I. Call To Order

II. Roll Call

III. Invocation

IV. Pledges Of Allegiance - United States And Texas

EXECUTIVE SESSION

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

1. 5:00PM Executive Session in accordance with Section § 551.087 - Economic Development: to receive a briefing and deliberate regarding the potential offer of Economic Development Incentives to Project Humpty Dumpty.

2. Consider adoption or direction to Staff on matters discussed in Executive Session.

PRESENTATIONS

3. Receive a presentation providing an update on roadway negotiations with Texas Department of Transportation including Municipal Maintenance Agreement, Turn Back Program and Access Management, and provide direction to Staff.

4. Review Fiscal Year 2017 approved Capital Improvement Projects as they relate to the upcoming Fiscal Year 2017 bond sale and discuss the Fiscal Year 2018 Budget, and provide direction to Staff.

6:00 PM

V. 30 Minute Citizen Comment Period
CONSENT AGENDA

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

5. Consider approval, by motion, of the following meeting Minutes:
   A) June 16, 2017 - Special Meeting Minutes
   B) June 16, 2017 - Packet Meeting Minutes
   C) June 20, 2017 - Regular Meeting Minutes

6. Consider approval of Ordinance 2017-25, on the second of two readings, creating a two-hour parking restriction between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday in the general area of downtown San Marcos as authorized by Section 82.160 of the San Marcos City Code and amending the traffic register to reflect such parking restriction; and including procedural provisions.

7. Consider approval of Ordinance 2017-33, on the second of two readings, amending section 86.531 of the San Marcos City Code regarding the maintenance and repair of permanent Stormwater Management Facilities to require that annual inspections be performed by engineers who are precertified by the City; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.

8. Consider approval of Resolution 2017-102R, awarding a contract to Boretex, LLC of Spicewood, Texas for the San Marcos River Access Point Repair Project (IFB 217-260) in the amount of $66,656.80; authorizing the Interim City Manager to execute the contract on behalf of the City; and declaring an effective date.

9. Consider approval of Resolution 2017-103R, awarding a contract to AGH20 Holdings LLC of Round Rock, Texas for the purchase of Limestone Blocks for the San Marcos River Access Point Repair Project (IFB 217-336) in the estimated amount of $13,440; authorizing the Interim City Manager to execute the appropriate purchasing documents on behalf of the City; and declaring an effective date.

10. Consider approval of Resolution 2017-104R, awarding a contract to ASD Consultants, Inc. of Austin, Texas for the Veterans Park Memorial Improvements Project (IFB 217-001) in the amount of $119,665.82; authorizing the Interim City Manager to execute the contract on behalf of the City; and declaring an effective date.

11. Consider approval of Resolution 2017-105R, approving an agreement with Halff Associates, Inc. to provide a Parks, Recreation, and Open Space Master Plan update in the not to exceed amount of $91,750 contingent upon the consultant’s provision of sufficient insurance in accordance with the attached agreement; authorizing the Interim City Manager or his designee to execute this agreement on behalf of the City; and declaring an effective date.
12. Consider approval, by motion, of Change in Services No. 2 to Norstan Communications, Inc. d/b/a Black Box Network Services, in a not to exceed amount of $82,701.13, for Telephone Hardware and Software Master Purchase and Maintenance Agreement.

PUBLIC HEARINGS - 7:00 PM

13. 7:00PM Receive a Staff presentation and hold a public hearing to receive comments for or against Ordinance 2017-34, expanding the boundaries of the Hopkins Street Historic District to include additional properties along the east side of West Hutchison Street between Moore Street and Scott Street, and along the north side of Scott Street between West Hutchison Street and West Hopkins Street, and expanding the boundaries of the Lindsey-Rogers Historic District to include properties in an area generally bounded by Burleson Street, West Hutchison Street, Moore Street and Scott Street; including procedural provisions; and providing an effective date; and consider Ordinance 2017-34, on the first of two readings.

NON-CONSENT AGENDA

14. Consider approval of Ordinance 2017-16, on the second of two readings, creating a designated permit area under Section 82.189 of the San Marcos City Code that allows parking by permit on both sides of the 400 to 700 blocks of McGehee Street between Cheatham Street and the southern Terminus of the street, 8:00 am to 11:00 pm every day, during and including the months of February through November; amending the traffic register to reflect such designated permit area; and providing for an effective date.

15. Consider approval of Ordinance 2017-17, on the second of two readings, creating a designated permit area under Section 82.189 of the San Marcos City Code that allows parking by permit on both sides of East Grove Street between Mckie Street and CM Allen Parkway, 8:00 am-11:00pm, Friday to Sunday, during and including the months of February through November; amending the traffic register to reflect such designated permit area; and providing for an effective date.

16. Consider approval of Ordinance 2017-31, on the first of two readings, amending the City's 2016-2017 Fiscal Year Budget to add a Full-Time Employment Position for a Deputy Court Clerk; providing procedural provisions; and providing an effective date.

17. Consider approval of Ordinance 2017-35, on the first of two readings, repealing Article 6 of Chapter 90 of the San Marcos City Code pertaining to the regulation of Transportation Network Companies and Transportation Network Company drivers due to State Law Preemption of Local Regulation of those matters; and providing an effective date.
18. Discuss and consider appointments to fill vacancies on the following boards, and provide direction to staff:
   A. Economic Development San Marcos Board, Chamber Representative
   B. Parks and Recreation Board

19. Receive a Staff update and follow-up of the Transportation Master Plan regarding Thoroughfare, Bike and Greenway plans, and street cross-sections; and provide direction to Staff.

20. Receive a report and recommendation from the Co-Working Subcommittee, and provide direction to the City Manager.

21. Hold a discussion regarding contracts with the Hays County Election Administrator for Election Services and a Joint Election Agreement with Hays County, and provide direction to Staff.

22. Receive a Staff update and hold discussion regarding Wastewater Service to the Posey Road Industrial Park and surrounding service area; and provide direction to Staff.

23. Discuss proposed amendments to the San Marcos City Charter; and provide direction to Staff.

24. Hold discussion regarding Ordinance 2015-27 (“Dining with Dogs”) and the application of the Ordinance to businesses in San Marcos, and provide direction to Staff.

VI. Question and Answer Session with Press and Public.

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

VII. Adjournment.

POSTED ON THURSDAY, JUNE 29, 2017 at 6:45PM

JAMIE LEE CASE, CITY CLERK

VIII. ADDENDUM

   The following item had the caption expanded from the previously posted agenda:

      Item #3
   Consider approval, by motion, of the following meeting Minutes:
   A) June 16, 2017 - Special Meeting Minutes
   B) June 16, 2017 - Packet Meeting Minutes
   C) June 20, 2017 - Regular Meeting Minutes

ADDENDUM POSTED ON FRIDAY, JUNE 30, 2017 AT 11:45AM

JAMIE LEE CASE, CITY CLERK
Notice of Assistance at the Public Meetings

The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 855-461-6674 or sent by e-mail to ADArequest@sanmarcostx.gov
5:00PM Executive Session in accordance with Section § 551.087 - Economic Development: to receive a briefing and deliberate regarding the potential offer of Economic Development Incentives to Project Humpty Dumpty.
Consider adoption or direction to Staff on matters discussed in Executive Session.
AGENDA CAPTION:
Receive a presentation providing an update on roadway negotiations with Texas Department of Transportation including Municipal Maintenance Agreement, Turn Back Program and Access Management, and provide direction to Staff.
Meeting date: July 5, 2017

Department: Eng/CIP

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

CITY COUNCIL GOAL:
#5 - Maintain and improve City infrastructure.

COMPREHENSIVE PLAN ELEMENT(s):
EDG707 - Establish gateway corridors as identified in the Downtown Master Plan and preferred scenario.
LUG105 - Align infrastructure plans to achieve preferred scenario.

BACKGROUND:
Mr. Ed Collins with LJA Engineering will present an update on the City’s efforts to achieve the Comprehensive and other City plans’ goals on TxDOT roadways.
TxDOT Roadway Negotiations

Wednesday, July 5, 2017
Ed Collins – LJA Engineering
Project Scope:

- Assist City with strategy to implement City plans for TxDOT roadways.
- Review available TxDOT tools
- Identify best options for short term and long term goals
- TxDOT Roadways included
  - University/Aquarena Springs
  - Guadalupe Street
  - Hopins Street
  - SH 80
  - SH 123
Focused On:

• Municipal Maintenance Agreement
  – Maintenance Responsibilities
  – Access Management
  – Special standards for new equipment
• City Design/Context Sensitive Considerations
• TxDOT Roadway Turn Back Program
Definition of TxDOT Tools:

- Municipal Maintenance Agreement (MMA)
  - *TxDOT-controlled agreement for roadway maintenance*
- Multiple Use Agreement (MUA)
  - *TxDOT approval to permit construction of facilities in ROW*
- Access Management
  - *Process for permitting driveways/curb cuts*
- City Design/Context Sensitive Considerations
  - *Coordination with TxDOT in meeting elements of Code SMTX*
- TxDOT Roadway Turn Back
  - *City assumption of ownership of TxDOT roadway*
**TxDOT Municipal Maintenance Agreement (MMA)**

- Form of document controlled by TxDOT
- State Law: City has jurisdiction over public streets in city limits
- TxDOT can retain responsibility for State roadways in a City through MMA
- MMA specifies TxDOT & City responsibilities (mowing, striping, signage, pavement maintenance, etc.)
- TxDOT Austin District is updating MMAs
- San Marcos MMA signed in 1978
Why Update 1978 MMA?:

- Does not include:
  - Wonder World Drive
  - FM 110

- Roadway segments from expanded City Limits

- Removed TxDOT segments of Old RR 12 and Hopkins Street

- MMA can included other maintenance/operational agreements with TxDOT

Map of Roadways in 1978 agreement
Updated MMA State Roadways
Updated MMA Components

- TxDOT & City Responsibilities
  - Duties will be relatively unchanged from 1978 MMA

- Incorporate 5 existing operational agreements

- Will reference existing Multiple Use Agreements (MUAs) for existing sidewalks, trails, parking in TxDOT ROW

- Access Management Corridors
Key Access Management Corridors:

- Wonder World/RM 12 from Old RM 12 to SH 123
- SH 123 from I-35 to FM 110
- FM 110 from I-35 North to I-35 South
- Hopkins/SH 80 from Guadalupe/Loop 82 to SH 21
- Aquarena Springs/Loop 82 from I-35 to Sessoms
- University/Loop 82 from Sessoms to Guadalupe
- Guadalupe/Loop 82 from University to I-35
Current Access Management on TxDOT Roadways:

- TxDOT permitted – coordinated with City Engineering Dept.
- Approval based upon criteria related to location, spacing, roadway speed using engineering factors for safety.
- City can regulate access to major streets when alternative street is available for alternate access – TxDOT cannot.
- Can create conflicting access determinations.
- Need to improve process.
Access Management Options on TxDOT Roadways:

- TxDOT approves City’s Access Management Plan and City takes over permitting responsibilities.
  - Can be limited number of corridors or all TxDOT roadways
  - Some Cities do not want liability

- City submits Access Management Plan for TxDOT to use with their permitting approval.
  - Can be limited number of corridors or all TxDOT roadways

- Future staff meeting with TxDOT to discuss pros and cons of options.
City Design/Context Sensitive Considerations:

- Positive discussions with TxDOT Austin District staff
- Higher City Standards for federally funded projects
- Comprehensive Plan vision/Code SMTx standards for key corridors
- Access Management
- Increase Coordination & Collaboration on TxDOT projects
Turn Back Program:

- Not a new concept
- San Marcos Used with Wonder World Extension for Old RR 12 & Hopkins
- TxDOT roadways which have transitioned to local streets
- Local control to design outside federal/state guidelines

Vision of Broadway Street in San Antonio
Potential Turn Back Corridors:

- **Priority 1**
  - University – Sessom to Guadalupe
  - Guadalupe – University to I-35.

- **Priority 2**
  - Hopkins – Guadalupe to I-35
  - SH 80 – IH-35 to SH 21
  - SH 123 – I-35 to FM 110

- **Potentially**
  - Staples Rd – SH 123 to FM 110

- **Turn Back of Corridors**
  - Can be phased over time
  - Dependent on financial resources & staffing.

Insert map of corridors
Turn Back Process:

• TxDOT historical costs analysis
  • O&M cost records
  • Average annual
  • 20-yr inflated cost

• Prior to TxDOT Turn Back
  • “Refresh” pavement
  • Potential contribution to fund reconstruction project

• CAMPO Project Call
  • January 2018

Insert detail map of University & Guadalupe limits for Priority 1
Next Steps:

- Establish collaboration protocol with TxDOT Austin District
  - City Design/Context Sensitive Corridors
  - Reference in MMA

- Refine City’s Access Management Processes
  - Determine permitting approval & geographic extent
  - Reference in MMA

- Draft MMA for TxDOT review and final City Council approval

- Further negotiations on potential Turn Back roadways
  - Focus on University and Guadalupe Streets
  - Future detailed Council presentation
  - Long Term Strategy for other roadways
Background Briefing: Access Management

Legal foundation for TxDOT’s MMA

- **43 Texas Administrative Code, Chapter 11**, Subchapter C Access Connections to State Highways, provides the foundation for which TxDOT manages access to state roadways. It also serves as the basis from which the TxDOT Access Management Manual is developed. [http://onlinemanuals.txdot.gov/txdotmanuals/acm/manual_notice.htm](http://onlinemanuals.txdot.gov/txdotmanuals/acm/manual_notice.htm)

General Statement

The issue of TxDOT’s access management was brought up in a March 8, 2017 meeting with staff from the City’s Planning and Development Services Department. There has been circumstances where City staff recommendations have not been fully recognized by TxDOT during the issuance of driveway permits. City staff indicated this is a concern as City staff recommendations to TxDOT are a result of furthering city goals that are in City current policy and which will be incorporated into Code SMTX.

A discussion on March 9, 2017 with TxDOT Austin District’s Maintenance staff indicated the following:

- There is a draft Austin District Access Management Standard Operating Procedure (SOP) being circulated among staff. Austin District staff indicated they could share the SOP after the Austin District Engineer approves it. The SOP can help the City understand the process of how TxDOT staff goes about access management/driveway permit decision making and how coordination is to take place with the City.
- Austin District staff cautioned about legal obligations (liability, risk, policing and inspections) if a City was to take over Access Management. There was a push about 10 years ago to have cities take over Access Management; most cities declined to take over the responsibilities.

A subsequent May 24, 2017 meeting with TxDOT District’s Maintenance staff indicated, through the TxDOT Municipal Maintenance Agreement, a City could specify certain corridors that it desired to perform Access Management duties while leaving the remaining State System roadways to be under the preview of TxDOT.

A review of TxDOT’s Access Management Manual (see Attachment A for a summary) does show there are several options available for the City to collaborate with TxDOT on implementing a Code SMTX friendly access management program. These include (as outlined in the manual):
• Application Local Access Management Plans (TxDOT as Permitting Authority)

TxDOT will apply a local access management plan when the municipality provides in writing its local access management plan to the local TxDOT district office with an indication of its desire that the plan be applied within its jurisdiction and an implementation date. TxDOT will implement any subsequent changes to the local access management plan when the municipality submits the changes to TxDOT with a proposed implementation date for the changes. The approval of the design and engineering of the access location will be handled by TxDOT. TxDOT will issue the access location permits.

• Application Local Access Management Plans (Municipality as Permitting Authority)

A municipality that desires to undertake the access permitting process on highways on the state highway system within their jurisdiction shall submit in writing its proposed permitting procedures and an implementation date to TxDOT. If TxDOT determines that the proposed procedures adequately address the engineering and design of access locations as described in this manual in Chapter 3, Section 1, Engineering Access Locations, TxDOT will transfer to the municipality the access permitting function within the municipality’s jurisdiction. The municipality will then issue the access permits. The municipality shall submit to the Department a copy of each approved access permit on the state highway system within ten working days of its approval and prior to initiation of any access construction on the state highway system. The contractor installing the access connection shall have a copy of the permit at the site. A municipality may also choose to adopt the Department’s guidelines as their own and retain access connection location permit authority. Access location permit authority may be transferred to the municipality by letter from the TxDOT District Engineer and then, at the next opportunity, incorporated into the municipal maintenance agreement between TxDOT and the participating authority. For example, if a city actively applies its subdivision regulations within its extraterritorial jurisdiction (ETJ), the municipal maintenance agreement may also extend the municipality’s access permitting authority to the ETJ rather than the corporate limits.

Suggested Overall Approach:

• Begin discussions with Austin District staff to explore a formal request to implement a process where City goals can be accomplished through use of locally derived access management plan either through (1) TxDOT as Permitting Authority or (2) the City as Permitting Authority, or, (3) a hybrid approach with the City taking Permitting Authority responsibilities for specific corridors, but not all of the State System roadways within the city limits and the ETJ.

Recommendation: The use option where TxDOT is the Permitting Authority would be able to further the City goals without requiring additional workload on City staff. A review of existing City access management plan should be undertaken to determine what modifications maybe necessary to meet TxDOT’s approval.
Attachment A

The following are excerpts, with some modifications for brevity, of TxDOT’s Access Management Manual http://onlinemanuals.txdot.gov/txdotmanuals/acm/manual_notice.htm to highlight topics and issues that City of San Marcos staff will want to consider in future discussions with TxDOT on the application of Access Management guidelines at the local level.

Chapter 1: TxDOT Overarching Premise of Access Management Manual

Overview

Proper access management assists in protecting the substantial public investment in transportation by preserving roadway efficiency and enhancing traffic safety, thus reducing the need for expensive improvements. Furthermore, access management can significantly reduce traffic accidents, personal injury, and property damage.

Applicability to Municipalities

- Access management criteria contained in the manual is applicable to all classes of state highways.
- The manual also provides a mechanism for municipalities to be granted permitting authority to the state highway system.
- Municipalities that choose to handle access permitting for state highway system roadways within their jurisdiction can either develop their own access management guidelines or they can adopt the guidelines contained in the manual.
- Because they have authority to implement subdivision and zoning regulations, municipalities also have the ability to apply a host of access management techniques: shared access, cross access, lot width requirements, driveway throat length, internal street circulation, and general thoroughfare planning.
- It is through a cooperative relationship between the Department and municipalities that the safety and operational benefits of access management can be fully realized.
The Benefits of Access Management

Below are some of the benefits that have been realized in communities with effective access management policies:

- Delaying or preventing costly highway improvements
- Improving roadway safety conditions (reduced crash rates)
- Reducing traffic delay and congestion, which has a positive economic effect on market areas
- Promoting properly designed access and circulation systems for development
- Improving the appearance of transportation corridors and increasing the area available for landscaping, which can help attract investment and enhance the image of an area
- Providing property owners and customers with safe access to roadways
- Reducing air pollution
- Making pedestrian and bicycle travel safer

Another significant benefit is that access management requires a more coordinated, long-term approach to land use and transportation; therefore, effective access management promotes intergovernmental cooperation relating to land development and transportation decisions.

Economic Effects

A safe and efficient transportation system is an important element of a vibrant economy. The quality of the transportation system affects the economy in a variety of ways: it determines how quickly goods get to market, whether an area is attractive to investors, and the size of the market area for a particular business.

For real estate developers, the importance of well-designed access and circulation systems cannot be overstated. The Urban Land Institute's (ULI) *Shopping Center Development Handbook* warns that "poorly designed entrances and exits not only present a traffic hazard but also cause congestion that can create a negative image of the center".
Chapter 2: TxDOT Access Management Standards

Chapter 2 describes TxDOT's access management standards for access connections on the state highway system. The standards are designed to preserve highway safety and to assure that each highway's importance to statewide mobility will be considered when evaluating requests for access to a roadway under the jurisdiction of TxDOT. The chapter provides detail guidance which is engineering based for granting access including a detailed procedure for issuing drive way permits as well as the design of the driveway, drainage and approval of construction materials.

The access management standards in Chapter 2 are intended for application to state highways where municipalities have not been granted location permitting authority (as described in Chapter 3, Section 1).

In areas where local access management guidelines or plans are not in place, municipalities, prior to the approval of new developments, should contact TxDOT with respect to any state highway access that will be provided. This will enable TxDOT to identify any problems with the proposed access and to suggest alternatives. Early state and local coordination will also help reduce unnecessary delays in the access permitting process.

Median treatments and other design of median openings play a critical role in the operation and safety of roadways. These design requirements are not addressed in the manual. Median design and minimum median opening spacing requirements can be found in the TxDOT Roadway Design Manual, Chapters 2 and 3.
Chapter 3: TxDOT Administrative Procedures for Local Access Management Guidelines

Section 1: Approval Process for Local Guidelines

Municipalities, upon request, may use their own access management guidelines to determine appropriate access connection locations. Local access management guidelines will then apply to all or part, as stated in the guidelines, of the state highway system within that municipal jurisdiction, except where the Department controls the access. The local access management guidelines or plans should be based on sound engineering practices and accepted access management principles. There are two approaches for municipalities to apply their local access management plans or guidelines to state highways within that municipal jurisdiction.

Application Local Access Management Plans (TxDOT as Permitting Authority)
TxDOT will apply a local access management plan when the municipality provides in writing its local access management plan to the local TxDOT district office with an indication of its desire that the plan be applied within its jurisdiction and an implementation date. TxDOT will implement any subsequent changes to the local access management plan when the municipality submits the changes to TxDOT with a proposed implementation date for the changes. The approval of the design and engineering of the access location will be handled by TxDOT. TxDOT will issue the access location permits.

Application Local Access Management Plans (Municipality as Permitting Authority)
A municipality that desires to undertake the access permitting process on highways on the state highway system within their jurisdiction shall submit in writing its proposed permitting procedures and an implementation date to TxDOT. If TxDOT determines that the proposed procedures adequately address the engineering and design of access locations as described in this manual in Chapter 3, Section 1, Engineering Access Locations, TxDOT will transfer to the municipality the access permitting function within the municipality's jurisdiction. The municipality will then issue the access permits. The municipality shall submit to the Department a copy of each approved access permit on the state highway system within ten working days of its approval and prior to initiation of any access construction on the state highway system. The contractor installing the access connection shall have a copy of the permit at the site. A municipality may also choose to adopt the Department's guidelines as their own and retain access connection location permit authority. Access location permit authority may be transferred to the municipality by letter from the TxDOT District Engineer and then, at the next opportunity, incorporated into the municipal maintenance agreement between TxDOT and the participating authority. For example, if a city actively applies its subdivision regulations within its extraterritorial jurisdiction (ETJ), the municipal maintenance agreement may also extend the municipality's access permitting authority to the ETJ rather than the corporate limits.
**Engineering Access Locations**
Granting location permit authority to municipalities does not preclude the need to properly engineer access locations. Any impacts to drainage or hydraulics on highways on the state highway system resulting from access connections must be coordinated with TxDOT prior to any local access approval. Issuance of access permits must address driveway geometrics, utility location/relocation, compliance with the Americans with Disabilities Act (ADA) and Texas Accessibility Standards (TAS), environmental requirements, wetland considerations if appropriate, and all other applicable state and federal laws, rules, and regulations.

**Deviation Process (Municipality as Permitting Authority)**
Any deviation or variance from the municipality’s access criteria shall be handled by the appropriate local appeals procedure (which shall be determined by the municipality). While the municipality will approve/disapprove individual deviations or variances to the local access management plans or guidelines, the deviation or variance must be coordinated with TxDOT prior to resolution of the deviation or variance request to evaluate impacts to the state highway system.

**Section 2: Corridor Access Management Plans**
Any municipality or Metropolitan Planning Organization may, in cooperation with TxDOT, develop an access management plan for a specified state highway segment for the purposes of preserving or enhancing that highway’s safe and efficient operation. Once adopted by the affected agencies, such plans will form the basis for all future access connection locations. Priority in developing corridor access management plans should be placed on those facilities with high traffic volumes or those that provide important statewide or regional connectivity and mobility, such as hurricane evacuation routes, relief routes, and NAFTA corridors.

**Functional Criteria**
The corridor access management plan will provide comprehensive area-wide traffic and mobility solutions, while providing reasonable access to abutting property. Each plan should include a combination of policy, design, and improvement actions aimed at achieving access management objectives. These plans should emphasize the host of access management techniques: shared access, cross access, internal street circulation, properly spaced collector system, proper driveway design, and median design techniques.
The corridor access management plan may include the following elements:

- Existing and future access locations,
- All major access-related roadway design elements,
- Lots or parcels currently having frontage on the highway segment,
- Pedestrian and bicycle amenities and associated safety implication,
- Transit facility considerations; and
- All supporting technical materials, if applicable.

TxDOT and any local government within the plan area should be parties to the plan, which will then be adopted by agreement among the agencies. After an access management plan is in effect, all action taken in regard to access will be in conformance with the plan and any modifications to the plan must be approved by the affected local governments and TxDOT.

**Section 3: Engineering Analysis**

Engineering studies or analyses can be used to assist in the evaluation of future access connections to the state highway system. In many cases, such as low volume or rural access connections, an engineering study will not be needed. For locations where TxDOT is the permitting authority, the need for an engineering study, and the level of detail, will be determined by TxDOT. In the case of a dispute resolution, the Design Division can request an engineering study and specify the level of study detail.

The purpose of an engineering study is to determine the safety, mobility, and operational impacts that the access connection will have on the highway system. While not applicable to TxDOT, municipalities may require that such studies also determine the compatibility between the proposed land use and the transportation network.

**Early Coordination**

As early as possible in the development process, applicants are encouraged to meet with the local TxDOT district staff, and the municipality if applicable, to discuss specific requirements associated with obtaining access to the state highway system. This meeting, in addition to bringing all affected parties together regarding access connection issues, will also help to define the requirements of any needed engineering study.
Concurrence with Local Guidelines
If the proposed development is within a jurisdictional boundary and the municipality has engineering study or traffic impact analysis guidelines in place, then the applicant is required to adhere to the municipality's guidelines.
Background Briefing: TxDOT Municipal Highway Turn Back Program

Legal Foundation for Roadway Turn Back

- **Chapter 311 of the Texas Transportation Code** grants a city control over the streets within its city limits
- **Chapter 201 of the Texas Transportation Code** allows the Texas Transportation Commission to remove a segment of the state highway system that it determines is not needed for the system
- **Chapter 202 of the Texas Transportation Code** allows for Texas Transportation Commission to transfer highway right-of-way no longer needed for a state highway purpose

General Statement
In the Summer of 2013, there was a controversial issue brought about by TxDOT Administration in what been a long historical collaboration of TxDOT and local governments mutually agreeing for certain roadways to be taken off the State System (or otherwise known as roadway turn back). This collaboration for mutually agreed roadway turn back is evident for the City of San Marcos in a 2001 agreement with TxDOT where the City would assume portions of RM 12 and FM 2439 upon completion of the extension of FM 3407. The controversial action in August 2013 was the issuance of a more formal process described a Municipal Highway Turn Back Program but was met with resistance from many cities throughout the State. There is additional information about the Turn Back Program later in this document which provides excellent guidelines for a city desiring to explore assuming control of a State System roadway.

Current TxDOT Viewpoint
As stated in previous PM status reports, in a February 2017 discussion with Mark Marek, TxDOT’s Director of Engineering & Safety Operations, TxDOT is supportive of working with communities to turn back State System roadways as a normal course of mobility and economic development collaboration. For example, since June 2016, the TTC has issued Minute Orders that have turned back State System roadways to eight cities. Regarding the formal Municipal Highway Turn Back Program and an accompanying $100 million commitment made by TxDOT in 2014, there was no actual funding set aside but the Program did state that TxDOT would provide in-kind services to bring roadways up to a certain level of condition prior to removing the roadway from the State System and turning the roadway over to a city for ownership and operation. TxDOT has exhausted the original commitment of $100 million for the Turn Back Program continues to work with cities on turning back roadways with District maintenance and discretionary budgets funding pavement repairs to bring a subject roadway to certain level of condition prior to the turn back taking place.
Discussions with Austin District's Director of Maintenance Mike Arrellano indicate that one factor used by the District in its recommendation to the Texas Transportation Commission for a roadway turn back is a cost/benefit analysis for pavement life cycle cost. As reported in an earlier PM status report, recent Texas Attorney General’s guidance has stated that requests for maintenance records must be made through an open records request and thus there may be some difficulty in obtaining pavement data in a timely manner for this project. Mr. Arellano has offered to perform an initial analysis of pavement/operations cost for identified roadway segments that could be turned back to the City. He indicated he had performed similar analysis for the City of Austin which is considering roadway turn back of N Lamar Blvd and South Lamar Blvd.

**Broadway Street in San Antonio**
As you requested by the City Project Manager, research was conducted regarding a roadway turn back occurring in San Antonio on Broadway Street (Loop 368) where the City will be taking over a 2.2 mile segment of Loop 368 north of downtown from IH 35 north to Burr Road (city limits of Alamo Heights). Some background:

- In December 2014, Broadway Street was one of 9 segments of state roadways approved by the Texas Transportation Commission (Minute Order 114170) for turn back to the City of San Antonio
- A subsequent TTC action (Minute Order 114219) approved in February 2015 clarified that the Broadway Street segment would not be turned back to the City until TxDOT performed certain improvements
- Per the Alamo Area Metropolitan Planning Organization (AAMPO) Transportation Improvement Program (TIP), there is a total of $14 million approved for Loop 368 improvements describe as “Roadway rehabilitation and complete streets improvements” for the turn back segment - $9 million of STP MM funding (project selection approved by the AAMPO Board last year), $2.5 million of Category 1 District Maintenance and $2.5 million Category 11 District Discretionary funding. The project is shown as a Year 2020 project.

In talking with Jonathan Bean, TxDOT San Antonio District's Transportation Planning & Development Director, he made the following points:

- The District is supportive of turn back of certain state roadways that have become more local in function.
- The District sees the turn back as future cost savings for District maintenance and rehabilitation budgets
- The District supports complete streets but they view that the City can better accomplish the desired outcome and support turn back Broadway Street to the City
- Future Broadway Street improvements by the City of San Antonio include reduction in lanes from 6-lanes to 4-lanes, a capacity reduction the District could not support if Broadway Street stayed on the state system
• The MPO approved $9 million of STP MM funding last year. The District’s $5 million is for pavement repair with the remainder of the improvements to be borne by local governments.
• The City is preparing the design with the complete streets improvements envisioned as having all underground utilities, landscaping, etc. The total cost is estimated at $100 million.
• The City has included $43 million for the Broadway Street improvements in their upcoming May 2017 bond election
• Once the improvements are complete Broadway Street will come off the state system. The removal from the State System could be

Observations:

In discussion with the San Antonio District there seems to be a more willingness to assist cities to turn back state system roadways that are serving more of a local mobility role as opposed to regional mobility. Certain elements within the Austin District did strongly emphasize a cost/benefit analysis that would help determine whether or not to recommend a roadway turn back. The San Antonio District representative did not mention a cost/benefit analysis as part of their recommendation process, though this could be a factor considered in analysis performed by headquarters staff when presented to the TTC.

The MOU between TxDOT, TML and TEMPO provides a basic guide on the key components to a successful roadway turn back. The MOU is an excellent tool to assist the City as a reference for TxDOT staff in moving forward with a roadway turn back.

Suggested Overall Approach:

• Discussions with Austin District staff to explore a formal request from the City Council on roadway turn back.

Recommendation: Move forward with a formal request by staff to Austin District Engineer Terry McCoy on beginning talks on roadway turn back, including performance of initial pavement cost/benefit analysis and potential funding schedule from the District. This will provide information to present to the City Council on potential roadways and a timeline for implementation for consideration of a formal request to TxDOT.
Key Take Aways from TxDOT 2014 Municipal Highway Turn Back Program

In August 2013, TxDOT announced the initiation of a newly-proposed "Municipal Highway Turn Back Program." The concept was for TxDOT to return portions of State System roadways to local jurisdictions, primarily in the State’s larger cities. A list of identified roadways segments proposed as part of the Program were provided to City Mayors. After considerable concern expressed by many cities on if the Program was a mandatory or voluntary program and if the Program was an unfunded mandate, a coalition of the Texas Municipal League (TML) and the Association of Texas Metropolitan Planning Organizations (TEMPO) formed a committee to work TxDOT come to a mutual agreement on the Program.

The TML/TEMPO committee and TxDOT developed the following points that was signed in the Spring of 2014 as a Memorandum of Understanding for the Program:

Why The Turn Back Program is Good for Communities; Benefits to Municipalities: Increased Local Control

- Returns local control back to community
- Creates opportunities for economic development and renewal
- Provides ability to control access (driveways)
- Department approval not required for special events requiring road closure
- Provides ability to allow and control on-street parking
- Provides a means to allow encroachments such as community banners, curbside dumpsters, etc.
- Provides a means to implement landscaping or green belt requirements
- Allows complete control over speed limits
- Allows maintenance to be determined by local government
The following are identified in the MOU:

**Key Points of Memorandum of Understanding**

- A cooperative program between cities and TxDOT
- Participation in the program is voluntary
- Transferred highway will be in satisfactory condition before a transfer occurs
- The Turnback Program is available to any city within the boundaries of a MPO
- No penalties will be imposed on cities who choose not to participate
- Future savings will be used in the city on other priority highway projects

**MOU Financial Considerations**

- A portion of the maintenance savings will be used in a participating city in accordance with the local implementation plan developed by the city and TxDOT.
- Expenditures from the Turn Back Program was capped at $100 million.
- These savings will be used by TxDOT on eligible mobility, safety and preservation projects.
- A city should confirm with both TxDOT and its MPO that any highway accepted for turnback retains federal eligibility for funding as determined by state and federal law and rules.
- Before transferring a highway to a city under the Turn Back Program, TxDOT will implement any project currently in the State Transportation Improvement Plan and in its current four-year pavement preservation plan, and current local participation percentages will not be increased
- Bridges located on a turned back highway will retain their federal eligibility and continue to be on TxDOT’s two-year inspection cycle. Before transferring a bridge currently programmed for replacement in TxDOT’s four-year plan to a city under the Turn Back Program, the bridge replacement will be completed at the current participation levels
The following are identified in the MOU (continued):

MOU Local Implementation Plan

- A city, its MPO, and the local TxDOT district will meet and develop a local implementation plan for the highways within their region, including highways that: (1) do not fit the functional classification and need to remain as state highways; and (2) fit the functional classification and can be part of the voluntary Turn Back Program.
- If a city requests a transition or phasing plan to allow it to take over the responsibility for some highways over time to fit within its budgetary constraints and project scheduling, that phasing plan should be included.
- The local implementation plan should jointly identify any immediate pavement maintenance needs on highways proposed to be transferred.
- No binding commitments will be made during the development of the plan.
- The local implementation plan will be reviewed and approved by TxDOT administration before submission to the city’s governing body in order to maintain consistency and uniformity.
- A city’s municipal maintenance agreement will be updated to reflect the turned back highways.
- The local implementation plan will be provided to the city’s governing body for its consideration and approval.

MOU Right-of-way Transfer

- The intent of the voluntary Turn Back Program is to convey the real estate or right-of-way property that underlies a highway to the city at no cost to the city. Right-of-way value and administrative costs related to conveyance will not be deducted from TxDOT funding that would otherwise be spent in the city.
- The appropriate mechanism for the transfer of the real estate ownership will depend upon the type of title that the state holds.
- An adequate delineation or survey of the right-of-way that is legally sufficient to convey title to the real estate is required. This does not necessarily require a new survey if a previous survey reflects a precise delineation of the right-of-way to be transferred to local ownership.
- A quitclaim deed may be used for the state to generally disclaim any unrecorded and un-delineated rights that the state may have in order to clear the title to a highway. For instance, if the property interest was originally acquired and held by a city or county in its own name for use by the state, or if there is no record title to the property.
- Title by deed may be used to convey state ownership to a city as described in section 202.021(e)(l) of the Texas Transportation Code, which provides the authority to transfer the title to the right-of-way in consideration of the savings of the estimated future cost of maintenance and operation of the public road.
STATE MAINTAINED
- Base & Surface, Striping, Signs and
  assist in snow and ice removal,

- Base & Surface, Striping, Signs, Assist in
  snow & ice removal & assist in drainage
  (where curb and gutter does not exist,
  assist in sweeping and otherwise cleaning
  the pavement, in moving and cleaning of litter;
  and the maintenance of roadway ditches.

- Normal route markers, directional signs,
  destination signs & lane lines

CITY MAINTAINED
- (All duties which are not
  specifically delineated as
  being the State's responsibility)

- (All duties which are not
  specifically delineated as
  being the State's responsibility)

- (All duties which are not
  specifically delineated as
  being the State's responsibility)
TxDOT Roadway Negotiation Services

Project Scope:
Assist the City in engaging the Texas Department of Transportation (TxDOT) in order to revise requirements for State System roadways that are part of the City’s arterial street network. Through this engagement, options to enhance the State System thoroughfares to meet the City’s goals, including context sensitive design principals, will be identified. The end result will be an understanding between the City and TxDOT for the development and/or modification of interlocal agreements related to State System roadways. TxDOT facilities included in this scope are SH 80 through the City and east to SH 21, Loop 82 through Downtown, SH 123 from FM 110 to IH-35 and FM 621.

Background Briefing Paper:
The following pages contain a series of four briefing documents which provide information gained from research on TxDOT policies, procedures and practices. The four topics are:

• Municipal Maintenance Agreement (MMA)
  ➢ TxDOT-controlled agreement for roadway maintenance

• Access Management
  ➢ Approval processes for adding driveways

• Highway/Roadway Turn Back
  ➢ City assumption of ownership of TxDOT roadway

• Urban Design/Urban Context Considerations
  ➢ Coordination with TxDOT in meeting elements of Code SMTX
Background Briefing:

Municipal Maintenance Agreement (MMA)
- TxDOT-controlled agreement for roadway maintenance
Background Briefing: Municipal Maintenance Agreement (MMA)

Legal foundation for TxDOT’s MMA

- **Chapter 311 of the Texas Transportation Code** states that when a City incorporates (or, any existing City extends its city limits), the city government becomes responsible for all the roads within their City limits, which includes the State System numbered routes.

- **Chapter 211.002 of the Texas Transportation Code** states the following related to the Texas Transportation Commission’s ability to enter into an agreement with cities to assume liabilities and responsibilities for State System highways within the boundaries of a City:

  211.002 AGREEMENTS WITH MUNICIPALITIES. The commission and the governing body of a municipality, including a home-rule municipality, may agree to:

  (1) provide for the location, relocation, improvement, control, supervision, and regulation of a designated state highway in the municipality; and

  (2) establish the respective liabilities and responsibilities of the commission and the municipality under the agreement.

