newly annexed and/or are not yet ready to be zoned for a particular Use. Characterized by primarily agricultural use with woodlands and wetlands and scattered buildings.</td>
<td>PA is intended for larger greenfield tracts in low to medium intensity areas or in employment areas where residential uses are incorporated into a corporate campus or similar employment type use. The planning area district creates urban environments with a mix of housing, civic, retail and service choices within a compact, walkable environment. These walkable environments are defined by an area encompassed within a one-quarter to one-half-mile radius. This distance is the average most pedestrians will walk before they consider other modes of transportation.</td>
</tr>
<tr>
<td>Uses</td>
<td>No zoning restrictions</td>
<td>Residential and Agricultural (See Land Use Matrix)</td>
<td>Residential with some limited commercial. (See Land Use Matrix)</td>
</tr>
<tr>
<td>Parking Location</td>
<td>No zoning standards</td>
<td>No location standards</td>
<td>Varies based on district</td>
</tr>
<tr>
<td>Parking Standards</td>
<td>No zoning standards</td>
<td>2 spaces per dwelling unit (if single family detached)</td>
<td>Varies based on use</td>
</tr>
<tr>
<td>Max Residential Units / acre</td>
<td>Based on County Septic restrictions.</td>
<td>0.4 units per acre (max)</td>
<td>Based on parking</td>
</tr>
<tr>
<td>Occupancy Restrictions</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Landscaping</td>
<td>No zoning standards</td>
<td>Tree and shrub requirements</td>
<td>Parking lot and Street Tree requirements</td>
</tr>
<tr>
<td>Building Height (max)</td>
<td>No zoning standards</td>
<td>2 stories</td>
<td>CD-4: 3 stories CD-5: 5 stories EC: 4 stories L1: 4 Stories</td>
</tr>
<tr>
<td>Setbacks</td>
<td>No zoning standards</td>
<td>Based on Zoning District</td>
<td>5-12’ front Setback, 5’ side setback, 15’ rear setback.</td>
</tr>
<tr>
<td>Topic</td>
<td>Existing Zoning: N/A - Extraterritorial Jurisdiction (ETJ)</td>
<td>Existing Zoning: Future Development (FD)</td>
<td>Proposed Zoning: Planning Area (PA)</td>
</tr>
<tr>
<td>---------------------</td>
<td>-------------------------------------------------------------</td>
<td>------------------------------------------</td>
<td>--------------------------------------</td>
</tr>
<tr>
<td>Impervious Cover (max)</td>
<td>No zoning standards</td>
<td>30%</td>
<td>CD-4: 80%</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>CD-5: 100%</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>EC: 80%</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>LI: 80%</td>
</tr>
<tr>
<td>Lot Sizes</td>
<td>No zoning standards</td>
<td>Allows a variety of lot sizes depending on Building Type.</td>
<td>Lot size varies depending on zoning district and building type.</td>
</tr>
<tr>
<td>Streetscapes</td>
<td>Dependent on use.</td>
<td>Residential Street: 5' sidewalk for lots smaller than 1 acre, street trees every 40' on center average, 7' planting area.</td>
<td>Conventional and Mixed Use.</td>
</tr>
<tr>
<td>Blocks</td>
<td>3,000 ft. Block Perimeter max.</td>
<td>No Block Perimeter Required</td>
<td>CD-4: 2,400 ft. block perimeter</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>CD-5: 2,000 ft. block perimeter</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>HC &amp; LI: 5,000 ft. block perimeter</td>
</tr>
</tbody>
</table>
ORDINANCE NO. 2020-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING THE OFFICIAL ZONING MAP OF THE CITY BY REZONING APPROXIMATELY 62.48 ACRES OF LAND GENERALLY LOCATED AT THE INTERSECTION OF COMMERCIAL LOOP AND GREGSONS BEND FROM “FD” FUTURE DEVELOPMENT DISTRICT AND “GC” GENERAL COMMERCIAL DISTRICT TO “PA” PLANNING AREA DISTRICT; AND INCLUDING PROCEDURAL PROVISIONS.

RECITALS:

1. On February 25, 2020, the Planning and Zoning Commission of the City of San Marcos held a public hearing regarding a request to change the zoning designations from “FD” Future Development District and “GC” General Commercial District to “PA” Planning Area District for approximately 62.48 acres of land generally located at the intersection of Commercial Loop and Gregsons Bend.

2. The Planning and Zoning Commission voted to recommend that the request be approved by the City Council.

3. The City Council held a public hearing on March 17, 2020 regarding the request.

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

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

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

SECTION 1. The Official Zoning Map of the City is amended to rezone the tract of land described in Exhibit A, attached hereto and made a part hereof, from “FD” Future Development District and “GC” General Commercial District to “PA” Planning Area District.

SECTION 2. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

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

SECTION 4. This ordinance will take effect after its passage, approval and adoption on second reading and annexation of the Property by the City.
PASSED AND APPROVED on first reading on March 17, 2020.

PASSED, APPROVED AND ADOPTED on second reading on April 7, 2020.

Jane Hughson
Mayor

Attest:

Tammy K. Cook
Interim City Clerk

Approved:

Michael J. Cosentino
City Attorney
EXHIBIT A

FIELD NOTES DESCRIPTION

DESCRIPTION OF 62.48 ACRES OF LAND IN THE EDWARD BURLESON SURVEY NO. 18, A-63, HAYS COUNTY, TEXAS; BEING A PORTION OF A CERTAIN CALLED 109.22 ACRE TRACT DESCRIBED IN THE DEED TO OUTLET WEST INVESTORS, LTD. OF RECORD IN VOLUME 1486, PAGE 887, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; SAID 62.48 ACRE TRACT, AS SURVEYED BY BOWMAN CONSULTING GROUP, LTD., BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found in the southeast right-of-way line of that certain 200-foot wide Union Pacific Railroad right-of-way, being the south corner of that 100-foot strip described in the deed to the Missouri, Kansas & Texas Railway Company of Texas of record in Volume 41, Page 23, Dead Records of Hays County, Texas, in the northeast line of a certain 29.07 acre tract designated as Tract Number 3 and described in the deed to Eugene A. Henry, Jr. and Frances K. Henry of record in Volume 276, Page 313, Dead Records of Hays County, Texas, at the west corner of the said 109.22 acre tract, for the west corner and POINT OF BEGINNING of the tract described herein;

THENCE N 46°39’30” E, leaving the northeast line of the said 29.07 acre tract, with the southeast railroad right-of-way line and the northwest line of the said 109.22 acre tract, with the northwest line of the tract described herein, a distance of 1903.09 feet to a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found, for the north corner of the tract described herein, from which a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found in the southeast railroad right-of-way line and the northwest line of the said 109.22 acre tract bears S 46°39’30” W, a distance of 160.21 feet;

THENCE leaving the said southeast railroad right-of-way line, crossing the said 109.22 acre tract, with the northeast, southeast and northeast lines of the tract described herein, the following seven (7) courses and distances:

1. S 46°27’37” E, a distance of 657.03 feet to a calculated angle point,
2. S 52°15’35” E, a distance of 229.85 feet to a calculated point for the most northerly east corner,
3. S 30°31’34” W, a distance of 198.77 feet to a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found,
4. S 32°44’39” W, a distance of 199.24 feet to a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found at a re-entrant corner,
5. S 46°16’38” E, a distance of 348.25 feet to a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found at an east corner,
6. S 45°29’11” W, a distance of 46.11 feet to a ½-inch iron rod found at a re-entrant corner, and
7. S 36°50’33” E, a distance of 111.52 feet to a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found in the southeast line of the said 109.22 acre tract, same being the curving northwest right-of-way line of Gregson’s Bend, a 60-foot right-of-way, as shown on the Lot 2 and Gregson Road of Section 1, the Lowman Ranch Subdivision plat of record in Volume 7, Page 215, Plat Records of Hays County, Texas, for an east corner of the tract described herein;

THENCE with the west and northwest right-of-way line of said Gregson’s Bend, with the east and southeast line of the tract described herein, the following five (5) courses and distances:

1. with the arc of a curve to the left, having a radius of 360.00 feet, an arc distance of 69.66 feet, and a chord which bears S 31°22’59” W, a distance of 69.55 feet to a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found at a point-of-tangency,
2. S 25°56’16” W, a distance of 277.98 feet to a ½-inch iron rod found at a point-of-curvature,
3. with the arc of a curve to the right, having a radius of 503.00 feet, an arc distance of 293.42 feet, and a chord which bears S 42°37'23" W, a distance of 289.28 feet to a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found at a point-of-tangency.

4. S 59°20'03" W, a distance of 40.49 feet to a calculated point-of-curvature, and

5. with the arc of a curve to the right, having a radius of 25.00 feet, an arc distance of 40.54 feet, and a chord which bears N 74°10'24" W, a distance of 36.24 feet to a calculated point for the northeast terminus of Commercial Loop, a 70-foot right-of-way as shown on the Proposed Roadway and Lot 3, Lowman Ranch Subdivision, Section 1 plat of record in Volume 9, Page 62, Plat Records of Hays County, Texas, for a re-entrant corner of the tract described herein, from which a ½-inch iron rod with a plastic cap stamped "BYRN Survey" found bears N 62°00'33" E, a distance of 1.27 feet;

THENCE S 62°00'33" W, continuing across the said 109.22 acre tract, with the north terminus of said Commercial Loop, with a south line of the tract described herein, a distance of 70.00 feet to a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found at the northwest terminus of said Commercial Loop and a reentrant corer of the tract described herein, and from which a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found bears S 62°00'33" W, a distance of 4.93 feet;

THENCE continuing across the said 109.22 acre tract, with the curving northwest right-of-way line of said Commercial Loop, with a northeast line of the tract described herein, with the arc of a curve to the left, having a radius of 1245.00 feet, an arc distance of 123.28 feet, and a chord which bears S 30°42'26" E, a distance of 123.23 feet to a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found at the northerly east corner of Lot 3, said Proposed Roadway and Lot 3, Lowman Ranch Subdivision, Section 1, for a northeast corner of the tract described herein;

THENCE leaving the northwest right-of-way line of said Commercial Loop, continuing across the said 109.22 acre tract, with the north and northwest line of said Lot 3, Lowman Ranch Subdivision, Section 1, with a south and southeast line of the tract described herein, the following two (2) courses and distances:

1. with the arc of a curve to the left, having a radius of 25.00 feet, an arc distance of 44.76 feet, and a chord which bears N 84°42'52" W, a distance of 39.02 feet to an "X" in concrete found at a point-of-tangency, and

2. S 43°35'28" W, at a distance of 21.70 feet, a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found bears S 46°24'32" E, a distance of 0.49 feet, and continuing for a total distance of 356.89 feet to a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found at the west corner of said Lot 3, Lowman Ranch Subdivision, Section 1, and the north corner of Lot 5, Section 1, Lowman Ranch Subdivision of record in Volume 17, Page 134, Plat Records of Hays County, Texas, for an angle point in the southeast line of the tract described herein;

THENCE S 43°32'32" W, continuing across the said 109.22 acre tract, with the northwest line of said Lot 5, Section 1, Lowman Ranch Subdivision, with the southeast line of the tract described herein, a distance of 322.26 feet to a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found at the west corner of said Lot 5, Section 1, Lowman Ranch Subdivision, in the southwest line of the said 109.22 acre tract and the northeast line of the said 29.07 acre tract, for the south corner of the tract described herein, from which a 3/8-inch iron rod found in the southwest line of the said 109.22 acre tract at the northeast corner of the said 29.07 acre tract, same being an angle point in the southwest line of said Lot 5, Section 1, Lowman Ranch Subdivision and the north corner of Lot 13, South Park Commercial Subdivision of record in Volume 4, Page 59, Plat Records of Hays County, Texas bears S 45°19'13" E, a distance of 172.98 feet;

THENCE with the southwest line of the said 109.22 acre tract and the northeast line of the said 29.07 tract, with the southwest line of the tract described herein, the following three (3) courses and distances:

1. N 45°12'23" W, a distance of 147.03 feet to a cedar fence post found at an angle point,

2. N 45°53'12" W, a distance of 1024.34 feet to a cedar fence post found, and
3. N 45°57'03" W, a distance of 451.51 feet to the POINT OF BEGINNING and containing 62.48 acres of land more or less.

BEARING BASIS: Texas Coordinate System, NAD 83, South Central Zone, Grid.

BOWMAN WORD FILE: FN1965(en)
BOWMAN REF PLAN NO.: 3557
H: \Survey\_FieldNotes\FN-1900(1)\FN1965(en).doc

THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS

COUNTY OF TRAVIS

That I, George L. Sanders, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground during the months of November and December 2016, under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, on this 4th day of January, 2017 A.D.

George L. Sanders
Registered Professional Land Surveyor No. 1838
State of Texas
Zoning Request  
ZC-20-03  
Commercial Loop & Gregsons Bend

### Summary

<table>
<thead>
<tr>
<th>Request:</th>
<th>Zoning change from GC / FD to PA</th>
</tr>
</thead>
</table>
| Applicant: | Ed Theriot  
Doucet & Associates, Inc.  
7401 B Hwy 71 W  
Austin, TX 78735 |
| Property Owner: | Outlet West Investors, LTD  
415 N Guadalupe St, Ste 400  
San Marcos, TX 78666 |

### Notification

| Application: | December 31, 2019 |
| Published: | February 9, 2020 |
| Posted: | February 7, 2020 |
| Neighbors Meeting: | N/A |
| # of Participants | N/A |
| Personal: | February 7, 2020 |

### Property Description

| Legal Description: | Edward Burleson Survey, Tract pt of 4 |
| Location: | Commercial Loop & Gregsons Bend |
| Acreage: | 62.48 acres |
| PDD/DA/Other: | N/A |
| Proposed Zoning: | PA |
| Existing Use: | Vacant |
| Proposed Use: | Sports Complex |
| Existing Occupancy: | N/A |
| Occupancy: | N/A |
| Preferred Scenario: | Employment Center |
| Proposed Designation: | Employment Center |
| CONA Neighborhood: | N/A |
| Sector: | 9 |
| Utility Capacity: | Adequate |
| Floodplain: | No |
| Historic Designation: | N/A |
| My Historic SMTX Resources Survey: | No |

### Surrounding Area

<table>
<thead>
<tr>
<th>Property Direction</th>
<th>Zoning</th>
<th>Existing Land Use</th>
<th>Preferred Scenario</th>
</tr>
</thead>
<tbody>
<tr>
<td>North of Property:</td>
<td>ETJ</td>
<td>Vacant</td>
<td>Employment Center</td>
</tr>
<tr>
<td>South of Property:</td>
<td>ETJ</td>
<td>Vacant</td>
<td>Employment Center</td>
</tr>
<tr>
<td>East of Property:</td>
<td>GC</td>
<td>Hotels / Car Dealership</td>
<td>Employment Center</td>
</tr>
<tr>
<td>West of Property:</td>
<td>ETJ</td>
<td>Railroad / Vacant</td>
<td>Medium Intensity</td>
</tr>
</tbody>
</table>
**Zoning Request**

**Commercial Loop & Gregsons Bend**

**Zoning Request**

**ZC-20-03**

---

**Staff Recommendation**

<table>
<thead>
<tr>
<th></th>
<th>Approval as Submitted</th>
<th>Alternate Approval</th>
<th>Denial</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td>Approval as Submitted</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Staff:** Tory Carpenter, AICP, CNU-A  
**Title:** Planner  
**Date:** March 12, 2020

---

**Commission Recommendation**

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

**Speakers in favor:**
- Ed Theriot

**Recommendation from the Planning and Zoning Commission Meeting held February 25, 2019:**

A motion was made by Commissioner Kelsey, seconded by Commissioner Rand, that ZC-20-03 be approved.

- **For:** 8  
- **Against:** 0  
- **Absent:** 1

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**History**

In November 2019, the City Council approved economic incentives and a land purchase agreement for a portion of this property for the use of sportsplex facility.

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**Additional Analysis**

The Planning Area District is intended for larger greenfield tracts in low to medium intensity areas or employment areas where residential uses are incorporated into a corporate campus or similar employment type use.

Planning Area District is indicated as “not preferred” on table 4.1, therefore, further scrutiny is required to determine consistency with the Comprehensive Plan.

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**Comments from Other Departments**

<table>
<thead>
<tr>
<th>Department</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police</td>
<td>No Comment</td>
</tr>
<tr>
<td>Fire</td>
<td>No Comment</td>
</tr>
<tr>
<td>Public Services</td>
<td>No Comment</td>
</tr>
<tr>
<td>Engineering</td>
<td>No Comment</td>
</tr>
<tr>
<td>Evaluation</td>
<td>Criteria for Approval (Sec.2.5.1.4)</td>
</tr>
<tr>
<td>------------</td>
<td>-----------------------------------</td>
</tr>
<tr>
<td>Consistent</td>
<td>Inconsistent Neutral</td>
</tr>
<tr>
<td><strong>X</strong></td>
<td>Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan and preferred scenario map. <em>This zoning change is appropriate for this designated Employment Center.</em></td>
</tr>
<tr>
<td><strong>N/A</strong></td>
<td>Whether the proposed zoning map amendment is consistent with any adopted small area plan or neighborhood character study for the area. <em>Studies were not complete at the time of this request.</em></td>
</tr>
<tr>
<td><strong>N/A</strong></td>
<td>Whether the proposed zoning map amendment is consistent with any applicable development agreement in effect. <em>This property is requesting annexation, therefore no Development Agreement is proposed.</em></td>
</tr>
<tr>
<td><strong>X</strong></td>
<td>Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses shall be appropriate in the immediate area of the land to be reclassified. <em>The proposed uses are consistent with existing surrounding commercial uses.</em></td>
</tr>
<tr>
<td><strong>X</strong></td>
<td>Whether the proposed zoning will reinforce the existing or planned character of the area. <em>The proposed development is consistent with existing surrounding commercial uses.</em></td>
</tr>
<tr>
<td><strong>X</strong></td>
<td>Whether the site is appropriate for the development allowed in the proposed district. <em>The site has few development constraints.</em></td>
</tr>
<tr>
<td><strong>N/A</strong></td>
<td>Whether there are substantial reasons why the property cannot be used according to the existing zoning. <em>The majority of the property is currently outside the City Limits.</em></td>
</tr>
<tr>
<td><strong>X</strong></td>
<td>Whether the City and other service providers will be able to provide sufficient public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, public safety, and emergency services, while maintaining sufficient levels of service to existing development. <em>Roads and utility infrastructure will be required to extend into and through the development. Per the Economic Incentive Agreement, The City is cost participating in these improvements.</em></td>
</tr>
</tbody>
</table>
## Zoning Request

### Commercial Loop & Gregsons Bend

<table>
<thead>
<tr>
<th>Evaluation</th>
<th>Criteria for Approval (Sec.2.5.1.4)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consistent</td>
<td>Inconsistent</td>
</tr>
<tr>
<td>X</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property. <em>The proposed development is consistent with existing surrounding commercial uses.</em></td>
</tr>
<tr>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>For requests to a Neighborhood Density District, whether the proposed amendment complies with the compatibility of uses and density in Section 4.1.2.5. <em>This is not a request for a Neighborhood Density District.</em></td>
</tr>
<tr>
<td>X</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The impact the proposed amendment has with regard to the natural environment, including the quality and quantity of water and other natural resources, flooding, and wildlife management. <em>This property is located within an area that has little environmental constraints according to the Land Use Suitability Map.</em></td>
</tr>
<tr>
<td>X</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Any other factors which shall substantially affect the public health, safety, morals, or general welfare. <em>None noted.</em></td>
</tr>
</tbody>
</table>
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. Imagery from 2017.

Map Date: 2/4/2020
Site Location

Subject Property

Parcels

City Limit

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.

Map Date: 2/5/2020
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.

Map Date: 2/4/2020
<table>
<thead>
<tr>
<th>Property ID</th>
<th>Subject Address</th>
<th>Owner</th>
<th>Address</th>
<th>City</th>
<th>State</th>
<th>ZIP</th>
</tr>
</thead>
<tbody>
<tr>
<td>R94003</td>
<td>4300 S IH 35</td>
<td>JNG REALTY LLC</td>
<td>P O BOX 1666</td>
<td>SAN MARCOS</td>
<td>TX</td>
<td>78667-1666</td>
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<tr>
<td>R42670</td>
<td>4514 S IH 35</td>
<td>PEARSON ROBERT H JR &amp; WARD DELL OUTLET SELF STORAGE</td>
<td>4510 S IH 35</td>
<td>SAN MARCOS</td>
<td>TX</td>
<td>78666</td>
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<tr>
<td>R126530</td>
<td>600 CENTERPOINT RD</td>
<td>OUTLET WEST INVESTORS LTD</td>
<td>1300 POST OAK BLVD STE 1650</td>
<td>HOUSTON</td>
<td>TX</td>
<td>77056-3162</td>
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<tr>
<td>R71214</td>
<td>4210 S IH 35</td>
<td>SHIVAM HOTELS INVESTMENTS LTD</td>
<td>3013 N HWY 123 BYPASS</td>
<td>SEGUNI</td>
<td>TX</td>
<td>78155</td>
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<tr>
<td>R115985</td>
<td>4200 S IH 35</td>
<td>YEAKIY FAMILY TRUST &amp; GILL MICHAEL J LIVING TRUST &amp;</td>
<td>11760 GEEV NORMAN RD</td>
<td>BELGRADE</td>
<td>MT</td>
<td>59711-8415</td>
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<tr>
<td>R70147</td>
<td>HUNTER RD</td>
<td>CARMA PASO ROBLES LLC</td>
<td>11501 ALTERA PKWY STE 100</td>
<td>AUSTIN</td>
<td>TX</td>
<td>78758</td>
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<tr>
<td>R42666</td>
<td>4522 S IH 35</td>
<td>HERRY EUGENE A JR &amp; FRANCES K</td>
<td>3718 HUNTER RD</td>
<td>SAN MARCOS</td>
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<tr>
<td>R42668</td>
<td>4518 S IH 35</td>
<td>PATEL KUNDAN N &amp; CHETNA K</td>
<td>930 IH 35 N</td>
<td>SAN MARCOS</td>
<td>TX</td>
<td>78666</td>
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<tr>
<td>R42672</td>
<td>4510 S IH 35</td>
<td>PEARSON ROBERT H JR &amp; WARD DELL</td>
<td>4510 S IH 35</td>
<td>SAN MARCOS</td>
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<tr>
<td></td>
<td></td>
<td>CONA</td>
<td>SARA LEE UNDERWOOD-MYERS</td>
<td>1415 HARPER DR</td>
<td>SAN MARCOS</td>
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<td></td>
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<td></td>
<td>LIZBETH DOBBINS</td>
<td>2705 LESLIE LN</td>
<td>SAN MARCOS</td>
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</table>
## Zoning District Comparison Chart

<table>
<thead>
<tr>
<th>Topic</th>
<th>Existing Zoning: N/A - Extraterritorial Jurisdiction (ETJ)</th>
<th>Existing Zoning: Future Development (FD)</th>
<th>Proposed Zoning: Planning Area (PA)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Zoning Description</strong></td>
<td>The City does not have zoning outside of City Limits. The City primarily regulates the subdivision of land within the ETJ.</td>
<td>The Future Development (FD) District is intended to serve as a temporary zoning district for properties that shall develop in the future, but have been newly annexed and/or are not yet ready to be zoned for a particular Use. Characterized by primarily agricultural use with woodlands and wetlands and scattered buildings.</td>
<td>PA is intended for larger greenfield tracts in low to medium intensity areas or in employment areas where residential uses are incorporated into a corporate campus or similar employment type use. The planning area district creates urban environments with a mix of housing, civic, retail and service choices within a compact, walkable environment. These walkable environments are defined by an area encompassed within a one-quarter to one-half-mile radius. This distance is the average most pedestrians will walk before they consider other modes of transportation.</td>
</tr>
<tr>
<td><strong>Uses</strong></td>
<td>No zoning restrictions</td>
<td>Residential and Agricultural (See Land Use Matrix)</td>
<td>Residential with some limited commercial. (See Land Use Matrix)</td>
</tr>
<tr>
<td><strong>Parking Location</strong></td>
<td>No zoning standards</td>
<td>No location standards</td>
<td>Varies based on district</td>
</tr>
<tr>
<td><strong>Parking Standards</strong></td>
<td>No zoning standards</td>
<td>2 spaces per dwelling unit (if single family detached)</td>
<td>Varies based on use</td>
</tr>
<tr>
<td><strong>Max Residential Units / acre</strong></td>
<td>Based on County Septic restrictions.</td>
<td>0.4 units per acre (max)</td>
<td>Based on parking</td>
</tr>
<tr>
<td><strong>Occupancy Restrictions</strong></td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Landscaping</strong></td>
<td>No zoning standards</td>
<td>Tree and shrub requirements</td>
<td>Parking lot and Street Tree requirements</td>
</tr>
</tbody>
</table>
| **Building Height (max)** | No zoning standards | 2 stories | CD-4: 3 stories  
CD-5: 5 stories  
EC: 4 stories  
Li: 4 Stories |
<p>| <strong>Setbacks</strong>         | No zoning standards | Based on Zoning District | 5'-12' front Setback, 5' side setback, 15' rear setback. |</p>
<table>
<thead>
<tr>
<th>Topic</th>
<th>Existing Zoning: N/A - Extraterritorial Jurisdiction (ETJ)</th>
<th>Existing Zoning: Future Development (FD)</th>
<th>Proposed Zoning: Planning Area (PA)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impervious Cover (max)</td>
<td>No zoning standards</td>
<td>30%</td>
<td>CD-4: 80%</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>CD-5: 100%</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>EC: 80%</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>LI: 80%</td>
</tr>
<tr>
<td>Lot Sizes</td>
<td>No zoning standards</td>
<td>Allows a variety of lot sizes depending on Building Type.</td>
<td>Lot size varies depending on zoning district and building type.</td>
</tr>
<tr>
<td>Streetscapes</td>
<td>Dependent on use.</td>
<td>Residential Street: 5’ sidewalk for lots smaller than 1 acre, street trees every 40’ on center average, 7’ planting area.</td>
<td>Conventional and Mixed Use.</td>
</tr>
<tr>
<td>Blocks</td>
<td>3,000 ft. Block Perimeter max.</td>
<td>No Block Perimeter Required</td>
<td>CD-4: 2,400 ft. block perimeter</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>CD-5: 2,000 ft. block perimeter</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>HC &amp; LI: 5,000 ft. block perimeter</td>
</tr>
</tbody>
</table>
## Section 5.1.1.2 Land Use Matrix

### Table 5.1 Land Use Matrix

<table>
<thead>
<tr>
<th>Types of Land Uses</th>
<th>Conventional Residential</th>
<th>Neighborhood Density Districts</th>
<th>Character Districts</th>
<th>Special Districts</th>
<th>Definition Use Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Agricultural Uses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Barns or agricultural buildings</td>
<td>P L -- -- -- -- -- -- -- -- P P L -- -- -- -- P -- -- -- --</td>
<td>Section 5.1.2.1</td>
<td></td>
<td></td>
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<tr>
<td>Stables</td>
<td>P L -- -- -- -- -- -- -- -- P L -- -- -- -- P -- -- -- --</td>
<td>Section 5.1.2.2</td>
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<tr>
<td>Community Garden</td>
<td>P P L L L L -- P P L L L L P P P P</td>
<td>Section 5.1.2.3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Urban Farm</td>
<td>P C C C L L C P P L L C C P -- -- P C</td>
<td>Section 5.1.2.4</td>
<td></td>
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<td></td>
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<tr>
<td>Plant Nursery</td>
<td>L -- -- -- -- -- -- -- -- P -- L -- -- P P -- P</td>
<td>Section 5.1.2.5</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Accessory Uses and Structures</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory Building/Structure</td>
<td>P P P P P P P P P P P</td>
<td>Section 5.1.3.1</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Accessory Dwelling Unit</td>
<td>L L L L L L L P P -- P L P P -- -- -- --</td>
<td>Section 5.1.3.1</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Accessory Use, except as listed below:</td>
<td>P P P P P P P P P P P P</td>
<td>Section 5.1.3.2</td>
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<tr>
<td>Outdoor Storage</td>
<td>-- -- -- -- -- -- -- -- -- -- -- L -- -- L L P L --</td>
<td>Section 5.1.3.2</td>
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<tr>
<td>Outdoor Display</td>
<td>-- -- -- -- -- -- -- -- -- -- -- L -- -- L L P L --</td>
<td>Section 5.1.3.2</td>
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<tr>
<td>Food Truck</td>
<td>-- -- -- -- -- -- -- -- -- -- -- P -- -- -- P P</td>
<td>Section 5.1.3.1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drive-thru or Drive-in</td>
<td>-- -- -- -- -- -- -- -- -- -- -- C -- -- C C P --</td>
<td>Section 5.1.3.2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Home Occupation</td>
<td>L L L L L L L -- -- L L P P -- -- -- -- L P</td>
<td>Section 5.1.3.4</td>
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<tr>
<td>Family Home Care</td>
<td>P P P P P P P -- -- P P P -- -- -- --</td>
<td>Section 5.1.3.5</td>
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<td></td>
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<tr>
<td>Short Term Rental</td>
<td>L L L L L L L P -- L L P P -- -- -- L P</td>
<td>Section 5.1.3.6</td>
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<tr>
<td><strong>Residential Uses</strong></td>
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<td></td>
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<td></td>
<td></td>
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<tr>
<td>Single Family Detached</td>
<td>P L L L L L L L L -- -- P P P -- -- -- -- -- --</td>
<td>Section 5.1.4.1</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Cottage Court</td>
<td>-- -- -- -- -- -- -- -- -- -- L L -- -- -- P P</td>
<td>Section 5.1.4.1</td>
<td></td>
<td></td>
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<tr>
<td>Two Family</td>
<td>-- -- -- -- -- -- -- -- -- -- L L -- -- -- P P</td>
<td>Section 5.1.4.1</td>
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<td></td>
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<tr>
<td>Single Family Attached</td>
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<td>Section 5.1.4.1</td>
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<tr>
<td>Small Multi-Family (up to 9 units)</td>
<td>-- -- -- -- -- L L L -- -- P P</td>
<td>Section 5.1.4.1</td>
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<tr>
<td>Courtyard Housing (up to 24 units)</td>
<td>-- -- -- -- -- L L L -- -- P P</td>
<td>Section 5.1.4.1</td>
<td></td>
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<tr>
<td>Multi-family (10 or more units)</td>
<td>-- -- -- -- -- -- -- -- -- -- P P P</td>
<td>Section 5.1.4.1</td>
<td></td>
<td></td>
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<tr>
<td>Purpose Built Student Housing</td>
<td>-- -- -- -- -- -- -- -- -- -- C C</td>
<td>Section 5.1.4.1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manufactured Home</td>
<td>-- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- P</td>
<td>Section 5.1.4.1</td>
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<tr>
<td>Mobile Home Community</td>
<td>-- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- P</td>
<td>Section 5.1.4.1</td>
<td></td>
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</tr>
</tbody>
</table>
### Table 5.1 Land Use Matrix

<table>
<thead>
<tr>
<th>Types of Land Uses</th>
<th>Conventional Residential</th>
<th>Neighborhood Density Districts</th>
<th>Character Districts</th>
<th>Special Districts</th>
<th>Definition/Use Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Home</td>
<td>L  L  L  L</td>
<td>L  L  P  P</td>
<td>P</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Fraternity or Sorority Building</td>
<td>-- -- -- --</td>
<td>-- -- C  C</td>
<td>-- -- C  P</td>
<td>P</td>
<td>--</td>
</tr>
</tbody>
</table>

#### Commercial Uses

| Profession Office | -- -- -- -- | -- -- L  P       | -- -- P  P       | P                  | --                       | Section 5.1.5.1          |
| Medical, except as listed below: | -- -- -- -- | -- -- L  P       | -- -- P  P       | P                  | --                       | Section 5.1.5.2          |
| Urgent care, emergency clinic, or hospital | -- -- -- -- | -- -- P       | -- -- P  P       | P                  | --                       | Section 5.1.5.2          |
| Nursing/retirement home | -- -- -- -- | -- -- P       | -- -- P  P       | P                  | --                       | Section 5.1.5.2          |
| Personal Services, except as listed below: | -- -- -- -- | -- -- L  P       | -- -- P  P       | P                  | --                       | Section 5.1.5.3          |
| Animal care (indoor) | C       | -- -- P       | -- -- P  P       | P                  | --                       | Section 5.1.5.3          |
| Animal care (outdoor) | C       | -- -- -- --       | -- -- P       | -- -- C  C       | --                       | Section 5.1.5.3          |
| Funeral Home | -- -- -- -- | -- -- C       | -- -- C  C       | --                 | --                       | Section 5.1.5.3          |
| Adult Oriented Businesses | See Section 18, Article 6 of the City Code | |
| All Retail Sales, except as listed below: | -- -- -- -- | -- -- L  P       | -- -- P  P       | P                  | --                       | Section 5.1.5.4          |
| Gasoline Sales | -- -- -- -- | -- -- L       | -- -- C  C       | P                  | --                       | Section 5.1.5.4          |
| Truck stop | -- -- -- -- | -- -- C       | -- -- C  C       | P                  | --                       | Section 5.1.5.4          |
| Tattoo, body piercing | -- -- -- -- | -- -- C       | -- -- C  C       | P                  | --                       | Section 5.1.5.4          |
| Building material sales | -- -- -- -- | -- -- C       | -- -- C  C       | P                  | --                       | Section 5.1.5.4          |
| Vehicle Sales/Rental | -- -- -- -- | -- -- C       | -- -- C  C       | P                  | --                       | Section 5.1.5.4          |
| Pawnshop | -- -- -- -- | -- -- C       | -- -- C  C       | P                  | --                       | Section 5.1.5.4          |
| Restaurant/Bar, as listed below: | | | | | | |
| Eating Establishment | -- -- -- -- | -- -- L       | -- -- P  P       | P                  | --                       | Section 5.1.5.5          |
| Bar | -- -- -- -- | -- -- C       | -- -- C  C       | C                  | --                       | Section 5.1.5.5          |
| Mobile Food Court | -- -- -- -- | -- -- C       | -- -- C  C       | P                  | --                       | Section 5.1.5.5          |
| Sale of Alcohol for on premise consumption | -- -- -- -- | -- -- C       | -- -- C  C       | C                  | --                       | Section 5.1.5.5          |
| Overnight Lodging, as listed below: | | | | | | |
| Bed and Breakfast (up to 8 rooms) | L  C  C  C  C  L  L  P | -- -- P  C  P  P  P | -- -- -- -- -- P | P | -- | | Section 5.1.5.6 |
| Boutique Hotel (9 - 30 rooms) | -- -- -- -- | -- -- C  P       | -- -- P  P       | --                 | --                       | Section 5.1.5.6          |
### Table 5.1 Land Use Matrix

<table>
<thead>
<tr>
<th>Types of Land Uses</th>
<th>Conventional Residential</th>
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<th>Character Districts</th>
<th>Special Districts</th>
<th>Definition Use Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hotel/Motel (more than 30 rooms)</td>
<td>--- --- --- --- --- ---</td>
<td>--- --- --- --- --- --- ---</td>
<td>--- --- --- --- ---</td>
<td>--- --- ---</td>
<td>--- --- --- --- --- ---</td>
</tr>
</tbody>
</table>
SECTION 4.4.1.1 FUTURE DEVELOPMENT DISTRICT

GENERAL DESCRIPTION
The Future Development (FD) District is intended to serve as a temporary zoning district for properties that shall develop in the future, but have been newly annexed and/or are not yet ready to be zoned for a particular Use. Characterized by primarily agricultural use with woodlands and wetlands and scattered buildings.

DENSITY
- Units Per Gross Acre: .4 max.
- Impervious Cover: 30% max.

TRANSPORTATION
- Streetscape Type: Residential  Section 3.8.1.10
  - Sidewalks are not required for lots greater than 1 acre

BUILDING TYPES ALLOWED
- Accessory Dwelling  Section 4.4.6.1
- House  Section 4.4.6.2
- Civic  Section 4.4.6.15
SECTION 4.4.3.4 CHARACTER DISTRICT - 4

General Description
The CD-4 district is intended to accommodate a variety of residential options including single-family, two-family and multifamily with limited commercial or mixed use on the corners.

Density
Impervious Cover 80% max.

Transportation
Block Perimeter 2,400 ft. max Section 3.6.2.1
Streetscape Type
   Residential Section 3.8.1.10
   Conventional Section 3.8.1.7
   Mixed Use Section 3.8.1.8

Building Types Allowed
Accessory Dwelling Section 4.4.6.1
Cottage Section 4.4.6.3
Duplex Section 4.4.6.5
Townhouse Section 4.4.6.7
Courtyard Housing Section 4.4.6.9
Apartment Section 4.4.6.10
Live/Work Section 4.4.6.11
Neighborhood Shopfront Section 4.4.6.12
Civic Building Section 4.4.6.15
SECTION 4.4.3.5 CHARACTER DISTRICT - 5

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

DENSITY
Impervious Cover 100% max.

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

BUILDING TYPES ALLOWED
| Accessory Dwelling | Section 4.4.6.1 |
| Townhouse | Section 4.4.6.7 |
| Apartment | Section 4.4.6.10 |
| Live/ Work | Section 4.4.6.11 |
| Mixed Use Shopfront | Section 4.4.6.14 |
| Civic Building | Section 4.4.6.15 |
### TABLE 4.14 PLANNING AREA DISTRICT ALLOCATION

<table>
<thead>
<tr>
<th>PREFERRED SCENARIO AREA</th>
<th>PLANNING AREA DESCRIPTION</th>
<th>DISTRICT</th>
<th>% ALLOCATION (BUILDABLE LAND)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employment Center</td>
<td>Employment Planning Area. The intention of the employment planning area is to accommodate large employers or a corporate campus that can incorporate some residential or mixed use.</td>
<td>CD-4</td>
<td>0 - 10%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>CD-5</td>
<td>10 - 40%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>EC</td>
<td>60 - 90%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>LI</td>
<td>0 - 30%</td>
</tr>
<tr>
<td>High Intensity Zone</td>
<td>High Intensity Planning Area. The intention of the high intensity planning area is to accommodate high intensity and high density infill development within a compact mixed use area.</td>
<td>CD-1, 2, or 3</td>
<td>0 - 10%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>CD-4</td>
<td>10 - 30%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>CD-5</td>
<td>60 - 90%</td>
</tr>
<tr>
<td>Medium Intensity Zone</td>
<td>Medium Intensity Planning Area. The intention of the medium intensity planning area is to accommodate new master planned communities with diverse housing types developed around a 5 minute walk to all services.</td>
<td>CD-1, 2, or 3</td>
<td>10 - 30%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>CD-4</td>
<td>30 - 60%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>CD-5</td>
<td>10 - 30%</td>
</tr>
<tr>
<td>Low Intensity Area</td>
<td>Conservation Planning Area. The intention of the conservation planning area is to preserve large areas of environmentally sensitive or prime agricultural lands while providing for clustered residential development in appropriate areas.</td>
<td>CD-1 or 2</td>
<td>50% min.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>CD-3</td>
<td>20 - 40%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>CD-4</td>
<td>10 - 30%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>CD-5</td>
<td>0 - 5%</td>
</tr>
</tbody>
</table>
SECTION 4.4.5.1 EMPLOYMENT CENTER

**DISTRICT INTENT STATEMENTS**

EC is intended to serve as a commercial gateway and to take advantage of proximity to major roadways, therefore the quality and aesthetics of new development is very important. EC should be applied along highway corridors that serve as entrances to downtown or other pedestrian oriented activity areas.

**DENSITY**

<table>
<thead>
<tr>
<th>Metric</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impervious Cover</td>
<td>80% max.</td>
</tr>
</tbody>
</table>

**TRANSPORTATION**

<table>
<thead>
<tr>
<th>Metric</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Block Perimeter</td>
<td>5,000 ft. max.</td>
</tr>
<tr>
<td>Streetscape Type</td>
<td>Conventional</td>
</tr>
</tbody>
</table>

**BUILDING TYPES ALLOWED**

<table>
<thead>
<tr>
<th>Type</th>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Live/ Work</td>
<td>4.4.6.11</td>
</tr>
<tr>
<td>General Commercial</td>
<td>4.4.6.13</td>
</tr>
<tr>
<td>Mixed Use Shopfront*</td>
<td>4.4.6.14</td>
</tr>
<tr>
<td>Civic Building</td>
<td>4.4.6.15</td>
</tr>
</tbody>
</table>

*No Residential on the ground floor

**BUILDING STANDARDS**

<table>
<thead>
<tr>
<th>Metric</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principle Building Height</td>
<td>4 stories max. 62 ft. max.</td>
</tr>
<tr>
<td>Accessory Structure Height</td>
<td>N/A 24 ft. max.</td>
</tr>
</tbody>
</table>
**SECTION 4.4.5.3 LIGHT INDUSTRIAL**

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

**Density**

<table>
<thead>
<tr>
<th>Metric</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impervious Cover</td>
<td>80% max.</td>
</tr>
</tbody>
</table>

**Transportation**

<table>
<thead>
<tr>
<th>Metric</th>
<th>Maximum</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Block Perimeter</td>
<td>5,000 ft. max.</td>
<td>Section 3.6.2.1</td>
</tr>
<tr>
<td>Streetscape Type</td>
<td>Conventional</td>
<td>Section 3.8.1.7</td>
</tr>
</tbody>
</table>

**Building Types Allowed**

<table>
<thead>
<tr>
<th>Type</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Commercial</td>
<td>Section 4.4.6.13</td>
</tr>
<tr>
<td>Civic Building</td>
<td>Section 4.4.6.15</td>
</tr>
</tbody>
</table>

**Building Standards**

<table>
<thead>
<tr>
<th>Metric</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principle Building Height</td>
<td>4 stories max. 62 ft. max.</td>
</tr>
<tr>
<td>Accessory Structure Height</td>
<td>N/A 24 ft. max.</td>
</tr>
</tbody>
</table>
### ZC-20-05 (Vantage 2) Zoning Change Review (By Comp Plan Element)

**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</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>
<td></td>
<td></td>
<td>Applicant has not indicated that educational facilities will be included.</td>
</tr>
<tr>
<td>Competitive Infrastructure &amp; Entrepreneurial Regulation</td>
<td>Provides / Encourages land, utilities and infrastructure for business</td>
<td></td>
<td>The Developer will extend utilities through this site</td>
<td></td>
</tr>
<tr>
<td>The Community of Choice</td>
<td>Provides / Encourages safe &amp; stable neighborhoods, quality schools, fair wage jobs, community amenities, distinctive identity</td>
<td>The sportsplex could function as a community amenity</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**ENVIRONMENT & RESOURCE PROTECTION** – Land Use Suitability & Development Constraints

<table>
<thead>
<tr>
<th>Level of Overall Constraint</th>
<th>1 (least)</th>
<th>2</th>
<th>3 (moderate)</th>
<th>4</th>
<th>5 (most)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Constraint by Class</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cultural</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Edwards Aquifer</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Endangered Species</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Floodplains</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Geological</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Slope</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Soils</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vegetation</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Watersheds</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Quality Zone</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
**ENVIRONMENT & RESOURCE PROTECTION** – Water Quality Model Results

<table>
<thead>
<tr>
<th>Located in Subwatershed:</th>
<th>Cottonwood Creek</th>
</tr>
</thead>
</table>

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

Notes: This watershed currently has very little impervious cover compared to its size. Cottonwood Creek is not a tributary to the San Marcos River. With larger more concentrated growth, best management practices such as retention ponds and biofiltration gardens can be incorporated into the site planning process.

**NEIGHBORHOODS** – Where is the property located

<table>
<thead>
<tr>
<th>CONA Neighborhood(s):</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neighborhood Commission Area(s):</td>
<td>9</td>
</tr>
<tr>
<td>Neighborhood Character Study Area(s):</td>
<td>N/A</td>
</tr>
</tbody>
</table>

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

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

The applicant has indicated a desire to include Parks / Open Space within the development.

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

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

<table>
<thead>
<tr>
<th>Existing Daily LOS</th>
<th>Centerpoint Rd</th>
<th>S IH 35 Access Road</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>F</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Existing Peak LOS</th>
<th>Centerpoint Rd</th>
<th>S IH 35 Access Road</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>F</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Preferred Scenario Daily LOS</th>
<th>Centerpoint Rd</th>
<th>S IH 35 Access Road</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>F</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Preferred Scenario Peak LOS</th>
<th>Centerpoint Rd</th>
<th>S IH 35 Access Road</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>F</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sidewalk Availability</td>
<td>N/A</td>
<td>Good</td>
<td>Fair</td>
<td>Poor</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-----------------------</td>
<td>-----</td>
<td>------</td>
<td>------</td>
<td>------</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Sidewalks are required to be built as part of the development.

<table>
<thead>
<tr>
<th>Adjacent to existing bicycle lane?</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adjacent to existing public transportation route?</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

Notes:
Notice of Public Hearing  
Zoning Change Request  
Future Development to Planning Area

Hold a public hearing and consider a request by Ed Theriot, on behalf of Outlet West Investors, Ltd., for a zoning change from “FD” Future Development, and “GC” General Commercial to “PA,” Planning Area District, for approximately 62.48 acres, more or less, out of the Edward Burleson Survey, generally located at the intersection of Commercial Loop and Gregsons Bend.

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

- A public hearing will be held at the Planning Zoning Commission Meeting on **Tuesday, February 25, 2020** at 6:00 p.m. in the Council Chambers in City Hall, 630 East Hopkins.

- A public hearing will be held at the City Council Meeting on **Tuesday, March 17, 2020** at 6:00 p.m. in the Council Chambers in City Hall, 630 East Hopkins.

All interested citizens are invited to attend and participate in the public hearing. If you cannot attend but wish to comment, you may write to the below address. Your written comments will be given to the Planning & Zoning Commission and City Council if they are received before 5 PM on the day of the meeting.

Development Services-Planning  
630 East Hopkins  
San Marcos, TX 78666  
planninginfo@sanmarcostx.gov

For more information regarding this request, contact the case manager **Tory Carpenter**, at (512) 393-8234. When calling, please refer to case number **ZC-20-03**.

*The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 512-393-8074 or sent by e-mail to ADArequest@sanmarcostx.gov*
ZONING CHANGE TO PLANNING AREA DISTRICT APPLICATION

CONTACT INFORMATION

<table>
<thead>
<tr>
<th>Applicant’s Name</th>
<th>Ed Theriot</th>
<th>Property Owner</th>
<th>Outlet West Investors, Ltd.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Company</td>
<td>Doucet &amp; Associates, Inc.</td>
<td>Company</td>
<td>c/o Tyler Sibley Pursuant Ventures Development</td>
</tr>
<tr>
<td>Applicant’s Mailing Address</td>
<td>7401B Hwy. 71 W., Ste. 160 Austin, TX 78735</td>
<td>Owner’s Mailing Address</td>
<td>415 North Guadalupe, Ste. 400 San Marcos, Texas 78666</td>
</tr>
<tr>
<td>Applicant’s Phone #</td>
<td>512-618-2865</td>
<td>Owner’s Phone #</td>
<td>214-282-8970</td>
</tr>
<tr>
<td>Applicant’s Email</td>
<td><a href="mailto:etheriot@doucetengineers.com">etheriot@doucetengineers.com</a></td>
<td>Owner’s Email</td>
<td><a href="mailto:tylersibley1@gmail.com">tylersibley1@gmail.com</a></td>
</tr>
</tbody>
</table>

PROPERTY INFORMATION
Subject Property Address(es): a portion of the property identified in the Hays County Appraisal District as R13080

<table>
<thead>
<tr>
<th>Legal Description</th>
<th>Lot Block Subdivision</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Total Acreage</th>
<th>62.48 acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tax ID #:</td>
<td>R13080</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Preferred Scenario Designation</th>
<th>Employment Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Land Use(s)</td>
<td>Vacant</td>
</tr>
<tr>
<td>Existing Zoning</td>
<td>N/A (ETJ)</td>
</tr>
</tbody>
</table>

DESCRIPTION OF REQUEST

Proposed Zoning District(s): Planned Area District

Proposed Land Uses / Reason for Change: Apply zoning controls to the tract for development:

AUTHORIZATION

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

Filing Fee* $1,057 plus $100 per acre Technology Fee $13 MAXIMUM COST $3,013

*Existing Neighborhood Regulating Plan Included.

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

APPLY ONLINE – WWW.MYGOVERNMENTONLINE.ORG/

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

Robert C. Wilson, III, President
1. of JOQ GP, LLC, as general partner
(owner name) on behalf of
Outlet West Investors, Ltd.
(company, if applicable) acknowledge that I/we
am/are the rightful owner of the property located at
a portion of the property identified in the Hays County Appraisal District as R13080
(address).

I hereby authorize Tyler Sibley and his respective consultants
(agent name) on behalf of
Pursuant Ventures Development, LLC
(agent company) to file this application for
application type) and, if necessary, to work with
the Responsible Official Department on my behalf throughout the process.

Signature of Owner

Printed Name, Title: Robert C. Wilson, III, President of JOQ GP, LLC,
general partner of Outlet West Investors, Ltd.

Signature of Agent

Printed Name, Title: Tyler Sibley, Manager

Date: 12/29/19

Form Updated October, 2019
I, ____________________________ (owner name) on behalf of Outlet West Investors, Ltd. ____________________________ (company, if applicable) acknowledge that I/we am/are the rightful owner of the property located at
a portion of the property identified in the Hays County Appraisal District as R13080 ____________________________ (address).

I hereby authorize __________________________________ (agent name) on behalf of Pursuant Ventures Development, LLC ____________ (agent company) to file this application for
For the zoning of the subject property in a manner agreeable to both the City of San Marcos & Pursuant Ventures Development, LLC ____________________________ (application type), and, if necessary, to work with the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: ____________________________ Date: ____________

Printed Name, Title: ____________________________ See attached authorization

Signature of Agent: ____________________________ Date: 2019.12.30 16:00:50 -06'00' Date: 12/30/19

Printed Name, Title: Ed Theriot, Project Manager
AGREEMENT TO THE PLACEMENT OF NOTIFICATION SIGNS
AND ACKNOWLEDGEMENT OF NOTIFICATION REQUIREMENTS

The City of San Marcos Development Code requires public notification in the form of notification signs on the subject property, published notice, and / or personal notice based on the type of application presented to the Planning Commission and / or City Council.

- Notification Signs: if required by code, staff shall place notification signs on each street adjacent to the subject property and must be placed in a visible, unobstructed location near the property line. It is unlawful for a person to alter any notification sign, or to remove it while the request is pending. However, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements. **It shall be the responsibility of the applicant to periodically check sign locations to verify that the signs remain in place had have not been vandalized or removed. The applicant shall immediately notify the responsible official of any missing or defective signs. It is unlawful for a person to alter any notification sign, or to remove it while the 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.**

- Published Notice: if required by code, staff shall publish a notice in a newspaper of general circulation in accordance with City Codes and the Texas Local Government Code. **If, for any reason, more than one notice is required to be published it may be at the expense of the applicant. The renotification fee shall be $91 plus a $13 technology fee.**

- Personal Notice: if required by code, staff shall mail personal notice in accordance with City Codes and the Texas Local Government Code. **If, for any reason, more than one notice is required to be mailed it may be at the expense of the applicant. The renotification fee shall be $91 plus a $13 technology fee.**

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

Signature: ___________________________ Date: 2019.12.30 16:02:21 -06'00'

Print Name: Ed Theriot

Date: 12/30/19
# Checklist for Zoning Change to Planning Area District

The following items are requested for consideration of this application. These and additional items may be required at the request of the Department.

<table>
<thead>
<tr>
<th>Item</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-application conference with staff is recommended</td>
<td>Pre-application meeting held on 10/08/19</td>
</tr>
<tr>
<td>Please call 512-393-8230 to schedule</td>
<td></td>
</tr>
<tr>
<td>Completed Application for Zoning Change to Planning Area District</td>
<td>See attached</td>
</tr>
<tr>
<td>Figures sufficient to address Section 4.4.3.7(A)(3) of the San</td>
<td></td>
</tr>
<tr>
<td>Marcos Development Code</td>
<td></td>
</tr>
<tr>
<td>Copy of Subdivision Plat or Metes &amp; Bounds</td>
<td>Metes &amp; Bounds and Survey are attached</td>
</tr>
<tr>
<td>StatePlane Texas South Central FIPS 4204 Feet</td>
<td></td>
</tr>
<tr>
<td>Certificate of no tax delinquency</td>
<td>Account Summary and Tax Statement showing 2019</td>
</tr>
<tr>
<td></td>
<td>taxes have been paid is attached.</td>
</tr>
<tr>
<td>Proof of Ownership</td>
<td>Warranty Deed is attached.</td>
</tr>
<tr>
<td>Lien Holder(s) Name and Mailing Address(es)</td>
<td>There are no lienholders per attached title</td>
</tr>
<tr>
<td>Agreement to the placement of notification signs and</td>
<td>See attached</td>
</tr>
<tr>
<td>acknowledgement of notification requirements</td>
<td></td>
</tr>
<tr>
<td>Authorization to represent the property owner, if the applicant is</td>
<td>Owners Authorization Attached</td>
</tr>
<tr>
<td>the owner</td>
<td></td>
</tr>
<tr>
<td>$1,057 + $100 per acre ($3,000 max)</td>
<td></td>
</tr>
<tr>
<td>Technology Fee $13</td>
<td></td>
</tr>
</tbody>
</table>

**San Marcos Development Code Section 2.3.1.1(C): “Every application accepted by the responsible official for filing shall be subject to a determination of completeness...the responsible official is not required to review an application unless it is complete...”**
FIELD NOTES DESCRIPTION

DESCRIPTION OF 62.48 ACRES OF LAND IN THE EDWARD BURLESON SURVEY NO. 18, A-63, HAYS COUNTY, TEXAS; BEING A PORTION OF A CERTAIN CALLED 109.22 ACRE TRACT DESCRIBED IN THE DEED TO OUTLET WEST INVESTORS, LTD. OF RECORD IN VOLUME 1486, PAGE 887, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; SAID 62.48 ACRE TRACT, AS SURVEYED BY BOWMAN CONSULTING GROUP, LTD., BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found in the southeast right-of-way line of that certain 200-foot wide Union Pacific Railroad right-of-way, being the south corner of that 100-foot strip described in the deed to the Missouri, Kansas & Texas Railway Company of Texas of record in Volume 41, Page 23, Deed Records of Hays County, Texas, in the northeast line of a certain 29.07 acre tract designated as Tract Number 3 and described in the deed to Eugene A. Henry, Jr. and Frances K. Henry of record in Volume 276, Page 313, Deed Records of Hays County, Texas, at the west corner of the said 109.22 acre tract, for the west corner and POINT OF BEGINNING of the tract described herein;

THENCE N 46°39'30" E, leaving the northeast line of the said 29.07 acre tract, with the southeast railroad right-of-way line and the northwest line of the said 109.22 acre tract, with the northwest line of the tract described herein, a distance of 1903.09 feet to a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found, for the north corner of the tract described herein, from which a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found in the southeast railroad right-of-way line and the northwest line of the said 109.22 acre tract bears S 46°39'30" W, a distance of 160.21 feet;

THENCE leaving the said southeast railroad right-of-way line, crossing the said 109.22 acre tract, with the northeast, southeast and northeast lines of the tract described herein, the following seven (7) courses and distances:

1. S 46°27'37" E, a distance of 657.03 feet to a calculated angle point,
2. S 52°15'35" E, a distance of 229.85 feet to a calculated point for the most northerly east corner,
3. S 39°31'34" W, a distance of 198.77 feet to a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found,
4. S 32°44'39" W, a distance of 199.24 feet to a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found at a re-entrant corner,
5. S 46°16'38" E, a distance of 348.25 feet to a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found at an east corner,
6. S 45°29'11" W, a distance of 46.11 feet to a ½-inch iron rod found at a re-entrant corner, and
7. S 36°50'33" E, a distance of 111.52 feet to a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found in the southeast line of the said 109.22 acre tract, same being the curving northwest right-of-way line of Gregson's Bend, a 60-foot right-of-way, as shown on the Lot 2 and Gregson Road of Section 1, the Lowman Ranch Subdivision plat of record in Volume 7, Page 215, Plat Records of Hays County, Texas, for an east corner of the tract described herein;

THENCE with the west and northwest right-of-way line of said Gregson's Bend, with the east and southeast line of the tract described herein, the following five (5) courses and distances:

1. with the arc of a curve to the left, having a radius of 360.00 feet, an arc distance of 69.66 feet, and a chord which bears S 31°22'59" W, a distance of 69.55 feet to a ½-inch iron rod with a plastic cap stamped "BYRN SURVEY" found at a point-of-lengency,
2. S 25°56'16" W, a distance of 277.98 feet to a ½-inch iron rod found at a point-of-curvature,
3. with the arc of a curve to the right, having a radius of 503.00 feet, an arc distance of 293.42 feet, and a chord which bears S 42°37'23" W, a distance of 289.28 feet to a ¼-inch iron rod with a plastic cap stamped "BYRN SURVEY" found at a point-of-tangency,

4. S 59°20'03" W, a distance of 40.49 feet to a calculated point-of-curvature, and

5. with the arc of a curve to the right, having a radius of 25.00 feet, an arc distance of 40.54 feet, and a chord which bears N 74°10'24" W, a distance of 36.24 feet to a calculated point for the northeast terminus of Commercial Loop, a 70-foot right-of-way as shown on the Proposed Roadway and Lot 3, Lowman Ranch Subdivision, Section 1 plat of record in Volume 9, Page 62, Plat Records of Hays County, Texas, for a re-entrant corner of the tract described herein, from which a ¼-inch iron rod with a plastic cap stamped "BYRN Survey" found bears N 62°00'33" E, a distance of 1.27 feet;

THENCE S 62°00'33" W, continuing across the said 109.22 acre tract, with the north terminus of said Commercial Loop, with a south line of the tract described herein, a distance of 70.00 feet to a ¼-inch iron rod with a plastic cap stamped "BYRN SURVEY" found at the northwest terminus of said Commercial Loop and a reentrant corner of the tract described herein, and from which a ¼-inch iron rod with a plastic cap stamped "BYRN SURVEY" found bears S 62°00'33" W, a distance of 4.93 feet;

THENCE continuing across the said 109.22 acre tract, with the curving northwest right-of-way line of said Commercial Loop, with a northeast line of the tract described herein, with the arc of a curve to the left, having a radius of 1245.00 feet, an arc distance of 123.28 feet, and a chord which bears S 30°42'59" E, a distance of 123.23 feet to a ¼-inch iron rod with a plastic cap stamped "BYRN SURVEY" found at the northerly east corner of Lot 3, said Proposed Roadway and Lot 3, Lowman Ranch Subdivision, Section 1, for a northeast corner of the tract described herein;

THENCE leaving the northwest right-of-way line of said Commercial Loop, continuing across the said 109.22 acre tract, with the north and northwest line of said Lot 3, Lowman Ranch Subdivision, Section 1, with a south and southeast line of the tract described herein, the following two (2) courses and distances:

1. with the arc of a curve to the left, having a radius of 25.00 feet, an arc distance of 44.76 feet, and a chord which bears N 84°42'52" W, a distance of 39.02 feet to an "X" in concrete found at a point-of-tangency, and

2. S 43°35'28" W, at a distance of 21.70 feet, a ¼-inch iron rod with a plastic cap stamped "BYRN SURVEY" found bears S 46°24'32" E, a distance of 0.49 feet, and continuing for a total distance of 356.89 feet to a ¼-inch iron rod with a plastic cap stamped "BYRN SURVEY" found at the west corner of said Lot 3, Lowman Ranch Subdivision, Section 1, and the north corner of Lot 5, Section 1, Lowman Ranch Subdivision of record in Volume 17, Page 134, Plat Records of Hays County, Texas, for an angle point in the southeast line of the tract described herein;

THENCE S 43°32'32" W, continuing across the said 109.22 acre tract, with the northwest line of said Lot 5, Section 1, Lowman Ranch Subdivision, with the southeast line of the tract described herein, a distance of 322.26 feet to a ¼-inch iron rod with a plastic cap stamped "BYRN SURVEY" found at the west corner of said Lot 5, Section 1, Lowman Ranch Subdivision, in the southwest line of the said 109.22 acre tract and the northeast line of the said 29.07 acre tract, for the south corner of the tract described herein, from which a 3/8-inch iron rod found in the southwest line of the said 109.22 acre tract at the northeast corner of the said 29.07 acre tract, same being an angle point in the southwest line of said Lot 5, Section 1, Lowman Ranch Subdivision and the north corner of Lot 13, South Park Commercial Subdivision of record in Volume 4, Page 59, Plat Records of Hays County, Texas bears S 45°19'13" E, a distance of 172.98 feet;

THENCE with the southwest line of the said 109.22 acre tract and the northeast line of the said 29.07 tract, with the southwest line of the tract described herein, the following three (3) courses and distances:

1. N 45°12'23" W, a distance of 147.03 feet to a cedar fence post found at an angle point,

2. N 45°53'12" W, a distance of 1024.34 feet to a cedar fence post found, and
3. N 45°57'03" W, a distance of 451.51 feet to the POINT OF BEGINNING and containing 62.48 acres of land more or less.