- **Texas Transportation Commission Minute Order 58588** dated October 28, 1966 provides the parameters of what can be included in the MMA. On the following page is list of the parameters for access controlled and non-access controlled State facilities.
Texas Transportation Commission Minute Order 58588 Parameters

Non-Access Controlled State Facilities (i.e., SH 21, SH 80, SH 123, RM 12, RM 2439, FM 621, Loop 82):
The State Highway Department’s duties in the maintenance of designated state highways, other than controlled access highways and highways in the congested or downtown sections of cities having a population in excess of 15,000 at the last available Federal census may include, and shall be limited to, those listed as follows:

1. The travelled surface and those things beneath such travelled surface necessary for the proper support of same under the vehicular loads encountered.
2. Normal highway markings necessary for directing highway traffic in a safe and efficient manner.
3. Assistance in sweeping and otherwise cleaning the pavement in municipalities having a population of 15,000 or less.
4. Assistance in mowing and cleaning up litter in undeveloped areas normally defined as areas not having curb and gutter sections.
5. Assistance in snow and ice control as availability of equipment and labor will allow.
6. Assistance in maintenance of roadway ditches in undeveloped areas normally defined as those not having curb and gutter sections.

Access Controlled State Facilities (i.e., I-35):
The State Highway Department’s maintenance duties on other than controlled access highways in the congested or downtown sections of cities having a population in excess of 15,000 shall be limited to the installation and maintenance of route markers and destination signs for through traffic. The State Highway Departments duties in the maintenance of its controlled access highways shall include the following:

1. The travelled surface of the through lanes, ramps and frontage roads and those things beneath such travelled surface necessary for the proper support of same under vehicular loads encountered.
2. Mowing and litter clean-up within the outermost curbs of the frontage roads or the entire right of way width where no frontage roads exist and assistance in performing these operations between the right of way line and the outermost curb or crown line of the frontage roads in undeveloped areas.
3. Sweeping and otherwise cleaning the through lanes, ramps, separation structures or roadways and frontage roads.
4. Snow and ice control on the through lanes and ramps and assistance as the availability of equipment and labor will allow on the frontage roads and separation structures or roadways.
5. All normal markings and signs necessary for the property use of the facility and direction of traffic on the highway facility,
6. All drainage facilities within the limits of the right of way.
Overarching Premise of the MMA

A City has exclusive domain, control and jurisdiction over the public streets within its corporate limits. TxDOT can "take back" responsibility for maintaining State roadways by signing an MMA that specifies which duties it will perform.

MMA agreements do not expire and remain in effect until they are superseded by a more current MMA.

MMA Details/Facts

The City is responsible for all aspects of roadway maintenance on state highways except for those parts that are specifically agreed to as being a state responsibility.

The City requests the State to assist in the maintenance and operation of State highways.

The Municipal Maintenance Agreement Form 1038 **may not be altered in any way.**

Exhibits may be used to define maintenance responsibilities the State has agreed to “take back” and may include:

- A map identifying state roadways within the city limits.
- A list of State maintained roadway maintenance responsibilities and a list of City maintained maintenance responsibilities not specifically delineated as being the State’s responsibility for Non-controlled Access and Controlled Access Highways.

Exhibits may also include:

- Landscape plans & summary of the City’s responsibilities for landscaped areas on TxDOT roadways.
- Filtration System Plans & summary of the City’s responsibilities for filtration systems on TxDOT roadways.
- Plans & summary of the City’s responsibilities for miscellaneous City projects on TxDOT roadways.
Existing Multiple Use Agreements (MUA) and letter agreements and subsequent amendments to these agreements etc.

**TxDOT Austin District Viewpoint**

Since most of the MMAs in the Austin District were executed in the 1970’s and 1980’s and the nature and function of roadways with cities changed, the Austin District has been working with all cities within its boundaries to update their MMAs.

According to TxDOT Austin District, with the advent of major corridor projects, such as IH-35 Mobility projects, this is the perfect opportunity to deliver what the City’s envisions for State roadways of within the City’s jurisdiction, to accurately characterize the assets requiring maintenance on these roadways, and clearly delineate maintenance responsibilities.

**MMA for the City of San Marcos**

The original MMA for the City of San Marcos was signed on February 6, 1978. It has not been updated since its original execution.

Since the MMA went into effect additional state system roadways have been incorporated into the city limits of San Marcos. These state system roadways include:

- RM 12 (formerly FM 3407) - from old SH 80 to SH 123
- FM 110 - from I-35 North to SH 123 (future new construction) and SH 123 to I-35 South (constructed in two phases during the period of 2010-2014)

Additionally, TxDOT and the City have executed agreements during the past decade where several state system roadways have been turned back the City. These roadways will need to be removed from the MMA:

- SH 80 - from RM 12 to Loop 82 (via TTC Minute Order 114831, dated January 26, 2017)
• FM 2439 - from SH 80 to RM 12 (via TTC Minute Order 114831, dated January 26, 2017)
• Loop 82 – from Sessoms Drive to University Drive (Wastewater Utility Accommodation Letter Agreement)

**Other TxDOT-City Supplemental Agreements**

TxDOT and the City have executed several maintenance-related agreements that would become attachments to a revised MMA. These are:

• I-35 Continuous Highway Illumination Operation and Maintenance Agreement, dated April 10, 1990
• SH 80 @ SH 21 Safety Lighting Agreement, dated August 13, 1993
• Traffic Signals Upgrade Agreement, dated May 20, 2005
• Traffic Signal Operation and Maintenance Agreement, dated December 13, 2016 (this agreement covers all state system roadways within the City, with the exception of FM 110, but does still includes portions of SH 80 and FM 2439 that were turned back to the City via TTC Minute Order 114831, dated January 26, 2017)
• Loop 82 Wastewater Utility Letter Agreement, dated October 11, 2012
• Multiple Use Agreements: A list of existing MUAs for Ramon Lucio Park roadway/driveway, Loop 82/Guadalupe Street and Grove Street sidewalk and drainage, RM 12/Wonder World Drive hike and bike trail, RM 621/Staples Road sidewalks and RM 12/Wonder World Drive paved cross-over for emergency vehicle access

• According to the Austin District staff, there could be other agreements executed by TxDOT and the City but these agreements are the only agreements that the District Maintenance Office has in their files.

**Access Management**

At a May 24, 2017 meeting with TxDOT District’s Maintenance staff it was indicated the MMA could specify certain corridors that the City desired to be the Access Management Permitting Authority while leaving the remaining State System roadways to be under the preview of TxDOT. It also assumed that if the City determined it would assume Access Management Permitting Authority for all State System roadways within the city limits and the city’s ETJ that
this would be referenced in the MMA. (For additional information and recommendations, please see Access Management Background Briefing paper.)

**MMA Observations:**

Though state law provides that once a city extends its city limits and thus assumes responsibilities for state system roadways within these limits, TxDOT really is the driver’s seat concerning what it is willing to perform on these state system roadways. There has a cultural developed over time where TxDOT seems to view the City desires as secondary to TxDOT’s overall mission. Over the past decade, there has been a change to the culture at the higher levels of the Austin District with the realization for the need of increased collaboration with cities to further urban design concepts is in keeping with changes being encouraged and mandated through State and Federal laws and guidance.

In certain situations, this cultural change has not reached the Austin District midrange employees who provide the daily coordination with City staff (i.e., TxDOT design review of City projects being partially funded with federal funds and access management decisions by TxDOT staff counter to City staff recommendations). This presents a delicate situation for City staff in working with Austin District staff as to having continued collaboration to further action items important to the overall development of the City’s urban design goals.

**Suggested Overall Approach:**

- Discussions regarding the MMA should be straight forward as the basic language of the TxDOT agreement cannot be modified. TxDOT staff is also limited by the 1966-era TTC Minute Order 58588 as to their ability to assume responsibilities above or beyond those shown in the Minute Order.

**Recommendation:** Move forward with TxDOT to complete a new MMA

- There does seem to be some flexibility provided to TxDOT staff in the development of separate maintenance arrangements (which would become attachments to the MMA) which could be used as a collaboration in urban
design goals. The 2016 Traffic Signal agreement’s Exhibit 2 – Maintenance and Operations Provisions, contains a detailed list of City responsibilities. In this exhibit but it could be possible to negotiate and list items related to collaboration on traffic signal replacement that is in keeping with City urban design goals.

**Recommendation:** Explore with Austin District staff the best way for collaboration between TxDOT staff and City staff in incorporating City urban design concepts into agreements that formalize continued cooperation in the design of projects.
Background Briefing:

Access Management

- Approval processes for adding driveways
Background Briefing: Access Management

Legal foundation for TxDOT’s MMA

- **43 Texas Administrative Code, Chapter 11**, Subchapter C Access Connections to State Highways, provides the foundation for which TxDOT manages access to state roadways. It also serves as the basis from which the TxDOT Access Management Manual is developed. [http://onlinemanuals.txdot.gov/txdotmanuals/acm/manual_notice.htm](http://onlinemanuals.txdot.gov/txdotmanuals/acm/manual_notice.htm)

General Statement

The issue of TxDOT’s access management was brought up in a March 8, 2017 meeting with staff from the City’s Planning and Development Services Department. There has been circumstances where City staff recommendations have not been fully recognized by TxDOT during the issuance of driveway permits. City staff indicated this is a concern as City staff recommendations to TxDOT are a result of furthering city goals that are in City current policy and which will be incorporated into Code SMTX.

A discussion on March 9, 2017 with TxDOT Austin District’s Maintenance staff indicated the following:

- There is a draft Austin District Access Management Standard Operating Procedure (SOP) being circulated among staff. Austin District staff indicated they could share the SOP after the Austin District Engineer approves it. The SOP can help the City understand the process of how TxDOT staff goes about access management/driveway permit decision making and how coordination is to take place with the City.
- Austin District staff cautioned about legal obligations (liability, risk, policing and inspections) if a City was to take over Access Management. There was a push about 10 years ago to have cities take over Access Management; most cities declined to take over the responsibilities.

A subsequent May 24, 2017 meeting with TxDOT District’s Maintenance staff indicated, through the TxDOT Municipal Maintenance Agreement, a City could specify certain corridors that it desired to perform Access Management duties while leaving the remaining State System roadways to be under the preview of TxDOT.

A review of TxDOT’s Access Management Manual (see Attachment A for a summary) does show there are several options available for the City to collaborate with TxDOT on implementing a Code SMTX friendly access management program. These include (as outlined in the manual):

1
Application Local Access Management Plans (TxDOT as Permitting Authority)

TxDOT will apply a local access management plan when the municipality provides in writing its local access management plan to the local TxDOT district office with an indication of its desire that the plan be applied within its jurisdiction and an implementation date. TxDOT will implement any subsequent changes to the local access management plan when the municipality submits the changes to TxDOT with a proposed implementation date for the changes. The approval of the design and engineering of the access location will be handled by TxDOT. TxDOT will issue the access location permits.

Application Local Access Management Plans (Municipality as Permitting Authority)

A municipality that desires to undertake the access permitting process on highways on the state highway system within their jurisdiction shall submit in writing its proposed permitting procedures and an implementation date to TxDOT. If TxDOT determines that the proposed procedures adequately address the engineering and design of access locations as described in this manual in Chapter 3, Section 1, Engineering Access Locations, TxDOT will transfer to the municipality the access permitting function within the municipality's jurisdiction. The municipality will then issue the access permits. The municipality shall submit to the Department a copy of each approved access permit on the state highway system within ten working days of its approval and prior to initiation of any access construction on the state highway system. The contractor installing the access connection shall have a copy of the permit at the site. A municipality may also choose to adopt the Department's guidelines as their own and retain access connection location permit authority. Access location permit authority may be transferred to the municipality by letter from the TxDOT District Engineer and then, at the next opportunity, incorporated into the municipal maintenance agreement between TxDOT and the participating authority. For example, if a city actively applies its subdivision regulations within its extraterritorial jurisdiction (ETJ), the municipal maintenance agreement may also extend the municipality's access permitting authority to the ETJ rather than the corporate limits.

Suggested Overall Approach:

Begin discussions with Austin District staff to explore a formal request to implement a process where City goals can be accomplished through use of locally derived access management plan either through (1) TxDOT as Permitting Authority or (2) the City as Permitting Authority, or (3) a hybrid approach with the City taking Permitting Authority responsibilities for specific corridors, but not all of the State System roadways within the city limits and the ETJ.

Recommendation: The use option where TxDOT is the Permitting Authority would be able to further the City goals without requiring additional workload on City staff. A review of existing City access management plan should be undertaken to determine what modifications maybe necessary to meet TxDOT's approval.
Attachment A

The following are excerpts, with some modifications for brevity, of TxDOT’s Access Management Manual http://onlinemanuals.txdot.gov/txdotmanuals/acm/manual_notice.htm to highlight topics and issues that City of San Marcos staff will want to consider in future discussions with TxDOT on the application of Access Management guidelines at the local level.

Chapter 1: TxDOT Overarching Premise of Access Management Manual

Overview

Proper access management assists in protecting the substantial public investment in transportation by preserving roadway efficiency and enhancing traffic safety, thus reducing the need for expensive improvements. Furthermore, access management can significantly reduce traffic accidents, personal injury, and property damage.

Applicability to Municipalities

- Access management criteria contained in the manual is applicable to all classes of state highways.
- The manual also provides a mechanism for municipalities to be granted permitting authority to the state highway system.
- Municipalities that choose to handle access permitting for state highway system roadways within their jurisdiction can either develop their own access management guidelines or they can adopt the guidelines contained in the manual.
- Because they have authority to implement subdivision and zoning regulations, municipalities also have the ability to apply a host of access management techniques: shared access, cross access, lot width requirements, driveway throat length, internal street circulation, and general thoroughfare planning.
- It is through a cooperative relationship between the Department and municipalities that the safety and operational benefits of access management can be fully realized.
The Benefits of Access Management

Below are some of the benefits that have been realized in communities with effective access management policies:

- Delaying or preventing costly highway improvements
- Improving roadway safety conditions (reduced crash rates)
- Reducing traffic delay and congestion, which has a positive economic effect on market areas
- Promoting properly designed access and circulation systems for development
- Improving the appearance of transportation corridors and increasing the area available for landscaping, which can help attract investment and enhance the image of an area
- Providing property owners and customers with safe access to roadways
- Reducing air pollution
- Making pedestrian and bicycle travel safer

Another significant benefit is that access management requires a more coordinated, long-term approach to land use and transportation; therefore, effective access management promotes intergovernmental cooperation relating to land development and transportation decisions.

Economic Effects

A safe and efficient transportation system is an important element of a vibrant economy. The quality of the transportation system affects the economy in a variety of ways: it determines how quickly goods get to market, whether an area is attractive to investors, and the size of the market area for a particular business.

For real estate developers, the importance of well-designed access and circulation systems cannot be overstated. The Urban Land Institute's (ULI) *Shopping Center Development Handbook* warns that "poorly designed entrances and exits not only present a traffic hazard but also cause congestion that can create a negative image of the center".
Chapter 2: TxDOT Access Management Standards

Chapter 2 describes TxDOT's access management standards for access connections on the state highway system. The standards are designed to preserve highway safety and to assure that each highway's importance to statewide mobility will be considered when evaluating requests for access to a roadway under the jurisdiction of TxDOT. The chapter provides detail guidance which is engineering based for granting access including a detailed procedure for issuing driveway permits as well as the design of the driveway, drainage and approval of construction materials.

The access management standards in Chapter 2 are intended for application to state highways where municipalities have not been granted location permitting authority (as described in Chapter 3, Section 1).

In areas where local access management guidelines or plans are not in place, municipalities, prior to the approval of new developments, should contact TxDOT with respect to any state highway access that will be provided. This will enable TxDOT to identify any problems with the proposed access and to suggest alternatives. Early state and local coordination will also help reduce unnecessary delays in the access permitting process.

Median treatments and other design of median openings play a critical role in the operation and safety of roadways. These design requirements are not addressed in the manual. Median design and minimum median opening spacing requirements can be found in the TxDOT Roadway Design Manual, Chapters 2 and 3.
Chapter 3: TxDOT Administrative Procedures for Local Access Management Guidelines

Section 1: Approval Process for Local Guidelines

Municipalities, upon request, may use their own access management guidelines to determine appropriate access connection locations. Local access management guidelines will then apply to all or part, as stated in the guidelines, of the state highway system within that municipal jurisdiction, except where the Department controls the access. The local access management guidelines or plans should be based on sound engineering practices and accepted access management principles. There are two approaches for municipalities to apply their local access management plans or guidelines to state highways within that municipal jurisdiction.

Application Local Access Management Plans (TxDOT as Permitting Authority)
TxDOT will apply a local access management plan when the municipality provides in writing its local access management plan to the local TxDOT district office with an indication of its desire that the plan be applied within its jurisdiction and an implementation date. TxDOT will implement any subsequent changes to the local access management plan when the municipality submits the changes to TxDOT with a proposed implementation date for the changes. The approval of the design and engineering of the access location will be handled by TxDOT. TxDOT will issue the access location permits.

Application Local Access Management Plans (Municipality as Permitting Authority)
A municipality that desires to undertake the access permitting process on highways on the state highway system within their jurisdiction shall submit in writing its proposed permitting procedures and an implementation date to TxDOT. If TxDOT determines that the proposed procedures adequately address the engineering and design of access locations as described in this manual in Chapter 3, Section 1, Engineering Access Locations, TxDOT will transfer to the municipality the access permitting function within the municipality's jurisdiction. The municipality will then issue the access permits. The municipality shall submit to the Department a copy of each approved access permit on the state highway system within ten working days of its approval and prior to initiation of any access construction on the state highway system. The contractor installing the access connection shall have a copy of the permit at the site. A municipality may also choose to adopt the Department's guidelines as their own and retain access connection location permit authority. Access location permit authority may be transferred to the municipality by letter from the TxDOT District Engineer and then, at the next opportunity, incorporated into the municipal maintenance agreement between TxDOT and the participating authority. For example, if a city actively applies its subdivision regulations within its extraterritorial jurisdiction (ETJ), the municipal maintenance agreement may also extend the municipality's access permitting authority to the ETJ rather than the corporate limits.
Engineering Access Locations
Granting location permit authority to municipalities does not preclude the need to properly engineer access locations. Any impacts to drainage or hydraulics on highways on the state highway system resulting from access connections must be coordinated with TxDOT prior to any local access approval. Issuance of access permits must address driveway geometrics, utility location/relocation, compliance with the Americans with Disabilities Act (ADA) and Texas Accessibility Standards (TAS), environmental requirements, wetland considerations if appropriate, and all other applicable state and federal laws, rules, and regulations.

Deviation Process (Municipality as Permitting Authority)
Any deviation or variance from the municipality's access criteria shall be handled by the appropriate local appeals procedure (which shall be determined by the municipality). While the municipality will approve/disapprove individual deviations or variances to the local access management plans or guidelines, the deviation or variance must be coordinated with TxDOT prior to resolution of the deviation or variance request to evaluate impacts to the state highway system.

Section 2: Corridor Access Management Plans
Any municipality or Metropolitan Planning Organization may, in cooperation with TxDOT, develop an access management plan for a specified state highway segment for the purposes of preserving or enhancing that highway's safe and efficient operation. Once adopted by the affected agencies, such plans will form the basis for all future access connection locations. Priority in developing corridor access management plans should be placed on those facilities with high traffic volumes or those that provide important statewide or regional connectivity and mobility, such as hurricane evacuation routes, relief routes, and NAFTA corridors.

Functional Criteria
The corridor access management plan will provide comprehensive area-wide traffic and mobility solutions, while providing reasonable access to abutting property. Each plan should include a combination of policy, design, and improvement actions aimed at achieving access management objectives. These plans should emphasize the host of access management techniques: shared access, cross access, internal street circulation, properly spaced collector system, proper driveway design, and median design techniques.
The corridor access management plan may include the following elements:

- Existing and future access locations,
- All major access-related roadway design elements,
- Lots or parcels currently having frontage on the highway segment,
- Pedestrian and bicycle amenities and associated safety implication,
- Transit facility considerations; and
- All supporting technical materials, if applicable.

TxDOT and any local government within the plan area should be parties to the plan, which will then be adopted by agreement among the agencies. After an access management plan is in effect, all action taken in regard to access will be in conformance with the plan and any modifications to the plan must be approved by the affected local governments and TxDOT.

**Section 3: Engineering Analysis**

Engineering studies or analyses can be used to assist in the evaluation of future access connections to the state highway system. In many cases, such as low volume or rural access connections, an engineering study will not be needed. For locations where TxDOT is the permitting authority, the need for an engineering study, and the level of detail, will be determined by TxDOT. In the case of a dispute resolution, the Design Division can request an engineering study and specify the level of study detail.

The purpose of an engineering study is to determine the safety, mobility, and operational impacts that the access connection will have on the highway system. While not applicable to TxDOT, municipalities may require that such studies also determine the compatibility between the proposed land use and the transportation network.

**Early Coordination**

As early as possible in the development process, applicants are encouraged to meet with the local TxDOT district staff, and the municipality if applicable, to discuss specific requirements associated with obtaining access to the state highway system. This meeting, in addition to bringing all affected parties together regarding access connection issues, will also help to define the requirements of any needed engineering study.
Concurrence with Local Guidelines
If the proposed development is within a jurisdictional boundary and the municipality has engineering study or traffic impact analysis guidelines in place, then the applicant is required to adhere to the municipality's guidelines.
Background Briefing:

Municipal Highway Turn Back Program

- City assumption of ownership of TxDOT roadway
Background Briefing: TxDOT Municipal Highway Turn Back Program

Legal Foundation for Roadway Turn Back

- **Chapter 311 of the Texas Transportation Code** grants a city control over the streets within its city limits
- **Chapter 201 of the Texas Transportation Code** allows the Texas Transportation Commission to remove a segment of the state highway system that it determines is not needed for the system
- **Chapter 202 of the Texas Transportation Code** allows for Texas Transportation Commission to transfer highway right-of-way no longer needed for a state highway purpose

General Statement
In the Summer of 2013, there was a controversial issue brought about by TxDOT Administration in what been a long historical collaboration of TxDOT and local governments mutually agreeing for certain roadways to be taken off the State System (or otherwise known as roadway turn back). This collaboration for mutually agreed roadway turn back is evident for the City of San Marcos in a 2001 agreement with TxDOT where the City would assume portions of RM 12 and FM 2439 upon completion of the extension of FM 3407. The controversial action in August 2013 was the issuance of a more formal process described a Municipal Highway Turn Back Program but was met with resistance from many cities throughout the State. There is additional information about the Turn Back Program later in this document which provides excellent guidelines for a city desiring to explore assuming control of a State System roadway.

Current TxDOT Viewpoint
As stated in previous PM status reports, in a February 2017 discussion with Mark Marek, TxDOT’s Director of Engineering & Safety Operations, TxDOT is supportive of working with communities to turn back State System roadways as a normal course of mobility and economic development collaboration. For example, since June 2016, the TTC has issued Minute Orders that have turned back State System roadways to eight cities. Regarding the formal Municipal Highway Turn Back Program and an accompanying $100 million commitment made by TxDOT in 2014, there was no actual funding set aside but the Program did state that TxDOT would provide in-kind services to bring roadways up to a certain level of condition prior to removing the roadway from the State System and turning the roadway over to a city for ownership and operation. TxDOT has exhausted the original commitment of $100 million for the Turn Back Program continues to work with cities on turning back roadways with District maintenance and discretionary budgets funding pavement repairs to bring a subject roadway to certain level of condition prior to the turn back taking place.
Discussions with Austin District’s Director of Maintenance Mike Arrellano indicate that one factor used by the District in its recommendation to the Texas Transportation Commission for a roadway turn back is a cost/benefit analysis for pavement life cycle cost. As reported in an earlier PM status report, recent Texas Attorney General’s guidance has stated that requests for maintenance records must be made through an open records request and thus there may be some difficulty in obtaining pavement data in a timely manner for this project. Mr. Arrellano has offered to perform an initial analysis of pavement/operations cost for identified roadway segments that could be turned back to the City. He indicated he had performed similar analysis for the City of Austin which is considering roadway turn back of N Lamar Blvd and South Lamar Blvd.

**Broadway Street in San Antonio**

As you requested by the City Project Manager, research was conducted regarding a roadway turn back occurring in San Antonio on Broadway Street (Loop 368) where the City will be taking over a 2.2 mile segment of Loop 368 north of downtown from IH 35 north to Burr Road (city limits of Alamo Heights). Some background:

- In December 2014, Broadway Street was one of 9 segments of state roadways approved by the Texas Transportation Commission (Minute Order 114170) for turn back to the City of San Antonio
- A subsequent TTC action (Minute Order 114219) approved in February 2015 clarified that the Broadway Street segment would not be turned back to the City until TxDOT performed certain improvements
- Per the Alamo Area Metropolitan Planning Organization (AAMPO) Transportation Improvement Program (TIP), there is a total of $14 million approved for Loop 368 improvements describe as “Roadway rehabilitation and complete streets improvements” for the turn back segment - $9 million of STP MM funding (project selection approved by the AAMPO Board last year), $2.5 million of Category 1 District Maintenance and $2.5 million Category 11 District Discretionary funding. The project is shown as a Year 2020 project.

In talking with Jonathan Bean, TxDOT San Antonio District’s Transportation Planning & Development Director, he made the following points:

- The District is supportive of turn back of certain state roadways that have become more local in function.
- The District sees the turn back as future cost savings for District maintenance and rehabilitation budgets
- The District supports complete streets but they view that the City can better accomplish the desired outcome and support turn back Broadway Street to the City
- Future Broadway Street improvements by the City of San Antonio include reduction in lanes from 6-lanes to 4-lanes, a capacity reduction the District could not support if Broadway Street stayed on the state system
• The MPO approved $9 million of STP MM funding last year. The District’s $5 million is for pavement repair with the remainder of the improvements to be borne by local governments.

• The City is preparing the design with the complete streets improvements envisioned as having all underground utilities, landscaping, etc. The total cost is estimated at $100 million.

• The City has included $43 million for the Broadway Street improvements in their upcoming May 2017 bond election.

• Once the improvements are complete Broadway Street will come off the state system. The removal from the State System could be

Observations:

In discussion with the San Antonio District there seems to be a more willingness to assist cities to turn back state system roadways that are serving more of a local mobility role as opposed to regional mobility. Certain elements within the Austin District did strongly emphasize a cost/benefit analysis that would help determine whether or not to recommend a roadway turn back. The San Antonio District representative did not mention a cost/benefit analysis as part of their recommendation process, though this could be a factor considered in analysis performed by headquarters staff when presented to the TTC.

The MOU between TxDOT, TML and TEMPO provides a basic guide on the key components to a successful roadway turn back. The MOU is an excellent tool to assist the City as a reference for TxDOT staff in moving forward with a roadway turn back.

Suggested Overall Approach:

• Discussions with Austin District staff to explore a formal request from the City Council on roadway turn back.

Recommendation: Move forward with a formal request by staff to Austin District Engineer Terry McCoy on beginning talks on roadway turn back, including performance of initial pavement cost/benefit analysis and potential funding schedule from the District. This will provide information to present to the City Council on potential roadways and a timeline for implementation for consideration of a formal request to TxDOT.
Key Take Aways from TxDOT 2014 Municipal Highway Turn Back Program

In August 2013, TxDOT announced the initiation of a newly-proposed "Municipal Highway Turn Back Program." The concept was for TxDOT to return portions of State System roadways to local jurisdictions, primary in the State’s larger cities. A list of identified roadways segments proposed as part of the Program were provided to City’ Mayors. After considerable concern expressed by many cities on if the Program was a mandatory or voluntary program and if the Program was an unfunded mandate, a coalition of the Texas Municipal League (TML) and the Association of Texas Metropolitan Planning Organizations (TEMPO) formed a committee to work TxDOT come to a mutual agreement on the Program.

The TML/TEMPO committee and TxDOT developed the following points that was signed in the Spring of 2014 as a Memorandum of Understanding for the Program:

Why The Turn Back Program is Good for Communities; Benefits to Municipalities: Increased Local Control

- Returns local control back to community
- Creates opportunities for economic development and renewal
- Provides ability to control access (driveways)
- Department approval not required for special events requiring road closure
- Provides ability to allow and control on-street parking
- Provides a means to allow encroachments such as community banners, curbside dumpsters, etc.
- Provides a means to implement landscaping or green belt requirements
- Allows complete control over speed limits
- Allows maintenance to be determined by local government
The following are identified in the MOU:

**Key Points of Memorandum of Understanding**
- A cooperative program between cities and TxDOT
- Participation in the program is voluntary
- Transferred highway will be in satisfactory condition before a transfer occurs
- The Turnback Program is available to any city within the boundaries of a MPO
- No penalties will be imposed on cities who choose not to participate
- Future savings will be used in the city on other priority highway projects

**MOU Financial Considerations**
- A portion of the maintenance savings will be used in a participating city in accordance with the local implementation plan developed by the city and TxDOT.
- Expenditures from the Turn Back Program was capped at $100 million.
- These savings will be used by TxDOT on eligible mobility, safety and preservation projects.
- A city should confirm with both TxDOT and its MPO that any highway accepted for turnback retains federal eligibility for funding as determined by state and federal law and rules.
- Before transferring a highway to a city under the Turn Back Program, TxDOT will implement any project currently in the State Transportation Improvement Plan and in its current four-year pavement preservation plan, and current local participation percentages will not be increased
- Bridges located on a turned back highway will retain their federal eligibility and continue to be on TxDOT's two-year inspection cycle. Before transferring a bridge currently programmed for replacement in TxDOT's four-year plan to a city under the Turn Back Program, the bridge replacement will be completed at the current participation levels
The following are identified in the MOU (continued):

MOU Local Implementation Plan

- A city, its MPO, and the local TxDOT district will meet and develop a local implementation plan for the highways within their region, including highways that: (1) do not fit the functional classification and need to remain as state highways; and (2) fit the functional classification and can be part of the voluntary Turn Back Program
- If a city requests a transition or phasing plan to allow it to take over the responsibility for some highways over time to fit within its budgetary constraints and project scheduling, that phasing plan should be included
- The local implementation plan should jointly identify any immediate pavement maintenance needs on highways proposed to be transferred
- No binding commitments will be made during the development of the plan
- The local implementation plan will be reviewed and approved by TxDOT administration before submission to the city's governing body in order to maintain consistency and uniformity
- A city's municipal maintenance agreement will be updated to reflect the turned back highways
- The local implementation plan will be provided to the city's governing body for its consideration and approval

MOU Right-of-way Transfer

- The intent of the voluntary Turn Back Program is to convey the real estate or right-of-way property that underlies a highway to the city at no cost to the city. Right-of-way value and administrative costs related to conveyance will not be deducted from TxDOT funding that would otherwise be spent in the city
- The appropriate mechanism for the transfer of the real estate ownership will depend upon the type of title that the state holds
- An adequate delineation or survey of the right-of-way that is legally sufficient to convey title to the real estate is required. This does not necessarily require a new survey if a previous survey reflects a precise delineation of the right-of-way to be transferred to local ownership
- A quitclaim deed may be used for the state to generally disclaim any unrecorded and un-delineated rights that the state may have in order to clear the title to a highway. For instance, if the property interest was originally acquired and held by a city or county in its own name for use by the state, or if there is no record title to the property
- Title by deed may be used to convey state ownership to a city as described in section 202.021(e)(l) of the Texas Transportation Code, which provides the authority to transfer the title to the right-of-way in consideration of the savings of the estimated future cost of maintenance and operation of the public road
Background Briefing:

City Design/Context Sensitive Design Considerations

- Coordination with TxDOT in meeting elements of Code SMTX
Background Briefing: Urban Design/Context Sensitive Design Considerations

General Statement
Unlike other topics researched (Municipal Maintenance Agreement, Access Management and Roadway Turn Back), a Texas specific legal foundation regarding urban design and context sensitive design by TxDOT have not been identified. This does not mean TxDOT policies and practices overlook the importance of urban factors in the design, construction, operations and maintenance of facilities on the State System.

At the national level, since 1991, each major surface transportation reauthorization act has contained provisions providing emphasis on encouraging context sensitive design/solutions. With this national objective, the Federal Highway Administration (FHWA) has lead the way to bring context sensitive solutions into the forefront of project development with the States. TxDOT has incorporated the concepts into their design processes. Attachment A contains a portion of the PDP which guides TxDOT staff on working with local communities in considering context sensitive design.

In October 2007, the Texas Transportation Commission created an Urban Thoroughfare Committee tasked with creating and encouraging cooperative partnerships, context sensitive solutions and design flexibility with respect to planning and developing appropriate transportation projects. The committee presented suggested revisions to TxDOT’s Project Development Process (PDP) Manual in 2009, with TxDOT Design Division incorporating the revisions into the manual.

Current TxDOT Viewpoint
TxDOT Austin District leadership in meetings with City staff on January 31, April 27, and May 30 have indicated support of the City’s urban design goals and expressed willingness to work cooperatively in determining the best path for collaboration on:

- Coordination on transportation elements of Code SMTX
- Coordination on Access Management, both on City assuming responsibilities for some corridors and closer cooperation on all access management decisions
- In agreement to permit higher City standards to be implemented in CAMPO-selected Federally-funded projects (STP MM & TAP)
- In agreement for more frequent coordination meetings for greater collaboration on maintenance, operations and project development
Example of TxDOT Collaboration on Urban Design
There are examples of local TxDOT district offices working cooperatively with metropolitan planning organizations and communities in developing processes and roadway projects which incorporate urban design principals similar to those contained in Code SMTX. These examples provide context on how City staff could approach TxDOT Austin District leadership in developing similar tools in furthering the City’s urban design goals.

- City of McKinney SH 5 MOU
An example of TxDOT collaboration is in the DFW area, where in 2014, TxDOT’s Dallas District, the MPO and the City of McKinney entered in a Memorandum of Understanding (MOU) regarding the future development of SH 5. The SH Corridor Context Sensitive Master Plan [https://www.mckinneytexas.org/DocumentCenter/View/4512](https://www.mckinneytexas.org/DocumentCenter/View/4512) contains the following in its Executive Summary:

  - Using the Town Center Master Plan (approved 2008) as the cornerstone, the vision for SH 5 builds out from the urban core of McKinney and recognizes its changing character both north and south of downtown. Through the use of character-defined context zones, a series of design parameters and conceptual design solutions reflect the preferred role of SH 5 through certain segments, as well as its interaction with adjacent land uses. In other words, the design parameters reflect a desired range of components for the design of the roadway and the design criteria reflect a preferred cross-section for a particular segment of the corridor.

For the SH 5 Corridor Context Sensitive Master Plan to have a positive impact on the growth and development of the corridor, an approach for implementation should be explored and developed so that the conceptual vision is able to translate into meaningful change over the short, mid and long term. Because much of the vision is centered on the functional design elements of the roadway itself (i.e. the reconstruction of SH 5), implementation will inherently focus on cost considerations, funding strategies, timing priorities, and agency coordination. However, equally as important is the recognition that land uses and land use patterns also play an integral part in shaping the role of SH 5 through its six-mile stretch in McKinney.

Suggested Overall Approach:
TxDOT Austin District leadership has expressed continued support of collaborating on the City’s urban design goals. As leadership can change over time at both TxDOT and City, it is advisable to establish a written collaboration protocol with TxDOT Austin District to memorialize the continued progress in City-TxDOT cooperation and coordination in urban design issues.
Excerpt from TxDOT Project Development Process Manual related to coordination with local entities

http://onlinemanuals.txdot.gov/txdotmanuals/pdp/compliance_with_planning_requirements.htm#i1010027

10320: Identify area/regional goals and plans

**Description.** Coordination with other entities and other areas of expertise is important to ensure that projects compliment the surrounding community or local area. This early coordination is important since the transportation corridor may be only one component of the long-term local objectives.

One method is a collaborative, interdisciplinary approach using Context Sensitive Solutions (CSS) strategic planning process. While not applicable to all project types (e.g., restoration, preventive maintenance), CSS principles exercise flexibility and creativity, preserve resources, enhance the community, as well as, improve mobility, safety, and infrastructure conditions. Transportation and development projects may be better accomplished in a joint development or well-coordinated process that will meet the objectives of multiple stakeholders.

For example, local entities may wish to encourage certain development, preserve, change or sustain the character of a specific area of the community or set future sustainable development for an entire transportation corridor or area network.

CSS principles promote the establishment of public and private partnerships that can support the project by (1) bringing together the future revenue streams with costs in order to provide funding for operation and maintenance, (2) creating funding for future projects, and (3) optimize return on public resources such as local tax bases. The establishment of these long-term relationships that consider transportation projects in the context of regional or local overall objectives can be a significant future benefit.

The Institute of Transportation Engineers (ITE) and the Congress for the New Urbanism (CNU) have developed recommended practices for context sensitive design process principles for streets, intersections, and networks, providing design flexibility in project development.
Possible outcomes in considering the CSS principles and partnerships include:
• Long-range vision for the community and project,
• Community values and issues,
• Supporting data,
• Community and agency priorities,
• Development of interdisciplinary teams,
• Education of stakeholders regarding issues, process, and constraints,
• Establishing planning process, which identifies decision points and stakeholder roles and responsibilities,
• Identification of design flexibility within the project development process.

Consult the following possible partners/stakeholders:
• Municipal departments,
• Chambers of commerce and regional economic development organizations,
• Professional and nonprofit local organization chapters,
• Councils of Government (COGs),
• Community leaders,
• Adjacent property and business owners,
• Developers,
• Redevelopment and community development agencies,
• Economic development agencies,
• Transit authorities,
• Special authorities and improvement districts,
• School districts,
• Public utilities,
• Public housing,
• Railroads, ports/harbors, bus companies,
• Regional transit authorities and rail districts.

Usually, the following district staff have established contacts with local entities:
• Director of Transportation Planning and Development,
• Community development and planning directors,
• Advanced project development engineer,
• Area engineer,
• Public transportation coordinator,
• Bicycle coordinator,
• Pedestrian coordinator,
• Planner,
• Public information officer.

The following divisions may be contacted:
• Aviation Division (AVN), project development within airport property and interface issues,
• Maritime Division (MRD), corridor, transport nodes, maritime highways, water, and ports,
• Rail Division (RRD), passenger and freight rail,
• Public Transportation Division (PTN), metropolitan and statewide planning.

**Pertinent Project Types.** All projects except preventive maintenance and restoration projects

**Responsible Party.** District Director of Transportation Planning and Development

**Subtasks.**
• Identify stakeholders in project area.
• Coordinate Context Sensitive Solutions (CSS) workshop for partners and stakeholders to establish project visions, goals, objectives, issues, and opportunities.
• Establish contacts or teams for ongoing feedback and to move project issues forward.
• Participate in related workshops sponsored by project stakeholders.