BEARING BASIS: Texas Coordinate System, NAD 83, South Central Zone, Grid.

BOWMAN WORD FILE: FN1965(en)
BOWMAN REF PLAN NO.: 3557
H:\Survey\_FieldNotes\FN-1900s\FN1965(en).doc

THE STATE OF TEXAS

COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS

That I, George L. Sanders, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground during the months of November and December 2016, under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, on this ___ of January, 2017 A.D.

George L. Sanders
Registered Professional Land Surveyor No. 1838
State of Texas

Bowman Consulting Group, Ltd.
Austin, Texas 78746
AGENDA CAPTION:
Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2020-10, annexing into the City approximately 31 acres of land, generally located on the east side of Highway 123 between Old Bastrop Road and Monterrey Oak Road; including procedural provisions; and providing an effective date; and consider approval of Ordinance 2020-10, on the first of two readings.
Meeting date: March 17, 2020

Department: Planning and Development Services

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

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

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

Comprehensive Plan Element(s): [Please select the Plan element(s) and Goal # from dropdown menu below]
☐ Economic Development - Choose an item.
☐ Environment & Resource Protection - Choose an item.
☒ Land Use - Direct Growth, Compatible with Surrounding Uses
☒ Neighborhoods & Housing - Diversified housing options to serve citizens with varying needs and interests
☐ Parks, Public Spaces & Facilities - Choose an item.
☐ Transportation - Choose an item.
☐ Core Services
Master Plan: [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]
Choose an item.

Background Information:
This is a request for a voluntary annexation submitted by Vantage San Marcos on behalf of Mohnke Poor Farm, LLC, for approximately 31 +/- acres out of the J.F. Geister Survey, No 6 and No 7, Hays County, generally located on the east side of highway 123 between Monterrey Oak Drive and Old Bastrop Highway.

The City of San Marcos will provide water and wastewater services at the site. The developer will be responsible for extending water and wastewater facilities through the site. Bluebonnet Electric Cooperative will provide electric service for this development.

The City of San Marcos will provide Police, Fire, and EMS services to the site.

Below is a proposed schedule for this annexation, which complies with the Texas Local Government Code requirements:

- **City Council Resolution (Approval of Service Agreement and set a public hearing date):** March 3, 2020 (Approved)
- **City Council Ordinance 1st Reading (Public Hearing):** March 17, 2020 (Today)
- **City Council Ordinance 2nd Reading:** April 7, 2020

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

Alternatives:
Click or tap here to enter text.

Recommendation:
Staff recommends approval of the voluntary annexation request.
AN-20-03 (Vantage San Marcos – Annexation)

Receive a Staff presentation and hold a Public hearing to receive comments for or against Ordinance 2020-XX, annexing into the City approximately 31 acres of land out of the J.F. Geister Survey, No. 6 & 7, generally located on the East Side of Highway 123, between Monterey Oak Drive and Old Bastrop Highway; including procedural provisions; and providing an effective date; and consider approval of Ordinance 2020-XX, on the first of two readings.
Context:

• East side of Highway 123 between Old Bastrop Highway and Monterrey Oak Drive

• 31 acres

• Applicant proposes to develop property for single-family development (12.5 acres) and multifamily (18.5 acres) between Old Bastrop Highway and Monterrey Oak Drive.

• Service Plan (Attachment)
Annexation Schedule

– City Council Resolution (Approval of Service Agreement and set a public hearing date): March 3, 2020 (Approved)

– City Council Ordinance 1st Reading (Public Hearing): March 17, 2020 (Today)

– City Council Ordinance 2nd Reading: April 7, 2020

Zoning Schedule

– Planning and Zoning Commission (Public Hearing): February 25, 2020 (Approved)

– City Council Ordinance 1st Reading (Public Hearing): March 17, 2020 (Today)

– City Council Ordinance 2nd Reading: April 7, 2020
ORDINANCE NO. 2020-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS ANNEXING INTO THE CITY APPROXIMATELY 30.5 ACRES OF LAND GENERALLY LOCATED ON THE EAST SIDE OF HIGHWAY 123 BETWEEN OLD BASTROP ROAD AND MONTERREY OAK ROAD; INCLUDING PROCEDURAL PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

RECATIALS:

1. The owner of approximately 30.5 acres of land generally located on the east side of Highway 123 between Old Bastrop Road and Monterrey Oak Road, as further described by metes and bounds in Exhibit “A,” attached hereto and incorporated herein for all purposes (the “Property”), made a request for the City to annex the Property. A location map of the Property is also shown in Exhibit “A.”

2. Said owner of the Property has declined the offer of a development agreement from the City concerning the Property.

3. The Owner and the City have entered into a written agreement for the provision of services to the Property.

4. The Property is contiguous and adjacent to the current boundaries of the City.

5. The City Council held a public hearing regarding the request.

6. 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 recitals of this ordinance are approved and adopted.

SECTION 2. The Property is annexed to and is a part of the City of San Marcos, Texas and subject to the acts, ordinances, resolutions and regulations of the City.

SECTION 3. Services to the Property will be provided under the terms of the written agreement for the provision of services entered into between the Owner and the City as noted in Recital 3.

SECTION 4. The corporate limits of the City are extended to include the Property.

SECTION 5. The inhabitants of the Property are entitled to all the rights and privileges of other citizens of the City, and are bound by the acts, ordinances, resolutions and regulations of
the City.

SECTION 6. 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 7. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 8. This ordinance shall be effective upon its adoption on second reading.

PASSED AND APPROVED on first reading on March 17, 2020.

PASSED, APPROVED AND ADOPTED on second reading on April 7, 2020.

Jane Hughson
Mayor

Attest:  
Approved:

Tammy K. Cook  
Interim City Clerk

Michael Cosentino  
City Attorney
EXHIBIT “A”
Property Description

METES AND BOUNDS DESCRIPTION
TO ACCOMPANY ZONING AND ANNEXATION EXHIBIT

BEING 12.55 ACRES (541,632 SQUARE FEET +/-) TRACT OF LAND SITUATED IN THE
J.F. GEISTER SURVEY NO. 6 AND IN THE J.F. GEISTER SURVEY NO. 7, IN THE CITY
OF SAN MARCOS, HAYS COUNTY, TEXAS, SAID 12.55 ACRES TRACT ALSO BEING
OUT OF A CALLED 30.9 ACRE TRACT (TRACT 2) AS DESCRIBED IN DOCUMENT NO.
18028048, DEED RECORDS OF HAYS COUNTY, TEXAS; AND BEING MORE
PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOW:

COMMENCING at a 1/2-inch Iron Rod found on the East Right-of-Way line of State Highway
123 and the Southeast Right-of-Way line of Old-Beeston Highway and marking the Westermost
corner of a called 225.25 Acre Tract as described in deed recorded in Document number
18004464, of the Deed records of Hays County, Texas;

THENCE S 04° 22' 13" E a distance of 288.89 feet, along and with the East Right-of-Way line
of said State highway 123 to a 1/2-Inch Iron Rod Found marking the Northermost corner of said
30.9 Acre Tract;

THENCE S 04° 24' 31" W a distance of 1506.69 feet, along and with the East Right-of-Way
line of said State highway 123 to a 1/2-Inch Iron Rod Found at the POINT OF BEGINNING;

THENCE S 85° 35' 29" E a distance of 127.59 feet departing the East Right-of-Way line of said
State Highway 123, into and across said 30.9 Acre Tract to a 1/2-Inch Iron Rod with cap “MBC”
Set at the point of curvature of a curve to the left;

THENCE along and with said curve to the left having the following parameters: Radius =
545.00 feet, Arc length = 435.83 feet, Chord Bearing = N 71° 29' 57" E and Chord Distance =
424.31 feet to a 1/2-Inch Iron Rod with cap “MBC” Set;

THENCE N 48° 35' 24" W a distance of 607.78 feet to a 1/2-Inch Iron Rod with cap “MBC” on
the West line of a called 100 Acre tract as described in deed recorded in Document number
18028048 of the Deed records of Hays County, Texas;

THENCE S 42° 05' 52" W a distance of 310.02 feet along and with the West line of said 100
Acre tract, is a fence post Found and marking the Northernmost corner of Lot I, Block F,
Cottonwood Creek Phase I, Section 1-B, Subdivision, according to the plat thereof recorded in Volume 14, Page
294 of the Map and Plat records of Hays County, Texas;

THENCE S 48° 35' 24" W a distance of 1674.24 feet along and with the Northwest line of said
Cottonwood Creek Phase I, Section 1-B Subdivision, to a Fence Post Found on the East Right-
of-Way of said State Highway 123 and marking the Southernmost corner of this tract;

Page 1 of 2
THENCE N 04° 24' 31" E a distance of 811.01 feet along and with the East Right-of-Way line of said State Highway 123, to the POINT OF BEGINNING and containing 12.43 acres, more or less as surveyed by Minch, Bose, Copeland, and Associates, Inc.

Note: A Survey Sketch that is made a part hereof and shall accompany this instrument.

Joel Christian Johnston, R.P.L.S.
TBPIS Firm Registration 10011700

Date: December 04, 2019
Job No: 32486-HAYS
METES AND BOUNDS DESCRIPTION
TO ACCOMPANY ZONING AND ANNEXATION EXHIBIT

BEING 18.58 ACRES (809,506 SQUARE FEET +/-) TRACT OF LAND SITUATED IN THE
J.F. GEISTER SURVEY NO. 6 AND IN THE J.F. GEISTER SURVEY NO. 7, IN THE CITY
OF SAN MARCOS, HAYS COUNTY, TEXAS, SAID 18.58 ACRE TRACT ALSO BEING
OUT OF A CALLED 30.9 ACRE TRACT (TRACT 2) AS DESCRIBED IN DOCUMENT NO.
18028048, DEED RECORDS OF HAYS COUNTY, TEXAS; AND BEING MORE
PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOW:

COMMENCING at a 1/2-inch Iron Rod found on the East Right-of-Way line of State Highway
123 and the Southeast Right-of-Way line of Old Burntrop Highway and marking the Westermost
corner of a called 225.25 Acre Tract as described in deed recorded in Document number
18004464, of the Deed records of Hays County, Texas;

THENCE S 04° 22'.13" W a distance of 288.89 feet, along and with the East Right-of-Way line
of said State Highway 123 to a 1/2-Inch Iron Rod Found at the POINT OF BEGINNING;

THENCE S 41° 37'.44" E a distance of 811.88 feet, along and with the West line of said 225.25
Acre Tract and with the East line of this tract to a Fence Post Found;

THENCE S 41° 49'.45" E a distance of 440.41 feet, continuing along and with said 225.55 Acre
Tract to a 1/2-Inch Iron Rod with cap "BYRN" Found and marking the Westermost corner of a
called 100 Acre Tract as described in deed recorded in Document number 18028048 of the Deed
records of Hays County, Texas;

THENCE S 42° 05'.52" E a distance of 54.41 feet along and with the West line of said 100 Acre
Tract, to a 1/2-Inch Iron Rod with cap "MBC" Set;

THENCE S 48° 35'.24" W a distance of 607.78 feet departing the West line of said 100 Acre
tract, into and across said 30.9 Acre tract to a 1/2-Inch Iron Rod with cap "MBC" Set at the point
of curvature of a curve to the right;

THENCE along and with said curve to the right having the following parameters: Radius =
545.00 feet, Arc length = 435.83 feet, Chord Bearing = S 71° 29' 57" W and Chord Distance =
424.31 feet to a 1/2-Inch Iron Rod with cap "MBC" Set;

THENCE N 85° 35'.29" W a distance of 127.50 feet to a 1/2-Inch Iron Rod with cap "MBC" Set
on the East Right-of-Way line of said State Highway 123;
THENCE N 04º 24' 31" E a distance of 1506.69 feet along and with the East Right-of-Way line of said State Highway 123 to the POINT OF BEGINNING and containing 18.58 acres, more or less as surveyed by Muehle, Bose, Copeland, and Associates, Inc.

Note: A Survey Sketch that is made hereof and shall accompany this instrument.

Joel Christian Johnson, R.P.L.S.
TBPLS Firm Registration 10011700

Date: December 04, 2019
Job No: 32486-HAYS
ZONING AND ANNEXATION EXHIBIT OF
BEING 18.58 ACRES (809,506 SQUARE FEET +/-) TRACT OF
LAND SITUATED IN THE J.F. GEISTER SURVEY NO. 6 AND IN
THE J.F. GEISTER SURVEY NO. 7, IN THE CITY OF SAN
MARCOS, HAYS COUNTY, TEXAS, SAID 18.58 ACRE TRACT
OF LAND ALSO BEING OUT OF A CALLED 30.6 ACRES TRACT
(TRACT 2) AS DESCRIBED IN DOCUMENT NO. 18028048,
DEED RECORDS OF HAYS COUNTY, TEXAS.

J. W. BROWN
Surveyor

MBE Engineers
15102 S. IH35, Bldg 2
San Marcos, TX 78666
(512) 393-3393 Mobile (512) 393-3391 Office
Fax: (512) 393-3392

Date: 12/09/2015
Job No. 300501
Sheet 2 of 2
Site Location

Subject Property
Parcel
City Limit

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. Imagery from 2017.

Map Date: 2/4/2020
AN-20-03
Existing Zoning Map
Annexation — 3625 Highway 123

Site Location
Subject Property
Parcels
City Limit

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.

Map Date: 2/4/2020
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.

Map Date: 2/4/2020
AGREEMENT FOR THE PROVISION OF SERVICES
(Pursuant to Tex. Local Gov't Code §43.0672)

Date: March 3, 2020

Owner: Mohnke Poor Farm LLC, 540 Mission Valley Road, New Braunfels, TX 78132

City: City of San Marcos, Texas, a home rule municipal corporation, 630 East Hopkins Street, San Marcos, Texas 78666

Property: As described in Exhibit A.

1. The Owner has petitioned the City and the City has elected to annex the Property into the corporate limits of the City. Pursuant to Tex. Local Gov't Code §43.0672, the Owner and the City enter this agreement (the “Agreement”) for the provision of services to the Property when annexed.

2. By this Agreement, the Owner affirms its consent to such annexation of the Property by the City and that Owner does not wish to enter into and has declined the offer from the City of a development agreement under Sections 43.016 and 212.172 of the Texas Local Government Code.

3. In consideration of the mutual benefits to the Owner and the City arising from the annexation of the Property, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Owner and the City enter into this Agreement and agree that services to the Property will be provided as described in Exhibit B.

4. This Agreement is made, and shall be construed and interpreted under the laws of the State of Texas. Venue for any legal proceedings shall lie in state courts located in Hays County, Texas. Venue for any matters in federal court will be in the United States District Court for the Western District of Texas.

5. If any word, phrase, clause, sentence, or paragraph of this Agreement is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this Agreement will continue in force if they can be given effect without the invalid portion.

6. This Agreement shall be binding upon Owner, and Owner’s heirs, successors and assigns, and all future owners of all or any portion of the Property.

7. This Agreement will become effective as of the date an ordinance annexing the Property is finally passed, approved and adopted by the City’s city council (the Effective Date).

[SIGNATURES ON NEXT PAGE]
CITY:

By: ____________________________

Name: ____________________________

Title: ____________________________

ACKNOWLEDGMENT

STATE OF TEXAS §
COUNTY OF HAYS §

This instrument was acknowledged before me on ________________, 20__, by ____________________________of the City of San Marcos, in such capacity, on behalf of said municipality.

____________________________
Notary Public, State of Texas
OWNER:
Mohnke Poor Farm LLC

By: __________________________
Name: _________________________
Title: _________________________

ACKNOWLEDGMENT

STATE OF ____________ §

COUNTY OF ____________ §

This instrument was acknowledged before me on _____________, 20__ by
________________________________, ____________________________ of Mohnke Poor Farm, LLC, in such capacity
on behalf of said entity.

________________________________
Notary Public, State of ___________
EXHIBIT A-PROPERTY DESCRIPTION
[FOLLOWING PAGES]
METERS AND BOUNDS DESCRIPTION
TO ACCOMPANY ZONING AND ANNEXATION EXHIBIT

BEING 12.43 ACRES (541,632 SQUARE FEET) OF TRACT OF LAND SITUATED IN THE
J.F. GERSTER SURVEY NO. 6 AND IN THE J.F. GERSTER SURVEY NO. 7, IN THE CITY
OF SAN MARCOS, HAYS COUNTY, TEXAS, SAID 12.43 ACRE TRACT ALSO BEING
OUT OF A CALLED 30.9 ACRE TRACT (TRACT 2), AS DESCRIBED IN DOCUMENT NO.
18078048, DEED RECORDS OF HAYS COUNTY, TEXAS; AND BEING MORE
PARTICULARLY DESCRIBED BY METER AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2-inch Iron Rod found on the East Right-of-Way line of State Highway
123 and the Southeast Right-of-Way line of Old-Bastrop Highway and marking the Westernmost
corner of a called 225.25 Acre Tract as described in deed recorded in Document number
18040464, of the Deed records of Hays County, Texas;

THENCE S 04° 22' 13" W a distance of 288.69 feet, along and with the East Right-of-Way line
of said State highway 123 to a 1/2-Inch Iron Rod Found marking the Northernmost corner of said
30.9 Acre Tract;

THENCE S 04° 24' 31" W a distance of 1506.69 feet, along and with the East Right-of-Way
line of said State highway 123 to a 1/2-Inch Iron Rod Found at the POINT OF BEGINNING;

THENCE S 85° 39' 29" E a distance of 127.50 feet departing the East Right-of-Way line of said
State Highway 123, Into and across said 30.9 Acre Tract to a 1/2-Inch Iron Rod with cap "MBC"
Set at the point of curvature of a curve to the left;

THENCE along and with said curve to the left having the following parameters: Radius =
545.00 feet, Arc length = 435.83 feet, Chord Bending = N 71° 29' 57" E and Chord Distance =
424.31 feet to a 1/2-Inch Iron Rod with cap "MBC" Set;

THENCE N 48° 35' 24" E a distance of 607.78 feet to a 1/2-Inch Iron Rod with cap "MBC" on
the West line of a called 100 Acre tract as described in deed recorded in Document number
180828048 of the Deed records of Hays County, Texas;

THENCE S 42° 05' 52" E a distance of 310.02 feet along and with the West line of said 100
Acre tract, to a fence post Found and marking the Northernmost corner of Lot 1, Block F,
Cottonwood Creek Phase I, Section 1-B, according the plat thereof recorded in Volume 14, Page
289 of the Map and Plat records of Hays County, Texas;

THENCE S 48° 35' 24" W a distance of 1674.24 feet along and with the Northwest line of said
Cottonwood Creek Phase I, Section 1-B Subdivision, to a fence post Found on the East Right-
of-Way of said State Highway 123 and marking the Southeastmost corner of this tract.
THENCE N 04° 24' 31" E a distance of 813.01 feet along and with the East Right-of-Way line of said State Highway 123, to the POINT OF BEGINNING and containing 12.45 acres, more or less as surveyed by Maerke, Buse, Copeland, and Associates, Inc.

Note: A Survey Sketch that is made a part hereof and shall accompany this instrument.

[Signature]

Joel Christian Johnson, R.P.L.S.
TBPLS Firm Registration 10011700

Date: December 04, 2019
Job No: 32486-MAYB
METES AND BOUNDS DESCRIPTION
TO ACCOMPANY ZONING AND ANNEXATION EXHIBIT

BEING 18.58 ACRES. 809,506 SQUARE FEET 1/2 TRACT OF LAND SITUATED IN THE
J.F. GEIST SURVEY NO. 6 AND IN THE J.F. GEIST SURVEY NO. 7, IN THE CITY
OF SAN MARCOS, HAYS COUNTY, TEXAS, SAID 18.58 ACRE TRACT ALSO BEING
OUT OF A CALLED 30.9 ACRE TRACT (TRACT 2) AS DESCRIBED IN DOCUMENT NO.
1802848, DEED RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE
PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2-inch Iron Rod found on the West Right-of-Way line of State Highway
123 and the Northeast Right-of-Way line of Old-Usery Highway and marking the Westermost
corner of a called 325.25 Acre Tract as described in deed recorded in Document number
1800466, of the Deed records of Hays County, Texas;

THENCE S 04° 22' 13" W a distance of 288.89 feet, along and with the East Right-of-Way line
of said State highway 123 to a 1/2-Inch Iron Rod Found at the POINT OF BEGINNING;

THENCE S 41° 37' 44" E a distance of 811.36 feet, along and with the West line of said 225.25
Acre Tract and with the East line of this tract to a Fence Post Found;

THENCE S 40° 45' 04" E a distance of 440.41 feet, continuing along and with said 225.55 Acre
Tract to a 1/2-Inch Iron Rod with cap "BYRN" Found and marking the Westermost corner of
a called 100 Acre Tract as described in deed recorded in Document number 18028048 of the Deed
records of Hays County, Texas;

THENCE S 42° 05' 52" E a distance of 54.41 feet along and with the West line of said 100 Acre
tract, to a 1/2-Inch Iron Rod with cap "MBC" Set;

THENCE S 48° 35' 24" E a distance of 697.78 feet departing the West line of said 100 Acre
tract, into and across said 30.9 Acre tract to a 1/2-Inch Iron Rod with cap "MBC" Set at the point
of curvature of a curve to the right;

THENCE along said curve to the right having the following parameters: Radius =
545.60 feet, Arc length = 435.83 feet, Chord bearing = S 71° 26' 57" W and Chord Distance =
424.31 feet to a 1/2-Inch Iron Rod with cap "MBC" Set;

THENCE N 85° 35' 29" W a distance of 127.30 feet to a 1/2-Inch Iron Rod with cap "MBC" Set
on the East Right-of-Way line of said State Highway 123;
THENCE N 04° 24' 31" E a distance of 1506.69 feet along and with the East Right-of-Way line of said State Highway 123 to the POINT OF BEGINNING and containing 18.58 acres, more or less as surveyed by Macina, Bone, Copeland, and Associates, Inc.

Note: A Survey Sketch that is made a part hereof and shall accompany this instrument.

Joel Challenger Anderson, P.L.S.
TRPLS Firm Registration 1011709

Date: December 04, 2019
Job No: 32486-HAYS
METES AND BOUNDS DESCRIPTION
TO ACCOMPANY ZONING AND ANNEXATION EXHIBIT

BEING 12.43 ACRES (541,632 SQUARE FEET +/-) TRACT OF LAND SITUATED IN THE J.F. GEISTER SURVEY NO. 6 AND IN THE J.F. GEISTER SURVEY NO. 7, IN THE CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, SAID 12.43 ACRE TRACT ALSO BEING OUT OF A CALLED 30.9 ACRE TRACT (TRACT 2) AS DESCRIBED IN DOCUMENT NO. 18028048, DEED RECORDS OF HAYS COUNTY, TEXAS; AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOW:

COMMENCING at a 1/2-inch Iron Rod found on the East Right-of-Way line of State Highway 123 and the Southeast Right-of-Way line of Old-Bastrop Highway and marking the Westernmost corner of a called 225.25 Acre Tract as described in deed recorded in Document number 18004464, of the Deed records of Hays County, Texas;

THENCE S 04° 22' 13" W a distance of 288.89 feet, along and with the East Right-of-Way line of said State highway 123 to a 1/2-Inch Iron Rod Found marking the Northernmost corner of said 30.9 Acre Tract;

THENCE S 04° 24' 31" W a distance of 1506.69 feet, along and with the East Right-of-Way line of said State highway 123 to a 1/2-Inch Iron Rod Found at the POINT OF BEGINNING;

THENCE S 85° 35' 29" E a distance of 127.50 feet departing the East Right-of-Way line of said State Highway 123, into and across said 30.9 Acre Tract to a 1/2-Inch Iron Rod with cap “MBC” Set at the point of curvature of a curve to the left;

THENCE along and with said curve to the left having the following parameters: Radius = 545.00 feet, Arc length = 435.83 feet, Chord Bearing = N 71° 29' 57" E and Chord Distance = 424.31 feet to a 1/2-Inch Iron Rod with cap “MBC” Set;

THENCE N 48° 35' 24" E a distance of 607.78 feet to a 1/2-Inch Iron Rod with cap “MBC” on the West line of a called 100 Acre tract as described in deed recorded in Document number 18028048 of the Deed records of Hays County, Texas;

THENCE S 42° 05' 52" E a distance of 310.02 feet along and with the West line of said 100 Acre tract, to a fence post Found and marking the Northernmost corner of Lot 1, Block F, Cottonwood Creek Phase I, Section 1-B, according the plat thereof recorded in Volume 14, Page 294 of the Map and Plat records of Hays County, Texas;

THENCE S 48° 35' 24" W a distance of 1674.24 feet along and with the Northwest line of said Cottonwood Creek Phase I, Section 1-B Subdivision, to a Fence Post Found on the East Right-of-Way of said State Highway 123 and marking the Southernmost corner of this tract;
THENCE N 04° 24' 31" E a distance of 813.01 feet along and with the East Right-of-Way line of said State Highway 123, to the POINT OF BEGINNING and containing 12.43 acres, more or less as surveyed by Macina, Bose, Copeland, and Associates, Inc.

Note: A Survey Sketch that is made a part hereof and shall accompany this instrument.

Joel Christian Johnson, R.P.L.S.
TBPLS Firm Registration 10011700

Date: December 04, 2019
Job No: 32486-HAYS
METES AND BOUNDS DESCRIPTION
TO ACCOMPANY ZONING AND ANNEXATION EXHIBIT

BEING 18.58 ACRES (809,506 SQUARE FEET +/-) TRACT OF LAND SITUATED IN THE
J.F. GEISTER SURVEY NO. 6 AND IN THE J.F. GEISTER SURVEY NO. 7, IN THE CITY
OF SAN MARCOS, HAYS COUNTY, TEXAS, SAID 18.58 ACRE TRACT ALSO BEING
OUT OF A CALLED 30.9 ACRE TRACT (TRACT 2) AS DESCRIPTED IN DOCUMENT NO.
18028048, DEED RECORDS OF HAYS COUNTY, TEXAS; AND BEING MORE
PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOW:

COMMENCING at a 1/2-inch Iron Rod found on the East Right-of-Way line of State Highway
123 and the Southeast Right-of-Way line of Old-Bastrop Highway and marking the Westernmost
corner of a called 225.25 Acre Tract as described in deed recorded in Document number
18004464, of the Deed records of Hays County, Texas;

THENCE S 04° 22' 13" W a distance of 288.89 feet, along and with the East Right-of-Way line
of said State highway 123 to a 1/2-Inch Iron Rod Found at the POINT OF BEGINNING;

THENCE S 41° 37' 44" E a distance of 811.88 feet, along and with the West line of said 225.25
Acre Tract and with the East line of this tract to a Fence Post Found;

THENCE S 41° 49'45" E a distance of 440.41 feet, continuing along and with said 225.55 Acre
Tract to a 1/2-Inch Iron Rod with cap “BYRN” Found and marking the Westernmost corner of a
called 100 Acre Tract as described in deed recorded in Document number 18028048 of the Deed
records of Hays County, Texas;

THENCE S 42° 05' 52" E a distance of 54.41 feet along and with the West line of said 100 Acre
tract, to a 1/2-Inch Iron Rod with cap “MBC” Set;

THENCE S 48° 35' 24" W a distance of 607.78 feet departing the West line of said 100 Acre
tract, into and across said 30.9 Acre tract to a 1/2-Inch Iron Rod with cap “MBC” Set at the point
of curvature of a curve to the right;

THENCE along and with said curve to the right having the following parameters: Radius =
545.00 feet, Arc length = 435.83 feet, Chord Bearing = S 71° 29' 57" W and Chord Distance =
424.31 feet to a 1/2-Inch Iron Rod with cap “MBC” Set;

THENCE N 85° 35' 29" W a distance of 127.50 feet to a 1/2-Inch Iron Rod with cap “MBC” Set
on the East Right-of-Way line of said State Highway 123;
THENCE N 04° 24' 31" E a distance of 1506.69 feet along and with the East Right-of-Way line of said State Highway 123 to the POINT OF BEGINNING and containing 18.58 acres, more or less as surveyed by Macina, Bose, Copeland, and Associates, Inc.

Note: A Survey Sketch that is made a part hereof and shall accompany this instrument.

Joel Christian Johnson, R.P.L.S.
TBPLS Firm Registration 10011700

Date: December 04, 2019
Job No: 32486-HAYS
OWNER’S CONSENT TO ANNEXATION OF LAND

Date: February 3, 2020

City: City of San Marcos, Texas, a home rule municipal corporation

Owner: Mohnke Poor Farm LLC, 540 Mission Valley Road New Braunfels TX 78132

Property: 31 acres, more or less, of land area in the J.F. Geister Survey No. 6 and No. 7 Hays County, Texas

Owner petitioned the City to initiate proceedings to annex the Property. Owner acknowledges and agrees that, in connection with annexation of the Property:

1. Owner does not wish to enter into a development agreement with the City under Section 212.172 and has declined the offer by the City of such a development agreement.

2. Unless specifically authorized by a written agreement with Owner approved by the City Council under applicable ordinances, the City has no obligation to extend water, wastewater, or electric utility services, roads, or other infrastructure to the Property at the City’s expense, and the City has made no offers, representations or promises that the City will, at the City’s expense, extend water, wastewater, or electric utility services, roads, or other infrastructure to the Property. Such extensions to the Property shall be made available in the same manner and on the same basis as available to other areas of the City, whereby it shall be Owner’s sole obligation, and at Owner’s sole expense, to construct and install all infrastructure necessary to extend such services to the Property under applicable ordinances.

3. Owner waives any and all rights of Owner to assert any claim or demand, or to file suit against, and covenants not to sue, the City on the basis that the annexation of the Property by the City is invalid, void or voidable, in whole or in part.

4. This instrument is made, and shall be construed and interpreted under the laws of the State of Texas. Venue for any legal proceedings concerning this instrument shall lie in State courts having jurisdiction located in Hays County, Texas. Venue for any matters in federal court will be in the United States District Court for the Western District of Texas.

5. If any word, phrase, clause, sentence,
and paragraph of this instrument is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this instrument will continue in force if they can be given effect without the invalid portion.

6. This instrument may be recorded in the Official Public Records of the County or Counties in which the Property is located and is binding on Owner’s successors, heirs and assigns, and any future owners of the Property.

[SIGNATURE(S) ON NEXT PAGE]
OWNER:

By: Mohnke Poor Farm LLC
Name: Lora Ann Chafin
Title: Managing Member

ACKNOWLEDGMENT

STATE OF Texas

COUNTY OF Comal

This instrument was acknowledged before me on December 31, 2019 by Lora Ann Chafin, Managing Member of Mohnke Poor Farm, LLC in such capacity on behalf of said entity.

WENDY JILL RIO
Notary Public, State of Texas
DECLINATION OF OFFER OF DEVELOPMENT AGREEMENT

The attached Development Agreement was offered by the City of San Marcos to the owner of the property subject to the following application/petition (check one):

___ Out of City Utility Connection of Extension Application

___X___ Petition for Annexation (without OCU Request)

By signing below, the owner of the subject property declines the offer to enter into such Development Agreement.

OWNER (Entity):

By: Mohnke Poor Farm LLC
Name: Lisa Ann Chafin
Title: Managing Member
Date: December 31, 2019

Case No. AN-19-03 (Old Bastrop / Rattler Road Annexation)
AGENDA CAPTION:
Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2020-11, amending the Official Zoning Map of the City by rezoning approximately 12.5 acres of land generally located North of the intersection of Highway 123 and Monterey Oak Drive, from “FD” Future Development District to “CD-3” Character District 3; and including procedural provisions; and consider approval of Ordinance 2020-11, on the first of two readings.

Meeting date: March 17, 2020

Department: Planning and Development Services

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

Fiscal Note: 

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

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

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu below]
☐ Economic Development - Choose an item.
☐ Environment & Resource Protection - Choose an item.
☒ Land Use - Direct Growth, Compatible with Surrounding Uses
☒ Neighborhoods & Housing - Diversified housing options to serve citizens with varying needs and interests
☐ Parks, Public Spaces & Facilities - Choose an item.
☐ Transportation - Choose an item.
☐ Core Services
Master Plan: [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]
Choose an item.

Background Information:
This property is located within the San Marcos Extraterritorial Jurisdiction (ETJ) and is adjacent to the Cottonwood Creek subdivision and across from the San Marcos High School on Highway 123. The request is to zone approximately 12.5 acres to Character District 3 (CD-3), which is a residential zoning district which allows one and two family dwellings.

Council Committee, Board/Commission Action:
The Planning and Zoning Commission heard this item at their regularly scheduled February 25, 2020 meeting and recommended approval of the request by a vote of 5-3.

Alternatives:
Click or tap here to enter text.

Recommendation:
Staff has reviewed the request for conformance with the criteria in Section 2.5.1.4 of the San Marcos Development Code and recommends approval of the request as submitted.
ZC-20-02 (Vantage 1)

Hold a public hearing and consider a request by Vantage at San Marcos, on behalf of Mohnke Poor Farm, LLC, for a zoning change from “FD” Future Development to “CD-3” Character District 3, for approximately 12.5 acres, more or less, out of the J.F. Geister Survey, No 6 and No 7, Hays County, generally located north of the intersection of Highway 123 and Monterey Oak Drive. (W. Parrish)
Location:

• Approximately 12.5 acres

• **Current Configuration:**
  Vacant / Agricultural land

• Surrounding uses include:
  • Single-family
  • ETJ
  • Vacant / Agricultural

• Located outside the City Limits (Extraterritorial Jurisdiction)
Context & History

- **Existing Zoning:** Outside City Limits (ETJ), will be zoned Future Development (FD) upon annexation.

- **Proposed Zoning:** Character District – 3 (CD-3)

- Proposed CD-3 zoning allows for residential uses

- Annexation request is being processed concurrently for property located outside City Limits
  - FD zoning is default classification for newly annexed land.
Comprehensive Plan Analysis

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

Located in a Low Intensity Zone

“Low Intensity Areas are varied and diverse with respect to environmental sensitivity and development suitability of the land. They are generally made up of larger undeveloped tracts of land where the preservation of sensitive environmental areas, flood hazard areas and agricultural lands should be considered as part of any development proposal. Development in these areas should be guided by the Land Use Suitability Map of the Comprehensive Plan. ” (4.1.1.6)
Comprehensive Plan Analysis

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

Applicant is requesting a “Character District” (CD-3) within a Low Intensity Zone. Zoning request is C – Considered, and is consistent with the San Marcos Development Code.

---

**Table 4.1 Comprehensive Plan / District Translation**

<table>
<thead>
<tr>
<th>District Classification</th>
<th>Open Space/Agricultural</th>
<th>Low Intensity</th>
<th>Existing Neighborhood</th>
<th>Medium or High Intensity Zone</th>
<th>Employment Center</th>
<th>Corridor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conventional Residential</td>
<td>NP</td>
<td>NP</td>
<td>C</td>
<td>--</td>
<td>--</td>
<td>C</td>
</tr>
<tr>
<td>Neighborhood Density Districts</td>
<td>NP</td>
<td>NP</td>
<td>See Section 4.1.2.4 - 4.1.2.5</td>
<td>NP</td>
<td>NP</td>
<td>C</td>
</tr>
<tr>
<td>Character Districts</td>
<td>NP</td>
<td>C</td>
<td>--</td>
<td>C</td>
<td>NP</td>
<td>C</td>
</tr>
<tr>
<td>Special Districts</td>
<td>--</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>C</td>
<td>C</td>
</tr>
</tbody>
</table>

Legend: -- = Not Allowed (PSA Required), NP = Not Preferred, C = Consider
CD-3 Zoning Analysis:

- CD-3 zoning is primarily intended to accommodate one and two family houses. Uses that would substantially interfere with the residential nature of the district are not allowed.

- **Allowable Building Types:** House, Cottage, Accessory Dwelling Unit, Cottage Court, Duplex, Zero Lot Line House, and Civic Building

- Occupancy Restrictions do not apply within the CD-3 zoning district.

- Proposed rezoning aligns with vision of the Comprehensive Plan, which states that the community needs **diversified housing options**.

- The property is vacant.
Adjacent Neighborhood

- South side of property abuts Cottonwood Creek Neighborhood.

- Cottonwood Creek neighborhood zoning includes Single Family – 6 (SF-6), Patio Home – Zero Lot Line (PH-ZL), and Townhouse (TH), Public, and General Commercial zoning.

- Request would have CD-3 abutting SF-6.
**SECTION 4.4.3.3 CHARACTER DISTRICT - 3**

**CD-3**

- **GENERAL DESCRIPTION**: The CD-3 district is primarily intended to accommodate one and two-family houses. Uses that would substantially interfere with the residential nature of the district are not allowed.

- **Building Types Allowed**:
  - Accessory Dwelling: Section 4.4.6.1
  - House: Section 4.4.6.2
  - Cottage: Section 4.4.6.3
  - Cottage Court: Section 4.4.6.4
  - Duplex: Section 4.4.6.5
  - Zero Lot Line House: Section 4.4.6.6
  - Civic Building: Section 4.4.6.15

- **Impervious Cover**: 60% max.
- **Units Per Gross Acre**: 10 max.

**ZONING REGULATIONS**

- **Block Perimeter**: 2,800 ft. max. Section 3.6.2.1
- **Streetscape Type**: Residential Section 3.8.1.10

---

**SECTION 4.4.1.3 SINGLE FAMILY - 6**

**SF-6**

- **GENERAL DESCRIPTION**: The SF-6 district is intended to accommodate single family detached houses with a minimum lot size of 6,000 square feet. Characterized by smaller landscaped areas with moderate setbacks and more frequent pedestrian use. Uses that would substantially interfere with the residential nature of the district are not allowed.

- **Building Types Allowed**:
  - Accessory Dwelling: Section 4.4.6.1
  - House: Section 4.4.6.2
  - Cottage: Section 4.4.6.3
  - Civic Building: Section 4.4.6.15

- **Units Per Gross Acre**: 5.5 max.
- **Impervious Cover**: 50% max.
- **Occupancy Restrictions**: Section 5.1.4.1
Environmental Analysis

- Not located in floodplain.
- Not located within any Edwards Aquafer Zone.
- Not located on significant slopes.
- Not located within a sensitive watershed.
Opposition

• Three community members spoke in opposition of the request at P&Z.

• Additionally, Staff has received a petition opposing the request.
Planning And Zoning Commission Recommendation:
The Planning and Zoning Commission recommended \textbf{approval} of the request by a vote of 5-3.

Staff Recommendation:
Staff provides this request to the Commission for your consideration and recommends \textbf{approval} of the request for a zoning change from “FD” Future Development to “CD-3” Character District – 3.
# Zoning District Comparison Chart

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning Description</td>
<td>The City does not have zoning outside of City Limits. The City primarily regulates the subdivision of land within the ETJ.</td>
<td>The Future Development (FD) District is intended to serve as a temporary zoning district for properties that shall develop in the future, but have been newly annexed and/or are not yet ready to be zoned for a particular Use. Characterized by primarily agricultural use with woodlands and wetlands and scattered buildings.</td>
<td>The CD-3 District is primarily intended to accommodate one and two family houses. Uses that would substantially interfere with the residential nature of the district are not allowed.</td>
</tr>
<tr>
<td>Uses</td>
<td>No zoning restrictions</td>
<td>Residential (See Land Use Matrix)</td>
<td>Residential (See Land Use Matrix)</td>
</tr>
<tr>
<td>Parking Location</td>
<td>No zoning standards</td>
<td>No location standards</td>
<td>Parking allowed in the Second and Third Layer</td>
</tr>
<tr>
<td>Parking Standards</td>
<td>No zoning standards</td>
<td>2 spaces per dwelling unit (Single Family Detached)</td>
<td>2 spaces per dwelling unit</td>
</tr>
<tr>
<td>Max Residential Units / acre</td>
<td>Based on County Septic restrictions..</td>
<td>0.4 units per acre (max)</td>
<td>10 units per acre (max)</td>
</tr>
<tr>
<td>Occupancy Restrictions</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Landscaping</td>
<td>No zoning standards</td>
<td>Tree and shrub requirements</td>
<td>Tree and shrub requirements</td>
</tr>
<tr>
<td>Building Height(max)</td>
<td>No zoning standards</td>
<td>2 stories</td>
<td>2 stories</td>
</tr>
<tr>
<td>Setbacks</td>
<td>No zoning standards</td>
<td>Based on Zoning District</td>
<td>15 foot front Setback, 5 foot side setback (interior), 10 foot side setback (corner), 15 foot rear set back.</td>
</tr>
<tr>
<td>Impervious Cover (max)</td>
<td>No zoning standards</td>
<td>30%</td>
<td>60%</td>
</tr>
<tr>
<td>Lot Sizes</td>
<td>No zoning standards</td>
<td>Allows a variety of lot sizes depending on Building Type.</td>
<td>Allows a variety of lot sizes depending on Building Type.</td>
</tr>
<tr>
<td>Streetscapes</td>
<td>Dependent on use.</td>
<td>Residential Street: 5’ sidewalk for lots smaller than 1 acre, street trees every 40’ on center average, 7’ planting area.</td>
<td>Residential Street: 5’ sidewalk, street trees every 35’ on center average, 7’ planting area.</td>
</tr>
<tr>
<td>Blocks</td>
<td>3,000 ft. Block Perimeter max.</td>
<td>No Block Perimeter Required</td>
<td>2,800 ft. Block Perimeter max.</td>
</tr>
</tbody>
</table>
ORDINANCE NO. 2020-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING THE OFFICIAL ZONING MAP OF THE CITY BY REZONING APPROXIMATELY 12.5 ACRES OF LAND GENERALLY LOCATED NORTH OF THE INTERSECTION OF HIGHWAY 123 AND MONTEREY OAK DRIVE, FROM “FD” FUTURE DEVELOPMENT DISTRICT TO “CD-3” CHARACTER DISTRICT 3; AND INCLUDING PROCEDURAL PROVISIONS.

RECITALS:

1. On February 25, 2020, the Planning and Zoning Commission of the City of San Marcos held a public hearing regarding a request to change the zoning designation from “FD” Future Development District to “CD-3” Character District 3 for approximately 12.5 acres of land generally located north of the intersection of Highway 123 and Monterey Oak Drive.

2. The Planning and Zoning Commission voted to recommend that the request be approved by the City Council.

3. The City Council held a public hearing on March 17, 2020 regarding the request.

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

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

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

SECTION 1. The Official Zoning Map of the City is amended to rezone the tract of land described in Exhibit A, attached hereto and made a part hereof, from “FD” Future Development District to “CD-3” Character District 3.

SECTION 2. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

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

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

PASSED AND APPROVED on first reading on March 17, 2020.
PASSED, APPROVED AND ADOPTED on second reading on April 7, 2020.

Jane Hughson
Mayor

Attest:

Tammy K. Cook
Interim City Clerk

Approved:

Michael J. Cosentino
City Attorney
EXHIBIT A

METES AND BOUNDS DESCRIPTION TO ACCOMPANY ZONING AND ANNEXATION EXHIBIT

BEING 12.43 ACRES (241,632 SQUARE FEET +/-) TRACT OF LAND SITUATED IN THE J.F. GEISTER SURVEY NO. 6 AND IN THE J.F. GEISTER SURVEY NO. 7, IN THE CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, SAID 12.43 ACRE TRACT ALSO BEING OUT OF A CALLED 30.9 ACRE TRACT (TRACT 2) AS DESCRIBED IN DOCUMENT NO. 18028048, DEED RECORDS OF HAYS COUNTY, TEXAS; AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOW:

COMMENCING at a 1/2-inch Iron Rod found on the East Right-of-Way line of State Highway 123 and the Southeast Right-of-Way line of Old-Bastrop Highway and marking the Westermost corner of a called 225.25 Acre Tract as described in deed recorded in Document number 18004464, of the Deed records of Hays County, Texas;

THENCE S 04° 22' 13" W a distance of 288.89 feet, along and with the East Right-of-Way line of said State highway 123 to a 1/2-Inch Iron Rod found marking the Northermost corner of said 30.9 Acre Tract;

THENCE S 04° 24' 31" W a distance of 1506.69 feet, along and with the East Right-of-Way line of said State highway 123 to a 1/2-Inch Iron Rod found at the POINT OF BEGINNING;

THENCE S 85° 35' 29" E a distance of 127.50 feet departing the East Right-of-Way line of said State Highway 123, into and across said 30.9 Acre Tract to a 1/2-Inch Iron Rod with cap "MBC" set at the point of curvature of a curve to the left;

THENCE along and with said curve to the left having the following parameters: Radius = 545.00 feet, Arc length = 415.83 feet, Chord Bearing = N 71° 29' 57" E and Chord Distance = 424.31 feet to a 1/2-Inch Iron Rod with cap "MBC" set;

THENCE N 48° 35' 24" E a distance of 607.78 feet to a 1/2-Inch Iron Rod with cap "MBC" on the West line of said 100 Acre tract, to a fence post found marking the Northermost corner of Lot I, Block F, Cottonwood Creek Phase I, Section I-B, according to the plat thereof recorded in Volume 14, Page 294 of the Map and Plat records of Hays County, Texas;

THENCE S 42° 06' 52" E a distance of 310.02 feet along and with the West line of said 100 Acre tract as described in deed recorded in Document number 18028048 of the Deed records of Hays County, Texas;

THENCE S 48° 15' 24" W a distance of 1674.24 feet along and with the Northwest line of said Cottonwood Creek Phase I, Section I-B Subdivision, to a Fence Post found on the East Right-of-Way of said State Highway 123 and marking the Southermost corner of this tract;
THENCE N 04° 24' 31" E a distance of 811.01 feet along and with the East Right-of-Way line of said State Highway 123, to the POINT OF BEGINNING and containing 12.43 acres, more or less as surveyed by Martin, Bose, Copeland, and Associates, Inc.

Note: A Survey Sketch that is made a part hereof and shall accompany this instrument.

Joel Christian Johnston, R.P.L.S.
TBPLS Firm Registration 10011700

Date: December 04, 2019
Job No: 3248-0-HAYS
**Zoning Request**
**ZC-20-02**

**Near the Intersection of Highway 123 and Monterrey Oak Drive**

**Summary**

**Request:** Re-zone approximately 12.5 acres of land that is currently in the Extraterritorial Jurisdiction of the City, which will be zoned Future Development (FD) upon annexation to Character District 3 (CD-3).

**Applicant:** Vantage at San Marcos
7334 Blanco Road Suite 200
San Antonio, TX 78666

**Property Owner:** Mohnke Poor Farm LLC
540 Mission Valley Road
New Braunfels, TX 78132

**Notification**

**Application:** January 15, 2020

**Neighborhood Meeting:** N/A

**Published:** January 12, 2020

**# of Participants:** N/A

**Posted:** January 8, 2020

**Personal:** January 8, 2020

**Response:** Staff received a letter against the zoning change request that included a list of names of Cottonwood Creek residents as well as a Facebook thread discussion on the proposed change. Staff is aware that there is a petition being developed against the request as well.

**Property Description**

**Legal Description:** Approximately 12.5 acres, more or less, out of the J.F. Geister Survey, No 6 and No 7, Hays County

**Location:** Near the intersection of Highway 123 and Monterey Oak Drive

**Acreage:** 12.5 +/-

**PDD/DA/Other:** N/A

**Existing Zoning:** ETJ – will be Future Development (FD)

**Proposed Zoning:** Character District-3 (CD-3)

**Existing Use:** Agricultural

**Proposed Use:** Residential

**Existing Occupancy:** Restrictions Do Not Apply

**Occupancy:** Restrictions Do Not Apply

**Preferred Scenario:** Medium Intensity Zone and Low Intensity Zone

**Proposed Designation:** Same

**CONA Neighborhood:** N/A

**Sector:** N/A

**Utility Capacity:** Adequate

**Floodplain:** No

**Historic Designation:** N/A

**My Historic SMTX Resources Survey:** No

**Surrounding Area**

<table>
<thead>
<tr>
<th>North of Property:</th>
<th>Zoning</th>
<th>Existing Land Use</th>
<th>Preferred Scenario</th>
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<tbody>
<tr>
<td>ETJ</td>
<td>Vacant / Agricultural</td>
<td>Medium / Low Intensity</td>
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</tbody>
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<table>
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<th>South of Property:</th>
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<th>Preferred Scenario</th>
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<tbody>
<tr>
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<td>Medium / Low Intensity</td>
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<thead>
<tr>
<th>East of Property:</th>
<th>Zoning</th>
<th>Existing Land Use</th>
<th>Preferred Scenario</th>
</tr>
</thead>
<tbody>
<tr>
<td>SF-6 / ETJ</td>
<td>Vacant / Residential</td>
<td>Low Intensity Zone</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>West of Property:</th>
<th>Zoning</th>
<th>Existing Land Use</th>
<th>Preferred Scenario</th>
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</thead>
<tbody>
<tr>
<td>ETJ / P</td>
<td>Commercial / Industrial / High School</td>
<td>Medium Intensity Zone</td>
<td></td>
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</table>
Zoning Request  
ZC-20-02  
Near the Intersection of Highway 123 and Monterrey Oak Drive

**Staff Recommendation**

<table>
<thead>
<tr>
<th></th>
<th>Approval as Submitted</th>
<th>Alternate Approval</th>
<th>Denial</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
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<td></td>
</tr>
</tbody>
</table>

**Staff:** Will Parrish AICP, CNU-A  
**Title:** Planner  
**Date:** January 20, 2020

**Commission Recommendation**

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

Remove this box for P&Z then add back in with the following for City Council:

**Speakers in favor or opposed**

Opposed:
1. Shay Pfeiffer  
2. William Selvage  
3. Bob Neuenfeldt

In Favor:
1. Chris Weigand

**Recommendation from the Planning and Zoning Commission Meeting held 2/25/2020**

Commissioner Kelsey made a motion to deny the ZC-20-02, Commissioner McCarty seconded the motion. The motion failed by the following vote.

**For:** 3  
**Against:** 5  
**Absent:** 1

Commissioner Rand made a motion to approve ZC-20-02, Commissioner Haverland seconded the motion. The motion passed by the following vote.

**For:** 5  
**Against:** 3  
**Absent:** 1
**Zoning Request**

**ZC-20-02**

**Near the Intersection of Highway 123 and Monterrey Oak Drive**

---

**History**

This property is located within the San Marcos Extraterritorial Jurisdiction (ETJ) and is adjacent to the Cottonwood Creek subdivision and across from the San Marcos High School on Highway 123. The request is to zone approximately 12.5 acres to Character District 3 (CD-3), which is a residential zoning district that allows one and two family dwellings.

The City of San Marcos will provide water and wastewater services to the site. The developer will be responsible for extending water and wastewater facilities through the site. Bluebonnet Electric Cooperative will provide electric service to this development.

This zoning request is being processed concurrently with an annexation request for the property.

---

**Additional Analysis**

This property abuts the Cottonwood Creek Subdivision, which consists of single family homes zoned Single Family-6 (SF-6), Patio Home-Zero Lot Line (PH-ZL), and Town House (TH). Additionally, Cottonwood Creek contains Bowie Elementary School.

The proposed zoning district, CD-3, allows six building types, including: House, Cottage, Cottage Court, Duplex, Zero Lot Line House, and Civic Building. The maximum building height allowed within this district is two stories. Any lots proposed to be 45 feet or less in width will require alley access.

The most substantial difference between CD-3 and the zoning districts within the Cottonwood Creek development is that the single family occupancy restrictions, which restrict the number of non-related persons within a dwelling unit, do not apply within the CD-3 district.