**Resource Material.**
• FHWA and AASHTO, Flexibility in Highway Design - http://www fhwa dot gov/environment/publications/flexibility/
• Federal Highway Administration - http://contextsensitivesolutions org/
• Institute of Transportation Engineers, Context Sensitive Solutions in Designing Walkable Urban Thoroughfares: A Context Sensitive Approach, An ITE Recommended Practice, 2010
AGENDA CAPTION:
Review Fiscal Year 2017 approved Capital Improvement Projects as they relate to the upcoming Fiscal Year 2017 bond sale and discuss the Fiscal Year 2018 Budget, and provide direction to Staff.

Meeting date: July 5, 2017

Department: Finance-Heather Hurlbert, Finance Director

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

CITY COUNCIL GOAL:
Goal #5-Maintain and improve City infrastructure
Goal #7-Maintain fiscal responsibility

COMPREHENSIVE PLAN ELEMENT(s):

BACKGROUND:
In preparation for the FY17 bond sale, staff will review with City Council the approved CIP projects and discuss the projects and funding amounts proposed for inclusion in the FY17 bond sale in September.
## FY 2017-26 Adopted 10 Year CIP Project List

### General Fund

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<tr>
<th>Proj ID</th>
<th>Project Name</th>
<th>2017 Proposed Cost</th>
<th>2018 Proposed City Cost</th>
<th>2019 Proposed City Cost</th>
<th>2020 Proposed City Cost</th>
<th>2021 Proposed City Cost</th>
<th>2022-2026 Proposed City Cost</th>
<th>Total City 10 Year Cost</th>
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## FY 2017-26 Adopted 10 Year CIP Project List

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<tr>
<td>453</td>
<td>Columbia Wastewater Improvements</td>
<td>Install 3,000 ft of 12” wastewater mostly by bore along Sessom between N LBJ and Loquat. In addition, bore sewer along Peachtree and Canyon Rd. Design in first funding year; acquisition in second funding year; construction in third funding year. To be constructed with 10’ Multi-use path within the same limits and Sessom Creek Remediation Sites 9 &amp; 10 as identified by RPS. Water quality assessment and analysis, stream erosion assessment and recommendations for remediation from the outfall of Sessom Creek into the San Marcos River to approximately Peachtree Street. Pre-funding this project with $125k from Sessom Drive Bike/Ped and Peques Imps #272, will be refunded back with 2017 funds. Design in first funding year, acquisition in second funding year and construction in third funding year. Wastewater is High Priority.</td>
<td>Drainage</td>
<td>25,000</td>
<td></td>
<td>25,000</td>
<td></td>
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<tr>
<td>521</td>
<td>Sessom Improvements from N LBJ to Comanche</td>
<td></td>
<td>Drainage</td>
<td>30,000</td>
<td></td>
<td>30,000</td>
<td></td>
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<tr>
<td>587</td>
<td>Bishop Street Sidewalk Connection</td>
<td>Construct a 5” wide sidewalk along one side of Bishop from Prospect to Belvin. Install a bus stop and bus shelter at Belvin. The PEE will determine the costs of widening the road for the addition of dedicated bike lane going uphill from Belvin to Prospect. Power pole relocation will be required. General funds may be offset by any available fee in lieu funds.</td>
<td>Drainage</td>
<td>75,000</td>
<td></td>
<td>75,000</td>
<td></td>
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</tr>
<tr>
<td>210</td>
<td>Stormwater System Improvements</td>
<td>Annual program for minor unplanned drainage improvements &amp; repairs to address localized deficiencies and problems in the drainage system.</td>
<td>Drainage</td>
<td>120,000</td>
<td></td>
<td>120,000</td>
<td></td>
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<tr>
<td>622</td>
<td>Corps of Engineers Flood Project Participation</td>
<td>Local funding match to get to Chef’s Report on Blanco River Flood Control options. Funding could come from grants, general or drainage funds. Initial $250,000 eligible for HUD DR funding as unmet need. If project meets federal requirements City participation in construction is 35% of estimated $80 million project</td>
<td>Drainage</td>
<td>250,000</td>
<td></td>
<td>250,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>464</td>
<td>Old Ranch Road 12 Bike &amp; Ped &amp; Widening Project</td>
<td></td>
<td>Drainage</td>
<td>300,000</td>
<td></td>
<td>300,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>272</td>
<td>Sessom Drive Bike/Ped and Peques Improvements</td>
<td>Improve bike and pedestrian access along Sessom Dr from Aquarena Springs Dr to North LBJ and realign the State/Peques Intersection. Campo funds and construction in 2017. Additional funding for design and sidewalk widening associated with the SMEU underground conversion on this project. High Priority.</td>
<td>Drainage</td>
<td>350,000</td>
<td></td>
<td>350,000</td>
<td></td>
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<tr>
<td>36</td>
<td>Uhland Road Improvements</td>
<td>Alleviate drainage problems along County and Uhland Road by installing a storm sewer system and upgrading water and wastewater mains. Install 1800LF 12” waterline and 1000lf of wastewater line along Uhland road from IH-35 to the 1300 block of Uhland.</td>
<td>Drainage</td>
<td>375,000</td>
<td></td>
<td>375,000</td>
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<tr>
<td>90</td>
<td>Hopkins Street Improvement Project</td>
<td></td>
<td>Drainage</td>
<td>500,000</td>
<td></td>
<td>500,000</td>
<td></td>
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<tr>
<td>105</td>
<td>Leah Drive</td>
<td>Construct 12” water line in extension of Leah from Cottonwood Pkwy to Civic Center Loop, approx. 700 LF. Includes 50% participation in the estimated cost for road and culvert construction with the development of the City property.</td>
<td>Drainage</td>
<td>40,000</td>
<td></td>
<td>40,000</td>
<td></td>
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<tr>
<td>633</td>
<td>Blanco River Overflow Mitigation Analysis</td>
<td>Combination of potential projects along Blanco River to reduce overflow from flood events from entering the Blanco Gardens Subdivision. Project feasibility will determine extent of project 617 Blanco Gardens Drainage. Will require alternate funding (HUD-DR or TWDB)</td>
<td>Drainage</td>
<td>150,000</td>
<td></td>
<td>150,000</td>
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<tr>
<td>Proj #</td>
<td>Project Name</td>
<td>Project Description</td>
<td>FUND</td>
<td>FY 15</td>
<td>FY 16</td>
<td>FY 17</td>
<td>HUD DR FUNDING</td>
<td>FY 17 CASH</td>
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<td>539</td>
<td>Mill Street Reconstruction</td>
<td>Reconstruct Mill St from Uhland to approx. 1,400 ft. northeast. Due to rapid growth in the area and increased traffic, the street is failing. Will include water/drainage/new fire hydrants. $2.2M in multi funds was approved in FY2016, additional funds needed in 2017 as scope increases.</td>
<td>Drainage</td>
<td>750,000</td>
<td></td>
<td></td>
<td></td>
<td>750,000</td>
</tr>
<tr>
<td>551</td>
<td>River Road Drainage Improvements - MOVE TO PROJ #36</td>
<td>Construct drainage improvements on River Road approximately 220 feet South of Aquarena Springs Drive to prevent flooding in the area. May need to purchase an easement for this project. May be addressed with HUD DR funds with Proj #36 - Uhland Road Improvements.</td>
<td>Drainage</td>
<td>200,000</td>
<td></td>
<td></td>
<td></td>
<td>200,000</td>
</tr>
<tr>
<td>406</td>
<td>River Road Pavement and Bank Stabilization</td>
<td>Preliminary Engineering Report for Short Term and Long Term Solutions. Short term solutions will focus on erosion control and pavement/bank stabilization of the roadway.</td>
<td>Drainage</td>
<td>300,000</td>
<td></td>
<td></td>
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<td>200,000</td>
</tr>
<tr>
<td>618</td>
<td>Various Drainage</td>
<td>Since the floods last year multiple sites have been identified through citizen complaints. 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: 1200 blk of Hilltop, Hills of Hays, 500 blk of Parkdale, Crockett and Willow Creek Rehab.</td>
<td>Drainage</td>
<td>300,000</td>
<td></td>
<td></td>
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<td>300,000</td>
</tr>
<tr>
<td>281</td>
<td>Victory Gardens Subdivision Ph. I - North Section</td>
<td>The project will replace old streets, drainage system, water and wastewater lines in the north section of the Victory Gardens Subdivision to improve reliability of service. Wider sidewalks are proposed along Patton and Roosevelt as well as 5’ sidewalks throughout the subdivision to improve overall pedestrian connectivity. Overhead electric and telecommunication lines will be converted to underground along Patton and Roosevelt and decorative lighting will also be installed along these streets. A photometric study will dictate where new lighting will be installed throughout the subdivision as well. Pedestrian crosswalks and electronic crossing indicator poles are also proposed at the intersection of Guadalupe and Roosevelt. Construction to begin in 2017. High Priority</td>
<td>Drainage</td>
<td>2,000,000</td>
<td></td>
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<td>2,000,000</td>
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<tr>
<td>612</td>
<td>HUD DR Drainage Projects Feasibility/BCA</td>
<td>2-D modeling of Blanco River and potential drainage improvements in areas damaged during 2015 floods (Briarwood, River Ridge, Fairlawn, Uhland, River Road, Davis Lane) to determine benefit cost for infrastructure options. Analysis will determine design scope for subsequent projects.</td>
<td>Drainage</td>
<td>350,000</td>
<td></td>
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<td>350,000</td>
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<tr>
<td>623</td>
<td>Midtown - East Drainage Improvements</td>
<td>Resolve local flooding in the East Midtown area according to the preferred scenario map. Improvements will run along the Southbound access road from Mill Street to Aquarena Springs, across IH-35 and to the Blanco River, by installing storm sewer and increasing channel capacity. Will require alternate funding from HUD DR. Final scope dependent on results of HUD DR Feasibility Analysis.</td>
<td>Drainage</td>
<td>1,750,000</td>
<td></td>
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<td>1,750,000</td>
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<tr>
<td>621</td>
<td>River Ridge/Fairlawn Drainage</td>
<td>Install drainage improvements through River Ridge Subdivision, underneath IH-35 and toward the Blanco River through Fairlawn Addition. Potential reduction in flooding west of IH-35 by improving capacity across the interstate. Will require HUD DR funds</td>
<td>Drainage</td>
<td>1,425,000</td>
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<td>1,425,000</td>
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<tr>
<td>587</td>
<td>Bishop Street Sidewalk Connection</td>
<td>Construct a 5’ wide sidewalk along one side of Bishop from Prospect to Belvin. Install a bus stop and bus shelter at Belvin. The PER will determine the costs of widening the road for the addition of dedicated bike lane going uphill from Belvin to Prospect. Power pole relocation will be required. General funds may be offset by any available fee in lieu funds.</td>
<td>Electric</td>
<td>100,000</td>
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<td>100,000</td>
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<tr>
<td>Proj #</td>
<td>Project Name</td>
<td>Description</td>
<td>FUND</td>
<td>FY 15 DEFERRED</td>
<td>FY16 DEFERRED</td>
<td>FY 17 APPROVED</td>
<td>HUD DR FUNDING</td>
<td>FY 17 CASH</td>
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<tr>
<td>136</td>
<td>Network Infrastructure</td>
<td>Replacement of network infrastructure equipment; funding provided by General, Water, and Electric Funds.</td>
<td>Electric</td>
<td>150,000</td>
<td>150,000</td>
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<tr>
<td>39</td>
<td>Disaster Recovery Infrastructure (every 5 yrs.)</td>
<td>Upgrade recovery system due to age</td>
<td>Electric</td>
<td>166,666</td>
<td>166,666</td>
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<tr>
<td>272</td>
<td>Sessom Drive Bike/Ped and Peques Improvements</td>
<td>Improve bike and pedestrian access along Sessom Dr from Aquarena Springs Dr to North LBJ and realign the State/Peques Intersection. Camp 9 funds and construction in 2017. Additional funding for design and sidewalk widening associated with the SMEU underground conversion on this project. High Priority.</td>
<td>Electric</td>
<td>1,250,000</td>
<td>1,250,000</td>
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<tr>
<td>31</td>
<td>Comprehensive Plan</td>
<td>Implement items in Vision San Marcos. In 2017 additional DR funds will be used to update comprehensive plan to reflect new flood information.</td>
<td>Electric</td>
<td>33,000</td>
<td>33,000</td>
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<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>458,000</td>
<td>458,000</td>
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<tr>
<td>69</td>
<td>Fiber Optic Infrastructure Expansions/Maintenance</td>
<td>Purchase the required fiber optic equipment to expand fiber ring, funding provided by General, Water, and Electric Funds. Locations for expansion include the Airport, Gary Sports Complex, Surface Water Treatment Plant, Electric Substations, and Nature Center &amp; Convention Visitor Bureau.</td>
<td>Electric</td>
<td>80,000</td>
<td>80,000</td>
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<tr>
<td>588</td>
<td>Hutchinson Street Parking Lot</td>
<td>Provide 12 downtown parking spaces and community seating area. Possible location for a transportation hub. Utilities will be needed if such desired hub moves forward.</td>
<td>Electric</td>
<td>25,000</td>
<td>25,000</td>
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<tr>
<td>383</td>
<td>Electric Master Plan</td>
<td>Conduct a Master Plan for the City of San Marcos Public Services Electric Utility</td>
<td>Electric</td>
<td>400,000</td>
<td>400,000</td>
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<tr>
<td>482</td>
<td>Reclaimed Water System Expansion Ph. 1 (formerly Water Reuse System)</td>
<td>Expansion of the reclaimed water system. Phase I - 12,400 linear feet of 16-inch diameter pipeline between current reclaimed main and CM Allen Parkway. Design will also cover improvements to pump station and reservoir design to increase capacity. TX State will participate in costs. WW and Reclaimed Water on Durango South to De Zavala. Reclaimed Water and Water on Staples from De Zavala to Durango will be replaced using $375k of Wallace Addition Funds. 1 of the 16&quot; Waterline crossings from project #99 - IH-35 Waterline Crossings will be replaced at McKie St. A bore from #544 Eastside Interceptor project with a 24&quot; WW line will be complete and water imps from #508 McKie and Lee Water Project, from IH35 to Love will be completed. Also includes a bore with 3-6&quot; PVC pipe and 6-4&quot; PVC pipe for electric and telecom. Funding through 2027 for additional phases.</td>
<td>Electric</td>
<td>500,000</td>
<td>500,000</td>
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<tr>
<td>384</td>
<td>HT-10 Reconductor</td>
<td>Increase capacity, reduce losses, improve voltage levels as recommended by the Electric System Master Plan. This project is concurrent with HT T-1 Transformer Replacement and will replace existing lines and poles.</td>
<td>Electric</td>
<td>250,000</td>
<td>250,000</td>
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<tr>
<td>132</td>
<td>Municipal Services Complex Expansion/Relocation</td>
<td>Relocate and consolidate city facilities; With the FY15 first year funds of $150k, conduct an assessment to expand City Facilities at the current City Hall location, relocate all Public Services (SMEU, PS, Fleet, Parks) to a new combined location, and make necessary repairs to the current fleet maintenance area. The second year of funds approved in FY 16, $1.8M - will begin the concept and design phase for the improvements. The third year of funds in 2017 $4M - will provide funding for land. The final year of funding in 2018, $12M - will be for construction.</td>
<td>Electric</td>
<td>1,300,000</td>
<td>1,300,000</td>
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<td>Proj #</td>
<td>Project Name</td>
<td>Project Description</td>
<td>FUND</td>
<td>FY 15 DEFER</td>
<td>FY16 DEFER</td>
<td>FY 17 APPROVED</td>
<td>HUD DR FUNDING</td>
<td>FY 17 CASH</td>
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<tr>
<td>281</td>
<td>Victory Gardens Subdivision Ph. I - North Section</td>
<td>The project will replace old streets, drainage system, water and wastewater lines in the north section of the Victory Gardens Subdivision to improve reliability of service. Wider sidewalks are proposed along Patton and Roosevelt as well as 5' sidewalks throughout the subdivision to improve overall pedestrian connectivity. Overhead electric and telecommunication lines will be converted to underground along Patton and Roosevelt and decorative lighting will also be installed along these streets. A photometric study will dictate where new lighting will be installed throughout the subdivision as well. Pedestrian crosswalks and electronic crossing indicator poles are also proposed at the intersection of Guadalupe and Roosevelt. Construction to begin in 2017. High Priority</td>
<td>Electric</td>
<td>75,000</td>
<td>75,000</td>
<td>750,000</td>
<td>750,000</td>
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<tr>
<td>405</td>
<td>Pole Replacement - Elect Power poles</td>
<td>Annual CIP for the replacement of electric poles within the City's electric service area.</td>
<td>Electric</td>
<td>75,000</td>
<td>75,000</td>
<td>75,000</td>
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<tr>
<td>C161</td>
<td>Rebuild Hilcrest-Ridgeway</td>
<td>This project addresses the rehabilitation of San Marcos feeder SM-180. This will include upgrading of the existing 4/0 all-aluminum conductor to 336.4 thousand circular mils (wire gauge) conductor. Located between Bugg Lane and Hwy 80.</td>
<td>Electric</td>
<td>431,250</td>
<td>431,250</td>
<td>431,250</td>
<td>431,250</td>
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<tr>
<td>386</td>
<td>SM-170 Re conductor</td>
<td>Replace existing back up generator in the SMEU equipment yard with new, higher capacity generator, automatic transfer switch. The current generator is not adequate to power the entire facility in the event of widespread power outage. The Electric Utility must remain operational during emergency conditions such as the recent floods.</td>
<td>Electric</td>
<td>195,000</td>
<td>195,000</td>
<td>195,000</td>
<td>195,000</td>
<td></td>
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<tr>
<td>615</td>
<td>SMEU Back Up Generator Installation</td>
<td>Replace existing back up generator in the SMEU equipment yard with new, higher capacity generator, automatic transfer switch. The current generator is not adequate to power the entire facility in the event of widespread power outage. The Electric Utility must remain operational during emergency conditions such as the recent floods.</td>
<td>Electric</td>
<td>95,000</td>
<td>95,000</td>
<td>95,000</td>
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<tr>
<td>212</td>
<td>Street Light Replacement Program</td>
<td>A 5- year program to replace street light and lighting fixture extensions with energy saving LED fixtures to ensure all street lights meet dark sky requirements. The project started in 2013 and will continue through 2017.</td>
<td>Electric</td>
<td>400,000</td>
<td>400,000</td>
<td>400,000</td>
<td>400,000</td>
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<tr>
<td>389</td>
<td>Upgrade Redwood Substation Transformer RW-T3</td>
<td>Upgrade transformer to accommodate system growth. Project includes circuit switcher. Replace power transformer, circuit switcher, distribution bus and feeder exits.</td>
<td>Electric</td>
<td>2,500,000</td>
<td>2,500,000</td>
<td>2,500,000</td>
<td>2,500,000</td>
<td></td>
</tr>
<tr>
<td>212</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>200,000</td>
<td>200,000</td>
<td>200,000</td>
<td>200,000</td>
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<tr>
<td>491</td>
<td>Airport Landscaping</td>
<td>Improve landscaping around Airport facility. Will implement new standards developed by airport management for future private projects. This project is not eligible for a TxDOT match.</td>
<td>General</td>
<td>80,000</td>
<td>80,000</td>
<td>80,000</td>
<td>80,000</td>
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<tr>
<td>607</td>
<td>Airport Wildlife Hazard Assessment</td>
<td>City 10% match for assessment of airport for wildlife hazards. TxDOT has already received the federal grant funds for this project.</td>
<td>General</td>
<td>10,000</td>
<td>10,000</td>
<td>10,000</td>
<td>10,000</td>
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<tr>
<td>472</td>
<td>Capes Camp Improvement and Dam</td>
<td>Determine removal or renovation of Capes Dam, Thompson's Island which was acquired by the City through parkland dedication; first funding year will provide minor improvements; second funding year will provide analysis and permit; third funding year will provide long-term improvements. High Priority.</td>
<td>General</td>
<td>1,000,000</td>
<td>1,000,000</td>
<td>1,000,000</td>
<td>1,000,000</td>
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<tr>
<td>Proj #</td>
<td>Project Name</td>
<td>Project Description</td>
<td>FUND</td>
<td>FY 15 DEFERED</td>
<td>FY16 DEFERED</td>
<td>FY 17 APPROVED</td>
<td>HUD DR FUNDING</td>
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<td>610</td>
<td>City Facility Renovations - Police</td>
<td>Current PD 911 Center. Internal Renovations. Reconfigure the call center area to allow for separation of call takers and radio operators. Renovate existing wiring to eliminate massive amount of unused wiring under current sub-floor. - $1M. Constructed in 1973, the Police Facility HVAC system consists of a chilled water system, supplying chilled or heated water to 6 different air handlers throughout the building. Because of the system age, it runs continuously, resulting in extreme utility costs as well as numerous expensive repairs. This project will replace the HVAC system, primarily the air handlers, with new, more efficient digitally controlled units that can be shut down at non-use or non-peak times. - $750k Rebuild Police Department parking &amp; driver training facilities, with drainage improvements as needed. Also includes replacement of perimeter fencing. - $650k Remaining funds are for misc. renovations to the PD facility including interrogation area, ADA storefront, kitchen rehab, office expansion and restructure.</td>
<td>General</td>
<td>5,000,000</td>
<td>5,000,000</td>
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<tr>
<td>614</td>
<td>Downtown Property Acquisition</td>
<td>Acquire future site downtown for potential parking areas as recommended in Downtown parking implementation plan. Acquiring a site now will ensure future location.</td>
<td>General</td>
<td>750,000</td>
<td>750,000</td>
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<tr>
<td>419</td>
<td>Sessom/Academy Intersection Improvements</td>
<td>The intersection improvements at Sessom and Academy will include physical characteristics such as geometry as well as traffic operations and pedestrian safety. Various geometric improvement options will be developed as part of the PER and preferred option will be designed and constructed to improve traffic operations and pedestrian safety. Drainage improvements along Sessom Drive from Yale to Comanche to abandon a storm drain through private property will be included. Improvements and cost participation will be coordinated with development and TX State and with all Drainage Master Plan projects.</td>
<td>General</td>
<td>100,000</td>
<td>100,000</td>
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<tr>
<td>136</td>
<td>Network Infrastructure</td>
<td>Replacement of network infrastructure equipment; funding provided by General, Water, and Electric Funds.</td>
<td>General</td>
<td>150,000</td>
<td>150,000</td>
<td></td>
<td></td>
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<tr>
<td>521</td>
<td>Sessom improvements from N LBJ to Comanche</td>
<td>Install 3,000 lf of 12&quot; wastewater mostly by bore along Sessom between N LBJ and Loquat. In addition; bore sewer along Peachtree and Canyon Rd. Design in first funding year; acquisition in second funding year; construction in third funding year. To be constructed with 10' Multi-use path within the same limits and Sessom Creek Remediation Sites 9 &amp; 10 as identified by RPS. Water quality assessment and analysis, stream erosion assessment and recommendations for remediation from the outfall of Sessom Creek into the San Marcos River to approximately Peachtree Street. Pre-funding this project with $125k from Sessom Drive Bike/Ped and Peques Imps #272, will be refunded back with 2017 funds. Design in first funding year, acquisition in second funding year and construction in third funding year. Wastewater is High Priority.</td>
<td>General</td>
<td>150,000</td>
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<td>Upgrade recovery system due to age</td>
<td>General</td>
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## FY 2017 Bond Issuance Listing

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<th>Proj #</th>
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<th>FUND</th>
<th>FY 15 DEFERRED</th>
<th>FY16 DEFERRED</th>
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<th>HUD DR FUNDING</th>
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<td>Bishop Street Sidewalk Connection</td>
<td>Construct a 5’ wide sidewalk along one side of Bishop from Prospect to Belvin. Install a bus stop and bus shelter at Belvin. The PER will determine the costs of widening the road for the addition of dedicated bike lane going uphill from Belvin to Prospect. Power pole relocation will be required. General funds may be offset by any available fee in lieu funds.</td>
<td>General</td>
<td>200,000</td>
<td>200,000</td>
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<tr>
<td>526</td>
<td>City Facility Renovations</td>
<td>Renovate / construct – Activity Cntr (Restrooms, flooring); Municipal Bldg. (first floor training room, restrooms, hallways, lobby and utility billing); Public Services Bldg. (restrooms, hallways, flooring, ceilings); City Hall (foundation repair, restrooms); Grant Harris (foundation repair, restrooms, lobby, offices); Library (Restrooms, painting, flooring); Dunbar (Restrooms, flooring); Fleet Maintenance Bay; Roofs – (Municipal Bldg., Public Services, Grant Harris, SMEU, Library gutter system, Metal roof)</td>
<td>General</td>
<td>200,000</td>
<td>200,000</td>
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<tr>
<td>272</td>
<td>Sessom Drive Bike/Ped and Peques Improvements</td>
<td>Improve bike and pedestrian access along Sessom Dr from Aquarena Springs Dr to North LBJ and realign the State/Peques Intersection. Campo funds and construction in 2017. Additional funding for design and sidewalk widening associated with the SMEU underground conversion on this project. High Priority.</td>
<td>General</td>
<td>200,000</td>
<td>200,000</td>
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<tr>
<td>169</td>
<td>City Facility Parking Lots</td>
<td>Repave/strip all City parking facilities based upon condition, with drainage improvements as needed. Will coordinate with project #358 - Downtown SmartCode. Funding for this project is split over 3 years; 2017, 2020 and 2021.</td>
<td>General</td>
<td>300,000</td>
<td>300,000</td>
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<td>36</td>
<td>Uhland Road Improvements</td>
<td>Alleviate drainage problems along County and Uhland Road by installing a storm sewer system and upgrading water and wastewater mains. Install 1800’ 12” waterline and 1000’ of wastewater line along Uhland road from IH-35 to the 1300 block of Uhland.</td>
<td>General</td>
<td>360,000</td>
<td>360,000</td>
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<tr>
<td>611</td>
<td>Franklin Water Tank/Monopole Antenna</td>
<td>Removal of the Franklin water tank and replacement of a monopole antenna. Cost estimate for the removal of the tank is around $400k due to the location. Antenna cost is estimated at $500k. Removal of tank will allow additional area within cemetery. Currently the City's public safety radio system is located on the Tower.</td>
<td>General</td>
<td>500,000</td>
<td>500,000</td>
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<tr>
<td>557</td>
<td>CM Allen Reconstruction</td>
<td>Reconstruct CM Allen from Hopkins to University to include pedestrian and street lighting, bike lanes, sidewalks, water quality treatment and secondary underground electric. 2016 funding includes design funding of $170,000 and construction funding of $1,700,000. 2017 includes additional Construction funds.</td>
<td>General</td>
<td>546,000</td>
<td>546,000</td>
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<tr>
<td>625</td>
<td>2016 John Deere 670G Motor Grader</td>
<td>The John Deere 670G Motor Grader is to support the Mill and Overlay Program and replace the current motor grader which is 24 years old and is in constant need of repair.</td>
<td>General</td>
<td>305,000</td>
<td>305,000</td>
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<tr>
<td>132</td>
<td>Municipal Services Complex Expansion/Relocation</td>
<td>Relocate and consolidate city facilities; With the FY15 first year funds of $150K, conduct an assessment to expand City Facilities at the current City Hall location, relocate all Public Services (SMEU, PS, Fleet, Parks) to a new combined location, and make necessary repairs to the current fleet maintenance area. The second year of funds approved in FY 16, $1.8M - will begin the concept and design phase for the improvements. The third year of funds in 2017 $4M - will provide funding for land. The final year of funding in 2018, $12M – will be for construction.</td>
<td>General</td>
<td>1,300,000</td>
<td>500,000</td>
<td>800,000</td>
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<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 2019</td>
<td>General</td>
<td>50,000</td>
<td>50,000</td>
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<tr>
<td>616</td>
<td>Cemetery Land Acquisition</td>
<td>The City's cemetery is nearing capacity. Acquisition of adjacent property or the development of an additional cemetery is required. Funding will come from cemetery perpetual fund and general fund.</td>
<td>General</td>
<td>25,000</td>
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<td>25,000</td>
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<tr>
<td>30</td>
<td>Coban Digital Mobile Video</td>
<td>The Police Department purchased Coban Digital Video units for marked patrol cars in early 2007. These 78 units now have expired warranties and need to be repaired or replaced. $6,500 per unit - includes camera and recording unit. Install cost not included in est. cost per unit. $150k covers 16 units which must be replaced every 5 years due to being out of warranty. Convert to operational after 2017.</td>
<td>General</td>
<td>150,000</td>
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<td>150,000</td>
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<tr>
<td>31</td>
<td>Comprehensive Plan</td>
<td>Implement items in Vision San Marcos. In 2017 additional DR funds will be used to update comprehensive plan to reflect new flood information.</td>
<td>General</td>
<td>33,000</td>
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<td>33,000</td>
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<tr>
<td>69</td>
<td>Fiber Optic Infrastructure</td>
<td>Purchase the required fiber optic equipment to expand fiber ring; funding provided by General, Wastewater, and Electric Funds. Locations for expansion include the Airport, Gary Sports Complex, Surface Water Treatment Plant, Electric Substations, and Nature Center &amp; Convention Visitor Bureau.</td>
<td>General</td>
<td>80,000</td>
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<td>80,000</td>
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<tr>
<td>74</td>
<td>Fire Department Relocation Station #4</td>
<td>ADDTL FUNDS APPROVED BY COUNCIL</td>
<td>GENERAL</td>
<td>865,870</td>
<td></td>
<td>865,870</td>
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<tr>
<td>74</td>
<td>Fire Department Relocation Station #4</td>
<td>ADDTL FUNDS APPROVED BY COUNCIL</td>
<td>GENERAL</td>
<td>2,000,000</td>
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<td>2,000,000</td>
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<td>588</td>
<td>Hutchison Street Parking Lot</td>
<td>Provide 12 downtown parking spaces and community seating area. Possible location for a transportation hub. Utilities will be needed if such desired hub moves forward.</td>
<td>General</td>
<td>75,000</td>
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<td>105</td>
<td>Leah Drive</td>
<td>Construct 127' water line in extension of Leah from Cottonwood Pkwy to Civic Center Loop, approx. 700 LF. Includes 50% participation in the estimated cost for road and culvert construction with the development of the City property.</td>
<td>General</td>
<td>20,000</td>
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<tr>
<td>539</td>
<td>Mill Street Reconstruction</td>
<td>Reconstruct Mill St from Uhland to approx. 1,400 ft. northeast. Due to rapid growth in the area and increased traffic, the street is failing. Will include water/drainage/new fire hydrants. $2.2M in multi funds was approved in FY2016, additional funds needed in 2017 as scope increases.</td>
<td>General</td>
<td>150,000</td>
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<tr>
<td>624</td>
<td>Traffic Signal Video Detection Upgrade</td>
<td>City wide upgrade to old traffic signal, black and white cameras to color cameras to reduce maintenance costs, driver complaints, and increase system reliability.</td>
<td>General</td>
<td>180,000</td>
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<tr>
<td>583</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>
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<td></td>
<td>Library Roof Repair and associated damage</td>
<td></td>
<td>General</td>
<td>300,000</td>
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<td>300,000</td>
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<td>Wastewater</td>
<td>700,000</td>
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<td>32,000</td>
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<tr>
<td>525</td>
<td>Wallace Addition - Water and Wastewater Improvements</td>
<td>Replace existing aged and sagging wastewater line in alley from Cape to Laredo; approx. 600 ft. Replace existing AC aged water lines in Juarez and Staples; approx. 5,100 ft. Valves are a problem due to them being broken or non-existent at prime locations. Streets Dept. will come in after for mill and overlay. Previously approved funds include $200k water in 2015, $1.1M water and $250k wastewater in 2016. An additional $75k in wastewater is needed. A portion of this project will be completed with the Reclaimed Water Project - $375k water funds have been moved for this portion.</td>
<td>Wastewater</td>
<td>75,000</td>
<td>75,000</td>
<td>75,000</td>
<td>75,000</td>
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<td>Wastewater</td>
<td>450,000</td>
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<td>450,000</td>
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<tr>
<td>544</td>
<td>East Side Interceptor 36-inch Wastewater</td>
<td></td>
<td>Wastewater</td>
<td>110,000</td>
<td>110,000</td>
<td>110,000</td>
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<tr>
<td>453</td>
<td>Columbia Wastewater Improvements</td>
<td></td>
<td>Wastewater</td>
<td>125,000</td>
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<tr>
<td>610</td>
<td>City Facility Renovations - W/WW/Trans Building</td>
<td>Additional funds needed to finish the remodel of the Water, Wastewater, Transportation building.</td>
<td>Wastewater</td>
<td>165,000</td>
<td>165,000</td>
<td>165,000</td>
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<td>Upgrade recovery system due to age</td>
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<tr>
<td>207</td>
<td>SSES &amp; Repairs</td>
<td>Continue systematic sanitary sewer evaluation study and correction of defects throughout the City.</td>
<td>Wastewater</td>
<td>609,500</td>
<td>609,500</td>
<td>609,500</td>
<td>609,500</td>
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<td>Fiber Optic Infrastructure Expansions/Maintenance</td>
<td>Purchase the required fiber optic equipment to expand Fiber ring; funding provided by General, Wastewater, and Electric Funds. Locations for expansion include the Airport, Gary Sports Complex, Surface Water Treatment Plant, Electric Substations, and Nature Center &amp; Convention Visitor Bureau.</td>
<td>Wastewater</td>
<td>80,000</td>
<td>80,000</td>
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<td>Hutchison Street Parking Lot</td>
<td>Provide 12 downtown parking spaces and community seating area. Possible location for a transportation hub. Utilities will be needed if such desired hub moves forward.</td>
<td>Wastewater</td>
<td>30,000</td>
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<tr>
<td>111</td>
<td>Main Lift Station Force Main &amp; Reclaimed Water Imps</td>
<td>Construct additional force main (approx. 4000 LF) and replace existing force main from main lift station to wastewater treatment plant. Project will also include a new bulk reclaimed water station at the plant entrance and the extension at the reclaimed waterline to Cape road to serve the park and development. $1.3M was approved in 2014 CIP but was never funded. $200k was approved in 2015 CIP. $1.1M was approved in 2016 CIP.</td>
<td>Wastewater</td>
<td>2,700,000</td>
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<td>482</td>
<td>Reclaimed Water System Expansion Ph. 1 (Formerly Water Reuse System)</td>
<td>Expansion of the reclaimed water system. Phase I - 12,400 linear feet of 16-inch diameter pipeline between current reclaimed main and CM Allen Parkway. Design will also cover improvements to pump station and reservoir design to increase capacity. TX State will participate in costs. WW and Reclaimed Water on Durango South to De Zavala. Reclaimed Water and Water on Staples from De Zavala to Durango will be replaced using $375k of Wallace Addition Funds. 1 of the 16&quot; Waterline crossings from project #99 - IH-35 Waterline Crossings will be replaced at McKie St. A bore from #544 Eastside Interceptor project with a 24&quot; WW line will be complete and water imps from #508 McKie and Lee Water Project, from IH35 to Love will be completed. Also includes a bore with 3 - 6&quot; PVC pipe and 6- 4&quot; PVC pipe for electric and telecom. Funding through 2027 for additional phases.</td>
<td>Wastewater</td>
<td>700,000</td>
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<tr>
<td>281</td>
<td>Victory Gardens Subdivision Ph. I - North Section</td>
<td>The project will replace old streets, drainage system, water and wastewater lines in the north section of the Victory Gardens Subdivision to improve the quality of service. Wider sidewalks are proposed along Patton and Roosevelt as well as 5' sidewalks throughout the subdivision to improve overall pedestrian connectivity. Overhead electric and telecommunication lines will be converted to underground along Patton and Roosevelt and decorative lighting will also be installed along these streets. A photometric study will dictate where new lighting will be installed throughout the subdivision as well. Pedestrian crosswalks and electronic crossing indicator poles are also proposed at the intersection of Guadalupe and Roosevelt. Construction to begin in 2017. High Priority</td>
<td>Wastewater</td>
<td>400,000</td>
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<tr>
<td>258</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>
<td></td>
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<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>
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<tr>
<td>245</td>
<td>Wastewater Lift Station Improvements</td>
<td>Operational systematic upgrade of existing wastewater lift stations.</td>
<td>Wastewater</td>
<td>150,000</td>
<td></td>
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<tr>
<td>132</td>
<td>Municipal Services Complex Expansion/Relocation</td>
<td>Relocate and consolidate city facilities; With the FY15 first year funds of $150k, conduct an assessment to expand City Facilities at the current City Hall location, relocate all Public Services (SMEl, PS, Fleet, Parks) to a new combined location, and make necessary repairs to the current fleet maintenance area. The second year of funds approved in FY 16, $1.6M - will begin the concept and design phase for the improvements. The third year of funds in 2017 $4M - will provide funding for land. The final year of funding in 2018, $12M - will be for construction.</td>
<td>Water</td>
<td>700,000</td>
<td></td>
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<tr>
<td>Proj #</td>
<td>Project Name</td>
<td>Project Description</td>
<td>FUND</td>
<td>FY 15 DEFERRED</td>
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<td>HUD DR FUNDING</td>
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<tr>
<td>587</td>
<td>Bishop Street Sidewalk Connection</td>
<td>Construct a 5’ wide sidewalk along one side of Bishop from Prospect to Belvin. Install a bus stop and bus shelter at Belvin. The PER will determine the costs of widening the road for the addition of dedicated bike lane going uphill from Belvin to Prospect. Power pole relocation will be required. General funds may be offset by any available fee in lieu funds.</td>
<td>Water</td>
<td>15,000</td>
<td></td>
<td></td>
<td></td>
<td>15,000</td>
<td></td>
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</tr>
<tr>
<td>36</td>
<td>Uhland Road Improvements</td>
<td>Alleviate drainage problems along County and Uhland Road by installing a storm sewer system and upgrading water and wastewater mains. Install 1800 LF 12” waterline and 1000 LF of wastewater line along Uhland road from IH-35 to the 1300 block of Uhland.</td>
<td>Water</td>
<td>34,000</td>
<td></td>
<td></td>
<td></td>
<td>34,000</td>
<td></td>
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<tr>
<td>557</td>
<td>CM Allen Reconstruction</td>
<td>Reconstruct CM Allen from Hopkins to University to include pedestrian and street lighting, bike lanes, sidewalks, water quality treatment and secondary underground electric. 2016 funding includes design funding of $170,000 and construction funding of $1,700,000. 2017 includes additional Construction funds.</td>
<td>Water</td>
<td>44,000</td>
<td></td>
<td></td>
<td></td>
<td>44,000</td>
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<tr>
<td>592</td>
<td>Primrose Way Water</td>
<td>Upsize existing 2” water line to 8” water line 820 LF. Construct 1020LF of new 8” water line and tie to existing 8” water line located at the Southwest corner of the Master’s School parcel. Easements needed along Primrose Way from Horace Howard Dr to the end of the Master’s School private drive. This is an area within the City's water CQN where the number of connections exceeds TCEQ requirements. This will also provide a loop feed for fire protection.</td>
<td>Water</td>
<td>70,000</td>
<td></td>
<td></td>
<td></td>
<td>70,000</td>
<td></td>
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</tr>
<tr>
<td>612</td>
<td>Midway Tank</td>
<td>Removal of the Midway tank. This tank is no longer in service.</td>
<td>Water</td>
<td></td>
<td>150,000</td>
<td></td>
<td></td>
<td>150,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>136</td>
<td>Network Infrastructure</td>
<td>Replacement of network infrastructure equipment; funding provided by General, Water, and Electric Funds</td>
<td>Water</td>
<td></td>
<td>150,000</td>
<td></td>
<td></td>
<td>150,000</td>
<td></td>
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<tr>
<td>611</td>
<td>Franklin Water Tank/Monopole Antenna</td>
<td>Removal of the Franklin water tank and replacement of a monopole antenna. Cost estimate for the removal of the tank is around $400k due to the location. Antenna cost is estimated at $500k. Removal of tank will allow additional area within cemetery. Currently the City's public safety radio system is located on the Tower.</td>
<td>Water</td>
<td></td>
<td></td>
<td>400,000</td>
<td></td>
<td>400,000</td>
<td></td>
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<tr>
<td>27</td>
<td>Cheatham Street and Blanco River WL Bore Imps</td>
<td>Construct 1,400 ft. of 12” of water line from CM Allen to Mill Race along Cheatham. Connects to previous improvement at Mill Race. Install 2000’ of 12” Waterline on Downstream side of Blanco River at IH-35 due to damage caused by &quot;All Saints Day&quot; Flood. Previous funding of $100k is for design. 2017 funds $1.7M for construction and $150k to reimburse for borrowed design funds.</td>
<td>Water</td>
<td></td>
<td>1,850,000</td>
<td></td>
<td></td>
<td>1,850,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>31</td>
<td>Comprehensive Plan</td>
<td>Implement items in Vision San Marcos. In 2017 additional DR funds will be used to update comprehensive plan to reflect new flood information.</td>
<td>Water</td>
<td></td>
<td>33,000</td>
<td></td>
<td></td>
<td>33,000</td>
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<tr>
<td>588</td>
<td>Hutchison Street Parking Lot</td>
<td>Provide 12 downtown parking spaces and community seating area. Possible location for a transportation hub. Utilities will be needed if such desired hub moves forward.</td>
<td>Water</td>
<td></td>
<td>20,000</td>
<td></td>
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<td>20,000</td>
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<tr>
<td>105</td>
<td>Leah Drive</td>
<td>Construct 12” water line in extension of Leah from Cottonwood Pkwy to Civic Center Loop, approx. 700 LF. Includes 50% participation in the estimated cost for road and culvert construction with the development of the City property.</td>
<td>Water</td>
<td></td>
<td>50,000</td>
<td></td>
<td></td>
<td>50,000</td>
<td></td>
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<tr>
<td>508</td>
<td>McKie and Lee Street Water Replacement</td>
<td>Design replacement of undersized water mains on McKie from Craddock to Mariposa and on Lee from McKie towards Guadalupe in advanced of the 2017 Mill and Overlay for this area.</td>
<td>Water</td>
<td></td>
<td>500,000</td>
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<td>500,000</td>
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# FY 2017 Bond Issuance Listing

<table>
<thead>
<tr>
<th>Proj #</th>
<th>Project Name</th>
<th>Project Description</th>
<th>FUND</th>
<th>FY 15 DEFERRED</th>
<th>FY16 DEFERRED</th>
<th>FY 17 APPROVED</th>
<th>HUD DR FUNDING</th>
<th>FY 17 CASH</th>
<th>FY 17 DEBT</th>
<th>FY 17 DEFER</th>
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</thead>
<tbody>
<tr>
<td>539</td>
<td>Mill Street Reconstruction</td>
<td>Reconstruct Mill St from Uhland to approx. 1,400 ft. northeast. Due to rapid growth in the area and increased traffic, the street is failing. Will include water/drainage/new fire hydrants. $2.2M in multi funds was approved in FY2016, additional funds needed in 2017 as scope increases.</td>
<td>Water</td>
<td></td>
<td>250,000</td>
<td></td>
<td></td>
<td>250,000</td>
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<tr>
<td>482</td>
<td>Reclaimed Water System Expansion Ph. 1 (formerly Water Reuse System)</td>
<td>Expansion of the reclaimed water system. Phase I - 12,400 linear feet of 16-inch diameter pipeline between current reclaimed main and CM Allen Parkway. Design will also cover improvements to pump station and reservoir design to increase capacity. TX State will participate in costs. WW and Reclaimed Water on Durango South to De Zavala. Reclaimed Water and Water on Staples from De Zavala to Durango will be replaced using $375k of Wallace Addition Funds. 1 of the 16&quot; Waterline crossings from project #99 - IH-35 Waterline Crossings will be replaced at McKie St. A bore from #544 Eastside Interceptor project with a 24&quot; WW line will be complete and water imps from #508 McKie and Lee Water Project, from IH35 to Love will be completed. Also includes a bore with 3 - 6&quot; PVC pipe and 6- 4&quot; PVC pipe for electric and telecom. Funding through 2027 for additional phases.</td>
<td>Water</td>
<td>3,425,000</td>
<td></td>
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<tr>
<td>410</td>
<td>Staples Rd 12&quot; Water Line</td>
<td></td>
<td>Water</td>
<td>500,000</td>
<td></td>
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<tr>
<td>619</td>
<td>SWTP Chlorine Dioxide Disinfection Conversion</td>
<td>Converting the existing drinking water disinfection system at the Surface Water Treatment Plant (SWTP) to use chlorine dioxide in order to reduce the formation of disinfection by-products in the drinking water distribution system.</td>
<td>Water</td>
<td>765,000</td>
<td></td>
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<tr>
<td>281</td>
<td>Victory Gardens Subdivision Ph. I - North Section</td>
<td>The project will replace old streets, drainage system, water and wastewater lines in the north section of the Victory Gardens Subdivision to improve reliability of service. Wider sidewalks are proposed along Patton and Roosevelt as well as 5&quot; sidewalks throughout the subdivision to improve overall pedestrian connectivity. Overhead electric and telecommunication lines will be converted to underground along Patton and Roosevelt and decorative lighting will also be installed along these streets. A photometric study will dictate where new lighting will be installed throughout the subdivision as well. Pedestrian crosswalks and electronic crossing indicator poles are also proposed at the intersection of Guadalupe and Roosevelt. Construction to begin in 2017. High Priority</td>
<td>Water</td>
<td>600,000</td>
<td></td>
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<tr>
<td>248</td>
<td>Water Improvements</td>
<td>Minor engineering projects to repair waterlines</td>
<td>Water</td>
<td>150,000</td>
<td></td>
<td></td>
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<tr>
<td>249</td>
<td>Water Main Oversizing</td>
<td>Funds for oversizing water mains in conjunction with development</td>
<td>Water</td>
<td>150,000</td>
<td></td>
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<tr>
<td>251</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>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>247</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>100,000</td>
<td></td>
<td></td>
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<tr>
<td>626</td>
<td>Willow Creek Water CCN Acquisition</td>
<td>Acquire the water infrastructure and CCN from Crystal Clear SUD for the Willow Creek area.</td>
<td>Water</td>
<td>1,150,000</td>
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**Total:**

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<th>FY 15 DEFERRED</th>
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<td>3,560,000</td>
<td>48,263,368</td>
<td>3,675,000</td>
<td>2,683,500</td>
<td>36,266,118</td>
<td>6,930,000</td>
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*Note: All amounts are in thousands.*
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<tr>
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<td></td>
<td></td>
<td></td>
<td>General</td>
<td>-</td>
<td>2,000,000</td>
<td>13,546,536</td>
<td>-</td>
<td>-</td>
<td>9,641,536</td>
<td>3,205,000</td>
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<td></td>
<td></td>
<td></td>
<td>Wastewater</td>
<td>-</td>
<td>235,000</td>
<td>6,568,166</td>
<td>-</td>
<td>1,154,500</td>
<td>4,768,666</td>
<td>880,000</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Water</td>
<td>-</td>
<td>500,000</td>
<td>10,756,000</td>
<td>-</td>
<td>283,000</td>
<td>9,953,000</td>
<td>1,020,000</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Drainage</td>
<td>-</td>
<td>825,000</td>
<td>8,465,000</td>
<td>3,675,000</td>
<td>-</td>
<td>5,515,000</td>
<td>100,000</td>
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<td></td>
<td></td>
<td></td>
<td>Electric</td>
<td>431,250</td>
<td>-</td>
<td>8,927,666</td>
<td>-</td>
<td>1,246,000</td>
<td>6,387,916</td>
<td>1,725,000</td>
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<td></td>
<td>Total</td>
<td>431,250</td>
<td>3,560,000</td>
<td>48,263,368</td>
<td>2,683,500</td>
<td>36,266,118</td>
<td>6,930,000</td>
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AGENDA CAPTION:
Consider approval, by motion, of the following meeting Minutes:
A) June 16, 2017 - Special Meeting Minutes
B) June 16, 2017 - Packet Meeting Minutes
C) June 20, 2017 - Regular Meeting Minutes

Meeting date: July 5, 2017

Department: City Clerk

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

CITY COUNCIL GOAL: N/A

COMPREHENSIVE PLAN ELEMENT(s): N/A

BACKGROUND:
The following minutes are attached for review:
A) June 16, 2017 - Special Meeting Minutes
B) June 16, 2017 - Packet Meeting Minutes
C) June 20, 2017 - Regular Meeting Minutes
AGENDA CAPTION:
Consider approval of Ordinance 2017-25, on the second of two readings, creating a two-hour parking restriction between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday in the general area of downtown San Marcos as authorized by Section 82.160 of the San Marcos City Code and amending the traffic register to reflect such parking restriction; and including procedural provisions.

Meeting date: June 20, 2017 - 1st Reading
July 5, 2017 - 2nd Reading

Department: CMO - Kevin Burke, Economic Development Administrator

Funds Required: $5,068
Account Number: 10006147.53230
Funds Available: $43,973
Account Name: Traffic-Signs

CITY COUNCIL GOAL:

COMPREHENSIVE PLAN ELEMENT(s):

BACKGROUND:
The “Downtown Parking Initiative” report was completed in December 2012. The report established seven “Action Items” for future implementation:

1. Create a parking management district
2. Hire a parking program manager
3. Develop a business & funding plan
4. Implement paid on-street parking
5. Develop mid- to long-term parking resources
6. Develop parking supply additions
7. Parking program branding, marketing & communications strategy

Council held a workshop regarding “Downtown Parking & One-Way/Two-Way Conversion” on October 14, 2015. Council directed Staff to use an independent entity / consultant to work with staff on the Downtown Parking Initiative.

Kimley-Horn and staff conducted a series of stakeholder meetings in August 2016 and developed a set of “Near-Term Action Items” based on stakeholder feedback.

Council directed staff to move forward within implementation of the near-term recommendations on December 6, 2016. The near-term recommendations and the staff presentation to Council are attached for your reference.

This item is in response to Near Term Recommendation #2: Uniform 2-Hour Parking Time Limit Downtown. It is recommended that the City of San Marcos immediately implement changes to existing on-street time restrictions to adopt a uniform 2-hour parking time limit for the entire downtown area, Monday through Friday, between the hours of 8 a.m. and 5 p.m. This time restriction will not apply to designated loading zones or established residential permit areas.

This recommended approach will simplify parking regulations for patrons as well as simplify implementation of the proposed Mobile License Plate Recognition (MLPR) parking enforcement system. The application of this uniform time limit and the MLPR parking enforcement system will be considered “pilot programs” and will be reviewed and evaluated as parking management program implementation continues.

The attached exhibit describes the area designated as 2-hour time limited parking under this Ordinance.

Staff recommends approval.
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS CREATING A TWO-HOUR PARKING RESTRICTION BETWEEN THE HOURS OF 8:00 A.M. AND 5:00 P.M. MONDAY THROUGH FRIDAY IN THE GENERAL AREA OF DOWNTOWN SAN MARCOS AS AUTHORIZED BY SECTION 82.160 OF THE SAN MARCOS CITY CODE AND AMENDING THE TRAFFIC REGISTER TO REFLECT SUCH PARKING RESTRICTION; AND INCLUDING PROCEDURAL PROVISIONS.

RECITALS:

1. Section 82.160 of the San Marcos City Code allows the placement of signs on public streets or in a public area giving notice that parking is limited to a specified time.

2. The designation of a two-hour parking zone in the general area of downtown is in the interest of the public health, safety and welfare.

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

SECTION 1. A two-hour parking zone, to be in effect between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, is hereby designated on both sides of the road beginning at the junction of South Guadalupe Street and the Union Pacific Railroad right-of-way (point of origin), continuing north and east along said Union Pacific right-of-way to South CM Allen Parkway, continuing north on South CM Allen Parkway to University Drive, continuing west on University Drive to North LBJ Drive, continuing north on North LBJ Drive to Woods Street, continuing west on Woods Street to North Comanche Street, continuing south on North Comanche Street to Lindsey Street, continuing west and south on Lindsey Street to Moore Street, continuing south and east on Moore Street to North Street, continuing south on South Guadalupe Street to the point of origin as depicted in Exhibit A.

SECTION 2. The two-hour parking zone established under Section 1 does not apply to designated loading zones or residential permit areas established by previous ordinances.

SECTION 3. The Traffic Register maintained under section 82.067 of the San Marcos City Code is amended to reflect the two-hour parking designation established under Section 1.

SECTION 4. 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 5. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.
SECTION 5. This ordinance shall be in effect upon adoption on second reading.

PASSED AND APPROVED on first reading on June 20, 2017.

PASSED, APPROVED AND ADOPTED on second reading on July 5, 2017.

John Thomaides
Mayor

Attest: Approved:

Jamie Lee Case Michael J. Cosentino
City Clerk City Attorney
Proposed 2-Hour Time Limited Parking Area

- 2 hour parking boundary
- River
- City Park
November 21, 2016

Mr. Kevin J. Burke, AICP
Economic Development & Downtown Administrator
City of San Marcos, TX
630 E. Hopkins
San Marcos, TX 78666

RE: Technical Memorandum/Project Update

Dear Mr. Burke,

The following is combination project update and technical memorandum related to our active parking management consulting assignment. This memorandum contains several Near-Term Recommendations for staff and City Council review and consideration.

**Near-Term Action Items**

Based on input received from City staff and community stakeholders, the project team is recommending several action items as project near-term deliverables. These program recommendations include the following action items:

**Recommendation # 1: Enhance and Expand the Parking Enforcement Program**

It is recommended that the City of San Marcos immediately pursue implementation of an enhanced and expanded parking enforcement program using license plate recognition technology.

This recommendation reflects feedback from downtown stakeholders and Council Members requesting enhanced and expanded parking enforcement while continuing to advance plans for on-street paid parking.

Accompanying this recommendation is a Technical Memorandum with guidance on the procurement of Mobile License Plate Recognition technology.
This document addresses common issues faced by municipalities when considering this technology. It also outlines the major system components, common issues and misconceptions and other considerations such as:

- Tracking LPR Capture Rates
- The ability of perform/track manual corrections
- Capturing GPS coordinates
- System analytics including:
  - Turnover rate
  - Scofflaw history
  - Behavior analytics by user groups
    - Employees
    - Students
    - Car parked multiple times within same parking space
- Tracking payments, appeals, error rates, who received permits, etc.
- Integration with parking meters
- Integration with mobile payment providers such as Pay-by-Phone, ParkMobile, etc.
- Integration with other city departments to share data as well as improve payment of citations
- Calculation of occupancy data coincident with enforcement process.

We are also providing a supplemental whitepaper that discusses our experience utilizing Mobile LPR systems as a parking occupancy data collection tool.

**Recommendation # 2: Uniform 2-Hour Parking Time Limit Downtown**

It is recommended that the City of San Marcos immediately implement changes to existing on-street time restrictions to adopt a uniform 2-hour parking time limit for the entire downtown area.

The application of this uniform time limit approach combined with the additional citation data that will be derived from the new LPR system will be considered “pilot programs” and will be reviewed and evaluated as parking management program implementation continues. This recommended approach is geared toward simplifying parking regulations for both parking patrons as well as making the implementation of the new mobile LPR system less complex.
Recommendation # 3: Pursue New Parking Supply Additions

As parking enforcement program enhancements are made and planning for paid on-street parking continues, a likely result will be displacement of employees and students from on-street spaces. Providing as many on-street parking spaces as possible will be an ongoing need. City staff will identify underutilized on-street areas and potentially underutilized off-street areas that could add to the overall parking supply at minimal expense. Approximately 20 - 30 new parking spaces, in locations to be determined by staff, are anticipated.

Recommendation # 4: Begin Development of an Employee Parking Program

In anticipation of the impact of a potential on-street paid parking program, it is recommended that the City begin developing an “employee parking program” and other basic Transportation Demand Management (TDM) strategies.

The concept of an “Employee Parking Program” is a collection of strategies focused on providing long-term parking for employees. This could take the form of:

- Conversion of peripheral on-street spaces (with low demand) to employee permit parking
- Special discounted parking for employees at Texas State University garages
- Creation of smaller, City-owned surface parking lots for employee parking
- Possible lower cost remote parking areas (potentially supplemented by shuttle programs)
- Stacked parking options (that may require some form of valet assist) to “shoe-horn” more parking in to surface lots or garages

In addition, the City should begin exploring a range of basic Transportation Demand Management (TDM) strategies to better manage the parking demand side of the parking supply/demand equation. Transportation Demand Management (also referred to as traffic demand management or travel demand management) is the application of strategies and policies to reduce travel demand (specifically that of single-occupancy private vehicles), or to redistribute this demand in space or in time.

In transportation and parking, as in any network, managing demand can be a cost-effective alternative to increasing capacity. A demand management approach to transport also has the potential to deliver better environmental outcomes, improved public health, stronger communities, and more prosperous and livable cities. TDM techniques link with and support community movements for sustainable transportation.
Although other non-motorized modes play a role – such as bicycling and walking – larger impacts are gained through the use of alternate motorized modes. Other strategies may also be employed such as work schedule adjustments, telework options and land use or space allocation analyses. Policy related alternatives are another important area in the development of a comprehensive TDM program and will be explored in more detail at a later date. These policy related approaches would include tactics such as parking pricing, parking cash-out, transit subsidies, preferred parking for alternative transportation users, etc.

Kimley-Horn has recently created a document we call our “TDM Quick Guide” as a summary of potential TDM strategies. Another reference document is an article due to be published in next month’s Parking Professional magazine on the emerging topic of “Shared Mobility.” Project manager Dennis Burns recently attended a new conference on this topic and was asked by the International Parking Institute to write an article on his “takeaways” from the 2016 Shared Mobility Summit which occurred in Chicago in October of this year.

We are continuing to work on a variety of other scope elements for this project; however, this technical memorandum summarizes our near-term project recommendations.

Best regards,

Dennis Burns, CAPP
Project Manager
Kimley-Horn and Associates
Parking Management Program
Near-Term Recommendations
The purpose of this item is to present the near-term recommendations of our parking management consultant, Kimley-Horn, and to seek direction regarding implementation of these recommended action items.
Near-Term Recommendations

1. Enhance and Expand the Parking Enforcement Program
Recommendation # 1:

Pursue implementation of an enhanced and expanded parking enforcement program using License Plate Recognition (LPR) technology.

Reflects feedback from stakeholders and Council Members requesting enhanced parking enforcement while we continue to advance plans for on-street paid parking.

Technical Memorandum provides guidance on procurement and use of License Plate Recognition technology.
Near-Term Recommendations

1. Enhance and Expand the Parking Enforcement Program

2. Uniform 2-Hour Parking Time Limit Downtown
Recommendation # 2:

Implement changes to existing on-street time restrictions to adopt a uniform 2-hour parking time limit for the entire downtown area.

This approach is geared toward simplifying parking regulations for parking patrons and simplifying LPR system implementation.
Near-Term Recommendations

1. Enhance and Expand the Parking Enforcement Program
2. Uniform 2-Hour Parking Time Limit Downtown
3. Pursue New On-Street Parking Supply Additions
Recommendation # 3:

Staff will identify underutilized on-street areas, and potentially underutilized off-street areas, that could add to the overall parking supply at minimal expense.
Near-Term Recommendations

1. Enhance and Expand the Parking Enforcement Program
2. Uniform 2-Hour Parking Time Limit Downtown
3. Pursue New On-Street Parking Supply Additions
4. Begin Development of an Employee Parking Program
Recommendation # 4:

Begin development of an “employee parking program” in anticipation of on-street paid parking implementation.

Program is a collection of strategies focused on providing long-term parking for employees.

Continue to explore comprehensive approach to Transportation Demand Management (TDM).
Next Steps

- LPR procurement
- Privacy policy development
- Traffic register amendment(s)
- Begin enhanced parking enforcement
AGENDA CAPTION:
Consider approval of Ordinance 2017-33, on the second of two readings, amending section 86.531 of the San Marcos City Code regarding the maintenance and repair of permanent Stormwater Management Facilities to require that annual inspections be performed by engineers who are precertified by the City; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.

Meeting date: June 20, 2017 - 1st Reading
July 5, 2017 - 2nd Reading

Department: Public Services - Tom Taggart (Shawn Wolfshohl/Sabas Avila)

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

CITY COUNCIL GOAL:
Maintain and improve City’s infrastructure

COMPREHENSIVE PLAN ELEMENT(s):
Environment and Resource Protection: Goal #2: Natural Resources Necessary to Our Community’s Health, Well-Being, and Prosperity Secured for Future Development

BACKGROUND:
In 2016 City Council approved new Municipal Separate Storm Sewer System (MS4) regulations and directed staff to develop a pre-qualification list for engineers doing stormwater facility inspections. After conducting peer review of other entities city staff has developed a pre-certification program to implement the new requirements. Chapter 86 has been revised to implement the program.
ORDINANCE NO. 2017-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING SECTION 86.531 OF THE SAN MARCOS CITY CODE REGARDING THE MAINTENANCE AND REPAIR OF PERMANENT STORMWATER MANAGEMENT FACILITIES TO REQUIRE THAT ANNUAL INSPECTIONS BE PERFORMED BY ENGINEERS WHO ARE PRECERTIFIED BY THE CITY; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ANY CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

1. City staff proposed amendments to Section 86.531 of the San Marcos City Code regarding the maintenance and repair of permanent stormwater management facilities.

2. The City Council hereby finds and determines that the adoption of the following ordinance incorporating such amendments is in the interest of the public health, welfare and safety.

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

SECTION 1. Section 86.531 of the San Marcos City Code is hereby amended as set forth below. Added text is indicated by underlining. Deleted text is indicated by strikethroughs.

Sec. 86.531. Maintenance and repair of permanent stormwater facilities.

(a) Control measures. The City of San Marcos has the authority to require installation, implementation, and maintenance of temporary and permanent control measures in accordance with TPDES Phase II MS4 Permit TXR040000.

(b) Drainage easements. Drainage easements shall be required for permanent stormwater management facilities and recorded in accordance with the city's LDC, Chapter 1, Article 7.

(c) Maintenance covenants. Owner(s) of permanent stormwater management facility(ies) shall be required to enter into a maintenance covenant with the City of San Marcos including a schedule of maintenance activities and plans for annual inspections to assess the functionality of the facility(ies). Maintenance covenants shall be recorded in accordance with the city's LDC, Chapter 1, Articles 6 and 8.

(d) Requirements for annual inspections and reports. Owner(s) of permanent stormwater management facility(ies) must conduct, at a minimum, an annual inspection of each facility. The inspection report must be prepared by a
Texas-licensed engineer and the licensed engineer must be chosen from a list of precertified qualified engineers provided by the city.

(1) The inspection report must include requirements provided by the City, including but not limited to all of the following:

(a) An assessment of the condition of the stormwater management facility, current as of the date of the report.

(b) A history of maintenance activities performed on the facility during the past year.

(c) The professional opinion of the engineer regarding the current functionality of the facility and its ability to provide total suspended solids removal in accordance with the original design specifications for the facility.

(d) Recommendations of the engineer regarding the need for maintenance or modification of the facility to meet original design specifications.

(2) The city may choose to provide a pre-formatted inspection report to be used for annual inspections.

(3) Any identified maintenance and repair needs must be adequately addressed to ensure compliance with the requirements of this division. The inspection report must be maintained on site and available for inspection by the City of San Marcos submitted to the City of San Marcos, Public Services – Transportation Department for review. The owner of a stormwater management facility or facilities must submit a certified inspection report for each facility by January 31 of each year certifying the facility for the previous year. Certification of each stormwater facility will be required beginning June 1, 2018. Documentation of certified facilities will be due no later than January 31, 2019 and every year thereafter.

(a) Any maintenance and repair needs or other deficiencies identified in the inspection report must be adequately addressed to ensure compliance with the requirements of this division. Upon completion of all necessary maintenance, repairs or deficiencies identified in the inspection report, the stormwater management facility shall be re-inspected at the owner’s expense. Following the re-inspection, the owner of the stormwater management facility shall submit a supplemental certified inspection report to the city
confirming that all corrective measures have been completed.

(e) *Failure to maintain facilities or practices or provide certified inspection reports.*

1. If the owner(s) responsible for maintaining the permanent stormwater management facility fails to properly maintain the facility, or submit certified inspection reports the city stormwater systems manager will send a written notice to the owner(s) to correct the problem within a reasonable time, not less than five days nor more than 30 days from the owner(s) receipt of the notice. If the owner(s) fails to comply with the notice, the stormwater systems manager may initiate one of the actions specified in section 86.535.

2. If the permanent stormwater management facility becomes a nuisance or danger to public safety or public health, the City of San Marcos shall notify the owner(s) responsible for maintenance of the facility in writing. Upon receipt of that notice, the owner(s) shall have 30 days to complete maintenance and repair requirements. If the owner(s) of the facility fails to comply with the requirements of the maintenance and/or repair notice, the City of San Marcos, after reasonable notice, may take one or more of the following actions:

   a. Initiate enforcement action(s) as specified in section 86.535 requiring the owner(s) to comply with city ordinances.

   b. Perform the required maintenance and/or repair, bill the owner(s) for the cost of the maintenance/repair, and record a lien against the property served by the stormwater management facility(ies).

(f) *Stormwater annual inspection precertification.*

1. An engineer conducting annual stormwater management facility inspections under subsection (d) must be precertified by the Public Services Department prior to performing stormwater management facility inspections for private parties in the city limits.

2. The Public Services Executive Director will promulgate requirements for the precertification of engineers performing stormwater management facility inspections. Eligibility for precertification of engineers will be based upon prior relevant, licensing, training and work experience.
Any engineer seeking to be precertified for stormwater management facility inspections must be a licensed professional engineer registered in the State of Texas.

Precertification will extend to the individual's firm.

The city shall maintain a list of engineers precertified under this subsection. The city reserves the right to add or remove engineers from the list, subject to the requirements promulgated by the Public Services Executive Director under subsection (f)(2).

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 adoption on second reading.

PASSED AND APPROVED on first reading on June 20, 2017.

PASSED, APPROVED AND ADOPTED on second reading on July 5, 2017.

John Thomaides
Mayor

Attest: Approved:

Jamie Lee Case Michael J. Cosentino
City Clerk City Attorney
Pre-Certification for Post Construction BMP Inspection Program
Policy and Procedures
Contents
Background ........................................................................................................................................ 2
Requirements for annual inspections and reports .............................................................................. 2
Precertified Engineers List .................................................................................................................. 2
Precertifying Engineers .................................................................................................................... 2
Random Inspections ........................................................................................................................... 3
Removing an Engineer from the Precertified List .............................................................................. 3
Appeals Procedure ............................................................................................................................... 3
Appendix A .......................................................................................................................................... 4
Appendix B .......................................................................................................................................... 6
Background

On July 2017 the San Marcos City Council amended Section 86.531 of the city code which created requirements for annual inspections of permanent stormwater management facilities. Permanent stormwater management facilities are structural Best Management Practices (BMPs) that have been installed to capture and treat stormwater runoff. Examples of these facilities include above ground and underground detention and retention ponds, bio-filtration ponds, rain gardens, permeable pavements, and in-ground separators and filtration units. Each of these facilities requires periodic maintenance to ensure that they are remain operating as they were designed.

To ensure that periodic maintenance is occurring City Code requires that owners of permanent stormwater management facilities hire a licensed Texas engineer (PE) to inspect each facility and certify that each facility is being maintained and is operational for that year.

Requirements for annual inspections and reports

Section 86.531 (d) of City code requires owners of permanent stormwater management facilities to conduct an annual inspection of each facility that they own. This inspection must be conducted by a licensed Texas engineer. The engineer performing and certifying the inspection report must be chosen from a list of precertified engineers which is provided by the City of San Marcos.

Precertified Engineers List

A list of prequalified engineers who may perform Post Construction BMP inspections inside the city limits of San Marcos is kept on the Public Services – Transportation webpage. The webpage can be accessed at www.sanmarcostx.gov.

Precertifying Engineers

The City of San Marcos, Public Services – Transportation division is responsible for pre-qualifying engineers for the Post Construction BMP Inspection Program. Engineers who would like to be included on the “precertified list” must submit an application to Public Services – Transportation for review. The application can be found in Appendix B. Each application will be reviewed by the Public Services stormwater staff. Approval or denial of the application will be based on the criteria outlined on the Municipal Separate Storm Sewer System (MS4) Post Construction BMP Inspection Pre-certification Checklist found in Appendix A.

Applicants will be notified by email as to whether they have met the requirements to be added to the precertified engineers list.
Random Inspections
The Public Services – Transportation division will collect and maintain an inventory of all certified inspection records for stormwater management facilities. Each year 25% of the inspection records will be randomly selected to have an inspection performed by city staff. These inspections will be conducted to ensure that engineers are performing certifying inspections correctly and accurately.

Removing an Engineer from the Precertified List
An engineer may be removed from the list of precertified engineers if he/she has two (2) or more complaints filed against them by a property owner and/or as a result of two (2) failed random inspections performed by city staff within a one (1) year period related to the Post Construction BMP Inspection Program.

Appeals Procedure
An applicant who fails to pre-qualify or is removed from the precertified list can appeal this decision to the Executive Director of Public Services. All appeals must be in writing and submitted to the director within seven calendar days of the receipt of notification that applicant was denied approval. All decision made by the Executive Director shall be final.
Appendix A
City of San Marcos

Post Construction BMP Inspection Pre-certification Checklist

Applicant Name: ___________________________________________________________

Professional Engineer License Number: _______________________________________

Firm Name: __________________________ Branch: _____________________________

Firm Address: __________________________________________________________________

Telephone: ___________________________   Fax: _________________________________

Email: _______________________________________________________________________

Is the applicant a licensed Professional Engineer in the State of Texas?      ________Yes ________No  
If the applicant is not a licensed engineer in the State of Texas they are automatically disqualified from participation in this program.

Note: A total score of 350 or greater and no individual criteria scored less than 70 shall be considered passing for precertification

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Notes</th>
<th>Score (0-100)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the applicant have sufficient training to conduct inspections of permanent stormwater management facilities?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Does the applicant have at least 2 years of relevant experience with inspections and/or design experience of permanent stormwater management facilities?</td>
<td></td>
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<tr>
<td>Has applicant worked on 5 relevant projects?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Have projects listed on the application been successful?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Have reference checks resulted in positive responses?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Score</td>
<td></td>
<td></td>
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</tbody>
</table>
Appendix B
City of San Marcos
MS4 Post Construction BMP Inspection Pre-certification Application

Employee General Information:

Employee Name: ___________________________________________________________

Professional Engineer License Number: _______________________________________

Firm Name: ____________________ Branch: __________________________

Firm Address: _____________________________________________________________

Telephone: ______________________ Fax: _________________________________

Email: ___________________________________________________________________

*Engineering firms are automatically pre-certified if they have one or more employees who are pre-certified.*

Employee Certification Information: List all degrees, certifications, and trainings relevant to Post Construction BMP Inspections.

1. Degree Type________________________________________________________

   (Type of degree, if any, held by this individual)

   Training Type_______________________________________________________

   (Type of training or certification)

   Training Date_______________________________________________________

   Month Day Year

2. Degree Type________________________________________________________

   (Type of degree, if any, held by this individual)

   Training Type_______________________________________________________

   (Type of training or certification)

   Training Date_______________________________________________________

   Month Day Year

3. Degree Type________________________________________________________

   (Type of degree, if any, held by this individual)

   Training Type_______________________________________________________

   (Type of training or certification)

   Training Date_______________________________________________________

   Month Day Year
4. Degree Type________________________________________________________
   (Type of degree, if any, held by this individual)
   Training Type_______________________________________________________
   (Type of training or certification)
   Training Date_______________________________________________________
   Month Day Year

5. Degree Type________________________________________________________
   (Type of degree, if any, held by this individual)
   Training Type_______________________________________________________
   (Type of training or certification)
   Training Date_______________________________________________________
   Month Day Year

6. Degree Type________________________________________________________
   (Type of degree, if any, held by this individual)
   Training Type_______________________________________________________
   (Type of training or certification)
   Training Date_______________________________________________________
   Month Day Year

7. Degree Type________________________________________________________
   (Type of degree, if any, held by this individual)
   Training Type_______________________________________________________
   (Type of training or certification)
   Training Date_______________________________________________________
   Month Day Year

8. Degree Type________________________________________________________
   (Type of degree, if any, held by this individual)
   Training Type_______________________________________________________
   (Type of training or certification)
   Training Date_______________________________________________________
   Month Day Year
**Project Summary:** List five (5) most relevant projects you have worked on related to Post Construction BMP Inspections.

Project #1:__________________________________________________________

Project #2:__________________________________________________________

Project #3:__________________________________________________________

Project #4:__________________________________________________________

Project #5:__________________________________________________________
**Project Information:** Describe five (5) most relevant projects you have worked on related to Post Construction BMP Inspections.

**Project #1**

Project Name: _________________________________________________________________

Location: _____________________________________________________________________

Client Name: ___________________________________________________________________

Client Phone Number: ____________________________________________________________

Client Contact Name: ____________________________________________________________

Date Project Began: _____________________________________________________________

Date Project Completed: __________________________________________________________

Enter a description of the work done on this project:

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Project #2

Project Name: _________________________________________________________________

Location: _____________________________________________________________________

Client Name: __________________________________________________________________

Client Phone Number: ___________________________________________________________

Client Contact Name: ___________________________________________________________

Date Project Began: ____________________________
               Month          Day          Year

Date Project Completed: ____________________________
                   Month          Day          Year

Enter a detailed description of the work done on this project:

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______________________________________________________________________________
**Project #3**

Project Name: ________________________________________________________________

Location: ___________________________________________________________________

Client Name: __________________________________________________________________

Client Phone Number: ___________________________________________________________

Client Contact Name: ____________________________________________________________

Date Project Began: ____________________________________________________________

    Month           Day            Year

Date Project Completed: _________________________________________________________

    Month           Day            Year

Enter a detailed description of the work done on this project:

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Project #4

Project Name: ________________________________________________________________

Location: __________________________________________________________________

Client Name: __________________________________________________________________

Client Phone Number: ___________________________________________________________

Client Contact Name: ______________________________ _________________________

Date Project Began: ____________________________________________________________

Date Project Completed: ______________________________________________________

Enter a detailed description of the work done on this project:

____________________________________________________________________________
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____________________________________________________________________________
____________________________________________________________________________
Project #5

Project Name: _____________________________________________________________

Location: __________________________________________________________________

Client Name: __________________________________________________________________

Client Phone Number: _________________________________________________________

Client Contact Name: __________________________________________________________________

Date Project Began: __________________________________________________________________
          Month     Day     Year

Date Project Completed: __________________________________________________________________
          Month     Day     Year

Enter a detailed description of the work done on this project:

_______________________________________________________________________________
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File #: Res. 2017-102R, Version: 1

AGENDA CAPTION:
Consider approval of Resolution 2017-102R, awarding a contract to Boretex, LLC of Spicewood, Texas for the San Marcos River Access Point Repair Project (IFB 217-260) in the amount of $66,656.80; authorizing the Interim City Manager to execute the contract on behalf of the City; and declaring an effective date.

Meeting date: July 5, 2017

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

Funds Required: $66,656.80
Account Number: C84 50036945.70200
Funds Available: $500,000
Account Name: Habitat Conservation Plan

CITY COUNCIL GOAL:
Maintain and Improve City’s Infrastructure

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

BACKGROUND:
On April 26, 2017, four bids were received for San Marcos River Access Point Repair, IFB #217-260. The Design Engineer, Gary Lacy of Recreation Engineering and Planning has reviewed the bids and recommends award to the second low bidder, Boretex, LLC, located in Spicewood, Texas in the amount of $66,656.80.

The bid submitted by all bidders is good for sixty (60) days. We had to extend it to coincide with the award for the materials from IFB #217-336, Limestone Blocks for San Marcos River Access Point. The low bidder, Shirley and Sons Construction Company was not able to extend their bid due to other commitments. The second low bidder was able to extend their bid; therefore we recommend an award to Boretex, LLC.

This project is for modifications to six existing access points along the section of the San Marcos River extending from Dog Beach to Ramon Lucio Park. Recent floods have undermined the bottom limestone blocks in each of these six access points, which is destabilizing the entire structure. Adding anchor rocks to each structure will resolve this process.
The estimated construction time is twenty-one (21) calendar days to final completion.
RESOLUTION 2017 R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, AWARDING A CONTRACT TO BORETEX, LLC OF SPICEWOOD, TEXAS FOR THE SAN MARCOS RIVER ACCESS POINT REPAIR PROJECT (IFB 217-260) IN THE AMOUNT OF $66,656.80; AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY; AND DECLARING AN EFFECTIVE DATE.

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

PART 1. The award of a contract to Boretex, LLC, located in Spicewood, Texas, for the San Marcos River Access Point Repair Project (IFB 217-260) for the Community Services Department in the amount of $66,656.80 is approved.

PART 2. The Interim City Manager is authorized to execute the contract on behalf of the City.

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

ADOPTED on July 5, 2017.

John Thomaides
Mayor

Attest:

Jamie Lee Case
City Clerk
Contractor Recommendation

Recreation Engineering & Planning Inc. recommends Boretex as contractor for a bid amount $66,656.80 for the San Marcos River Access Point Repairs Project 217-206. I have reviewed and approved the itemized bid form for this project.