---

**Comments from Other Departments**

<table>
<thead>
<tr>
<th>Department</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police</td>
<td>No Comment</td>
</tr>
<tr>
<td>Fire</td>
<td>No Comment</td>
</tr>
<tr>
<td>Public Services</td>
<td>No Comment</td>
</tr>
<tr>
<td>Engineering</td>
<td>No Comment</td>
</tr>
</tbody>
</table>
### Evaluation Criteria for Approval (Sec.2.5.1.4)

<table>
<thead>
<tr>
<th>Evaluation</th>
<th>Criteria for Approval (Sec.2.5.1.4)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consistent</td>
<td>Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan and preferred scenario map.</td>
</tr>
<tr>
<td>X</td>
<td><em>Table 4.1 of the San Marcos Development Code identifies Character Districts as districts that are Considered in Low Intensity and Medium Intensity zones, all other districts are identified as Not Preferred.</em></td>
</tr>
<tr>
<td>Inconsistent</td>
<td>Whether the proposed zoning map amendment is consistent with any adopted small area plan or neighborhood character study for the area.</td>
</tr>
<tr>
<td>N/A</td>
<td><em>Studies were not complete at the time of this request.</em></td>
</tr>
<tr>
<td>Neutral</td>
<td>Whether the proposed zoning map amendment is consistent with any applicable development agreement in effect.</td>
</tr>
<tr>
<td>N/A</td>
<td><em>This property is requesting annexation, therefore no development agreement is proposed.</em></td>
</tr>
<tr>
<td>Consistent</td>
<td>Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses shall be appropriate in the immediate area of the land to be reclassified.</td>
</tr>
<tr>
<td>X</td>
<td><em>The uses allowed within this district are residential and have residential standards similar to those within the adjacent single family residential district.</em></td>
</tr>
<tr>
<td>Consistent</td>
<td>Whether the proposed zoning will reinforce the existing or planned character of the area.</td>
</tr>
<tr>
<td>X</td>
<td><em>The proposed district is consistent with the planned character of the area based on the Preferred Scenario Map and Comprehensive Plan, which states that the community needs diversified housing options (Neighborhood and Housing Goal 3). As this district is limited to one and two family dwelling units, it is similar in character to the adjacent residential neighborhood.</em></td>
</tr>
<tr>
<td>Consistent</td>
<td>Whether the site is appropriate for the development allowed in the proposed district.</td>
</tr>
<tr>
<td>X</td>
<td><em>This site has very few development constraints and is appropriate for residential development.</em></td>
</tr>
<tr>
<td>Inconsistent</td>
<td>Whether there are substantial reasons why the property cannot be used according to the existing zoning.</td>
</tr>
<tr>
<td>N/A</td>
<td><em>The property is not currently zoned as it is outside City Limits. Upon annexation, if zoned FD it will be able to be used for rural residential or agricultural uses.</em></td>
</tr>
<tr>
<td>Evaluation</td>
<td>Criteria for Approval (Sec.2.5.1.4)</td>
</tr>
<tr>
<td>------------</td>
<td>-----------------------------------</td>
</tr>
<tr>
<td>Consistent</td>
<td>Inconsistent</td>
</tr>
<tr>
<td><strong>X</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Whether there is a need for the proposed use at the proposed location. <em>The rezoning does serve a public purpose as it furthers the goals and vision of the Comprehensive Plan.</em></td>
</tr>
<tr>
<td><strong>X</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Whether the City and other service providers will be able to provide sufficient public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, public safety, and emergency services, while maintaining sufficient levels of service to existing development. <em>The property is located adjacent to City Limits and adequate existing City services. Roads and utility infrastructure will be required to extend into and through the development at the developer’s cost.</em></td>
</tr>
<tr>
<td><strong>X</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property. <em>The property is currently undeveloped, as such development of any kind will have an impact on the abutting neighborhood. As this is proposed to be a residential district, the impact should be minimal when compared to more intense zoning districts allowed to be requested.</em></td>
</tr>
<tr>
<td><strong>X</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>For requests to a Neighborhood Density District, whether the proposed amendment complies with the compatibility of uses and density in Section 4.1.2.5. <em>This is not a request for a Neighborhood Density District.</em></td>
</tr>
<tr>
<td><strong>X</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>The impact the proposed amendment has with regard to the natural environment, including the quality and quantity of water and other natural resources, flooding, and wildlife management. <em>This property is located within an area that has very little environmental constraints according to the Land Use Suitability Map.</em></td>
</tr>
<tr>
<td><strong>X</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Any other factors which shall substantially affect the public health, safety, morals, or general welfare. <em>None noted.</em></td>
</tr>
</tbody>
</table>
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. Imagery from 2017.

Map Date: 1/9/2020
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.

Map Date: 1/10/2020
ZC-20-02
Environmental Features
FD to CD-3 - Vantage 1

Environmental Features

- ZC_20_02_Subject_Property
- Floodway
- 100 Year Floodplain
- Edwards Aquifer Contributing Zone
- Edwards Aquifer Contributing Zone within the Transition Zone
- Edwards Aquifer Recharge Zone
- Edwards Aquifer Transition Zone

Site Location

- Subject Property
- Parcel
- City Limit

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.

Map Date: 1/16/2020
ZC-20-02
400' Notification Buffer
FD to CD-3 — 3625 State Highway 123

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.

Map Date: 1/30/2020
<table>
<thead>
<tr>
<th>Property ID</th>
<th>Subject Address</th>
<th>Owner</th>
<th>Address</th>
<th>City</th>
<th>State</th>
<th>ZIP</th>
</tr>
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<tbody>
<tr>
<td>R14470</td>
<td>3625 HWY 123</td>
<td>MOHNKE, A H</td>
<td>P O BOX 99</td>
<td>SAN MARCOS</td>
<td>TX</td>
<td>78667-0099</td>
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<tr>
<td>R117390</td>
<td>4020 MONTERREY OAK</td>
<td>SAN MARCOS CISD</td>
<td>P O BOX 1087</td>
<td>SAN MARCOS</td>
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<td>78667-0099</td>
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<tr>
<td>R13052</td>
<td>BRAZORIA TRL</td>
<td>MOHNKE, A H</td>
<td>P O BOX 99</td>
<td>SAN MARCOS</td>
<td>TX</td>
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<tr>
<td>R135774</td>
<td>2601 RATTER RD</td>
<td>SAN MARCOS CISD</td>
<td>P O BOX 1087</td>
<td>SAN MARCOS</td>
<td>TX</td>
<td>78667-0099</td>
</tr>
<tr>
<td>R14464</td>
<td>2325 OLD BASTROP HWY</td>
<td>FIRST ASSEMBLY OF GOD OF SAN M</td>
<td>P O BOX 1554</td>
<td>SAN MARCOS</td>
<td>TX</td>
<td>78667-1554</td>
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<tr>
<td>R14465</td>
<td>3620 HWY 123</td>
<td>JEWELL, ARNOLD W Attn: BRIAN JEWELL</td>
<td>3620 HWY 123</td>
<td>SAN MARCOS</td>
<td>TX</td>
<td>78666-2036</td>
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<tr>
<td>R14461</td>
<td>3700 HWY 123</td>
<td>BIZTRONICS LLC</td>
<td>3700 S HWY 123</td>
<td>SAN MARCOS</td>
<td>TX</td>
<td>78666</td>
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<tr>
<td>R14462</td>
<td>3800 HWY 123</td>
<td>LIGHTHOUSE BAPTIST CHURCH</td>
<td>3800 N SH 123</td>
<td>SAN MARCOS</td>
<td>TX</td>
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<tr>
<td>R13049</td>
<td>2121 S OLD BASTROP HWY</td>
<td>PAPE GLENN R RESIDUARY TRUST PAPE BARBARA JEAN TRUSTEE</td>
<td>2123 OLD BASTROP HWY</td>
<td>SAN MARCOS</td>
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<td>78666</td>
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<tr>
<td>R130071</td>
<td>131 WILD PLUM</td>
<td>GONZALEZ TATIANA M &amp; LUIS GONZALEZ &amp; IMELDA MARICELA VALLADARES</td>
<td>131 WILD PLUM</td>
<td>SAN MARCOS</td>
<td>TX</td>
<td>78666</td>
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<tr>
<td>R130070</td>
<td>127 WILD PLUM</td>
<td>ALCALA DON E JR &amp; LORETTA R</td>
<td>127 WILD PLUM</td>
<td>SAN MARCOS</td>
<td>TX</td>
<td>78666-5267</td>
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<tr>
<td>R130069</td>
<td>123 WILD PLUM</td>
<td>SHERMAN EARL M &amp; MIRELLA C</td>
<td>117 BOUGAINVILLEA ST</td>
<td>LAKE JACKSON</td>
<td>TX</td>
<td>77566-4171</td>
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<tr>
<td>R130068</td>
<td>119 WILD PLUM</td>
<td>RIOJAS NICOLE ANN</td>
<td>119 WILD PLUM</td>
<td>SAN MARCOS</td>
<td>TX</td>
<td>78666-5267</td>
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<tr>
<td>R130067</td>
<td>115 WILD PLUM</td>
<td>HERNANDEZ GILBERT &amp; DUEINES CRYSTAL</td>
<td>115 WILD PLUM</td>
<td>SAN MARCOS</td>
<td>TX</td>
<td>78666</td>
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<tr>
<td>R130066</td>
<td>111 WILD PLUM</td>
<td>MARMOLEJO VINCENT H &amp; KIMBERLY N</td>
<td>111 WILD PLUM</td>
<td>SAN MARCOS</td>
<td>TX</td>
<td>78666-5267</td>
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<tr>
<td>R130065</td>
<td>107 WILD PLUM</td>
<td>MAZAD TECHNOLOGIES LLC</td>
<td>18017 GANTRY DR</td>
<td>PFLUGERVILLE</td>
<td>TX</td>
<td>78660</td>
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<tr>
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<td>Code</td>
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<td>R130092</td>
<td>110 WILD PLUM</td>
<td>MARCOE STEPHEN J &amp; VICTORIA M</td>
<td>110 WILD PLUM</td>
<td>SAN MARCOS</td>
<td>TX</td>
<td>78666-5267</td>
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<tr>
<td>R130091</td>
<td>106 WILD PLUM</td>
<td>BRAVERMAN ELLEN &amp; SIDNEY</td>
<td>106 WILD PLUM</td>
<td>SAN MARCOS</td>
<td>TX</td>
<td>78666-5267</td>
</tr>
<tr>
<td>R130090</td>
<td>102 WILD PLUM</td>
<td>QUEST IRA INC FBO HOLLY SINGLETARY</td>
<td>17171 PARK ROW STE 100</td>
<td>HOUSTON</td>
<td>TX</td>
<td>77084</td>
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<tr>
<td>R130062</td>
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<td>Drive-thru or Drive-in</td>
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<td>Two Family</td>
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<td>Small Multi-Family (up to 9 units)</td>
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<td>Courtyard Housing (up to 24 units)</td>
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<td>Multi-family (10 or more units)</td>
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<td>Purpose Built Student Housing</td>
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<td>Manufactured Home</td>
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<td>Mobile Home Community</td>
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## Table 5.1 Land Use Matrix

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<thead>
<tr>
<th>Types of Land Uses</th>
<th>Conventional Residential</th>
<th>Neighborhood Density Districts</th>
<th>Character Districts</th>
<th>Special Districts</th>
<th>Definition Use Standards</th>
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<tr>
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<td>SF-R</td>
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<td>Community Home</td>
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<td>Fraternity or Sorority Building</td>
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<td><strong>Commercial Uses</strong></td>
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<td>Professional Office</td>
<td>--</td>
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<td>L</td>
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<td>Medical, except as listed below:</td>
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<tr>
<td>Urgent care, emergency clinic, or hospital</td>
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<td>Nursing/ retirement home</td>
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<td>Personal Services, except as listed below:</td>
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<td>Animal care (indoor)</td>
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<tr>
<td>Animal care (outdoor)</td>
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<td>Funeral Home</td>
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<td>Adult Oriented Businesses</td>
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<td>All Retail Sales, except as listed below:</td>
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<td>Gasoline Sales</td>
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<td>Tattoo, body piercing</td>
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<td>Building material sales</td>
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<td>Vehicle Sales/ Rental</td>
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<td>Pawnshop</td>
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<td>Restaurant/ Bar, as listed below:</td>
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<td>Eating Establishment</td>
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<td>Bar</td>
<td>--</td>
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<td>Mobile Food Court</td>
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<td>Sale of Alcohol for on premise consumption</td>
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<td>Overnight Lodging, as listed below:</td>
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<td>Bed and Breakfast (up to 8 rooms)</td>
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<td>Boutique Hotel (9-30 rooms)</td>
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See Section 18, Article 6 of the City Code

Adopted April 17, 2018 San Marcos Development Code
Table 5.1 Land Use Matrix

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<tr>
<th>Types of Land Uses</th>
<th>Conventional Residential</th>
<th>Neighborhood Density Districts</th>
<th>Character Districts</th>
<th>Special Districts</th>
<th>Definition and Use Standards</th>
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<td>Hotel/ Motel (more than 30 rooms)</td>
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<td>Golf Course</td>
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<td>Traveler Trailers/ RVs Short Term stays</td>
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<td>Shooting Range</td>
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<td>Indoor Recreation, except as listed below:</td>
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<td>Gym/ Health club</td>
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<td>Smoking Lounge</td>
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<td>Vehicle repair (major)</td>
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<td>Warehouse &amp; Distribution</td>
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<td>Research and Development</td>
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<tr>
<td>Wrecking/Junk Yard</td>
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<tr>
<td>Zoning Description</td>
<td>The City does not have zoning outside of City Limits. The City primarily regulates the subdivision of land within the ETJ.</td>
<td>The Future Development (FD) District is intended to serve as a temporary zoning district for properties that shall develop in the future, but have been newly annexed and/or are not yet ready to be zoned for a particular Use. Characterized by primarily agricultural use with woodlands and wetlands and scattered buildings.</td>
<td>The CD-3 District is primarily intended to accommodate one and two family houses. Uses that would substantially interfere with the residential nature of the district are not allowed.</td>
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<td>Uses</td>
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<td>Residential (See Land Use Matrix)</td>
<td>Residential (See Land Use Matrix)</td>
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<td>Parking Location</td>
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<td>No location standards</td>
<td>Parking allowed in the Second and Third Layer</td>
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<td>Parking Standards</td>
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<td>2 spaces per dwelling unit (Single Family Detached)</td>
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<td>Max Residential Units / acre</td>
<td>Based on County Septic restrictions..</td>
<td>0.4 units per acre (max)</td>
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<td>N/A</td>
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<td>Landscaping</td>
<td>No zoning standards</td>
<td>Tree and shrub requirements</td>
<td>Tree and shrub requirements</td>
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<td>Building Height (max)</td>
<td>No zoning standards</td>
<td>2 stories</td>
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<td>Setbacks</td>
<td>No zoning standards</td>
<td>Based on Zoning District</td>
<td>15 foot front Setback, 5 foot side setback (interior), 10 foot side setback (corner), 15 foot rear set back.</td>
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<tr>
<td>Impervious Cover (max)</td>
<td>No zoning standards</td>
<td>30%</td>
<td>60%</td>
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<td>Lot Sizes</td>
<td>No zoning standards</td>
<td>Allows a variety of lot sizes depending on Building Type.</td>
<td>Allows a variety of lot sizes depending on Building Type.</td>
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<tr>
<td>Streetscapes</td>
<td>Dependent on use.</td>
<td>Residential Street: 5’ sidewalk for lots smaller than 1 acre, street trees every 40’ on center average, 7’ planting area.</td>
<td>Residential Street: 5’ sidewalk, street trees every 35’ on center average, 7’ planting area.</td>
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<td>Blocks</td>
<td>3,000 ft. Block Perimeter max.</td>
<td>No Block Perimeter Required</td>
<td>2,800 ft. Block Perimeter max.</td>
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**SECTION 4.4.1.1  FUTURE DEVELOPMENT DISTRICT**

**GENERAL DESCRIPTION**

The Future Development (FD) District is intended to serve as a temporary zoning district for properties that shall develop in the future, but have been newly annexed and/or are not yet ready to be zoned for a particular Use. Characterized by primarily agricultural use with woodlands and wetlands and scattered buildings.

**DENSITY**

- Units Per Gross Acre: .4 max.
- Impervious Cover: 30% max.

**TRANSPORTATION**

- Streetscape Type: Residential [Section 3.8.1.10]
- Sidewalks are not required for lots greater than 1 acre

**BUILDING TYPES ALLOWED**

- Accessory Dwelling [Section 4.4.6.1]
- House [Section 4.4.6.2]
- Civic [Section 4.4.6.15]
CD-3

SECTION 4.4.3.3  CHARACTER DISTRICT - 3

GENERAL DESCRIPTION
The CD-3 district is primarily intended to accommodate one and two family houses. Uses that would substantially interfere with the residential nature of the district are not allowed.

DENSITY
<table>
<thead>
<tr>
<th>Metric</th>
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<td>Impervious Cover</td>
<td>60% max.</td>
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<tr>
<td>Units Per Gross Acre</td>
<td>10 max.</td>
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TRANSPORTATION
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<tr>
<th>Metric</th>
<th>Limit</th>
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<tr>
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<td>Streetscape Type</td>
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</table>

BUILDING TYPES ALLOWED
<table>
<thead>
<tr>
<th>Type</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory Dwelling</td>
<td>Section 4.4.6.1</td>
</tr>
<tr>
<td>House</td>
<td>Section 4.4.6.2</td>
</tr>
<tr>
<td>Cottage</td>
<td>Section 4.4.6.3</td>
</tr>
<tr>
<td>Cottage Court</td>
<td>Section 4.4.6.4</td>
</tr>
<tr>
<td>Duplex</td>
<td>Section 4.4.6.5</td>
</tr>
<tr>
<td>Zero Lot Line House</td>
<td>Section 4.4.6.6</td>
</tr>
<tr>
<td>Civic Building</td>
<td>Section 4.4.6.15</td>
</tr>
</tbody>
</table>
### ZC-20-02 (Vantage 1) Zoning Change Review (By Comp Plan Element)

**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></td>
<td>X</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>
<td></td>
<td></td>
<td>Applicant has not indicated that educational facilities will be included.</td>
</tr>
<tr>
<td>Competitive Infrastructure &amp; Entrepreneurial Regulation</td>
<td>Provides / Encourages land, utilities and infrastructure for business</td>
<td></td>
<td></td>
<td>Applicant has not indicated that infrastructure will be extended.</td>
</tr>
<tr>
<td>The Community of Choice</td>
<td>Provides / Encourages safe &amp; stable neighborhoods, quality schools, fair wage jobs, community amenities, distinctive identity</td>
<td></td>
<td></td>
<td>Applicant has not indicated that opportunities for jobs and services will be included.</td>
</tr>
</tbody>
</table>

**ENVIRONMENT & RESOURCE PROTECTION** – Land Use Suitability & Development Constraints

<table>
<thead>
<tr>
<th>Constraint by Class</th>
<th>1 (least)</th>
<th>2</th>
<th>3 (moderate)</th>
<th>4</th>
<th>5 (most)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level of Overall Constraint</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cultural</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Edwards Aquifer</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Endangered Species</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Floodplains</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Geological</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Slope</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Soils</td>
<td></td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Vegetation</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Watersheds</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Quality Zone</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### ENVIRONMENT & RESOURCE PROTECTION – Water Quality Model Results

Located in Subwatershed: **Cottonwood Creek**

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

**Notes:** This watershed currently has very little impervious cover compared to its size. Cottonwood Creek is not a tributary to the San Marcos River, with larger more concentrated growth, best management practices such as retention ponds and biofiltration gardens can be incorporated into the site planning process.

### NEIGHBORHOODS – Where is the property located

<table>
<thead>
<tr>
<th>CONA Neighborhood(s):</th>
<th>N/A – Outside City Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neighborhood Commission Area(s):</td>
<td>N/A – Outside City Limits</td>
</tr>
<tr>
<td>Neighborhood Character Study Area(s):</td>
<td>N/A</td>
</tr>
</tbody>
</table>

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

| Will Parks and / or Open Space be Provided? | X |
| Will Trails and / or Green Space Connections be Provided? | X |

The applicant has indicated a desire to include Parks / Open Space within the development.

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

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

<table>
<thead>
<tr>
<th>Existing Daily LOS</th>
<th>Highway 123</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>F</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Peak LOS</td>
<td>Highway 123</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

| Preferred Scenario Daily LOS | Highway 123 | X | |
| Preferred Scenario Peak LOS  | Highway 123 | X | X |

The Transportation Demand Model shows that Highway 123 is anticipated experience a decrease in Level of Service in the future. One reason for this is the anticipated intersection with the future Loop 110. Additional connectivity based on the requirements of our 2018 Transportation Master Plan may help alleviate the anticipated congestion.
<table>
<thead>
<tr>
<th></th>
<th>N/A</th>
<th>Good</th>
<th>Fair</th>
<th>Poor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sidewalk Availability</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td><em>Sidewalks are required to be built as part of the development.</em></td>
<td></td>
<td>YES</td>
<td>NO</td>
<td></td>
</tr>
<tr>
<td>Adjacent to existing bicycle lane?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Adjacent to existing public transportation route?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Notes: The Transportation Master Plan indicates that this development will be required to construct bicycle infrastructure along HWY 123. This infrastructure is anticipated to be part of a larger network in the future.
Notice of Public Hearing
Zoning Change Request
FD to CD-3

Hold a public hearing and consider a request by Vantage at San Marcos, on behalf of Mohnke Poor Farm, LLC, for a zoning change from ETJ to “CD-3” Character District 3, for approximately 12.5 acres, more or less, out of the J.F. Geister Survey, No 6 and No 7, Hays County, generally located north of the intersection of Highway 123 and Monterey Oak Drive.

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

- A public hearing will be held at the Planning Zoning Commission Meeting on **Tuesday, February 25, 2020** at 6:00 p.m. in the Council Chambers in City Hall, 630 East Hopkins.

- A public hearing will be held at the City Council Meeting on **Tuesday, March 17, 2020** at 6:00 p.m. in the Council Chambers in City Hall, 630 East Hopkins.

All interested citizens are invited to attend and participate in the public hearing. If you cannot attend but wish to comment, you may write to the below address. Your written comments will be given to the Planning & Zoning Commission and City Council if they are received before 5 PM on the day of the meeting.

Development Services-Planning
630 East Hopkins
San Marcos, TX 78666
planninginfo@sanmarcostx.gov

For more information regarding this request, contact the case manager Will Parrish, at (512) 805-2658. When calling, please refer to case number **ZC-20-02**.

The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 512-393-8074 or sent by e-mail to ADArequest@sanmarcostx.gov.

PLANNING AND DEVELOPMENT SERVICES
Enclosure: Map (See Reverse)
ZONING CHANGE, OVERLAY OR ESTABLISHMENT OF A HISTORIC DISTRICT/LANDMARK APPLICATION

Updated: October, 2019

CONTACT INFORMATION

<table>
<thead>
<tr>
<th>Applicant's Name</th>
<th>Property Owner</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vantage at San Marcos, LLC</td>
<td>Mohnke Poor Farm, LLC</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Applicant's Mailing Address</th>
<th>Owner's Mailing Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>7334 Blanco Rd, Suite 200 San Antonio, TX 78210</td>
<td>640 Mission Valley Rd., New Braunfels, TX 78132</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Applicant's Phone #</th>
<th>Owner's Phone #</th>
</tr>
</thead>
<tbody>
<tr>
<td>210.381.9813</td>
<td>830-708-3023</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Applicant's Email</th>
<th>Owner's Email</th>
</tr>
</thead>
<tbody>
<tr>
<td><a href="mailto:cweigand@housingdev.com">cweigand@housingdev.com</a></td>
<td><a href="mailto:lachafin.nb@gmail.com">lachafin.nb@gmail.com</a></td>
</tr>
</tbody>
</table>

PROPERTY INFORMATION

Subject Property Address(es): 3625 State Highway 123, San Marcos, TX 78666

Legal Description: Lot __________ Block __________ Subdivision __________

Total Acreage: 30

Tax ID #: R14470 & R14472

Preferred Scenario Designation: __________

Existing Zoning: NA

Existing Land Use(s): Pastureland

DESCRIPTION OF REQUEST

Proposed Zoning District(s): CD-3 & CD-4

Proposed Land Uses / Reason for Change: Single family & multifamily development

AUTHORIZATION

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

Filing Fee $1,057 plus $100 per acre Technology Fee $13 MAXIMUM COST $3,013

*Existing Neighborhood Regulating Plan Included.

Submital of this digital Application shall constitute as acknowledgement and authorization to process this request.

APPLY ONLINE – www.mygovernmentonline.org/

Planning & Development Services • 630 East Hopkins • San Marcos, Texas 78666 • 512-393-8230
I, Lora Ann Chafin (owner name) on behalf of Mohnke Poor Farm, LLC (company, if applicable) acknowledge that I/we am/are the rightful owner of the property located at 3625 State Highway 123, San Marcos, TX 78666 (address).

I hereby authorize Chris Weigand or assigns (agent name) on behalf of Vantage at San Marcos, LLC (agent company) to file this application for Zoning and other development related applications (application type), and, if necessary, to work with the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: Lora Ann Chafin Date: 11/25/2019
Printed Name, Title: Lora Ann Chafin

Signature of Agent: Chris Weigand, Project Manager Date: 12/2/19
Printed Name, Title: Chris Weigand, Project Manager

Form Updated October, 2019
The City of San Marcos Development Code requires public notification in the form of notification signs on the subject property, published notice, and/or personal notice based on the type of application presented to the Planning Commission and/or City Council.

- Notification Signs: if required by code, staff shall place notification signs on each street adjacent to the subject property and must be placed in a visible, unobstructed location near the property line. It is unlawful for a person to alter any notification sign, or to remove it while the request is pending. However, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements. **It shall be the responsibility of the applicant to periodically check sign locations to verify that the signs remain in place and have not been vandalized or removed. The applicant shall immediately notify the responsible official of any missing or defective signs. It is unlawful for a person to alter any notification sign, or to remove it while the 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.**

- Published Notice: if required by code, staff shall publish a notice in a newspaper of general circulation in accordance with City Codes and the Texas Local Government Code. **If, for any reason, more than one notice is required to be published, it may be at the expense of the applicant. The renotification fee shall be $91 plus a $13 technology fee.**

- Personal Notice: if required by code, staff shall mail personal notice in accordance with City Codes and the Texas Local Government Code. **If, for any reason, more than one notice is required to be mailed, it may be at the expense of the applicant. The renotification fee shall be $91 plus a $13 technology fee.**

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

Signature: [Signature]  
Date: [Date]

Print Name: [Print Name]

Form Updated October, 2019
METES AND BOUNDS DESCRIPTION
TO ACCOMPANY ZONING AND ANNEXATION EXHIBIT

BEING 12.43 ACRES (541,632 SQUARE FEET +/-) TRACT OF LAND SITUATED IN THE
J.F. GEISTER SURVEY NO. 6 AND IN THE J.F. GEISTER SURVEY NO. 7, IN THE CITY
OF SAN MARCOS, HAYS COUNTY, TEXAS, SAID 12.43 ACRE TRACT ALSO BEING
OUT OF A CALLED 30.9 ACRE TRACT (TRACT 2) AS DESCRIBED IN DOCUMENT NO.
18028048, DEED RECORDS OF HAYS COUNTY, TEXAS; AND BEING MORE
PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOW:

COMMENCING at a 1/2-inch Iron Rod found on the East Right-of-Way line of State Highway
123 and the Southeast Right-of-Way line of Old-Bastrop Highway and marking the Westernmost
corner of a called 225.25 Acre Tract as described in deed recorded in Document number
18004464, of the Deed records of Hays County, Texas;

THENCE S 04° 22' 13" W a distance of 288.89 feet, along and with the East Right-of-Way
line of said State highway 123 to a 1/2-Inch Iron Rod Found marking the Northernmost corner of said
30.9 Acre Tract;

THENCE S 04° 24' 31" W a distance of 1506.69 feet, along and with the East Right-of-Way
line of said State highway 123 to a 1/2-Inch Iron Rod Found at the POINT OF BEGINNING;

THENCE S 85° 35' 29" E a distance of 127.50 feet departing the East Right-of-Way line of said
State Highway 123, into and across said 30.9 Acre Tract to a 1/2-Inch Iron Rod with cap "MBC"
Set at the point of curvature of a curve to the left;

THENCE along and with said curve to the left having the following parameters: Radius =
545.00 feet, Arc length = 435.83 feet, Chord Bearing = N 71° 29' 57" E and Chord Distance =
424.31 feet to a 1/2-Inch Iron Rod with cap "MBC" Set;

THENCE N 48° 35' 24" E a distance of 607.78 feet to a 1/2-Inch Iron Rod with cap "MBC" on
the West line of a called 100 Acre tract as described in deed recorded in Document number
18028048 of the Deed records of Hays County, Texas;

THENCE S 42° 05' 52" E a distance of 310.02 feet along and with the West line of said 100
Acre tract, to a fence post Found and marking the Northernmost corner of Lot 1, Block F,
Cottonwood Creek Phase I, Section 1-B, according the plat thereof recorded in Volume 14, Page
294 of the Map and Plat records of Hays County, Texas;

THENCE S 48° 35' 24" W a distance of 1674.24 feet along and with the Northwest line of said
Cottonwood Creek Phase I, Section 1-B Subdivision, to a Fence Post Found on the East Right-
of-Way of said State Highway 123 and marking the Southernmost corner of this tract;
THENCE N 04° 24' 31" E a distance of 813.01 feet along and with the East Right-of-Way line of said State Highway 123, to the POINT OF BEGINNING and containing 12.43 acres, more or less as surveyed by Macina, Bose, Copeland, and Associates, Inc.

Note: A Survey Sketch that is made a part hereof and shall accompany this instrument.

Joel Christian Johnson, R.P.L.S.
TBPLS Firm Registration 10011700

Date: December 04, 2019
Job No: 32486-HAYS
Curve Table

<table>
<thead>
<tr>
<th>Curve #</th>
<th>Length</th>
<th>Radius</th>
<th>Delta</th>
<th>Chord Bearing</th>
<th>Chord Length</th>
</tr>
</thead>
<tbody>
<tr>
<td>C1</td>
<td>435.83'</td>
<td>545.00'</td>
<td>45°49'07&quot;</td>
<td>N 71°29'57&quot; E</td>
<td>424.31'</td>
</tr>
</tbody>
</table>

SURVEYORS NOTES:
1. BEARINGS ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM SOUTH CENTRAL ZONE, NAD 83.
2. NO IMPROVEMENTS SHOWN, ZONING AND ANNEXATION EXHIBIT ONLY. CALL 811 FOR UTILITY LOCATES PRIOR TO CONSTRUCTION.
3. THIS ZONING AND ANNEXATION EXHIBIT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT, AND MAY NOT SHOW ALL EASEMENTS OR OTHER MATTERS THAT AFFECT THIS PROPERTY.
4. METES AND BOUNDS DESCRIPTION PREPARED ON THE SAME DATE SHALL ACCOMPANY THIS ZONING AND ANNEXATION EXHIBIT.

POC.

OLD BASTROP HIGHWAY

BARBARA JEAN PAPE
A CALLED
225.25 ACRE TRACT
DOC.# 18004464 (D.R.H.C.T.)

PORTION OF
A CALLED 30.9 ACRE TRACT (TRACT 2)
DOC.# 18023048 (D.R.H.C.T.)

12.43 ACRES
541,632 SQ. FT. +/-

STATE HWY 123

P.O.B.

25' WATER LINE EASEMENT
VOLUME 24/12, PAGE 1 (D.R.H.C.T.)

30' WATER PIPE LINE EASEMENT
VOLUME 1502, PAGE 138 (D.R.H.C.T.)

FENCE POST FOUND

COTTONWOOD CREEK SUBDIVISION
PHASE 1, SECTION 'B'
VOL. 14 PG. 294 (M.R.P.H.C.T.)

10' PUBLIC UTILITY EASEMENT
VOL. 14, PAGE 294
(M.R.P.H.C.T.)

BRAZORIA TRAIL

Scale: 1" = 200'

Legend:
- 1/2" IRON ROD FOUND
- 1/2" IRON ROD W/ CAP "MBC" SET FOUNDED

M.P.R.H.C.T.
D.R.H.C.T.

DEED RECORDS OF HAYS COUNTY, TEXAS

M.B.C.
ENGINEERS

1035 Central Parkway North
San Antonio, Texas 78232
(210) 846-1122 FAX (210) 546-0122
FIRM REGISTRATION NUMBER:
T.S.P.E. F/84 & T.S.P.L.S. 1001700

DATE: 12/05/2019
JOB NO. 32484-HAYES
SHEET 1 OF 1
Cottonwood Creek and Surrounding Neighborhoods
Petition AGAINST The Development of ZC-20-02
The following is a petition on behalf of Cottonwood Creek and surrounding Neighborhoods to request to file AGAINST the proposed development of approximately 30 acres as stated in case #ZC-20-02. We fully understand that this particular meeting is in regards to the re-zoning of the above referenced property. We further understand that if the zoning is not-approved than any building can be built without requiring city approval. We also understand that if zoning is approved then the city has the right to deny certain developments on the property referenced in case #ZC-20-02. Our petition is the request of multiple individuals and families requesting that whichever approval or denial would PREVENT the proposed development of ZC-20-02 occur. We have included valid points as well as personal testimonial as to why we are AGAINST the development of said land and how it would adversely effect not only our homes, but furthermore the quality of our lives.

The development of the land in case #ZC-20-02 requests the approval for re-zoning on behalf of the city. The request for rezoning is so that on one portion of the land either a single family home OR a duplex could be built. On the other portion of the land the re-zoning is requested for the development of a multi-family home (ie apartment complexes). There are many things to consider in regards to the approval of the proposed requests but it would be negligent at best to ignore the cause and effect type relationship this request directly has on the surrounding neighborhoods.

Most of the residents interested in signing the petition specifically stated that they moved to Cottonwood Creek and other surrounding communities specifically to get away from the city lifestyle and enjoy the comforts of semi-country living. Furthermore hordes of us were told that due to the soil conservation located behind our homes that this area could NOT be developed hence the reason several of us bought our homes. There is furthermore even more of a concern for the fact that around half of the residents within the 400’ buffer zone never received notification (a very similar situation to what occurred with the notification of the “road widening” installation that is now occurring). It is also tangible to note that dozens of residents who live outside of the “buffer zone” also feel as though their lives would be directly impacted by the proposed development. You may be wondering what perhaps could possibly effect our lives so drastically as to equate to the passion presented herein this petition, so let me enlighten you in a mild summary.

First off let’s broach the topic of property values. There have been numerous academic and economic studies that show the decrease (even if mild) in property values of a neighborhood once multi-family homes and duplexes become their backyard. Now while you might be wondering why are we so considered about the values of our homes if we are so eager to live in this neighborhood and NOT sell, well to put it simply it is because if the land is allowed to be developed in said manner as stated in case #ZC-20-02 then multitudes of us will be FORCED to sell our homes due to the significant decrease in the quality of life. Upon being forced into selling our homes, our homes will no longer be worth market value and furthermore it has been proven time and time again that homes with multi-family developments behind them are extremely hard to sell or are unable to sell at all. So what happens in cases such as that? Where one’s home won’t sell due to another arbitrary development which is created not to improve the quality of lives of individuals but rather to simply pad the pockets of Big Corporate Realty? This leads us directly into our next point...realty.
Is it really a necessity to create ANOTHER multi-family apartment and duplex style dwelling? In San Marcos do we have that much of a shortage of homes? Are these homes going to help solve the economic problem for lower income families or are they just another option/competitor to the OTHER TWO apartment complexes within less than 2 miles of our neighborhoods? Literally about 1/4 of a mile down Highway 123 BRAND NEW Apartment complexes are almost fully built. Oh wait, let’s not forget about the BRAND NEW McCarty Commons that just finished completion. Are these proposed apartments and duplexes REALLY A NECESSITY? No, no they are not. They are here to simply pad the pockets of corporate realty and decrease city residents quality of life.

Speaking of quality of life I am sure by now you are curious as to how exactly one HUGE apartment complex and the possibility of duplexes could possible effect our lives? So let me break it down as quickly and plainly as possible. For starters, imagine trying to enjoy a relaxing day in the backyard with your family and friends just to look outside and see apartment residents staring directly into your backyard. Perhaps even into your kitchen or family room. Privacy has thus become loss and a family’s sense of security is compromised. Speaking of security with increased residents comes a greater chance for increased crime. I speak of this from experience having managed 3 separate apartment complexes for Castle Crown Property Management a few years ago. You might be surprised at the amount of police calls, break-ins, graffiti and vandalism as well as drugs that circulate in multi-family residencies. We, the effected neighbors, are NOT the ones screening the tenants, or the tenants friends so we have no say as to who can or cannot now become our backyard. Well enough of probable circumstance, let’s move onto more finite topics such as LIGHTS, NOISE AND TRAFFIC. With multi-family developments comes multiple families. With multiple families comes multiple cars. With multiple cars comes MORE TRAFFIC. We are already backed up almost every morning on Highway 123, so you think by allowing that many more vehicles that it would be smart for traffic, or would it probably and potentially cause a lot more traffic as well as traffic incidents. Now onto the lights. With multi-family dwellings comes extra lighting (on the outside of apartments, porches, street lamps, etc). Our once quiet and quaint country night now becomes unbearable at best due to the increased light which will directly effect the sleeping habits of residents. Also don’t forget about the added traffic, meaning cars coming and going shining their headlights at all hours of night causing more of a ruckus in our quiet community. Now let’s talk about the issue of noise. More residents means more noise and more noise means NOT the country lifestyle we purchased and moved into. Not only would there be increased noise due to increased traffic. There would be increased noise due to residents talking/partying/music/etc. None of which any of us care to expose our families to, if we did we would choose to live in downtown areas rather than a family-oriented suburban life. Also, don’t forget about the noise due to construction. Gosh, how wonderful that is going to be for everyone. Babies who will get woken up from naps. Elderly who can no longer enjoy retirement. Individuals who work from home who will have a hard time concentrating. Not to mention the percentage of returned veterans who will once again feel as though they are off on the battlefields. Wow, way to really amp up our quality of life, hm?
Another highly important matter to consider is the SOIL CONSERVATION SITE located around this area. We are just wondering how will the a) added pollution from the road construction combined with the b) construction and pollution from the still under construction apartment complexes multiplied by c) the proposed NEW construction really preserve this conservation site. Also, what about conserving the plants and wildlife? Is it really more pertinent to build another unnecessary development and DESTROY natural plant and wildlife? Last time I checked a small thing called Global Warming was occurring and I'm pretty darn sure that destroying more greenery is not going to help. What about all the wildlife and insects that live in the area? Are they just supposed to continuously be kicked out of their homes just as we feel we are about to be? Is this fair and necessary in all actuality in order to gain the approval of Big Corporate Realty Mongers? If it is then we ALL feel as though we have chosen to live in the WRONG county and will be forced to re-think our decisions and for many of us sell as quickly as possible to avoid the massive repercussions associated with the approval of the proposed development.

All in all there is absolutely NO REASON that this proposed development is a necessity. Furthermore it destroys the quality of lives of hundreds of families. Families who worked hard to choose to live in our beautiful county and our wonderful neighborhoods. It would be egregious and neglectful at best for Zoning and Commissions to approve the land development of case # ZC-20-02 after reading and hearing this brief summary of the direct effects of the proposed development. If the development were to be approved it would make it abundantly clear to all of these residents that Zoning and Commissions truly does not care about how these developments effect their residents. Before you make a decision I beseech you to consider the following...would you and your loved ones want to live with a multi-family high rise as your backyard instead of the once quaint and quiet country view you chose your house for? Thank you for your time and consideration in the aforementioned matters. Please find personal testimonial and electronic signatures attached.
1. Jason Ogg
2. Shay Pfeiffer
3. Colby Ogg
4. Addalie Ogg
5. Austin Azua
6. Darlene Roy
7. James Henry
8. Denise Garcia
9. Michelle Nic
10. Clyde Morales
11. Patricia Sanchez
12. Leslie Tharp
13. Joana Johnson
14. Patricia Pace
15. Bree Carmona
17. Monica Clay
18. Letty Garcia
19. Ashley Schaefer
20. Myriah Cabello
21. Donna Mccain
22. Matt Winn
23. Jacob David Silva
24. Ashley Kae Critchley-Silva
25. Fernando Meza
26. Kimberly A Price
27. Dustin Slaughter
28. Mckenzie Riegle
29. Amanda Hargrave
30. Kellen Casparis
31. Mavis Sullivan
32. Aaron Gette
33. Stephanie Gutierrez
34. Amanda Dasher
35. John Perez
36. Arthur Delson
37. Brittny Jones
38. Chrisina Chapman
39. Bud Turner
40. Monica Chavez
41. Polly Chavez
42. Selph Tanksley
43. Naseem Kaikhah
44. Marty Lyles
45. Donna Wollard
46. Cody Trammel
47. Lou Mojica
48. Jessica Sanchez
49. Marcial Lopez
50. Noel Rowley
51. Abigail Robles
52. Damon Knight
53. Carrie Seuess
54. Jamie Martinez
55. Candy Pratt
56. Kelsi Carson
57. Machelle Uehlinger
58. Andrea Alka
59. Bob Woodside
60. Nicky Hardin
61. Valerie Pena
62. Stephanie Graham
63. Barbara Shen
64. Rudiche Welchptak
65. Tony Scott
66. Hailey Taylor
67. Larry Rayos
68. Heather Scobia
69. Frank Ybarra Jr.
70. Gustavo Valadoz
71. Heather Gilbert
72. Tisha Guzman
73. Lainie Zach
74. Maria C Day
75. Sarah Gonzales
76. Elizabeth Bacon
77. ***PLEASE READ TESTIMONIALS BELOW TO SEE WHICH SIGNATURES ARE FOR OTHER HOUSEHOLD RESIDENTS AND SPOUSES***
Development Behind Subdivision Zoning

I am not sure how many of y'all live in the section of Cottonwood that backs up to the cow field. However, I just got off the phone with Zoning and Commission to try and figure out what is going to be built behind OUR homes. On 12.5 acres there will be some sort of single family/duplex home and on 18 acres there will be an apartment complex. I am putting together a petition to request to deny the build. My family and I specifically bought our house/lot so we had no one behind us...let alone an apartment complex. This will effect all of our property values and potentially the crime and safety of our neighborhood. If you are interested in signing the petition we are putting together to request the zoning NOT be approved please
message me or my husband and we can swing by your house so you can sign it. Thank you to everyone who chooses to help!
See more...
16 Jan · 11 neighborhoods in General

Thank

Comment

See 6 previous comments

Denise Garcia, El Camino Real

Thanks i will sign. I moved here for same reason
16 Jan Thank
Michelle Nic, Redwood

Is this located of redwood rd if so I would like to sign this petition how do I contact you? I live in the redwood area and don't want these duplexes built. There are others... See more

16 Jan Thank

Reply
Shay Ogg, Cottonwood Creek

Adrielstudios@gmail.com. Thank you so much!
16 Jan Thank

Reply

See 1 more reply
Michelle Nic, Redwood

It is off 123 and wonderworld
16 Jan Thank

Reply

1

Clyde Morales, Cottonwood Creek

Thank you! I'll sign.
16 Jan Thank
My daughter is planning on buying up there and she likes the idea that she didn’t have no neighbors close by. I don’t think she’s going to like that any more
16 Jan Thank
Are they building these complexes on the part of land that the highway is also going on? I will sign your petition!
16 Jan

Thank

Shay Ogg, Cottonwood Creek
The striped zone on the map will have the surprise build of some sort of single family home and/or duplex. The triangle portion on the map will have the apartments :(...it's all... See more
16 Jan Thank

Reply

See 2 more replies

Joana Johnson, Cottonwood Creek

I didn't receive any notification from the city regarding any of the new developments near cottonwood (low income apartments, highway, etc). Why would someone who lives in El... See more
16 Jan Thank

Reply
I have no idea. The only reason I got a notice is because my property is within the 400' buffer zone. One of the proposed developed sections would literally become our backyard... See more

16 Jan Thank
See 2 more replies

Patricia Pace, Hills of Hays

count me in to sign
16 Jan Thank

Reply

1

Bree Carmona, Gardens at El Camino
I would like to sign. I'm saddened and disappointed that the beautiful views and country feel will be taken over by over-passes and apartments. The traffic is going to be... See more
16 Jan
Thank

Reply

2

Bob Neuenfeldt Jr, Cottonwood Creek

Add us to list. Bob and Annette at 418 Brazoria Trail.
16 Jan
Thank

Reply

1
Shay Ogg, Cottonwood Creek

I will have our proposed petition finalized by Sunday pm and am MORE THAN HAPPY to offer everyone digital and/or hard copy. I'm sending it to my professors to proof read tomorrow... See more

16 JanThank

Reply
Well you would need a hell of a lot of signs. You know the city of hays do what they want to do. You wood need the whole neighborhood going.

16 JanThank

Reply
Shay Ogg, Cottonwood Creek

Not necessarily according to my conversation with zoning and commission and at this point r already have over 100 resident addresses who said they would sign...and each resident... See more

18 JanThank

Reply

See 2 more replies
Patricia Sanchez, Redwood

I'll help sign
16 Jan Thank

Reply
Monica Clay, Cottonwood Creek

I will sign
16 Jan Thank
Darlene Roy, Cottonwood Creek

I will sign
17 Jan

Thank

Reply

Letty Garcia, Gardens at El Camino
I will sign!
18 Jan Thank

Reply
Ashley Schaefer, Gardens at El Camino
I'll sign, is this the same complex that's going up behind the El Camino Real neighborhood?
20 Jan

Reply

1

Russell Hudnall, Gardens at El Camino

If anyone out there would like a free market analysis of your home just give me a call. I am a REALTOR, and your neighbor here in el camino for the past 7 years. I would love to… See more
21 Jan

Reply
Marina Titova, Hunter Rd

You can’t stop urban growth. You/l/us should embrace possibility of your/my property value to increase, because of proximity to San Antonio & Austin. Consult City developers... See more
I offer market Analysis on homes for free weather you are a client or customer. Yes there is a legal difference, however my analysis is the same in either case.
Marina Titova, Hunter Rd

That was nothing against you personally. I understand your desire to promote your business. Free service means opinion. Opinion is not enough. In my opinion, lol. Neighbors... See more

5 days ago Thank
Myriah Cabello, Gardens at El Camino

We will sign as well.
2 days ago Thank
Donna McCain, Gardens at El Camino

I will sign also. I had no idea about the Valero that was built right behind my house a few years ago.
Jason Ogg
January 16 at 8:57 AM
I am not sure how many of y'all live in the section of Cottonwood that backs up to the cow field. However, I just got off the phone with Zoning and Commission to try and figure out what is going to be built behind OUR homes. On 12.5 acres there will be some sort of single family/duplex home and on 18 acres there will be an apartment complex. I am putting together a petition to request to deny the build. My family and I specifically bought our house/lot so we had no one behind us...let alone an apartment complex. This will effect all of our property values and potentially the crime and safety of our neighborhood. If you are interested in signing the petition we are putting together to request the zoning NOT be approved please message me or my wife and we can swing by your house so you can sign it. Thank you to everyone who chooses to help!

45
Matthew Winn, Celeste Garcia and 43 others

150 Comments

Like
Comment
Comments

Mavis Sullivan I'll sign. If you can come after 7 pm I'll see if my husband
may be interested in signing. My address is 128 Flatland Trail

2

Hide or report this
Like
· Reply · 1w

Jason Ogg Sounds Great Thank you!

1

Edit or delete this
Like
· Reply · 1w
Aaron Gette Before you know it our neighborhood is going to just be in the middle of highways and apartment complexes. It's a shame. I'd be interested in signing but unfortunately I'm not in town.

Jason Ogg If you wish, I can give you my email and you can send an e-signature?
Edit or delete this
Like
· Reply · 1w

Aaron Gette Jason Ogg that works for me

Hide or report this
Like
· Reply · 1w

View 3 more replies
Stephanie Gutierrez I messaged you.

Hide or report this
Like
⋅ Reply ⋅ 1w

Jason Ogg thank you!

Edit or delete this
Like
⋅ Reply ⋅ 1w
Amanda Dasher Josh Perez you need to sign!

2

Hide or report this
Like
• Reply • 1w

Arthur Deleon I'm in! No more apartment complexes!

3

Hide or report this
Like
• Reply • 1w
Jason Ogg  Thank you!

Edit or delete this
Like
  · Reply · 1w

Amanda Hargrave  I will sign too. I hate that they are building these apartments and “affordable housing” out here. Going to make traffic a pain and longer to get to resources in town.
Matthew Chapman, Amanda Hargrave: The flip side of it is, more people living here would create pressure for more businesses and amenities to come out here as well.

Matthew Chapman: God knows our HOA isn't going to build the pool.
or any of the amenities they promised. Maybe if there's more people living out here it'll give us justification to push for the city to build out those amenities as public parks.

1

Hide or report this
Like
· Reply · 1w

View 4 more replies

Brittny Jones I was told that property was going to remain open, and that nothing would be built on it!! 😡👎
Stephanie Gutierrez Britny Jones same. We were told a lot of bullshit to buy here. Everything is coming to light now.

Chrisina Chapman Same story we were told 9 years ago.
Amanda Hargrave I would also be open to attending a planning and zoning meeting to give public comment. Let me know
Amanda Hargrave We should pack these public meetings. Really put the pressure on them. I will be there.

Hide or report this
Jason Ogg AGREED! Thank you so much! My wife will be starting to write the petition this afternoon and is MORE THAN HAPPY to provide EVERYONE a copy of it.
Kellen Violet Casparis Amanda Hargrave I'll be there

Hide or report this
Like
· Reply · 1w

Josh Perez I will sign! We need a pool and new playground for our kids!!
Not more bs 😞
Aaron Gette Josh Perez at this point we need literally ANYTHING to justify what we pay for HOA dues. Because as of now there isn't much to show for it besides a few Christmas lights/landscaping of the entrance and that shit hole playground by the walking path.
Bud Turner: I will sign. 201 wisteria way
Jason Ogg THANK YOU

Edit or delete this
Like
· Reply · 1w

Aaron Gette Any chance you can make some kind of digital petition for this and post the link? I would absolutely love to sign even though I’m not in town. Plus might be easier than going door to door.
Jason Ogg My wife will be writing the petition starting this afternoon. She is sending it to her graduate school professors to proof and will have a finalized copy for EVERYONE who is interested by late Sunday Evening. We are more than happy to do both digital as well as hard copies.
Monica Perez-Chavez Polly Chavez

Hide or report this
Like
• Reply • 1w

Selph Tanksley Naseem Kaikhah

Hide or report this
Like
Marty Lyles: I will sign 306 goldenrod

Jason Ogg: Thank You!
Marty Lyles Jason Ogg so will my wife

Matthew Chapman I have no problem with apartments being built nearby. Why exactly do you think it will lead to crime?
Aaron Gette Matthew Chapman crime is not really a concern as much as property/home values.

Jason Ogg Are you the ones screening the tenants? So you do not
know who will be living there. Plus who all their guests will be. I used to manage 3 apartment complexes .... you would be surprised what actually happens
Jason Ogg Thank you

Donna Chapman Wollard Jason Ogg the best time to catch me is after 7
Cody Trammell I'll sign. my house backs up to the field also
Jason Ogg  Thank you

Edit or delete this  
Like  
- Reply · 1w

Cody Trammell  Jason Ogg  I'm at 201 wild plum

1

Hide or report this  
Like  
- Reply · 1w

View 1 more reply
Lou Mojica same We will sign

2

Hide or report this
Like
· Reply · 1w

Jason Ogg Thank you

Edit or delete this
Like
· Reply · 1w
Dustin Slaughter I will sign it.

Hide or report this
Like
· Reply · 1w

Jason Ogg Thank you

Edit or delete this
Like
Dustin Slaughter Do we know what timeline are working on?
Hide or report this
Like
· Reply · 1w

Jason Ogg Thank you

Edit or delete this
Like
· Reply · 1w
Marcial Lopez Hi Jason,
    Thanks for the update Info.
    Please add me on the list to sign the petition....See More

Hide or report this
Like
  · Reply · 1w

Jason Ogg THANK YOU!

Edit or delete this
Like
  · Reply · 1w
Noel Rowley: Hell I'm in phase 3 and will sign! I HATE all the apartment buildings going up in this town. I moved out here to be further away from the college crowd. 128 miles dr!
Jason Ogg THANK YOU!

Edit or delete this
Like
  · Reply · 1w

Noel Rowley Message me when in route. Dogs go nuts at people knocking at the door for 20 mins after they leave lol

1

Hide or report this
Like
  · Reply · 1w

View 1 more reply
Abigail Robles  We will sign. 314 Brazoria

2

Hide or report this
Like
· Reply · 1w

Jason Ogg Thank you!

Edit or delete this
Like
· Reply · 1w
Damon Knight  Yes! We will sign!!!
Carrie Hall Suess We will sign also.
Jason Ogg  Thank you!

Edit or delete this
Like
  · Reply · 1w

Jamie Price-Martinez  We will sign it! 107 Wisteria Way.

Hide or report this
Like
  · Reply · 1w
Jason Ogg Thank you!

Edit or delete this
Like
· Reply · 1w

Candy Cain-Pratt I will sign
· 210 Linden lane

Hide or report this
Like
· Reply · 1w
Candy Cain-Pratt Won't be home till after 6:30

Hide or report this
Like
· Reply · 1w

Jason Ogg Candy Cain-Pratt Thank you! We will start collecting signatures on Monday at whatever location and time is best for y'all!

1

Edit or delete this
Like
· Reply · 1w
Kelsi Byrn Carson Is this in the second phase?

Hide or report this
Like
  · Reply · 1w

Cody Trammell This involves the houses on wild plum

Hide or report this
Like
  · Reply · 1w
Machelle Uehlinger We will sign Machelle Uehlinger
304 Lance Trail
New section off Rattler...See More

Hide or report this
Like
· Reply · 1w

View 4 more replies

Andraya Alka I will sign...209 Linden Lane
Jason Ogg Thank you!

Jason Ogg To be honest I am not sure what phase we live in lol. We bought from someone who only lived here for 2 years. I believe we are phase 1? From my understanding from the map and speaking with Mr. Parrish the land to be potentially developed is a majority of the cow pasture that backs up to our homes
Bob Woodside We will sign, 313 Hoya Lane. We have the park as a view, don't want to open any doors for any further development. Call my wife Robin 512 798 1380, we will meet you outside, our dogs go crazy, too.
Jason Ogg  Perfect! My wife is finishing up the petition tonight and having it proofread. She said it will tentatively be done Sunday night so she or I will start getting signatures on Monday. We are more than happy to swing by houses or have people stop by here. Whatever is convenient for y'all

Edit or delete this
Like
· Reply · 1w

Bob Woodside  Jason Ogg  address? More than happy to stop by.

Hide or report this
Like
· Reply · 1w

View 2 more replies
Nicky Hardin We will sign!

Hide or report this
Like
· Reply · 1w

Jason Ogg Thank you!

Edit or delete this
Like
· Reply · 1w
Valerie Pena  The biggest reason for buying this home was for the peaceful view.  I'll sign.  305 Hoya Lane

Hide or report this
Like
· Reply · 1w

Jason Ogg  Thank you. Ditto us too! We searched for months...specifically for a corner lot with no neighbors behind the house.
Edit or delete this
Like
· Reply · 1w

Stephanie Graham How many signatures do you need?

Hide or report this
Like
· Reply · 1w

Jason Ogg Not sure, Mr. Parrish (when I spoke with him this morning) said that in the past the city has seriously taken into
account the feelings of the residents. I told him I would try and get a petition together so my guess is the more the better

1

Edit or delete this
Like
· Reply · 1w

Barbara Franklin Shen My husband and I will sign. 201 Hoya

Hide or report this
Like
· Reply · 1w
Jason Ogg thank you!

Edit or delete this
Like
· Reply · 1w

Rudiche Welchptak We will sign 117 Vantage Point

Hide or report this
Like
· Reply · 1w
Jason Ogg thank you!

Edit or delete this
Like
  · Reply · 1w

Tony Scott️ I don’t want apartments any closer to our subdivision than already being built. Question is what IF the they don’t get the approval for the annexation. What is the plan for the land. It’s prime land so it won’t be a cow pasture forever.
Jason Ogg Thank you!

Jason Ogg i have no idea ... we called about the price months ago and it was ridiculous (2.3 or 2.6 mil). im hoping the market just crashes and a bunch of us can go in a buy up the remaining 30. supposedly there is some sort of soil conservation there also? I ...
Edit or delete this
Like
· Reply · 1w

View 19 more replies

Hailey Fattig-Taylor: I want to sign!
205 Wisteria Way

Hide or report this
Like
· Reply · 1w · Edited
Jason Ogg Thank you!

Edit or delete this
Like
· Reply · 1w

Larry Rayos Did you get the petition from the City Clerk's office at city hall? That would be the proper one to sign.

Hide or report this
Like
· Reply · 1w
Jason Ogg Larry Rayos will be going to look for this tomorrow

Edit or delete this
Like
• Reply • 1w

Heather Scobie My house backs up to this field. Please PM me to sign your petition. House seems okay but no go on apartments.
Brittny Jones Hana Rubanka

1

Hide or report this
Like
· Reply · 1w
Frank Ybarra Jr  Me and my wife will. 108 miles dr.

Hide or report this
Like
· Reply · 1w

Jhonny Weeks  I would like to see a copy of the petition to read it before I sign please.

Hide or report this
Like
· Reply · 1w
Dustin Slaughter Regardless, planning and zoning will do whatever they want. The past predicts the future. This really worries me because of the crime rate and the property value diminishing. It needs to stay as is and hopefully it will.

Hide or report this
Like
· Reply · 1w

Kellen Violet Casparis 230 linden I’ll sign.
Gustavo Valadez Perfect 👌

Hide or report this
Like
· Reply · 1w
Heather\textbf{Mike Gilbert} Then let's buy the land so they can't build

Hide or report this
Like
\cdot Reply \cdot 1w

\textbf{Tisha Martinez Guzman} We would like to sign 213 Wild plum

Hide or report this
Like
\cdot Reply \cdot 1w
Lainie Stoddard Zach 317 Brazoria will sign 🍼

Hide or report this
Like
  · Reply · 1w

Nikki Medellin Mary Medellin Alberto Medellin

1

Hide or report this
Maria C Day 226 Brazoria Trl will sign.

Kevin Ryan Carson Which field are you referring to. Is it the one on the
back side of Lance trail or in phase 1

Hide or report this
Like
· Reply · 1w

Cody Trammell Kevin Ryan Carson phase1 from Monterey oak, wild plum to Brazoria trail

Hide or report this
Like
· Reply · 1w · Edited
**Sarah Gonzales** 129 Flatland Trl will sign!

Hide or report this
Like
· Reply · 1w

**Elizabeth Bacon** I'll sign too all these apartments are going to cause lots of traffic issues already I'm concerned for the speed limit on SH123 with the new apartments driveway not having a light I don't think this is going to be good at all.

Hide or report this
Like
· Reply · 3d
Please attend the public hearing for the proposed apartments. We do not need this!!