Signed:

[Signature]

Gary M Lacy, P.E.
TX PE# 109241

Gary Lacy, P.E. | President
Recreation Engineering & Planning (REP)
485 Arapahoe Ave, Boulder, CO 80302
Office: (303) 545-5883 • Cell: (303) 808-4522
gary@boaterparks.com
## San Marcos River Access Point Repairs 217-206
### Itemized Bid Tabulation

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<tr>
<th>Item</th>
<th>Est Qty</th>
<th>Boretx Unit Price</th>
<th>Boretx Total</th>
<th>Shirley &amp; Sons Unit Price</th>
<th>Shirley &amp; Sons Total</th>
<th>Myers Concrete Unit Price</th>
<th>Myers Concrete Total</th>
<th>Jerdon Enterprise Unit Price</th>
<th>Jerdon Enterprise Total</th>
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<td>$10,636.80</td>
<td>$387.04</td>
<td>$9,288.96</td>
<td>$1,028.54</td>
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<td>$1,200.00</td>
<td>$28,800.00</td>
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<tr>
<td><strong>Total</strong></td>
<td></td>
<td>$66,656.80</td>
<td></td>
<td><strong>$49,449.76</strong></td>
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<td><strong>$148,093.70</strong></td>
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<td><strong>$154,400.00</strong></td>
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</tbody>
</table>
AGENDA CAPTION:
Consider approval of Resolution 2017-103R, awarding a contract to AGH20 Holdings LLC of Round Rock, Texas for the purchase of Limestone Blocks for the San Marcos River Access Point Repair Project (IFB 217-336) in the estimated amount of $13,440; authorizing the Interim City Manager to execute the appropriate purchasing documents on behalf of the City; and declaring an effective date.

Meeting date: July 5, 2017

Department: Community Services Department - Rodney Cobb, Executive Director (By Cheryl Pantermuehl, Purchasing Manager)

Funds Required: $13,440
Account Number: C84 50036945.70200
Funds Available: $500,000
Account Name: Habitat Conservation Plan

CITY COUNCIL GOAL:
Goal #2 - Beautify and Enhance the Quality of Place
Goal #5 - Maintain and improve City’s infrastructure
Goal #7 - Maintain fiscal responsibility
Goal #8 - Provide for the efficient and effective delivery of services

COMPREHENSIVE PLAN ELEMENT(s): N/A

BACKGROUND:
On June 8, 2017, the City received three (3) bids for Limestone Blocks for San Marcos River Access Point Repair Project (IFB 217-336). According to the terms and conditions of the bid, the City has the right to award a contract on the basis of lowest total cost.

The Community Services Department, Parks and Recreation Division, has reviewed all bids and recommends awarding a contract to the lowest and most responsive and responsible bidder, AgH2O Holdings LLC located in Round Rock, Texas.

The estimated amount of the contract is $13,440. However, the contract does allow for additional quantities as needed at $112 per block (approximately 6ft. x 2ft. x 2ft.) with delivery included. This contract will be used specifically for the San Marcos River Access Point Repair Project and will continue until the completion of the...
project. The project is also included on the July 5, 2017, City Council agenda.
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, AWARDING A CONTRACT TO AgH2O HOLDINGS LLC OF ROUND ROCK, TEXAS FOR THE PURCHASE OF LIMESTONE BLOCKS FOR THE SAN MARCOS RIVER ACCESS POINT REPAIR PROJECT (IFB 217-336) IN THE ESTIMATED AMOUNT OF $13,440; AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE THE APPROPRIATE PURCHASING DOCUMENTS ON BEHALF OF THE CITY; AND DECLARING AN EFFECTIVE DATE.

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

PART 1. The award of a contract to AgH2O located in Round Rock, Texas for the purchase of limestone blocks for the San Marcos River Access Point Repair Project (IFB 217-336) for the Community Services Department in the estimated annual amount of $13,440 is approved.

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

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

ADOPTED on July 5, 2017.

John Thomaides
Mayor

Attest:

Jamie Lee Case
City Clerk
# BID TABULATION

Limestone Blocks for San Marcos River Access Point Repair Project  
June 8, 2017, at 2:00 p.m.

IFB 217-336

<table>
<thead>
<tr>
<th>Bidder Name</th>
<th>Total Cost</th>
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</thead>
<tbody>
<tr>
<td>M2 Federal, Inc. San Marcos, TX</td>
<td>$14,080.80</td>
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<tr>
<td>AgH2O Holdings LLC Round Rock, TX</td>
<td>$13,440.00</td>
</tr>
<tr>
<td>Riata Enterprises Manchaca, TX</td>
<td>$21,888.00</td>
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</tbody>
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WITNESSED BY: [Signatures]
AGENDA CAPTION:
Consider approval of Resolution 2017-104R, awarding a contract to ASD Consultants, Inc. of Austin, Texas for the Veterans Park Memorial Improvements Project (IFB 217-001) in the amount of $119,665.82; authorizing the Interim City Manager to execute the contract on behalf of the City; and declaring an effective date.

Meeting date: July 5, 2017

Department: Community Services - Rodney Cobb, Executive Director of Community Services (by Cheryl Pantermuehl, Purchasing Manager)

Funds Required $119,655.82
Account Number: 12025006-56214 G0008-FEDERAL-PY2014-VETPK

Funds Available: $154,000
Account Name: VETPK

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

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

BACKGROUND:
Three (3) bids were received on June 8, 2017 for the Veterans Park Improvements (IFB 217-001). The Design Engineer, Brent Luck of Luck Design Team, LLC has reviewed the bids and recommends award to the low bidder, ASD Consultants Inc, located in Austin, Texas for the base bid amount of $119,655.82.

This project to enhance the Veterans Memorial at Veterans Park. The scope of work for this Project includes site grading, flatwork concrete, perimeter fencing and miscellaneous site improvements.

The estimated construction time is one hundred and twenty (120) calendar days to completion.
RESOLUTION 2017  R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, AWARDING A CONTRACT TO ASD CONSULTANTS, INC. OF AUSTIN, TEXAS FOR THE VETERANS PARK MEMORIAL IMPROVEMENTS PROJECT (IFB 217-001) IN THE AMOUNT OF $119,665.82; AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY; AND DECLARING AN EFFECTIVE DATE.

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

PART 1. The award of a contract to ASD Consultants, Inc., located in Austin, Texas, for the Veterans Park Memorial Improvements Project (IFB 217-001) for the Community Services Department in the amount of $119,665.82 is approved.

PART 2. The Interim City Manager is authorized to execute the contract on behalf of the City.

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

ADOPTED on July 5, 2017.

John Thomaides
Mayor

Attest:

Jamie Lee Case
City Clerk
<table>
<thead>
<tr>
<th>Item Description</th>
<th>Unit</th>
<th>Qty</th>
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**Total** | $119,655.42 | $148,665.48 | $138,837.40 | $135,719.57

- ALTERNATE
- Differ from their written total

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<th>Item Description</th>
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**Total** | $159,512.42 | $211,626.85 | $169,060.00| $180,066.42

- ALTERNATE
- Differ from their written total

**TOTAL BASE BID PLUS**

**ALTERNATES** | $279,168.24| $360,292.33| $307,897.40|
June 12, 2017

Bert Stratemann
Parks and Recreation Parks Operation Manager
City of San Marcos
630 East Hopkins
San Marcos, Texas 78666

Re: City of San Marcos – Veterans Park Improvements
June 8, 2017 Bid Opening Recommendations

Dear Mr. Stratemann:

On June 8, 2017 the City of San Marcos received three sealed bid proposals from prospective contractors in association with the City of San Marcos – Veterans Park Improvements Project. LUCK Design Team, LLC evaluated the bids and checked for mathematical errors, omissions and/or bid regularities.

The following is a summary of the bids, as submitted:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Base Bid Total</th>
<th>Bid Alternate Total</th>
<th>Bid Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>ASD Consultants, Inc.</td>
<td>$119,655.82</td>
<td>$159,512.42</td>
<td>$279,168.24</td>
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<tr>
<td>Prism Construction Company, LLC</td>
<td>$148,665.48</td>
<td>$211,626.85</td>
<td>$360,292.33</td>
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<tr>
<td>G. Creek Construction</td>
<td>$138,837.40</td>
<td>$169,060.00</td>
<td>$307,897.40</td>
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See attached unit bid price breakdown for the three bids received.

The apparent low bidder was ASD Consultants, Inc. based out of Austin, Texas with a base bid of $119,655.82.

There were several unit pricing and total irregularities in the bid proposal submitted by ASD Consultants, Inc. (highlighted in blue). The $119,655.82 bid price submitted by ASD Consultants, Inc. for the base bid as shown above reflects the correct unit pricing and total per their bid form. This difference did not affect the bid total ranking of ASD Consultants, Inc. in regards to the other two bidders.

The three contractors acknowledged all addenda and submitted a bid bond with their bid proposals.

Therefore, upon review of the bids and contractor references, we recommend that the City award a contract to ASD Consultants, Inc. for the City of San Marcos – Veterans Park Improvements in the amount of $119,655.82.

Please give us a call if you have any questions or comments.
Respectfully,

[Signature]

Brent Luck, PLA
Planner / Landscape Architect
AGENDA CAPTION:
Consider approval of Resolution 2017-105R, approving an agreement with Halff Associates, Inc. to provide a Parks, Recreation, and Open Space Master Plan update in the not to exceed amount of $91,750 contingent upon the consultant’s provision of sufficient insurance in accordance with the attached agreement; authorizing the Interim City Manager or his designee to execute this agreement on behalf of the City; and declaring an effective date.

Meeting date: July 5, 2017

Department: Community Service - Rodney Cobb, Executive Director (by Cheryl Pantermuehl, Purchasing Manager)

Funds Required: $91,750
Account Number: 10003171.52230
Funds Available: $91,750
Account Name: Professional Services

CITY COUNCIL GOAL:
#1 Assess and Present a Plan for Facilities Planning
#5 Maintain and Improve City’s Infrastructure

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

BACKGROUND:

On August 25, 2016, the City received six (6) proposals for the San Marcos Parks, Recreation and Open Space Master Plan Update (RFP#216-157). A selection committee has met, evaluated the proposals, and ranked the proposals according the criteria set forth in the RFP. The committee recommends awarding a contract to Halff Associates Inc. located in Austin, Texas for $91,750.

Halff Associates, Inc. will update the 2010 San Marcos Parks, Recreation and Open Space Mater Plan in order to:
1. Assist the City to complete a citizen driven planning process to create a shared vision for the San Marcos park system;
2. Utilize the City’s existing planning documents including the 2010 Parks and Recreation Master Plan, Edwards Aquifer Authority (EAA) Habitat Conservation Plan and City of San Marcos Comprehensive
3. Gather and provide detailed information concerning the recreational needs of the community; and
4. Conduct a community based needs analysis to establish goals/priorities for preservation, conservation and sustainability of the San Marcos Park system.

This Master Plan will include the City’s geographical boundaries and the surrounding Extraterritorial Jurisdiction (“ETJ”).
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, APPROVING AN AGREEMENT WITH HALFF ASSOCIATES, INC. TO PROVIDE A PARKS, RECREATION, AND OPEN SPACE MASTER PLAN UPDATE IN THE NOT TO EXCEED AMOUNT OF $91,750 CONTINGENT UPON THE CONSULTANT’S PROVISION OF SUFFICIENT INSURANCE IN ACCORDANCE WITH THE ATTACHED AGREEMENT; AUTHORIZING THE INTERIM CITY MANAGER OR HIS DESIGNEE TO EXECUTE THIS AGREEMENT ON BEHALF OF THE CITY; AND DECLARING AN EFFECTIVE DATE.

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

PART 1. The attached agreement (the “Agreement”) between the City and Halff Associates, Inc. for the provision of a professional Parks, Recreation, and Open Space Master Plan Update in the not-to-exceed amount of $91,750 is approved contingent upon the Consultant’s provision of sufficient insurance in accordance with the Agreement.

PART 2. The Interim 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 this the __ day of __ 2017.

John Thomaides,
Mayor

Attest:

Jamie Lee Case,
City Clerk
July 5, 2017

Halff Associates, Inc.
9500 Amberglen Boulevard, Building F, Suite 125
Austin, Texas 78729

Attn: Jim Carrillo, Vice President

Contract Number: 217-393

LETTER OF AGREEMENT

Dear Mr. Carrillo:

The letter will serve as an agreement (the “Agreement”) between Halff Associates, Inc. (“Consultant”), 9500 Amberglen Boulevard, Building F, Suite 125, Austin, Texas 78729 and the City of San Marcos (“City”), 630 East Hopkins, San Marcos, Texas 78666 for the Parks, Recreation, and Open Space Master Plan Update (“PROSMP”) Project (the “Project”). The Consultant will perform its services as described in the Scope of Work attached as Attachment A. The Consultant agrees to perform all of its services in accordance with the attached City of San Marcos Terms and Conditions for Professional Services Agreements (Attachment B). In the event of any conflict between the provisions of Attachment A and the provisions of Attachment B, the provisions of Attachment B will control.

The City agrees to pay Consultant a not-to-exceed fee of $91,750.00 for the satisfactory performances of basic services in accordance with the provisions of Attachment A. The City may direct the Consultant to perform services outside the scope of the basic services described in Attachment A. The City is under no obligation to compensate the Consultant for additional services performed without the City’s prior approval. Reimbursable expenses, including such things as expenses for reproduction of documents, auto travel mileage at the current IRS standard rate, lodging, delivery charges, long distance, communications and freight are included in the Consultant’s basic services compensation. The City will compensate the Consultant for its performance of additional services based on the Consultant’s standard hourly rates as specified in Attachment A.

The City will pay the Consultant monthly following the City’s receipt and approval of the Consultant’s itemized invoices showing direct and indirect labor costs; expenses for materials and supplies and any other reimbursable expenses; and fees for additional services performed and included on the invoices submitted. The Consultant will base its invoices upon the extent of work it has completed on an hourly basis within each phase or task, reimbursable expenses and additional services (if any), less any disputed amounts, pending resolution thereof.
Each material change (deletion or addition) in the services to be provided by Consultant must be authorized by the City on the Authorization of Change in Services form attached to this Agreement as Attachment C.

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

City of San Marcos

By: ________________________________

(Printed Name/Title)

(Date)

Halff Associates, Inc.

By: ________________________________

(Printed Name/Title)

(Date)
SCOPE OF WORK
City of San Marcos Parks, Recreation, and Open Space Master Plan Update
San Marcos, Texas

The Project generally includes the development of a Parks, Recreation and Open Space Master Plan (referred to as PROSMP) document for the City of San Marcos Texas, and design concepts for the San Marcos River corridor. The scope of work includes seven “visits” to San Marcos at key intervals during the planning process. Visits refers to dedicated time when the Consultant will conduct staff reviews and discussions, meetings with stakeholders, site reconnaissance and presentations. Stakeholder and/or planning meetings proposed for each of those visits will be scheduled on concurrent days and evenings for greater Project efficiency. Items that occur during each visit are preliminary, and will be confirmed with City staff. The sequence of visits is as follows:

Visit #1 – Meeting with Parks and Recreation Department (PARD) key staff, tour of city parks with staff, meeting with key department and City management staff, stakeholder meetings, initial meeting with Parks and Recreation Board (PARB).

Visit #2 – Conduct stakeholder meetings and conduct site reconnaissance.

Visit #3 – Conduct review of preliminary recommendations with PARB, assist in briefing of City Council.

Visit #4 – Conduct citywide public open house to review preliminary recommendations.

Visit #5 – Conduct a joint meeting with the PARB and the City Council to discuss preliminary recommendations and to conduct prioritization exercises and discussion.

Visit #6 – Present final draft of the Parks, Recreation and Open Space Master Plan to City Council for review and recommendation to City Council.

Visit #7 – Assist in the presentation of the final Parks, Recreation and Open Space Master Plan to City Council for review and adoption.

A. SCOPE OF BASIC SERVICES

Phase 1.00 Project Initiation.

The Consultant will:

1.01 Project Initiation and Management

a. Project Initiation Teleconference. Conduct a teleconference or WebEx videoconference initiation and coordination meeting with City staff to finalize Project goals, establish lines of longer-term communication, and determine the final public involvement strategy. In
addition, the Consultant will compile a list of stakeholder meetings, including the use of the Parks and Recreation Board as the planning effort’s advisory committee.

b. *Parks, Recreation and Open Space Master Plan (PROSMP) Template.* Develop a Project template to guide the branding of the public outreach and document materials.

c. *Project Management.* During the course of the project, coordinate scheduling of meetings and deliverables, and invoicing and progress reports to ensure that the Project is managed and proceeds according to this Agreement.

1.02 **Pre-Planning and Background Information**

a. *Requested Files and Information.* Assemble and submit a list of required information to the City, including demographic data, usage data, and summaries of existing facilities in each park, and other applicable previous or ongoing studies and GIS information.

b. *Develop Base Mapping.* Use background base data provided by the City to prepare an updated base map of the City’s park system which includes areas within the City’s limits and extraterritorial jurisdiction.

c. *Demographic Profile.* Incorporate demographic and socioeconomic data from the most recent census as compiled and provided by the City. Update the demographic profile where appropriate.

d. *Field Reconnaissance.* During Visit #2, conduct on-site field reconnaissance to review existing park conditions.

e. *Provide draft Chapter 1 (tentatively titled “Planning for the Future”) -* compile initial document chapter and submit to City staff for review, comment and approval.

**Phase 2.00 Public Engagement.**

A variety of staff, elected official and general citizen public engagement opportunities will be provided during the planning process.

The Consultant will:

2.01 **City Departments Meeting and Existing Park Tour.** The following tasks will occur over a maximum two-day period, which will be referred to as Visit #1.

a. *Conduct Discussion Meeting with City Department Leadership.* Attend and facilitate a two hour long discussion with representatives from key City departments to introduce the planning process and to identify known issues and opportunities related to the parks, recreation, and open space system.
2.02 Stakeholder Focus Groups.

a. Stakeholder Questions. Prepare a list of stakeholder questions, facilitate discussion with stakeholder focus groups and document the results as necessary to support the drafting of the final PROSMP document.

b. Facilitate Listening Sessions. As part of the initial visits to San Marcos (Visit #1 and Visit #2), conduct four focus group listening sessions at meetings with key stakeholders (as determined by City Staff and the Consultant), with each lasting approximately 1.5 hours each. Each of the four small-group listening sessions will be comprised of between 15-20 people per meeting and will include attendees from a variety of backgrounds. These sessions are intended to identify important community and recreation issues and their recommendations for the future of the City’s park and open space system. The following topics for each meeting and potential attendees are suggested, but may be altered based on recommendations by the City.

1) Sports leagues and active recreation users (i.e., sports associations, Boys and Girls Clubs, private recreation providers, golf, water recreation stakeholders and vendors, etc.);
2) Citywide business and general stakeholder representatives (i.e., downtown, development interests, land owners, Chamber of Commerce, Economic Development, Hays County, Texas State University representatives, etc.);
3) Neighborhood representatives (i.e., CONA, San Marcos ISD, community groups, youth group representatives, etc.); and
4) River Corridor and natural environment stakeholders (i.e., River Foundation, San Marcos Greenbelt Alliance, United States Fish and Wildlife, etc.).

2.03 Parks and Recreation Board (“PARB”)

a. Committee Purpose and Composition. Engage the Parks and Recreation Advisory Board in the Consultant’s planning effort to serve as a sounding board and advisory committee. In order to ensure the City’s overall parks and open space system is developed/redeveloped, maintained, and operated in accordance with the long-term vision and needs of the community. The Consultant will utilize the PARB to provide a balanced opinion on important City issues, provide comprehensive input on the vision for parks for the future, and respond to draft deliverables and plan sections.

b. Conduct a series of meetings with the PARB. As part of the plan development and vetting process, the Consultant will meet with the PARB at three key points during the Project’s process. Other interim reviews to update the PARB may be conducted by staff. Presentations conducted by the Consultant will include:
1) **Listening and Visioning Review (Visit #1).** As part of the Project kick-off, conduct a two-part meeting with the PARB to present an overview of the planning effort and conduct a listening and visioning work session. The first part of this meeting will be to discuss citywide issues and opportunities for the park and recreation system. The second part of this meeting will be focused on the San Marcos River corridor.

2) **Review of Preliminary Recommendations (Visit #3).** As part of Visit #3, meet with the PARB to present an overview of the preliminary plan elements and recommendations. The Consultant’s preliminary focus will be on a) city-wide recommendations, and b) San Marcos River Corridor specific recommendations. The Consultant will utilize the PARB for feedback and comments on findings, recommendations, cost estimates (if applicable), prioritization, and other information that will be presented and vetted by the greater community at an open house public workshop scheduled during Visit #4.

3) **Plan Review and Prioritization (Visit #5).** As part of Visit #5, meet with the PARB and the City Council at a joint meeting to present an overview of the draft plan (incorporating comments received from the previous PARB meetings and open house public workshop) and receive feedback. In addition, conduct a prioritization exercise on the Implementation Action Plan.

4) **Plan Recommendation (Visit #6).** As part of Visit #6, the Consultant will meet with the PARB to present the prioritized final draft Parks and Recreation Master Plan document so that an official recommendation can be made by the PARB to the City Council.

### 2.04 Online Community Survey

a. **Survey purpose and distribution.** Utilize an on-line survey to solicit appropriate and specific feedback from the citizens of San Marcos.

b. **Draft survey.** Develop a draft on-line survey instrument, utilizing Survey Monkey, for City staff for review and comment.

c. **Promotion materials.** Develop a survey announcement/email blast which will be transmitted electronically or as part of a newsletter/postcard. This announcement will be forwarded to City staff to help promote the survey.

d. **Survey timeframe.** Maintain the survey as active for a period of 4 weeks+/- as directed by City staff.

e. **Survey results and feedback.** Provide the raw results of the online survey to City staff along with a summary overview of pertinent results.
2.05 Open House Public Meeting (Visit #4)

a. *Open house public meeting purpose and intended audience.* Conduct an open house public meeting to solicit community-wide feedback on the PROSMP recommendations developed during, kick-off public engagement activities, PARB direction and guidance, and the online community survey. The meeting will be set up in an open-house format.

b. *Meeting location and timing* – Facilitate an open house public meeting at a location identified by City staff. The open house will be held in the evening after business hours, for up to a three hour period. The Consultant will prepare interactive paper or board mounted displays, meeting signs, and sign in sheets as appropriate, and will be responsible for setting up displays for the meeting. The Consultant will prepare a meeting flyer and an “e-blast” that will be used to promote the meeting. Additionally, the Consultant will develop a summary of feedback comments received during the meeting and associated priorities generated by the citizen feedback and will incorporate these findings into the final PROSMP document.

2.06 City Council Briefings

a. *Purpose and Need.* Include the San Marcos City Council in a manner which allows the provision of strategic direction during the process so that the City Council is comfortable with the plan recommendations during adoption. In addition, the Consultant will assist in formal briefings with the entire City Council, address feedback in a draft document for City review and approval and prepare an adopted PROSMP in accordance with the City Council approval.

b. *Meetings.* Conduct the following meetings with City Council:

1) *Mid-Point Briefing (Visit #3)* – Assist City staff in presenting a mid-point briefing to the City Council to get interim feedback and direction.

2) *Joint Meeting with PARB (Visit #5)* – Conduct a joint meeting/workshop with City Council and PARB to overview the draft plan and conduct a prioritization exercise.

3) *Adoption (Visit #7)* – Present the public hearing draft of the Parks and Recreation Master Plan document and facilitate a public hearing in front of the City Council for consideration of adoption of the Parks and Recreation Master Plan document.

c. Assist in formal briefings with the entire City Council, address feedback in the draft document and prepare an adopted PROSMP in accordance with City Council approval.
2.07 Prepare Chapter 2, Summary of Public Engagement

a. Prepare and submit Chapter 2, Community Vision - Draft and provide the City with Chapter 2, Community Vision, for review and approval. This draft chapter will include summarization of relevant public engagement from throughout the planning process and development of a vision, goals and objectives that provides the framework for the remaining plan chapters. Note that this chapter may be updated throughout the planning process as additional public engagement and review meetings occur.

Phase 3.00 Draft PROSMP Document

As part of this phase, the Consultant will draft Chapter 3, The Park System Today, Chapter 4, System Needs and Chapter 5, San Marcos Tomorrow, for review and approval by the City.

The Consultant will:

3.01 Parks & Open Space Inventory

a. Map Parks and Open Spaces by Type. From the inventory data provided by the City, the Consultant will map the general geographic location of all park and open space facilities in San Marcos. Facilities to be mapped include:

1) Existing parks, recreation facilities, open spaces, and trails;
2) Existing recreation/civic facilities;
3) Private or quasi-private recreation facilities (as identified by City staff); and
4) City owned properties, including undeveloped properties.

b. Prepare a Tabular Summary of Facilities. From the base inventory provided by the City staff, prepare inventories of facilities in San Marcos in table format.

c. Conduct a Field Review of Existing Parks and Open Spaces. Conduct a reconnaissance of key parks in San Marcos. As a part of this task, the consultant will provide photographs and notes regarding characteristics of each park.

d. Based on information provided by the City, prepare a map that illustrates the geographic location of facilities in the City and a brief park profile of each City park.

3.02 Parks & Open Space Level of Service

a. Calculate Current Level of Service (CLOS). Review the previously adopted San Marcos PROSMP to identify existing standards and to determine if recommended adjustments or new standards are appropriate to identify the CLOS.

b. Develop Target Levels of Service (TLOS). Develop TLOS park land, amenities, and facilities to meet the needs of current and future populations. Use National Recreation and
Park Association (NRPA) standards or similar area standards as starting points for comparison only.

c. **Compare Recommended to Actual.** Compare recommended spatial facilities to the actual number of facilities, and develop tables and written text that illustrate deficiencies in each category.

d. **Assess Distribution.** Assess the existing spatial distribution of parks and recreation resources in order to evaluate the need for greater equity in park access.

### 3.03 Parks & Open Space Needs Assessment

a. **Written summary.** Prepare a written summary of needs in text, table and plan format for City review, to include areas of significant deficiencies, in terms of land area and specific types of facilities. The Consultant will compare recommended standards to actual conditions to determine deficiencies. The needs assessment will also include an evaluation of programming needs and local priorities.

b. **Mapping.** Prepare maps as appropriate that demonstrate key needs.

### 3.04 Recommendations & Strategies

a. **Recommendations.** Based on the current and anticipated growth in the City, consider and provide recommendations to address the specific needs and goals identified during this phase of the PROSMP. Recommendations may be either citywide or targeted to specific sectors of the City. These recommendations and strategies will generally be categorized by the Consultant as follows:

1. Future Land Acquisition (if deemed necessary);
2. Park and Facility Development;
3. Park Improvements;
4. Recreational Programming; and,

These Recommendations will include a combination of: A) Prioritized physical improvements (for example: addition of loop trail, parking lot expansion, pavilions, etc.) accompanied by order of magnitude costs; and, B) Descriptions of additional long-term system wide enhancements.

b. Prepare a summary of recommendations in text, table and plan format. The Consultant will prepare a map illustrating land acquisition target areas and park development recommendations for City review and approval.

### 3.05 Incorporation of Trails/Crosstown Pathways Recommendations

a. **Map Trail Corridors.** Incorporate a map created by the City that illustrates existing and potential trail corridors, as recommended by existing trail maps and the Crosstown
Pathways planning effort. In addition, the Consultant will include any associated text and recommendations prepared by the City.

b. Trails Prioritization and Strategy. Text outlining the City’s adopted trail system recommendations and prioritization (as provided by the City) will be incorporated into the PROSMP.

3.06 San Marcos River Corridor Parks Recommendations

Incorporate recommendations and overall concept(s) developed as part of Phase 6 below into the overall PROSMP document as a component of the Recommendations Section.

3.07 Ordinance Review and Recommendations

a. The Consultant will consider and provide recommendations for the acquisition and/or protection of potential park land, open space, trail corridors and drainage to safeguard against destruction and/or loss of land and opportunities for purposes of public use.

b. Review existing City ordinances related to the development of park facilities, open space, and trails, and recommend modifications or additions.

c. Provide recommendations to amend existing ordinances, policies and procedures for park land acquisition and development.

Phase 4.00 Implementation Plan

As part of this phase, the Consultant will draft Chapter 6, Moving Forward for review and approval by the City.

The Consultant will:

4.01 Cost Estimates

a. Prepare general order of magnitude cost estimates for key components of the PROSMP using the following:

1) Previous bids, current contractor costs where available, or other locally based estimates;
2) An average dollar amount per acre for land acquisition, incorporating land value information as recommended by City staff; and
3) Cost ranges for proposed improvements, and key assumptions and items included in each estimate. The Consultant will also include contingencies that are appropriate for concept level estimates;
b. Incorporate the results of the cost estimates in Chapter 6, *Moving Forward*.

### 4.02 Implementation Action Plan

a. Prepare an Implementation Action Plan for the PROSMP illustrating the components that are recommended. This plan will include five key elements:

1) Short range improvements to meet immediate needs.
2) Long range improvements to meet population growth, enhance the parks system, and meet the needs of City administrative staff.
3) Prioritization of improvements, to fund most critical projects first, based on demonstrated need, with less critical components being incorporated as funding allows.
4) Funding strategies to provide predictable funding resources for the proposed improvements.
5) Recreation Programming modifications and improvements to address key recreation needs and deficiencies.

### Phase 5.00 Final PROSMP Document and Approval

The Consultant will:

### 5.01 Prepare Final and Public Hearing Drafts of PROSMP

a. *Final PROSMP Recommendations*. A final PROSMP document will be prepared based on the public input findings and the conclusions of the recommendations phase.

b. *Organization and Content*. Organize the PROSMP document in a manner that follows the draft outline below, although a final document outline will be prepared by the Consultant during the project initiation stage of this scope of services (Note: the document will be prepared in Adobe In-Design, to accommodate graphic images and photographs more readily than Microsoft Word):

c.

1) *Planning for the Future* (introduction, current conditions)
2) *Community Vision* (engagement, vision, goals & objectives)
3) *The Park System Today* (inventory)
4) *System Needs* (standards and needs)
5) *San Marcos Tomorrow* (plan recommendations)
6) *Moving Forward* (implementation priorities, phasing, and potential funding).

d. Post electronic copy for citizen review – Transmit a PDF of the PROSMP final draft document to the City staff for posting on the City’s website for review and comment. The City will transmit electronic email blast to its contacts notifying them that the draft is available for review.
e. Draft PROSMP document in PDF format and transmit to the City for review and comment.

5.02 Finalize and Submit Adopted PROSMP Document

a. Submit Final Document Original. Provide electronic versions of all original files related to the PROSMP and one bound and one unbound full-color copy of the adopted PROSMP to the City.

b. Transmittal and Review by TPWD. On behalf of the City, transmit adopted PROSMP document to TPWD for its review and acceptance of the plan.

c. Additional Copies. Printing of additional copies beyond that identified in 5.02(a), above, will be considered an additional service.

Phase 6.00 San Marcos River Corridor Concept Plan

The Consultant will:

6.01 Concept Plan for the San Marcos River Corridor Parks

a. Intent. Prepare a combined concept plan for City owned properties along the San Marcos River corridor. City properties include City Park, Veramendi Park, Veteran’s Plaza, Bicentennial Park, Children’s Park, Rio Vista Park, Ramon Lucio Park, William and Eleanor Crook Park, and John J. Stokes Park. While not belonging to the City of San Marcos, the impact of Texas State University’s Sewell Park will also be considered. Other nearby City properties, such as the Activity Center, Public Library and City Hall, will be considered as the corridor concept plan is developed. The Consultant will prepare the concept plan in electronic illustrative format, and will include potential costs at a pre-design level. This plan is intended to:

1) Help consolidate and illustrate all current improvements underway or planned along the corridor;
2) Consider adjustments to park uses to better accommodate seasonal user volumes;
3) Plan for improvements that help control or enhance parking and user movements within the parks along the corridor;
4) Help preserve the sensitive natural environments in parks along the River corridor;
5) Identify potential enhancements that can expand and improve usage of the park; and,
6) Build on the current vision for the corridor to create one overall consolidated vision for the river corridor so that current and future recommended improvements work towards preferred community identified outcomes.

b. Concept Plan Framework – Integrate the development of the concept plan with or
conduct in parallel with other citywide park planning phases shown in Phases 1 through 5 above. River Corridor concept plan tasks will include:

1)  **Conduct a Stakeholder Meeting and Visioning Workshop Focused Specifically on the River Corridor.** As part of the stakeholder meetings conducted in Phase 2 (Task 2.02 and 2.03), conduct a stakeholder meeting during Visit #2 with City staff and key river-focused stakeholders and state and federal agencies to review the current functionality of the river corridor, key attraction nodes, area changes under consideration (such as TxDOT adjustments to I.H. 35 near the River Corridor), areas of concern or future opportunities, areas where further protection is required, and ongoing strategies for enhancement of the corridor. The Consultant will summarize comments and ideas discussed during the workshop meeting.

2)  **Prepare a Preliminary Concept Map for the Corridor.** Develop a preliminary concept for the corridor at a scale that will clearly illustrate both currently planned and potential ideas. Present the preliminary concept map during a WebEx videoconference with City staff to receive feedback.

3)  **Review Preliminary River Corridor Concepts with the Parks and Recreation Board.** As part of Visit #3, present the preliminary concept map for the river corridor to receive feedback and refine concepts based on feedback received from the Board and from City staff.

4)  **City Council Preliminary Review.** As part of Visit #3, present the revised concept map to the City Council as part of their mid-point briefing and refine concepts based on feedback.

5)  **Review Preliminary River Corridor.** Include the preliminary river concept in displays for the citywide open house public workshop during visit #4.

6)  **Prepare Summary Cost Statements for River Corridor Improvements.** Develop order of magnitude cost estimates for the river corridor and submit to City staff for review and comment.

7)  **Prioritize River Corridor Improvements.** Based on input received from City staff, key stakeholders, City Council and the public at large, recommend a prioritization sequence for river corridor improvements.

8)  **Develop a Final Illustrative River Corridor Concept Plan.** Refine the preliminary concept plan based on input received from City staff, key stakeholders, the public at large and the City Council.

9)  **Recommend Strategies and Policies for Fees and Access Control.** Using staff, citizen and elected official input, and considering actions by other model communities as recommended by City staff, provide summary recommendations and direction regarding potential fees and access control mechanisms that may be a part of the concept for the river corridor.

10)  **Summary Document.** Prepare a highly illustrative and brief summary brochure or mini-document that summarizes key existing conditions issues, recommendations, input received and the proposed consolidated concept plan.

11)  **Incorporate the River Corridor Plan into the Overall PROSMP as an Appendix.** Include text and maps into the overall PROSMP as an appendix. In addition, the Consultant will incorporate stakeholder and citizen input into the
engagement process outlined in Phase 2.0 above; and, the Consultant will present the concept plan as part of the public review noted in Phase 4.0.

Note that the San Marcos River Corridor plan described above will be at a concept level and will rely on existing environmental and engineering analyses already developed by the City. Any new detailed environmental or engineering analysis, or on-the-ground topographical surveys can be included as an additional service at a future date or as a follow-up service if deemed necessary.

c. Conduct discussions and provide a summary of comments from staff and citizens regarding current and future program elements for the river corridor, a rendered preliminary concept plan in draft form for review and comment, two (2) sets of revisions to the concept, cost estimates and phasing diagram, final concept illustration and summary document.

B. ADDITIONAL SERVICES AND PROJECT ASSUMPTIONS

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

   a. Comments and/or review not included in the basic scope of services.

   b. Optional Task A-1 Recreational Facilities Review:

      1) The Consultant’s conducting an overview assessment of current City facilities in terms of general condition, size, location, and ability to meet the current and future indoor recreation needs of the City. Facilities to be considered include:
         - San Marcos Activity Center
         - Rec Hall at City Park
         - Dunbar Recreation Center
         - Fish Hatchery Building
         - Activity Center Natatorium/Rio Vista Swimming Pool
         - Potential Nature Center facility (either as a stand-alone or as a component of another facility)

      2) Development of a summary of general programming deficiencies or surpluses and spatial requirements, based on current usage and potential growth as the population of the City grows. These will be presented in simple diagrams, tables and/or text.

      3) Conducting comparisons to programs and square footage for recent facilities either built or proposed in the adjoining cities of Kyle and New Braunfels.

      4) Reviewing and incorporating on-going strategies for a nature center, either as a stand-alone facility or as a component of a complex.

      5) Developing a general order of magnitude costs and prioritized line-item action recommendations for recreation facilities.
6) Preparation of text and associated images to be incorporated as an appendix to the PROSMP document.
7) Addition of a recreation facility section to be added to the PROSMP document.

c. Printing of additional copies beyond that identified in 5.02, above, will be considered an additional service.

d. Any new detailed environmental or engineering analysis, or on-the-ground topographical surveys can be included as an additional service at a future date or as a follow-up service if deemed necessary.

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

3. Both the City and the Consultant understand and agree with the following Project assumptions.

a. The study area will include the city limits of the city of San Marcos as well as areas encompassing the city’s extra-territorial jurisdiction (ETJ). Other areas around San Marcos in Hays County that may use San Marcos parks or recreation facilities will be considered as applicable.

b. Upon project initiation the City will coordinate with the Consultant to transfer spatial data and mapping that it can make available for the Project, including data sets and GIS coverages, AutoCAD layers (as useful and appropriate), previous concepts, topographical surveys, etc. already developed/maintained by the City for its entire planning area or readily available to the City from other sources.

c. Because of the graphic nature of the park elements and ideas suggested as part of this plan, the draft and final report documents will be prepared in an Adobe “In-Design” format. Report documents will be provided to City of San Marcos in PDF format suitable for distribution electronically and posting to the City website.

d. Tasks prepared as part of this planning effort may occur concurrently where appropriate, or in some cases may deviate from the sequence shown in this scope of work.

e. Cost projections prepared as part of this effort, if applicable, are understood to be at a planning level, and are prepared prior to any detailed design for individual projects. These cost projections will use professional judgment and are at an order-of-magnitude level. Such cost projections will vary as more detailed design occurs and as inflationary influences occur.
f. This scope of work includes seven “visits” to San Marcos at key intervals during the process. Visits refers to dedicated time when the Consultant will conduct meetings, site reconnaissance and presentations. Stakeholder and/or planning meetings proposed for each of those visits will be scheduled on concurrent days and evenings for greater Project efficiency.

g. Other meetings or presentations may be conducted outside of these visits as specified in the scope of services. Any additional visits or meetings beyond those shown in this scope of work are considered an additional service and are not included in this scope of services.

h. One final printed bound and one unbound copy of the Parks, Recreation and Open Space Master Plan (the “document”) will be provided to the City as part of this scope of services; all other information will be submitted digitally as set out within this scope of services. The digital original provided to the City can be used by the City to print high quality copies of the document for use by the City Council and staff.

i. Additional specific concepts for key parks (beyond those listed in this scope of services) can be developed as a separate step if determined to be necessary by City staff.

j. Except as stated herein, the Consultant is not responsible for increasing the accuracy and precision or otherwise improving data received from the City.

C. CITY RESPONSIBILITIES

The City will:

1. Provide full and accurate information to the Consultant regarding the City’s requirements for its services under this Agreement including __________________ or other needed information as required to complete its services. The City will provide this information and render decisions expeditiously for the orderly progress of the Agreement.

2. Designate___________________________________________ as the City’s authorized representative to act on the City’s behalf with respect to this Agreement. The City’s representative will have the authority to transmit instructions, receive information, interpret and define City policies and decisions with respect to the Consultant’s services under this Agreement.

3. Organize and attend initial meeting and meetings with key City officials, review draft goals and objectives and comment as appropriate, provide city transportation and staff for any tours of existing facilities.

4. Schedule and coordinate all stakeholder, public, staff and elected official meetings. Advertise public meeting(s), coordinate location choice and setup, and distribute materials to the PARB. Provide any desired light snacks (crackers, cookies, and fruit) and beverages (bottled water,
iced tea, etc.) at public events. Disseminate meeting materials and advertise meeting and/or public hearing in conformance with Texas law.

5. The City will, to the best of its ability and with information readily available, provide inventory data in overall park system table format and for each existing park, including address, size, current classification, inventory, general condition of existing facilities in each existing park, and summary of issues related to each site. The City will provide a summary of known information on regional park facilities and other major area recreational attractions, including location, size, types of facilities, and annual or event attendance (known or estimated).

6. Examine all studies, reports, drawings, specifications, proposals and other documents presented by the Consultant. The City will examine the documents and information submitted by the Consultant and promptly render responses to the Consultant on comments or issues requiring a decision by the City.

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

8. Bear all costs incidental to this Article.

9. Provide digital copy of applicable background plans, documents, and base inventory and GIS data (as may be available) as requested by The Consultant.

10. Prepare a list of key entities or individuals for focus group meetings, organize and schedule meetings and meeting locations, notify and RSVP with attendees, attend meetings to provide local context, and provide basic refreshments as appropriate.

11. Review list of survey questions and provide feedback; coordinate with other entities such as SMCISD, Chamber, San Marcos Greenbelt Association (SMGA) and other entities to promote the survey; and, if used, provide an incentive for taking the survey.

12. Provide previous park acreage and facility standards; and review and comment on proposed Target Levels of Service and overall needs assessment as appropriate.

13. Be responsible for ensuring that GIS data obtained for this Project is compatible, including projections and other formatting elements.

D. BASIS OF COMPENSATION

1. BASIC SERVICES

The City will pay the Consultant a not to exceed fee of $91,750 over the term of this Agreement for the Consultant’s satisfactory performance of its services which includes labor and
reimbursable expenses. Compensation for additional services of the Consultant will be based on the following hourly rates plus reimbursable expenses at direct cost.

2. **REIMBURSABLE AND ADDITIONAL SERVICE EXPENSES:**

The Consultant will bill the City for reimbursable expenses at direct cost. Compensation for additional services (all services not shown in the Scope of Services) will be computed based on the Consultant’s standard hourly rates and schedule of reimbursable as follows:

### Office Personnel:

<table>
<thead>
<tr>
<th>Category</th>
<th>Hourly Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRINCIPAL</td>
<td>$298.56</td>
</tr>
<tr>
<td>PROJ MGR.</td>
<td>$186.61</td>
</tr>
<tr>
<td>SR. DESIGN PROFESSIONAL</td>
<td>$155.91</td>
</tr>
<tr>
<td>DESIGN PROFESSIONAL/LAND ARCH</td>
<td>$123.58</td>
</tr>
<tr>
<td>LANDSCAPE ARCH.</td>
<td>$99.53</td>
</tr>
<tr>
<td>Clerical</td>
<td>$62.10</td>
</tr>
</tbody>
</table>

### Reimbursable Expenses (when applicable):

- Mileage: $0.535/mile
- Prints –Letter/Color: $0.2(sheet)
- Prints-Letter/B&W: $0.10(sheet)
- Prints 11X17/Color: $1.50(sheet)
- Prints 11X17/B&W: $0.75(sheet)
- Burn CD/DVD: $10/each
- Delivery/Courier: $15 per delivery
Attachment B
City of San Marcos, Texas
Terms and Conditions for Standard Professional/Personal Services Agreements

1. Standards of Performance

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

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

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

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

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

2. City’s Responsibilities

(a) The City will provide information to the Consultant regarding the City’s requirements for the Consultant’s services under this Agreement. The City will furnish the Consultant with copies of data and information in the City’s possession needed by the Consultant, at the Consultant’s request. The City will provide this information and render decisions expeditiously for the orderly progress of the Consultant’s services. Consultant shall be entitled to rely upon the accuracy of the information provided by the City.

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

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

3. Consultant’s Records

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

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

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

4. Ownership and Use of Documents

(a) All documents prepared by the Consultant in connection with this Agreement are the property of the City whether any project related to this Agreement is executed or not.

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

5. Patent Fees and Royalties

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

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

6. Consultant as Independent Contractor

It is expressly agreed that the Consultant is an independent contractor, and not an employee, agent, partner or joint venture with the City. The Consultant will not pledge or attempt to pledge the credit of the City.

7. Designation of Consultant’s Contact Person

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

8. Breach

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

9. Term; Termination of Agreement

(a) The term of this Agreement begins on the effective date established on the first page of the Letter Agreement and will end upon the Consultant’s completion, and the City’s acceptance of all services described in this Agreement unless this Agreement is terminated under subsections (b) or (c) below.
(b) This Agreement may be terminated by the City upon 15 calendar days prior written notice and by the Consultant upon 30 calendar days written notice should the other party fail substantially to perform in accordance with its terms through no fault of the party initiating the termination. The Consultant will provide the City with at least a 30 calendar day period of opportunity to cure before the Consultant initiates termination.

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

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

10. Insurance and Indemnity

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

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

Workers’ Compensation Insurance and/or Employer’s Liability: In accordance with the provisions of the Workers’ Compensation Act of the State of Texas and/or $500,000.00/$500,000.00 for Employer’s Liability.
Liability Insurance: (1) Commercial general liability insurance (standard ISO version) with a combined single limit of $1,000,000 for each occurrence and $1,000,000 in the aggregate, providing coverage for, but not limited to, bodily injury and property damage, premises /operations, products/completed operations, independent consultants as applicable. (2) Business Motor Vehicle liability insurance (standard ISO version) in an amount not less than $1,000,000 per occurrence. Should the Contractor not own any automobiles, the business auto liability requirement will be amended to allow the Contractor to agree to maintain only Hired and Non-Owned Auto Liability. This amended coverage requirement may be satisfied by way of endorsement to the Commercial General Liability or separate Business Auto Policy. (3) professional liability coverage to cover lawful claims arising in connection with the Project in the combined single limit amount of at least $1,000,000.00 as applicable.

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

11. No Waiver of Immunity

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

12. Remedies; No Waiver.

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

13. “Green” Procurement

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

14. Funding Out

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

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

16. Notice

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

To the City:

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

To the Consultant:

Halff Associates, Inc.
Jim Carrillo, Vice President
9500 Amberglen Boulevard, Building F, Suite 125
Austin, Texas 78729

17. Taxes

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


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


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

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

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

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

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

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

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

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

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

(j) In the event that the performance by either the City or the Consultant of any of its obligations under this Agreement is interrupted or delayed by events outside of their control such as acts of God, war, riot or civil commotion, then the party is excused from such performance for the period of time reasonably necessary to remedy the effects of such events.
(k) The City and the Consultant, respectively, bind themselves, their partners, successors, assigns and legal representatives to the other party to this Agreement and to the partners, successors, assigns and legal representatives of such other party with respect to all covenants of this Agreement. The City and the Consultant may not assign, sublet or transfer any of their rights or delegate or subcontract any of their duties under or interest in this Agreement in whole or in part, without the written consent of the other. Any work or services subcontracted under this Agreement will be specified by separate written agreement and will be subject to each provision of this Agreement. The Consultant will notify the City, in writing, of any change in its partnership/ownership within 30 calendar days of such change.

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

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

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

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

AUTHORIZATION OF CHANGE IN SERVICES
CITY OF SAN MARCOS, TEXAS

PROJECT: Parks and Recreation Master Plan
CONSULTANT: Halff Associates, Inc.
CONTRACT NUMBER: 217-393
AUTHORIZATION NO.: 
ORIGINAL CONTRACT DATE: 
AUTHORIZATION DATE: 

WORK TO BE ADDED TO OR DELETED FROM SCOPE OF SERVICES

Previous contract amount: $_________________
Net increase/decrease in contract amount: $_________________
Revised contract amount: $_________________

Halff Associates, Inc.

By: _______________________________ Date:__________________

______________________________
Printed Name, Title

Approved by:

City of San Marcos:

By:______________________________ Date:__________________

______________________________
Printed Name, Title

City only below this line.

Account Number(s): ____________________________

Previous Changes in Service:
#_____: date; amount
#_____: date; amount
#_____: date; amount

Sanmarcostx.gov
City Hall • 630 East Hopkins • San Marcos, Texas 78666 • 512.393.8150 • Facsimile 855.759.2846
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<td>Halff Associates Inc.</td>
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<td>Austin, Texas</td>
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WITNESSED BY:

[Signatures]
AGENDA CAPTION:
Consider approval, by motion, of Change in Services No. 2 to Norstan Communications, Inc. d/b/a Black Box Network Services, in a not to exceed amount of $82,701.13, for Telephone Hardware and Software Master Purchase and Maintenance Agreement.

Meeting date: July 5, 2017

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

Funds Required: $82,701.13
Account Number: CAPTECH -GeneralN -Software -IT ($70,000); 10001117.52105 ($12,701.13)
Funds Available: $83,000
Account Name: Software, Communications

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

COMPREHENSIVE PLAN ELEMENT(s):

BACKGROUND:
The City has a contract with Norstan Communications, Inc., dba Black Box Network Services (#217-057R) to provide Telephone Hardware and Software Maintenance Services. This request is to increase the contract amount from $139,146.90 to $221,848.03.

The total amount of the increase ($82,701.13) is for the following:
- Upgrade to Avaya Aura Messenger (AAM) = $74,212.41
- Upgrade to CS1000 Software = $8,488.72

The AAM will be configured with 220 desktop seats and 1,120 Mainstream user licenses. Twenty-four SIP ports will be configured in the server. The AAM application will be loaded on customer-provided VMware host servers. User mailboxes will be migrated to AAM from the existing CallPilot.

AAM has the ability to notify the end user of a voicemail message by sending an email to a preconfigured
email address with a .wav file attachment. The email address can be on any server as long as it is reachable. The recorded announcement function of CallPilot for Avaya Aura Contact Center (AACC) will be replaced with an 8-hour port Interalia digital announcer. This will interface to the CS1000 with analog trunk ports (one per announcement/channel). It will be necessary to upgrade CS1000 from 7.5 to 7.6.7 due to compatibility.
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**Total:** $74,212.41

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**External Comments:**

The quotation provided herein by Black Box Network Services represents only a cursory view of this project and is strictly for budgetary purposes only and may be used as such for 60 days from the date of this quote. The final components, configuration, costs, performance and warranties for the actual completion of this project as represented in this budgetary quotation are subject to change at any time without prior notice. Furthermore, this budgetary quotation may not be comprehensive in nature, and may require additional charges, including but not limited to, engineering, design, hardware, software, licenses, permits, taxes, intellectual property, industrial property, testing, freight, patent rights or certification. Regardless of its content, this budgetary quote and all its contents are not intended to constitute a contract, binding agreement, or an amendment to any existing contract or agreement. This budgetary quotation and all of its contents contain Black Box Network Services information that is privileged, confidential, proprietary in nature, or subject to trademark and use or disclosure of this information without the prior written consent of Black Box Network Services is strictly prohibited.
### Schedule A

**Customer Name:** City of San Marcos  
**Date:** 4/6/2017 8:41:41 AM  
**Quote Id:** 211062 - 0 : CS1000E 7.6.7 Upgd

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**TOTAL:** 8,488.72

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**External Comments:**

The quotation provided herein by Black Box Network Services represents only a cursory view of this project and is strictly for budgetary purposes only and may be used as such for 60 days from the date of this quote. The final components, configuration, costs, performance and warranties for the actual completion of this project as represented in this budgetary quotation are subject to change at anytime without prior notice. Furthermore, this budgetary quotation may not be comprehensive in nature, and may require additional charges, including but not limited to, engineering, design, hardware, software, licenses, permits, taxes, intellectual property, industrial property, testing, freight, patent rights or certification. Regardless of its content, this budgetary quote and all its contents are not intended to constitute a contract, binding agreement, or an amendment to any existing contract or agreement. This budgetary quotation and all of its contents contain Black Box Network Services information that is privileged, confidential, proprietary in nature, or subject to trademark and use or disclosure of this information without the prior written consent of Black Box Network Services is strictly prohibited.
AUTHORIZATION OF CHANGE IN SERVICES
CITY OF SAN MARCOS, TEXAS

PROJECT NAME: Telephone Hardware and Software Maintenance Services
CITY PROJECT MANAGER/REP: Mike Sturm, Director - IT
CONSULTANT/VENDOR: Norstan Communications, Inc., dba Black Box Network Services

CONTRACT NO: 216-057R
AUTHORIZATION NO: 2
DATE OF THIS CHANGE: July 5, 2017

WORK TO BE ADDED TO OR DELETED FROM SCOPE OF SERVICES

Replacement of outdated Voicemail system and upgrade of CS1000E phone system. Avaya Aura Messenger (AAM) will be configured with 220 desktop seats, 1120 Mainstream user licenses. We will receive partial credit for CallPilot licenses. Twenty-four SIP ports will be configured in the server. A license manager will be required, but that will be covered by the existing system manager. The AAM application will be loaded on customer provided VMware host servers. (2) AAM Application and (1) AAM Storage
User mailboxes will be migrated to AAM from CallPilot. The following items will need to be re-set up: Voice Menus, Auto-Attendants, Mailbox classes, Speed Dial Lists, Passwords - End users will need to enter a new password the first time they log in.
AAM has the ability to notify the end user of a voice mail message by sending an email to a preconfigured email address with a wav file attachment. The email address can be on any email server as long as it is reachable.
The recorded announcement function of CallPilot for Avaya Aura Contact Center (AACC) will be replaced with an 8-port Interalia digital announcer. This will interface to the CS1000 with analog trunk ports (one per announcement/channel). RAN Connect licenses are needed. A minimum of (4) are required per channel. It is thought only two separate recordings are needed for now.

It will be necessary to upgrade of the CS1000E from Rls 7.5 to 7.6.7. By the time we upgrade to Avaya Aura Messaging (AAM), Rls 6.3.3 will not be compatible with 7.5 and C1000E Rls 7.6.7 will be mandatory.

Previous contract amount: $139,146.90
Net increase/decrease in contract amount: $ 82,701.13
Revised contract amount: $221,848.03

Requested by:

By:_____________________________   Date:__________________

_______________________________
Printed name, title
Approved by:

City of San Marcos:

By: ______________________________  Date: ____________________

_________________________________
Printed name, title

City Department (PM, etc.) only below this line.
Account Number(s): ____________________________

Previous Changes in Service:
#_____; date; amount
#_____; date; amount
#_____; date; amount
AGENDA CAPTION:
7:00PM Receive a Staff presentation and hold a public hearing to receive comments for or against Ordinance 2017-34, expanding the boundaries of the Hopkins Street Historic District to include additional properties along the east side of West Hutchison Street between Moore Street and Scott Street, and along the north side of Scott Street between West Hutchison Street and West Hopkins Street, and expanding the boundaries of the Lindsey-Rogers Historic District to include properties in an area generally bounded by Burleson Street, West Hutchison Street, Moore Street and Scott Street; including procedural provisions; and providing an effective date; and consider Ordinance 2017-34, on the first of two readings.

Meeting date: July 5, 2017 - 1st Reading
July 18, 2017 - 2nd Reading

Department: Planning and Development Services

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

CITY COUNCIL GOAL: N/A

COMPREHENSIVE PLAN ELEMENT(s): N/A

BACKGROUND:
Following the process outlined in the LDC, the HPC directed Planning Staff to prepare a report regarding a proposed expansion of the Lindsey-Rogers Historic District and the Hopkins Street Historic District (June 2, 2016). On February 2, 2017, the report was presented to HPC. Thirty-five (35) parcels are located within the proposed boundary for expansion (see attached map).

On June 8, 2017, after a public hearing, the Historic Preservation Commission recommended approval of the Final Report and to expand the Lindsey-Rogers District to include the properties north of Hutchison Street, west of Moore Street and south of Burleson Street and the Hopkins Street District to include the properties south of Hutchison Street, east of Scott Street, and west of Moore Street, excluding the property at 201 Moore Street. Commissioner Hammond made the motion to approve. It was seconded by Commissioner Austin and was approved unanimously (7-0). Draft minutes have been included as an attachment.

A public hearing at the Planning and Zoning Commission was held on June 13, 2017. With a vote of 7-2, the
Commission **recommended denial** of the expansion with the recommendation that a historic resources survey be conducted and that no zoning changes in the proposed expansion boundary are considered until the historic resources survey is completed.

A local historic district is an overlay zoning designation which encourages neighborhood cohesiveness, promotes preservation of historic structures, and helps educate the citizens of San Marcos about their past. New construction and exterior changes to existing structures are reviewed by the Historic Preservation Commission for compatibility with the historic and architectural character of the neighborhood. If a project meets the criteria found in the Design Guidelines and Land Development Code, a Certificate of Appropriateness is approved. The base zoning, however, still controls the use of a given property within the district.

Section 1.5.5.1 of the LDC provides that a request for the expansion of a historic district shall be decided in accordance with the procedures governing overlay zoning districts. Under Section 1.5.2.2 of the LDC, an overlay zoning district is to be established on the Zoning Map in accordance with the procedures for Zoning Map amendments. Section 1.5.1.4 of the LDC, governing zoning map amendments, requires that a zoning amendment shall not become effective without the favorable vote of three-fourths (six members) of the City Council when the Planning and Zoning Commission recommends denial. **Therefore, because the Planning and Zoning Commission recommended denial, a motion to approve the expansion of the district would require the favorable vote of at least six members of the City Council.**
ORDINANCE NO. 2017-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS EXPANDING THE BOUNDARIES OF THE HOPKINS STREET HISTORIC DISTRICT TO INCLUDE ADDITIONAL PROPERTIES ALONG THE EAST SIDE OF WEST HUTCHISON STREET BETWEEN MOORE STREET AND SCOTT STREET, AND ALONG THE NORTH SIDE OF SCOTT STREET BETWEEN WEST HUTCHISON STREET AND WEST HOPKINS STREET, AND EXPANDING THE BOUNDARIES OF THE LINDSEY-ROGERS HISTORIC DISTRICT TO INCLUDE PROPERTIES IN AN AREA GENERALLY BOUNDED BY BURLESON STREET, WEST HUTCHISON STREET, MOORE STREET AND SCOTT STREET; INCLUDING PROCEDURAL PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

1. On June 8, 2017, the Historic Preservation Commission of the City of San Marcos held a public hearing regarding a request to expand the boundaries of: a) the Hopkins Street Historic Zoning District to include properties along the east side of West Hutchison Street between Moore Street and Scott Street, and along the north side of Scott Street between West Hutchison Street and West Hopkins Street; and b) the Lindsey-Rogers Historic District to include properties in an area generally bounded by Burleson Street, West Hutchison Street, Moore Street and Scott Street. The areas recommended for expansion are described in Exhibit “A,” attached hereto and made a part hereof (the “Historic District Expansion Areas”). Following the public hearing, the Historic Preservation Commission considered the request and voted to adopt a final report and recommendations regarding the request, recommending that the request be approved.

2. On June 13, 2017, the Planning and Zoning Commission of the City of San Marcos held a public hearing regarding the request. Following the public hearing, the Planning and Zoning Commission considered the request, together with the final report and recommendations of the Historic Preservation Commission and voted to recommend that the request be denied by the City Council of the City of San Marcos.

3. The City Council held a public hearing on July 5, 2017 regarding the request. Following the public hearing, the City Council considered the request, together with the final report and recommendations of the Historic Preservation Commission and the recommendation of the Planning and Zoning Commission.

4. All applicable requirements of the City’s Land Development Code 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 Historic District Expansion Areas are hereby added to the Hopkins Street Historic District and Lindsey-Rogers Historic District, respectively, as shown in Exhibit "A." The Official Zoning Map of the City, as described in Section 4.1.2.2 of the City’s Land Development Code, is amended to reflect such addition of the Historic District Expansion Areas to the Hopkins Street Historic District and the Lindsey-Rogers Historic District.

SECTION 2. All ordinances and standards applicable within the Hopkins Street Historic District and the Lindsey-Rogers Historic District shall extend and apply to the Historic District Expansion Areas.

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

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

PASSED AND APPROVED on first reading on July 5, 2017.

PASSED, APPROVED AND ADOPTED on second reading on July 18, 2017.

John Thomaides
Mayor

Attest: Approved:

Jamie Lee Case Michael J. Cosentino
City Clerk City Attorney
EXHIBIT A
Historic District Expansion Areas

[Map of Historic District Expansion Areas]
At their regular meeting on June 13, 2017 the Planning and Zoning Commission considered this item during a Public Hearing.

Public Notification:

Personal notification for the June 13, 2017 P&Z Meeting was mailed on June 2, 2017 (please see attached map and list).

Notice for the July 5, 2017 City Council Meeting will be published in the June 18, 2017 San Marcos Daily Record.

Correspondence:

Staff has received 35 citizen comment letters in favor and 19 citizen comment letter in opposition through June 13, 2017; some letters are the same citizens writing in at different times. They are included in the City Council packet. Any future correspondence will be forwarded to the Council.

Public Hearing:

For:

1. James Baker
2. Griffin Spell
3. Larry Mock
4. Clarke Hammond
5. William Agnew

Against:

1. Sue Cohen
2. Sandy Neese
3. Diane Poppy
4. Carmen Imel
5. Johanna Hansen
6. Don Neese
Planning & Zoning Commission draft meeting minutes:

ZC-17-10(a) (Historic District Expansion) Hold a public hearing and consider a request to expand the Lindsey-Rogers Historic District and the Hopkins Street Historic District. (A. Brake)

Chair Garber opened the public hearing.

Alison Brake, Planner, gave an overview of the request.

James Baker, 727 Belvin Street, spoke in favor of the expansion stating that historic districts give a sense of place. He stated that history should be respected.

Griffin Spell, address not given, Vice Chair of the Historic Preservation Commission, spoke in favor. He explained that the Commission voted unanimously to expand the districts. He stated that there was unfortunate misinformation out there and that if anyone wanted to know what the HPC did, they could ask him.

Larry Mock, address not given, stated that he owned property within the expansion boundary and had been indifferent on the request to expand the districts. He stated that he has since come to believe that being in a district will offer protection to his property and is in favor.

Clarke Hammond, 1127 West San Antonio Street, spoke in favor. He echoed that historic districts help maintain a strong sense of place.

William Agnew, 716 Belvin Street, stated that he lived about a block away from the proposed boundary and urged the Commission to think about the adjacent neighborhoods. He wants compatible development in the area and is in favor of the expansion.

Sue Cohen, 743 West San Antonio Street, stated that she served several terms on the Historic Preservation Commission and never thought that she would be speaking against an expansion. She stated that the 400 – 500 block of Harvey Street has more qualifying buildings to deem a district than what is proposed. She feels that this expansion is just a way to restrict development and is not in keeping with the true intent of the historic districts. She stated that she would rather see vibrant businesses than vacant buildings.

Sandy Neese, 416 Blanco Street, spoke in opposition of the expansion. She stated that she loved living in a historic district and that she loved living in a diversified neighborhood. She believes that leaving the Lamar School a vacant property will perpetuate issues.

Diane Pape, 400 Blanco Street, spoke in opposition and stated that she believes in historic preservation but was troubled by this attempt to expand the districts. She explained that she likes the heterogeneous nature of the neighborhood and that this is an attempt to hinder development. She also stated that the Lindsey Hill project has created a sort of crucible in the City. She hopes that City leaders are not so dualistic to not accept change.
Carmen Imel, 725 West San Antonio Street, spoke in opposition. She explained that the beauty of preservation projects is that they start at the grassroots level.

Johanna Hansen, 542 Burleson Street, spoke out in opposition. She stated that her house was built in 1908 and that it is directly across the street from the vacant Lamar school. She stated that the property has been an eyesore for quite some time. She would love to see a hotel in the middle of the City and stated that the expansion was just a way to keep developers out.

Don Neese, 416 Blanco Street, stated that he did not have a lot to add but did want to register his opposition. He stated that use was the purview of the Planning and Zoning Commission and not the Historic Preservation Commission.

A motion was made by Commissioner Dupont, seconded by Commissioner McCarty, that ZC-17-10(a) (Historic District Expansion) be denied.

A motion was made by Commissioner Kelsey, seconded by Commissioner McCarty, that the main motion be amended to recommend that a historic resources survey be conducted and that no zoning changes in the proposed expansion boundary are considered until the historic resources survey is completed.

For: 7 - Chair, Garber, Vice Chair Kelsey, Commissioner Ramirez, Commissioner McCarty, Commissioner Rand, Commissioner Dillon, and Commissioner Gleason

Against: 2 - Commissioner Porterfield and Commissioner Dupont

Absent: 0 -

Chair Garber called for a vote on the main motion to deny ZC-17-10(a) with the recommendation that a historic resources survey be conducted and that no zoning changes in the proposed expansion boundary are considered until the historic resources survey is completed.

For: 7 - Chair, Garber, Vice Chair Kelsey, Commissioner Ramirez, Commissioner McCarty, Commissioner Rand, Commissioner Dupont, and Commissioner Porterfield

Against: 2 – Commissioner Dillon and Commissioner Gleason

Absent: 0 -

Attachments:

1. Notification Map
2. Property Owner List
HPC-17-10
District Expansion
Map Date: 5/31/17

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-
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<td>REASONER HARRY M &amp; MACEY H</td>
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<td>ROGERS THOMAS E &amp; JENNIFER J</td>
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<td>SCANIO, MICHAEL E TRUSTEE</td>
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<td>SEH VENTURES LIMITED</td>
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<td>STOREY, JACK R</td>
<td>257 13TH ST</td>
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<td>94590-6447</td>
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<td>STUMP MARTY &amp; MARY MIKEL-REID</td>
<td>617 FREDERICKSBURG RD</td>
<td>NEW BRAUNFELS, TX</td>
<td>78130-6011</td>
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<td>SUGRUE DENNIS</td>
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<td>TEXAS STATE UNIVERSITY</td>
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<td>VAN, OUDekerke ROYDNEY</td>
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<tr>
<td>VENTAS REALTY LIMITED PARTNERSHIP</td>
<td>Attn: ALTUS GROUP US INC</td>
<td>PHOENIX, AZ</td>
<td>85054-5477</td>
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<td>WILLIAMSON, TIMOTHY R</td>
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ZC-17-10: Final Report on the Expansion of the Lindsey-Rogers Historic District and the Hopkins Street Historic District

PROJECT/PROPOSAL SUMMARY
Development over the last 6 years brought this area along West Hutchison Street, south of Moore Street, to the Historic Preservation Commission’s (HPC) attention as this area is bounded by two of the seven local historic districts, the Lindsey-Rogers and Hopkins Street Historic Districts.

Development activity has included:
- 500 West Hutchison Street – sale of the Lamar School and proposed rezoning of the property (2015/2016)
- 517 West Hutchison Street – demolition of a 67 year old structure (2015)
- 525 West Hutchison Street – rezoning of the property and conversion of a church to a duplex (2011) and the use of that property as a fraternity house (4 bedrooms - 2016)
- 621/625 West Hutchison Street - conversion of an existing duplex to a single-family structure (1 bedroom with a studio space - 2017)

HPC’s concerns have been centered on how best to protect the integrity of the existing historic districts while appropriately accommodating new development. On June 2, 2016, the HPC directed Planning Staff to prepare a report regarding a proposed expansion of the Lindsey-Rogers Historic District and the Hopkins Street Historic District.

On February 2, 2017, the report was presented to HPC. The HPC set the Lindsey-Rogers District expansion boundaries to include the properties north of Hutchison Street, west of Moore Street and south of Burleson Street. The Commission set the Hopkins Street District expansion boundaries to include the properties south of Hutchison Street, east of Scott Street, and west of Moore Street, excluding the property at 201 Moore Street. Thirty-five (35) parcels are located within the proposed boundary for expansion.
**PROPOSED BOUNDARY PROPERTY PRIORITIES**
Of the 35 properties, information on ten properties was included in the San Marcos Heritage Neighborhood Historic Resources Survey, completed in August 1997 by Keystone Architects, PLLC. The area surveyed is divided by blocks. The subject properties were included in Blocks, 15, 16, and 17.

The report completed by the consultants assigns properties with “High”, “Medium” or “Low” designations. The purpose of priority designation is to guide the community in determining which properties may be eligible for inclusion in the National Register of Historic Places, individually or as part of a district.

- **“High”** priority properties are potentially eligible for listing on an individual basis and as part of a district.
- **“Medium”** priority properties are those most likely ineligible for individual listing, but eligible for listing as part of a district.
- **“Low”** priority properties are those which are not eligible for individual listing but could possibly be considered as contributing to a district, or those properties which, with appropriate rehabilitation and reversal of inappropriate alterations could be contributing, or those properties which are ineligible due to a lack of potential significance.

Most of the proposed properties for inclusion in both districts were part of the original survey, properties given “low” priority were constructed after 1950 triggering that designation. The properties without a designation on the map above were not included in the original survey.

The properties that were surveyed in 1997 were found to meet the criteria found in Section 1.5.5.1(b) of the Land Development Code and were found to be suitable for preservation or restoration. The information from this survey was utilized in the creation of the Lindsey-Rogers and Hopkins Street Historic Districts. The properties that are contained in the proposed expansion boundary were not included in the final boundaries for either district for reasons unknown to Staff. The information from the original 1997 survey has been included as an attachment.

**NON-CONTRIBUTING PROPERTIES**
Not every building within a historic district contributes to the significance of the district. The National Parks Service (NPS), the agency that oversees the National Register of Historic Places, defines a building contributing to the historic significance of a district as one “which by location, design, setting, materials, workmanship, feeling, and association adds to the district’s sense of time and place, and historical development.” A building that is not contributing to the historic significance of a district is defined by the NPS as one “which does not add to the district’s sense of time and place, and historical development; or one where the location, design, setting, materials, workmanship, feeling, and association have been so altered or have so deteriorated that the overall integrity of the building has been irretrievably lost.” According to the NPS, generally, buildings that are built within the past 50 years are not considered contributing unless
strong justification concerning their historical or architectural merit is given. Direction from the United States Department of the Interior states that a historic district may comprise both features that lack individual distinction and individually distinctive features that serve as focal points. In addition, a district may even be considered eligible for inclusion in the National Register of Historic Places if all of the components lack individual distinction, provided that the grouping achieves significance as a whole within its historic context. In either case, the majority of the components that add to the district's historic character, even if they are individually undistinguished, must possess integrity, as must the district as a whole. Also noted, a district can contain buildings, structures, sites, objects, or open spaces that do not contribute to the significance of the district. The number of noncontributing properties a district can contain yet still convey its sense of time and place and historical development depends on how these properties affect the district's overall integrity.

Inclusion of non-contributing properties into a district guides future development in a way that protects and ultimately enhances historical value, integrity and character of a district. The *Historic Design Guidelines for the Historic Districts of the City of San Marcos, Texas* state that as opportunities arise, new construction will take place in historic districts and that in order to maintain a viable living community, this should be encouraged.

**Methodology for Update to 1997 Survey Inventory**

City Staff met with staff from the Texas Historical Commission Certified Local Government (CLG) Program to discuss the proposed expansion. A site visit of the properties within the expansion boundary was conducted along with a review of the existing inventory sheets from *San Marcos Heritage Neighborhood Historic Resources Survey*. After the review, it was determined there is a need to update the survey as it was originally conducted in 1997. Twenty years have passed and a few properties have since come of age (50 years or older) and unfortunately, other properties have been lost. The City would benefit from a comprehensive update of the survey.

Based on the site visit and discussion with CLG Staff, the priority designations of the properties were updated as shown in this map. While the proposed area to be expanded contains non-contributing properties, these areas are important to include as a way to protect the integrity of the existing districts.

Generally, the historic resource survey identifies significant properties in communities. It is this information, typically in the form of inventory sheets or data spreadsheets with pertinent information that help guide the process of establishing or expanding districts.
City Staff, in conjunction with State CLG Staff, utilized the best methodology available at the time for updating the historic resource survey in preparation for the proposed expansion. It is Staff’s recommendation that a comprehensive and detailed survey be prepared by a consulting group specializing in historic resource surveys. The chart below summarizes the priority designations from the 1997 Survey and, based on the methodology presented above, what the priorities could be based on age and cultural significance.

### For Inclusion Into the Lindsey-Rogers District

<table>
<thead>
<tr>
<th>Property</th>
<th>Priority in 1997 Survey</th>
<th>Priority Today</th>
</tr>
</thead>
<tbody>
<tr>
<td>500 West Hutchison Street, Lamar School, c. 1950, International Style</td>
<td>Low (not of age but cultural significance was considered)</td>
<td>High (age of property and cultural significance was considered)</td>
</tr>
<tr>
<td>602, 604, 606, 608, 610, and 612 West Hutchison Street, c. 2003, series of four townhomes with repeating facades</td>
<td>Not Included in Survey Boundary</td>
<td>Non-Contributing (not of age)</td>
</tr>
<tr>
<td>603, 605, 607, 609, and 611 Burleson Street, c. 2002, series of four townhomes with repeating facades; only garages visible from right-of-way</td>
<td>Not Included in Survey Boundary</td>
<td>Non-Contributing (not of age)</td>
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<tr>
<td>613, 615, 617, and 619 Burleson Street, c. 1983, two duplexes with repeating facades</td>
<td>Not Included in Survey Boundary</td>
<td>Non-Contributing (not of age)</td>
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### For Inclusion Into the Hopkins Street District

<table>
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<tr>
<th>Property</th>
<th>Priority in 1997 Survey</th>
<th>Priority Today</th>
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<tr>
<td>217 Moore St, c. 1910, Classical Revival Style</td>
<td>Medium</td>
<td>Medium</td>
</tr>
<tr>
<td>511 West Hutchison, c. 1910, Victorian Style</td>
<td>Medium</td>
<td>Medium</td>
</tr>
<tr>
<td>517 West Hutchison, c. 1950, Neotraditional</td>
<td>Medium</td>
<td>Non-contributing (vacant lot)</td>
</tr>
<tr>
<td>519 West Hutchison, c. 1950, Neotraditional</td>
<td>Low</td>
<td>Medium</td>
</tr>
<tr>
<td>521 West Hutchison, c. 1910, Victorian Style</td>
<td>Medium</td>
<td>Medium</td>
</tr>
<tr>
<td>525 West Hutchison, c. 1970, Contemporary Style</td>
<td>Low</td>
<td>Low</td>
</tr>
<tr>
<td>545, 547, 549, 551, 553, and 555 West Hutchison, c. 1950, Concrete Block Style</td>
<td>Low</td>
<td>Low (original structure demolished (date unknown) – now a series of six townhomes with repeating facades constructed c. 2003)</td>
</tr>
</tbody>
</table>
Properties with Cultural Significance

The Coronal Institute was founded in 1868 by Orlando N. Hollingsworth, a respected local educator, on the site that the former Lamar School sits on today (500 West Hutchison Street). Information from the original resource survey states that the Institute was a coeducational private high school that opened with an enrollment of 130 students and a faculty of eleven, including three army officers for boys military training. Fisher Hall, which was located on Belvin Street and was destroyed by fire in 2007, was the boys dormitory for the Institute. As educational opportunities in this region were limited, many families relocated closer to the Institute. As a result, the area was platted in 1868 leading to the birth of a neighborhood. The Institute was sold to the Methodist Church in 1875. The main campus of the Institute was demolished in 1925, shortly after its sale to the San Marcos Independent School District. The original survey notes that the structures that occupy the site now date from the mid-1950s through the 1960s.

Desegregation in the nation’s school system occurred in May 1954 with the Supreme Court of the United States’ decision on Brown v. Board of Education and in May 1955 with “Brown II.” Information received from the Historic Preservation Chair explains that desegregation of the San Marcos High School (the Lamar School) occurred less than four months after the SCOTUS Brown II decision. With this decision by the San Marcos School Board, San Marcos became one of the early adopters of integration into their school system in Texas. This information from the Chair can be found in Attachment 5.

The site of the Coronal Institute and the Lamar School has remained a site with great educational significance. When this property was originally surveyed in 1997, it had not yet reached 50 years old to be considered historic. However, the original survey gave this property a Low priority designation due to its cultural significance to the area.

Expansion Process and Timeframe

Section 1.5.5.1 of the San Marcos Land Development Code outlines the process for establishing local historic districts.

- A petition to establish or expand a historic district is initiated (HPC initiated it on June 2, 2016)
- A report on the significance of the proposed area is prepared and presented to the HPC (February 2, 2017)
The same report is scheduled for the Planning and Zoning Commission (P&Z) to review (April 25, 2017)
Public hearing is held at HPC; HPC takes action on their recommendation (scheduled for June 8, 2017)
Public hearing is held at P&Z; P&Z takes action on their recommendation (scheduled for June 13, 2017)
Public hearing is held at City Council; recommendations of both HPC and P&Z are presented; First Reading of the Ordinance (July 5, 2017)
Second Reading of the Ordinance; adoption of expansion (July 18, 2017)

RESULTS FROM THE MARCH 22 OPEN HOUSE
One of the short-term recommendations from the HPC in the initial report was to facilitate an Open House with the public, especially the affected property owners within the proposed expansion area, prior to the initial report being placed on a Planning and Zoning Commission Agenda as an update to educate the public on historic preservation.

A come and go Open House was held on March 22, 2017 as an opportunity for the community to offer feedback on the proposed expansion prior to the scheduled public hearings. A snapshot of attendance and what was heard is included here. Comment cards that were returned at the Open House as well as emails and correspondence regarding the expansion is included as an attachment.
WHAT WE HEARD
Do you agree with expansion boundary as proposed?

All Attendees

Those within Expansion Boundary

14 Yes 5 No

2 Yes 4 No

COMMENTS FROM THOSE WITHIN EXPANSION BOUNDARY

"The Open House clarified the role of the Historic Preservation Commission."