10
You and 9 others

29 Comments

Like
Comment
Comments

Kimberley A Price It makes no sense.. They are building homes across from Amazon next to apartments... Why not build homes here and apartments there... The two should not mix.. It will be mostly college students and shouldn't mix in a family neighborhood... Not fair to the students or the families

1

Hide or report this
Ryan Tarney Kimberley A Price Didn't think I'd see somebody say something that would have been an argument for Pro-Segregation among my neighbors.

Adrian Orta Doesn't bother me.
Damon Knight: Can’t make the meeting tonight, but hopefully there is a good turn out.
Sotero Ramirez ☕ Where will this meeting be?

Hide or report this
Like
· Reply · 4h

Cody Trammell Sotero Ramirez at city hall at 6PM

Hide or report this
Like
· Reply · 3h
Ryan Tarney Imagine moving to a College Town and not liking the College students that are growing the city. The logic here confuses me.

Hide or report this
Like
· Reply · 3h

Cody Trammell Ryan Tarney a majority of the college students go back home when they are done

Hide or report this
Like
Ryan Tarney Cody Trammell But certainly not all, demand from students is still developing the area and a growing temporary population is still beneficial.

Hide or report this
Like
· Reply · 3h

View 15 more replies
Mckenzie Riegle  I like the cows, they are cute 😊

3

Hide or report this
Like
· Reply · 1h

Amanda Hargrave  Mckenzie Riegle  love this lol

Hide or report this
Like
· Reply · 1h
Amanda Hargrave I will be there and maybe my husband

Hide or report this
Like
· Reply · 1h

Kellen Violet Casparis I like the cows 😞
Kellen Violet Casparis: Will there be a pool in these apartments that we get to use?
Please add James Henry who also lives at my address. Thanks for all you have done.

Jacob David Silva: I live over on 115 Hoya lane. I would be willing to sign the petition when you have some time and I'm home.

Matt Winn: Hey Jason, I'm your next door neighbor. Please let me know when you have the petition ready. My fiancee and I will definitely sign. We plan on going to the meeting on the 28th as well.

Ashley Kae Critchley-Silva: Hi Jason, my husband and I saw your post to the Cottonwood Creek FB group about getting people to sign a petition about the apartment complex being built in the cow-field. We'd love to sign this petition. Are we too late?

Fernando meza: Hi! Please, Can give you send me an email so my wife and I can sign?
City of San Marcos
Protest to Proposed Rezoning

Notes:
1. A protest to a proposed rezoning of property must be signed by the owners of at least 20 percent of either 1) the area of the proposed change, or 2) the area of the lots or land within a 200 foot perimeter or ± 400 foot perimeter around the area of the proposed change.
2. Copies of this form may be used, but all signatures must be original, and all forms must be submitted to the City Clerk's office at five (5) business days before the scheduled City Council public hearing on the rezoning.
3. You must be an owner of property for your signature to count in determining the protest area.

To the San Marcos City Council:

We, the undersigned, protest the proposed rezoning of the following property:

<table>
<thead>
<tr>
<th>Printed Name</th>
<th>Signature/Date</th>
<th>Residence Address</th>
<th>Legal Description or Street Address of your property</th>
</tr>
</thead>
<tbody>
<tr>
<td>Michael Gutierrez</td>
<td>Michael Gutierrez</td>
<td>213 Linden Lane</td>
<td>213 Linden Lane</td>
</tr>
<tr>
<td>Stephanie Carpenter</td>
<td>Stephanie Carpenter</td>
<td>213 Linden Lane</td>
<td>213 Linden Lane</td>
</tr>
<tr>
<td>Joel Cho</td>
<td>Joel Cho</td>
<td>165 Tallow Trail</td>
<td>165 Tallow Trail</td>
</tr>
<tr>
<td>Joseph Munoz</td>
<td>Joseph Munoz</td>
<td>302 Hoya Ln.</td>
<td>302 Hoya Ln.</td>
</tr>
<tr>
<td>Branca Lucio</td>
<td>Branca Lucio</td>
<td>302 Hoya Ln.</td>
<td>302 Hoya Ln.</td>
</tr>
<tr>
<td>Cody Trammell</td>
<td>Cody Trammell</td>
<td>201 Willow Lane</td>
<td>201 Willow Lane</td>
</tr>
<tr>
<td>William Selwa</td>
<td>William Selwa</td>
<td>510 Brazoria Trail</td>
<td>510 Brazoria Trail</td>
</tr>
<tr>
<td>Laura Scott</td>
<td>Laura Scott</td>
<td>510 Brazoria Trail</td>
<td>510 Brazoria Trail</td>
</tr>
<tr>
<td>Sway Pfeifer</td>
<td>Sway Pfeifer</td>
<td>201 Willow Lane</td>
<td>201 Willow Lane</td>
</tr>
</tbody>
</table>

Circulator's Statement: I circulated this petition and all of the signatures were placed on it in my presence.

Signature: [Signature]
Printed Name: [Printed Name], Date: [Date]

FOR CITY CLERK'S USE ONLY

Petition received on the 19th day of Feb., 2020

City Clerk/deputy city clerk
Notes:
1. A protest to a proposed rezoning of property must be signed by the owners of at least 20 percent of either 1) the area of the proposed change, or 2) the area of the lots or land within a 200 foot perimeter or a 400 foot perimeter around the area of the proposed change.
2. Copies of this form may be used, but all signatures must be original, and all forms must be submitted to the City Clerk’s office at five (5) business days before the scheduled City Council public hearing on the rezoning.
3. You must be an owner of property for your signature to count in determining the protest area.

To the San Marcos City Council:

We, the undersigned, protest the proposed rezoning of the following property: (Fill in with street address or legal description, or attach a map)
from _______ (current zoning) to _______ (proposed zoning).

<table>
<thead>
<tr>
<th>Printed Name</th>
<th>Signature/Date</th>
<th>Residence Address</th>
<th>Legal Description or Street Address of your property</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jason Ogg</td>
<td></td>
<td>4005 Monterey Oak</td>
<td>4005 Monterey Oak</td>
</tr>
<tr>
<td>Shelly Lyle</td>
<td></td>
<td>306 Butterworth Dr</td>
<td>306 Butterworth Dr</td>
</tr>
<tr>
<td>Jamie Martinez</td>
<td></td>
<td>107 Twisting Dr</td>
<td>107 Twisting Dr</td>
</tr>
<tr>
<td>Emilyanne Carberry</td>
<td></td>
<td>4009 Monterey Oaks</td>
<td></td>
</tr>
<tr>
<td>Matthew Wish</td>
<td></td>
<td>4007 Monterey Oak</td>
<td></td>
</tr>
<tr>
<td>Donna Mollare Young</td>
<td></td>
<td>119 Mission Vie</td>
<td>119 Mission Viean Way</td>
</tr>
<tr>
<td>Juan Belantes Dela</td>
<td></td>
<td>1409 Monterey Oaks</td>
<td>1409 Monterey Oaks</td>
</tr>
<tr>
<td>Paola Ramirez</td>
<td></td>
<td>129 Linden Lane</td>
<td>129 Linden Lane</td>
</tr>
<tr>
<td>Ivan Delaone</td>
<td></td>
<td>114 Lakeview</td>
<td>114 Lakeview</td>
</tr>
</tbody>
</table>

Circulator's statement: I circulated this petition and all of the signatures were placed on it in my presence.

Signature: __________________________ Printed Name: __________________________ Date: __________________________

FOR CITY CLERK’S USE ONLY

Petition received on the ___ day of Feb., 2020

City clerk/deputy city clerk
Notes:
1. A protest to a proposed rezoning of property must be signed by the owners of at least 20 percent of either 1) the area of the proposed change, or 2) the area of the lots or land within a 200 foot perimeter or a 400 foot perimeter around the area of the proposed change.
2. Copies of this form may be used, but all signatures must be original, and all forms must be submitted to the City Clerk’s office at five (5) business days before the scheduled City Council public hearing on the rezoning.
3. You must be an owner of property for your signature to count in determining the protest area.

To the San Marcos City Council:

We, the undersigned, protest the proposed rezoning of the following property: 22C - 2N - 1D2 (Fill in with street address or legal description, or attach a map)
from ETO (current zoning) to CDP (proposed zoning).

<table>
<thead>
<tr>
<th>Printed Name</th>
<th>Signature/Date</th>
<th>Residence Address</th>
<th>Legal Description or Street Address of your property</th>
</tr>
</thead>
<tbody>
<tr>
<td>Patricia Guzman</td>
<td></td>
<td>213 Wild Plum, San Marcos, TX 78666</td>
<td>213 Wild Plum, San Marcos, TX 78666</td>
</tr>
</tbody>
</table>

Circulator’s statement: I circulated this petition and all of the signatures were placed on it in my presence.
Signature: ____________________________ Printed Name: ____________________________ Date: ____________

FOR CITY CLERK’S USE ONLY

Petition received on the __ day of ____________ 2020
City clerk/deputy city clerk
ZC-20-02
SH 123 Zoning
Petition Map 200ft Buffer
Map Date: 2/25/2020

Subject Property
Opposed Within 200ft Buffer 0.71 Acres (3.36%)
200ft Buffer 21.1 Acres

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.
Map Date: 2/25/2020

Petition Map 400ft Buffer

SH 123 Zoning
ZC-20-02

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.
ZC-20-02  
SH 123 Zoning  
Petition Map Adjoining Land  
Map Date: 2/25/2020

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.
CITY COUNCIL COMMENT SHEET
Regular Meeting Date: 2/25/20

CITIZEN COMMENT SIGN UP SHEET

"Please PRINT all information."

Name: William Selvage
Telephone: (512) 618-4541
Address: 910 Brazoria Trail, San Marcos, Texas 78666
E-mail address: Wrselvage@Austin.RR.com

Circle one: written or oral comments

Comment on Agenda # AC-20-01 & AC-20-02

Please be aware that this is a 30 minute Citizen Comment Period. There is a chance that after the 10th speaker there may not be any time remaining. Please ask Clerk which # you are.

CITIZENS WHO WISH TO MAKE WRITTEN COMMENTS SHOULD COMPLETE THE WRITTEN COMMENTS PORTION:
This concerns the proposed road which would connect the Advantage and Cotton Creek community. There is no requirement for a road that joins the community. (Please tell me if there is a legal or civil requirement on record that the Council knows that I don't.)
Opening our community to higher traffic creates unnecessary safety, HOA and security issues. I have been advised by a San Marcos Police Officer and emergency management that opening the road is a very bad idea. Opening unnecessary infrastructure is costly, difficult to police and manage effectively. It also diminishes our quality of life. Good fences make for good neighbors. Let's keep our neighborhoods separate and not open a connecting road.

CITIZENS WHO WISH TO MAKE ORAL COMMENTS:
1. MUST SIGN UP TO SPEAK PRIOR TO THE MEETING (CITY CLERK'S OFFICE DURING REGULAR BUSINESS HOURS FROM 8:00 AM TO 5:45 PM ON THE DAY OF THE MEETING);
2. WILL HAVE ONE OPPORTUNITY TO SPEAK; AND
3. MUST OBSERVE THE 3-MINUTE TIME LIMIT.

(Inquiries from speakers about matters not listed on the agenda will either be directed to the Staff or placed on a future agenda for Council consideration.)

OFFICE USE ONLY: (# in which received)
AGENDA CAPTION:
Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2020-12, amending the Official Zoning Map of the City by rezoning approximately 18.5 acres of land generally located North of the intersection of Highway 123 and Monterey Oak Drive, from “FD” Future Development District to “CD-4” Character District 4; and including procedural provisions; and consider approval of Ordinance 2020-12, on the first of two readings.

Meeting date: March 17, 2020

Department: Planning and Development Services

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

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

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

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu below]
☐ Economic Development - Choose an item.
☐ Environment & Resource Protection - Choose an item.
☒ Land Use - Direct Growth, Compatible with Surrounding Uses
☒ Neighborhoods & Housing - Diversified housing options to serve citizens with varying needs and interests
☐ Parks, Public Spaces & Facilities - Choose an item.
☐ Transportation - Choose an item.
Master Plan: [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]
Choose an item.

Background Information:
This property is located within the San Marcos Extraterritorial Jurisdiction (ETJ) and is adjacent to approximately 12.5 acres that the same developer is requesting to zone to Character District - 3 (CD-3). This request is to zone approximately 18.5 acres to Character District 4 (CD-4), which is primarily a residential zoning district that allows for one and two family dwellings, apartments, and limited commercial development.

Council Committee, Board/Commission Action:
The Planning and Zoning Commission heard this request at their regular meeting on February 25, 2020, and recommended approval of the request by a vote of 5 to 3.

Alternatives:
Click or tap here to enter text.

Recommendation:
Staff has reviewed the request and recommends approval as submitted.
ZC-20-05 (Vantage 2)

Hold a public hearing and consider a request by, on behalf of Mohnke Poor Farm, LLC, for a zoning change from “FD” Future Development to “CD-4” Character District 3, for approximately 18.5 acres, more or less, out of the J.F. Geister Survey, No 6 and No 7, Hays County, generally located north of the intersection of Highway 123 and Monterey Oak Drive. (W. Parrish)
Location:

- Approximately 18.5 acres

- **Current Configuration:**
  Vacant / Agricultural land

- Surrounding uses include:
  - Veterinary Clinic
  - Vacant / Agricultural

- Located outside the City Limits (Extraterritorial Jurisdiction)
Context & History

- **Existing Zoning:** Outside City Limits (ETJ)

- **Proposed Zoning:** Character District – 4 (CD-4)

  Proposed CD-4 zoning allows for residential and multifamily uses with limited commercial uses.

- Annexation request is being processed concurrently for property located outside City Limits
  - FD zoning is default classification for newly annexed land.
Comprehensive Plan Analysis

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

Located in a Low Intensity Zone

“Low Intensity Areas are varied and diverse with respect to environmental sensitivity and development suitability of the land. They are generally made up of larger undeveloped tracts of land where the preservation of sensitive environmental areas, flood hazard areas and agricultural lands should be considered as part of any development proposal. Development in these areas should be guided by the Land Use Suitability Map of the Comprehensive Plan.” (4.1.1.6)
Comprehensive Plan Analysis

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

Applicant is requesting a “Character District” (CD-4) within a Low Intensity Zone. Zoning request is C – Considered, and is consistent with the San Marcos Development Code.

<table>
<thead>
<tr>
<th>District Classification</th>
<th>Open Space/Agricultural</th>
<th>Low Intensity</th>
<th>Existing Neighborhood</th>
<th>Medium or High Intensity Zone</th>
<th>Employment Center</th>
<th>Corridor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conventional Residential</td>
<td>NP</td>
<td>NP</td>
<td>C</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Neighborhood Density Districts</td>
<td>NP</td>
<td>NP</td>
<td>See Section 4.1.2.4 - 4.1.2.5</td>
<td>NP</td>
<td>NP</td>
<td>C</td>
</tr>
<tr>
<td>Character Districts</td>
<td>NP</td>
<td>C</td>
<td>--</td>
<td>C</td>
<td>NP</td>
<td>C</td>
</tr>
<tr>
<td>Special Districts</td>
<td>--</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>C</td>
</tr>
</tbody>
</table>

Legend:
- -- = Not Allowed (PSA Required)
- NP = Not Preferred
- C = Consider
CD-4 Zoning Analysis:

- CD-4 zoning is primarily intended to accommodate one and two family houses. Uses that would substantially interfere with the residential nature of the district are not allowed.

- **Allowable Building Types:** Cottage, Accessory Dwelling Unit, Duplex, Townhouse, Courtyard Housing, Apartment, Live/Work, Neighborhood Shopfront, and Civic Building.

- Proposed rezoning aligns with vision of the Comprehensive Plan, which states that the community needs diversified housing options.

- The property is vacant.
Environmental Analysis

• Not located in floodplain.

• Not located within any Edwards Aquifer Zone.

• Not located on significant slopes.

• Not located within a sensitive watershed.
Opposition

- Three community members spoke against this request at P&Z.
Planning and Zoning Recommendation:
The Planning and Zoning Commission recommended approval of the request by a vote of 5-3.

Staff Recommendation:
Staff provides this request to the Commission for your consideration and recommends approval of the request for a zoning change from “FD” Future Development to “CD-4” Character District – 4.
## Zoning District Comparison Chart

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Zoning Description</strong></td>
<td>The City does not have zoning outside of City Limits. The City primarily regulates the subdivision of land within the ETJ.</td>
<td>The Future Development (FD) District is intended to serve as a temporary zoning district for properties that shall develop in the future, but have been newly annexed and/or are not yet ready to be zoned for a particular Use. Characterized by primarily agricultural use with woodlands and wetlands and scattered buildings.</td>
<td>The CD-4 District is intended to accommodate a variety of residential options including single-family, two family, and multifamily with limited commercial or mixed use on the corners.</td>
</tr>
<tr>
<td><strong>Uses</strong></td>
<td>No zoning restrictions</td>
<td>Residential (See Land Use Matrix)</td>
<td>Residential with some limited commercial. (See Land Use Matrix)</td>
</tr>
<tr>
<td><strong>Parking Location</strong></td>
<td>No zoning standards</td>
<td>No location standards</td>
<td>Parking allowed in the Second and Third Layer.</td>
</tr>
<tr>
<td><strong>Parking Standards</strong></td>
<td>No zoning standards</td>
<td>2 spaces per dwelling unit (if single family detached)</td>
<td>1 space per dwelling unit, 3 spaces per 1,000 sq ft office, 4 spaces per 1,000 sq ft retail.</td>
</tr>
<tr>
<td><strong>Max Residential Units / acre</strong></td>
<td>Based on County Septic restrictions.</td>
<td>0.4 units per acre (max)</td>
<td>Based on parking</td>
</tr>
<tr>
<td><strong>Occupancy Restrictions</strong></td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Landscaping</strong></td>
<td>No zoning standards</td>
<td>Tree and shrub requirements</td>
<td>Parking lot and Street Tree requirements</td>
</tr>
<tr>
<td><strong>Building Height (max)</strong></td>
<td>No zoning standards</td>
<td>2 stories</td>
<td>3 stories</td>
</tr>
<tr>
<td><strong>Setbacks</strong></td>
<td>No zoning standards</td>
<td>Based on Zoning District</td>
<td>5'-12' front Setback, 5' side setback, 15' rear set back.</td>
</tr>
<tr>
<td><strong>Impervious Cover (max)</strong></td>
<td>No zoning standards</td>
<td>30%</td>
<td>80%</td>
</tr>
<tr>
<td><strong>Lot Sizes</strong></td>
<td>No zoning standards</td>
<td>Allows a variety of lot sizes depending on Building Type.</td>
<td>Allows a variety of lot sizes depending on Building Type.</td>
</tr>
<tr>
<td><strong>Streetscapes</strong></td>
<td>Dependent on use.</td>
<td>Residential Street: 5’ sidewalk for lots smaller than 1 acre, street trees every 40’ on center average, 7’ planting area.</td>
<td>Residential, Conventional, and Mixed Use. See attached.</td>
</tr>
<tr>
<td><strong>Blocks</strong></td>
<td>3,000 ft. Block Perimeter max.</td>
<td>No Block Perimeter Required</td>
<td>2,400 ft. Block Perimeter max.</td>
</tr>
</tbody>
</table>
ORDINANCE NO. 2020-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING THE OFFICIAL ZONING MAP OF THE CITY BY REZONING APPROXIMATELY 18.5 ACRES OF LAND GENERALLY LOCATED NORTH OF THE INTERSECTION OF HIGHWAY 123 AND MONTEREY OAK DRIVE, FROM “FD” FUTURE DEVELOPMENT DISTRICT TO “CD-4” CHARACTER DISTRICT 4; AND INCLUDING PROCEDURAL PROVISIONS.

RECITALS:

1. On February 25, 2020, the Planning and Zoning Commission of the City of San Marcos held a public hearing regarding a request to change the zoning designation from “FD” Future Development District to “CD-4” Character District 4 for approximately 18.5 acres of land generally located north of the intersection of Highway 123 and Monterey Oak Drive.

2. The Planning and Zoning Commission voted to recommend that the request be approved by the City Council.

3. The City Council held a public hearing on March 17, 2020 regarding the request.

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

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

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

SECTION 1. The Official Zoning Map of the City is amended to rezone the tract of land described in Exhibit A, attached hereto and made a part hereof, from “FD” Future Development District to “CD-4” Character District 4.

SECTION 2. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

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

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

PASSED AND APPROVED on first reading on March 17, 2020.
PASSED, APPROVED AND ADOPTED on second reading on April 7, 2020.

Jane Hughson
Mayor

Attest:

Tammy K. Cook
Interim City Clerk

Approved:

Michael J. Cosentino
City Attorney
METES AND BOUNDS DESCRIPTION
TO ACCOMPANY ZONING AND ANNEXATION EXHIBIT

BEING 18.58 ACRES (809,506 SQUARE FEET +/-) TRACT OF LAND SITUATED IN THE
J.F. GEISTER SURVEY NO. 6 AND IN THE J.F. GEISTER SURVEY NO. 7, IN THE CITY
OF SAN MARCOS, HAYS COUNTY, TEXAS, SAID 18.58 ACRE TRACT ALSO BEING
OUT OF A CALLED 30.9 ACRE TRACT (TRACT '2') AS DESCRIBED IN DOCUMENT NO.
18028046, DEED RECORDS OF HAYS COUNTY, TEXAS; AND BEING MORE
PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOW:

COMMENCING at a 1/2-inch Iron Rod found on the East Right-of-Way line of State Highway
123 and the Southeast Right-of-Way line of Old-Bastrop Highway and marking the Westernmost
corner of a called 225.25 Acre Tract as described in deed recorded in Document number
18004464, of the Deed records of Hays County, Texas;

THENCE S 04° 22' 13" W a distance of 288.89 feet, along and with the East Right-of-Way line
of said State highway 123 to a 1/2-Inch Iron Rod Found at the POINT OF BEGINNING;

THENCE S 41° 37' 44" E a distance of 811.88 feet, along and with the West line of said 225.25
Acre Tract and with the East line of this tract to a Fence Post Found;

THENCE S 41° 49' 45" E a distance of 440.41 feet, continuing along and with said 225.35 Acre
Tract to a 1/2-Inch Iron Rod with cap “BYRN” Found and marking the Westernmost corner of a
called 100 Acre Tract as described in deed recorded in Document number 18028044 of the Deed
records of Hays County, Texas;

THENCE S 42° 05' 52" E a distance of 54.41 feet along and with the West line of said 100 Acre
tract, to a 1/2-Inch Iron Rod with cap “MBC” Set;

THENCE S 48° 35' 24" W a distance of 607.78 feet departing the West line of said 100 Acre
tract, into and across said 30.9 Acre tract to a 1/2-Inch Iron Rod with cap “MBC” Set at the point
of curvature of a curve to the right;

THENCE along and with said curve to the right having the following parameters: Radius =
845.00 feet, Arc length = 435.83 feet, Chord Bearing = S 71° 29' 57" W and Chord Distance =
424.31 feet to a 1/2-Inch Iron Rod with cap “MBC” Set;

THENCE N 35° 35' 29" W a distance of 127.50 feet to a 1/2-Inch Iron Rod with cap “MBC” Set
on the East Right-of-Way line of said State Highway 123;
THENCE N 04° 24' 31" E a distance of 1506.69 feet along and with the East Right-of-Way line of said State Highway 123 to the POINT OF BEGINNING and containing 18.58 acres, more or less as surveyed by Macina, Bone, Copeland, and Associates, Inc.

Note: A Survey Sketch that is made a part hereof and shall accompany this instrument.

Joel Christian Johnson, P.L.S.
TBPLS Firm Registration 10011700

Date: December 04, 2019
Job No: 32486-HAYS
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. Imagery from 2017.

Map Date: 1/9/2020
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. Imagery from 2017.

Map Date: 1/17/2020
ZC-20-05
Preferred Scenario
FD to CD-4 - Vantage 2

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Map Date: 1/17/2020
ZC-20-05
Environmental Features
FD to CD-4 - Vantage 2

Environmental Features
- Floodway
- 100 Year Floodplain
- Edwards Aquifer Contributing Zone
- Edwards Aquifer Contributing Zone within the Transition Zone
- Edwards Aquifer Recharge Zone
- Edwards Aquifer Transition Zone
- ZC_20_05_Subject_Property

Site Location
- Subject Property
- Parcel
- City Limit

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.

Map Date: 1/16/2020
<table>
<thead>
<tr>
<th>Property ID</th>
<th>Subject Address</th>
<th>Owner</th>
<th>Address</th>
<th>City</th>
<th>State</th>
<th>ZIP</th>
</tr>
</thead>
<tbody>
<tr>
<td>R141049</td>
<td>2195 S OLD BASTROP HWY</td>
<td>PETROMAX BRAZOS LLC</td>
<td>603 MAIN ST STE 201</td>
<td>GARLAND</td>
<td>TX</td>
<td>75040-6332</td>
</tr>
<tr>
<td>R131169</td>
<td>3302 HWY 123</td>
<td>LIMEROCK FARMS LTD TX LTD PARTNERSHIP</td>
<td>6325 REDWOOD RD</td>
<td>SAN MARCOS</td>
<td>TX</td>
<td>78666</td>
</tr>
<tr>
<td>R14470</td>
<td>3625 HWY 123</td>
<td>MOHNKE, A H</td>
<td>P O BOX 99</td>
<td>SAN MARCOS</td>
<td>TX</td>
<td>78667-0099</td>
</tr>
<tr>
<td>R14467</td>
<td>3500 HWY 123</td>
<td>MANN WILLIAM R</td>
<td>99 RIVER BEND LN</td>
<td>MARTINDALE</td>
<td>TX</td>
<td>78655-3817</td>
</tr>
<tr>
<td>R13052</td>
<td>BRAZORIA TRL</td>
<td>MOHNKE, A H</td>
<td>P O BOX 99</td>
<td>SAN MARCOS</td>
<td>TX</td>
<td>78667-0099</td>
</tr>
<tr>
<td>R14464</td>
<td>2325 OLD BASTROP HWY</td>
<td>FIRST ASSEMBLY OF GOD OF SAN MARCOS INC</td>
<td>P O BOX 1554</td>
<td>SAN MARCOS</td>
<td>TX</td>
<td>78667-1554</td>
</tr>
<tr>
<td>R14466</td>
<td>3600 HWY 123</td>
<td>CORAZON NEGRO LLC</td>
<td>3600 HIGHWAY 123</td>
<td>SAN MARCOS</td>
<td>TX</td>
<td>78666</td>
</tr>
<tr>
<td>R14465</td>
<td>3620 HWY 123</td>
<td>JEWELL, ARNOLD W Attn: BRIAN JEWELL</td>
<td>3620 HWY 123</td>
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<td>LIGHTHOUSE BAPTIST CHURCH</td>
<td>3800 N SH 123</td>
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<td>BARNETT DANNY L</td>
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<td>KIMURA TOBI &amp; NATHAN (LIFE ESTATE) % SERIES 2 OF THE KBAY CENTRAL GROUP LLC</td>
<td>P O BOX 4936</td>
<td>KANEOHE</td>
<td>HI 96744</td>
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<td>SAN MARCOS</td>
<td>TX 78666-5281</td>
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## Section 5.1.1.2 Land Use Matrix

### Table 5.1 Land Use Matrix

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<th>Conventional Residential</th>
<th>Neighborhood Density Districts</th>
<th>Character Districts</th>
<th>Special Districts</th>
<th>Definition Use Standards</th>
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<td>SF-R</td>
<td>SF-6</td>
<td>SF-4.5</td>
<td>ND-3</td>
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<td>Barns or agricultural buildings</td>
<td>P</td>
<td>L</td>
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<tr>
<td>Stables</td>
<td>P</td>
<td>L</td>
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<td>Community Garden</td>
<td>P</td>
<td>P</td>
<td>L</td>
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<td>L</td>
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<td>Urban Farm</td>
<td>P</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>L</td>
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<tr>
<td>Plant Nursery</td>
<td>L</td>
<td>--</td>
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<td><strong>Accessory Uses and Structures</strong></td>
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<td>Accessory Building/Structure</td>
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<td>Food Truck</td>
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<td>Drive-thru or Drive-in</td>
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<td>L</td>
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<td>Family Home Care</td>
<td>P</td>
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<td>L</td>
<td>L</td>
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<td><strong>Residential Uses</strong></td>
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<td>Single Family Detached</td>
<td>P</td>
<td>L</td>
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<td>L</td>
<td>L</td>
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<tr>
<td>Cottage Court</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>L</td>
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<tr>
<td>Two Family</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>L</td>
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<tr>
<td>Single Family Attached</td>
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<td>--</td>
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<td>Small Multi-Family (up to 9 units)</td>
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<td>Courtyard Housing (up to 24 units)</td>
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CHAPTER

Use Regulations

Table 5.1 Land Use Matrix
Neighborhood
Density Districts

Special Districts

N-MS

CD-1
CD-2
CD-3
CD-4
CD-5
CD-5D
HC
LI
HI
MH
EC

Character Districts

Definition
Use
Standards

Conventional
Residential

FD
SF-R
SF-6
SF-4.5
ND-3
ND-3.5
ND-4

Types of Land Uses

Community Home

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Section
5.1.4.12

Fraternity or Sorority Building

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Section
5.1.4.12

Professional Office

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Section 5.1.5.1

Medical, except as listed below:

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Section 5.1.5.2

Urgent care, emergency clinic, or
hospital

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Section 5.1.5.2

Nursing/ retirement home

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Section 5.1.5.2

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Section 5.1.5.3

Animal care (indoor)

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Section 5.1.5.3

Animal care (outdoor)

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Section 5.1.5.3

Funeral Home

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Section 5.1.5.3

Commercial Uses

Personal Services, except as listed
below:

Adult Oriented Businesses
All Retail Sales, except as listed
below:
Gasoline Sales

See Section 18, Article 6 of the City Code
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Section 5.1.5.4

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Section 5.1.5.4

Truck stop

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Section 5.1.5.4

Tattoo, body piercing

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Section 5.1.5.4

Building material sales

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Section 5.1.5.4

Vehicle Sales/ Rental

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Section 5.1.5.4

Pawnshop

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Section 5.1.5.4

Eating Establishment

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Section 5.1.5.5

Bar

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Section 5.1.5.5

Mobile Food Court

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-- Section 5.1.5.5

Sale of Alcohol for on premise
consumption

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Restaurant/ Bar, as listed below:

Overnight Lodging, as listed below:

Section 5.1.5.5
Section 5.1.5.6

Bed and Breakfast (up to 8 rooms)

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Section 5.1.5.6

Boutique Hotel (9 - 30 rooms)

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Section 5.1.5.6

Adopted April 17, 2018 San Marcos Development Code

5:5

5


### Table 5.1 Land Use Matrix

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<tr>
<th>Types of Land Uses</th>
<th>Conventional Residential</th>
<th>Neighborhood Density Districts</th>
<th>Character Districts</th>
<th>Special Districts</th>
<th>Definition Use Standards</th>
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<td>Hotel/ Motel (more than 30 rooms)</td>
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<td>Traveler Trailers/ RVs Short Term stays</td>
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<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>Section 5.1.7.3</td>
</tr>
<tr>
<td>Vehicle repair (major)</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>Section 5.1.7.3</td>
</tr>
<tr>
<td>Warehouse &amp; Distribution</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>Section 5.1.7.4</td>
</tr>
<tr>
<td>Waste-Related service</td>
<td>--</td>
<td>--</td>
<td>C</td>
<td>--</td>
<td>Section 5.1.7.5</td>
</tr>
<tr>
<td>Wholesale trade</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>Section 5.1.7.6</td>
</tr>
<tr>
<td>Self Storage</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>Section 5.1.7.7</td>
</tr>
<tr>
<td>Research and Development</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>Section 5.1.7.8</td>
</tr>
<tr>
<td>Wrecking/Junk Yard</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>Section 5.1.7.9</td>
</tr>
<tr>
<td><strong>Topic</strong></td>
<td><strong>Existing Zoning: N/A - Extraterritorial Jurisdiction (ETJ)</strong></td>
<td><strong>Existing Zoning: Future Development (FD)</strong></td>
<td><strong>Proposed Zoning: Character District – 4 (CD-4)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-----------</td>
<td>-------------------------------------------------------------</td>
<td>------------------------------------------------</td>
<td>--------------------------------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Zoning Description</strong></td>
<td>The City does not have zoning outside of City Limits. The City primarily regulates the subdivision of land within the ETJ.</td>
<td>The Future Development (FD) District is intended to serve as a temporary zoning district for properties that shall develop in the future, but have been newly annexed and/or are not yet ready to be zoned for a particular Use. Characterized by primarily agricultural use with woodlands and wetlands and scattered buildings.</td>
<td>The CD-4 District is intended to accommodate a variety of residential options including single-family, two family, and multifamily with limited commercial or mixed use on the corners.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Uses</strong></td>
<td>No zoning restrictions</td>
<td>Residential (See Land Use Matrix)</td>
<td>Residential with some limited commercial. (See Land Use Matrix)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Parking Location</strong></td>
<td>No zoning standards</td>
<td>No location standards</td>
<td>Parking allowed in the Second and Third Layer</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Parking Standards</strong></td>
<td>No zoning standards</td>
<td>2 spaces per dwelling unit (if single family detached)</td>
<td>1 space per dwelling unit, 3 spaces per 1,000 sq ft office, 4 spaces per 1,000 sq ft retail.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Max Residential Units / acre</strong></td>
<td>Based on County Septic restrictions.</td>
<td>0.4 units per acre (max)</td>
<td>Based on parking</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Occupancy Restrictions</strong></td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Landscaping</strong></td>
<td>No zoning standards</td>
<td>Tree and shrub requirements</td>
<td>Parking lot and Street Tree requirements</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Building Height (max)</strong></td>
<td>No zoning standards</td>
<td>2 stories</td>
<td>3 stories</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Setbacks</strong></td>
<td>No zoning standards</td>
<td>Based on Zoning District</td>
<td>5-12' front Setback, 5' side setback, 15' rear set back.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Impervious Cover (max)</strong></td>
<td>No zoning standards</td>
<td>30%</td>
<td>80%</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Lot Sizes</strong></td>
<td>No zoning standards</td>
<td>Allows a variety of lot sizes depending on Building Type.</td>
<td>Allows a variety of lot sizes depending on Building Type.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Streetscapes</strong></td>
<td>Dependent on use.</td>
<td>Residential Street: 5’ sidewalk for lots smaller than 1 acre, street trees every 40’ on center average, 7’ planting area.</td>
<td>Residential, Conventional, and Mixed Use.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Blocks</strong></td>
<td>3,000 ft. Block Perimeter max.</td>
<td>No Block Perimeter Required</td>
<td>2,400 ft. Block Perimeter max.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
SECTION 4.4.1.1  FUTURE DEVELOPMENT DISTRICT

GENERAL DESCRIPTION
The Future Development (FD) District is intended to serve as a temporary zoning district for properties that shall develop in the future, but have been newly annexed and/or are not yet ready to be zoned for a particular Use. Characterized by primarily agricultural use with woodlands and wetlands and scattered buildings.

DENSITY

- Units Per Gross Acre: .4 max.
- Impervious Cover: 30% max.

TRANSPORTATION

- Streetscape Type: Residential  Section 3.8.1.10
- Sidewalks are not required for lots greater than 1 acre

BUILDING TYPES ALLOWED

- Accessory Dwelling:  Section 4.4.6.1
- House:  Section 4.4.6.2
- Civic:  Section 4.4.6.15
SECTION 4.4.3.4  CHARACTER DISTRICT - 4

CD-4

The CD-4 district is intended to accommodate a variety of residential options including single-family, two-family and multifamily with limited commercial or mixed use on the corners.

**Density**
- Impervious Cover: 80% max.

**Transportation**
- Block Perimeter: 2,400 ft. max (Section 3.6.2.1)
- Streetscape Type:
  - Residential (Section 3.8.1.10)
  - Conventional (Section 3.8.1.7)
  - Mixed Use (Section 3.8.1.8)

**Building Types Allowed**
- Accessory Dwelling (Section 4.4.6.1)
- Cottage (Section 4.4.6.3)
- Duplex (Section 4.4.6.5)
- Townhouse (Section 4.4.6.7)
- Courtyard Housing (Section 4.4.6.9)
- Apartment (Section 4.4.6.10)
- Live/Work (Section 4.4.6.11)
- Neighborhood Shopfront (Section 4.4.6.12)
- Civic Building (Section 4.4.6.15)
### ZC-20-05 (Vantage 2) Zoning Change Review (By Comp Plan Element)

#### LAND USE – Preferred Scenario Map / Land Use Intensity Matrix

<table>
<thead>
<tr>
<th></th>
<th>YES</th>
<th>NO (map amendment required)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the request meet the intent of the Preferred Scenario Map and the Land Use Intensity Matrix?</td>
<td>X</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>
<td></td>
<td></td>
<td>Applicant has not indicated that educational facilities will be included.</td>
</tr>
<tr>
<td>Competitive Infrastructure &amp; Entrepreneurial Regulation</td>
<td>Provides / Encourages land, utilities and infrastructure for business</td>
<td></td>
<td></td>
<td>Applicant has not indicated that infrastructure will be extended.</td>
</tr>
<tr>
<td>The Community of Choice</td>
<td>Provides / Encourages safe &amp; stable neighborhoods, quality schools, fair wage jobs, community amenities, distinctive identity</td>
<td></td>
<td></td>
<td>Applicant has not indicated that opportunities for jobs and services will be included.</td>
</tr>
</tbody>
</table>

#### ENVIRONMENT & RESOURCE PROTECTION – Land Use Suitability & Development Constraints

<table>
<thead>
<tr>
<th>Constraint by Class</th>
<th>1 (least)</th>
<th>2</th>
<th>3 (moderate)</th>
<th>4</th>
<th>5 (most)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cultural</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Edwards Aquifer</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Endangered Species</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Floodplains</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Geological</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Slope</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Soils</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Vegetation</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Watersheds</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Quality Zone</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
**ENVIRONMENT & RESOURCE PROTECTION** – Water Quality Model Results

Located in Subwatershed: **Cottonwood Creek**

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

Notes: This watershed currently has very little impervious cover compared to its size. Cottonwood Creek is not a tributary to the San Marcos River, with larger more concentrated growth, best management practices such as retention ponds and biofiltration gardens can be incorporated into the site planning process.

**NEIGHBORHOODS** – Where is the property located

<table>
<thead>
<tr>
<th>CONA Neighborhood(s):</th>
<th>N/A – Outside City Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neighborhood Commission Area(s):</td>
<td>N/A – Outside City Limits</td>
</tr>
<tr>
<td>Neighborhood Character Study Area(s):</td>
<td>N/A</td>
</tr>
</tbody>
</table>

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

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

*The applicant has indicated a desire to include Parks / Open Space within the development.*

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

Public Facility Availability

<table>
<thead>
<tr>
<th>Parks / Open Space within ¼ mile (walking distance)?</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wastewater service available?</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Water service available?</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Existing Daily LOS</th>
<th>Highway 123</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>F</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Peak LOS</td>
<td>Highway 123</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Preferred Scenario Daily LOS | Highway 123 | X |   |   |   |   |
| Preferred Scenario Peak LOS  | Highway 123 | X |   |   |   |   |

*The Transportation Demand Model shows that Highway 123 is anticipated experience a decrease in Level of Service in the future. One reason for this is the anticipated intersection with the future Loop 110. Additional connectivity based on the requirements of our 2018 Transportation Master Plan may help alleviate the anticipated congestion.*
<table>
<thead>
<tr>
<th>Sidewalks are required to be built as part of the development.</th>
<th>N/A</th>
<th>Good</th>
<th>Fair</th>
<th>Poor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sidewalks are required to be built as part of the development.</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adjacent to existing bicycle lane?</td>
<td>YES</td>
<td>NO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adjacent to existing public transportation route?</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Notes: The Transportation Master Plan indicates that this development will be required to construct bicycle infrastructure along HWY 123. This infrastructure is anticipated to be part of a larger network in the future.
Notice of Public Hearing
Zoning Change Request
FD to CD-4

Hold a public hearing and consider a request by Vantage at San Marcos, on behalf of Mohnke Poor Farm, LLC, for a zoning change from FD to “CD-4” Character District 4, for approximately 18.5 acres, more or less, out of the J.F. Geister Survey, No 6 and No 7, Hays County, generally located north of the intersection of Highway 123 and Monterey Oak Drive.

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

- A public hearing will be held at the Planning Zoning Commission Meeting on **Tuesday, February 25, 2020** at 6:00 p.m. in the Council Chambers in City Hall, 630 East Hopkins.
- A public hearing will be held at the City Council Meeting on **Tuesday, March 17, 2020** at 6:00 p.m. in the Council Chambers in City Hall, 630 East Hopkins.

All interested citizens are invited to attend and participate in the public hearing. If you cannot attend but wish to comment, you may write to the below address. Your written comments will be given to the Planning & Zoning Commission and City Council if they are received before 5 PM on the day of the meeting.

Development Services-Planning
630 East Hopkins
San Marcos, TX 78666
planninginfo@sanmarcostx.gov

For more information regarding this request, contact the case manager **Will Parrish**, at (512) 805-2658. When calling, please refer to case number **ZC-20-05**.

*The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 512-393-8074 or sent by e-mail to ADArequest@sanmarcostx.gov*
CONTACT INFORMATION

<table>
<thead>
<tr>
<th>Applicant's Name</th>
<th>Property Owner</th>
</tr>
</thead>
<tbody>
<tr>
<td>Company</td>
<td>Mohnke Poor Farm, LLC</td>
</tr>
<tr>
<td>Applicant's Mailing Address</td>
<td>Vantage at San Marcos, LLC</td>
</tr>
<tr>
<td>7334 Blanco RD, Suite 200 San Antonio, TX 78210</td>
<td>Owner’s Mailing Address</td>
</tr>
<tr>
<td>Applicant’s Phone #</td>
<td>Owner’s Phone #</td>
</tr>
<tr>
<td>210.381.9813</td>
<td>830-708-3023</td>
</tr>
<tr>
<td>Applicant’s Email</td>
<td>Owner’s Email</td>
</tr>
<tr>
<td><a href="mailto:cweigand@housingdev.com">cweigand@housingdev.com</a></td>
<td><a href="mailto:lachafin.nb@gmail.com">lachafin.nb@gmail.com</a></td>
</tr>
</tbody>
</table>

PROPERTY INFORMATION

Subject Property Address(es): 3825 State Highway 123, San Marcos, TX 78666

Legal Description: Lot Block Subdivision

Total Acreage: 18

Tax ID #: R14470 & R14472

Preferred Scenario Designation:

Existing Land Use(s): Pastureland

Existing Zoning:

DESCRIPTION OF REQUEST

Proposed Zoning District(s): CD

Proposed Land Uses / Reason for Change: Multi-family

AUTHORIZATION

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

Filing Fee* $1,057 plus $100 per acre Technology Fee $13 MAXIMUM COST $3,013

*Existing Neighborhood Regulating Plan Included.

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

APPLY ONLINE – WWW.MYGOVERNMENTONLINE.ORG/

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

I, __________________________ (owner name) on behalf of Mohnke Poor Farm, LLC (company, if applicable) acknowledge that I/we am/are the rightful owner of the property located at 3625 State Highway 123, San Marcos, TX 78666 (address).

I hereby authorize __________________________ (agent name) on behalf of Vantage at San Marcos, LLC (agent company) to file this application for Zoning and other development related applications (application type), and, if necessary, to work with the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: __________________________ Date: ____________
Printed Name, Title: __________________________

Signature of Agent: __________________________ Date: ____________
Printed Name, Title: __________________________

Form Updated October, 2019

Planning & Development Services • 630 East Hopkins • San Marcos, Texas 78666 • 512-393-8230
AGREEMENT TO THE PLACEMENT OF NOTIFICATION SIGNS 
AND ACKNOWLEDGEMENT OF NOTIFICATION REQUIREMENTS

The City of San Marcos Development Code requires public notification in the form of notification signs on the subject property, published notice, and / or personal notice based on the type of application presented to the Planning Commission and / or City Council.

- Notification Signs: if required by code, staff shall place notification signs on each street adjacent to the subject property and must be placed in a visible, unobstructed location near the property line. It is unlawful for a person to alter any notification sign, or to remove it while the request is pending. However, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements. **It shall be the responsibility of the applicant to periodically check sign locations to verify that the signs remain in place had had not been vandalized or removed. The applicant shall immediately notify the responsible official of any missing or defective signs. It is unlawful for a person to alter any notification sign, or to remove it while the 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.**

- Published Notice: if required by code, staff shall publish a notice in a newspaper of general circulation in accordance with City Codes and the Texas Local Government Code. **If, for any reason, more than one notice is required to be published it may be at the expense of the applicant. The renotification fee shall be $91 plus a $13 technology fee.**

- Personal Notice: if required by code, staff shall mail personal notice in accordance with City Codes and the Texas Local Government Code. **If, for any reason, more than one notice is required to be mailed it may be at the expense of the applicant. The renotification fee shall be $91 plus a $13 technology fee.**

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

Signature: [Signature] Date: 1/14/20

Print Name: Chris Wegrzyn

Form Updated October, 2019
METES AND BOUNDS DESCRIPTION
TO ACCOMPANY ZONING AND ANNEXATION EXHIBIT

BEING 18.58 ACRES (809,506 SQUARE FEET +/-) TRACT OF LAND SITUATED IN THE
J.F. GEISTER SURVEY NO. 6 AND IN THE J.F. GEISTER SURVEY NO. 7, IN THE CITY
OF SAN MARCOS, HAYS COUNTY, TEXAS, SAID 18.58 ACRE TRACT ALSO BEING
OUT OF A CALLED 30.9 ACRE TRACT (TRACT 2) AS DESCRIBED IN DOCUMENT NO.
18028048, DEED RECORDS OF HAYS COUNTY, TEXAS; AND BEING MORE
PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOW:

COMMENCING at a 1/2-inch Iron Rod found on the East Right-of-Way line of State Highway
123 and the Southeast Right-of-Way line of Old-Bastrop Highway and marking the Westernmost
corner of a called 225.25 Acre Tract as described in deed recorded in Document number
18004464, of the Deed records of Hays County, Texas;

THENCE S 04° 22' 13" W a distance of 288.89 feet, along and with the East Right-of-Way line
of said State highway 123 to a 1/2-Inch Iron Rod Found at the POINT OF BEGINNING;

THENCE S 41° 37' 44" E a distance of 811.88 feet, along and with the West line of said 225.25
Acre Tract and with the East line of this tract to a Fence Post Found;

THENCE S 41° 49'45" E a distance of 440.41 feet, continuing along and with said 225.55 Acre
Tract to a 1/2-Inch Iron Rod with cap "BYRN" Found and marking the Westernmost corner of a
called 100 Acre Tract as described in deed recorded in Document number 18028048 of the Deed
records of Hays County, Texas;

THENCE S 42° 05' 52" E a distance of 54.41 feet along and with the West line of said 100 Acre
tract, to a 1/2-Inch Iron Rod with cap "MBC" Set;

THENCE S 48° 35' 24" W a distance of 607.78 feet departing the West line of said 100 Acre
tract, into and across said 30.9 Acre tract to a 1/2-Inch Iron Rod with cap "MBC" Set at the point
of curvature of a curve to the right;

THENCE along and with said curve to the right having the following parameters: Radius =
545.00 feet, Arc length = 435.83 feet, Chord Bearing = S 71° 29' 57" W and Chord Distance =
424.31 feet to a 1/2-Inch Iron Rod with cap "MBC" Set;

THENCE N 85° 35' 29" W a distance of 127.50 feet to a 1/2-Inch Iron Rod with cap "MBC" Set
on the East Right-of-Way line of said State Highway 123;
THENCE N 04° 24' 31" E a distance of 1506.69 feet along and with the East Right-of-Way line of said State Highway 123 to the POINT OF BEGINNING and containing 18.58 acres, more or less as surveyed by Macina, Bose, Copeland, and Associates, Inc.

Note: A Survey Sketch that is made a part hereof and shall accompany this instrument.

Joel Christian Johnson, R.P.L.S.
TBPLS Firm Registration 10011700

Date: December 04, 2019
Job No: 32486-HAYS
AGENDA CAPTION:
Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2020-72R, approving a Budget Policy Statement for preparation of the 2020-2021 Fiscal Year budget; and declaring an effective date; and consider approval of Resolution 2020-72R.

Meeting date: March 17, 2020

Department: Finance

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

Fiscal Note:
Prior Council Action: Council held a Budget Policy Workshops on February 20 and 27, 2020 to discuss budget policy statement.

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

Comprehensive Plan Element(s): [Please select the Plan element(s) and Goal # from dropdown menu below]
- Economic Development - Choose an item.
- Environment & Resource Protection - Choose an item.
- Land Use - Choose an item.
- Neighborhoods & Housing - Choose an item.
- Parks, Public Spaces & Facilities - Choose an item.
- Transportation - Choose an item.
- Not Applicable
Background Information:
The San Marcos City Council held a budget policy workshop on February 20, 2020 and February 27, 2020 in order to develop a proposed budget policy statement to guide staff and the City Manager in the development of the Fiscal Year 2020-21 budget. During the workshop, Staff provided initial assumptions to City Council for consideration and posed specific questions to which City Council provided direction.

As stated by the City charter, City Council is required to hold a workshop to discuss the budget policy and provide direction to staff by the end of February of each year. Then City Council must hold a public hearing and adopt the policy statement to be used by the City Manager as direction during the preparation of the proposed budget by the end of March.

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

Alternatives:
Click or tap here to enter text.

Recommendation:
Click or tap here to enter text.
RESOLUTION NO. 2020-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS APPROVING A BUDGET POLICY STATEMENT FOR PREPARATION OF THE 2020-2021 FISCAL YEAR BUDGET; AND DECLARING AN EFFECTIVE DATE.

RECITALS:

1. Section 8.02(b) of the San Marcos City Charter requires the City Council to formulate a policy statement to be used by the City Manager as direction during the preparation of the proposed annual budget.

2. The City Council conducted a public hearing regarding the formulation of the budget policy statement at its regular meeting on March 17, 2020.

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

PART 1. The Budget Policy Statement attached to this Resolution is hereby approved and the City Manager shall use this statement to direct the preparation of the proposed budget for the 2020-2021 fiscal year.

PART 2. This resolution shall be in full force and effect from and after its passage.

ADOPTED on March 17, 2020.

Jane Hughson
Mayor

Attest:

Tammy K. Cook
Interim City Clerk
I. FUND BALANCE

- General Fund: Maintain 25% (of recurring operating expenses) with the option to bring back to Council for further consideration later during the budget process
- Water/Wastewater Fund: Maintain 25% (of recurring operating expenses).
- Drainage Utility Fund: Maintain 25% (of recurring operating expenses).
- Electric Utility Fund: Minimum of the equivalent of 60 days of operating expenses including purchased power.

II. REVENUE

GENERAL FUND

- Property tax rate to be less than or equal to the voter approval tax rate.
- Amend budget during fiscal year if revenue deviates from budget.
- Property tax to be forecasted based on existing properties not exceeding 3.5% revenue cap.
- Sales tax to be forecasted with incremental impact of $1M decrease assumed loss in Best Buy Call Center revenue based on pending ruling from Comptroller.
- All other revenues will be budgeted based on historical trends.
- Potential new fees to be evaluated and proposed to Council during the budget process
- Cost Recovery fees will be implemented for Parks & Recreation effective Sept 1, 2020. Development Services will begin Cost of Service Study during FY20, other user fees may be increased by CPI index for the calendar year 2019.
- Revenue generated from the increased tax rate’s operating & maintenance capacity $500,000 to be reserved for additional bond project expenses
- Potential revenue from alternative funding sources will be evaluated and proposed to Council during the budget process.
- Recommendation for revisions to the economic development policy to be presented later in the budget process
WATER FUND

- Rate study to determine possible rate increases and structure changes.
- Citizens Utility Advisory Board will make recommendations to Council related to rate structure and future rate adjustments.

ELECTRIC FUND

- Rate study to determine possible rate increases and structure changes. No rate adjustment anticipated.
- Citizens Utility Advisory Board will make recommendations to Council related to rate structure and future rate adjustments.

STORMWATER MANAGEMENT FUND

- Rate study ongoing. Proposed rates will be brought forward for discussion during the budget process.

HOTEL MOTEL FUND

- Revenue budgeted based on conservative trends reflecting new hotel rooms, occupancy rate, and average room rate.

III. EXPENDITURES

GENERAL FUND

- The 2nd year of meet and confer agreement for Civil Service employees.
- Merit and cost of living increase for non-civil service employees will be determined later in the budget process as capacity allows.
- Departments will follow a zero-based budget format. All budgets must be justified and ranked by priority.
- Increase to health insurance will be evaluated and presented to Council during the budget process based on plan needs.
- Municipal Judge will increase to full-time.
- Fuel/Contractual Obligations/Consumer Price Index increases allowed.
- Continue funding Social Services programs as follows:
  - Human Services Advisory Board $500,000
  - HCWC transitional housing $150,000 (3rd payment of 3)
  - CASA $45,000 (3 of 10 payments)
  - Family Justice Center $45,000
Youth Services Director (Community Action) $50,000; $100,000 allocated to Parks n Recreation to fund personnel
- Museums $100,000
- Sights n Sounds event must submit application for funding based on City’s event policy guidelines.
- Homebuyers Incentives program will not be funded, prior year funding was $100,000.
- City hosted events will continue funding as follows:
  - Veterans Day $5,000
  - Summer Fest $15,000
  - Special Events (arts commission) $30,000
- Support of the City’s Sustainability and Historic Preservation efforts will be analyzed and brought to Council for further consideration.
- No funding allocated for youth-related grants annually provided to the San Marcos Commission on Children and Youth.
- Expansion of service for EMS with an amount not to exceed $650,000.
- TIRZ #2 – Blanco Vista will be refinanced during 2020 calendar year.
- The Economic Development Manager and program cost of $200,000 will be an allocation between General Fund, Water Wastewater Fund, and Electric Fund.
- Transit operations funding requests to be presented later in the budget process.

**WATER/WASTEWATER FUND**

- Merit and cost of living increase for non-civil service employees will be determined later in the budget process as capacity allows.
- Increase to health insurance will be evaluated and presented to Council during the budget process based on plan needs.
- Departments will follow a zero-based budget format. All budgets must be justified and ranked by priority.
- Fuel/contractual obligations/consumer price index increases allowed.
- The Economic Development Manager and program cost of $200,000 will be an allocation between General Fund, Water Wastewater Fund, and Electric Fund.
- Utility fund transfers to the General Fund budgeted at 7%.

**ELECTRIC UTILITY FUND**

- Merit and cost of living increase for non-civil service employees will be determined later in the budget process as capacity allows.
• Increase to health insurance will be evaluated and presented to Council during the budget process based on plan needs.
• Departments will follow a zero-based budget format. All budgets must be justified and ranked by priority.
• Fuel/contractual obligations/consumer price index increases allowed.
• The Economic Development Manager and program cost of $200,000 will be an allocation between General Fund, Water Wastewater Fund, and Electric Fund.

• Utility fund transfers to the General Fund budgeted at 7%.

**STORMWATER UTILITY FUND**

• Merit and cost of living increase for non-civil service employees will be determined later in the budget process as capacity allows.
• Increase to health insurance will be evaluated and presented to Council during the budget process based on plan needs.
• Departments will follow a zero-based budget format. All budgets must be justified and ranked by priority.
• Fuel/contractual obligations/consumer price index increases allowed.

**HOTEL MOTEL FUND**

• Merit and cost of living increase for non-civil service employees will be determined later in the budget process as capacity allows.
• Increase to health insurance will be evaluated and presented to Council during the budget process based on plan needs.
• Funding for special programs will be evaluated based on capacity.
• Departments will follow a zero-based budget format. All budgets must be justified and ranked by priority.
City of San Marcos
FY21 Proposed
Budget Policy Statement

I. FUND BALANCE

* a) General Fund: Maintain 25% (of recurring operating expenses) with the option to bring back to Council for further consideration later during the budget process.
* b) Water/ Wastewater Fund: Maintain 25% (of recurring operating expenses).
* c) Drainage Utility Fund: Maintain a range of 205% (of recurring operating expenses).
* d) Electric Utility Fund: Minimum of the equivalent of 60 days of operating expenses including purchased power.

II. REVENUE

GENERAL FUND

* a) Property tax rate maintained at 61.39 cents per $100 of valuation to be less than or equal to the voter approval tax rate.
* b) Amend budget during fiscal year if revenue deviates from budget.
* c) Revisit Over 65 tax freeze in June awaiting state legislature ruling on property tax cap on rollback rates.
* d) Utility Fund franchise fee transfers to the General Fund reduced back to 7%.
* e) All other revenues will be budgeted based on historical trends.
* f) Potential new fees to be evaluated and proposed to Council during the budget process.
* g) Cost Recovery fees will be implemented for Parks & Recreation effective Sept 1, 2020. Adjust fees according to Fee Policy Development Services will begin Cost of Service Study during FY20, other user fees
...may be increased by (upon adoption), or - CPI index for the calendar year 2018-2019.

h) Revenue generated from the increased tax rate’s operating & maintenance capacity remaining $500,000 to be reserved for additional bond project expenses

i) Potential revenue from alternative funding sources will be evaluated and proposed to Council during the budget process

*j) Recommendation for revisions to the economic development policy to be presented later in the budget process

WATER FUND

*k) Rate study to determine possible rate increases and structure changes.