"The proposed expansion is reactionary and just a land grab."

"More checks and balances in place would be beneficial for compatible development."

"Property ownership rights will be inhibited and devalues properties in question."

"After speaking with Staff, reassured that the COA process would not be overly complicated or difficult."

(All written comment cards and additional responses have been included in the packet.)
**HISTORIC PRESERVATION COMMISSION RECOMMENDATIONS**

Based on the above information the Historic Preservation Commission has developed the following recommendation:

**Short-term:**

1. Inclusion of the properties north of Hutchison Street, west of Moore Street and south of Burleson Street into the Lindsey-Rogers Historic District; and

2. Inclusion of the properties south of Hutchison Street, east of Scott Street, and west of Moore Street, excluding the property at 201 Moore Street, into the Hopkins Street Historic District.

**Long-term:**

Conduct a phased comprehensive resource survey to provide an update to existing resource surveys as well as assisting in identifying areas that could be protected by inclusion into a historic district or as a local landmark.

**THE COMMISSION’S RESPONSIBILITY**

The Commission is required by law to hold a public hearing and receive public comment regarding the proposed expansion. After considering the public input, the Commission is charged with making an advisory recommendation to the City Council regarding the request. The City Council will ultimately decide whether to approve or deny the request to expand the existing historic districts. The Commission's advisory recommendation to the Council is a discretionary decision.

**ATTACHMENTS:**

1. Map of Existing City of San Marcos Historic Districts
2. Land Development Code Section 1.5.5.1
3. United States Department of the Interior, National Park Service *National Register Criteria for Evaluation*
4. Information from *San Marcos Heritage Neighborhood Historic Resources Survey (1997)*
5. Information from Historic Preservation Commission Chair
6. Open House Comment Cards
7. Responses from Public to date
Section 1.5.5.1 - Establishment and Expansion of Local Historic Districts

(a) **General Procedures**. Except as provided in this Section, a petition to establish or expand a historic (HD) zoning district (see Chapter 4) shall be processed and decided in accordance with the procedures governing a petition for an overlay zoning district under Division 2 of this Article 5.

(b) **Recommendation of Historic Preservation Commission**. Before the establishment of a historic zoning district, the Historic Preservation Commission shall carry out the following activities:

1. The Historic Preservation Commission shall cause a report to be prepared that identifies the historic significance of the exteriors of buildings, structures, features, sites, objects and surroundings in the area of the proposed district. This report shall reflect the current characteristics of the area of the proposed new district or expansion of an existing district. The report shall contain the Historic Preservation Commission's recommendations on the area to be included in the proposed historic zoning district(s). The recommendation shall take into account the following factors:
   a. Historical, architectural and cultural significance of the site(s);
   b. Suitability for preservation or restoration;
   c. Educational value; and
   d. Satisfaction of criteria established for inclusion of the site(s) and/or district in the National Register of Historic Places.

2. Upon completion, the initial report and recommendations of the Historic Preservation Commission shall be delivered to the Planning and Zoning Commission and to the State Historical Commission for review.

3. The Historic Preservation Commission shall hold a public hearing on the establishment of the proposed district and shall provide:
   a. The hearing shall be held at least 30 days after the transmittal of the report to the Planning and Zoning Commission and to the State Historical Commission and prior to the Planning and Zoning Commission's consideration.
   b. Written notice of the public hearing will be mailed to the owners of all properties to be included in the district and published in a newspaper of general circulation in the City, in accordance with the legislative and personal notice provisions of Article 3, Division 2 of this Chapter 1.

4. After the public hearing, the Historic Preservation Commission shall submit its final report and recommendations on the establishment of the historic zoning district to the Planning and Zoning Commission, which action shall constitute the initiation of the petition to establish the landmark, if no other petition has been filed to designate the landmark.

5. Subsequent to the Planning and Zoning Commission's action, the final report, including the proposed ordinance and the recommendations of both commissions, shall be forwarded to the City Council for action. The ordinance shall provide for a suitable sign or marker on or near the property indicating that the property has been so designated, and shall set forth any restrictions on development or utilization of the landmark. One copy of the ordinance shall be filed in the office of the county clerk of the county in which the property is located.

(c) **Planning and Zoning Commission and Council Consideration.**

1. The Planning and Zoning Commission shall not schedule a public hearing on the establishment of a historic zoning district until it receives the final report and recommendations of the Historic Preservation Commission.

2. The Planning and Zoning Commission in making its recommendations and the City Council in deciding the petition for establishment of an historic district shall take into consideration the report and recommendations of the Historic Preservation Commission.
(Ord. No. 2006-45, § 5, 9-19-06; Ord. No. 2009-73, § 6, 12-1-09)
II. NATIONAL REGISTER CRITERIA FOR EVALUATION

Criteria for Evaluation

The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

A. That are associated with events that have made a significant contribution to the broad patterns of our history; or

B. That are associated with the lives of significant persons in our past; or

C. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

D. That have yielded or may be likely to yield, information important in history or prehistory.

Criteria Considerations

Ordinarily cemeteries, birthplaces, graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

a. A religious property deriving primary significance from architectural or artistic distinction or historical importance; or

b. A building or structure removed from its original location but which is primarily significant for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or

c. A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building associated with his or her productive life; or

d. A cemetery that derives its primary importance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or


e. A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or

f. A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance; or

g. A property achieving significance within the past 50 years if it is of exceptional importance.
Coronal Institute & the Birth of a Neighborhood

In 1868, events were set in motion that would inaugurate the transformation of the Farm Lot area west of town. A respected local educator named Orlando N. Hollingsworth purchased land at Hutchison and Moore Streets from Lindsey and founded the Coronal Institute, a coeducational private high school. Coronal opened with an enrollment of 130 and a faculty of 11, including 3 army officers for boys military training. Located at the corner of Moore and Hutchison Streets, it occupied a prominent site overlooking downtown.

Its establishment was eagerly welcomed by the San Marcos community and by neighboring communities, as educational opportunities in central Texas were severely limited. Many area families living on the outskirts of town relocated in order to be near Coronal Institute and the educational opportunities it provided for their children. As a direct result of this demand, the 1868 Lindsey & Harvey Addition was platted, primarily from Farm Lot 14 at the Northeast quadrant of the survey area.

Shortly thereafter, Charles L. McGeehee platted his own subdivision, the 1870 C.L. McGeehee Addition, from 18 acres of Farm Lot 15 that he purchased from Major Edward Burleson, General Burleson's son. This subdivision extended from Scott Street to Blanco Street at its east edge and from Hutchison Street to Rogers Street on its north edge, all within the survey area. Lots from this addition were sold to town leaders such as W. H. Harper and Ed R. Kone, whose home still stands.

Poised For Growth
In 1870, Coronal was purchased by Robert H. Belvin, a highly regarded Methodist minister who greatly expanded its curriculum and enrollment. In 1875 he sold it to the Methodist Episcopal Church. By 1880, enrollment had grown to 265 students. In its early years, Coronal was even allotted public funds for tuition for a portion of its student body.

The 1880's and 1890's: More Impetus For Growth
Until 1880, San Marcos' chief livelihood remained agrarian and its growth gradual. The arrival of the railroad changed this dramatically. The railroad brought with it goods and people, of a volume and variety that would forever change San Marcos - a scenario often repeated in communities across Texas.

In 1880 the population of San Marcos was approximately 1200 people. By 1882 the town boasted three major rail lines: the I&GN RR, the MKT RR, and the Missouri Pacific RR. Travelers were served by two hotels and numerous restaurants and saloons. Residents were served by one newspaper, one bank, Western Union, to express offices, a dozen or so physicians and attorneys, several drugstores and general merchandise stores, two grist mills, two blacksmiths, and a gunsmith.

It was during this period that San Marcos' recovery from the Civil War and the coming of the RR became evident in the houses that people built. The railroad brought trade and profit and things to buy with it: finished lumber, stained and beaded glass windows and elaborate turned columns. By the late 1880's, masonry began to appear in more prosperous commercial structures.

The trade and profit brought by the railroad was funneled into the city's most desirable new neighborhood surrounding the Coronal Institute. From the 1880's through the early 1900's a treasury of fine homes were constructed in and around the survey area, along San Antonio, Hopkins, Belvin and Burleson Streets. Residential development was sent into another growth spurt by four well-known land owners. In 1882 former Coronal Institute owner R. H. Belvin, S.B. McBride, John Scott, and Ed R. Cone agreed to open streets through their properties to facilitate their subdivision. Belvin had acquired his 11 acres of Farm Lot 15 upon his sale of Coronal Institute to the Methodist Church in 1875.
Approaching the Century Mark

A second period of prosperity emerged in 1890, accelerated by that year’s bumper crop of cotton and fortunes made in industry, professional services and wise investment. During this time, the survey area’s beautiful Victorian architecture emerged.

By 1896 the city’s population had climbed to approximately three thousand. Town resources had multiplied as well - two banks, electric lights and a waterworks, three weekly newspapers, an ice company, another lumber dealer, a photographer, a brick manufacturer, grocers, a drugstore and a widened variety of general goods establishments. Interestingly, the town had gone dry and no longer did saloons line downtown streets. By 1899, the San Marcos Telephone Company was in operation.

The neighborhood continued to increase in popularity with successful stockmen and farmers because of its proximity to downtown and to the Coronal Institute. San Marcos citizens were very proud of Coronal and generous with their support. Coronal prospered and by 1896 had added a new classroom facility and girls dormitory. When the school’s original building burned in 1890, citizens united quickly to raise funds for constructing a larger three story facility to include classrooms, auditorium, and dormitory facilities - all constructed within six months. In 1906, a new boys dormitory was built on a prominent 9 acre lot at the corner of Belvin and Veramendi Street, also within the survey area.

1900 through 1930’s
The disruption of WW I, the establishment of the State Normal School in San Marcos and other events acted to erode Coronal’s enrollment and sustainability. Its main campus was demolished in 1925 shortly after its sale to the San Marcos Independent School District. With the exception of the boys dormitory, Fisher Hall, all that remains of Coronal are a number of the classroom buildings’ cast stone blocks, salvaged and reused in area walls and homes. The structures which presently occupy the site date from the mid-1950 through the 1960’s.

By the late 1920’s, the survey area had reached its peak of architectural development, its character largely defined by its residential architecture of 1880-1920. Subdivision and construction activity after this date was slowed significantly by poor cotton yields and the Depression.

WW II through the 1950’s
Almost all construction activity came to a standstill during WW II. It would not be until the mid-40’s that returning GI’s would spur a new wave of growth and development for San Marcos as whole. Post-war construction in the survey area differed considerably from the pre-war days. Within the survey area, small one-story mass produced housing on small lots pre-dominated, concentrated largely at the eastern end of Rogers Street.

1960’s & 70’s
Lot division continued at a much slower pace. Construction of the area’s first Multi-family apartments, large scale flats, townhomes and four-plexes appeared in sharp contrast to the scale and character of the area’s single-family home streetscapes. The few single family homes built during this time period are Neo Traditional and Ranch style homes, some modest, some quite substantial. Commercial construction within the survey area consisted of suburban type block buildings surrounded by parking lots. Portions of Belvin Street were designated as a local historic district in 1974.

1980’s to Present
Within the last sixteen years, fewer than 6 new single family homes have been constructed within the survey area. The character of apartment and commercial development has become even more suburban in character, with little attempt made to design in scale and character with the existing neighborhood. The locally designated San Antonio Street historic district was created in 1982.
Development Chronology

From 1851 onwards, the original Farm Lots from the Original Town Site were continually subdivided into residential building lots. Records of this subdivision activity are incomplete. Until 1983, the City of San Marcos did not require individual property owners to file subdivision plats for divisions within their personal property. Plats for “Additions” were only required of properties being subdivided for resale as a development venture. The City Planning and Mapping Departments have a wealth of early subdivision maps. A search of subdivision maps for the survey area revealed approximately 24 subdivision plats for various “additions” predating 1946, indicated in bold type below:

1807  San Marcos de Neve established
1812  San Marcos de Neve abandoned
1831  Juan Martin de Veramendi land grant
1840  Nathaniel Lewis and Lindsey purchase large tracts of Veramendi land
1845  1st permanent Anglo American settlers arrive from Bastrop: Moon, Merriman, Sessom
1845  Burleson purchases Veramendi land at river headwaters from Lewis
c 1846-51 Original Town Site plat, by Burleson, Lindsey, Merriman; 1904 hand-drawn copy
1868  Lindsey & Harvey Addition, one of the first residential subdivisions of the original Farm Lots from the 1851 town platting
1870  Charles McGeehee purchases portion of Farm Lot 15 from Major Ed Burleson
1873  C.L. McGeehee Addition
1873  R.H. Belvin purchases lots from the Lindsey & Harvey Addition
1880  Belvin, Scott & Mitchell agree to open streets through their properties to facilitate land division
1880  J.C. Rogers Addition
1883  J. Scott Addition
1884  R.H. Belvin Addition
1885  L.W. Mitchell Addition
1888  H.E. Barber Addition
1890  McAllister Addition
1901  D.S. Combs Addition
1905  West End Addition
1906  W.S. Smith Addition
1907  J.M. Cape Addition
1907  G.W. Donalson Addition
1907  J. M. Stone Addition
1909  J.G. Meacham 1st Addition
1910  Ed J.L. Green Addition
1912  J. B. Wilson Addition
1920  J. Thomas Addition
1924  Veramenda Place Subdivision
1926  Jack Thomas 2nd Addition
1928  W. Oelkers Addition
1942  Partial Subdivision of Farm Lots 15 & 16, Survey Map
The layout of the original Farm Lots along the old San Antonio coach road figured largely in the configuration of the early subdivisions of the survey area, as well as the adjacent Belvin Street Historic District and the San Antonio Street Historic District. Early subdivision plats were contained within a single Farm Lot and as the long rectangular Farm Lots were originally platted with their narrow ends on San Antonio Street, running north to south, early subdivision configurations followed this pattern as well.

None of the early subdivisions platted within the survey area, the Belvin Street historic district or the San Antonio Street historic district, were configured linearly along the length of east-west streets. The early subdivisions were configured linearly running north to south and spanned from San Antonio Street to the northern edge of the Original Farm Lots, roughly at Viola Street, criss-crossing the current Belvin Street and San Antonio Street historic districts.

Summary
The transformation of the Original Town Site Farm Lots into one of the city’s first residential urban neighborhoods is historically linked to the founding and growth of San Marcos. Furthermore, the history of this development crosses the current boundary lines which divide the survey area from its sister historic districts. In essence, the history of one is part and parcel of the history of the others.

Selective Chronology: 1807-1914
1807 San Marcos de Neve established
1812 San Marcos de Neve abandoned
1831 Juan Martin de Veramendi land grant
1836 birth of the Republic of Texas
1840 Nathaniel Lewis and Lindsey purchase large tracts of Veramendi land
1845 1st permanent Anglo American settlers arrive from Bastrop: Moon, Merriman, Sessom
1845 Burleson purchases Veramendi land at river headwaters from Lewis
1846 Texas achieves statehood
1847 Pitts settlers arrive from Georgia.
c1847 Burleson erects mill on San Marcos River
c1847 first stage stop in San Marcos
c1846-51 town platting by Burleson, Lindsey, Merriman
1848 Hays County created by State Legislature
c1848 Lindsey settles his family in San Marcos
1848 Burleson settles his family in San Marcos
1850 population of San Marcos approximately 400
1851 Burleson dies, estate includes 32 town lots
1854 Major Edward Burleson sells 54 acres from Farm Lot 15 to Rev Nathaniel Charlot, Presbyterian minister, for a school
1861 stage coach service suspended due to Civil War
1865 stage coach service resumed
1868 Lindsey & Harvey Addition, one of the first residential subdivisions of the original Farm Lots from the 1851 town platting by Lindsey & Burleson
1868 Coronal Institute founded
1868 2nd Hays County Courthouse burns
1870 Belvin arrives in San Marcos and purchases Coronal Institute
1870 Charles McGeehee purchases portion of Farm Lot 15 from Major Ed Burleson
1873 C.L. McGeehee Addition
1873  R.H. Belvin purchases lots from the Lindsey & Harvey Addition
1874  City of San Marcos incorporated
1880  I&GN RR arrives
1880  Belvin, Scott, McBride & Kone agree to open lots through their properties to facilitate land division
1880  J.C. Rogers Addition
1883  J. Scott Addition
1884  R.H. Belvin Addition
1885  L.W. Mitchell Addition
1887  Daniel Hofheinz opens hotel
1888  H.E. Barber Addition

1890  McAllister Addition
1896  San Marcos population 3000
1899  Request for Normal School approved by Legislature
1899  San Marcos Telephone Company in operation.
1900  Cotton continues to feed area economy
1901  D.S. Combs Addition
1905  West End Addition
1906  W.S. Smith Addition
1907  J.M. Cape Addition
1907  G.W. Donalson Addition
1907  J. M. Stone Addition
1909  J.G. Meacham 1st Addition
1910  Ed J.L. Green Addition
1912  J. B. Wilson Addition
1914  WWI

1920  J. Thomas Addition
1924  Veramenda Place Subdivision
1926  Jack Thomas 2nd Addition
1928  W. Oelkers Addition
1942  Partial Subdivision of Farm Lots 15 & 16, Survey Map
Exhibit 5D

SURVEY PRIORITY MAP
Commissioners, Council Members, and city staff,

I realize that your time is valuable and you may not have time to read all that I sent for review.

For your convenience, here is a table contents (of sorts).

**Contents:**

- Page 1- 6 - Background on desegregation in the United States, and the road to justice.
- Page 6 – Bottom – Lamar School and the San Marcos experience
- Page 11 – Background on the Coronal Institute including timeline.
- Additional supplementary material and pictures.

Many Thanks,

Diana Baker
With All Deliberate Speed

Cultural importance of the proposed historic district expansion.


This paper will discuss the local cultural significance of an important historic structure in the proposed historic district expansion: The Lamar School [also former San Marcos High School] at 500 W. Hutchison Street as well as discuss the Coronal Institute (demolished) that existed on the same site.

The importance of the physical structure of schools as a tangible reminder of the road to justice in America has strong precedent. One very apropos example of this is the school in question for the legal battle that eventually became known as Brown vs. the Board of Education. This lawsuit, argued twice in the U.S. Supreme Court, is the landmark case that led to the public school desegregation ruling.

This school building is now a National Historic Site in Kansas, maintained by the National Park Service, U.S. Dept. of the Interior. [https://www.nps.gov/brvb/learn/historyculture/index.htm](https://www.nps.gov/brvb/learn/historyculture/index.htm)

It is interesting to note that the Monroe School, the actual physical school in question for the Brown v. Board of Education, was in disrepair at the beginning of our present century and in danger of being lost by neglect. However, it’s importance was recognized and the structure was rehabilitated to honor its historical and cultural significance.

The narrative about the Monroe School and the corresponding legal battle ([https://www.nps.gov/brvb/learn/historyculture/upload/BRVB_HRS.pdf](https://www.nps.gov/brvb/learn/historyculture/upload/BRVB_HRS.pdf)) is very instructive. Chapter 6 of the narrative is entitled, ‘The Slow Pace of ‘Deliberate Speed’: 1955-1975, outlines the general snail’s pace of desegregation in America, especially in the South. However, San Marcos was a dramatic and historic exception to this.

This paper will show that the Lamar School, like the Monroe School in Kansas, is important in the story of freedom in America and worthy of historic status accorded to a historic district.

I Lamar School

On a warm afternoon in May 17, 1954 crowds of the press corps jammed up against each other and jockeyed for position inside the halls of U.S. Supreme Court, awaiting a momentous announcement. Many of the nation’s legal elite came in person to wait in suspense. Justice Jackson, having recently suffered a heart attack, left his hospital bed to participate in the historic
event. At contention was whether local school districts could demand that some students attend different schools than other students based upon their race, skin color, and/or ancestry.

**Plessy v. Ferguson**

The standard of the time was based upon a ruling, announced May 18, 1896, known as *Plessy v. Ferguson*. The seeds for this lawsuit began when the state of Louisiana passed the Separate Car Act, a law that required separate accommodations for blacks and whites on railroads, including separate railway cars. A coalition of prominent black, creole, and white New Orleanians formed the Comité des Citoyens to repeal the law. They persuaded Homer Plessy, a man of mixed race, an “octoroon” (seven-eighths European descent and one-eighth African descent) to test the law.

Under Louisiana law Plessy was classified as a black and was required to ride in the “colored” car. When Plessy purchased his first class ticket and boarded a “whites only” car in New Orleans, he was arrested and removed from the car. Although Plessy’s lawyers argued that the state law denied him his rights under the Thirteenth and Fourteenth amendments of the U.S. Constitution, the presiding judge, John H. Ferguson, ruled that the state had the right to regulate railroad companies while they operated within state boundaries. Plessy was convicted and sentenced to pay a $25 fine.

The Committee of Citizens appealed the case unsuccessfully each time, until finally the case was heard by the U.S. Supreme Court. The decision by SCOTUS (Supreme Court of the United States) was announced May 18, 1896 in a seven to one decision. The majority was composed of only one Southerner, Justice White from Louisiana, with the other six being from states that sided with the Union during the Civil War. The majority opinion, written by Justice Henry Billings Brown, rejected the argument that civil rights were denied and cited a
contemporaneous Boston case upholding segregation of schools in Massachusetts.

Though Justice Harlan, from Kentucky, wrote a blistering dissent, it was to no avail. *Plessy v. Ferguson* legitimized state laws establishing segregation, especially, but not exclusively, in the South. The fact that the majority of the justices were from Northern states and that a case from Boston was cited as an example of segregation (of schools, no less) added even more damning blows to the plaintiffs.

The “separate, but equal” doctrine erased legislative gains that had been won since Reconstruction. States had relative immunity under the law to segregate races with the only requirement that “equal” facilities be provided.

States immediately began passing what became known as “Jim Crow” laws that disenfranchised blacks and thousands of poor whites and other races such as Hispanic-Americans and Oriental-Americans. The effect was seen quickly in the public school systems where the separate “colored” schools lagged far behind in funding.

The “separate, but equal” doctrine was seen by many as cruel and unjust, but at the time the law was not on their side. The irrational nature of laws based on skin color are well satirized by Bob Dylan in verse in 1963:

> I was out there painting on the old woodshed  
> When a can of black paint, it fell on my head.  
> I went down to scrub and rub  
> But I had to sit in the back of the tub.¹

Brown v. Board of Education

So much was at stake on that afternoon of May 17, 1954, one day before the 42nd anniversary of Plessy v. Ferguson and the last day of the 1953 term, when at 12:52 p.m. Chief Justice Warren appeared before the nation and said, “I have for announcement the judgement and opinion of the Court in No. 1, Oliver Brown, et al. v. Board of Education of Topeka.” Unanimously, the Court found that segregation, indeed, constituted a denial of equal protection and did psychological harm to students who were subjected to it. The famous ruling announced, “We conclude that in the field of public education the doctrine of ‘separate but equal’ has no place. Separate educational facilities are inherently unequal.”

Brown II

However, after the initial wave of enthusiasm for the victors the reality set in that critical questions about implementation had to still be addressed by the court. Indeed, many who favored desegregation felt that a forceful approach, such as the SCOTUS seemed to be taking, would only slow down the natural process of the easing of race relations by causing resistance and lead to a dragging-foot schedule of implementation by recalcitrant states. The critical issue was whether SCOTUS would mandate school desegregation on a federal level with a firm timeline or leave the implementation to the states and local school districts. A

second critical issue was whether the plaintiffs were suing under class action status or whether the decision would only apply to the plaintiffs and the Topeka School Board.

Arguments to answer critical questions of implementation, known as “Brown II”, began in April of 1955. The justices agreed that the decision should be unanimous. After lengthy debate, they agreed that the decision would grant the plaintiffs class action status, and therefore the decision would apply to all Americans. Finally, on May 31, 1955 Chief Justice Earl Warren made public announcement. Although SCOTUS announced that desegregation of schools must begin “with all deliberate speed” (a phrase taken from the venerated Supreme Court Justice Oliver Wendell Holmes), the Court refused to give a timeline for implementation. The justices recognized that “Full implementation of these constitutional principles may require solution of varied local school problems.”

The implementation was essentially left up to the local school authorities and courts. “Courts of equity may properly take into account the public interest in the elimination of such obstacles in a systematic and effective manner,” Warren declared. “But it should go without saying that the vitality of these constitutional principles cannot be allowed to yield simply because of disagreement with them.”

The plaintiffs were sobered by the ruling. Much of the air had been let out of their balloon. Critics view Brown II as an accommodation to separatists with it’s vague, “with all deliberate speed” timeline. Justice Felix Frankfurter had earlier expressed misgivings about the potential for this scenario: “I think that nothing would be worse than for this Court- I am expressing my own opinion- nothing would be worse, from my point of view, than for this Court to make an abstract declaration that segregation is bad and then have it evaded by tricks.”

Thurgood Marshall, lead attorney for the plaintiffs, had argued for a definite, September 1955 deadline for school boards to effect viable integration policies. Instead, Brown II left the timeline up to local school boards, who were instructed

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5 Ibid, p. 205.
6 Ibid, p. 203.
to carry out integration “in good faith” with oversight by the U.S. District Courts to distinguish between good faith and calculated indifference to the goals of racial equality.\textsuperscript{7}

The supporters of a vague timeline argued that if SCOTUS ordered immediate and complete desegregation of schools that politicians, community leaders, and prominent citizens in the recalcitrant school districts would evade the firm directive by support of private school choice programs and selective desegregation.\textsuperscript{8}

Indeed, the directive from SCOTUS to desegregate schools was not well-received in much of the nation. In the North, more subtle forms of \textit{de facto} segregation and inequality existed. For example in the New York borough Harlem, by 1959 not a single new school had been constructed since the turn of the century. In 1957 Arkansas Governor Faubus called out the state’s National Guard to block African-American students from entering Little Rock Central High School, causing President Eisenhower to deploy the 101\textsuperscript{st} Airborne Division to Arkansas and take federal control of the Arkansas’ National Guard. In Mississippi, fear of violence prevented plaintiff’s from bringing a school desegregation suit for the next nine years. When Medgar Evers sued to desegregate Jackson schools in 1963, he was murdered.

In Texas, Attorney General John Ben Shepperd organized a campaign to generate legal obstacles to implementation of desegregation.\textsuperscript{9}

Thus, the realities of implementation and complicating scenarios swirling about the process underscored the extreme difficulty of trying to effect social policy change on an uncooperative public.

\textit{Lamar School and the San Marcos Experience}

The SCOTUS decision on Brown v. Board of Education on May 17, 1954 and on May 31, 1955 for “Brown II” sent shock waves around America, and especially in

\textsuperscript{7} Ibid, p. 206.
\textsuperscript{8} Ibid, p. 206.
the South. In San Marcos, one can only speculate on the debate and spirited conversations that ensued over the summer once word of the decision reached this small central Texas town.

However, the amazing story of what happened in early August is available to us. Despite the vagueness of the time schedule that Brown II allowed, the San Marcos School Board held a meeting with a never-seen-before agenda item: school integration. A newspaper article from the San Marcos Daily Record describes the events well:

“School board members voted four to three Tuesday night to permit San Marcos Negroes to report to the high school of their choice when school opens here Sept. 6. Their action came after Trustee Ernest Morgan made and C.C. (Tex) Hughson seconded a motion that attendance in grades nine through twelve be optional.

Here’s how the board members answered the roll call: Ernest Morgan- Yes, C.C. Hughson- Yes, Jack Major- No, Frank Taylor- No, Roscoe Chamblis-No, Malcom Fleming- Yes. School Board President John J. Smith broke the tie with his vote on the proposal. “Yes! It’s [segregation] ended!”...

The board meeting began at about 8 p.m. but it was not until 10 p.m. that the segregation question was touched. C.C. (Tex) Hughson fired the opening salvo, moving that segregation in San Marcos schools end “immediately.”

At the request of President Smith, Superintendent Joe Hutchison [as in Hutchison Street] explained that the high school level might be the best place to start integration as colored high school facilities are not as complete as those in the colored grade school...”¹⁰

The desegregation of the San Marcos High School, now called the Lamar School, still standing on 500 Hutchison Street, proceeded less than four months after Brown II was announced to America. Yancy Yarborough, San Marcos High School

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Principal in 1955, recalled proudly, “We were the first high school of any site in the state of Texas [to desegregate].”\textsuperscript{11} Unlike the conflict, bloodshed, and deaths that occurred in other Southern communities, the integration was peaceful in San Marcos. “The only problems were with some of the parents of white students,” he recalled. “The parents made a lot of threats, but nothing ever came of it. Integrating the high school was one of the most enjoyable experiences of my career.”\textsuperscript{12}

Yet, to be sure, it was no bed of roses. The entire San Marcos school system was not integrated as speedily and integration for the elementary schools progressed at a much slower speed, not reaching full integration until the mid 1960’s. And Hispanics suffered inequality as well with African-Americans. Former San Marcos School Board member Augustine Lucio remembers, “The Anglos had buses to take them to school. The Hispanics and blacks walked, some several miles each day. I can remember the buses passing me by as I walked to school.”\textsuperscript{13} It was not until 1965 that all grades were fully integrated. Even then, when the black and Hispanic schools closed, the teachers at those schools often found themselves out of work. It took an appeal to the State Board of Educators to stimulate the board to hire them.\textsuperscript{14} And for the first year of desegregation the school board prohibited blacks from participating in athletics or band. The blacks continued to play sports at Dunbar. Lucius Jackson, a talented basketball player who later became a star on the U.S. Olympic team and played professionally for the Philadelphia 76’s team, was kept out of basketball at the San Marcos High School. Former principal Yancy Yarborough explained, “Lucius Jackson became the focal point of our argument with the school board about basketball players. Though the football team became integrated the second year, 1956, the board wouldn’t integrate the rest of athletics. One reason was that the white high schools wouldn’t play us if we had blacks on our team,” Yarborough said.\textsuperscript{15}

Yet in spite of these continued injustices, not uncommon throughout the South and in many non-Southern parts of the country, the shining example of the progressive leadership of the 1955 San Marcos School Board in voting to establish

\begin{flushright}
\textsuperscript{12} Ibid.
\textsuperscript{13} Ibid, (Continuation from page 1).
\textsuperscript{14} Ibid, (Continuation from page 1).
\textsuperscript{15} Ibid, (Continuation from page 1).
\end{flushright}
the first integrated high school in the state of Texas cannot and should not be overlooked. The peaceful integration that ensued served as an example for the peaceful integration of Southwest Texas State University (now known as Texas State University)\textsuperscript{16}. How is it that a very small town in the middle of Texas took the initiative to blaze a trail for freedom, justice, and equality? The answer eludes us and can only be found in the hearts and minds of those board members who are buried.

The old Lamar High School building stands today as a physical symbol of that decision. It is a testament still in our midst of the trailblazers of the San Marcos School Board and people of San Marcos who took the ruling of Brown v. Board of Education to heart and ended segregation at the San Marcos High School \textit{With All Deliberate Speed}.

The buildings of the old Lamar High School are now classified as mid-century modern historical structures. These buildings have significant historical and cultural significance in addition to their great beauty and well-constructed internal materials (e.g., the extensive heart of pine wood in the auditorium). If the Hutchison Street historic district expansion is approved, this will open ears, doors, and wallets for fund-raising, grants, and programs to rehabilitate these buildings. To talk about a historic structure is one thing. But to begin a discussion about a historic district is quite another. It is a game-changer when it comes to obtaining resources for rehabilitating buildings and attaining resources for their conservation. In this paper, we are sure that we have only touched upon the tip of an iceberg about the historical significance of the old Lamar High School. If we only have the vision to see the diamond in the coal of these recently neglected buildings, other stories of cultural and historical significance will be discovered.

\footnotesize{\textsuperscript{16} “San Marcos: A Model for Peaceful Integration of Schools”, attachment.}
A notable example of building with similar importance is the Monroe School, the school in Topeka Kansas that was at issue in the Brown v. Ferguson case. The school was in disrepair in the turn of this century. Because its cultural and historical significance was recognized before the building was razed, the National Park Service performed extensive exterior rehabilitation. The building is now a popular tourist destination.\(^\text{17}\)

It is entirely possible that the old Lamar High School could become a rehabilitated tourist destination and perhaps even house a museum. Historic district designation is a game changer. We hope that you will agree, see the possibilities, and vote for the proposed historic district expansion.

Attachments

3. “San Marcos: A Model for Peaceful Integration of Schools”

II Coronal Institute

July 23, 1918 - Letter of recommendation from W.B. Collins, State Health Officer to the Chief Surgeon Southern Department, U.S.A to support the request for the location of a convalescent hospital in San Marcos.

“San Marcos is located on the San Marcos river ... this river is one of the most beautiful streams in all of Texas. The head of this river springs form the foot of the mountains in a gushing, bold stream of as fine water as I have ever saw.”

The people of San Marcos are progressive and enlightened; this is shown by having located in their midst the various Colleges and schools with which you are familiar.

“To sum up its merits, will say that its citizenship is as enlightened as you will find anywhere in the country; its health conditions are almost perfect” ...

From the beginning, education has been the main business in San Marcos.

The history of education in San Marcos would be incomplete without the stories of the Coronal Institute and the Lamar school. They are stories of enlightenment, equality and progress in a small town in the Deep South and in Texas. The Coronal Institute was one of the first co-educational schools in the South where women were taught the same subjects alongside the men.

The story of the Coronal Institute is well-documented in the historical narratives of San Marcos. Indeed, a Texas State Historical Marker is on 500 W. Hutchison Street, dedicated in 1970 as one of many markers established during the time when Tula Townsend Wyatt was chair of the Hays County Historical Commission. The marker reads:

Established in 1868 by educator O.N. Hollingsworth. A private school, it was coeducational and offered military training to boys. So named because it was a coronal (crown) atop this hill. In 1870 the Rev. R. H. Belvin bought the school, but sold it to the Methodist Church in 1876.
The first structure, of limestone, burned in 1890. A handsome, 3 story building soon replaced it. Hundreds of students attended the Institute, which helped pioneer education in southwest Texas. The Methodist Church closed the school in 1918. It was sold in 1925 to [the] San Marcos school district.

A bronze plaque now at the First United Methodist Church in San Marcos, down the street from the former site of the Coronal Institute reads, “The influence of the Coronal will live in our hearts forever.”

Why this place matters: Inspiration for future generations

In the 1930’s the beautiful architecture of the Coronal Institute had become passé. It was considered an outdated eyesore, (much like the Lamar site today). Although there were people in the community that fought against it, and in spite of all of its history, this beautiful icon of education in San Marcos, was razed to the ground.

It is difficult for us to make aesthetic judgements today, about what is going to be significant tomorrow. Should we rob future generations of another educational Icon?

CORONAL TIMELINE:

1868- The Coronal Institute was built on the site of the present Lamar Annex. The school's initial success was due to a healthy climate. Yellow fever epidemics were hitting the schools in the coastal regions. The 1869 Coronal catalogue stated that “out of 100 students received into the institute, not one death has occurred and there has been only one case of serious illness”

December 21, 1891 - the Coronal Institute closed for Christmas Vacation. The school failed to reopen.

1918 – The War Department rented the property and used it as a barracks and drill grounds for the Student Army Training corps. After the close of the War the building was turned into an apartment and rooming house.

The Methodist Conference deeded the School to the San Marcos Methodist Church, which assumed the indebtedness.

1925 26 – The Coronal was sold to the San Marcos School district. . June 1931- Harvey P. Smith of San Antonio drew a perspective of the plans for an ultra-modern public school which was to be located on the Coronal grounds. “It is hoped that there shall stand on Coronal Hill a structure in which every citizen of San Marcos shall take just pride.”

18 San Marcos Record June 12, 1931.
January 1932- The San Marcos Post of the American Legion appointed a committee to urge the tearing down of the Coronal Institute buildings as a means of reviving the unemployment situation. The Legionnaires argued that the buildings were constantly deteriorating in value and falling down, while if work started at once several hundred hours of employment could be furnished local men who needed the work. It was estimated the salvaged materials would be worth from $5,000. to $15,000.

December 1932- the city began tearing down the building.

- “Great care was taken so that the loss of material would be minimal when the buildings were torn down, as much of the material was intended to go into the construction of the new public School building.”

1939- The city took action to wreck the remainder of the Coronal buildings. The buildings were sold to a used building materials dealer in Austin.

June 1940 – The first regular meeting and reunion of ex students and teachers was held. Former students from many parts of Texas and other States were present.

June 5, 1940 – The Coronal Club erected a bronze plaque on the original corner of the Old Main building, erected in 1890. Now that all old Coronal buildings have been razed, this stone stands on the grounds of the Methodist Church in San Marcos. The old stone, marking Kendrick Hall, which was built in 1896, is also preserved at the church. The Bronze plaque on the cornerstone reads: “The Influence of Coronal will live in our hearts forever”.

1949- - the college and the public schools were bursting at the seams, so the last of the Coronal Buildings were destroyed to build a new high school on the site. Fall of 1951 the first students moved to the brand new school, which consisted of grades 10-12.

CONSOLIDATION TIMELINE: San Marcos Public Schools – Demonstration Schools merger.

Early 1933 – A consolidation movement was begun in San Marcos. According to Dr. C.E Evans, president of Southwest Teachers College, the ordinary college demonstration school was inadequate to take care of demonstration teaching.

June 1, 1933 – The final passage of the demonstration School merger was completed. With the two systems to cooperate for a two year trial period.

The San Marcos High School building was refinished and became senior high school. The Education building at the college became the elementary and junior high school which was maintained by college funds. All college recreation parks and a gymnasium were to be used by the public school students when they were not occupied by College classes.

Diana and James Baker

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19 San Marcos Record December 1932.
20 San Marcos Record, June 9, 1933.
Board Votes High School Integration

A NEAR FULL HOUSE turned out last Thursday night at the high school library for a public discussion of segregation-integration in San Marcos schools. A large percentage of the group were College students. Here, J. C. Jackson, one of about 20 Negroes who attended the meeting, gives his views on the subject. -Staff Photo.

Ordinance To Regulate City Peddlers

The City Council Wednesday adopted an ordinance which regulates peddling or soliciting from house to house and imposes a fee of $1.00 to $1.25 for violation of the ordinance.

The ordinance prohibits anyone selling or soliciting for any goods, services or magazine subscriptions, etc., without first obtaining a license from the Office of the Clerk and paying a fee of $1.00 to $1.25.

A NEAR FULL HOUSE turned out last Thursday night at the high school library for a public discussion of segregation-integration in San Marcos schools. A large percentage of the group were College students. Here, J. C. Jackson, one of about 20 Negroes who attended the meeting, gives his views on the subject. -Staff Photo.