*l) Citizens Utility Advisory Board will make recommendations to Council related to rate structure and future rate adjustments.

ELECTRIC FUND

*m) Rate study to determine possible rate increases and structure changes. No rate adjustment anticipated.

*n) Citizens Utility Advisory Board will make recommendations to Council related to rate structure and future rate adjustments.

STORMWATER MANAGEMENT FUND

*o) Rate study completed ongoing. Proposed rates and rate structure will be brought forward for discussion during the budget process.

HOTEL MOTEL FUND

*p) Revenue budgeted based on conservative trends reflecting new hotel rooms, occupancy rate, and average room rate.

III. EXPENDITURES

GENERAL FUND

Meet and Confer negotiations for civil service employees will be finalized later in the budget process. The outcome will be reported later in the budget process. The 2nd year of meet and confer agreement for Civil Service employees
• a) Merit and cost of living increase for non-civil service employees will be determined later in the budget process as capacity allows.

• Base operations budgets held flat. Additions to the department budgets must be requested, justified, and ranked by priority.

• Staffing needs will be evaluated through the department budget request process. Departments will follow a zero-based budget format. All budgets must be justified and ranked by priority.

b) Estimated 10% increase in health insurance premium beginning January 1, 2020. Increase to health insurance will be evaluated and presented to Council during the budget process based on plan needs.

• Municipal Judge will increase to full-time.

c) Fuel/Contractual Obligations/Consumer Price Index increases allowed.

• Continue funding Social Services programs as follows: at $500,000 for Human Service Advisory Board to administer application, contract, and funding process to eligible agencies.

a. Human Services Advisory Board $500,000
b. HCWC transitional housing $150,000 (3rd payment of 3)
c. CASA $45,000 (3 of 10 payments)
d. Family Justice Center $45,000
e. Youth Services Coordinator Director (Community Action) $50,000; $100,000 allocated to Parks n Recreation to fund personnel
f. Museums $100,000

d) Sights n Sounds event must submit application for funding based on City’s event policy guidelines.

e) Homebuyers Incentives program will not be funded, prior year funding was $100,000

f) City hosted events will continue funding as follows:

a. Veterans Day $5,000
b. Summer Fest $15,000
c. Special Events (arts commission) $30,000

g) Support of the City’s Sustainability and Historic Preservation efforts will be analyzed and brought to Council for further consideration.

h) No funding allocated for youth-related grants annually provided to the San Marcos Commission on Children and Youth. The additional full-time resource at Community Action will provide expanded services.

i) Expansion of service for EMS with an amount not to exceed $650,000

j) TIRZ #2 – Blanco Vista will be refinanced during 2020 calendar year

• Youth initiatives funding $150,000 to include Youth Services Manager put on hold pending application process modifications.

k) The annual Economic Development Manager and program cost contribution to the Economic Development reserve of $200,000 will be an allocation between General Fund, Water Wastewater Fund, and
Electric Fund will be used to fund Strategic Initiatives and/or special projects at the discretion of the City Manager.

• The existing balance of the Economic Development reserve of $800,000 will be used to fund Strategic Initiatives and/or special projects at the discretion of the City Manager. The fund is a contribution of General Fund, Water Wastewater Fund, and the Electric Fund. Funds will be used on projects/initiatives that support all areas of funding source.

• Best Buy Call Center revenue net of sales tax rebate will be used for one-time expenses and/or special projects to include but not limited to:
  ▪ Strategic initiatives
    ▫ Workforce Housing
    ▫ Workforce Development
    ▫ Downtown Vitalization
    ▫ Multi modal transportation
    ▫ City Facilities
  ▪ Animal Services — Increase live outcomes
  ▪ Maintenance funding
    ▫ Facilities
    ▫ Parks
    ▫ Streets

• Maintain allocation for museum funding at $100,000 with a maximum of $25,000 per participant.

• Parking management funding requests to be presented later in the budget process

• CIP capacity to be determined to meet the needs of
  ▪ City facility projects
  ▪ Cape’s Dam
  ▪ Infrastructure projects

• Transit operations funding requests to be presented later in the budget process

WATER/WASTEWATER FUND

• Merit and cost of living increase for non-civil service employees will be determined later in the budget process as capacity allows.

• Increase to health insurance will be evaluated and presented to Council during the budget process based on plan needs

• Estimated 10% increase in health insurance premium beginning January 1, 2020.

• Departments will follow a zero-based budget format. All budgets must be justified and ranked by priority. Base operations budgets held flat.
Additions to the department budgets must be requested, justified, and ranked by priority.

- Staffing needs will be evaluated through the department budget request process
  - Fuel/contractual obligations/consumer price index increases allowed.

  - The Economic Development Manager and program cost of $200,000 will be an allocation between General Fund, Water Wastewater Fund, and Electric Fund.

- Continue the annual $200,000 contribution to the Economic Development reserve that is shared equally between General Fund, Water Wastewater Fund, and Electric Fund. The funds will be used to fund Strategic Initiatives and/or special projects at the discretion of the City Manager.
  - Utility fund transfers to the General Fund budgeted at 7%.

**ELECTRIC UTILITY FUND**

- Merit and cost of living increase for non-civil service employees will be determined later in the budget process as capacity allows.

  - Increase to health insurance will be evaluated and presented to Council during the budget process based on plan needs.

- Estimated 10% increase in health insurance premium beginning January 1, 2020.

- Departments will follow a zero-based budget format. All budgets must be justified and ranked by priority. Base operations budgets held flat. Additions to the department budgets must be requested, justified, and ranked by priority.

- Staffing needs will be evaluated through the department budget request process
  - Fuel/contractual obligations/consumer price index increases allowed.

  - The Economic Development Manager and program cost of $200,000 will be an allocation between General Fund, Water Wastewater Fund, and Electric Fund.

- Continue the annual $200,000 contribution to the economic development reserve that is shared equally between General Fund, Water Wastewater Fund, and Electric Fund. The funds will be used to fund Strategic Initiatives and/or special projects at the discretion of the City Manager.
  - Utility fund transfers to the General Fund budgeted at 7%.

**STORMWATER UTILITY FUND**
Merit and cost of living increase for non-civil service employees will be determined later in the budget process as capacity allows.

x) Increase to health insurance will be evaluated and presented to Council during the budget process based on plan needs.

▪—Estimated 10% increase in health insurance premium beginning January 1, 2020.

▪—Departments will follow a zero-based budget format. All budgets must be justified and ranked by priority. Base operations budgets held flat. Additions to the department budgets must be requested, justified, and ranked by priority.

▪—Staffing needs will be evaluated through the department budget request process.

▪y) Fuel/contractual obligations/consumer price index increases allowed.

HOTEL MOTEL FUND

z) Merit and cost of living increase for non-civil service employees will be determined later in the budget process as capacity allows.

▪—Increase to health insurance will be evaluated and presented to Council during the budget process based on plan needs.

aa) Funding for special programs will be evaluated based on capacity.

bb) Departments will follow a zero-based budget format. All budgets must be justified and ranked by priority. Organizations can request increases during the budget process for specific programs.
File #: Ord. 2020-13, Version: 1

AGENDA CAPTION:
Consider approval of Ordinance 2020-13, on the first of two readings, amending Chapter 38 of the City Code titled Fire Prevention and Protection, of the San Marcos City Code by revising the local amendments recommended in the 2015 edition of the International Fire Code to include provisions relating to mobile food vending operations, gate access, signage, location of fire extinguishers in multi-family structures and requiring buildings in certain zoned areas of the City that have been impacted by a fire event to install fire-sprinkler systems prior to re-occupancy, among other revisions, to enhance public safety in the City; providing for the repeal of any conflicting provisions; and providing an effective date.

Meeting date: March 17, 2020

Department: Fire Department/Fire Prevention Division

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

Fiscal Note:
Prior Council Action N/A:

City Council Strategic Initiative:
N/A
Choose an item.

Comprehensive Plan Element(s): ☒ Not Applicable

Master Plan: N/A

Background Information:

The City Council passed an ordinance containing several revisions ("local amendments") to Chapter 38 of the City Code titled Fire Prevention and Protection in May, 2019, after a work session on April 2, 2019. The revisions were based on updates to the 2015 International Fire Code which is the Code currently adopted by
the City and the City’s regional public safety partners like neighboring cities and counties. Staff informed Council at that time that the next comprehensive update to the Code will be in 2021 when an updated International Fire Code is expected to be released. Staff explained the benefit of having all regional partners consistently using the same standards for fire prevention in commercial and multi-family structures. These standards are being updated periodically to ensure that new scientific and technological advances are considered to ensure best practices in the area of fire prevention / protection. Periodic proposed amendments to the International Fire Code are consensus developed by fire prevention / protection professionals in the State.

Some of the revisions proposed in this Ordinance were topics discussed during the previous work session. Council expressed interest in requiring that properties zoned R-1, R-2, R-3 and R-4 be required to install proper fire sprinkler equipment before re-occupying after a fire event. Other topics covered by this Ordinance, some of which were discussed earlier, include proper address identification for businesses and multi-family buildings, regulation of mobile food vending units, and requirement of fire sprinklers in all new buildings with a building area of 6,000 square feet or greater and in all existing buildings that are enlarged to be 6,000 square feet or greater. Regulations relating to mobile food vending operations are also included and recommended for approval.

Council Committee, Board/Commission Action:
N/A

Alternatives:
Remain under current amendments.

Recommendation:
Recommend adoption of the Fire Code amendments as proposed.
ORDINANCE NO. 2020-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING CHAPTER 38, FIRE PREVENTION AND PROTECTION, OF THE SAN MARCOS CITY CODE BY REVISING THE LOCAL AMENDMENTS RECOMMENDED IN THE 2015 EDITION OF THE INTERNATIONAL FIRE CODE TO INCLUDE PROVISIONS RELATING TO MOBILE FOOD VENDING OPERATIONS, GATE ACCESS, SIGNAGE, LOCATION OF FIRE EXTINGUISHERS IN MULTI-FAMILY STRUCTURES AND REQUIRING BUILDINGS IN CERTAIN ZONED AREAS OF THE CITY THAT HAVE BEEN IMPACTED BY A FIRE EVENT TO INSTALL FIRE-SPRINKLER SYSTEMS PRIOR TO RE-OCCUPANCY, AMONG OTHER REVISIONS, TO ENHANCE PUBLIC SAFETY IN THE CITY; PROVIDING FOR THE REPEAL OF ANY CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. Section 38.033 titled Amendments to adopted code, contained in Chapter 38 of the City Code titled Fire Prevention and Protection is hereby amended as follows (added text is underlining and deleted text is indicated by strikethroughs):

Section 503.4; change to read as follows:

503.4 Obstruction of fire apparatus access roads. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in sections 503.2.1 and 503.2.2 any area marked as a fire lane as described in Section 503.3 shall be maintained at all times.

Section 503.6 is amended to read as follows:

503.6. Gates. All gates that obstruct emergency access roads or drives, whether on public or private property, must be permitted by the fire code official and approved by the fire chief. Where gates are installed across fire access roads they shall have an approved means of emergency operation. The gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F2200.

Section 503.6.1; add 503.6.1 to read as follows:

503.6.1 Gate access information. The owner, owner’s authorized agent, operator, occupant or person responsible for the gate shall immediately provide to the fire code official, in the manner prescribed by the fire code official, any code, combination, and information necessary for accessing any gate that obstructs emergency access roads or drives, whether on public or private
property. The code, combination, or information must be provided prior to the new or existing
gate obstructing any emergency access roads or drives.

Section 503.6.1; add 503.6.1.1 to read as follows:

503.6.1.1 Penalty. A violation of 503.6.1 shall be punishable by a fine of $1000.00.

Section 504.1; amend to read as follows:

504.1 Required access. Exterior doors and openings required by this code or the International
Building Code shall be maintained readily accessible for emergency access by the fire department
and law enforcement acting in the scope of duty. An approved access walkway leading from fire
apparatus access roads to exterior openings shall be provided when required by the fire code
official.

Section 504.1.1; add 504.1.1.1 to read as follows:

504.1.1.1 Penalty. A violation of 504.1.1 shall be punishable by a fine of $1000.00.

Section 505.1; change to read as follows:

505.1 Address Identification. New and existing buildings shall be provided with approved address
identification. The address identification shall be legible and placed in a position that is visible
from the street or road fronting the property. Address identification characters shall contrast with
their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall
not be spelled out. Each character shall be not less than 12 inches (304.8 mm) high with a minimum
stroke width of ½ inch (12.7 mm). Where required by the fire code official, address numbers shall
be provided in additional approved locations to facilitate emergency response. Where access is by
means of a private road, buildings do not immediately front a street, and/or the building cannot be
viewed from the public way, a monument, pole or other sign with approved 6 inch (152.4 mm)
height building numerals or addresses and 4 inch (101.6 mm) height suite/apartment numerals of
a color contrasting with the background of the building or other approved means shall be used to
identify the structure. Numerals or addresses shall be posted on a minimum 20 inch (508 mm) by
30 inch (762 mm) background on border. Address identification shall be maintained.
Exceptions:

1. R-3 Single Family occupancies shall have approved numerals of a minimum 3 ½ inches (88.9 mm) in height and a color contrasting with the background clearly visible and legible from the street fronting the property and rear alleyway where such alleyway exists.

2. Structures located within the historic district may utilize a minimum of 6 inches (152.4 mm) high numbers as approved by the Fire Code Official.

Section 505.3; add to read as follows:

505.3: Where new and existing buildings contain multiple tenant spaces whose primary access is from an interior corridor or, where the entrances to the tenant spaces are not immediately apparent from the exterior, those buildings shall provide numbered signs to assist emergency services personnel with locating any specific tenant space. Signs shall be durable and shall have characters that contrast with their background. Characters shall contain Arabic numbers and/or alphabetical letters. Numbers shall not be spelled out. Each character shall not be less than 1 inch in height. Signs shall be placed, at a minimum:

1. On the opposite wall of a corridor across from any elevator or bank of elevators.
2. On the opposite wall of a corridor across from a stairway or stairway access.
3. At the confluence of two or more corridors.
4. At the beginning of a corridor from any vestibule, foyer, exterior access door or other point of ingress.
5. At any location, as directed by the Fire Code Official or their designee.

Section 506.1; change to read as follows:

506.1 Where required. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require one or more key boxes to be installed in approved locations. The key box shall be of an approved type listed in accordance with UL 1037, and shall contain keys to gain necessary access as required by the fire code official. An approved key box shall be provided on the following structures:

1. On new and existing structures:
   a. At fire sprinkler riser/fire pump rooms, if one is provided, or
   b. At main entry if equipped with other automatic fire protection system.
2. On all existing commercial structures comprised of multiple tenant spaces: a single approved Key Box may serve multiple occupancies in a single building provided the box is located in an approved location and is adequately sized for the number of keys.

Section 507.1; add a new paragraph to read as follows:

Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. Existing fire hydrants on public streets are allowed to be considered as available where
streets are not provided with median dividers which cannot be crossed by fire fighters pulling hose lines.

Section 507.2.1 is amended to read as follows:

507.2.1 Private fire service mains. Private fire service mains and appurtenances shall be installed in accordance with NFPA 24 and local jurisdiction construction standards.

Section 507.4; change to read as follows:

507.4 Water Supply Test Date and Information. The water supply test used for hydraulic calculation of fire protection systems shall be conducted in accordance with NFPA 291 "Recommended Practice for Fire Flow Testing and Marking of Hydrants" and within one year of sprinkler plan submittal. The fire code official shall be notified prior to the water supply test. Water supply tests shall be witnessed by the fire code official, as required. The exact location of the static/residual hydrant and the flow hydrant shall be indicated on the design drawings. All fire protection plan submittals shall be accompanied by a hard copy of the waterflow test report, or as approved by the fire code official. Reference Section 903.3.5 for additional design requirements.

Section 507.5 is amended to read as follows:

507.5. Fire hydrant systems.  
(a) A fire hydrant is an approved national standard three-way hydrant connected to six-inch or larger water mains.
(b) A two-way hydrant is not recognized unless it was installed before January 1, 1985 or it was installed in conjunction with nationally approved sprinkler systems.
(c) Fire hydrants shall conform to the latest version of the AWWA Standard for Dry Barrel Fire Hydrants.
(d) Fire hydrants shall have one 4.5 inch steamer and two 2.5 inch side connections with National Standard threads. The centerline of the steamer connection shall be a minimum of 18 inches above the ground surface.
(e) The City of San Marcos Water Department shall have the authority to develop and approve new fire hydrant installation methods and standards consistent with the application of this section.
(f) Hydrants shall be installed in accordance with local jurisdiction construction standards.

Section 507.5.1.2; add new sections to read as follows:

507.5.1.2 Intersections. Fire hydrants shall be at every street intersection, or as otherwise required by the fire code official.

507.5.1.2.1 Location. Fire hydrants shall be located within 6 feet of the edge of the pavement unless the fire department determines another location is acceptable for fire department use.

Section 507.5.2 is amended by adding the following:
507.2.1 Cost. The cost of maintaining fire hydrants on private property will be the burden of the occupant and/or owner of that property.

Section 507.5 is amended by adding the following:

Section 507.5.4; change to read as follows:

507.5.4 Obstruction. Unobstructed access to fire hydrants shall be maintained at all times. Posts, fences, vehicles, growth, trash, storage and other materials or objects shall not be placed or kept near fire hydrants, fire department inlet connections or fire protection system control valves in a manner that would prevent such equipment or fire hydrants from being immediately discernible. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.

507.5.7. Marking. The location of all fire hydrants shall be identified with a blue reflective road dot placed near the center of the roadway in front of the hydrant.

Section 508.1.6.12 is amended by adding the following:

12.1 Any or all of the above documents will be placed in a wall mounted document box, as prescribed by the fire code official. No documents or other such items, other than those required by the fire code official, will be permitted to be stored in this cabinet.

Section 509.1.2; add new Section 509.1.2 to read as follows:

509.1.2 Sign Requirements. Unless more stringent requirements apply, lettering for signs required by this section shall have a minimum height of 2 inches (50.8 mm) when located inside a building and 6 inches (101.6 mm) when located outside, or as approved by the fire code official. The letters shall be of a color that contrasts with the background.

Section 609.2; change to read as follows:

609.2 Where Required. A Type I hood shall be installed at or above all commercial cooking appliances and domestic cooking appliances used for commercial purposes that produce grease vapors, including but not limited to cooking equipment used in fixed, mobile, or temporary concessions, such as trucks, buses, trailers, pavilions, or any form of roofed enclosure, as required by the fire code official.

Exceptions:
1. Tents, as provided for in Chapter 31.
2. {No change to existing Exception.}

Additionally, fuel gas and power provided for such cooking appliances shall be interlocked with the extinguishing system, as required by Section 904.12.2. Fuel gas containers and piping/hose shall be properly maintained in good working order and in accordance with all applicable regulations.
Section 901.4 change to read as follows:

901.4.7 Wall Mounted Document Box. A wall mounted document box shall be placed in fire sprinkler riser rooms or at any fire alarm control unit. Documents stored in this box shall include building floor plans, alarm plans, sprinkler plans and any other documents required by the fire code official.

Section 901.6.3; add Sections 901.6.3 and 901.6.3.1 to read as follows:

901.6.3 False Alarms and Nuisance Alarms. False alarms and nuisance alarms shall not be given, signaled or transmitted or caused or permitted to be given, signaled or transmitted in any manner.

901.6.3.1 False Alarm and Nuisance Alarm Penalty. The owner or manager of an occupancy in which the fire alarm system signals or transmits more than three false alarms, as the result of a mechanical, electrical, or component failure within the alarm system, in any rolling 12-month period shall be fined as follows for subsequent false or nuisance alarm beyond the third false or nuisance alarm in the rolling 12-month period:

a) Fourth false or nuisance alarm shall be fined at $500
b) Fifth false or nuisance alarm shall be fined at $1,000
c) Sixth and all subsequent false or nuisance alarms shall be fined at $1,500.

False alarms as the result of weather-related activation or false alarms caused by the initiation of the alarm system by the activation of a manual pull station, or the activation by a person(s) tampering with a detection or signaling device or component of the alarm system, shall not be subject to penalty.

Section 903.2.9; add Section 903.2.9.3 to read as follows:

Section 901.8.2; change to read as follows:

901.8.2 Removal of existing occupant-use hose lines. The fire code official is authorized to permit the removal of existing occupant-use hose lines and hose valves where all of the following conditions exist:

1. Installation is not required by this code or the International Building Code.
2. The hose line(s) would not be utilized by trained personnel or the fire department.
3. If the remaining outlets for occupant-use hose lines are removed, but the hose valves are required to remain as per the fire code official, such valves shall be compatible with local fire department fittings.

903.2.9.3 Self-Service Storage Facility. An automatic sprinkler system shall be installed throughout all self-service storage facilities.

Exception: One-story self-storage facilities that have no interior corridors.
Section 903.2.10; change to read as follows:

**903.2.10 Group S-2 enclosed parking garages.** An automatic sprinkler system shall be provided throughout buildings classified as enclosed parking garages in accordance with Section 406.4 of the International Building Code or where located beneath other groups.

Section 903.2.11; change 903.2.11.3 and add 903.2.11.7, 903.2.11.8, and 903.2.11.9 as follows:

**903.2.11.3 Buildings 55 feet or more in height.** An automatic sprinkler system shall be installed throughout buildings that have one or more stories with an occupant load of 30 or more other than penthouses in compliance with Section 1510 of the International Building Code, located 55 feet (16 764mm) or more above the lowest level of fire department vehicle access, measured to the finished floor.

Exceptions:
1. Open parking structures in compliance with Section 406.5 of the International Building Code, having no other occupancies above the subject garage.
2. Occupancies in Group F-2.

**903.2.11.7 High-Piled Combustible Storage.** For any building with a clear height exceeding 12 feet (4572 mm), see Chapter 32 to determine if those provisions apply.

**903.2.11.8 Spray Booths and Rooms.** New and existing spray booths and spraying rooms shall be protected by an approved automatic fire-extinguishing system.

**903.2.11.9 Buildings Over 6,000 sq.ft.** An automatic sprinkler system shall be installed throughout all buildings with a building area 6,000 sq. ft. or greater and in all existing buildings that are enlarged to be 6,000 sq. ft. or greater. For the purpose of this provision, fire walls shall not define separate buildings.

Exception: Open parking garages in compliance with Section 406.5 of the International Building Code.

Section 903.3.1.2.3; add section to read as follows:

**Section 903.3.1.2.3 Attics and Attached Garages.** Sprinkler protection is required in attic spaces of such buildings three or more stories in height, in accordance with NFPA 13 and or NFPA 13R requirements, and attached garages.

Section 903.3.1.2.4; add section to read as follows:

**Section 903.3.1.2.4 Exterior closets.** Sprinkler protection shall be provided in closets (regardless of size) that are accessible from the exterior of the building.

Section 903.3.1.4; add to read as follows:
903.3.1.4 Freeze protection. Freeze protection systems for automatic fire sprinkler systems shall be in accordance with the requirements of the applicable referenced NFPA standard and this section.

903.3.1.4.1 Attics. Only dry-pipe, preaction, or listed antifreeze automatic fire sprinkler systems shall be allowed to protect attic spaces.

Exception: Wet-pipe fire sprinkler systems shall be allowed to protect non-ventilated attic spaces where:

1. The attic sprinklers are supplied by a separate floor control valve assembly to allow ease of draining the attic system without impairing sprinklers throughout the rest of the building, and
2. Adequate heat shall be provided for freeze protection as per the applicable referenced NFPA standard, and
3. The attic space is a part of the building's thermal, or heat, envelope, such that insulation is provided at the roof deck, rather than at the ceiling level.

Section 903.3.5; add a second paragraph to read as follows:

Water supply as required for such systems shall be provided in conformance with the supply requirements of the respective standards; however, every water-based fire protection system shall be designed with a 5 psi safety factor. Reference Section 507.4 for additional design requirements.

Section 903.4; add a second paragraph after the exceptions to read as follows:

Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for more than 45 seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering.

Section 903.4.2; add second paragraph to read as follows:

The alarm device required on the exterior of the building shall be a weatherproof horn/strobe notification appliance with a minimum 75 candela strobe rating, installed as close as practicable to the fire department connection.

2. R-2 occupancies of four stories or less in height having no interior corridors.
5. Where the roof has a slope less than four units vertical in 12 units horizontal (33.3-percent slope), each standpipe shall be provided with a two-way hose connection located to serve the roof or at the highest landing of an exit stairway with stair access to the roof provided in accordance with Section 1011.12.
6. {No change.}
7. When required by this Chapter, standpipe connections shall be placed at two hundred feet (200') intervals along major corridors thereafter, or as otherwise approved by the fire code official.

valves in the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering. Section 906.1 is amended by deleting the exception.

Section 1103; add new Sections 1103.5.5 and 1103.5.6 to read as follows:

Section 1103.5.5 Spray booths and rooms. Existing spray booths and spray rooms shall be protected by an automatic fire-extinguishing system in accordance with Section 2404.

Section 1103.5.6 Existing R-1, 2, 3, and 4 Occupancies. In R-1, 2, 3, and 4 occupancies where a fire has occurred and displaces one or more occupants, the affected building shall be fire-sprinklered prior to the re-occupancy of the unit/building.

Chapter 68; add Chapter 68 to read as follows:

SECTION 6801 General

6801.1 Scope. The provisions of this chapter shall apply to the operation of mobile food vending in which cooking operations are conducted.

6801.2 Construction Documents. Every vendor desiring to engage in mobile food vending shall make a written application to the Fire Department for a permit under this chapter. The applicant shall truthfully state, in full, all information requested by the Fire Department and be accompanied by permit application fee.

6801.3 Fees. An application for a permit under this chapter shall be accompanied by a fee in the amount of $100. There shall be no proration of fees. Fees are non-refundable once a permit has been issued by the Fire Department.

6801.4 Permits. It shall be unlawful to operate a mobile food vending unit without a permit as required by Section 105.6. All permits shall be prominently displayed on the mobile food vending unit.

6801.4.1 Duration; non-transferability. Permits will be issued for a calendar year from the date of issuance. Any permit issued under this chapter is non-transferable.

SECTION 6802 DEFINITIONS

MOBILE FOOD VENDING. Vending, serving, or offering for sale food and/or beverages from a mobile food vending unit.
**MOBILE FOOD VENDING UNIT.** Any motorized or non-motorized vehicle, trailer, or other device designed to be portable and not permanently attached to the ground from which cooking apparatus or cooking equipment may be or is used.

**VENDOR.** Any individual engaged in the business of mobile food vending; if more than one individual is operating a single means of conveyance, then vendor shall mean all individuals operating such means of conveyance.

**OPERATE.** All activities associated with the conducting of business, including set up and take down and/or actual hours where the mobile food vending unit is open for business.

**SECTION 6803 INSPECTIONS**

**6803.1 General.** Inspections of mobile food operations shall be set forth as outlined in this section.

**6803.2 Permit Inspections.** Once application for a permit is received by the Fire Department, the vendor shall coordinate an inspection with the Fire Department to verify all statements and requirements within this chapter are provided.

**6803.3 Inspections.** Mobile food vending units shall be inspected at least annually by the Fire Department, or as deemed necessary. Inspections shall be coordinated with the Environmental Health Department when possible.

**SECTION 6804 OPERATIONAL REQUIREMENTS**

**6804.1 General.** Mobile food vending operations shall be as set forth in this section.

**6804.2 Operational Requirements.** Any vendor engaging in mobile food vending shall comply with the following requirements:

1. Provide appropriate waste receptacles at the site of the unit and remove all litter, debris, and other waste attributable to the vendor on a daily basis.
2. Shall not be parked, situated or operated in a manner than restricts or blocks emergency vehicle apparatus access.
3. Shall not be parked, situated, or operated in a manner than restricts or blocks fire hydrants, fire lanes, or other fire protection equipment or access.
4. Not use any flashing or blinking lights or strobe lights.
5. Not use loud music, amplification devices or "crying out", or any other audible methods to gain attention which causes a disruption or safety hazard as determined by the City of San Marcos.
6. Comply with the city's Noise Ordinance, Sign Ordinance and any other applicable ordinances.
7. Comply with all applicable federal, state, county and municipal regulations.
8. Not represent the granting of a permit under this chapter as an endorsement by the City of San Marcos.
9. Cooking operations in which grease laden vapors are or can be created, shall be provided with a Type I hood and fire suppression system.
10. All cooking equipment must be mounted on non-combustible surfaces and maintain all clearance requirements, as recommended by the manufacturer.
11. All hot surfaces and/or cooking areas must be adequately protected from the public.
12. Fire suppression system shall be inspected by a licensed company every six months.
13. A minimum of 1 K-Class fire extinguisher shall be provided.
14. A minimum of 1 2A-10BC fire extinguisher shall be provided.
15. Propane cylinders shall be secured to the vehicle and installed in accordance with NFPA 58.
16. All temporary electrical shall comply with the provisions of this code and any other applicable city ordinances or codes.
17. 

**6804.3 Maintenance.** Maintenance of systems on mobile food preparation vehicles shall be in accordance with Sections 6804.3.1 through 6804.3.3.

**6804.3.1 Exhaust system.** The exhaust system, including hood, grease-removal devices, fans, ducts, and other appurtenances shall be inspected and cleaned in accordance with Section 607.3.

**6804.3.2 Fire protection systems and devices.** Fire protection systems and devices shall be maintained in accordance with Section 901.6.

**6804.3.3 Fuel gas systems.** LP-gas containers installed on the vehicle and fuel-gas piping systems shall be inspected annually by an approved inspection agency or a company that is registered with the U.S. Department of Transportation to requalify LP-gas cylinders, to ensure that system components are free from damage, suitable for the intended service and not subject to leaking. CNG containers shall be inspected every 3 years in a qualified service facility. CNG containers shall not be used past their expiration date as listed on the manufacturer’s container label. Upon satisfactory inspection, the approved inspection agency shall affix a tag on the fuel gas system or within the vehicle indicating the name of the inspection agency and the date of satisfactory inspection.

**SECTION 6805 FIRE EXTINGUISHERS**

**6805.1 Fire Extinguishers.** Fire extinguishers shall be required in mobile food vending units in all of the following locations:

1. Mobile food vending units shall have at minimum one 2A-10BC portable fire extinguisher mounted in a conspicuous place within the kitchen area.
2. Mobile food vending units with portable generators shall have a 2A-10BC portable fire extinguisher in addition to the other fire extinguishers.
3. Mobile food vending units who utilize deep fat fryers, grills, or other cooking devices in which grease laden vapors may be generated, shall have a K Class portable fire extinguisher, as required by Section 904.12.5.

4. Mobile food vending units who utilize solid fuel cooking appliances or devices with a fuel box shall have one 2A fire extinguisher; in addition to the other fire extinguishers.

6805.2 Inspections. All portable fire extinguishers shall be serviced, inspected, and tagged at least annually, or as otherwise required by this code or state requirements.

SECTION 6806 COMMERCIAL COOKING SYSTEMS

6806.1 Commercial cooking systems. A Type 1 hood shall be installed above all commercial cooking equipment that produce grease laden vapors in accordance with the edition of the International Mechanical Code as adopted by the City and Section 609.

6806.2 Fire protection for commercial cooking systems. Cooking equipment shall be protected by automatic fire extinguishing systems in accordance with Section 904.12. All fire suppressions systems shall comply with UL300, or other equivalent standards.

6806.3 Applicable NFPA Standards. All commercial cooking systems shall comply with the applicable provisions of the NFPA 96 Annex B, and other applicable standards.

SECTION 6807 CLEARANCES

6807.1 Clearances. In addition to the requirements in 6804.2, the following minimum clearances shall be provided from the mobile food vending unit:

Not closer than 20 feet to any structure
1. At least 15 feet from any fire hydrant

6807.2 Clearance to adjacent mobile food vending units. A minimum of 10-foot clearance shall be provided to adjacent mobile food vending units.

Exception: When in the opinion of the Fire Code Official, the clearance distance can be reduced if this would not pose any additional risks.

SECTION 6808 USE OF LPG

6808.1 Use of LPG. Liquefied Petroleum Gas systems shall comply with Sections 6808.2 through 6808.14.

6808.2 LPG container location. Shall be located and secured on the exterior of the mobile food vending unit, open to atmosphere or if containers are kept in compartment, said compartment must be separate from the interior food preparation area. Access must be from the exterior of the unit and compartment floor and exterior door must be vented to the atmosphere.
6808.2.1 Additional LPG Container Locations. Propane cylinders, including spare cylinders, shall not be located:

- On rear bumpers, on exterior sides of the vehicle, or roofs;
- Below the lowest part of the vehicle frame;
- Inside improperly vented or unvented compartments, trunks, or beds of vehicles;
- Inside passenger compartments of vehicles;
- On the ground.

6808.2.2 Propane storage compartments. A propane storage compartment on a mobile food vending unit shall be ventilated with at least two vents; one vent must be located at the top of the unit; one vent must be located at the bottom of the compartment. Each vent must have an aggregate area equal to at least 0.5 inches for each seven (7) pounds of the total fuel capacity of the maximum number of the largest cylinders the compartment can hold.

6808.2.3 Additional propane cylinder requirements. Propane cylinders must be:

- In an upright position at all times;
- In good condition without dents, scrapes, gouges, or defects;
- Stored at least 10 feet from trash and combustible materials;
- Equipped with an approved regulator;
- Mounted, used, and stored in compliance with NFPA 58;
- Constructed and marked in accordance with specifications for propane cylinders as required by the U.S. Department of Transportation.

6808.3 No smoking signs. All mobile food vending units with propane shall post a "NO SMOKING" sign next to or directly above the propane bottle and visible to the public. Such sign shall be posted with a minimum of four-inch lettering.

6808.4 Hoses and couplings. Any hose used to pipe L.P. Gas to a device shall be listed by UL, FM, or other approved agency. All couplings, fittings, and any other devices shall meet the requirements for LP Gas Service as outlined in the International Fuel Gas Code, NFPA 58 and/or 54. Propane piping cannot be located on the sides, rear, or roof of a mobile food vending unit.

6808.4.1 Metal Flex Hoses. Metal flex hose must not penetrate through walls, floor, or ceiling to the interior of the mobile food vending unit. Rigid pipe must be used to penetrate solid assemblies. A maximum of 60 inches of metal flex hose shall be allowed for each appliance to connect to the propane rigid pipe.

6808.5 Annual Testing. All piping, hoses, and couplings shall be tested annually at not less than 3psig for 10 minutes before appliances are connected and at system pressure after connection of appliances, by a Texas Railroad Commission licensed LPG Technician. Documentation of the test, on the approved City of San Marcos form, within 90 days of the inspection, must be provided at the time of the inspection and must include:
1. Original testing/inspection document from licensed LPG Technician (copies are not accepted);
2. Pressure and duration of test;
3. Name, address, license number, and phone number of technician performing test;
4. License plate number and vehicle identification number (VIN) of mobile food vending unit.

6808.6 LPG tank separation distance. LPG tanks shall be located outside the mobile food establishment a minimum of five feet from the primary means of egress.

Exception. LPG tanks that are installed securely on the unit or as a permanent fixture inside a compartment.

6808.7 Maximum aggregate volume. The maximum aggregate capacity of LP-gas containers transported on the vehicle and used to fuel cooking appliances only shall not exceed two (2)-100 pounds containers. The cylinders cannot be manifolded together. Each propane cylinder must be requalified every 12 years. A current date of manufacture or requalification stamp is required on all cylinders.

6808.8 Propane Cylinders at time of inspection. The permit applicant and/or mobile food vending unit operator will be required to have propane cylinders on the mobile food vending unit at the time of inspection to demonstrate how the cylinders are secured to the vehicle. Propane cylinders must be secured as to prevent the propane bottles from leaving the mount or cage in the event of a vehicle crash or rollover.

6808.9 Mounting and storage. The mounting and storage of propane cylinders must be in compliance with NFPA 58.

6808.10 Manual shut-off valves. Manual shut-off valves are required at the point of use, on each appliance, and at the source.

6808.11 Relief Valve Discharge. The relief valve discharge from the propane cylinder shall not be less than three (3) feet, measured horizontally along the surface of the vehicle to:

1. Openings in the vehicle;
2. Propane burning appliance intake or exhaust vents;
3. All internal combustion engine exhaust terminations.

6808.12 LP-gas alarms. A listed LP-gas alarm shall be installed within the mobile food vending unit in the vicinity of LP-gas system components, in accordance with the manufacturer’s instructions. The alarm is required to be equipped with back-up battery operation and must be able to activate when the unit is occupied and is not occupied.
6808.13 Carbon Monoxide Alarm. A listed carbon monoxide alarm shall be installed within the mobile food vending unit, in accordance with the manufacturer’s instructions.

6808.14 Combination alarm. A single listed combination alarm meeting the requirements of 6808.12 and 6808.13 is permitted.

6808.15 Fuel sources other than LPG. When a fuel source other than LPG is used, it shall be installed and maintained in accordance with this code and any other applicable code. Use of fuels other than LPG shall be subject to the approval of the Fire Code Official.

SECTION 6809 SOLID FUEL

6809.1 Scope. The provisions of this section shall apply to the use of wood, charcoal, or other solid fuel.

6809.2 Fuel Storage. Solid fuel shall not be stored within 3 feet of any heat producing device, cooking appliance or vent. Solid fuel shall not be stored within 3 feet of any flammable liquids, ignition sources, chemical or food and food supplies.

6809.3 Debris. Ash, cinders and other fire debris shall be removed from the firebox or cooking appliance at regular intervals. Removed debris shall be placed in a closed metal container at least 3 feet from the cooking appliances.

SECTION 6810 ELECTRICAL

6810.1 General. Mobile food vending units shall meet the following requirements, at a minimum, regarding the electrical components of the unit:

1. Units may not use electricity from a nearby structure;
2. No excessive use of extension cords are permitted; extension cords must comply with 605.5.1 through 605.5.4.
3. Breaker boxes and junction boxes shall have proper cover and comply with 605.6.
4. All wiring must be in conduit and comply with 605.6;
5. The improper use of electrical accessories and overloading of circuits is prohibited;
6. Mobile food vending units must also comply with 605.1, 605.3.1, 605.4, and 605.10.

SECTION 6811 GENERATORS

6811.1 General. All generators must be in safe working condition.

6811.2 Generator Storage Compartment. The generator storage compartment on or within the mobile food vending unit must be vented to the exterior and properly sealed.
6811.3 Refueling of generators. Shall be performed in an approved manner. Fuel shall be stored in a UL or FM approved flammable liquid safety container in an approved location.

SECTION 6812 HOUSEKEEPING

6812.1 Housekeeping. Trash and other combustible materials shall be removed at regular intervals. Storage of combustible rubbish shall not produce conditions that will create a nuisance or hazard to the public health, safety or welfare.

6812.2 Clearances. Combustible rubbish shall not be stored, or otherwise located, within 3 feet of any fuel source, ignition sources, or heat producing appliances. Rubbish shall not be located within the means of egress of the mobile food vending unit.

SECTION 6813 REVOCATION

6813.1 Revocation. The Fire Department shall revoke the permit of any vendor engaged in mobile food vending who ceases to meet any requirement of this chapter or violates any other federal, state or local regulation, makes a false statement on their application, or conducts activity in a manner that is adverse to the protection of the public health, safety and welfare.

Immediately upon such revocation, the Fire Department shall provide written notice to the permit holder by certified mail to their place of business or residence as indicated on the application. Immediately upon such revocation, the permit shall become null and void.

SECTION 6814 VIOLATIONS

6814.1 Violations. Any vendor or mobile food truck that violates this shall be subject to violations and fines in accordance with Section 109.

SECTION 2. In codifying the changes authorized by this ordinance, paragraphs, sections and subsections may be renumbered and reformatted as appropriate consistent with the numbering and formatting of the San Marcos City Code.

SECTION 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 after its passage, approval and adopted on second reading, and publication in accordance with section 3.12 of the City Charter.

PASSED AND APPROVED on first reading on March 17, 2020.

PASSED, APPROVED AND ADOPTED on second reading on April 7, 2020.
Jane Hughson
Mayor

Attest:  

Tammy K. Cook
Interim City Clerk

Approved:  

Michael J. Cosentino
City Attorney
ARTICLE 1. - IN GENERAL

Sec. 38.001. - Reserved.

Sec. 38.002. - Arson reward.

(a) The city hereby offers a reward of $250.00 for information leading to the arrest and conviction of any person committing the crime of arson within the corporate limits of the city.

(b) This reward is a standing offer, and shall be paid out of the general fund of the city.

(Ord. No. 2019-11, § 1, 5-7-19)

Secs. 38.003—38.025. - Reserved.

ARTICLE 2. - FIRE MARSHAL

Sec. 38.026. - Appointment of fire marshal.

The fire marshal shall be appointed by the fire chief. The appointment shall be in accordance with civil service laws as modified by a current meet and confer agreement.

(Ord. No. 2019-11, § 1, 5-7-19)

Sec. 38.027. - Reserved.

Sec. 38.028. - Appointment of peace officers.

(a) The San Marcos Fire Department shall function as a law enforcement agency, if approved as a law enforcement agency by the Texas Commission on Law Enforcement (TCOLE).

(b) If approved by TCOLE, the fire marshal shall be the TCOLE agency administrator for the San Marcos Fire Department. In the event the fire marshal is not a sworn Texas Peace Officer, the fire chief may appoint a current sworn peace officer, to be the agency administrator for TCOLE purposes.
The fire marshal, with approval of the fire chief, may assign licensed peace officers to perform law enforcement duties related to the responsibilities of this chapter and other state mandated law enforcement activities required by law.

(Ord. No. 2019-11, § 1, 5-7-19)

Sec. 38.029. - Reserved.

Sec. 38.030. - Investigation of fire.

The fire marshal or the fire marshal's designee shall investigate all fires as required by departmental policy, local ordinance, or state law.

(Ord. No. 2019-11, § 1, 5-7-19)

Sec. 38.031. - Fire prevention and safety education.

The fire marshal, or the fire marshal's designee, may develop educational programs and disseminate materials necessary to educate the public effectively regarding methods of fire prevention and safety.

(Ord. No. 2019-11, § 1, 5-7-19)

ARTICLE 3. - FIRE CODE STANDARDS

Sec. 38.032. - Code adopted.

(a) The International Fire Code 2015, to include appendices B, D, E, F and G and references thereto, is hereby adopted and incorporated by reference as the fire code of the city, subject to and including by reference such revisions, corrections, additions and deletions as shall appear in this article. In the interpretation and application, the provisions of this article shall be held to be minimum requirements adopted for the promotion of public health, safety, morale and general welfare. A copy of the fire code is on file in the city fire marshal's office and the city secretary's office.

(b) In the event there is a conflict between this article and the adopted codes herein and any city, state or federal law, the more restrictive requirements shall govern unless the less restrictive requirements are preemptive under state or federal law.

(c) A violation of this chapter is a strict liability offense, and requires no culpable mental state.

(Ord. No. 2019-11, § 1, 5-7-19)

Sec. 38.033. - Amendments to adopted code.

The following sections, paragraphs, and sentences of the International Fire Code, 2015 edition are hereby amended as follows:

Section 101.1; insert:

101.1 Title. These regulations shall be known as the Fire Code of the City of San Marcos, hereinafter referred to as "this code."

Section 102.6. add Section 102.6.1 to read as follows:
102.6.1 Historical Portions of Building. The exemptions provided by 102.6 shall apply only to the portion of the building designated as historical or comply with section 1103.1.1 whichever is more restrictive.

Section 103.2 is amended to read as follows:

103.2 Appointment. The fire code official shall be appointed in accordance with the prescribed procedures of this jurisdiction.

Section 105.7; add Section 105.7.19 to read as follows:

105.7.19 Electronic access control systems. Construction permits are required for the installation or modification of an electronic access control system, as specified in Chapter 10. A separate construction permit is required for the installation or modification of a fire alarm system that may be connected to the access control system. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

Section 109.4; insert:

109.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a Class C Offense, punishable by a fine of not more than $2,000 dollars or by imprisonment not exceeding 180 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 111.4; insert:

111.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than $0.00 dollars or more than $2,000 dollars.

Section 202; amend and/or add definitions as follows:

AMBULATORY CARE FACILITY. Buildings or portions thereof used to provide medical, surgical, psychiatric, nursing, or similar care on a less than 24-hour basis to persons who are rendered incapable of self-preservation by the services provided. This group may include but not be limited to the following:

- Dialysis centers
- Procedures involving sedation
- Sedation dentistry
- Surgery centers
- Colonic centers
- Psychiatric centers

DEFEND IN PLACE. A method of emergency response that engages building components and trained staff to provide occupant safety during an emergency. Emergency response involves remaining in place, relocating within the building, or both, without evacuating the building.

FIRE WATCH. A temporary measure intended to ensure continuous and systematic surveillance of a building or portion thereof by one or more qualified individuals or standby personnel when required by the fire code official, for the purposes of identifying and controlling fire hazards, detecting early signs of unwanted fire, raising an alarm of fire and notifying the fire department.
HIGH-PILED COMBUSTIBLE STORAGE. Add a second paragraph to read as follows:

Any building classified as a group S Occupancy or Speculative Building exceeding 12,000 sq. ft. that has a clear height in excess of 14 feet, making it possible to be used for storage in excess of 12 feet, shall be considered to be high-piled storage. When a specific product cannot be identified, a fire protection system and life safety features shall be installed as for Class IV commodities, to the maximum pile height.

HIGH-RISE BUILDING. A building with an occupied floor located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access.

REPAIR GARAGE. A building, structure or portion thereof used for servicing or repairing motor vehicles. This occupancy shall also include garages involved in minor repair, modification and servicing of motor vehicles for items such as lube changes, inspections, windshield repair or replacement, shocks, minor part replacement, and other such minor repairs.

SELF-SERVICE STORAGE FACILITY. Real property designed and used for the purpose of renting or leasing individual storage spaces to customers for the purpose of storing and removing personal property on a self-service basis.

STANDBY PERSONNEL. Qualified fire service personnel, approved by the Fire Code Official. When utilized, the number required shall be as directed by the Fire Code Official. Charges for utilization shall be as normally calculated by the jurisdiction.

UPGRADED OR REPLACED FIRE ALARM SYSTEM. A fire alarm system that is upgraded or replaced includes, but is not limited to the following:

- Replacing one single board or fire alarm control unit component with a newer model
- Installing a new fire alarm control unit in addition to or in place of an existing one
- Conversion from a horn system to an emergency voice/alarm communication system
- Conversion from a conventional system to one that utilizes addressable or analog devices

The following are not considered an upgrade or replacement:

- Firmware updates
- Software updates
- Replacing boards of the same model with chips utilizing the same or newer firmware

Section 307.1 is amended to read as follows:

307.1. General. A person shall not kindle or maintain or authorize to be kindled or maintained any open burning, bonfire, recreational fire, or portable outdoor fireplace, unless conducted and approved in accordance with Sections 307.1.1 through 307.5.

Section 307.2 is amended to read as follows:

307.2. Permit Required. A permit shall be obtained from the fire code official in accordance with 105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.
Section 307.4.1 is DELETED

Section 307.4.2 is DELETED

Section 307.4.3 is amended to read as follows:

307.4.1 Portable outdoor fireplaces. Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet of a structure or combustible material.

    Exception: Portable outdoor fireplaces used at one- and two-family dwellings.

Section 307.4.2. add Section 307.4.2 to read as follows:

307.4.2 Trench burns. Trench burns shall be conducted in air curtain trenches and in accordance with Section 307.2.

Section 308.1.4 is amended to read as follows:

308.1.4. Outdoor cooking. Charcoal burners, open flame cooking appliances, LP gas burners, outdoor grills, barbecue grills, or any other outdoor cooking appliance that generates sufficient heat to cook in, on, or about the appliance, shall not be operated or stored on balconies or within 15 feet of a structure or combustible material.

    Exceptions:
    1. One- and two-family dwellings
    2. Delete
    3. Delete

Section 308.1.6.2, Exception #3; change to read as follows:

    Exceptions:
    3. Torches or flame-producing devices in accordance with Section 308.1.3.

Section 503.1.1; add sentence to read as follows:

Except for one- or two-family dwellings, the path of measurement shall be along a minimum of a ten feet (10') wide unobstructed pathway around the external walls of the structure, unless otherwise approved by the Fire Code Official.

Section 503.2.1; change to read as follows:

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 24 feet (7315 mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 14 feet (4267 mm).

    Exception:
    1. When approved by the Fire Code Official, vertical clearance may be reduced; provided such reduction does not impair access by fire apparatus and approved signs are installed and maintained indicating the established vertical clearance.

Section 503.2.3; change Section 503.2.3 to read as follows:

503.2.3 Surface. Fire apparatus access roads shall be designed in accordance with the City of San Marcos Engineering Standards and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities.
Section 503.2.4; change Section 503.2.4 to read as follows:

503.2.4 Turning radius. The required turning radius of a fire apparatus access road shall be in accordance with:

1. For buildings less than 30-feet and less than 3 stories in height:
   a. 20-feet (inside) for turns less than or equal to 90 degrees
   b. 25-feet (inside) for turns greater than 90 degrees
2. For buildings 30-feet or more and/or 3 or more stories in height minimum interior turning radius of 30 feet.

For purposes of this section, the building height is measured from the lowest finished grade of the fire access roads to the point of accessible roof level, including parapet walls. For buildings with pitched roofs, the height is measured to the roof plate.

Section 503.3; change to read as follows:

503.3 Marking. Striping, signs, or other markings, when approved by the fire code official, shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Striping, signs and other markings shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

Examples of acceptable markings:

1. Striping - Fire apparatus access roads shall be continuously marked by painted lines of red traffic paint six inches (6") in width to show the boundaries of the lane. The words "NO PARKING FIRE LANE" or "FIRE LANE NO PARKING" shall appear in four inch (4") white letters at 25 feet intervals on the red border markings along both sides of the fire lanes. Where a curb is available, the striping shall be on the vertical face of the curb.

2. Signs - Signs shall read "NO PARKING FIRE LANE" or "FIRE LANE NO PARKING" and shall be 12" wide and 18" high. Signs shall be painted on a white background with letters and borders in red, using not less than 2" lettering. Signs shall be permanently affixed to a stationary post and the bottom of the sign shall be six feet, six inches (6'6") above finished grade. Signs shall be spaced not more than fifty feet (50') apart along both sides of the fire lane. Signs may be installed on permanent buildings or walls or as approved by the Fire Code Official.

Section 503.4; change to read as follows:

503.4 Obstruction of fire apparatus access roads. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in sections 503.2.1 and any area marked as a fire lane as described in Section 503.3 shall be maintained at all times.

Section 503.6 is amended to read as follows:

503.6. Gates. All gates that obstruct emergency access roads or drives, whether on public or private property, must be permitted by the fire code official and approved by the fire chief. Where gates are installed across fire access roads they shall have an approved means of emergency operation. The gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F2200.

Section 503.6.1; add 503.6.1 to read as follows:

503.6.1 Gate access information. The owner, owner's authorized agent, operator, occupant or person responsible for the gate shall immediately provide to the fire code official, in the manner prescribed by the
fire code official, any code, combination, and information necessary for accessing any gate that obstructs emergency access roads or drives, whether on public or private property. The code, combination, or information must be provided prior to the new or existing gate obstructing any emergency access roads or drives.

Section 503.6.1.1; add 503.6.1.1 to read as follows:

503.6.1.1 Penalty. A violation of 503.6.1 shall be punishable by a fine of $1000.00.

Section 504.1; amend to read as follows:

504.1 Required access. Exterior doors and openings required by this code or the International Building Code shall be maintained readily accessible for emergency access by the fire department and law enforcement acting in the scope of duty.

Section 504.1.1; add 504.1.1 to read as follows:

504.1.1 Required access information. The owner, owner’s authorized agent, operator, occupant or person responsible for the door(s) shall immediately provide to the fire code official, in the manner prescribed by the fire code official, any code, combination, or information necessary for accessing any exterior doors and openings required by this code or the International Building Code. The code, combination, and information must be provided prior to the new or existing door being secured.

Section 504.1.1.1; add 504.1.1.1 to read as follows:

504.1.1.1 Penalty. A violation of 504.1.1 shall be punishable by a fine of $1000.00.

Section 505.1; change to read as follows:

505.1 Address Identification. New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 12 inches (304.8 mm) high with a minimum stroke width of ½ inch (12.7 mm). Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road, buildings do not immediately front a street, and/or the building cannot be viewed from the public way, a monument, pole or other sign with approved 6 inch (152.4 mm) height building numerals or addresses and 4 inch (101.6 mm) height suite/apartment numerals of a color contrasting with the background of the building or other approved means shall be used to identify the structure. Numerals or addresses shall be posted on a minimum 20 inch (508 mm) by 30 inch (762 mm) background on border. Address identification shall be maintained.

Exceptions:

1. R-3 Single Family occupancies shall have approved numerals of a minimum 3 ½ inches (88.9 mm) in height and a color contrasting with the background clearly visible and legible from the street fronting the property and rear alleyway where such alleyway exists.

2. Structures located within the historic district may utilize a minimum of 6 inches (152.4 mm) high numbers as approved by the Fire Code Official.

Section 505.3; add to read as follows:
505.3: Where new and existing buildings contain multiple tenant spaces whose primary access is from an interior corridor or, where the entrances to the tenant spaces are not immediately apparent from the exterior, those buildings shall provide numbered signs to assist emergency services personnel with locating any specific tenant space. Signs shall be durable and shall have characters that contrast with their background. Characters shall contain Arabic numbers and/or alphabetical letters. Numbers shall not be spelled out. Each character shall not be less than 1 inch in height. Signs shall be placed, at a minimum:

1. On the opposite wall of a corridor across from any elevator or bank of elevators.
2. On the opposite wall of a corridor across from a stairway or stairway access.
3. At the confluence of two or more corridors.
4. At the beginning of a corridor from any vestibule, foyer, exterior access door or other point of ingress.
5. At any location, as directed by the Fire Code Official or their designee.

Section 506.1; change to read as follows:

506.1 Where required. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require one or more key boxes to be installed in approved locations. The key box shall be of an approved type listed in accordance with UL 1037, and shall contain keys to gain necessary access as required by the fire code official. An approved key box shall be provided on the following structures:

1. On new and existing structures:
   a. At fire sprinkler riser/fire pump rooms, if one is provided, or
   b. At main entry if equipped with other automatic fire protection system.
2. On all existing commercial structures comprised of multiple tenant spaces: a single approved Key Box may serve multiple occupancies in a single building provided the box is located in an approved location and is adequately sized for the number of keys.

Section 507.1; add a new paragraph to read as follows:

Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. Existing fire hydrants on public streets are allowed to be considered as available where streets are not provided with median dividers which cannot be crossed by fire fighters pulling hose lines.

Section 507.2.1 is amended to read as follows:

507.2.1 Private fire service mains. Private fire service mains and appurtenances shall be installed in accordance with NFPA 24 and local jurisdiction construction standards.

Section 507.4; change to read as follows:

507.4 Water Supply Test Date and Information. The water supply test used for hydraulic calculation of fire protection systems shall be conducted in accordance with NFPA 291 "Recommended Practice for Fire Flow Testing and Marking of Hydrants" and within one year of sprinkler plan submittal. The fire code official shall be notified prior to the water supply test. Water supply tests shall be witnessed by the fire code official, as required. The exact location of the static/residual hydrant and the flow hydrant shall be indicated on the design drawings. All fire protection plan submittals shall be accompanied by a hard copy
of the workflow test report, or as approved by the fire code official. Reference Section 903.3.5 for additional design requirements.

Section 507.5 is amended to read as follows:

507.5. Fire hydrant systems.

(a) A fire hydrant is an approved national standard three-way hydrant connected to six-inch or larger water mains.

(b) A two-way hydrant is not recognized unless it was installed before January 1, 1985 or it was installed in conjunction with nationally approved sprinkler systems.

(c) Fire hydrants shall conform to the latest version of the AWWA Standard for Dry Barrel Fire Hydrants.

(d) Fire hydrants shall have one 4.5 inch steamer and two 2.5 inch side connections with National Standard threads. The centerline of the steamer connection shall be a minimum of 18 inches above the ground surface.

(e) The City of San Marcos Water Department shall have the authority to develop and approve new fire hydrant installation methods and standards consistent with the application of this section.

(f) Hydrants shall be installed in accordance with local jurisdiction construction standards.

Section 507.5.1.2; add new sections to read as follows:

507.5.1.2 Intersections. Fire hydrants shall be at every street intersection, or as otherwise required by the fire code official.

507.5.1.2.1 Location. Fire hydrants shall be located within 6 feet of the edge of the pavement unless the fire department determines another location is acceptable for fire department use.

Section 507.5.2 is amended by adding the following:

507.2.1 Cost. The cost of maintaining fire hydrants on private property will be the burden of the occupant and/or owner of that property.

Section 507.5 is amended by adding the following:

Section 507.5.4; change to read as follows:

507.5.4 Obstruction. Unobstructed access to fire hydrants shall be maintained at all times. Posts, fences, vehicles, growth, trash, storage and other materials or objects shall not be placed or kept near fire hydrants, fire department inlet connections or fire protection system control valves in a manner that would prevent such equipment or fire hydrants from being immediately discernible. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.

507.5.7. Marking. The location of all fire hydrants shall be identified with a blue reflective road dot placed near the center of the roadway in front of the hydrant.

Section 508.1.6.12 is amended by adding the following:

12.1 Any or all of the above documents will be placed in a wall mounted document box, as prescribed by the fire code official. No documents or other such items, other than those required by the fire code official, will be permitted to be stored in this cabinet.

Section 509.1.2; add new Section 509.1.2 to read as follows:
509.1.2 Sign Requirements. Unless more stringent requirements apply, lettering for signs required by this section shall have a minimum height of 2 inches (50.8 mm) when located inside a building and 6 inches (101.6 mm) when located outside, or as approved by the fire code official. The letters shall be of a color that contrasts with the background.

Section 609.2; change to read as follows:

609.2 Where Required. A Type I hood shall be installed at or above all commercial cooking appliances and domestic cooking appliances used for commercial purposes that produce grease vapors, including but not limited to cooking equipment used in fixed, mobile, or temporary concessions, such as trucks, buses, trailers, pavilions, or any form of roofed enclosure, as required by the fire code official.

Exceptions:

1. Tents, as provided for in Chapter 31.
2. {No change to existing Exception.}

Additionally, fuel gas and power provided for such cooking appliances shall be interlocked with the extinguishing system, as required by Section 904.12.2. Fuel gas containers and piping/hose shall be properly maintained in good working order and in accordance with all applicable regulations.

Section 901.4 change to read as follows:

901.4.7 Wall Mounted Document Box. A wall mounted document box shall be placed in fire sprinkler riser rooms or at any fire alarm control unit. Documents stored in this box shall include building floor plans, alarm plans, sprinkler plans and any other documents required by the fire code official.

Section 901.6.3; add Sections 901.6.3 and 901.6.3.1 to read as follows:

901.6.3 False Alarms and Nuisance Alarms. False alarms and nuisance alarms shall not be given, signaled or transmitted or caused or permitted to be given, signaled or transmitted in any manner.

901.6.3.1 False Alarm and Nuisance Alarm Penalty. The owner or manager of an occupancy in which the fire alarm system signals or transmits more than three false alarms, as the result of a mechanical, electrical, or component failure within the alarm system, in any rolling 12-month period shall be fined as follows for subsequent false or nuisance alarm beyond the third false or nuisance alarm in the rolling 12-month period:

a) Fourth false or nuisance alarm shall be fined at $500
b) Fifth false or nuisance alarm shall be fined at $1,000
c) Sixth and all subsequent false or nuisance alarms shall be fined at $1,500.

False alarms as the result of weather related activation or false alarms caused by the initiation of the alarm system by the activation of a manual pull station, or the activation by a person(s) tampering with a detection or signaling device or component of the alarm system, shall not be subject to penalty.

Section 903.2.9; add Section 903.2.9.3 to read as follows:

Section 901.8.2; change to read as follows:

901.8.2 Removal of existing occupant-use hose lines. The fire code official is authorized to permit the removal of existing occupant-use hose lines and hose valves where all of the following conditions exist:

1. Installation is not required by this code or the International Building Code.
2. The hose line(s) would not be utilized by trained personnel or the fire department.
3. If the remaining outlets for occupant-use hose lines are removed, but the hose valves are required to remain as per the fire code official, such valves shall be compatible with local fire department fittings.
903.2.9.3 Self-Service Storage Facility. An automatic sprinkler system shall be installed throughout all self-service storage facilities.

Exception: One-story self-storage facilities that have no interior corridors.

Section 903.2.10; change to read as follows:

903.2.10 Group S-2 enclosed parking garages. An automatic sprinkler system shall be provided throughout buildings classified as enclosed parking garages in accordance with Section 406.4 of the International Building Code or where located beneath other groups.

Section 903.2.11; change 903.2.11.3 and add 903.2.11.7, 903.2.11.8, and 903.2.11.9 as follows:

903.2.11.3 Buildings 55 feet or more in height. An automatic sprinkler system shall be installed throughout buildings that have one or more stories with an occupant load of 30 or more other than penthouses in compliance with Section 1510 of the International Building Code, located 55 feet (16764mm) or more above the lowest level of fire department vehicle access, measured to the finished floor.

Exceptions:
1. Open parking structures in compliance with Section 406.5 of the International Building Code, having no other occupancies above the subject garage.
2. Occupancies in Group F-2.

903.2.11.7 High-Piled Combustible Storage. For any building with a clear height exceeding 12 feet (4572 mm), see Chapter 32 to determine if those provisions apply.

903.2.11.8 Spray Booths and Rooms. New and existing spray booths and spraying rooms shall be protected by an approved automatic fire-extinguishing system.

903.2.11.9 Buildings Over 6,000 sq.ft. An automatic sprinkler system shall be installed throughout all buildings with a building area 6,000 sq. ft. or greater and in all existing buildings that are enlarged to be 6,000 sq. ft. or greater. For the purpose of this provision, fire walls shall not define separate buildings.

Exception: Open parking garages in compliance with Section 406.5 of the International Building Code.

Section 903.3.1.2.3; add section to read as follows:

Section 903.3.1.2.3 Attics and Attached Garages. Sprinkler protection is required in attic spaces of such buildings three or more stories in height, in accordance with NFPA 13 and or NFPA 13R requirements, and attached garages.

Section 903.3.1.2.4; add section to read as follows:

Section 903.3.1.2.4 Exterior closets. Sprinkler protection shall be provided in closets (regardless of size) that are accessible from the exterior of the building.

Section 903.3.1.4; add to read as follows:

903.3.1.4 Freeze protection. Freeze protection systems for automatic fire sprinkler systems shall be in accordance with the requirements of the applicable referenced NFPA standard and this section.

903.3.1.4.1 Attics. Only dry-pipe, preaction, or listed antifreeze automatic fire sprinkler systems shall be allowed to protect attic spaces.

Exception: Wet-pipe fire sprinkler systems shall be allowed to protect non-ventilated attic spaces where:
1. The attic sprinklers are supplied by a separate floor control valve assembly to allow ease of draining the attic system without impairing sprinklers throughout the rest of the building, and

2. Adequate heat shall be provided for freeze protection as per the applicable referenced NFPA standard, and

3. The attic space is a part of the building’s thermal, or heat, envelope, such that insulation is provided at the roof deck, rather than at the ceiling level.

Section 903.3.5; add a second paragraph to read as follows:

Water supply as required for such systems shall be provided in conformance with the supply requirements of the respective standards; however, every water-based fire protection system shall be designed with a 5 psi safety factor. Reference Section 507.4 for additional design requirements.

Section 903.4; add a second paragraph after the exceptions to read as follows:

Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for more than 45 seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering.

Section 903.4.2; add second paragraph to read as follows:

The alarm device required on the exterior of the building shall be a weatherproof horn/strobe notification appliance with a minimum 75 candela strobe rating, installed as close as practicable to the fire department connection.

Section 905.2; change to read as follows:

905.2 Installation Standard. Standpipe systems shall be installed in accordance with this section and NFPA 14. Manual dry standpipe systems shall be supervised with a minimum of 10 psig and a maximum of 40 psig air pressure with a high/low alarm.

Section 905.3; add Section 905.3.9 and exception to read as follows:

905.3.9 Buildings Exceeding 10,000 sq. ft. In buildings exceeding 10,000 square feet in area per story and where any portion of the building's interior area is more than 200 feet (60960 mm) of travel, vertically and horizontally, from the nearest point of fire department vehicle access, Class I automatic wet or manual wet standpipes shall be provided.

Exceptions:

1. Automatic dry and semi-automatic dry standpipes are allowed as provided for in NFPA 14.

2. R-2 occupancies of four stories or less in height having no interior corridors.

Section 905.4, change Item 1, 3, and 5, and add Item 7 to read as follows:

1. In every required exit stairway, a hose connection shall be provided for each story above and below grade plane. Hose connections shall be located at an intermediate landing between stories, unless otherwise approved by the fire code official.

2. {No change.}

3. In every exit passageway, at the entrance from the exit passageway to other areas of a building. Exception: Where floor areas adjacent to an exit passageway are reachable from an exit stairway hose connection by a {No change to rest.}

4. {No change.}
5. Where the roof has a slope less than four units vertical in 12 units horizontal (33.3-percent slope), each standpipe shall be provided with a two-way hose connection located to serve the roof or at the highest landing of an exit stairway with stair access to the roof provided in accordance with Section 1011.12.

6. {No change.}

7. When required by this Chapter, standpipe connections shall be placed at two hundred feet (200') intervals along major corridors thereafter, or as otherwise approved by the fire code official.

Section 905.9; add a second paragraph after the exceptions to read as follows:

Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for more than 45 seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering.

Section 906.1 is amended by deleting the exception.

Section 907.1; add Section 907.1.4 to read as follows:

907.1.4 Design Standards. Where a new fire alarm system is installed, the devices shall be addressable. Fire alarm systems utilizing more than 20 smoke detectors shall have analog initiating devices.

Section 907.2.1; change to read as follows:

907.2.1 Group A. A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group A occupancies having an occupant load of 300 or more persons or more than 100 persons above or below the lowest level of exit discharge. Group A occupancies not separated from one another in accordance with Section 707.3.10 of the International Building Code shall be considered as a single occupancy for the purposes of applying this section. Portions of Group E occupancies occupied for assembly purposes shall be provided with a fire alarm system as required for the Group E occupancy.

Exception: {No change.}

Activation of fire alarm notification appliances shall:

1. Cause illumination of the means of egress with light of not less than 1 foot-candle (11 lux) at the walking surface level, and
2. Stop any conflicting or confusing sounds and visual distractions.

Section 907.2.3; change to read as follows:

907.2.3 Group E. A manual fire alarm system that initiates the occupant notification signal utilizing an emergency voice/alarm communication system meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall be installed in Group E educational occupancies. When automatic sprinkler systems or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system. An approved smoke detection system shall be installed in Group E day care occupancies. Unless separated by a minimum of 100' open space, all buildings, whether portable buildings or the main building, will be considered one building for alarm occupant load consideration and interconnection of alarm systems.

Exceptions:

1. {No change.}
1.1. Residential In-Home day care with not more than 12 children may use interconnected single station detectors in all habitable rooms. (For care of more than five children 2½ or less years of age, see Section 907.2.6.) {No change to remainder of exceptions.}

Section 907.2.13, Exception 3; change to read as follows:

3. Open air portions of buildings with an occupancy in Group A-5 in accordance with Section 303.1 of the International Building Code; however, this exception does not apply to accessory uses including but not limited to sky boxes, restaurants, and similarly enclosed areas.

Section 907.4.2; add Section 907.4.2.7 to read as follows:

907.4.2.7 Type. Manual alarm initiating devices shall be an approved double action type.

Section 907.6.1; add Section 907.6.1.1 to read as follows:

907.6.1.1 Wiring Installation. All fire alarm systems shall be installed in such a manner that a failure of any single initiating device or single open in an initiating circuit conductor will not interfere with the normal operation of other such devices. All signaling line circuits (SLC) shall be installed in such a way that a single open will not interfere with the operation of any addressable devices (Class A). Outgoing and return SLC conductors shall be installed in accordance with NFPA 72 requirements for Class A circuits and shall have a minimum of four feet separation horizontal and one foot vertical between supply and return circuit conductors. The initiating device circuit (IDC) from a signaling line circuit interface device may be wired Class B, provided the distance from the interface device to the initiating device is ten feet or less.

Section 907.6.3; delete all four Exceptions.

Section 909.22; add to read as follows:

909.22 Stairway or Ramp Pressurization Alternative. Where the building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 and the stair pressurization alternative is chosen for compliance with Building Code requirements for a smokeproof enclosure, interior exit stairways or ramps shall be pressurized to a minimum of 0.10 inches of water (25 Pa) and a maximum of 0.35 inches of water (87 Pa) in the shaft relative to the building measured with all interior exit stairway and ramp doors closed under maximum anticipated conditions of stack effect and wind effect. Such systems shall comply with Section 909, including the installation of a separate fire-fighter’s smoke control panel as per Section 909.16, and a Smoke Control Permit shall be required from the fire department as per Section 105.7.

909.22.1 Ventilating equipment. The activation of ventilating equipment for the stair or ramp pressurization system shall be by smoke detectors installed at each floor level at an approved location at the entrance to the smokeproof enclosure. When the closing device for the stairway or ramp shaft and vestibule doors is activated by smoke detection or power failure, the mechanical equipment shall activate and operate at the required performance levels. Smoke detectors shall be installed in accordance with Section 907.3.

909.22.1.1 Ventilation Systems. Smokeproof enclosure ventilation systems shall be independent of other building ventilation systems. The equipment, control wiring, power wiring and ductwork shall comply with one of the following:

1. Equipment, control wiring, power wiring and ductwork shall be located exterior to the building and directly connected to the smokeproof enclosure or connected to the smokeproof enclosure by ductwork enclosed by not less than 2-hour fire barriers constructed in accordance with Section 707 of the Building Code or horizontal assemblies constructed in accordance with Section 711 of the Building Code, or both.

2. Equipment, control wiring, power wiring and ductwork shall be located within the smokeproof enclosure with intake or exhaust directly from and to the outside or through ductwork enclosed
by not less than 2-hour barriers constructed in accordance with Section 707 of the Building Code or horizontal assemblies constructed in accordance with Section 711 of the Building Code, or both.

3. Equipment, control wiring, power wiring and ductwork shall be located within the building if separated from the remainder of the building, including other mechanical equipment, by not less than 2-hour fire barriers constructed in accordance with Section 707 of the Building Code or horizontal assemblies constructed in accordance with Section 711 of the Building Code, or both.

Exceptions:

1. Control wiring and power wiring utilizing a 2-hour rated cable or cable system.
2. Where encased with not less than 2 inches (51 mm) of concrete.
3. Control wiring and power wiring protected by a listed electrical circuit protective system with a fire-resistance rating of not less than 2 hours.

909.22.1.2 Standby Power. Mechanical vestibule and stairway and ramp shaft ventilation systems and automatic fire detection systems shall be provided with standby power in accordance with Section 2702 of the Building Code.

909.22.1.3 Acceptance and Testing. Before the mechanical equipment is approved, the system shall be tested in the presence of the fire code official to confirm that the system is operating in compliance with these requirements.

Section 910.2; change Exception 2 and 3 to read as follows:

2. Only manual smoke and heat removal shall be required in areas of buildings equipped with early suppression fast-response (ESFR) sprinklers. Automatic smoke and heat removal is prohibited.
3. Only manual smoke and heat removal shall be required in areas of buildings equipped with control mode special application sprinklers with a response time index of 50(m*S)½ or less that are listed to control a fire in stored commodities with 12 or fewer sprinklers. Automatic smoke and heat removal is prohibited.

Section 910.2; add subsections 910.2.3 with exceptions to read as follows:

910.2.3 Group H. Buildings and portions thereof used as a Group H occupancy as follows:

1. In occupancies classified as Group H-2 or H-3, any of which are more than 15,000 square feet (1394 m²) in single floor area.
   Exception: Buildings of noncombustible construction containing only noncombustible materials.

   2. In areas of buildings in Group H used for storing Class 2, 3, and 4 liquid and solid oxidizers, Class 1 and unclassified detonable organic peroxides, Class 3 and 4 unstable (reactive) materials, or Class 2 or 3 water-reactive materials as required for a high-hazard commodity classification.
      Exception: Buildings of noncombustible construction containing only noncombustible materials.

Section 910.3; add section 910.3.4 to read as follows:

910.3.4 Vent Operation. Smoke and heat vents shall be capable of being operated by approved automatic and manual means. Automatic operation of smoke and heat vents shall conform to the provisions of Sections 910.3.2.1 through 910.3.2.3.

910.3.4.1 Sprinklered buildings. Where installed in buildings equipped with an approved automatic sprinkler system, smoke and heat vents shall be designed to operate automatically.
The automatic operating mechanism of the smoke and heat vents shall operate at a temperature rating at least 100 degrees F (approximately 38 degrees Celsius) greater than the temperature rating of the sprinklers installed.

*Exception: Manual only systems per Section 910.2.*

910.3.4.2 Non-sprinklered Buildings. Where installed in buildings not equipped with an approved automatic sprinkler system, smoke and heat vents shall operate automatically by actuation of a heat-responsive device rated at between 100°F (56°C) and 220°F (122°C) above ambient.

*Exception: Listed gravity-operated drop out vents.*

Section 912.2; add Section 912.2.3 to read as follows:

912.2.3 Hydrant Distance. An approved fire hydrant shall be located within 100 feet of the fire department connection as the fire hose lays along an unobstructed path.

Section 912.4.1; change to read as follows:

912.4.1 Locking fire department connection caps. Approved, locking caps shall be installed on any fire department connection that is installed as a result of new construction. Additionally, where remodeling of a building or structure requires the addition of an approved sprinkler or standpipe system, locking caps shall be installed. Where fire department connections exist on current buildings but the caps are missing or damaged, they must be replaced with locking caps, as approved by the fire code official.

Section 913.1; add second paragraph and exception to read as follows:

When located on the ground level at an exterior wall, the fire pump room shall be provided with an exterior fire department access door that is not less than 3 ft. in width and 6 ft. - 8 in. in height, regardless of any interior doors that are provided. A key box shall be provided at this door, as required by Section 506.1.

*Exception: When it is necessary to locate the fire pump room on other levels or not at an exterior wall, the corridor leading to the fire pump room access from the exterior of the building shall be provided with equivalent fire resistance as that required for the pump room, or as approved by the fire code official. Access keys shall be provided in the key box as required by Section 506.1.*

Section 1010.1.9.4 Bolt Locks; change Exceptions 3 and 4 to read as follows:

*Exceptions:*

3. Where a pair of doors serves an occupant load of less than 50 persons in a Group B, F, M or S occupancy. {Remainder unchanged}

4. Where a pair of doors serves a Group A, B, F, M or S occupancy. {Remainder unchanged}

Section 1015.8 Window Openings; change number 1 to read as follows:

1. Operable windows where the top of the sill of the opening is located more than 55 feet (16 764 mm) above the finished grade or other surface below and that are provided with window fall prevention devices that comply with ASTM F 2006.

Section 1031.2; change to read as follows:

1031.2 Reliability. Required exit accesses, exits and exit discharges shall be continuously maintained free from obstructions or impediments to full instant use in the case of fire or other emergency. An exit or exit passageway shall not be used for any purpose that interferes with a means of egress.

Section 1103; add new Sections 1103.5.5 and 1103.5.6 to read as follows:
Section 1103.5.5 Spray booths and rooms. Existing spray booths and spray rooms shall be protected by an automatic fire-extinguishing system in accordance with Section 2404.

Section 1103.5.6 Existing R-1, 2, 3, and 4 Occupancies. In R-1, 2, 3, and 4 occupancies where a fire has occurred and displaces one or more occupants, the affected building shall be fire-sprinklered prior to the re-occupancy of the unit/building.

Section 1103.7; add Section 1103.7.8 and 1103.7.8.1 to read as follows:

1103.7.8 Fire Alarm System Design Standards. Where an existing fire alarm system is upgraded or replaced, the devices shall be addressable. Fire alarm systems utilizing more than 20 smoke and/or heat detectors shall have analog initiating devices.

Exception: Existing systems need not comply unless the total building, or fire alarm system, remodel or expansion exceeds 30% of the building. When cumulative building, or fire alarm system, remodel or expansion initiated after the date of original fire alarm panel installation exceeds 50% of the building, or fire alarm system, the fire alarm system must comply within 18 months of permit application.

1103.7.8.1 Communication requirements. Refer to Section 907.6.6 for applicable requirements.

Table 3206.2, footnote j; change text to read as follows:

j. Where storage areas are protected by either early suppression fast response (ESFR) sprinkler systems or control mode special application sprinklers with a response time index of 50 (m • s) ½ or less that are listed to control a fire in the stored commodities with 12 or fewer sprinklers, installed in accordance with NFPA 13, manual smoke and heat vents or manually activated engineered mechanical smoke exhaust systems shall be required within these areas.

Section 3310.3, add Section 3310.3:

3310.3 Fencing. Where construction or demolition sites have fencing or some other type of security barrier installed around the site, an approved padlock shall be installed on no less than one gate. Approved padlocks may be required by the fire code official on additional gates. These padlocks shall be purchased by the property owner or contractor but shall be keyed, as directed, by the fire code official.

Section 5601.1.3; add second paragraph and exception to read as follows:

The possession, manufacture, storage, handling and use of fireworks are prohibited outside the city limits for a distance of five thousand (5,000) feet, provided that the territory encompassed within the five thousand (5,000) feet outside the city limits is not within the extraterritorial jurisdiction of another municipality. A violation of this ordinance is declared to be a common and public nuisance. The owner, lessee or occupant of the property or structure where fireworks are being stored or used shall be deemed responsible for violation of this section.

Exceptions:

5. The possession of fireworks otherwise allowed by State Law.

Section 5703.6; add a sentence to read as follows:

5703.6 Piping Systems. Piping systems, and their component parts, for flammable and combustible liquids shall be in accordance with Sections 5703.6.1 through 5703.6.11. An approved method of secondary containment shall be provided for underground tank and piping systems.

Section 5704.2.9.6.1 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited), to read as follows:
5704.2.9.6.1 **Locations where above-ground tanks are prohibited.** Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited otherwise by City of San Marcos Ordinance.

**Section 5704.2.11.4; add a sentence to read as follows:**

5704.2.11.4 **Leak Prevention.** Leak prevention for underground tanks shall comply with Sections 5704.2.11.4.1 through 5704.2.11.4.3. An approved method of secondary containment shall be provided for underground tank and piping systems.

**Section 5704.2.11.4.2; change to read as follows:**

5704.2.11.4.2 **Leak Detection.** Underground storage tank systems shall be provided with an approved method of leak detection from any component of the system that is designed and installed in accordance with NFPA 30 and as specified in Section 5704.2.11.4.3.

**Section 5704.2.11.4; add Section 5704.2.11.4.3 to read as follows:**

5704.2.11.4.3 **Observation Wells.** Approved sampling tubes of a minimum 4 inches in diameter shall be installed in the backfill material of each underground flammable or combustible liquid storage tank. The tubes shall extend from a point 12 inches below the average grade of the excavation to ground level and shall be provided with suitable surface access caps. Each tank site shall provide a sampling tube at the corners of the excavation with a minimum of 4 tubes. Sampling tubes shall be placed in the product line excavation within 10 feet of the tank excavation and one every 50 feet routed along product lines towards the dispensers, a minimum of two are required.

**Section 5706.2.4.4 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited) to read as follows:**

5706.2.4.4 **Locations where above-ground tanks are prohibited.** The storage of Class I and II liquids in above-ground tanks is prohibited within the limits established by law as the limits of districts in which such storage is prohibited otherwise by City of San Marcos Ordinance.

**Section 5806.2 (geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited) to read as follows:**

5806.2 **Limitations.** Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited otherwise by City of San Marcos Ordinance.

**Section 6104.2: delete.**

**Chapter 68; add Chapter 68 to read as follows:**

**SECTION 6801 General**

6801.1 **Scope.** The provisions of this chapter shall apply to the operation of mobile food vending in which cooking operations are conducted.

6801.2 **Construction Documents.** Every vendor desiring to engage in mobile food vending shall make a written application to the Fire Department for a permit under this chapter. The applicant shall truthfully state, in full, all information requested by the Fire Department and be accompanied by permit application fee.

6801.3 **Fees.** An application for a permit under this chapter shall be accompanied by a fee in the amount of $100. There shall be no proration of fees. Fees are non-refundable once a permit has been issued by the Fire Department.
6801.4 Permits. It shall be unlawful to operate a mobile food vending unit without a permit as required by Section 105.6. All permits shall be prominently displayed on the mobile food vending unit.

6801.4.1 Duration; non-transferability. Permits will be issued for a calendar year from the date of issuance. Any permit issued under this chapter is non-transferable.

SECTION 6802 DEFINITIONS

MOBILE FOOD VENDING. Vending, serving, or offering for sale food and/or beverages from a mobile food vending unit.

MOBILE FOOD VENDING UNIT. Any motorized or non-motorized vehicle, trailer, or other device designed to be portable and not permanently attached to the ground from which cooking apparatus or cooking equipment may be or is used.

VENDOR. Any individual engaged in the business of mobile food vending; if more than one individual is operating a single means of conveyance, then vendor shall mean all individuals operating such means of conveyance.

OPERATE. All activities associated with the conducting of business, including set up and take down and/or actual hours where the mobile food vending unit is open for business.

SECTION 6803 INSPECTIONS

6803.1 General. Inspections of mobile food operations shall be set forth as outlined in this section.

6803.2 Permit Inspections. Once application for a permit is received by the Fire Department, the vendor shall coordinate an inspection with the Fire Department to verify all statements and requirements within this chapter are provided.

6803.3 Inspections. Mobile food vending units shall be inspected at least annually by the Fire Department, or as deemed necessary. Inspections shall be coordinated with the Environmental Health Department when possible.

SECTION 6804 OPERATIONAL REQUIREMENTS

6804.1 General. Mobile food vending operations shall be as set forth in this section.

6804.2 Operational Requirements. Any vendor engaging in mobile food vending shall comply with the following requirements:

1. Provide appropriate waste receptacles at the site of the unit and remove all litter, debris, and other waste attributable to the vendor on a daily basis.

2. Shall not be parked, situated or operated in a manner that restricts or blocks emergency vehicle apparatus access.

3. Shall not be parked, situated, or operated in a manner that restricts or blocks fire hydrants, fire lanes, or other fire protection equipment or access.

4. Not use any flashing or blinking lights or strobe lights.

5. Not use loud music, amplification devices or "crying out", or any other audible methods to gain attention which causes a disruption or safety hazard as determined by the City of San Marcos.

6. Comply with the city’s Noise Ordinance, Sign Ordinance and any other applicable ordinances.
7. Comply with all applicable federal, state, county and municipal regulations.

8. Not represent the granting of a permit under this chapter as an endorsement by the City of San Marcos.

9. Cooking operations in which grease laden vapors are or can be created, shall be provided with a Type I hood and fire suppression system.

10. All cooking equipment must be mounted on non-combustible surfaces and maintain all clearance requirements, as recommended by the manufacturer.

11. All hot surfaces and/or cooking areas must be adequately protected from the public.

12. Fire suppression system shall be inspected by a licensed company every six months.

13. A minimum of 1 K-Class fire extinguisher shall be provided.

14. A minimum of 1 2A-10BC fire extinguisher shall be provided.

15. Propane cylinders shall be secured to the vehicle and installed in accordance with NFPA 58.

16. All temporary electrical shall comply with the provisions of this code and any other applicable city ordinances or codes.

6804.3 Maintenance. Maintenance of systems on mobile food preparation vehicles shall be in accordance with Sections 6804.3.1 through 6804.3.3.

6804.3.1 Exhaust system. The exhaust system, including hood, grease-removal devices, fans, ducts, and other appurtenances shall be inspected and cleaned in accordance with Section 607.3.

6804.3.2 Fire protection systems and devices. Fire protection systems and devices shall be maintained in accordance with Section 901.6.

6804.3.3 Fuel gas systems. LP-gas containers installed on the vehicle and fuel-gas piping systems shall be inspected annually by an approved inspection agency or a company that is registered with the U.S. Department of Transportation to requalify LP-gas cylinders, to ensure that system components are free from damage, suitable for the intended service and not subject to leaking. CNG containers shall be inspected every 3 years in a qualified service facility. CNG containers shall not be used past their expiration date as listed on the manufacturer’s container label. Upon satisfactory inspection, the approved inspection agency shall affix a tag on the fuel gas system or within the vehicle indicating the name of the inspection agency and the date of satisfactory inspection.

SECTION 6805 FIRE EXTINGUISHERS

6805.1 Fire Extinguishers. Fire extinguishers shall be required in mobile food vending units in all of the following locations:

1. Mobile food vending units shall have at minimum one 2A-10BC portable fire extinguisher mounted in a conspicuous place within the kitchen area.

2. Mobile food vending units with portable generators shall have a 2A-10BC portable fire extinguisher in addition to the other fire extinguishers.
3. Mobile food vending units who utilize deep fat fryers, grills, or other cooking devices in which grease laden vapors may be generated, shall have a K Class portable fire extinguisher, as required by Section 904.12.5.

4. Mobile food vending units who utilize solid fuel cooking appliances or devices with a fuel box shall have one 2A fire extinguisher; in addition to the other fire extinguishers.

6805.2 Inspections. All portable fire extinguishers shall be serviced, inspected, and tagged at least annually, or as otherwise required by this code or state requirements.

SECTION 6806 COMMERCIAL COOKING SYSTEMS

6806.1 Commercial cooking systems. A Type 1 hood shall be installed above all commercial cooking equipment that produce grease laden vapors in accordance with the edition of the International Mechanical Code as adopted by the City and Section 609.

6806.2 Fire protection for commercial cooking systems. Cooking equipment shall be protected by automatic fire extinguishing systems in accordance with Section 904.12. All fire suppression systems shall comply with UL300, or other equivalent standards.

6806.3 Applicable NFPA Standards. All commercial cooking systems shall comply with the applicable provisions of the NFPA 96 Annex B, and other applicable standards.

SECTION 6807 CLEARANCES

6807.1 Clearances. In addition to the requirements in 6804.2, the following minimum clearances shall be provided from the mobile food vending unit:

Not closer than 20 feet to any structure

1. At least 15 feet from any fire hydrant

6807.2 Clearance to adjacent mobile food vending units. A minimum of 10-foot clearance shall be provided to adjacent mobile food vending units.

Exception: When in the opinion of the Fire Code Official, the clearance distance can be reduced if this would not pose any additional risks.

SECTION 6808 USE OF LPG

6808.1 Use of LPG. Liquefied Petroleum Gas systems shall comply with Sections 6808.2 through 6808.14.

6808.2 LPG container location. Shall be located and secured on the exterior of the mobile food vending unit, open to atmosphere or if containers are kept in compartment, said compartment must be separate from the interior food preparation area. Access must be from the exterior of the unit and compartment floor and exterior door must be vented to the atmosphere.

6808.2.1 Additional LPG Container Locations. Propane cylinders, including spare cylinders, shall not be located:

a. On rear bumpers, on exterior sides of the vehicle, or roofs;

b. Below the lowest part of the vehicle frame;

c. Inside improperly vented or unvented compartments, trunks, or beds of vehicles;
d. Inside passenger compartments of vehicles;

e. On the ground.

6808.2.2 Propane storage compartments. A propane storage compartment on a mobile food vending unit shall be ventilated with at least two vents; one vent must be located at the top of the unit; one vent must be located at the bottom of the compartment. Each vent must have an aggregate area equal to at least 0.5 inches for each seven (7) pounds of the total fuel capacity of the maximum number of the largest cylinders the compartment can hold.

6808.2.3 Additional propane cylinder requirements. Propane cylinders must be:

a. In an upright position at all times;

b. In good condition without dents, scrapes, gouges, or defects;

c. Stored at least 10 feet from trash and combustible materials;

d. Equipped with an approved regulator;

e. Mounted, used, and stored in compliance with NFPA 58;

f. Constructed and marked in accordance with specifications for propane cylinders as required by the U.S. Department of Transportation.

6808.3 No smoking signs. All mobile food vending units with propane shall post a "NO SMOKING" sign next to or directly above the propane bottle and visible to the public. Such sign shall be posted with a minimum of four-inch lettering.

6808.4 Hoses and couplings. Any hose used to pipe L.P. Gas to a device shall be listed by UL, FM, or other approved agency. All couplings, fittings, and any other devices shall meet the requirements for LP Gas Service as outlined in the International Fuel Gas Code, NFPA 58 and/or 54. Propane piping cannot be located on the sides, rear, or roof of a mobile food vending unit.

6808.4.1 Metal Flex Hoses. Metal flex hose must not penetrate through walls, floor, or ceiling to the interior of the mobile food vending unit. Rigid pipe must be used to penetrate solid assemblies. A maximum of 60 inches of metal flex hose shall be allowed for each appliance to connect to the propane rigid pipe.

6808.5 Annual Testing. All piping, hoses, and couplings shall be tested annually at not less than 3psig for 10 minutes before appliances are connected and at system pressure after connection of appliances, by a Texas Railroad Commission licensed LPG Technician. Documentation of the test, on the approved City of San Marcos form, within 90 days of the inspection, must be provided at the time of the inspection and must include:

1. Original testing/inspection document from licensed LPG Technician (copies are not accepted);

2. Pressure and duration of test;

3. Name, address, license number, and phone number of technician performing test;

4. License plate number and vehicle identification number (VIN) of mobile food vending unit.

6808.6 LPG tank separation distance. LPG tanks shall be located outside the mobile food establishment a minimum of five feet from the primary means of egress.
Exception. LPG tanks that are installed securely on the unit or as a permanent fixture inside a compartment.

6808.7 Maximum aggregate volume. The maximum aggregate capacity of LP-gas containers transported on the vehicle and used to fuel cooking appliances only shall not exceed two (2)-100 pounds containers. The cylinders cannot be manifolded together. Each propane cylinder must be requalified every 12 years. A current date of manufacture or requalification stamp is required on all cylinders.

6808.8 Propane Cylinders at time of inspection. The permit applicant and/or mobile food vending unit operator will be required to have propane cylinders on the mobile food vending unit at the time of inspection to demonstrate how the cylinders are secured to the vehicle. Propane cylinders must be secured as to prevent the propane bottles from leaving the mount or cage in the event of a vehicle crash or rollover.

6808.9 Mounting and storage. The mounting and storage of propane cylinders must be in compliance with NFPA 58.

6808.10 Manual shut-off valves. Manual shut-off valves are required at the point of use, on each appliance, and at the source.

6808.11 Relief Valve Discharge. The relief valve discharge from the propane cylinder shall not be less than three (3) feet, measured horizontally along the surface of the vehicle to:

1. Openings in the vehicle;
2. Propane burning appliance intake or exhaust vents;
3. All internal combustion engine exhaust terminations.

6808.12 LP-gas alarms. A listed LP-gas alarm shall be installed within the mobile food vending unit in the vicinity of LP-gas system components, in accordance with the manufacturer's instructions. The alarm is required to be equipped with back-up battery operation and must be able to activate when the unit is occupied and is not occupied.

6808.13 Carbon Monoxide Alarm. A listed carbon monoxide alarm shall be installed within the mobile food vending unit, in accordance with the manufacturer's instructions.

6808.14 Combination alarm. A single listed combination alarm meeting the requirements of 6808.12 and 6808.13 is permitted.

6808.15 Fuel sources other than LPG. When a fuel source other than LPG is used, it shall be installed and maintained in accordance with this code and any other applicable code. Use of fuels other than LPG shall be subject to the approval of the Fire Code Official.

SECTION 6809 SOLID FUEL

6809.1 Scope. The provisions of this section shall apply to the use of wood, charcoal, or other solid fuel.

6809.2 Fuel Storage. Solid fuel shall not be stored within 3 feet of any heat producing device, cooking appliance or vent. Solid fuel shall not be stored within 3 feet of any flammable liquids, ignition sources, chemical or food and food supplies.

6809.3 Debris. Ash, cinders and other fire debris shall be removed from the firebox or cooking appliance at regular intervals. Removed debris shall be placed in a closed metal container at least 3 feet from the cooking appliances.

SECTION 6810 ELECTRICAL
6810.1 General. Mobile food vending units shall meet the following requirements, at a minimum, regarding the electrical components of the unit:

1. Units may not use electricity from a nearby structure;
2. No excessive use of extension cords are permitted; extension cords must comply with 605.5.1 through 605.5.4.
3. Breaker boxes and junction boxes shall have proper cover and comply with 605.6.
4. All wiring must be in conduit and comply with 605.6;
5. The improper use of electrical accessories and overloading of circuits is prohibited;
6. Mobile food vending units must also comply with 605.1, 605.3.1, 605.4, and 605.10.

SECTION 6811 GENERATORS

6811.1 General. All generators must be in safe working condition.

6811.2 Generator Storage Compartment. The generator storage compartment on or within the mobile food vending unit must be vented to the exterior and properly sealed.

6811.3 Refueling of generators. Shall be performed in an approved manner. Fuel shall be stored in a UL or FM approved flammable liquid safety container in an approved location.

SECTION 6812 HOUSEKEEPING

6812.1 Housekeeping. Trash and other combustible materials shall be removed at regular intervals. Storage of combustible rubbish shall not produce conditions that will create a nuisance or hazard to the public health, safety or welfare.

6812.2 Clearances. Combustible rubbish shall not be stored, or otherwise located, within 3 feet of any fuel source, ignition sources, or heat producing appliances. Rubbish shall not be located within the means of egress of the mobile food vending unit.

SECTION 6813 REVOCATION

6813.1 Revocation. The Fire Department shall revoke the permit of any vendor engaged in mobile food vending who ceases to meet any requirement of this chapter or violates any other federal, state or local regulation, makes a false statement on their application, or conducts activity in a manner that is adverse to the protection of the public health, safety and welfare.

Immediately upon such revocation, the Fire Department shall provide written notice to the permit holder by certified mail to their place of business or residence as indicated on the application. Immediately upon such revocation, the permit shall become null and void.

SECTION 6814 VIOLATIONS

6814.1 Violations. Any vendor or mobile food truck that violates this shall be subject to violations and fines in accordance with Section 109.

Appendix B, Section B103.1; change to read as follows:
B103.1 Decreases. The fire code official is authorized to reduce the fire-flow requirements for isolated buildings or a group of buildings in rural areas or small communities where the development of full fire-flow requirements is impractical.

Appendix B, Section B103.2; change to read as follows:

B103.2 Increases. The fire code official is authorized to increase the fire-flow requirements where conditions indicate an unusual susceptibility to group fires or conflagrations. An increase shall not be more than twice that required for the building under consideration.

Appendix D, Section D102.1; change to read as follows:

D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (34 050 kg) in accordance with the City of San Marcos Engineering Standards.

Appendix D, Section D103.1; change to read as follows:

D103.1 Access road width with a hydrant. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26-feet.

Appendix D, Section D103.2; change to read as follows:

D103.2 Grade. Fire apparatus access roads shall not exceed 10% in grade and not exceed 5% on cross-slope.

   Exception: Grades steeper than 10% as approved by the Fire Code Official.

Appendix D, Section D103.3; change to read as follows:

D103.3 Turning radius. The minimum turning radius shall be in accordance with:

1. For buildings less than 30-feet and less than 3 stories in height:
   a. 20-feet (inside) for turns less than or equal to 90 degrees
   b. 25-feet (inside) for turns greater than 90 degrees
2. For buildings 30-feet or more and/or 3 or more stories in height minimum interior turning radius of 30 feet.

For purposes of this section, the building height is measured from the lowest finished grade of the fire access roads to the point of accessible roof level, including parapet walls. For buildings with pitched roofs, the height is measured to the roof plate.

Appendix D, Section D103.5; change to read as follows:

D103.5 Fire apparatus access road gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. Where a single gate is provided, the gate width shall be not less 24 feet. Where a fire apparatus road consists of a divided roadway, the gate width shall be not less than 12 feet (3658 mm).
2. Gates shall be of the swinging or sliding type.
3. Construction of gates shall be of materials that allow manual operation by one person.
4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the fire code official.

6. Methods of locking shall be submitted for approval by fire code official.

7. Electric gate operators, where provided, shall be listed in accordance with UL 325.

8. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.

Appendix D, Section D105.2; change to read as follows:

D105.2 Width. Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet.

(Ord. No. 2019-11, § 1, 5-7-19)

Secs. 38.034—38.053. - Reserved.

Sec. 38.054. - Violations declared nuisances: extraterritorial application.

(a) The following are declared public nuisances:

   (1) The sale, possession, storage, discharge, or offer for sale of fireworks; or

   (2) Any violation of this article which poses a serious danger to the safety of persons or property.

(b) It is unlawful for a person to create or maintain a public nuisance, or to engage in any activity that constitutes a public nuisance, within the city limits or within 5,000 feet of the city limits.

(Ord. No. 2019-11, § 1, 5-7-19)

Sec. 38.055. - Motor vehicle parking.

   It is unlawful for a person to store, park or stand a motor vehicle inside a residential unit, a storage facility attached to a residential unit or a stairwell or under a stairway or a balcony, on premises of a multifamily dwelling.

(Ord. No. 2019-11, § 1, 5-7-19)

Sec. 38.056. - Establishment of motor vehicle routes for transportation of hazardous chemicals.

   The U.S. Department of Transportation regulations referenced in chapter 27 of the fire code shall be followed, except that tank vehicles transporting hazardous chemicals to local businesses may take the shortest route to the business served.

(Ord. No. 2019-11, § 1, 5-7-19)

Sec. 38.057. - New materials, processes or occupancies which may require a permit.

   The city manager, the fire chief and the fire marshal may act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies which will require permits, in addition to those described in the fire prevention code. The fire marshal will post a list of any permit requirements in a conspicuous place in his office and distribute copies to interested persons.
Sec. 38.058. - Flow meters.

(a) A flow meter device is required on all private water service lines connected to a public water supply, including all separate taps from the public water supply to private property.

(b) Acceptable flow meter device standards and specifications can be obtained from the city engineering department.

(c) The flow meter device must be inspected by a certified flow meter device installer using prescribed forms by the city.

(d) The flow meter device must be protected by a concrete (or comparable quality) vault meeting city engineering department standards.

(e) The flow meter must be installed in the public right-of-way for access by city personnel.

Sec. 38.059. - Backflow prevention in fire suppression systems.

Where a private fire suppression or fire sprinkler system exists, a required backflow prevention device may be off-set up to 75 feet from the tap, for the fire system only, with approval of the water purveyor.

Sec. 38.060. - Hazardous materials spills.

(a) Any person who causes or permits a release or spill of hazardous material affecting property within the city or its extraterritorial jurisdiction shall be responsible for the abatement, control, capture and proper disposal of such hazardous material and for all associated costs incurred by the fire department and other city departments and agencies that assist to abate the release or spill.

(b) The abatement activities shall be under the direction and control of the fire chief or his authorized representative. The fire chief may relinquish his direction and control to another agency, firm or other licensed party for the purposes of extended operations, remediation, control, capture or proper disposal of the hazardous materials. The fire chief can reinstate his direction and control at any point in order to protect the health and welfare of persons or property or to expedite the abatement, control, capture or proper disposal of the hazardous material and/or any by-products thereof. It is unlawful for any person to fail to obey an order given by the fire chief at the scene of a hazardous material release or spill.

(c) For purposes of this section, costs incurred by the fire department or other departments of the city shall include, but shall not be limited to, all expenses attributable to the cleanup or abatement of any hazardous materials incident, including costs of equipment operations, materials utilized, specialists, experts, contract labor, overtime costs, costs incurred by area fire departments requested through mutual aid agreement with the city, and any other incidental costs of the city as a result of the incident. Costs do not include fire suppression, rescue, medical treatment and similar services which are within the scope of fire department duties.

(d) Cost recovery shall be in the manner and form designated by the fire department. Any individual, agency, corporation, firm, or party who fails to respond within ten days to a certified notice of collection under this section is in violation of this section.

(e) Any violation of this section punishable by a fine of at least $1,000.00.
(f) The remedies provided by this section is in addition to any other remedies provided by law. Nothing in this section prohibits the city from pursuing other legal actions to recover the costs of abatement.

(Ord. No. 2019-11, § 1, 5-7-19)
Chapter 38 - FIRE PREVENTION AND PROTECTION

Footnotes:

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Editor's note—Ord. No. 2019-11, § 1, adopted May 7, 2019, amended chapter 38 in its entirety to read as herein set out. Former chapter 38, §§ 38.002, 38.028—38.031, 38.051—38.060, pertained to similar subject matter. See Code Comparative Table for complete derivation.

Cross reference—Buildings and building regulations, ch. 14; nuisances, § 34.061 et seq.


ARTICLE 1. - IN GENERAL

Sec. 38.001. - Reserved.

Sec. 38.002. - Arson reward.

(a) The city hereby offers a reward of $250.00 for information leading to the arrest and conviction of any person committing the crime of arson within the corporate limits of the city.

(b) This reward is a standing offer, and shall be paid out of the general fund of the city.

(Ord. No. 2019-11, § 1, 5-7-19)

Secs. 38.003—38.025. - Reserved.

ARTICLE 2. - FIRE MARSHAL

Sec. 38.026. - Appointment of fire marshal.

The fire marshal shall be appointed by the fire chief. The appointment shall be in accordance with civil service laws as modified by a current meet and confer agreement.

(Ord. No. 2019-11, § 1, 5-7-19)

Sec. 38.027. - Reserved.

Sec. 38.028. - Appointment of peace officers.

(a) The San Marcos Fire Department shall function as a law enforcement agency, if approved as a law enforcement agency by the Texas Commission on Law Enforcement (TCOLE).

(b) If approved by TCOLE, the fire marshal shall be the TCOLE agency administrator for the San Marcos Fire Department. In the event the fire marshal is not a sworn Texas Peace Officer, the fire chief may appoint a current sworn peace officer, to be the agency administrator for TCOLE purposes.
(c) The fire marshal, with approval of the fire chief, may assign licensed peace officers to perform law enforcement duties related to the responsibilities of this chapter and other state mandated law enforcement activities required by law.

(Ord. No. 2019-11, § 1, 5-7-19)

Sec. 38.029. - Reserved.

Sec. 38.030. - Investigation of fire.

The fire marshal or the fire marshal's designee shall investigate all fires as required by departmental policy, local ordinance, or state law.

(Ord. No. 2019-11, § 1, 5-7-19)

Sec. 38.031. - Fire prevention and safety education.

The fire marshal, or the fire marshal's designee, may develop educational programs and disseminate materials necessary to educate the public effectively regarding methods of fire prevention and safety.

(Ord. No. 2019-11, § 1, 5-7-19)

ARTICLE 3. - FIRE CODE STANDARDS

Sec. 38.032. - Code adopted.

(a) The International Fire Code 2015, to include appendices B, D, E, F and G and references thereto, is hereby adopted and incorporated by reference as the fire code of the city, subject to and including by reference such revisions, corrections, additions and deletions as shall appear in this article. In the interpretation and application, the provisions of this article shall be held to be minimum requirements adopted for the promotion of public health, safety, morale and general welfare. A copy of the fire code is on file in the city fire marshal's office and the city secretary's office.

(b) In the event there is a conflict between this article and the adopted codes herein and any city, state or federal law, the more restrictive requirements shall govern unless the less restrictive requirements are preemptive under state or federal law.

(c) A violation of this chapter is a strict liability offense, and requires no culpable mental state.

(Ord. No. 2019-11, § 1, 5-7-19)

Sec. 38.033. - Amendments to adopted code.

The following sections, paragraphs, and sentences of the International Fire Code, 2015 edition are hereby amended as follows:

Section 101.1; insert:

101.1 Title. These regulations shall be known as the Fire Code of the City of San Marcos, hereinafter referred to as "this code."

Section 102.6. add Section 102.6.1 to read as follows:
102.6.1 Historical Portions of Building. The exemptions provided by 102.6 shall apply only to the portion of the building designated as historical or comply with section 1103.1.1 whichever is more restrictive.

Section 103.2 is amended to read as follows:

103.2 Appointment. The fire code official shall be appointed in accordance with the prescribed procedures of this jurisdiction.

Section 105.7; add Section 105.7.19 to read as follows:

105.7.19 Electronic access control systems. Construction permits are required for the installation or modification of an electronic access control system, as specified in Chapter 10. A separate construction permit is required for the installation or modification of a fire alarm system that may be connected to the access control system. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

Section 109.4; insert:

109.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a Class C Offense, punishable by a fine of not more than $2,000 dollars or by imprisonment not exceeding 180 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 111.4; insert:

111.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than $0.00 dollars or more than $2,000 dollars.

Section 202; amend and/or add definitions as follows:

AMBULATORY CARE FACILITY. Buildings or portions thereof used to provide medical, surgical, psychiatric, nursing, or similar care on a less than 24-hour basis to persons who are rendered incapable of self-preservation by the services provided. This group may include but not be limited to the following:

- Dialysis centers
- Procedures involving sedation
- Sedation dentistry
- Surgery centers
- Colonic centers
- Psychiatric centers

DEFEND IN PLACE. A method of emergency response that engages building components and trained staff to provide occupant safety during an emergency. Emergency response involves remaining in place, relocating within the building, or both, without evacuating the building.

FIRE WATCH. A temporary measure intended to ensure continuous and systematic surveillance of a building or portion thereof by one or more qualified individuals or standby personnel when required by the fire code official, for the purposes of identifying and controlling fire hazards, detecting early signs of unwanted fire, raising an alarm of fire and notifying the fire department.
HIGH-PILED COMBUSTIBLE STORAGE. Add a second paragraph to read as follows:

Any building classified as a group S Occupancy or Speculative Building exceeding 12,000 sq. ft. that has a clear height in excess of 14 feet, making it possible to be used for storage in excess of 12 feet, shall be considered to be high-piled storage. When a specific product cannot be identified, a fire protection system and life safety features shall be installed as for Class IV commodities, to the maximum pile height.

HIGH-RISE BUILDING. A building with an occupied floor located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access.

REPAIR GARAGE. A building, structure or portion thereof used for servicing or repairing motor vehicles. This occupancy shall also include garages involved in minor repair, modification and servicing of motor vehicles for items such as lube changes, inspections, windshield repair or replacement, shocks, minor part replacement, and other such minor repairs.

SELF-SERVICE STORAGE FACILITY. Real property designed and used for the purpose of renting or leasing individual storage spaces to customers for the purpose of storing and removing personal property on a self-service basis.

STANDBY PERSONNEL. Qualified fire service personnel, approved by the Fire Code Official. When utilized, the number required shall be as directed by the Fire Code Official. Charges for utilization shall be as normally calculated by the jurisdiction.

UPGRADED OR REPLACED FIRE ALARM SYSTEM. A fire alarm system that is upgraded or replaced includes, but is not limited to the following:

- Replacing one single board or fire alarm control unit component with a newer model
- Installing a new fire alarm control unit in addition to or in place of an existing one
- Conversion from a horn system to an emergency voice/alarm communication system
- Conversion from a conventional system to one that utilizes addressable or analog devices

The following are not considered an upgrade or replacement:

- Firmware updates
- Software updates
- Replacing boards of the same model with chips utilizing the same or newer firmware

Section 307.1 is amended to read as follows:

307.1. General. A person shall not kindle or maintain or authorize to be kindled or maintained any open burning, bonfire, recreational fire, or portable outdoor fireplace, unless conducted and approved in accordance with Sections 307.1.1 through 307.5.

Section 307.2 is amended to read as follows:

307.2. Permit Required. A permit shall be obtained from the fire code official in accordance with 105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.
Section 307.4.1 is DELETED
Section 307.4.2 is DELETED

Section 307.4.3 is amended to read as follows:

307.4.1 Portable outdoor fireplaces. Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet of a structure or combustible material.

   Exception: Portable outdoor fireplaces used at one- and two-family dwellings.

Section 307.4.2. add Section 307.4.2 to read as follows:

307.4.2 Trench burns. Trench burns shall be conducted in air curtain trenches and in accordance with Section 307.2.

Section 308.1.4 is amended to read as follows:

308.1.4. Outdoor cooking. Charcoal burners, open flame cooking appliances, LP gas burners, outdoor grills, barbecue grills, or any other outdoor cooking appliance that generates sufficient heat to cook in, on, or about the appliance, shall not be operated or stored on balconies or within 15 feet of a structure or combustible material.

   Exceptions:
   1. One- and two-family dwellings
   2. Delete
   3. Delete

Section 308.1.6.2, Exception #3; change to read as follows:

   Exceptions:
   3. Torches or flame-producing devices in accordance with Section 308.1.3.

Section 503.1.1; add sentence to read as follows:

Except for one- or two-family dwellings, the path of measurement shall be along a minimum of a ten feet (10') wide unobstructed pathway around the external walls of the structure, unless otherwise approved by the Fire Code Official.

Section 503.2.1; change to read as follows:

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 24 feet (7315 mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 14 feet (4267 mm).

   Exception:
   1. When approved by the Fire Code Official, vertical clearance may be reduced; provided such reduction does not impair access by fire apparatus and approved signs are installed and maintained indicating the established vertical clearance.

Section 503.2.3; change Section 503.2.3 to read as follows:

503.2.3 Surface. Fire apparatus access roads shall be designed in accordance with the City of San Marcos Engineering Standards and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities.
Section 503.2.4; change Section 503.2.4 to read as follows:

503.2.4 Turning radius. The required turning radius of a fire apparatus access road shall be in accordance with:

1. For buildings less than 30-feet and less than 3 stories in height:
   a. 20-feet (inside) for turns less than or equal to 90 degrees
   b. 25-feet (inside) for turns greater than 90 degrees

2. For buildings 30-feet or more and/or 3 or more stories in height minimum interior turning radius of 30 feet.

For purposes of this section, the building height is measured from the lowest finished grade of the fire access roads to the point of accessible roof level, including parapet walls. For buildings with pitched roofs, the height is measured to the roof plate.

Section 503.3; change to read as follows:

503.3 Marking. Striping, signs, or other markings, when approved by the fire code official, shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Striping, signs and other markings shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

Examples of acceptable markings:

1. Striping - Fire apparatus access roads shall be continuously marked by painted lines of red traffic paint six inches (6") in width to show the boundaries of the lane. The words "NO PARKING FIRE LANE" or "FIRE LANE NO PARKING" shall appear in four inch (4") white letters at 25 feet intervals on the red border markings along both sides of the fire lanes. Where a curb is available, the striping shall be on the vertical face of the curb.

2. Signs - Signs shall read "NO PARKING FIRE LANE" or "FIRE LANE NO PARKING" and shall be 12" wide and 18" high. Signs shall be painted on a white background with letters and borders in red, using not less than 2" lettering. Signs shall be permanently affixed to a stationary post and the bottom of the sign shall be six feet, six inches (6'6") above finished grade. Signs shall be spaced not more than fifty feet (50') apart along both sides of the fire lane. Signs may be installed on permanent buildings or walls or as approved by the Fire Code Official.

Section 503.4; change to read as follows:

503.4 Obstruction of fire apparatus access roads. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in sections 503.2.1 and 503.2.2 any area marked as a fire lane as described in Section 503.3 shall be maintained at all times.

Section 503.6 is amended to read as follows:

503.6. Gates. All gates that obstruct emergency access roads or drives, whether on public or private property, must be permitted by the fire code official and approved by the fire chief. Where gates are installed across fire access roads they shall have an approved means of emergency operation. The gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F2200.

Section 503.6.1; add 503.6.1 to read as follows:

503.6.1 Gate access information. The owner, owner’s authorized agent, operator, occupant or person responsible for the gate shall immediately provide to the fire code official, in the manner prescribed by the
fire code official, any code, combination, and information necessary for accessing any gate that obstructs emergency access roads or drives, whether on public or private property. The code, combination, or information must be provided prior to the new or existing gate obstructing any emergency access roads or drives.

Section 503.6.1.1; add 503.6.1.1 to read as follows:

503.6.1.1 Penalty. A violation of 503.6.1 shall be punishable by a fine of $1000.00.

Section 504.1; amend to read as follows:

504.1 Required access. Exterior doors and openings required by this code or the International Building Code shall be maintained readily accessible for emergency access by the fire department and law enforcement acting in the scope of duty. An approved access walkway leading from fire apparatus access roads to exterior openings shall be provided when required by the fire code official.

Section 504.1.1; add 504.1.1 to read as follows:

504.1.1 Required access information. The owner, owner’s authorized agent, operator, occupant or person responsible for the door(s) shall immediately provide to the fire code official, in the manner prescribed by the fire code official, any code, combination, or information necessary for accessing any exterior doors and openings required by this code or the International Building Code. The code, combination, and information must be provided prior to the new or existing door being secured.

Section 504.1.1.1; add 504.1.1.1 to read as follows:

504.1.1.1 Penalty. A violation of 504.1.1 shall be punishable by a fine of $1000.00.

Section 505.1; change to read as follows:

505.1 Address Identification. New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 12 inches (304.8 mm) high with a minimum stroke width of ½ inch (12.7 mm). Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road, buildings do not immediately front a street, and/or the building cannot be viewed from the public way, a monument, pole or other sign with approved 6 inch (152.4 mm) height building numerals or addresses and 4 inch (101.6 mm) height suite/apartment numerals of a color contrasting with the background of the building or other approved means shall be used to identify the structure. Numerals or addresses shall be posted on a minimum 20 inch (508 mm) by 30 inch (762 mm) background on border. Address identification shall be maintained.

Exceptions:

1. R-3 Single Family occupancies shall have approved numerals of a minimum 3 ½ inches (88.9 mm) in height and a color contrasting with the background clearly visible and legible from the street fronting the property and rear alleyway where such alleyway exists.

2. Structures located within the historic district may utilize a minimum of 6 inches (152.4 mm) high numbers as approved by the Fire Code Official.

Section 505.3; add to read as follows:
Where new and existing buildings contain multiple tenant spaces whose primary access is from an interior corridor or, where the entrances to the tenant spaces are not immediately apparent from the exterior, those buildings shall provide numbered signs to assist emergency services personnel with locating any specific tenant space. Signs shall be durable and shall have characters that contrast with their background. Characters shall contain Arabic numbers and/or alphabetical letters. Numbers shall not be spelled out. Each character shall not be less than 1 inch in height. Signs shall be placed, at a minimum:

1. On the opposite wall of a corridor across from any elevator or bank of elevators.
2. On the opposite wall of a corridor across from a stairway or stairway access.
3. At the confluence of two or more corridors.
4. At the beginning of a corridor from any vestibule, foyer, exterior access door or other point of ingress.
5. At any location, as directed by the Fire Code Official or their designee.

Section 506.1; change to read as follows:

Where required. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require one or more key boxes to be installed in approved locations. The key box shall be of an approved type listed in accordance with UL 1037, and shall contain keys to gain necessary access as required by the fire code official. An approved key box shall be provided on the following structures:

1. On new and existing structures:
   a. At fire sprinkler riser/fire pump rooms, if one is provided, or
   b. At main entry if equipped with other automatic fire protection system.
2. On all existing commercial structures comprised of multiple tenant spaces: a single approved Key Box may serve multiple occupancies in a single building provided the box is located in an approved location and is adequately sized for the number of keys.

Section 507.1; add a new paragraph to read as follows:

Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. Existing fire hydrants on public streets are allowed to be considered as available where streets are not provided with median dividers which cannot be crossed by fire fighters pulling hose lines.

Section 507.2.1 is amended to read as follows:

Private fire service mains. Private fire service mains and appurtenances shall be installed in accordance with NFPA 24 and local jurisdiction construction standards.

Section 507.4; change to read as follows:

Water Supply Test Date and Information. The water supply test used for hydraulic calculation of fire protection systems shall be conducted in accordance with NFPA 291 "Recommended Practice for Fire Flow Testing and Marking of Hydrants" and within one year of sprinkler plan submittal. The fire code official shall be notified prior to the water supply test. Water supply tests shall be witnessed by the fire code official, as required. The exact location of the static/residual hydrant and the flow hydrant shall be indicated on the design drawings. All fire protection plan submittals shall be accompanied by a hard copy
of the waterflow test report, or as approved by the fire code official. Reference Section 903.3.5 for additional design requirements.

Section 507.5 is amended to read as follows:

507.5. Fire hydrant systems.

(a) A fire hydrant is an approved national standard three-way hydrant connected to six-inch or larger water mains.

(b) A two-way hydrant is not recognized unless it was installed before January 1, 1985 or it was installed in conjunction with nationally approved sprinkler systems.

(c) Fire hydrants shall conform to the latest version of the AWWA Standard for Dry Barrel Fire Hydrants.

(d) Fire hydrants shall have one 4.5 inch steamer and two 2.5 inch side connections with National Standard threads. The centerline of the steamer connection shall be a minimum of 18 inches above the ground surface.

(e) The City of San Marcos Water Department shall have the authority to develop and approve new fire hydrant installation methods and standards consistent with the application of this section.

(f) Hydrants shall be installed in accordance with local jurisdiction construction standards.

Section 507.5.1.2; add new sections to read as follows:

507.5.1.2 Intersections. Fire hydrants shall be at every street intersection, or as otherwise required by the fire code official.

507.5.1.2.1 Location. Fire hydrants shall be located within 6 feet of the edge of the pavement unless the fire department determines another location is acceptable for fire department use.

Section 507.5.2 is amended by adding the following:

507.2.1 Cost. The cost of maintaining fire hydrants on private property will be the burden of the occupant and/or owner of that property.

Section 507.5 is amended by adding the following:

Section 507.5.4; change to read as follows:

507.5.4 Obstruction. Unobstructed access to fire hydrants shall be maintained at all times. *Posts, fences, vehicles, growth, trash, storage and other materials or objects shall not be placed or kept near fire hydrants, fire department inlet connections or fire protection system control valves in a manner that would prevent such equipment or fire hydrants from being immediately discernible.* The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.

507.5.7. Marking. The location of all fire hydrants shall be identified with a blue reflective road dot placed near the center of the roadway in front of the hydrant.

Section 508.1.6.12 is amended by adding the following:

12.1 Any or all of the above documents will be placed in a wall mounted document box, as prescribed by the fire code official. No documents or other such items, other than those required by the fire code official, will be permitted to be stored in this cabinet.

Section 509.1.2; add new Section 509.1.2 to read as follows:
509.1.2 Sign Requirements. Unless more stringent requirements apply, lettering for signs required by this section shall have a minimum height of 2 inches (50.8 mm) when located inside a building and 6 inches (101.6 mm) when located outside, or as approved by the fire code official. The letters shall be of a color that contrasts with the background.

Section 609.2; change to read as follows:

609.2 Where Required. A Type I hood shall be installed at or above all commercial cooking appliances and domestic cooking appliances used for commercial purposes that produce grease vapors, including but not limited to cooking equipment used in fixed, mobile, or temporary concessions, such as trucks, buses, trailers, pavilions, or any form of roofed enclosure, as required by the fire code official.

Exceptions:

1. Tents, as provided for in Chapter 31.
2. {No change to existing Exception.}

Additionally, fuel gas and power provided for such cooking appliances shall be interlocked with the extinguishing system, as required by Section 904.12.2. Fuel gas containers and piping/hose shall be properly maintained in good working order and in accordance with all applicable regulations.

Section 901.4 change to read as follows:

901.4.7 Wall Mounted Document Box. A wall mounted document box shall be placed in fire sprinkler riser rooms or at any fire alarm control unit. Documents stored in this box shall include building floor plans, alarm plans, sprinkler plans and any other documents required by the fire code official.

Section 901.6.3; add Sections 901.6.3 and 901.6.3.1 to read as follows:

901.6.3 False Alarms and Nuisance Alarms. False alarms and nuisance alarms shall not be given, signaled or transmitted or caused or permitted to be given, signaled or transmitted in any manner.

901.6.3.1 False Alarm and Nuisance Alarm Penalty. The owner or manager of an occupancy in which the fire alarm system signals or transmits more than three false alarms, as the result of a mechanical, electrical, or component failure within the alarm system, in any rolling 12-month period shall be fined as follows for subsequent false or nuisance alarm beyond the third false or nuisance alarm in the rolling 12-month period:

   a) Fourth false or nuisance alarm shall be fined at $500
   b) Fifth false or nuisance alarm shall be fined at $1,000
   c) Sixth and all subsequent false or nuisance alarms shall be fined at $1,500.

False alarms as the result of weather related activation or false alarms caused by the initiation of the alarm system by the activation of a manual pull station, or the activation by a person(s) tampering with a detection or signaling device or component of the alarm system, shall not be subject to penalty.

Section 903.2.9; add Section 903.2.9.3 to read as follows:

Section 901.8.2; change to read as follows:

901.8.2 Removal of existing occupant-use hose lines. The fire code official is authorized to permit the removal of existing occupant-use hose lines and hose valves where all of the following conditions exist:

1. Installation is not required by this code or the International Building Code.
2. The hose line(s) would not be utilized by trained personnel or the fire department.
3. If the remaining outlets for occupant-use hose lines are removed, but the hose valves are required to remain as per the fire code official, such valves shall be compatible with local fire department fittings.
903.2.9.3 Self-Service Storage Facility. An automatic sprinkler system shall be installed throughout all self-service storage facilities.

*Exception:* One-story self-storage facilities that have no interior corridors.

Section 903.2.10; change to read as follows:

903.2.10 Group S-2 enclosed parking garages. An automatic sprinkler system shall be provided throughout buildings classified as enclosed parking garages in accordance with Section 406.4 of the International Building Code or where located beneath other groups.

*Section 903.2.11; change 903.2.11.3 and add 903.2.11.7, 903.2.11.8, and 903.2.11.9 as follows:*

903.2.11.3 Buildings 55 feet or more in height. An automatic sprinkler system shall be installed throughout buildings that have one or more stories with an occupant load of 30 or more other than penthouses in compliance with Section 1510 of the International Building Code, located 55 feet (16764mm) or more above the lowest level of fire department vehicle access, measured to the finished floor.

Exceptions:
1. Open parking structures in compliance with Section 406.5 of the International Building Code, having no other occupancies above the subject garage.
2. Occupancies in Group F-2.

903.2.11.7 High-Piled Combustible Storage. For any building with a clear height exceeding 12 feet (4572 mm), see Chapter 32 to determine if those provisions apply.

903.2.11.8 Spray Booths and Rooms. New and existing spray booths and spraying rooms shall be protected by an approved automatic fire-extinguishing system.

903.2.11.9 Buildings Over 6,000 sq.ft. An automatic sprinkler system shall be installed throughout all buildings with a building area 6,000 sq. ft. or greater and in all existing buildings that are enlarged to be 6,000 sq. ft. or greater. For the purpose of this provision, fire walls shall not define separate buildings.

*Exception:* Open parking garages in compliance with Section 406.5 of the International Building Code.

Section 903.3.1.2.3; add section to read as follows:

*Section 903.3.1.2.3 Attics and Attached Garages.* Sprinkler protection is required in attic spaces of such buildings three or more stories in height, in accordance with NFPA 13 and or NFPA 13R requirements, and attached garages.

Section 903.3.1.2.4; add section to read as follows:

*Section 903.3.1.2.4 Exterior closets.* Sprinkler protection shall be provided in closets (regardless of size) that are accessible from the exterior of the building.

*Section 903.3.1.4; add to read as follows:*

903.3.1.4 Freeze protection. Freeze protection systems for automatic fire sprinkler systems shall be in accordance with the requirements of the applicable referenced NFPA standard and this section.

903.3.1.4.1 Attics. Only dry-pipe, preaction, or listed antifreeze automatic fire sprinkler systems shall be allowed to protect attic spaces.

*Exception:* Wet-pipe fire sprinkler systems shall be allowed to protect non-ventilated attic spaces where:
1. The attic sprinklers are supplied by a separate floor control valve assembly to allow ease of draining the attic system without impairing sprinklers throughout the rest of the building, and
2. Adequate heat shall be provided for freeze protection as per the applicable referenced NFPA standard, and
3. The attic space is a part of the building’s thermal, or heat, envelope, such that insulation is provided at the roof deck, rather than at the ceiling level.

Section 903.3.5; add a second paragraph to read as follows:

Water supply as required for such systems shall be provided in conformance with the supply requirements of the respective standards; however, every water-based fire protection system shall be designed with a 5 psi safety factor. Reference Section 507.4 for additional design requirements.

Section 903.4; add a second paragraph after the exceptions to read as follows:

Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for more than 45 seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering.

Section 903.4.2; add second paragraph to read as follows:

The alarm device required on the exterior of the building shall be a weatherproof horn/strobe notification appliance with a minimum 75 candela strobe rating, installed as close as practicable to the fire department connection.

Section 905.2; change to read as follows:

905.2 Installation Standard. Standpipe systems shall be installed in accordance with this section and NFPA 14. Manual dry standpipe systems shall be supervised with a minimum of 10 psig and a maximum of 40 psig air pressure with a high/low alarm.

Section 905.3; add Section 905.3.9 and exception to read as follows:

905.3.9 Buildings Exceeding 10,000 sq. ft. In buildings exceeding 10,000 square feet in area per story and where any portion of the building’s interior area is more than 200 feet (60960 mm) of travel, vertically and horizontally, from the nearest point of fire department vehicle access, Class I automatic wet or manual wet standpipes shall be provided.

Exceptions:

1. Automatic dry and semi-automatic dry standpipes are allowed as provided for in NFPA 14.
2. R-2 occupancies of four stories or less in height having no interior corridors.

Section 905.4, change Item 1, 3, and 5, and add Item 7 to read as follows:

1. In every required exit stairway, a hose connection shall be provided for each story above and below grade plane. Hose connections shall be located at an intermediate landing between stories, unless otherwise approved by the fire code official.
2. {No change.}
3. In every exit passageway, at the entrance from the exit passageway to other areas of a building.

Exception: Where floor areas adjacent to an exit passageway are reachable from an exit stairway hose connection by a {No change to rest.}
4. {No change.}
5. Where the roof has a slope less than four units vertical in 12 units horizontal (33.3-percent slope), each standpipe shall be provided with a two-way hose connection located to serve the roof or at the highest landing of an exit stairway with stair access to the roof provided in accordance with Section 1011.12.

6. {No change.}

7. When required by this Chapter, standpipe connections shall be placed at two hundred feet (200') intervals along major corridors thereafter, or as otherwise approved by the fire code official.

Section 905.9; add a second paragraph after the exceptions to read as follows:

Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for more than 45 seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering.

Section 906.1 is amended by deleting the exception.

Section 907.1; add Section 907.1.4 to read as follows:

907.1.4 Design Standards. Where a new fire alarm system is installed, the devices shall be addressable. Fire alarm systems utilizing more than 20 smoke detectors shall have analog initiating devices.

Section 907.2.1; change to read as follows:

907.2.1 Group A. A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group A occupancies having an occupant load of 300 or more persons or more than 100 persons above or below the lowest level of exit discharge. Group A occupancies not separated from one another in accordance with Section 707.3.10 of the International Building Code shall be considered as a single occupancy for the purposes of applying this section. Portions of Group E occupancies occupied for assembly purposes shall be provided with a fire alarm system as required for the Group E occupancy.

Exception: {No change.}

Activation of fire alarm notification appliances shall:

1. Cause illumination of the means of egress with light of not less than 1 foot-candle (11 lux) at the walking surface level, and
2. Stop any conflicting or confusing sounds and visual distractions.

Section 907.2.3; change to read as follows:

907.2.3. Group E. A manual fire alarm system that initiates the occupant notification signal utilizing an emergency voice/alarm communication system meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall be installed in Group E educational occupancies. When automatic sprinkler systems or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system. An approved smoke detection system shall be installed in Group E day care occupancies. Unless separated by a minimum of 100' open space, all buildings, whether portable buildings or the main building, will be considered one building for alarm occupant load consideration and interconnection of alarm systems.

Exceptions:

1. {No change.}
1.1. Residential In-Home day care with not more than 12 children may use interconnected single station detectors in all habitable rooms. (For care of more than five children 2½ or less years of age, see Section 907.2.6.) {No change to remainder of exceptions.}

Section 907.2.13, Exception 3; change to read as follows:

3. Open air portions of buildings with an occupancy in Group A-5 in accordance with Section 303.1 of the International Building Code; however, this exception does not apply to accessory uses including but not limited to sky boxes, restaurants, and similarly enclosed areas.

Section 907.4.2; add Section 907.4.2.7 to read as follows:

907.4.2.7 Type. Manual alarm initiating devices shall be an approved double action type.

Section 907.6.1; add Section 907.6.1.1 to read as follows:

907.6.1.1 Wiring Installation. All fire alarm systems shall be installed in such a manner that a failure of any single initiating device or single open in an initiating circuit conductor will not interfere with the normal operation of other such devices. All signaling line circuits (SLC) shall be installed in such a way that a single open will not interfere with the operation of any addressable devices (Class A). Outgoing and return SLC conductors shall be installed in accordance with NFPA 72 requirements for Class A circuits and shall have a minimum of four feet separation horizontal and one foot vertical between supply and return circuit conductors. The initiating device circuit (IDC) from a signaling line circuit interface device may be wired Class B, provided the distance from the interface device to the initiating device is ten feet or less.

Section 907.6.3; delete all four Exceptions.

Section 909.22; add to read as follows:

909.22 Stairway or Ramp Pressurization Alternative. Where the building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 and the stair pressurization alternative is chosen for compliance with Building Code requirements for a smokeproof enclosure, interior exit stairways or ramps shall be pressurized to a minimum of 0.10 inches of water (25 Pa) and a maximum of 0.35 inches of water (87 Pa) in the shaft relative to the building measured with all interior exit stairway and ramp doors closed under maximum anticipated conditions of stack effect and wind effect. Such systems shall comply with Section 909, including the installation of a separate fire-fighter's smoke control panel as per Section 909.16, and a Smoke Control Permit shall be required from the fire department as per Section 105.7.

909.22.1 Ventilating equipment. The activation of ventilating equipment for the stair or ramp pressurization system shall be by smoke detectors installed at each floor level at an approved location at the entrance to the smokeproof enclosure. When the closing device for the stairway or ramp shaft and vestibule doors is activated by smoke detection or power failure, the mechanical equipment shall activate and operate at the required performance levels. Smoke detectors shall be installed in accordance with Section 907.3.

909.22.1.1 Ventilation Systems. Smokeproof enclosure ventilation systems shall be independent of other building ventilation systems. The equipment, control wiring, power wiring and ductwork shall comply with one of the following:

1. Equipment, control wiring, power wiring and ductwork shall be located exterior to the building and directly connected to the smokeproof enclosure or connected to the smokeproof enclosure by ductwork enclosed by not less than 2-hour fire barriers constructed in accordance with Section 707 of the Building Code or horizontal assemblies constructed in accordance with Section 711 of the Building Code, or both.

2. Equipment, control wiring, power wiring and ductwork shall be located within the smokeproof enclosure with intake or exhaust directly from and to the outside or through ductwork enclosed
by not less than 2-hour barriers constructed in accordance with Section 707 of the Building Code or horizontal assemblies constructed in accordance with Section 711 of the Building Code, or both.

3. Equipment, control wiring, power wiring and ductwork shall be located within the building if separated from the remainder of the building, including other mechanical equipment, by not less than 2-hour fire barriers constructed in accordance with Section 707 of the Building Code or horizontal assemblies constructed in accordance with Section 711 of the Building Code, or both.

Exceptions:
1. Control wiring and power wiring utilizing a 2-hour rated cable or cable system.
2. Where encased with not less than 2 inches (51 mm) of concrete.
3. Control wiring and power wiring protected by a listed electrical circuit protective system with a fire-resistance rating of not less than 2 hours.

909.22.1.2 Standby Power. Mechanical vestibule and stairway and ramp shaft ventilation systems and automatic fire detection systems shall be provided with standby power in accordance with Section 2702 of the Building Code.

909.22.1.3 Acceptance and Testing. Before the mechanical equipment is approved, the system shall be tested in the presence of the fire code official to confirm that the system is operating in compliance with these requirements.

Section 910.2; change Exception 2 and 3 to read as follows:

2. Only manual smoke and heat removal shall be required in areas of buildings equipped with early suppression fast-response (ESFR) sprinklers. Automatic smoke and heat removal is prohibited.

3. Only manual smoke and heat removal shall be required in areas of buildings equipped with control mode special application sprinklers with a response time index of 50(m*S) ½ or less that are listed to control a fire in stored commodities with 12 or fewer sprinklers. Automatic smoke and heat removal is prohibited.

Section 910.2; add subsections 910.2.3 with exceptions to read as follows:

910.2.3 Group H. Buildings and portions thereof used as a Group H occupancy as follows:

1. In occupancies classified as Group H-2 or H-3, any of which are more than 15,000 square feet (1394 m²) in single floor area.
   Exception: Buildings of noncombustible construction containing only noncombustible materials.

2. In areas of buildings in Group H used for storing Class 2, 3, and 4 liquid and solid oxidizers, Class 1 and unclassified detonable organic peroxides, Class 3 and 4 unstable (reactive) materials, or Class 2 or 3 water-reactive materials as required for a high-hazard commodity classification.
   Exception: Buildings of noncombustible construction containing only noncombustible materials.
The automatic operating mechanism of the smoke and heat vents shall operate at a temperature rating at least 100 degrees F (approximately 38 degrees Celsius) greater than the temperature rating of the sprinklers installed.

**Exception:** Manual only systems per Section 910.2.

910.3.4.2 Nonsprinklered Buildings. Where installed in buildings not equipped with an approved automatic sprinkler system, smoke and heat vents shall operate automatically by actuation of a heat-responsive device rated at between 100°F (56°C) and 220°F (122°C) above ambient.

**Exception:** Listed gravity-operated drop out vents.

**Section 912.2; add Section 912.2.3 to read as follows:**

912.2.3 Hydrant Distance. An approved fire hydrant shall be located within 100 feet of the fire department connection as the fire hose lays along an unobstructed path.

**Section 912.4.1; change to read as follows:**

912.4.1 Locking fire department connection caps. Approved, locking caps shall be installed on any fire department connection that is installed as a result of new construction. Additionally, where remodeling of a building or structure requires the addition of an approved sprinkler or standpipe system, locking caps shall be installed. Where fire department connections exist on current buildings but the caps are missing or damaged, they must be replaced with locking caps, as approved by the fire code official.

**Section 913.1; add second paragraph and exception to read as follows:**

When located on the ground level at an exterior wall, the fire pump room shall be provided with an exterior fire department access door that is not less than 3 ft. in width and 6 ft. - 8 in. in height, regardless of any interior doors that are provided. A key box shall be provided at this door, as required by Section 506.1.

**Exception:** When it is necessary to locate the fire pump room on other levels or not at an exterior wall, the corridor leading to the fire pump room access from the exterior of the building shall be provided with equivalent fire resistance as that required for the pump room, or as approved by the fire code official. Access keys shall be provided in the key box as required by Section 506.1.

**Section 1010.1.9.4 Bolt Locks; change Exceptions 3 and 4 to read as follows:**

3. Where a pair of doors serves an occupant load of less than 50 persons in a Group B, F, M or S occupancy. {Remainder unchanged}

4. Where a pair of doors serves a Group A, B, F, M or S occupancy. {Remainder unchanged}

**Section 1015.8 Window Openings; change number 1 to read as follows:**

1. Operable windows where the top of the sill of the opening is located more than 55 feet (16 764 mm) above the finished grade or other surface below and that are provided with window fall prevention devices that comply with ASTM F 2006.

**Section 1031.2; change to read as follows:**

1031.2 Reliability. Required exit accesses, exits and exit discharges shall be continuously maintained free from obstructions or impediments to full instant use in the case of fire or other emergency. An exit or exit passageway shall not be used for any purpose that interferes with a means of egress.

**Section 1103; add new Sections 1103.5.5 and 1103.5.6 to read as follows:**
Section 1103.5.5 Spray booths and rooms. Existing spray booths and spray rooms shall be protected by an automatic fire-extinguishing system in accordance with Section 2404.

Section 1103.5.6 Existing R-1, 2, 3, and 4 Occupancies. In R-1, 2, 3, and 4 occupancies where a fire has occurred and displaces one or more occupants, the affected building shall be fire-sprinklered prior to the re-occupancy of the unit/building

Section 1103.7; add Section 1103.7.8 and 1103.7.8.1 to read as follows:

1103.7.8 Fire Alarm System Design Standards. Where an existing fire alarm system is upgraded or replaced, the devices shall be addressable. Fire alarm systems utilizing more than 20 smoke and/or heat detectors shall have analog initiating devices.

Exception: Existing systems need not comply unless the total building, or fire alarm system, remodel or expansion exceeds 30% of the building. When cumulative building, or fire alarm system, remodel or expansion initiated after the date of original fire alarm panel installation exceeds 50% of the building, or fire alarm system, the fire alarm system must comply within 18 months of permit application.

1103.7.8.1 Communication requirements. Refer to Section 907.6.6 for applicable requirements.

Table 3206.2, footnote j; change text to read as follows:

j. Where storage areas are protected by either early suppression fast response (ESFR) sprinkler systems or control mode special application sprinklers with a response time index of 50 (m • s)½ or less that are listed to control a fire in the stored commodities with 12 or fewer sprinklers, installed in accordance with NFPA 13, manual smoke and heat vents or manually activated engineered mechanical smoke exhaust systems shall be required within these areas.

Section 3310.3, add Section 3310.3:

3310.3 Fencing. Where construction or demolition sites have fencing or some other type of security barrier installed around the site, an approved padlock shall be installed on no less than one gate. Approved padlocks may be required by the fire code official on additional gates. These padlocks shall be purchased by the property owner or contractor but shall be keyed, as directed, by the fire code official.

Section 5601.1.3; add second paragraph and exception to read as follows:

The possession, manufacture, storage, handling and use of fireworks are prohibited outside the city limits for a distance of five thousand (5,000) feet, provided that the territory encompassed within the five thousand (5,000) feet outside the city limits is not within the extraterritorial jurisdiction of another municipality. A violation of this ordinance is declared to be a common and public nuisance. The owner, lessee or occupant of the property or structure where fireworks are being stored or used shall be deemed responsible for violation of this section.

Exceptions:

5. The possession of fireworks otherwise allowed by State Law.

Section 5703.6; add a sentence to read as follows:

5703.6 Piping Systems. Piping systems, and their component parts, for flammable and combustible liquids shall be in accordance with Sections 5703.6.1 through 5703.6.11. An approved method of secondary containment shall be provided for underground tank and piping systems.

Section 5704.2.9.6.1 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited), to read as follows:
5704.2.9.6.1 Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited otherwise by City of San Marcos Ordinance.

Section 5704.2.11.4; add a sentence to read as follows:

5704.2.11.4 Leak Prevention. Leak prevention for underground tanks shall comply with Sections 5704.2.11.4.1 through 5704.2.11.4.3. An approved method of secondary containment shall be provided for underground tank and piping systems.

Section 5704.2.11.4.2; change to read as follows:

5704.2.11.4.2 Leak Detection. Underground storage tank systems shall be provided with an approved method of leak detection from any component of the system that is designed and installed in accordance with NFPA 30 and as specified in Section 5704.2.11.4.3.

Section 5704.2.11.4; add Section 5704.2.11.4.3 to read as follows:

5704.2.11.4.3 Observation Wells. Approved sampling tubes of a minimum 4 inches in diameter shall be installed in the backfill material of each underground flammable or combustible liquid storage tank. The tubes shall extend from a point 12 inches below the average grade of the excavation to ground level and shall be provided with suitable surface access caps. Each tank site shall provide a sampling tube at the corners of the excavation with a minimum of 4 tubes. Sampling tubes shall be placed in the product line excavation within 10 feet of the tank excavation and one every 50 feet routed along product lines towards the dispensers, a minimum of two are required.

Section 5706.2.4.4 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited) to read as follows:

5706.2.4.4 Locations where above-ground tanks are prohibited. The storage of Class I and II liquids in above-ground tanks is prohibited within the limits established by law as the limits of districts in which such storage is prohibited otherwise by City of San Marcos Ordinance.

Section 5806.2 (geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited) to read as follows:

5806.2 Limitations. Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited otherwise by City of San Marcos Ordinance.

Section 6104.2: delete.

Chapter 68; add Chapter 68 to read as follows:

SECTION 6801 General

6801.1 Scope. The provisions of this chapter shall apply to the operation of mobile food vending in which cooking operations are conducted.

6801.2 Construction Documents. Every vendor desiring to engage in mobile food vending shall make a written application to the Fire Department for a permit under this chapter. The applicant shall truthfully state, in full, all information requested by the Fire Department and be accompanied by permit application fee.

6801.3 Fees. An application for a permit under this chapter shall be accompanied by a fee in the amount of $100. There shall be no proration of fees. Fees are non-refundable once a permit has been issued by the Fire Department.
6801.4 Permits. It shall be unlawful to operate a mobile food vending unit without a permit as required by Section 105.6. All permits shall be prominently displayed on the mobile food vending unit.

6801.4.1 Duration; non-transferability. Permits will be issued for a calendar year from the date of issuance. Any permit issued under this chapter is non-transferable.

SECTION 6802 DEFINITIONS

MOBILE FOOD VENDING. Vending, serving, or offering for sale food and/or beverages from a mobile food vending unit.

MOBILE FOOD VENDING UNIT. Any motorized or non-motorized vehicle, trailer, or other device designed to be portable and not permanently attached to the ground from which cooking apparatus or cooking equipment may be or is used.

VENDOR. Any individual engaged in the business of mobile food vending; if more than one individual is operating a single means of conveyance, then vendor shall mean all individuals operating such means of conveyance.

OPERATE. All activities associated with the conducting of business, including set up and take down and/or actual hours where the mobile food vending unit is open for business.

SECTION 6803 INSPECTIONS

6803.1 General. Inspections of mobile food operations shall be set forth as outlined in this section.

6803.2 Permit Inspections. Once application for a permit is received by the Fire Department, the vendor shall coordinate an inspection with the Fire Department to verify all statements and requirements within this chapter are provided.

6803.3 Inspections. Mobile food vending units shall be inspected at least annually by the Fire Department, or as deemed necessary. Inspections shall be coordinated with the Environmental Health Department when possible.

SECTION 6804 OPERATIONAL REQUIREMENTS

6804.1 General. Mobile food vending operations shall be as set forth in this section.

6804.2 Operational Requirements. Any vendor engaging in mobile food vending shall comply with the following requirements:

1. Provide appropriate waste receptacles at the site of the unit and remove all litter, debris, and other waste attributable to the vendor on a daily basis.

2. Shall not be parked, situated or operated in a manner than restricts or blocks emergency vehicle apparatus access.

3. Shall not be parked, situated, or operated in a manner than restricts or blocks fire hydrants, fire lanes, or other fire protection equipment or access.

4. Not use any flashing or blinking lights or strobe lights.

5. Not use loud music, amplification devices or "crying out", or any other audible methods to gain attention which causes a disruption or safety hazard as determined by the City of San Marcos.

6. Comply with the city’s Noise Ordinance, Sign Ordinance and any other applicable ordinances.
7. Comply with all applicable federal, state, county and municipal regulations.

8. Not represent the granting of a permit under this chapter as an endorsement by the City of San Marcos.

9. Cooking operations in which grease laden vapors are or can be created, shall be provided with a Type I hood and fire suppression system.

10. All cooking equipment must be mounted on non-combustible surfaces and maintain all clearance requirements, as recommended by the manufacturer.

11. All hot surfaces and/or cooking areas must be adequately protected from the public.

12. Fire suppression system shall be inspected by a licensed company every six months.

13. A minimum of 1 K-Class fire extinguisher shall be provided.

14. A minimum of 1 2A-10BC fire extinguisher shall be provided.

15. Propane cylinders shall be secured to the vehicle and installed in accordance with NFPA 58.

16. All temporary electrical shall comply with the provisions of this code and any other applicable city ordinances or codes.

6804.3 Maintenance. Maintenance of systems on mobile food preparation vehicles shall be in accordance with Sections 6804.3.1 through 6804.3.3.

6804.3.1 Exhaust system. The exhaust system, including hood, grease-removal devices, fans, ducts, and other appurtenances shall be inspected and cleaned in accordance with Section 607.3.

6804.3.2 Fire protection systems and devices. Fire protection systems and devices shall be maintained in accordance with Section 901.6.

6804.3.3 Fuel gas systems. LP-gas containers installed on the vehicle and fuel-gas piping systems shall be inspected annually by an approved inspection agency or a company that is registered with the U.S. Department of Transportation to requalify LP-gas cylinders, to ensure that system components are free from damage, suitable for the intended service and not subject to leaking. CNG containers shall be inspected every 3 years in a qualified service facility. CNG containers shall not be used past their expiration date as listed on the manufacturer’s container label. Upon satisfactory inspection, the approved inspection agency shall affix a tag on the fuel gas system or within the vehicle indicating the name of the inspection agency and the date of satisfactory inspection.

SECTION 6805 FIRE EXTINGUISHERS

6805.1 Fire Extinguishers. Fire extinguishers shall be required in mobile food vending units in all of the following locations:

1. Mobile food vending units shall have at minimum one 2A-10BC portable fire extinguisher mounted in a conspicuous place within the kitchen area.

2. Mobile food vending units with portable generators shall have a 2A-10BC portable fire extinguisher in addition to the other fire extinguishers.
3. Mobile food vending units who utilize deep fat fryers, grills, or other cooking devices in which grease laden vapors may be generated, shall have a K Class portable fire extinguisher, as required by Section 904.12.5.

4. Mobile food vending units who utilize solid fuel cooking appliances or devices with a fuel box shall have one 2A fire extinguisher; in addition to the other fire extinguishers.

6805.2 Inspections. All portable fire extinguishers shall be serviced, inspected, and tagged at least annually, or as otherwise required by this code or state requirements.

SECTION 6806 COMMERCIAL COOKING SYSTEMS

6806.1 Commercial cooking systems. A Type 1 hood shall be installed above all commercial cooking equipment that produce grease laden vapors in accordance with the edition of the International Mechanical Code as adopted by the City and Section 609.

6806.2 Fire protection for commercial cooking systems. Cooking equipment shall be protected by automatic fire extinguishing systems in accordance with Section 904.12. All fire suppression systems shall comply with UL300, or other equivalent standards.

6806.3 Applicable NFPA Standards. All commercial cooking systems shall comply with the applicable provisions of the NFPA 96 Annex B, and other applicable standards.

SECTION 6807 CLEARANCES

6807.1 Clearances. In addition to the requirements in 6804.2, the following minimum clearances shall be provided from the mobile food vending unit:

- Not closer than 20 feet to any structure
- At least 15 feet from any fire hydrant
- A minimum of 10-foot clearance shall be provided to adjacent mobile food vending units.

Exception: When in the opinion of the Fire Code Official, the clearance distance can be reduced if this would not pose any additional risks.

SECTION 6808 USE OF LPG

6808.1 Use of LPG. Liquefied Petroleum Gas systems shall comply with Sections 6808.2 through 6808.14.

6808.2 LPG container location. Shall be located and secured on the exterior of the mobile food vending unit, open to atmosphere or if containers are kept in compartment, said compartment must be separate from the interior food preparation area. Access must be from the exterior of the unit and compartment floor and exterior door must be vented to the atmosphere.

6808.2.1 Additional LPG Container Locations. Propane cylinders, including spare cylinders, shall not be located:

a. On rear bumpers, on exterior sides of the vehicle, or roofs;

b. Below the lowest part of the vehicle frame;

c. Inside improperly vented or unvented compartments, trunks, or beds of vehicles;
d. Inside passenger compartments of vehicles;
e. On the ground.

6808.2.2 Propane storage compartments. A propane storage compartment on a mobile food vending unit shall be ventilated with at least two vents; one vent must be located at the top of the unit; one vent must be located at the bottom of the compartment. Each vent must have an aggregate area equal to at least 0.5 inches for each seven (7) pounds of the total fuel capacity of the maximum number of the largest cylinders the compartment can hold.

6808.2.3 Additional propane cylinder requirements. Propane cylinders must be:

a. In an upright position at all times;
b. In good condition without dents, scrapes, gouges, or defects;
c. Stored at least 10 feet from trash and combustible materials;
d. Equipped with an approved regulator;
e. Mounted, used, and stored in compliance with NFPA 58;
f. Constructed and marked in accordance with specifications for propane cylinders as required by the U.S. Department of Transportation.

6808.3 No smoking signs. All mobile food vending units with propane shall post a "NO SMOKING" sign next to or directly above the propane bottle and visible to the public. Such sign shall be posted with a minimum of four-inch lettering.

6808.4 Hoses and couplings. Any hose used to pipe L.P. Gas to a device shall be listed by UL, FM, or other approved agency. All couplings, fittings, and any other devices shall meet the requirements for LP Gas Service as outlined in the International Fuel Gas Code, NFPA 58 and/or 54. Propane piping cannot be located on the sides, rear, or roof of a mobile food vending unit.

6808.4.1 Metal Flex Hoses. Metal flex hose must not penetrate through walls, floor, or ceiling to the interior of the mobile food vending unit. Rigid pipe must be used to penetrate solid assemblies. A maximum of 60 inches of metal flex hose shall be allowed for each appliance to connect to the propane rigid pipe.

6808.5 Annual Testing. All piping, hoses, and couplings shall be tested annually at not less than 3psig for 10 minutes before appliances are connected and at system pressure after connection of appliances, by a Texas Railroad Commission licensed LPG Technician. Documentation of the test, on the approved City of San Marcos form, within 90 days of the inspection, must be provided at the time of the inspection and must include:

1. Original testing/inspection document from licensed LPG Technician (copies are not accepted);
2. Pressure and duration of test;
3. Name, address, license number, and phone number of technician performing test;
4. License plate number and vehicle identification number (VIN) of mobile food vending unit.

6808.6 LPG tank separation distance. LPG tanks shall be located outside the mobile food establishment a minimum of five feet from the primary means of egress.
Exception. LPG tanks that are installed securely on the unit or as a permanent fixture inside a compartment.

6808.7 Maximum aggregate volume. The maximum aggregate capacity of LP-gas containers transported on the vehicle and used to fuel cooking appliances only shall not exceed two (2)-100 pounds containers. The cylinders cannot be manifolded together. Each propane cylinder must be requalified every 12 years. A current date of manufacture or requalification stamp is required on all cylinders.

6808.8 Propane Cylinders at time of inspection. The permit applicant and/or mobile food vending unit operator will be required to have propane cylinders on the mobile food vending unit at the time of inspection to demonstrate how the cylinders are secured to the vehicle. Propane cylinders must be secured as to prevent the propane bottles from leaving the mount or cage in the event of a vehicle crash or rollover.

6808.9 Mounting and storage. The mounting and storage of propane cylinders must be in compliance with NFPA 58.

6808.10 Manual shut-off valves. Manual shut-off valves are required at the point of use, on each appliance, and at the source.

6808.11 Relief Valve Discharge. The relief valve discharge from the propane cylinder shall not be less than three (3) feet, measured horizontally along the surface of the vehicle to:

1. Openings in the vehicle;
2. Propane burning appliance intake or exhaust vents;
3. All internal combustion engine exhaust terminations.

6808.12 LP-gas alarms. A listed LP-gas alarm shall be installed within the mobile food vending unit in the vicinity of LP-gas system components, in accordance with the manufacturer’s instructions. The alarm is required to be equipped with back-up battery operation and must be able to activate when the unit is occupied and is not occupied.

6808.13 Carbon Monoxide Alarm. A listed carbon monoxide alarm shall be installed within the mobile food vending unit, in accordance with the manufacturer’s instructions.

6808.14 Combination alarm. A single listed combination alarm meeting the requirements of 6808.12 and 6808.13 is permitted.

6808.15 Fuel sources other than LPG. When a fuel source other than LPG is used, it shall be installed and maintained in accordance with this code and any other applicable code. Use of fuels other than LPG shall be subject to the approval of the Fire Code Official.

SECTION 6809 SOLID FUEL

6809.1 Scope. The provisions of this section shall apply to the use of wood, charcoal, or other solid fuel.

6809.2 Fuel Storage. Solid fuel shall not be stored within 3 feet of any heat producing device, cooking appliance or vent. Solid fuel shall not be stored within 3 feet of any flammable liquids, ignition sources, chemical or food and food supplies.

6809.3 Debris. Ash, cinders and other fire debris shall be removed from the firebox or cooking appliance at regular intervals. Removed debris shall be placed in a closed metal container at least 3 feet from the cooking appliances.

SECTION 6810 ELECTRICAL
6810.1 General. Mobile food vending units shall meet the following requirements, at a minimum, regarding the electrical components of the unit:

1. Units may not use electricity from a nearby structure;

2. No excessive use of extension cords are permitted; extension cords must comply with 605.5.1 through 605.5.4.

3. Breaker boxes and junction boxes shall have proper cover and comply with 605.6.

4. All wiring must be in conduit and comply with 605.6;

5. The improper use of electrical accessories and overloading of circuits is prohibited;

6. Mobile food vending units must also comply with 605.1, 605.3.1, 605.4, and 605.10.

SECTION 6811 GENERATORS

6811.1 General. All generators must be in safe working condition.

6811.2 Generator Storage Compartment. The generator storage compartment on or within the mobile food vending unit must be vented to the exterior and properly sealed.

6811.3 Refueling of generators. Shall be performed in an approved manner. Fuel shall be stored in a UL or FM approved flammable liquid safety container in an approved location.

SECTION 6812 HOUSEKEEPING

6812.1 Housekeeping. Trash and other combustible materials shall be removed at regular intervals. Storage of combustible rubbish shall not produce conditions that will create a nuisance or hazard to the public health, safety or welfare.

6812.2 Clearances. Combustible rubbish shall not be stored, or otherwise located, within 3 feet of any fuel source, ignition sources, or heat producing appliances. Rubbish shall not be located within the means of egress of the mobile food vending unit.

SECTION 6813 REVOCATION

6813.1 Revocation. The Fire Department shall revoke the permit of any vendor engaged in mobile food vending who ceases to meet any requirement of this chapter or violates any other federal, state or local regulation, makes a false statement on their application, or conducts activity in a manner that is adverse to the protection of the public health, safety and welfare.

Immediately upon such revocation, the Fire Department shall provide written notice to the permit holder by certified mail to their place of business or residence as indicated on the application. Immediately upon such revocation, the permit shall become null and void.

SECTION 6814 VIOLATIONS

6814.1 Violations. Any vendor or mobile food truck that violates this shall be subject to violations and fines in accordance with Section 109.
B103.1 Decreases. The fire code official is authorized to reduce the fire-flow requirements for isolated buildings or a group of buildings in rural areas or small communities where the development of full fire-flow requirements is impractical.

Appendix B, Section B103.2; change to read as follows:

B103.2 Increases. The fire code official is authorized to increase the fire-flow requirements where conditions indicate an unusual susceptibility to group fires or conflagrations. An increase shall not be more than twice that required for the building under consideration.

Appendix D, Section D102.1; change to read as follows:

D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (34 050 kg) in accordance with the City of San Marcos Engineering Standards.

Appendix D, Section D103.1; change to read as follows:

D103.1 Access road width with a hydrant. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26-feet.

Appendix D, Section D103.2; change to read as follows:

D103.2 Grade. Fire apparatus access roads shall not exceed 10% in grade and not exceed 5% on cross-slope.

Exception: Grades steeper than 10% as approved by the Fire Code Official.

Appendix D, Section D103.3; change to read as follows:

D103.3 Turning radius. The minimum turning radius shall be in accordance with:

1. For buildings less than 30-feet and less than 3 stories in height:
   a. 20-feet (inside) for turns less than or equal to 90 degrees
   b. 25-feet (inside) for turns greater than 90 degrees

2. For buildings 30-feet or more and/or 3 or more stories in height minimum interior turning radius of 30 feet.

For purposes of this section, the building height is measured from the lowest finished grade of the fire access roads to the point of accessible roof level, including parapet walls. For buildings with pitched roofs, the height is measured to the roof plate.

Appendix D, Section D103.5; change to read as follows:

D103.5 Fire apparatus access road gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. Where a single gate is provided, the gate width shall be not less 24 feet. Where a fire apparatus road consists of a divided roadway, the gate width shall be not less than 12 feet (3658 mm).

2. Gates shall be of the swinging or sliding type.

3. Construction of gates shall be of materials that allow manual operation by one person.

4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the fire code official.

6. Methods of locking shall be submitted for approval by fire code official.

7. Electric gate operators, where provided, shall be listed in accordance with UL 325.

8. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.

Appendix D, Section D105.2; change to read as follows:

D105.2 Width. Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet.

(Ord. No. 2019-11, § 1, 5-7-19)

Secs. 38.034—38.053. - Reserved.

Sec. 38.054. - Violations declared nuisances: extraterritorial application.

(a) The following are declared public nuisances:

(1) The sale, possession, storage, discharge, or offer for sale of fireworks; or

(2) Any violation of this article which poses a serious danger to the safety of persons or property.

(b) It is unlawful for a person to create or maintain a public nuisance, or to engage in any activity that constitutes a public nuisance, within the city limits or within 5,000 feet of the city limits.

(Ord. No. 2019-11, § 1, 5-7-19)

Sec. 38.055. - Motor vehicle parking.

It is unlawful for a person to store, park or stand a motor vehicle inside a residential unit, a storage facility attached to a residential unit or a stairwell or under a stairway or a balcony, on premises of a multifamily dwelling.

(Ord. No. 2019-11, § 1, 5-7-19)

Sec. 38.056. - Establishment of motor vehicle routes for transportation of hazardous chemicals.

The U.S. Department of Transportation regulations referenced in chapter 27 of the fire code shall be followed, except that tank vehicles transporting hazardous chemicals to local businesses may take the shortest route to the business served.

(Ord. No. 2019-11, § 1, 5-7-19)

Sec. 38.057. - New materials, processes or occupancies which may require a permit.

The city manager, the fire chief and the fire marshal may act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies which will require permits, in addition to those described in the fire prevention code. The fire marshal will post a list of any permit requirements in a conspicuous place in his office and distribute copies to interested persons.
Sec. 38.058. - Flow meters.

(a) A flow meter device is required on all private water service lines connected to a public water supply, including all separate taps from the public water supply to private property.

(b) Acceptable flow meter device standards and specifications can be obtained from the city engineering department.

(c) The flow meter device must be inspected by a certified flow meter device installer using prescribed forms by the city.

(d) The flow meter device must be protected by a concrete (or comparable quality) vault meeting city engineering department standards.

(e) The flow meter must be installed in the public right-of-way for access by city personnel.

Sec. 38.059. - Backflow prevention in fire suppression systems.

Where a private fire suppression or fire sprinkler system exists, a required backflow prevention device may be off-set up to 75 feet from the tap, for the fire system only, with approval of the water purveyor.

Sec. 38.060. - Hazardous materials spills.

(a) Any person who causes or permits a release or spill of hazardous material affecting property within the city or its extraterritorial jurisdiction shall be responsible for the abatement, control, capture and proper disposal of such hazardous material and for all associated costs incurred by the fire department and other city departments and agencies that assist to abate the release or spill.

(b) The abatement activities shall be under the direction and control of the fire chief or his authorized representative. The fire chief may relinquish his direction and control to another agency, firm or other licensed party for the purposes of extended operations, remediation, control, capture or proper disposal of the hazardous materials. The fire chief can reinstate his direction and control at any point in order to protect the health and welfare of persons or property or to expedite the abatement, control, capture or proper disposal of the hazardous material and/or any by-products thereof. It is unlawful for any person to fail to obey an order given by the fire chief at the scene of a hazardous material release or spill.

(c) For purposes of this section, costs incurred by the fire department or other departments of the city shall include, but shall not be limited to, all expenses attributable to the cleanup or abatement of any hazardous materials incident, including costs of equipment operations, materials utilized, specialists, experts, contract labor, overtime costs, costs incurred by area fire departments requested through mutual aid agreement with the city, and any other incidental costs of the city as a result of the incident. Costs do not include fire suppression, rescue, medical treatment and similar services which are within the scope of fire department duties.

(d) Cost recovery shall be in the manner and form designated by the fire department. Any individual, agency, corporation, firm, or party who fails to respond within ten days to a certified notice of collection under this section is in violation of this section.

(e) Any violation of this section punishable by a fine of at least $1,000.00.
(f) The remedies provided by this section is in addition to any other remedies provided by law. Nothing in this section prohibits the city from pursuing other legal actions to recover the costs of abatement.

(Ord. No. 2019-11, § 1, 5-7-19)
AGENDA CAPTION:
Consider approval of Ordinance 2020-14, on the first of two readings, adopting fees to be charged by the City for various Parks and Recreation Facilities, including changes to existing fees; providing a savings clause; providing for the repeal of any conflicting provisions; and providing and effective date.
Meeting date: March 17, 2020

Department: Parks and Recreation

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

Fiscal Note:

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

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

Choose an item.

Background Information:

November 6, 2019: Cost Recovery Work Session
- Presentation by Melissa Neel and Drew Wells
- Provided the proposed assumptions in finalizing cost recovery implementation for Parks and Recreation Programs and Services.
- Council direction was to move forward with taking the proposed assumptions to the Parks and Recreation Advisory Board for their recommendation.

December 19, 2020: Parks and Recreation Advisory Board Regular Meeting
- The Board created a committee to review the proposed fees and to bring back a recommendation to the Board.

January 13, 2020: Parks and Recreation Advisory Board Regular Meeting
- The Board received the committee’s recommendations and adopted a Recommendation Resolution recommending the proposed fees within this presentation.

February 18, 2020: Cost Recovery Work Session Update
- City Council requested that staff evaluate the Non-Profit fee further and provide options.
- City Council provided consensus on the following:
  - Change the qualifying age for the senior discount to 60 years of age, instead of the proposed 65 years of age.
  - Increase the Non-Resident Rental Rates another 5% of the proposed rate.

Non-Profit Rate Evaluation
Staff evaluated the rental fee structures of eight (8) peer cities to determine if a Non-Profit rate was part of their structure. Cities evaluated were: Austin, Bryan, Buda, Cedar Park, College Station, Hutto, Kyle and Leander. Of the cities evaluated the City of Hutto was the only city that offered a Non-Profit rate for facility rentals. The rentals are specific in location (park pavilions & The Saul House) and duration. The rate charged is half of the Resident Rate.

Staff still recommends that Non-Profits receiving Community Development Block Grant (CDBG) Funding or Human Services Grants for the provision of social and human services/programs have facility rental fees waived up to 9 times per month. It is recommended that facility rental fees be waived when the non-profit is utilizing the facility to provide social and human services or programs to the community, and not for fundraising or similar events. The reservation process would be unchanged and would remain subject to availability.

Staff has prepared incremental options for the Council to consider if the Non-Profit rate is desired to be kept. It is attached for your consideration and review.

Proposed Fee Changes
In an effort to simplify the number of fee categories the Parks and Recreation Advisory Board approved a
recommendation that would make the following changes:

- Remove the fee categories of:
  - Non-Profit
  - Business/Commercial
  - Senior Spouse (will only have Senior rate)
- Only have categories for Resident, Non-Resident, Senior and Youth
- Increase the qualifying age for the senior discount from 50 to 65.
- Incremental Increases are proposed and reflected in the exhibit attached.

An effective date of September 1, 2020 for all new fees is proposed. If anyone has a current facility rental those agreements would be grandfathered in under the previous fee structure. Patrons with current Activity Center Memberships will pay the fee that is in effect at the time of their membership expiration.

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

January 13, 2020: Parks and Recreation Advisory Board approved a Recommendation Resolution recommending the proposed fees to the City Council.

**Alternatives:**

Click or tap here to enter text.

**Recommendation:**

Click or tap here to enter text.
ORDINANCE NO. 2020-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, ADOPTING FEES TO BE CHARGED BY THE CITY FOR VARIOUS PARKS AND RECREATION FACILITIES, INCLUDING CHANGES TO EXISTING FEES; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ANY CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

Pursuant to applicable provisions of State law and City ordinances, the City Council may establish fees to be charged for various City services to recover costs to the City associated with the use of such facilities.

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

SECTION 1. The City Council hereby adopts the fees to be charged for various City services as set forth in Exhibit “A,” attached hereto and made a part hereof for all purposes.

SECTION 2. Any such fees provided for under Section 1 will be waived for a nonprofit organization receiving Community Development Block Grant (CDBG) funding or human services grants for the provision of social and human services or programs when the nonprofit organization is utilizing a city facility to provide social and human services or programs to the community, and not for fundraising or similar events.

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 4. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed. To the extent the provisions of any ordinance provide for establishment of a fee or fees by resolution of the City Council, such provisions are superseded by this ordinance and the fees as adopted in this ordinance shall govern.

SECTION 5. After its passage, approval and adoption on second reading, this ordinance shall be effective on September 1, 2020.

PASSED AND APPROVED on first reading on March 17, 2020.

PASSED, APPROVED AND ADOPTED on second reading on April 7, 2020.

Jane Hughson
Mayor
Exhibit A:
PARKS AND RECREATION DEPARTMENT RATE SUMMARY

<table>
<thead>
<tr>
<th>Location</th>
<th>Category</th>
<th>Type</th>
<th>Rating (1-5)</th>
<th>Target Cost Recovery</th>
<th>Current Fee</th>
<th>Current Cost Recovery</th>
<th>Proposed Fee FY20</th>
<th>Cost Recovery Proposed Fee</th>
<th>Dollar Increase</th>
<th>Percent Increase</th>
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<td>DUNBAR RECREATION CENTER</td>
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<td>5</td>
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<td>17% 39.00</td>
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<tr>
<td></td>
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<td>Small Room</td>
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<td>101% *16.00</td>
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<td>13% 4.00</td>
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<tr>
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<td>101% *84.00</td>
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<tr>
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<td>101% *42.00</td>
<td>24% **56.00</td>
<td>32% 14.00</td>
<td>33%</td>
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<tr>
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<td>5% 326.00</td>
<td>6% 65.00</td>
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<td>101% 523.00</td>
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<td></td>
<td>Non-Resident per day</td>
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<td>4</td>
<td>81% 261.00</td>
<td>117% **274.00</td>
<td>123% 13.00</td>
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<td>37% 65.00</td>
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*rental rate per hour.  **Shown with 5% Increase
Exhibit A:
PARKS AND RECREATION DEPARTMENT RATE SUMMARY

<table>
<thead>
<tr>
<th></th>
<th>Cost Recovery Rating (1-5)</th>
<th>Target Cost Recovery</th>
<th>Current Fee</th>
<th>Current Cost Recovery</th>
<th>Proposed Fee FY20</th>
<th>Cost Recovery Proposed Fee</th>
<th>Dollar Increase</th>
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<td>26.00</td>
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<td><strong>33.00</strong></td>
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<td>11%</td>
<td><strong>33.00</strong></td>
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<td><strong>68.00</strong></td>
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<td>101%</td>
<td>*42.00</td>
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<td><strong>53.00</strong></td>
<td>30%</td>
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*rental rate per hour. **Shown with 5% Increase
Exhibit A:
PARKS AND RECREATION DEPARTMENT RATE SUMMARY

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<th>Equipment Rental</th>
<th>Cost Recovery Rating (1-5)</th>
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<th>Current Cost Recovery</th>
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<th>Cost Recovery Proposed Fee</th>
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*rental rate per hour. **Shown with 5% Increase
## Exhibit A:
PARKS AND RECREATION DEPARTMENT RATE SUMMARY

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<tr>
<th></th>
<th></th>
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<tbody>
<tr>
<td><strong>Resident</strong></td>
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<td>60.00</td>
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<td>46.00</td>
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<td>23.00</td>
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*rental rate per hour. **Shown with 5% Increase
### Exhibit A:
PARKS AND RECREATION DEPARTMENT RATE SUMMARY

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<tr>
<th>Cost Recovery Rating (1-5)</th>
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<th>Current Cost Recovery</th>
<th>Proposed Fee FY20</th>
<th>Cost Recovery Proposed Fee</th>
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*rental rate per hour.  **Shown with 5% Increase
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<th><strong>Exhibit A:</strong></th>
<th><strong>PARKS AND RECREATION DEPARTMENT RATE SUMMARY</strong></th>
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<td>Adult Season Pass</td>
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<td>Resident- 31-75 (3-hour session)</td>
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*rental rate per hour.  **Shown with 5% Increase
## Exhibit A:

### PARKS AND RECREATION DEPARTMENT RATE SUMMARY

<table>
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<tr>
<th>Service Description</th>
<th>Cost Recovery Rating (1-5)</th>
<th>Target Cost Recovery</th>
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<th>Current Cost Recovery</th>
<th>Proposed Fee FY20</th>
<th>Proposed Fee FY20 Cost Recovery</th>
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<th>Percent Increase</th>
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*rental rate per hour.  **Shown with 5% Increase
Exhibit A:
PARKS AND RECREATION DEPARTMENT RATE SUMMARY

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<th>YOUTH PROGRAMS</th>
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*rental rate per hour. **Shown with 5% Increase
### Exhibit A:
PARKS AND RECREATION DEPARTMENT RATE SUMMARY

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<thead>
<tr>
<th>Event Description</th>
<th>Cost Recovery Rating (1-5)</th>
<th>Target Cost Recovery</th>
<th>Current Fee</th>
<th>Current Cost Recovery</th>
<th>Proposed Fee FY20</th>
<th>Cost Recovery Proposed Fee</th>
<th>Dollar Increase</th>
<th>Percent Increase</th>
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*rental rate per hour. **Shown with 5% Increase
## INCREMENTAL INCREASE IN NON-RESIDENT FEES

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<td>Non Resident-Large Room</td>
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MEMO

TO: Stephanie Reyes, Assistant City Manager
FROM: Jamie Lee Case, Assistant Director of Parks and Recreation
DATE: March 3, 2020
RE: Non-Profit Facility Rental Rates

SUMMARY
The purpose of this memorandum is to provide further detail regarding the subject of non-profit facility rental rates.

Background
The City of San Marcos currently offers non-profit rate categories for both residents and non-residents for most of our facilities available for rental. The Activity Center Multi-Purpose room is an exception. We do not currently charge a non-profit rate for the rental of the Multi-Purpose Room. Instead only the resident or non-resident rate is charged.

December 19, 2020: Parks and Recreation Advisory Board Regular Meeting
- The Board created a committee to review the proposed fees and to bring back a recommendation to the Board.

January 13, 2020: Parks and Recreation Advisory Board Regular Meeting
- The Board received the committee’s recommendations and in an effort to simplify the number of fee categories the Parks and Recreation Advisory Board approved a recommendation to remove the non-profit fee.

February 18, 2020: Cost Recovery Work Session Update
- City Council requested that staff evaluate the Non-Profit fee further and provide options.
- City Council provided consensus on the following:
  o Change the qualifying age for the senior discount to 60 years of age, instead of the proposed 65 years of age.
  o Increase the Non-Resident Rental Rates another 5% of the proposed rate.

Non-Profit Rate Evaluation
Staff evaluated the rental fee structures of eight (8) peer cities to determine if a Non-Profit rate was part of their structure. Cities evaluated were: Austin, Bryan, Buda, Cedar Park, College Station, Hutto, Kyle and Leander. Of the cities evaluated the City of Hutto was the only city that offered a Non-Profit rate for facility rentals. The rentals are specific in location (park pavilions & The Saul House) and duration. The rate charged is half of the Resident Rate.
Staff still recommends that Non-Profits receiving Community Development Block Grant (CDBG) Funding or Human Services Grants for the provision of social and human services/programs have facility rental fees waived up to 9 times per month. It is recommended that facility rental fees be waived when the non-profit is utilizing the facility to provide social and human services or programs to the community, and not for fundraising or similar events. The reservation process would be unchanged and would remain subject to availability.

Staff has prepared incremental options for the Council to consider if the Non-Profit rate is desired to be kept. It is attached for your consideration and review.

END
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<tr>
<th>NON PROFIT RATE PROPOSAL SUMMARY</th>
<th>Current Fee</th>
<th>10%</th>
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AGENDA CAPTION:
Consider approval of Ordinance 2020-15, amending Section 34.080 of the San Marcos City Code to establish an administrative fee and provide for the collection of costs related to the filing of a nuisance abatement lien; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.

Meeting date: March 17, 2020

Department: Neighborhood Enhancement

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

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

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

Comprehensive Plan Element(s): [Please select the Plan element(s) and Goal # from dropdown menu below]
☐ Economic Development - Choose an item.
☐ Environment & Resource Protection - Choose an item.
☐ Land Use - Choose an item.
☒ Neighborhoods & Housing - Protected Neighborhoods in order to maintain high quality of life and stable property values
☐ Parks, Public Spaces & Facilities - Choose an item.
☐ Transportation - Choose an item.
**Background Information:**
Staff informed City Council that the City Code does not currently include an administrative fee for the processing of nuisance abatement cases during a work session on February 18, 2020. Staff explained that while the City has a 96% rate of voluntary compliance with City Code provisions related to weedy lots, etc., there are occasions when it would be helpful to have an administrative fee in place to encourage property owners to comply with environment code provisions. State law allows the City to place a lien on property where the owner refuses to comply with regulations prompting the City to perform the clean-up services and seek recovery from the property owner. City Code Enforcement will only this process once all options for voluntary compliance are exhausted.

**Council Committee, Board/Commission Action:**
At the February 18, 2020 Work Session, staff were directed to prepare an ordinance for council consideration establishing an administrative fee of $150. Additionally, if the property owner does not remit payment to the City by the due date, the City will file a lien with the county for the total cost of the abatement including the filing cost.

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

**Recommendation:**
Approve this ordinance establishing an administrative fee of $150 for nuisance abatement, and charging the property owner for all costs related to the processing of the nuisance abatement action including the costs to file the lien.
ORDINANCE NO. 2020-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, AMENDING SECTION 34.080 OF THE SAN MARCOS CITY CODE TO ESTABLISH AN ADMINISTRATIVE FEE AND PROVIDE FOR THE COLLECTION OF COSTS RELATED TO THE FILING OF A NUISANCE ABATEMENT LIEN; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ANY CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. Section 34.080 of the City Code contained in Chapter 34 titled Environment is hereby amended to read as follows (added text is indicated by underlining. Deleted text is indicated by strikethroughs):

Sec. 34.080. Correction of prohibited conditions by city; lien.

(a) If the owner of a lot does not comply with a notice under section 34.079, the city may:

(1) Do the work and make the improvements required to correct the conditions of the lot; and

(2) Charge the expenses to the owner of the lot.

(b) The finance director will execute a statement of the costs of abatement, including an administrative fee of $150.00 established by the city council, and file the statement as a lien with the county clerk of the county in which the lot is located. The statement will reflect all costs to process the abatement including the cost to file the lien. The statement must include the name of the owner, if known, and the legal description of the lot.

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. To the extent the provisions of any ordinance provide for establishment of a fee or fees by resolution of the City Council, such provisions are superseded by this ordinance and the fees as adopted in this ordinance shall govern.

SECTION 4. After its passage, approval and adoption on second reading, this ordinance shall be effective immediately.

PASSED AND APPROVED on first reading on March 17, 2020.

PASSED, APPROVED AND ADOPTED on second reading on April 7, 2020.
Jane Hughson
Mayor

Attest:  

Tammy K. Cook  
Interim City Clerk

Approved:  

Michael J. Cosentino  
City Attorney
AGENDA CAPTION:
Consider approval of Ordinance 2020-16, on first and final reading, ordering a Special Election to be held on May 2, 2020 for the purpose of filling a vacancy for the remainder of the unexpired term of office of City Council Member, Place 5; establishing early voting locations and polling places for this election; making provisions for conducting the election; declaring an emergency creating the need to adopt this ordinance with only one reading; and providing an effective date.

Meeting date: March 17, 2020

Department: City Clerk

Amount & Source of Funding
Funds Required: TBD
Account Number: 100.10001101.52230
Funds Available: $20,175.00
Account Name: Professional Services

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

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

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu below]
- Economic Development - Choose an item.
- Environment & Resource Protection - Choose an item.
- Land Use - Choose an item.
- Neighborhoods & Housing - Choose an item.
- Parks, Public Spaces & Facilities - Choose an item.
- Transportation - Choose an item.
- Not Applicable
Background Information:
The letter submitted by Dr. Jocabed Marquez on March 9, 2020, resigning her position as City Council Member Place 5, created a vacancy in that position as of March 17, 2020. Article 11, Section 11(b) of the Texas Constitution requires a special election to fill a vacancy to be held within 120 days of the date the vacancy occurs. Texas Election Code, Section 201.052, Subsection (a), provides that a special election to fill a vacancy shall be held on the first uniform election date occurring on or after the 46th day after the date the special election is ordered. By ordering the special election on March 17, 2020, the special election can be held concurrently with other elections to be held within Hays County on May 2, 2020 - the next uniform election date.

The filing period for a place on the ballot for this special election will begin on Wednesday, March 18, 2020 and will end at 5:00 p.m. on Monday, March 23, 2020.

Due to the time sensitive nature of this Ordinance, it is being approved on emergency and will have only one reading. The Early Voting and Election Day polling place information is attached for review.
ORDINANCE NO. 2020-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON MAY 2, 2020 FOR THE PURPOSE OF FILLING A VACANCY FOR THE REMAINDER OF THE UNEXPIRED TERM OF OFFICE OF CITY COUNCIL MEMBER, PLACE FIVE; ESTABLISHING EARLY VOTING LOCATIONS AND POLLING PLACES FOR THIS ELECTION; MAKING PROVISIONS FOR CONDUCTING THE ELECTION; DECLARING AN EMERGENCY CREATING THE NEED TO ADOPT THIS ORDINANCE WITH ONLY ONE READING; AND PROVIDING AN EFFECTIVE DATE

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

SECTION 1. A special election is ordered to be held by the City of San Marcos (the “City”) at the various polling places and election precincts within the corporate limits of the City, as hereinafter designated, on May 2, 2020 from the hours of 7:00 a.m. to 7:00 p.m. This special city election will be conducted jointly with Hays County and will be administered for the City by the Hays County Elections Administrator. At the special election, the qualified voters of the City will elect a candidate to fill a vacancy in the office of Council Member Place 5 for the remainder of the unexpired term of that office. The official canvass of the election shall be held May 11, 2020, following Election Day. In the event it becomes necessary, a runoff election will be called by ordinance to be adopted on May 11, 2020 or within five days thereafter. The runoff election shall be held not earlier than the 20th day nor later than the 45th day after the date the final canvass of the special election is completed. Canvass of the returns of the runoff election, if necessary, shall be held no earlier than the 8th day nor later than the 11th day following the date of the Runoff Election.

SECTION 2. The vote center locations for Early Voting and Election Day for this election shall be as follows:

**Early Voting: April 20, 2020 – April 28, 2020**

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
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<tr>
<td>Monday, 4/20/20</td>
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<tr>
<td>Tuesday 4/21/20 – Friday, 4/24/20:</td>
<td>8 AM – 5 PM</td>
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<td>Saturday, 4/25/20:</td>
<td>10 AM – 2 PM</td>
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<tr>
<td>Monday, 4/27/20</td>
<td>7 AM – 7 PM</td>
</tr>
<tr>
<td>Tuesday 4/28/20</td>
<td>8 AM – 5 PM</td>
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**Election Day: May 2, 2020**

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<tr>
<td>Saturday, May 2, 2020:</td>
<td>7 AM – 7 PM</td>
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<td>Early Voting</td>
<td>Election Day</td>
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<th>Hays CISD</th>
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<th>City of Dripping Springs and DSISD</th>
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SECTION 3. As per the contract, the Hays County Election Administrator shall appoint presiding judges and alternate judges to serve in this election, and it shall be each such judge’s duty to hold the election in their respective precincts.

SECTION 4. Each presiding judge may appoint up to four clerks, and with the permission of the Hays County Election Administrator, additional clerks, to serve for each precinct in this election.

SECTION 5. Jennifer Anderson is appointed Early Voting Clerk for the City.
SECTION 6. Early voting by mail ballot shall be conducted in accordance with applicable provisions of the Texas Election Code. The address of 712 S. Stagecoach Trail, San Marcos, Texas 78666, shall be the early voting clerk’s mailing address to which ballot applications and ballots voted by mail may be sent for the City.

SECTION 7. All early votes and other votes to be processed in accordance with early voting procedures pursuant to the Texas Election Code shall be delivered to the Early Voting Ballot Board at the Hays County Election Administrator’s office which is located in the City, in accordance with the Election Code. Early votes shall be counted at the central counting station. The Early Voting Ballot Board shall perform in accordance with applicable provisions of the Election Code.

SECTION 8. The Verity Duo Hybrid voting system, shall be utilized in connection with the election. This system shall be utilized for all early voting as well as for all voting conducted on Election Day. Ample voting equipment shall be provided for early voting and in each of the various vote centers on Election Day. The central counting station is established as the Hays County Elections Administrator’s office, 712 S. Stagecoach Trail, San Marcos, Texas.

SECTION 9. The Hays County Elections Administrator will appoint the Early Voting Ballot Board, a Presiding Judge of the Central Counting Station, a Tabulation Supervisor of the Central Counting Station, and a Central Counting Station Manager.

SECTION 10. The election will be held in accordance with the provisions of the Charter and Ordinances of the City of San Marcos and the laws of the State of Texas. The deadline for filing by candidates for the vacancy in the unexpired term of Council Member, Place 5 is 5:00 p.m. on March 23, 2020.

SECTION 11. An executed copy of this Ordinance will serve as proper notice of the election.

SECTION 12. Notice of the election, including a Spanish translation thereof, will be published at least once in a newspaper published in San Marcos on or after April 2, 2020 and on or before April 22, 2020, and will be posted on the bulletin board at City Hall on or before April 6, 2020.

SECTION 13. A writ of election as required by the Texas Election Code will be delivered on or before April 17, 2020 by the Hays County Election Administrator to the presiding and alternate judges of each election precinct in which the election is ordered to be held.

SECTION 14. Testing of the automatic tabulating equipment will be performed and notice thereof will be given in accordance with Subchapter D of Chapter 127 of the Texas Election Code.

SECTION 15. The rate of compensation to be paid judges, clerks, and assistants to the Central Counting Station Presiding Judge and Tabulation Supervisor for services rendered during the election will be compensated at the rate of no more than $12.00 per hour.
SECTION 16. The additional compensation to be paid judges who deliver returns of the election is established at $35.00.

SECTION 17. If any portion of this Ordinance is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in full force and effect.

SECTION 18. The importance of this Ordinance creates an emergency and an imperative public necessity, and the provisions of the Charter requiring that ordinances be presented at two separate meetings be waived and, this Ordinance will take effect immediately upon adoption.

CONSIDERED, APPROVED, AND ADOPTED on March 17, 2020

Jane Hughson
Mayor

Attest:                        Approved:
Tammy K. Cook                 Michael J. Cosentino
Interim City Clerk            City Attorney
Vote Center Locations for Early Voting and Election Day
2020 May Elections (Local Jurisdictions)

Early Voting: April 20, 2020 – April 28, 2020

<table>
<thead>
<tr>
<th>Early Voting</th>
<th>Election Day</th>
<th>San Marcos CISD &amp; City of San Marcos</th>
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<tr>
<td>✔</td>
<td>Dunbar Center</td>
<td>801 Martin Luther King Drive, San Marcos</td>
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<tr>
<td>✔</td>
<td>Live Oak Health (formerly Hays County Health Department)</td>
<td>401 Broadway Street #A, San Marcos</td>
</tr>
<tr>
<td>✔</td>
<td>Hays County Government Center</td>
<td>712 S. Stagecoach Trail, # 1012, San Marcos</td>
</tr>
<tr>
<td>✔</td>
<td>San Marcos Housing Authority/CM Allen Homes</td>
<td>820 Sturgeon Drive, San Marcos</td>
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</tbody>
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Hays CISD

| ✔            | Hays CISD Administration @ Old Transportation Bldg. | 21003 Interstate 35, Kyle                                              |
| ✔            | Wallace Middle School                      | 1500 West Center Street, Kyle                                          |
| ✔            | Buda Elementary Upper Campus (Historic School Site – Kunkel Room) | 300 San Marcos Street, Buda                                           |
| ✔            | Chapa Middle School                           | 3311 Dacy Lane, Kyle                                                   |
| ✔            | Tobias Elementary School                     | 1005 FM 150, Kyle                                                      |
| ✔            | Hays Hills Baptist Church                     | 1401 FM 1626, Buda                                                     |

City of Dripping Springs and DSISD

| ✔            | Dripping Springs City Hall                     | 511 Mercer Street, Dripping Springs, TX                                |
| ✔            | Hays Precinct 4 Office                         | 195 Roger Hanks Parkway, Dripping Springs                             |
| ✔            | Ledgestone Senior Living                       | 13152 Four Star Boulevard, Austin                                     |
AGENDA CAPTION:
Consider approval of Resolution 2020-73R, approving a lease agreement with Theodore Breihan, doing business as Ted Breihan Electric Company, for the lease of approximately 10,140 square feet of space along Edward Gary Street, east of South LBJ Drive with a rental rate of $3,500.00 per year for five years; authorizing the City Manager, or his designee, to execute said lease; and declaring an effective date.
Meeting date: March 3, 2020

Department: Eng/CIP - Real Estate Division

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

Fiscal Note:
Prior Council Action: None

City Council Strategic Initiative: [Please select from the dropdown menu below]

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

BACKGROUND:
The City assumed a lease between UPRR and Theodore Breihan, D/B/A Ted Breihan Company, for
approximately 10,140 square feet of land when the City acquired land from Union Pacific Railroad Company (UPRR) along Edward Gary near LBJ. The lease expires in May of 2020.

The current lease provided for a fixed rent of $3,500 per year. Under the current lease, rent was paid in advance for the entire term. The new lease has a five-year term beginning May 15, 2020 and expiring May 14, 2025 unless terminated sooner as provided in the lease. The new lease would continue with the same terms and conditions, including the same annual rent of $3,500 per year, except that such annual rent would be paid once yearly rather than all at the beginning of the term. There are no other substantive changes to the current lease arrangement.

The City has no immediate identified uses for the property through the end of the proposed lease term and, therefore, has no objections to the request. Continuing the lease will also generate revenues for the City.

If the City determines that it needs to use all or any portion of the property for other uses, the lease maintains an option for the City to terminate sooner.
RESOLUTION NO. 2020-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS APPROVING A LEASE AGREEMENT WITH THEODORE BREIHAN, DOING BUSINESS AS TED BREIHAN ELECTRIC COMPANY, FOR THE LEASE OF APPROXIMATELY 10,140 SQUARE FEET OF SPACE ALONG EDWARD GARY STREET, EAST OF SOUTH LBJ DRIVE WITH A RENTAL RATE OF $3,500.00 PER YEAR FOR FIVE YEARS; AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE SAID LEASE; AND DECLARING AN EFFECTIVE DATE.

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

PART 1. The attached Lease of Property is hereby approved.

PART 2. The City Manager, or his designee, is hereby authorized to sign the Lease of Property on behalf of the City.

PART 3. This resolution shall become effective immediately from and after its passage.

ADOPTED on March 17, 2020.

Jane Hughson
Mayor

Attest:

Tammy K. Cook
Interim City Clerk
LEASE OF PROPERTY

This Lease is entered into on May 15, 2020, between the City of San Marcos, Texas, 630 East Hopkins Street (“Lessor”) and Theodore Breihan, d/b/a Ted Breihan Company, P.O. Box 447, San Marcos, TX 78666 (“Lessee”).

SECTION 1. PREMISES; USE.

Lessor leases to Lessee and Lessee leases from Lessor the premises (“Premises”) in San Marcos, Texas, shown in Exhibit A, attached hereto and made a part hereof, subject to the terms and conditions in this Lease. The Premises may be used for building encroachments, landscaping and parking, and other purposes incidental thereto, only, and for no other purpose.

SECTION 2. TERM.

The term of this Lease shall for five years beginning on May 15, 2020, and expiring on May 14, 2025, unless sooner terminated as provided in this Lease.

SECTION 3. RENT.

A. Lessee shall pay to Lessor annually advance fixed rent of Three Thousand Five Hundred Dollars ($3,500.00). Payment for the first year of the advance fixed rent shall be made before the commencement date of the term.

B. If Lessor terminates this Lease for any reason other than Lessee's default, or if this Lease is terminated under Section 24, then Lessor shall refund to Lessee the portion of the advanced fixed rent attributable to the period between the effective date of the termination and the expiration date specified in Section 2. The refund shall be calculated on a pro rata basis using a 360-day year. No refund of advance fixed rent shall be made except as specifically provided in this Section 3.B.

SECTION 4. INSURANCE.

A. Before commencement of the term of this Lease, Lessee shall provide to Lessor a certificate issued by its insurance carrier evidencing the insurance coverage required under Exhibit B attached hereto and made a part hereof.

B. Not more frequently than once every two years, Lessor may reasonably modify the required insurance coverage to reflect then-current risk management practices of Lessor.

C. All insurance correspondence, certificates and endorsements shall be directed to: Risk Manager, City of San Marcos, 630 East Hopkins Street, San Marcos, TX 78666.
SECTION 5. SPECIAL PROVISION-CANCELLATION.

Effective upon the commencement of the term of this Lease, the prior lease between the parties by virtue of the assignment of such lease by Union Pacific Railroad Company shall be cancelled and superseded by this Lease.

SECTION 6. IMPROVEMENTS.

No improvements placed upon the Premises by Lessee shall become a part of the realty.

SECTION 7. RESERVATIONS, TITLE AND PRIOR RIGHTS.

A. Lessor reserves to itself, its agents and contractors the right to enter the Premises at such times as will not unreasonably interfere with Lessee's use of the Premises.

B. Lessor reserves (i) the exclusive right to permit placement of signs on the Premises, and (ii) the right to construct, maintain and operate new and existing facilities (including, without limitation, fences, communication facilities, roadways and utilities) upon over, across or under the Premises, and to grant to others such rights, provided that Lessee's use of the Premises is not interfered with unreasonably. No political signs shall be placed on the Premises or on adjacent city road rights of way.

C. Lessee acknowledges that Lessor makes no representations or warranties, express or implied, concerning the title to the Premises, and that the rights granted to Lessee under this Lease do not extend beyond such right, title or interest as Lessor may have in and to the Premises. Without limitation of the foregoing, this Lease is made subject to all outstanding rights, whether or not of record. Lessor reserves the right to renew any such outstanding rights granted by Lessor or Lessor's predecessors.

SECTION 8. PAYMENT OF RENT.

Rent (which includes the fixed advance rent and all other amounts to be paid by Lessee under this Lease) shall be paid in lawful money of the United States of America, at such place as shall be designated by the Lessor, and without offset or deduction.

SECTION 9. TAXES AND ASSESSMENT'S.

A. Lessee shall pay, prior to delinquency, all taxes levied during the life of this Lease on real property and improvements comprising the Premises, together with all personal property and improvements on the Premises.

SECTION 10. WATER RIGHTS.

This Lease does not include any right to the use of water under any water right of Lessor, or to establish any water rights except in the name of Lessor.
SECTION 11. CARE AND USE OF PREMISES.

A. Lessee shall use reasonable care and caution against damage or destruction to the Premises. Lessee shall not use or permit the use of the Premises for any unlawful purpose, maintain any nuisance, permit any waste, or use the Premises in any way that creates a hazard to persons or property. Lessee shall keep the sidewalks and public ways on the Premises, together with any public right-of-way abutting the Premises, free and clear from any obstructions or conditions which might create a hazard, or from any litter and debris. Lessee shall also be responsible for mowing the Premises and areas of public right-of-way abutting the Premises on a regular basis, but no less often than necessary to ensure that grass and weeds do not exceed 12 inches in height in accordance with Chapter 34, Division 2 of the San Marcos City Code.

B. Lessee shall not permit any sign on the Premises, except signs relating to Lessee's business that are authorized by permit from the Lessor. No political signs shall be placed on the Premises or on the adjacent city road right of ways.

C. If any improvement on the Premises other than the Lessor Improvements is damaged or destroyed by fire or other casualty, Lessee shall, within thirty (30) days after such casualty, remove all debris resulting therefrom. If Lessee fails to do so, Lessor may remove such debris, and Lessee agrees to reimburse Lessor for all expenses incurred within thirty (30) days after rendition of Lessor's bill.

D. Lessee shall comply with all governmental laws, ordinances, rules, regulations and orders relating to Lessee's use of the Premises and this Lease.

SECTION 12. HAZARDOUS MATERIALS, SUBSTANCES AND WASTES.

A. Without the prior written consent of Lessor, Lessee shall not use or permit the use of the Premises for the generation, use, treatment, manufacture, production, storage or recycling of any Hazardous Substances, except that Lessee may use, if lawful, small quantities of common chemicals such as adhesives, lubricants and cleaning fluids in order to conduct business at the Premises. The consent of Lessor may be withheld by Lessor for any reason whatsoever, and may be subject to conditions in addition to those set forth below. It shall be the sole responsibility of Lessee to determine whether or not a contemplated use of the Premises is a Hazardous Substance use.

B. In no event shall Lessee (i) release, discharge or dispose of any Hazardous Substances, (ii) bring any hazardous wastes as defined in the Resource Conservation and Recovery Act, 42 U.S.C. §6901 et seq., as amended (“RCRA”) onto the Premises, or (iii) install or use on the Premises any underground storage tanks.

C. If Lessee uses or permits the use of the Premises for a Hazardous Substance use, with or without Lessor's consent, Lessee shall furnish to Lessor copies of all permits, identification numbers and notices issued by governmental agencies in connection with such Hazardous Substance use, together with such other information on the Hazardous Substance use as may be requested by Lessor. If requested by Lessor, Lessee shall cause to be performed an environmental
assessment of the Premises upon termination of the Lease and shall furnish Lessor a copy of such report, at Lessee's sole cost and expense.

D. Without limitation of the provisions of Section 17, Lessee shall be responsible for all damages, losses, costs, expenses, claims, fines and penalties related in any manner to any Hazardous Substance use of the Premises (or any property in proximity to the Premises) during the term of this Lease or, if longer, during Lessee's occupancy of the Premises, regardless of Lessor's consent to such use or any negligence, misconduct or strict liability of any Indemnified Party (as defined in Section 17), and including, without limitation, (i) any diminution in the value of the Premises and/or any adjacent property of any of the Indemnified Parties, and (ii) the cost and expense of clean-up, restoration, containment, remediation, decontamination, removal, investigation, monitoring, closure or post-closure. Notwithstanding the foregoing, Lessee shall not be responsible for Hazardous Substances (i) existing on, in, or under the Premises prior to the earlier to occur of the commencement of the term of the Lease or Lessee's taking occupancy of the Premises, or (ii) migrating from adjacent property not controlled by Lessee, or (iii) placed on, in or under the Premises by any of the Indemnified Parties; except where the Hazardous Substance is discovered by, or the contamination is exacerbated by, any excavation or investigation undertaken by or at the behest of Lessee. Lessee shall have the burden of proving by a preponderance of the evidence that any of the foregoing exceptions to Lessee's responsibility for Hazardous Substances applies.

E. In addition to the other rights and remedies of Lessor under this Lease or as may be provided by law, if Lessor reasonably determines that the Premises may have been used during the term of this Lease or any prior lease with Lessee for all or any portion of the Premises, or are being used for any Hazardous Substance use, with or without Lessor's consent thereto, and that a release or other contamination may have occurred, Lessor may, at its election and at any time during the life of this Lease or thereafter (i) cause the Premises and/or any adjacent premises of Lessor to be tested, investigated, or monitored for the presence of any Hazardous Substance, (ii) cause any Hazardous Substance to be removed from the Premises and any adjacent lands of Lessor, (iii) cause to be performed any restoration of the Premises and any adjacent lands of Lessor, and (iv) cause to be performed any remediation of, or response to, the environmental condition of the Premises and the adjacent lands of Lessor, as Lessor reasonably may deem necessary or desirable; and the cost and expense thereof shall be reimbursed by Lessee to Lessor within thirty (30) days after rendition of Lessor's bill. In addition, Lessor may, at its election, require Lessee, at Lessee's sole cost and expense, to perform such work, in which event, Lessee shall promptly commence to perform and thereafter diligently prosecute to completion such work, using one or more contractors and a supervising consulting engineer approved in advance by Lessor.

F. For purposes of this Section 12, the term "Hazardous Substance" shall mean (i) substances included within the definitions of "hazardous substance," "pollutant," "contaminant," or "hazardous waste," in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. §§ 960 et seq., as amended or in RCRA, the regulations promulgated pursuant to either such Act, or state laws and regulations similar to or promulgated pursuant to either such Act, (ii) any material, waste or substance which is (A) petroleum, (B) asbestos, (C) flammable or explosive, or (D) radioactive, and (iii) such other substances, materials and wastes which are or become regulated or classified as hazardous or toxic under any existing
or future federal, state or local law.

SECTION 13. UTILITIES.

A. Lessee will arrange and pay for all utilities and services supplied to the Premises or to Lessee that Lessee has contracted to pay for in Lessee’s name.

B. All utilities and services will be separately metered to Lessee. If not separately metered, Lessee shall pay its proportionate share as reasonably determined by Lessor.

SECTION 14. LIENS.

Lessee shall not allow any liens to attach to the Premises for any services, labor or materials furnished to the Premises or otherwise arising from Lessee’s use of the Premises. Lessor shall have the right to discharge any such liens at Lessee’s expense.

SECTION 15. ALTERATIONS AND IMPROVEMENTS; CLEARANCES.

A. No alterations, improvements or installations may be made on the Premises without the prior consent of Lessor. Such consent, if given, shall be subject to the needs and requirements of the Lessor in the operation of its property and utilities and to such other conditions as Lessor determines to impose. In all events, such consent shall be conditioned upon strict conformance with all applicable governmental requirements.

B. All alterations, improvements or installations shall be at Lessee's sole cost and expense.

C. Any actual or implied knowledge of Lessor of a violation of the requirements of this Lease or of any governmental requirements shall not relieve Lessee of the obligation to comply with such requirements, nor shall any consent of Lessor he deemed to be a representation of such compliance.

SECTION 16. AS-IS.

Lessee accepts the Premises in its present condition with all faults, whether patent or latent, and without warranties or covenants, express or implied. Lessee acknowledges that Lessor shall have no duty to maintain, repair or improve the Premises.

SECTION 17. RELEASE AND INDEMNITY,

A. As a material part of the consideration for this Lease, Lessee, to the extent it may lawfully do so, waives and releases any and all claims against Lessor for, and agrees to indemnify, defend and hold harmless Lessor, its affiliates, and its and their officers, agents and employees ("Indemnified Parties") from and against, any loss, damage (including, without limitation, punitive or consequential damages), injury, liability, claim, demand, cost or expense (including, without limitation, attorneys’ fees and court costs), fine or penalty (collectively, “Loss”) incurred
by any person (including, without limitation, Lessor, Lessee, or any employee of Lessor or Lessee) (i) for personal injury or property damage caused to any person while on or about the Premises, or (ii) arising from or related to any use of the Premises by Lessee or any invitee or licensee of Lessee, any act or omission of Lessee, its officers, agents, employees, licensees or invitees or any breach of this Lease by Lessee.

B. The foregoing release and indemnity shall apply regardless of any negligence, misconduct or strict liability of any Indemnified Party, except that the indemnity, only, shall not apply to any Loss determined by final order of a court of competent jurisdiction to have been caused by the sole active direct negligence of any Indemnified Party.

C. Where applicable to the Loss, the liability provisions of any contract between Lessor and Lessee covering the carriage of shipments or trackage serving the Premises shall govern the Loss and shall supersede the provisions of this Section 17.

D. No provision of this Lease with respect to insurance shall limit the extent of the release and indemnity provisions of this Section 17.

SECTION 18. TERMINATION.

A. Lessor may terminate this Lease for Lessee's default by giving Lessee notice of termination, if Lessee (i) defaults under any obligation of Lessee under this Lease and, after written notice is given by Lessor to Lessee specifying the default, Lessee fails either to immediately commence to cure the default, or to complete the cure expeditiously but in all events within thirty (30) days after the default notice is given, or (ii) Lessee abandons the Premises for a period of one hundred twenty (120) consecutive days.

B. Lessee acknowledge, that Lessor's possible future needs for the Premises in connection with Lessor's utility, transportation, mobility or other public operations are paramount. Accordingly, if at any-time Lessor, in its sole and absolute discretion, determines that the Premises or any portion thereof are necessary or desirable for use in connection with Lessor's operations, or that Lessee's use of the Premises should be terminated due to safety considerations associated with Lessor's operations, Lessor may terminate this Lease upon thirty (30) days' notice to Lessee or, in emergency situations, upon such shorter notice as is reasonable in the circumstances.

C. After payment of the advance fixed rent to Lessor, Lessee may terminate this Lease without cause upon thirty (30) days' notice to Lessor.

SECTION 19. LESSOR'S REMEDIES.

Lessor's remedies for Lessee's default are to (a) enter and take possession of the Premises, without terminating this Lease, and relet the Premises on behalf of Lessee, collect and receive the rent from reletting, and charge Lessee for the cost of reletting, and/or (b) terminate this Lease as provided in Section 18 above and sue Lessee for damages, and/or (c) exercise such other remedies as Lessor may have at law or in equity. Lessor may enter and take possession of the Premises by self-help, by changing locks, if necessary, and may lock out Lessee, all without being liable for
damages.

SECTION 20. VACATION OF PREMISES; REMOVAL OF LESSEE'S PROPERTY.

A. Upon termination howsoever of this Lease, Lessee (i) shall have peaceably and quietly vacated and surrendered possession of the Premises to Lessor, without Lessor giving any notice to quit or demand for possession, and (ii) shall have removed from the Premises all structures, property and other materials not belonging to Lessor, including all personal property and restored the surface to as good a condition as the same was in before such structures were erected, including, without limitation, the removal of foundations, the filling in of excavations and pits, and the removal of debris and rubbish.

B. If Lessee has not completed such removal and restoration prior to termination of this Lease, Lessor may, at its election, and at any time or times, (i) perform the work and Lessee shall reimburse Lessor for the cost thereof within thirty (30) days after bill is rendered (ii) take title to all or any portion of such structures or property by giving notice of such election to Lessee, and/or (iii) treat Lessee as a holdover tenant at will until such removal and restoration is completed.

SECTION 21. UNDERGROUND FACILITIES.

Lessee shall, before conducting any excavation or installing any improvements, arrange for a cable, pipe, or utility locator, and make arrangements for relocation or other protection of any underground facilities. Notwithstanding compliance by Lessee with this Section 21, the release and indemnity provisions of Section 17 above shall apply fully to any damage or destruction of any telecommunications or utility system.

SECTION 22. NOTICES.

Any notice, consent or approval to be given under this Lease shall be in writing and personally served, sent to the Lessor: (a) by email to citymanagerinfo@sanmarcostx.gov; or (b) by reputable courier service, or sent by certified mail, postage prepaid, return receipt requested, to City of San Marcos, Attn: City Manager, 630 East Hopkins Street, San Marcos, TX 78666. Any notice, consent or approval to be given under this Lease shall be in writing and personally served, sent to the Lessee: (a) by email to Phil Steed (PSteed@sanmarcostx.gov); or (b) by reputable courier service, or sent by certified mail, postage prepaid, return receipt requested, to Phil Steed, Real Estate Manager, Eng/CIP, 630 East Hopkins, San Marcos, Texas. Either party may change the email or mailing address for notice by written notice of such change to the other party. Mailed notices shall be deemed served five (5) days after deposit in the U.S. Mail. Notices which are faxed, emailed, are personally served or sent by courier service shall be deemed served upon receipt.

SECTION 23. ASSIGNMENT.

A. Lessee shall not sublease the Premises, in whole or in part, or assign, encumber or transfer (by operation of law or otherwise) this Lease, without the prior consent of Lessor, which
consent may be denied at Lessor's sole and absolute discretion. Any purported transfer or assignment without Lessor's consent shall be void and shall be a default by Lessee.

B. Subject to this Section 23, this Lease shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, successors and assigns.

SECTION 24. CONDEMNATION.

If, as reasonably determined by Lessor, the Premises cannot be used by Lessee because of a condemnation or sale in lieu of condemnation, then this Lease shall automatically terminate. Lessor shall be entitled to the entire award or proceeds for any total or partial condemnation or sale in lieu thereof, including, without limitation, any award or proceeds for the value of the leasehold estate created by this Lease. Notwithstanding the foregoing, Lessee shall have the right to pursue recovery from the condemning authority of such compensation as may be separately awarded to Lessee for Lessee's relocation expenses, the taking of Lessee's personal property and fixtures, and the interruption of or damage to Lessee's business.

SECTION 25. DISPUTES; ATTORNEY'S FEES; VENUE.

If either party retains an attorney to enforce this Lease (including, without limitation, the indemnity provisions of this Lease), the prevailing party is entitled to recover reasonable attorney's fees. Venue for any dispute arising under this Lease shall be in the state courts having appropriate jurisdiction in Hays County, Texas, or, if in federal court, the United States District Court for the Western District of Texas, Austin Division.

SECTION 26. RIGHTS AND OBLIGATIONS OF LESSOR.

If any of the rights and obligations of Lessor under this Lease are substantially and negatively affected by any changes in the laws applicable to this Lease, whether statutory, regulatory or under federal or state judicial precedent; then Lessor may require Lessee to enter into an amendment to this Lease to eliminate the negative effect on Lessor's rights and obligations to the extent reasonably possible.

SECTION 27. ENTIRE AGREEMENT; AMENDMENT.

This Lease is the entire agreement between the parties, and supersedes all other oral or written agreements between the parties pertaining to this transaction, including any other lease under which all or any portion of the Premises was leased to Lessee. Notwithstanding the prior sentence, Lessee shall retain any and all obligations and liabilities which may have accrued under any other such agreements prior to the commencement of the term of this Lease, except as waived by Lessor in writing. This Lease may be amended only by a written instrument signed by Lessor and Lessee.

[SIGNATURES ON NEXT PAGE]
LESSOR:

By: ____________________________
    Bert Lumbreras, City Manager

LESSEE:

By: ____________________________
    THEODOR W BREIHN

Name: TEO BREIHN

Title: OWNER

2-12-20
EXHIBIT A
Description of the Premises
EXHIBIT B
Insurance Requirements
(Lease of Land)

Lessee shall, at its sole cost and expense, procure and maintain during the life of this Lease (except as otherwise provided in this Lease) the following insurance coverage:

A. **Commercial General Liability Insurance.** Commercial general liability (CGL) with a limit of not less than $2,000,000 each occurrence and an aggregate limit of not less than $4,000,000. CGL insurance must be written on ISO occurrence form CG 00 01 12 04 (or a substitute form providing equivalent coverage).

B. **Business Automobile Coverage Insurance.** Business auto coverage written on ISO form CA 00 01 10 01 (or a substitute form providing equivalent liability coverage) with a combined single limit of not less $2,000,000 for each accident, and coverage must include liability arising out of any auto (including owned, hired, and non-owned autos).

C. **Pollution Liability Insurance.** If the permitted use under this Lease includes any generation, handling, enrichment, storage, manufacture, or production of hazardous materials, pollution liability insurance is required. Pollution liability coverage must be written on ISO form Pollution Liability Coverage Form Designated Sites CG 00 39 12 04 (or a substitute form providing equivalent liability coverage), with limits of at least $5,000,000 per occurrence and an aggregate limit of $10,000,000. If hazardous materials are disposed of from the Premises, Lessee must furnish to Lessor evidence of pollution legal liability insurance maintained by the disposal site operator for losses arising from the insured facility accepting the materials, with coverage in minimum amounts of $1,000,000 per loss, and an annual aggregate of $2,000,000.

D. **Umbrella or Excess Insurance.** If Lessee utilizes umbrella or excess policies, these policies must “follow form” and afford no less coverage than the primary policy.

E. All policy(ies) required above must include Lessor as an “Additional Insured” using ISO Additional Insured Endorsement CO 20 11 (or a substitute form providing equivalent coverage). The coverage provided to Lessor as additional insured shall, to the extent provided under ISO Additional Insured Endorsement CG 20 11, provide coverage for Lessor’s negligence whether sole or partial, active or passive, and shall not be limited by Lessee’s liability under the indemnity provisions of this Lease.

F. Lessee waives all rights against Lessor and its agents, officers, directors and employees for recovery of damages to the extent these damages are covered by the workers compensation and employers’ liability or commercial umbrella or excess liability insurance obtained by Lessee required by this agreement.

G. Punitive damages exclusion, if any, must be deleted (and the deletion indicated on the certificate of insurance), unless (a) insurance coverage may not lawfully be obtained for any punitive damages that may arise under this Lease, or (b) all punitive damages are prohibited by the state of Texas.
H. Prior to execution of this Lease, Lessee shall furnish Lessor with a certificate(s) of insurance, executed by a duly authorized representative of each insurer, showing compliance with the insurance requirements in this Lease.

I. All insurance policies must be written by a reputable insurance company acceptable to Lessor, and authorized to do business in the state of Texas.

J. The fact that insurance is obtained by Lessee, or by Lessor on behalf of Lessee, will not be deemed to release or diminish the liability of Lessee, including, without limitation, liability under the indemnity provisions of this Lease. Damages recoverable by Lessor from Lessee or any third party will not be limited by the amount of the required insurance coverage.
CERTIFICATE OF LIABILITY INSURANCE

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERs NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE INSURING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. IF SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER:
Insurance One Agency, L.C.
601 Embassy Oaks Suite 101
San Antonio, TX 78216

CONTACT:
NAME: Ann Bergfeld
PHONE: (210) 402-0286
FAX: (210) 402-0286
ADDRESS: abergfeld@insuranceoneagency.com

INSURER(S) AFFORDING COVERAGE
INSURER A: United Fire & Casualty
NAIC #: 13021

INSURER B: Service Lloyds Insurance
NAIC #: 43369

INSURER C:

INSURER D:

INSURER E:

INSURER F:

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS ShOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

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DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 191, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

City of San Marcos
630 E. Hopkins
San Marcos, TX 78666

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Nathan Cernosek

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File #: Res. 2020-71R, Version: 1

**AGENDA CAPTION:**
Consider approval of Resolution 2020-71R, approving the renaming of El Camino Real Park to Kenneth M. Copeland Memorial Park; authorizing the City Manager to install any signs and recognition plaques reflecting the new name of the park as may be appropriate; and declaring an effective date.

**Meeting date:** March 17, 2020

**Department:** Parks and Recreation Department

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

**Fiscal Note:**
**Prior Council Action:** February 18, 2020 - City Council provided direction to the City Manager to move forward with the renaming of El Camino Real Park.

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

**Comprehensive Plan Element (s):** [Please select the Plan element(s) and Goal # from dropdown menu below]
- ☐ Economic Development - Choose an item.
- ☐ Environment & Resource Protection - Choose an item.
- ☐ Land Use - Choose an item.
- ☐ Neighborhoods & Housing - Choose an item.
- ☒ Parks, Public Spaces & Facilities - Choose an item.
- ☐ Transportation - Choose an item.
Background Information:
The City Council discussed recommendations received from the Parks and Recreation Advisory Board and the Neighborhood Commission proposing the renaming of El Camino Real Park to Kenneth M. Copeland Memorial Park on February 18, 2020.

During the February 18, 2020 meeting the City Council provided unanimous consensus for staff to move forward with bringing the renaming resolution forward.

Attached you will find:
1. Renaming Resolution
2. Parks & Rec Advisory Board Recommendation Resolution 2019-03RR
3. Neighborhood Commission Recommendation Resolution 2020-01RR
4. Letter proposing the renaming of El Camino Real Park
5. Staff Memo
6. Letter of Support from the El Camino Real HOA
7. Letter of Support from The Gardens of El Camino Real HOA
8. Email communications between Staff & CONA Rep

Council Committee, Board/Commission Action:
The Parks and Recreation Advisory Board discussed the proposal and approved a Recommendation Resolution in support of the name change on December 19, 2019.

The Neighborhood Commission discussed the proposal and approved a Recommendation Resolution in support of the name change on January 15, 2020.

Alternatives:
Click or tap here to enter text.

Recommendation:
Staff recommends approval of this item.
RESOLUTION NO. 2020-XXR

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS APPROVING THE RENAMING OF EL CAMINO REAL PARK TO KENNETH M. COPELAND MEMORIAL PARK; AUTHORIZING THE CITY MANAGER TO INSTALL ANY SIGNS AND RECOGNITION PLAQUES REFLECTING THE NEW NAME OF THE PARK AS MAY BE APPROPRIATE; AND DECLARING AN EFFECTIVE DATE.

RECITALS:


2. Officer Copeland was hired by the San Marcos Police Department in March of 1998, and took the oath of office on July 29, 1998, where he held a Master Peace Officer certification from the Texas Commission on Law Enforcement.

3. Officer Copeland was known for his infectious smile, love for youth, and always having a cooler of Topo Chico mineral water in his patrol unit ready to share with citizens during his shift.

4. Officer Kenneth M. Copeland was killed in the line of duty while serving a warrant in the El Camino Real neighborhood on Monday, December 4, 2017.

5. On the recommendation of the Parks and Recreation Advisory Board, Neighborhood Commission and the City Manager the City Council finds that Officer Copeland performed outstanding service to the community and wishes to name a City park after him.

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

PART 1. El Camino Real Park is hereby renamed Kenneth M. Copeland Memorial Park.

PART 2. The City Manager is authorized to install any signs and recognition plaques reflecting the new name of the park.

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

ADOPTED on March 17, 2020.
Jane Hughson
Mayor

Attest:

Tammy K. Cook
Interim City Clerk
RECOMMENDATION RESOLUTION NO. 2019-03RR

A RECOMMENDATION RESOLUTION OF THE PARKS AND RECREATION BOARD OF THE CITY OF SAN MARCOS, TEXAS SUPPORTING THE RENAMING OF EL CAMINO REAL PARK TO KENNETH M. COPELAND MEMORIAL PARK.

RECITALS:

1. On December 4, 2017 Officer Kenneth M. Copeland was shot and killed in the line of duty while serving a warrant in the El Camino Real subdivision.

2. Officer Copeland served San Marcos Police Department for 19 years and 9 months, and was an avid supporter of San Marcos parks.

BE IT RESOLVED BY THE PARKS AND RECREATION BOARD OF THE CITY OF SAN MARCOS, TEXAS:

PART 1. It is recommended that the City Council approve the renaming of El Camino Real Park to Kenneth M. Copeland Memorial Park.

ADOPTED on December 19, 2019.

Maggie Hutchins-Wagner
Chair

Attest:

Daniel Montemayor
Staff Liaison
NEIGHBORHOOD COMMISSION RECOMMENDATION
RESOLUTION NO. 2020-001

A RECOMMENDATION RESOLUTION OF THE NEIGHBORHOOD OF
THE CITY OF SAN MARCOS, TEXAS SUPPORTING THE RENAMING
OF EL CAMINO REAL PARK TO KENNETH M. COPELAND
MEMORIAL PARK

WHEREAS, on December 4, 2017 Officer Kenneth M. Copeland was shot and killed in
the line of duty serving a warrant in the El Camino Real subdivision, and

WHEREAS, Officer Copeland served the San Marcos Police Department for 19 years
and 9 months and was well known for going the extra mile with the neighborhoods and
citizens of San Marcos, becoming a recognized face in the community, and

WHEREAS, the El Camino Real Park became a gathering place immediately following
Officer Copeland’s death for support of a devastated department, families and neighbors,
as the community outpouring of support to the members of the police department and of
public safety as a whole became a testament to what Officer Copeland did in the San
Marcos community

NOW THEREFORE, BE IT RESOLVED BY THE NEIGHBORHOOD COMMISSION OF
THE CITY OF SAN MARCOS, TEXAS:

PART 1. It is recommended to change the name of the park in which so much support was
given from El Camino Real Park to Kenneth M. Copeland Memorial Park to honor the memory,
legacy and contributions of Officer Copeland to the City of San Marcos.


Attest:

Tammy Strakos
Staff Liaison

Lizbeth Dobbins
Chair
San Marcos Police Department
Chief Chase Stapp

Bob Klett
Assistant Chief - Administration
Brandon Winkenwerder
Assistant Chief - Operations

San Marcos Police Officer Kenneth M. Copeland passed away Monday, December 4, 2017. He was feloniously killed while serving a warrant in the El Camino Real neighborhood. He was serving two warrants- an assault-family violence warrant and an injury to the elderly warrant. His killer is still in custody in Hays County.

Ken was born in 1959 in Louisiana and his family moved to Houston in 1971. He was hired by the San Marcos Police Department in March of 1998 and he served the citizens for almost twenty years. Ken was a father to two sets of twin boys, a member of the United States Coast Guard, a scout leader at Mendez Elementary in SM and a well-loved police officer. Ken was well known for his infectious smile and he had a knack for going the extra mile with the citizens of San Marcos. He kept a cooler of Topo Chico mineral water in his patrol unit and would often share them with citizens during his shift.

In the days, weeks and months after Ken’s death, the community outpouring of support to the members of the police department and of public safety as a whole was a testament to what Ken did in this community. His style of policing was straightforward and he was able to bridge the gap between law enforcement and the community he served.

I am proposing that the El Camino Real Park be renamed the Kenneth M. Copeland Memorial Park. On the day he was murdered, police officers from San Marcos, Hays and surrounding agencies set up a command post in front of the park. Initially, this is where we gathered to come to terms with the horrible news that Ken was dead. In the hours afterwards, families and neighbors, curious about what had occurred, gathered in the park area to catch a glimpse of the area behind the crime scene tape.

I feel that the renaming of the park is appropriate in that it would honor a local police officer who many knew in the community and promote his style of community policing.

The San Marcos Police Officers Association is prepared to assist in the cost of replacing signs and plaques as needed to implement the new name. I am prepared to provide more information, do a presentation, and assist in the design etc if needed.

Kelly L. Bomersbach  210-669-128
MEMO

TO: Drew Wells, Director of Parks and Recreation
FROM: Jamie Lee Case, Assistant Director of Parks and Recreation
DATE: January 3, 2019
RE: El Camino Real Park Renaming request

SUMMARY
The purpose of this memorandum is to provide further detail regarding the timeline and process regarding the renaming of El Camino Real Park to Kenneth M. Copeland Memorial Park.

Background

December 12, 2019, Parks and Recreation staff received a written request from San Marcos Police Commander, Kelly Bombersbach proposing that El Camino Real Park be renamed Kenneth M. Copeland Memorial Park.

December 13, 2019, Parks and Recreation Advisory Board was provided the written request via email.

December 13, 2019, The Neighborhood Commission staff liaison was provided the written request for the topic to be placed on the Commission’s January meeting agenda.

December 17, 2019, Parks and Recreation staff contacted the two Home Owner Associations in the El Camino Real Park area, both by phone and by email to inform them of the request and the upcoming discussion that would be held by the Parks and Recreation Advisory Board.

December 19, 2019, Parks and Recreation Advisory Board discussed the proposal and approved a Recommendation Resolution in support of the name change.

December 23, 2019, the Interim City Clerk and City Manager were provided with the fully executed Recommendation Resolution.

December 30, 2019, Parks and Recreation staff emailed the approved Recommendation Resolution to El Camino Real's Council of Neighborhoods Associations (CONA) Representative, Naomi Narvaiz. Ms. Narvaiz responded with full support of the resolution.

January 14, 2020, the President of The Gardens of El Camino Real Home Owners Association submitted a letter of support. This particular HOA is made up of Mr. Oakes and one other member, Mr. Brian Bloc, who has provided staff with verbal support.
January 15, 2020, the Neighborhood Commission approved Recommendation Resolution 2020-01RR in support of the renaming of El Camino Real Park.

January 16, 2020, the El Camino Real Home Owners Association submitted a letter of support.

**Outreach as of February 4, 2020**

On December 17, 2019, Parks and Recreation staff called Mr. Brian Bloc, President of the Gardens at El Camino Real HOA, to inform him of the request to rename the park. He informed staff that he was now the past President and gave us the name of the new President, Mr. Mark Oakes, but no additional contact information at that time.

On December 17, 2019, Parks and Recreation Staff emailed the written request to rename the park to Mr. Jason McGlothlin, President of the El Camino Real HOA, to inform him of the request and the upcoming Parks and Recreation Advisory Board meeting where they would be discussing it. Mr. McGlothlin was also called to ensure receipt of the email.

On January 3, 2020, Chase Stapp, Director of Public Safety, provided Parks and Recreation leadership with a contact number for Mr. Oakes. Parks and Recreation staff called and left a message for Mr. Oakes to call back regarding the request to rename the park.

On January 15, 2020, staff attended the Neighborhood Commission meeting to provide information regarding the request and to answer any questions of the commission.

**Future Public Meetings**

On February 18, 2020, the City Council will hold discussion during their regular meeting regarding the recommendation from the Parks and Recreation Advisory Board and provide direction to staff on the next steps.

Additional public meetings may be held following Council discussion and direction.

END
El Camino Real (San Marcos) Homeowners' Assoc. Inc.
401 Congress Avenue, Suite 1540
Austin, Texas 78701
512-441-1041 *** 512-287-4342 Fax
requests@plateaupropertymgmt.com
plateaupropertymgmt.com

The San Marcos Police Department
2300 South IH 35
San Marcos, TX 78666

January 16, 2020

To Whom It May Concern:

In regard to renaming the El Camino Real Park to the Kenneth M. Copeland Memorial Park, the El Camino Real Homeowner’s Association is in full support of this effort.

We appreciate all of you for your continuing service to our community.

This has been approved by all of the Board Members:

Jason McGlothlin-President
Delvia Garza-Secretary
Nez Paniagua-Jimenez – Treasurer

Please let us know how we may assist further.

Sincerely,

[Signature]
Agent for El Camino Real Homeowner’s Association
I’ve never personally met Officer Kenneth Copeland but I so much appreciate, respect and honor him, and the entire department. I know a few police officers that told me how hurt and sad they were trying to get through the mourning period but they told me quite a bit about Officer Copeland’s character, family and technique. I wish I could have met him.

I want you to know that I fully support renaming the park after a HERO! Anything I can do to preserve his legacy I’m here to help. I have spoken with several residents in our community and they love the idea of the name change. It’s an important location for gathering, sharing and coming to terms with the likes of the event that day. He is already tied to this community out here forever. The renaming is such an honor and will solidify the bond between our community and Officer Copeland.

I ask you to please approve the renaming of our park to honor Officer Copeland, and I am here to help if you have need of me.

Very Sincerely,

Mark Oakes
HOA President
FYI on feedback from CONA rep in support of renaming El Camino Real Park.

Thanks,
Daniel

---

Hi Ms. Narvaiz,

A recommendation has been supported by the Parks and Recreation Advisory Board to consider renaming the El Camino Real Park to the Kenneth M. Copeland Memorial Park. The agenda item will be at the council on January 21, 2020. The HOA president has been contacted to pass along the information and it seems they are in full support. Attached is the letter of the recommendation.

Since this will go to council for review and approval, we would like to share this information with the Neighborhood Association and any Neighborhood reps. We were given your contact information through CONA. Please let us know if there are any questions.

Daniel
any questions.

Best Regards,

**Daniel Montemayor**
Facility/Events Coordinator | Parks and Recreation
401 E Hopkins, San Marcos, TX 78666
512.393.8401

**CAUTION:** This email is from an EXTERNAL source. Links or attachments may be dangerous. Click the Phish Alert button above if you think this email is malicious.
AGENDA CAPTION:
Discuss and consider the appointment of Council Member Baker to fill a vacancy on the Census 2020 Complete Count Committee, and provide direction to staff.
Meeting date: March 17, 2020

Department: City Clerk

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

Fiscal Note:

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

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

Background Information:
Council Member Rockeymoore has asked to step down from this Committee and Council Member Baker would like to complete this term.

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

Alternatives:
Click or tap here to enter text.

Recommendation:
Appoint Council Member Baker to fill the vacancy left by Council Member Rockeymoore.
AGENDA CAPTION:
Hold discussion regarding Arts Commission Recommendation Resolution 2019-03RR to consider amendments to the Permanent Art Rules, and provide direction to Staff.

Meeting date: March 17, 2020

Department: City Clerk / CVB

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

Fiscal Note:
Prior Council Action: N/A

City Council Strategic Initiative:
N/A

Comprehensive Plan Element (s):
☒ Economic Development
☐ Environment & Resource Protection
☐ Land Use
☐ Neighborhoods & Housing
☒ Parks, Public Spaces & Facilities
☐ Transportation
☐ Core Services
☐ Not Applicable

Master Plan:
N/A
Background Information:
At the June 19, 2019 Art Commission Meeting, the Commission directed staff to bring back a proposed amendment to the Permanent Art Rules that would align the Arts Commission’s allowed uses for Hotel Occupancy Tax allocations with those described in state law.

Currently, fifty percent of HOT allocations to the Arts Commission are allowed for permanent art (the other fifty percent funds the annual Arts and Cultural Grants program). However, State HOT allocation rules allow cities to use these funds for a wider range of uses, including: instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms.

The Arts Commission’s intent is to broaden the allowed uses of the “50% HOT funds” beyond just permanent art (such as sculptures, statues, etc.), extending its permissible uses to the other art forms allowed by Texas Hotel Occupancy Tax allocation rules.

Council Committee, Board/Commission Action:
The Arts Commission approved Recommendation Resolution 2019-03RR, with a 6-1 vote, at the June 19, 2019 regular meeting.

Alternatives:
N/A

Recommendation:
Staff recommends approval of the attached recommendation resolution.
RECOMMENDATION RESOLUTION

Arts Commission

Recommendation Number: (2019-03RR): Amendment to Permanent Art Rules

WHEREAS, the use and allocation of state hotel occupancy tax revenue can go toward “the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms” (Sec. 351.101. USE OF TAX REVENUE); and

WHEREAS, the Arts Commission wishes to be able to fund other arts projects in addition to “permanent display art” as currently stated in the Code of Ordinances; and

WHEREAS, the mission statement of the Arts Commission is “to support and contribute to the artistic vitality, diverse cultural heritage and economic prosperity of our city in an effort to distinguish it from other communities while promoting tourism to San Marcos”;

NOW, THEREFORE, BE IT RESOLVED that the Arts Commission encourages the San Marcos City Council to amend the general powers and duties of the Arts Commission as stated in the Code of Ordinances (Chapter 2, Article 3, Division 16, Sec. 2.361 (c) to read, “At least 50 per cent of the amount of hotel occupancy tax funds allotted by the city council for the arts shall be expended for eligible projects that consist of public art. ‘Public art’ includes those major art forms listed in part (a) that will enhance the arts and cultural life in San Marcos and encourage tourism to the city. Any such funding remaining unexpended at the end of a fiscal year will be retained in a capital improvement account for future spending for this purpose.”

Date of Approval: June 19, 2019

Record of the vote: 6-1

Attest: Trey Hatt, Arts Coordinator
AGENDA CAPTION:
Executive Session in accordance with the following Government Code Section(s):

A. Section § 551.087 - Economic Development: to receive a staff briefing and deliberate regarding Project Barker
B. Section §551.071 - Consultation with Attorney: to discuss Legal considerations of anti-discrimination ordinance

Meeting date: 3/17/2020

Department: City Clerk's Office on behalf of the City Council

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

Fiscal Note:

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

City Council Goal: [Please select goal from dropdown menu below]
Choose an item.
Choose an item.
Choose an item.

Comprehensive Plan Element(s): [Please select the Plan element(s) and Goal # from dropdown menu below]
☐ Economic Development - Choose an item.
☐ Environment & Resource Protection - Choose an item.
☐ Land Use - Choose an item.
☐ Neighborhoods & Housing - Choose an item.
☐ Parks, Public Spaces & Facilities - Choose an item.
☐ Transportation - Choose an item.
File #: ID#19-1005, Version: 1

☐ Not Applicable

**Master Plan:** [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]

Choose an item.

**Background Information:**

Click or tap here to enter text.

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

Click or tap here to enter text.

**Alternatives:**

Click or tap here to enter text.

**Recommendation:**

Click or tap here to enter text.
AGENDA CAPTION:
Consider action, by motion, regarding the following Executive Session items held during the Work Session and/or Regular Meeting:

A. Section § 551.087 - Economic Development: to receive a staff briefing and deliberate regarding Project Barker
B. Section §551.071 - Consultation with Attorney: to discuss Legal considerations of anti-discrimination ordinance

Meeting date: 3/17/2020

Department: City Clerk's Office on behalf of the City Council

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

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

City Council Goal: [Please select goal from dropdown menu below]
Choose an item.
Choose an item.
Choose an item.

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu below]
☐ Economic Development - Choose an item.
☐ Environment & Resource Protection - Choose an item.
☐ Land Use - Choose an item.
☐ Neighborhoods & Housing - Choose an item.
☐ Parks, Public Spaces & Facilities - Choose an item.
File #: ID#19-1004, Version: 1

☐ Transportation - Choose an item.
☐ Not Applicable

**Master Plan:** [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]
Choose an item.

**Background Information:**
Click or tap here to enter text.

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

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

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