County HD Council Invites Texas Convention to City

The County HD Council has invited the Texas Home Demonstration Association to hold its 1956 Convention at the San Marcos Junior College. The convention will be held on April 20-21.

The convention will feature exhibits, demonstrations, and workshops on a variety of home-related topics. Attendees will have the opportunity to learn about the latest innovations in home management, gardening, and cooking.

School System Budget Hearing Set For Tuesday

Public hearing on the proposed 1955-56 San Marcos Independent School District budget will be held at 8:00 p.m. Tuesday at the high school.

School board members will gather to discuss the budget for the upcoming school year. The budget will include funding for salaries, supplies, and other expenses necessary to operate the school district.

W. D. McGraw To Leave SMA On August 15

Fire Station Warrants Are Ordered Sold

Fire Station warrants in the amount of $45,000 were ordered sold when the City Council passed an ordinance to that effect at their meeting Thursday night. The warrant holders will have the option to accept the warrants in cash or to hold them until the fire station is completed.

Mr. and Mrs. McGraw have been active in the religious life of San Marcos, serving as a deacon and as chairman of the board of deacons of the First Baptist church. Mrs. McGraw has served as president of the Baptist Women's Association.

In leaving San Marcos and the Academy, Mr. McGraw said, 'It is with keen regret that we leave the community and the friends with whom we have been associated for so many years, but we feel that we will not lose contact with them since we will be living about 20 miles away.'

He said that his relationships with the Academy have been a source of pleasure and that he has enjoyed the experience of serving as a trustee.

The motion read: 'Beginning in September, 1956, that we make attendance in grades nine through twelve optional—Negro or white.'

Here's how board members answered the roll call:

Ernest Morgan—Yes.

Jack Major—Yes.

Frank Taylor—Yes.

Bessie Chambers—No.

Malcolm Fleming—Yes.

School Board President John T. Smith broke the tie with his vote on the proposal.

'Do: P 'Not (End) ended.'

Voting on the optional ninth through twelfth grade proposal followed approximately an hour later, the councilman, and the trustee offered proposals and made arguments to all levels of integration will be begun and whether or not they should be.

Board member Jack Major felt it would not be fair to county residents, Negro students or the school, to have the integration done if it failed.

Trustee Frank Taylor said he voted in favor of integration because the integration was going to be a reality, and not just a paper on the table.

C. E. (Tex) Hughson fired a doggered volley, saying that segregation was the only way to run a school and that integration had been done too fast.

At the request of President Smith, Superintendent Joe Hutchison explained that the high school level would be the best place to start integration as enrollment in the county is at its peak and should be completed as those in the Collier grade school.

'May be the right grade would be the ninth, if you want to go to the white grade,' he explained.

Taylor moved that ninth grade students be permitted to attend either high or elementary school.

It was after this vote that Mr. Smith again brought up the question of high school attendance which was approved.

Board members and administrators at the Collier grade school will work out arrangements as to the manner in which classes and activities are to be run.

Alano Anderson is New Conservationist Here

A 36-year-old Austin, man, James Haye Cooper, was in county jail here Thursday charged with theft of an automobile.

Judge Callahan said bond had not been set.

Alan H. (Andy) Anderson is New Conservationist Here
San Marcos a Model for Peaceful Integration of Schools

It is no surprise that four young Negroes were admitted to Southwest Texas State College Monday and Tuesday without incident. There was no build-up of sentiment against what was conceded to be the inevitable outcome of the trend to admit Negroes into the heretofore all-white college. College authorities had made up their minds that the edict of the Federal Court would be accepted when and if it was held that the State law barring the colored race from State colleges was held to be invalid. The decision came Monday and that same day the first applicant was on her way to being enrolled. Three others were enrolled Tuesday—all without incident.

Perhaps San Marcos was ready for integration because the plan was already in operation in the public school system. In 1957 the first Negroes were admitted to San Marcos High School. This revolutionary change was accomplished without incident and the plan has worked smoothly for the past six years.

This newspaper, while it has never editorialized on the question of integration principally because it felt that the less said about the sometimes-controversial subject the better, has always advocated the philosophy that a community can best work out its own problems. This attitude about integration has proven to be correct in our community.

This newspaper has advocated, too, that when any person has earned a position he is entitled to assume that position, and that color or creed should be no barrier.

The faculty and the student body at SWTSC are to be commended for complying with the court edict both in spirit and in letter. The community, by the same token, is to be commended for maintaining a dignified and quiet demeanor regarding admission of Negro students into our public schools and into our college.

We can and should be a good example to other communities throughout the South—and the nation.

Dad Needs a Break

Deduct for College Education

Proposals to allow income tax deductions of $1000 for each son or daughter enrolled in college seems just and sound in light of the emphasis being placed on higher education.

Dad has needed such a break for a long time. The cost of a college education has children if proposals for a flat $100 per semester registration fee for state colleges are adopted by the current session of the Legislature.

And, of course, there are several thousand parents in Texas whose sons and
A history of desegregation in San Marcos

Blacks make social progress since 1954 Supreme Court ruling

Continued on page 2
Desegregation

Continued from page 1

some brothers and sisters) cheer the recent opening of their new playground, which was designed by Dr. Bob Hablingreither, chairman of SWTGU’s technology department, and financed through various fundraising events sponsored by the school’s PTA. — photo by Mike Zimmerman

number of rural schools,” said Augustine Lucio, Jr., a San Marcos Consolidated Independent School District board member since 1964.

“Most of the Anglos went to school in town,” Lucio said. “Blacks and Hispanics had separate elementary schools.”

Some Hispanics attended school with whites, at the high school and at the elementary school housed on the college campus. A number of rural elementary schools had only one or two rooms, and several grades met in a room.

“The Anglos had buses to take them to school,” Lucio said. “The Hispanics and blacks walked, some several miles each day. I can remember the buses passing me by as I walked to school.”

In 1965, Celestino Mendez Jr., became the first Hispanic elected to the school board. The next year, Mendez and Lucio wrote the school board policy requiring full integration.

By the fall of 1965, 10 years after integration at SMISD, all grades were desegregated.

“When they integrated the schools, the administrators thought our children would be behind in their work compared to the white children,” said Katherine Hardeman, who taught in black schools in rural areas and San Marcos before desegregation.

“I taught first through fourth grades in one classroom in Buda at the time,” she said. “They tested my children — one of my first graders tested out at third grade level. My kindergarten children had already read ‘Dick and Jane’ before they got to the first grade.”

Vicki Holmes, now a counselor at Gary Job Corps Center, was in the first grade in 1966.

“I didn’t feel unwanted or unwelcomed,” she remembered. “Going into the newly desegregated school was a pleasant experience.”

Though termed “full integration” by the school board, many areas of school life remained racially segregated.

After the black and Hispanic schools closed, the teachers in those schools found themselves out of work. When the Anglo-dominated schools refused to hire them, Hardeman and others took their case to the State Board of Education.

“I have always been a fighter,” said the 87-year-old Hardeman. She eventually gained acceptance in the school and was the first black teacher hired in the “fully integrated” San Marcos school system. She continued to teach there until her retirement at age 71.

The teachers were not the only ones leading a rough life in the early years of the new desegregation, racial fights did occur.

One white student who was in junior high in the early 1960s recalled several fights between white and Hispanic students.

“Some of the Hispanic kids didn’t speak English very well, and I think there had been a ruling that they couldn’t speak Spanish in school,” the former student said. “The teachers seemed to take little interest in helping them.”

I remember gangs of older Hispanic kids who repeatedly had been kept back in school,” the ex-student said. “I was so scared of being beaten up by these gangs that I would walk six blocks out of my way after school.”

Anita Jo Harris Wright, who attended Dunbar School for 11 years, remembered her senior year — the first ever in an integrated school — as a time of tension.

“It was so different for all of us, and that made it difficult,” Wright said. “It was our senior year — the most important year of high school.”

“The black kids were so disappointed because we couldn’t participate in sports,” she said. “Most of the boys dropped out of school because of this.”

“We couldn’t attend the high school prom, so our parents gave us our own prom,” she said. “Going to the white school was not something we wanted to do. We did it for our parents. They were so proud of us when we graduated.”

And though they may not have realized it at the time, the students also did it for the children of the

“When the Dunbar children first went to the white school, they weren’t allowed to eat in the school cafeteria,” Hardeman said. “The black children had to walk home for lunch.”

“My neighbors had a little cafeteria, and they tried to feed the black children,” she said. “But the two of them couldn’t make enough lunches for all the children, so I went down and helped them cook.”

The school board prohibited blacks from participating in athletics or band during the first year of integration.

“The blacks continued to play in sports at Dunbar,” Lucio said. “Lucius Jackson was a very talented basketball player, but he was kept out of high school basketball.”

Yarbrough added, “Lucius Jackson became the focal point of our argument with the school board about basketball players. Though the football team became integrated the second year, 1956, the board wouldn’t integrate the rest of athletics.”

“One reason was that the white high schools wouldn’t play us if we had blacks on our team,” Yarbrough said.

To be continued next week.
Alison,

I am sending you pictures of the Lamar school that I think are important. 
1. Also, if possible, please also e mail the cultural importance documents since the links are important. .
2. Also ask planning staff to e mail this link to P&Z Commissioners so that they can visit the National Park Service website for the Monroe School to see the potential for the Lamar School. .  

https://www.nps.gov/brvb/index.htm

Thanks,
Diana Baker
Band 1971

Ballet Folklorico
“Eyesores” that have been demolished.
1) Do you live in a local district?
   - Yes  No
   If yes, please mark which one:
   - Belvin
   - San Antonio
   - Downtown
   - Lindsey-Rogers
   - Dunbar
   - Burleson
   - Hopkins

2) Is your property/residence within the proposed expansion boundary?
   - Yes  No

3) Do you agree with the proposed expansion boundary?
   - Yes  No

Comments/Feedback (use reverse side if necessary):


1) Do you live in a local district?
   □ Yes    □ No
   If yes, please mark which one:
   □ Belvin    □ San Antonio    □ Downtown    □ Lindsey-Rogers
   □ Dunbar    □ Burleson    □ Hopkins

2) Is your property/residence within the proposed expansion boundary?
   □ Yes    □ No

3) Do you agree with the proposed expansion boundary?
   □ Yes    □ No

Comments/Feedback (use reverse side if necessary):
Historic District Expansion
Open House

NAME: Larry Mock
ADDRESS: 107 Canyon Rd
PHONE: 512 353-3707
EMAIL: 

1) Do you live in a local district?
   □ Yes  □ No
   If yes, please mark which one:
   □ Belvin  □ San Antonio  □ Downtown  □ Lindsey-Rogers
   □ Dunbar  □ Burleson  □ Hopkins

2) Is your property/residence within the proposed expansion boundary?
   □ Yes  □ No

3) Do you agree with the proposed expansion boundary?
   □ Yes  □ No

Comments/Feedback (use reverse side if necessary):

______________________________________________________________________
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1) Do you live in a local district?
   □ Yes   □ No
   If yes, please mark which one:
   □ Belvin  □ San Antonio  □ Downtown  □ Lindsey-Rogers
   □ Dunbar  □ Burleson  □ Hopkins

2) Is your property/residence within the proposed expansion boundary?
   □ Yes   □ No

3) Do you agree with the proposed expansion boundary?
   □ Yes   □ No

Comments/Feedback (use reverse side if necessary):

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
1) Do you live in a local district?
   □ Yes   □ No

   If yes, please mark which one:
   □ Belvin   □ San Antonio   □ Downtown   □ Lindsey-Rogers
   □ Dunbar   □ Burleson   □ Hopkins

2) Is your property/residence within the proposed expansion boundary?
   □ Yes   □ No

3) Do you agree with the proposed expansion boundary?
   □ Yes   □ No

Comments/Feedback (use reverse side if necessary):
We will build a house at 625 W/Butts which is within the proposed expansion. This meeting and open house was useful in clarifying the role the Historic Society might play in the project we have planned. The proposed development
At the Bellmar Annex is a concern mostly regarding the scale of the development. (Too large)

We hope to have our house plans approved very soon so that we can build and begin to enjoy living in such a great location. It's important to preserve the quality of the neighborhood.

Thanks to y'all for giving us the opportunity to attend this open house to learn about the Historic District Expansion and its potential impact to our project. Susan Blake was most informative.
1) Do you live in a local district?
   □ Yes  □ No
   If yes, please mark which one:
   □ Belvin  □ San Antonio  □ Downtown  □ Lindsey-Rogers
   □ Dunbar  □ Burleson  □ Hopkins

2) Is your property/residence within the proposed expansion boundary?
   □ Yes  □ No

3) Do you agree with the proposed expansion boundary?
   □ Yes  □ No

Comments/Feedback (use reverse side if necessary):
We will be building our home at 621/625 W. Hutchinson this year. I hope to have the plans approved by the city before the annexation is approved so additional meetings/processes with the commission wouldn't be
Required. However, after speaking w/ Alison & Bob Holders, we feel reassured that the process wouldn't be overly complicated or difficult.

It would be beneficial to the neighborhood & community to have more checks & balances in place such as the proposed expansion to influence a denser zoning & development proposal so a large infrastructure doesn't dominate & negatively impact the character & quality of life in the area. Traffic infrastructure is inadequate. However, we would not be entirely opposed to a significantly smaller hotel something continued.
1) Do you live in a local district?
   Yes □  No □
   If yes, please mark which one:
   Belvin □  San Antonio □  Downtown □  Lindsey-Rogers
   Dunbar □  Burleson □  Hopkins □

2) Is your property/residence within the proposed expansion boundary?
   Yes □  No □

3) Do you agree with the proposed expansion boundary?
   Yes □  No □

Comments/Feedback (use reverse side if necessary):
I'm afraid a small vocal minority will further hamper the process of positive re-development and improvement of properties.
1) Do you live in a local district?
   □ Yes    □ No
   If yes, please mark which one:
   □ Belvin    □ San Antonio    □ Downtown    □ Lindsey-Rogers
   □ Dunbar    □ Burleson    □ Hopkins

2) Is your property/residence within the proposed expansion boundary?
   □ Yes    □ No

3) Do you agree with the proposed expansion boundary?
   □ Yes    □ No

Comments/Feedback (use reverse side if necessary):
Worried about Lamar School
Historic District Expansion
Open House

NAME: Cathy D. Miller
ADDRESS: 1000 Burleson
PHONE: 512-787
EMAIL: cri@grandecom.net

1) Do you live in a local district?
   □ Yes    □ No
   If yes, please mark which one:
   □ Belvin   □ San Antonio   □ Downtown   □ Lindsey-Rogers
   □ Dunbar   X Burleson      □ Hopkins

2) Is your property/residence within the proposed expansion boundary?
   □ Yes    X No

3) Do you agree with the proposed expansion boundary?
   □ Yes    □ No
   X 40!!

Comments/Feedback (use reverse side if necessary):
we need to do this!
1) Do you live in a local district?
   - Yes
   - No
   If yes, please mark which one:
   - Belvin
   - San Antonio
   - Downtown
   - Lindsey-Rogers
   - Dunbar
   - Burleson
   - Hopkins

2) Is your property/residence within the proposed expansion boundary?
   - Yes
   - No

3) Do you agree with the proposed expansion boundary?
   - Yes
   - No

Comments/Feedback (use reverse side if necessary):

EXPAND THE DISTRICTS! THE UNIVERSITY IS CHEWING UP OUR HISTORIC NEIGHBORHOODS. ADDITIONALLY, NO MORE BUILDINGS DOWN TOWN TALLER THAN THE OLD COURTHOUSE.
Historic District Expansion
Open House

1) Do you live in a local district?
   □ Yes   □ No
   If yes, please mark which one:
   □ Belvin   □ San Antonio   □ Downtown   □ Lindsey-Rogers
   □ Dunbar   □ Burleson   □ Hopkins

2) Is your property/residence within the proposed expansion boundary?
   □ Yes   □ No

3) Do you agree with the proposed expansion boundary?
   □ Yes absolutely   □ No

Comments/Feedback (use reverse side if necessary):

Please expand the Historic District expansion proposal. We must approve the project, preserve it, make as much of our beautiful town officially historic. This will hopefully help keep this proposed site as "Public" or zoned only as single-family dwellings if a poll is requested.

NAME: Kama Davis
ADDRESS: 934 W. Hopkins
PHONE: 392-0418
EMAIL: judith_kama@hotmail.com

Family Home
Rev. Karl i Dr. Karen Brown
the Lindsey Hill Developers. This is an extremely sensitive area, with Tangerine patients feet away, historic homes, homes over 50 x 100's years old, right at the doorstep. Please expand the district. Thank you.
1) Do you live in a local district?
   □ Yes    □ No
   If yes, please mark which one:
   □ Belvin    □ San Antonio    □ Downtown    □ Lindsey-Rogers
   □ Dunbar    □ Burleson    □ Hopkins

2) Is your property/residence within the proposed expansion boundary?
   □ Yes    □ No

3) Do you agree with the proposed expansion boundary?
   □ Yes    □ No

Comments/Feedback (use reverse side if necessary):
I appreciate the work our Planning Dept. is doing to expand the historic districts. The value of these districts can be seen by comparing districts to those areas that do not have districts and their loss of not only buildings and...
Neighborhood character, but also their loss of history, a living history that people can see and understand (as opposed to a “buried” history that must be dug up in libraries).

Understanding and appreciating our history helps us to know not only where we are and where we came from, but where we are going and why. It gives us perspective about our life and relationship to others (similar to a thoughtful walk in the cemetery).

Understanding and appreciating our history is a common interest that also brings community together. I see this is our neighborhood. Instead of parking our cars and going into our private “castles”, neighbors gather for many events related to historic preservation. I have met many of my neighbors and made many friends at functions relating to history of our local area. In a way, our common interest in the history of our area is the “glue” that holds us together (initially) and keeps us together as we develop our friendships and history ourselves. The old school on Hutchinson was a great history and is a great site for a museum. Making this a district will help our citizens appreciate its history.
Historic District Expansion
Open House

NAME: Lisa Marie Coppeta
ADDRESS: 
PHONE: 
EMAIL: 

1) Do you live in a local district?

☐ Yes ☐ No

If yes, please mark which one:
☐ Belvin ☐ San Antonio ☐ Downtown ☐ Lindsey-Rogers
☐ Dunbar ☐ Burleson ☐ Hopkins

2) Is your property/residence within the proposed expansion boundary?

☐ Yes ☐ No

3) Do you agree with the proposed expansion boundary?

☐ Yes ☐ No

Comments/Feedback (use reverse side if necessary):

This is awesome
This will protect us from multiple housing situations.
1) Do you live in a local district?
   □ Yes  □ No
   If yes, please mark which one:
   □ Belvin   □ San Antonio   □ Downtown   □ Lindsey-Rogers
   □ Dunbar   □ Burleson   □ Hopkins
2) Is your property/residence within the proposed expansion boundary?
   □ Yes  □ No
3) Do you agree with the proposed expansion boundary?
   □ Yes  □ No

Comments/Feedback (use reverse side if necessary):
Our historical buildings are quite an attractive draw to bring people to San Marcos. And it is important for quality of life to have such beautiful surroundings.
Historic District Expansion
Open House

1) Do you live in a local district?
   □ Yes  □ No
   If yes, please mark which one:
   □ Belvin  □ San Antonio  □ Downtown  □ Lindsey-Rogers
   □ Dunbar  □ Burleson  □ Hopkins

2) Is your property/residence within the proposed expansion boundary?
   □ Yes  □ No

3) Do you agree with the proposed expansion boundary?
   □ Yes  □ No

Comments/Feedback (use reverse side if necessary):

Yes - please expand
Historic areas are very important for the community.
Historic areas are important for tourism.
1) Do you live in a local district?
   □ Yes  □ No
   If yes, please mark which one:
   □ Belvin  □ San Antonio  □ Downtown  □ Lindsey-Rogers
   □ Dunbar  □ Burleson  □ Hopkins

2) Is your property/residence within the proposed expansion boundary?
   □ Yes  □ No

3) Do you agree with the proposed expansion boundary?
   □ Yes  □ No

Comments/Feedback (use reverse side if necessary):

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
Historic District Expansion
Open House

1) Do you live in a local district?
   □ Yes       □ No
   If yes, please mark which one:
   □ Belvin    □ San Antonio    □ Downtown    □ Lindsey-Rogers
   □ Dunbar    □ Burleson        □ Hopkins

2) Is your property/residence within the proposed expansion boundary?
   □ Yes       □ No

3) Do you agree with the proposed expansion boundary?
   □ Yes       □ No

Comments/Feedback (use reverse side if necessary):

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
1) Do you live in a local district?
   □ Yes  □ No
   If yes, please mark which one:
   □ Belvin  □ San Antonio  □ Downtown  □ Lindsey-Rogers
   □ Dunbar  □ Burleson  □ Hopkins

2) Is your property/residence within the proposed expansion boundary?
   □ Yes  □ No

3) Do you agree with the proposed expansion boundary?
   □ Yes  □ No

Comments/Feedback (use reverse side if necessary):

Please place Lamar school in historic district
1) Do you live in a local district?
   □ Yes  □ No
   If yes, please mark which one:
   □ Belvin  □ San Antonio  □ Downtown  □ Lindsey-Rogers
   □ Dunbar  □ Burleson  □ Hopkins

2) Is your property/residence within the proposed expansion boundary?
   □ Yes  □ No

3) Do you agree with the proposed expansion boundary?
   □ Yes  □ No

Comments/Feedback (use reverse side if necessary):
I think that expanding the boundary will protect the area from developers that only look to do business.
Brake, Alison

From: Elly Del Prado Dietz <elly@delpradodietz.com>
Sent: Tuesday, March 21, 2017 8:45 AM
To: Brake, Alison
Subject: Re: Historic District

I live in sa st district and have owned property in belvin st district for 25 years - own 3 historical properties now and serve on cheatham st music foundation.

Elly Del Prado Dietz
DEL PRADO DIETZ, PLLC

From: Brake, Alison <ABrake@sanmarcostx.gov>
Sent: Tuesday, March 21, 2017 8:41:38 AM
To: Elly Del Prado Dietz
Subject: RE: Historic District

Thank you for your feedback. Do you live in the proposed boundaries or do you live in an existing historic district?

Alison E. Brake, CNU-A
Historic Preservation Officer and Planner
Planning & Development Services
City of San Marcos
512.393.8232

From: Elly Del Prado Dietz [mailto:elly@delpradodietz.com]
Sent: Monday, March 20, 2017 8:06 PM
To: Brake, Alison <ABrake@sanmarcostx.gov>
Subject: Historic District

I am in favor of extending the historic district. Thanks/

Elly Del Prado Dietz
DEL PRADO DIETZ, PLLC

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Good morning,

My husband and I are both longtime residents of San Marcos and live within a 1-mile radius of the Lindsey-Rogers Historic District. I was surprised to hear that there was a meeting yesterday and that we had received no form of notification. Also, surprised to hear that the meeting was set to take place during regular work hours. All that is mute at this point; however, I did wish to share that my thoughts on the Lindsey-Rogers Historic District Expansion are favorable and I would like to see no pocket neighborhood/s in the immediate vicinity. Please let me know if you would like further explanation as to why I support this historic district expansion.

Thank you and have a lovely day,

Karen Stott Evans
Career Services Office Manager
Texas State University
601 University Drive
Career Services LBJSC 5-7.1
San Marcos, Texas 78666
P:512-245-8740
F:512-245-1057
W: www.careerservices.txstate.edu

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Alison,

Please delete my previous email and replace it with this following, updated statement:

Thank you for bringing the Historic Preservation Commission's workshop to the public.

I fully agree with extending the Lindsey-Rogers Historic District. This is in an area that directly impacts the historic district and, quite frankly is, by all intents and purposes, already in the Historic District. Expanding the Historic District calls for our community to look at the broad picture and work together toward a common goal: showcase the unique and build on it, not compromise it. This expansion is not “us against them” or “business” vs. “old property owners” or “developer income” vs. “tourism income”. It is an opportunity to protect and preserve both business and community needs.

Tourism is one of San Marcos’ most lucrative businesses. It relies heavily on the historic districts. So, that industry and the community are on the same page. Commercial developers often use the Historic Districts’ charm and character to draw in business, also. So, it is only logical that they would want to expand and preserve that very charm and character of the historic district. Commercial business, too, then is on the same page with tourism and community. I am pro-business, pro-development, and pro-historic district. We can all have our place and work harmoniously together, especially when we keep our neighborhoods, historic areas, and San Marcos’ best interests at the forefront.

Expanding the historic district on this small but integral area would simply help ensure that the construction “fit in” on the outside with the surrounding neighborhood. Expanding the historic district does not change the zoning in the area. So, expanding the historic district will be but one small step to protecting what will be lost forever once it is gone.

To better demonstrate how expanding the Lindsey-Rogers Historic District would come into line with what the community wants, and what will benefit tourism and developers, I have included some information below, taken from a Neighborhood Character Studies (NCS’s), which is required by The City of San Marcos’ Comprehensive Plan (Section 1.5.7.5). The NCS’s have begun, but have not been completed

The Heritage Neighborhood Character Study began on Saturday, May 9, 2015 and was held 10:00 a.m. to 2:00 p.m. at The Price Center. The comments include the following:

Diversified Neighborhoods
Keep small neighborhoods, small
Design approved by HCP (Historic Preservation Commission)
Restoration Grants for owner occupied Historic Housing
Keep the historic district historical!
It’s a reassure, the only one we have
Historic District: Keep the district all zoned single-family
Tax credits for homes designated historic districts
No apartments
Create long-term sustainable homes that do not turn into short-term rentals or hotels.

Multi-Modal Transportation
Viable Bus System
Traffic calming devices on Hopkins → roundabout on Hopkins/San Antonio
Parks and Public Spaces
Using vacant lots for community gardens/greenspace
Pocket community gardens
Protect Neighborhoods/Direct Growth
Codify Design/Architecture Standards
Code enforcement to maintain neighborhood character
No encroachment of commercial into existing neighborhoods

Comments from the Neighborhood Character Workshops can be found at:
http://cosm.maps.arcgis.com/apps/webappviewer/index.html?id=495625e151d343cc999c7b75bd562907

An aside...I believe we would have had more turnout at the Lindsey-Rogers Expansion Workshop had it been during non-working hours (12:00-6:00pm) and not behind barriers of orange cones and construction rigs (which made the site difficult to find). The construction, of course, is not controlled by you. I was able to take off work but many interested citizens who are not retired or who do still work were unable to attend and I believe their voices were not heard. I will encourage them to send in written comments.

Also note that many more people would attend Neighborhood Character Studies if they were held after work hours or on the weekends. Thank you.

Kind regards,

J. Kama Davis

J. Kama Davis
214-587-6280 (mobile)
judith_kama@hotmail.com

From: Brake, Alison <ABrake@sanmarcostx.gov>
Sent: Thursday, March 23, 2017 8:44 PM
To: Atty Kama Davis
Subject: RE: Expansion of Lindsey-Rogers Historic District

Sure. That would be ok.

Thanks!

Alison E. Brake, CNU-A
Historic Preservation Officer and Planner
Planning & Development Services
City of San Marcos
512.393.8232

From: Atty Kama Davis [mailto:judith_kama@hotmail.com]
Sent: Thursday, March 23, 2017 3:44 PM
To: Brake, Alison <ABrake@sanmarcostx.gov>
Subject: Re: Expansion of Lindsey-Rogers Historic District

Thank you so much, Alison. I appreciate it. I do have a few grammatical errors I would like to make if you don't mind my resubmitting my comments? Thank you.

Kind regards,

**J. Kama Davis**

J. Kama Davis

214-587-6280 (mobile)
judith_kama@hotmail.com

From: Brake, Alison <ABrake@sanmarcostx.gov>
Sent: Thursday, March 23, 2017 7:32 PM
To: Atty Kama Davis
Subject: RE: Expansion of Lindsey-Rogers Historic District

Kama,

Thank you for your input. I will make sure that your comments are included as this moves forward to the public hearing phase – the first public hearing is tentatively set for May 4 at the Historic Preservation Commission’s Regular Meeting.

I am working to update our website to include the information we had at the Open House yesterday. Once the site is updated, I will send you a link.

Thank you,

Alison E. Brake, CNU-A
Historic Preservation Officer and Planner
Planning & Development Services
City of San Marcos

512.393.8232

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From: Atty Kama Davis [mailto:judith_kama@hotmail.com]
Sent: Thursday, March 23, 2017 11:23 AM
To: Brake, Alison <ABrake@sanmarcostx.gov>
Subject: Expansion of Lindsey-Rogers Historic District

Alison,
Thank you for bringing the Historic Preservation Commission's workshop to the public.

Please note that I fully agree with extending the Lindsey-Rogers Historic District. This is in an area that directly impacts the historic district and, quite frankly is by all intents and purposes, already in the Historic District.

I heard some developers (the Carsons, plot/land owner across from the Lamar School Property, and owners of Gumby's at 312 Hopkins project) voice their opinions that extending the historic district would put too much burden on them as business owners, is too restrictive, is unfair, and will discourage builders from coming to San Marcos. I am pro-business, pro-development, and pro-historic district. We can all have their place and work harmoniously together, but not without keeping our neighborhoods, historic areas, and San Marcos' best interests at the forefront.

One of the developers stated he wanted to build a "pocket neighborhood" directly across from the Lamar School Property. His business plan is to build "ultra-modern, sleek, beautiful tiny houses" and rent them out. Although he sees expanding the historic district on his property as an imposition, a governmental restraint of his right to earn money on his property, an unacceptable restriction and a business cost that is prohibitive to him, I believe these are all business risks each person and business owner must calculated and burden for themselves. If he wants ultra modern rental properties, he can purchase property in a non-historic district area or buffer zone. He took a calculated business risk, but his personal choices, which may not be panning out financially for him, it is ultimately his personal loss and his choice. An established neighborhood, all its inhabitants, and the surrounding neighbors should not have to shoulder the "losses" of businesses' and developers' choices.

Although it saddens me that a small business owner's pocket book possibly could be affected, I am encouraged that he and others like him still have other, and possibly more lucrative options. I'm sure his land and property can be sold to someone else or he can conform to the city's decision to hopefully expand the historic district which will affect only a handful of property owners. Expanding the Lindsey-Rogers Historic District will likely affect most of those property owners in a very positive manner. It could raise their property values and make the historic district even more attractive to potential residents and buyers (and if property values increase in the area, so does the tax base, which benefits the city).

If the historic district is not expanded it will negatively affect each home, property, and business owner in the historic district, in San Marcos in general, and quite frankly, the City's tax base. I urge you to expand the Lindsey-Rogers Historic District, encourage growth (such as "pocket neighborhoods") in areas other than right where the historic district is, and protect what cannot be re-gained (the historic homes, neighborhood, and character).

Expanding the historic district on this small but integral area, would simply help ensure that the construction "fit in" on the outside with the surrounding neighborhood. And, as we know, the business owners can lobby for zoning changes, variances, pdd's, CUP's, etc. So, expanding the historic district will be but one small step to protecting what will be lost forever once it is gone.

On an aside...I believe we would have had more turnout had it been during non-working hours (12:00-6:00pm) and not behind barriers of orange cones and construction rigs (which made the site difficult to find). The construction, of course, is not controlled by you. I was able to take off work but many interested citizens who are not retired or who do still work were unable to attend and I believe their voices were not heard. I will encourage them to send in written comments.
Again, thank you.

Kind regards,

**J. Kama Davis**
Ms. Brake
I hope this comment is not too late to be considered. My husband, Karl Brown, and I strongly support the proposed expansion of the historic district. We are long time residents of this district. We live at 834 W Hopkins. We have owned our historic house for almost 40 years. The proposed expansion would positively impact our home and entire neighborhood. And we think it would be good for the entire community, residential neighbors and business establishments to have a beautiful expanded historic district.

Please pass our comment on to the appropriate officials. If you or anyone at city hall wants to ask us any questions, I can be reached at this email address or on my cell 512 395 5467. My husband can be reached on his cell at 512 757 3585 or kwbrown@austin.rr.com. Our home number is 512 392 0418.

Thank you for your attention to this.
Karen Brown

Sent from my iPhone

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Hello,

I am writing in support of the extension of the historic district to include the Lindsey-Rogers neighborhood.

Sincerely,

Jessamyn L. Plotts

--

Jessamyn L. Plotts
Hi Allison, I support the expansion of the Lindsey Rogers Historic District- I am vehemently opposed to rezoning the Lamar School property. We don’t need any commercial business least of all a hotel. That would seriously affect traffic in the historic district negatively. I live at 714 Burleson and am very concerned.

Thank you
Dahlia Woods
214 563 7523

Sent from my iPhone

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Hi Allison,

Please accept this is as my formal statement in support of the expansion of the Lindsey-Rogers Historic District. In light of the proximity of the land in question, and in light of the ground swell of support we are currently seeing to protect our historic neighborhoods, the inclusion of this property is a logical move.

So please know that I am in full support of expanding the Lindsey-Rogers Historic District.

Thanks for your help in getting my opinion to the Historic Preservation Committee.

Best,

Amy Meeks
512.757.3790

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I support the expansion of the Lindsey-Rogers Historic District. Thank you, Brenda K Smith PO Box 1656 San Marcos, TX 78667 San Marcos resident since 1977 512 3924105

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Allison,

I am a life long resident of San Marcos (42 years). I went to school at the old Lamar school. I am not happy with the possibility of this area becoming a hotel so I want it to be known that I support the expansion of the Lindsey-Rogers Historic District.
We need to preserve the integrity of our historical district.

Sincerely
Joanna (Farr) Tegtmeyer

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Hi Alison-

We want to register our support for the Lindsey-Rogers Historic District expansion. This is the heart of San Marcos and essential to preserving the unique character and spirit of San Marcos!

Many thanks!
Melissa and Aart Millecam

Sent from my iPhone

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<table>
<thead>
<tr>
<th>From:</th>
<th>Gerald Farr <a href="mailto:geraldfarr@icloud.com">geraldfarr@icloud.com</a></th>
</tr>
</thead>
<tbody>
<tr>
<td>Sent:</td>
<td>Tuesday, May 2, 2017 6:18 PM</td>
</tr>
<tr>
<td>To:</td>
<td>Brake, Alison</td>
</tr>
<tr>
<td>Subject:</td>
<td>Lindsey-Rogers expansion</td>
</tr>
</tbody>
</table>

I support the expansion of the Lindsey-Rogers Historical District to include the old Lamar school area.

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Dear Ms. Brake,

I am writing to let you know that I support the expansion of the Lindsey-Rogers Historic District. I own a home at 416 Moore Street, so I am directly impacted by this issue. Thank you for your consideration.

Sincerely,

Ken Nesbitt

CAUTION: This is an email from an EXTERNAL source. DO NOT click links or open attachments without positive sender verification of purpose. Never enter USERNAME, PASSWORD or sensitive information on linked pages from this email.
I am in favor of extending historic district designation. Thanks. Kathy M Morris

Sent from my iPhone

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Brake, Alison

From: Betsy Singleton <betsy.singleton@yahoo.com>
Sent: Tuesday, May 2, 2017 7:39 PM
To: Brake, Alison
Subject: Historic District

Dear Ms. Brake:

I support the expansion of the Lindsey-Rogers Historic District.

Betsy Singleton
96 Elm Hill Ct, San Marcos
512-396-7106

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Dear Ms. Brake,

My husband & I support expanding the Lindsey-Rogers Historic District.

Sincerely,
Sharon Reed-Miller
1613 Girard, San Marcos
I support the expansion of the Lindsey-Rogers Historic District.
Diane Laumer

Sent from my iPhone

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Alison,

I wanted to take this opportunity to express my support of the proposed expansion of the Lindsey-Rogers Historic District.

Thank you for listening.

Mary Cauble
605 Rogers St
San Marcos, Texas

**CAUTION:** This is an email from an EXTERNAL source. DO NOT click links or open attachments without positive sender verification of purpose. Never enter USERNAME, PASSWORD or sensitive information on linked pages from this email.
Dear Alison Brake,

I wish to express my strong support for the expansion of the Lindsey-Rogers Historic District. Please forward this request to City officials and Staff that will be participating in this important decision. I am more than willing to explain, in person or in writing, the reasoning I have for this position.

Thank you for this consideration.

Karl Brown
834 W. Hopkins St.
San Marcos, Texas 78666

Sent from my iPad

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I am a homeowner in San Marcos, and I support the Expansion of the Lindsay-Rogers Historic District.

Sincerely,

--

Ron Bowden

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Dear Ms. Brake,

I support the expansion of the Lindsey-Rogers Historic District.

Thank you,
Kristen Davis Kline

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Hello!

I'm writing to let you know that I support expansion of the Lindsey-Rogers Historic District. I always enjoy driving through and looking at the historic homes in the area, and I know there are others that should and could be included.

Thank you.

Linda J Nichols
San Marcos

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Dear Ms. Brake,

I support the expansion of the Lindsey-Rogers Historic District.

Sincerely,
Camille Billigue
San Marcos Citizen

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I support the expansion of the Lindsey-Rogers Historic District.

Margaret Gallagher  
(469) 323.4120

Get Outlook for iOS

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I think this letter for Allison braker bounced. bounced. Can someone please be sure it gets where it needs to go?

Sent from my iPhone

Begin forwarded message:

From: "Cathy Dillon" <cri@grandecom.net>
Date: May 4, 2017 at 12:35:07 PM CDT
To: <fserna@sanmarcostx.gov>
Cc: <cri@grandecom.net>
Subject: please forward this to A. Braker

I am unable to attend tonight’s hearing, as many of us involved the this town’s preservation movement are doing an enormous fundraiser that unfortunately collides. But I plan to be at any subsequent ones! We all will.

As a nearby neighbor from 2 separate directions, my business on the east side of this proposed new district, and my home on the west side of it, I want to state that the historic district expansion is a wonderful and long overdue idea. That property exists like a bare island surrounded with other historic districts, and badly needs to be included in them. If non-complementary structures are placed upon that land, or any form of retail put on that side of
RR12, I am absolutely certain it will spell the end of the historic area as we know it. Surrounding structures fall like flies, and Belvin is only a block away. No problem with putting pretty, historic looking structure on the Lamar property, or the city buying it for a park and civic center or some such.......but we must but strict building regulations upon whoever develops it. Another monstrosity as was proposed last time, is a frightening thought.

I’m sorry I can’t attend tonight but thanks for considering my viewpoint.

Sincerely, Cathy Dillon 1000 Burleson Street

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Ms. Brake,

I am emailing you to show my support of the expansion of the Hopkins and Lindsey-Rogers Historic District. And I am against any commercial buildings near any of San Marcos’ historic districts because I strongly believe we need to keep our city's history protected and preserved.

Sincerely,
Camille Billigue
Texas State Student and Concerned Citizen
cmbilligue@gmail.com
May 14, 2017

Planning and Zoning Commission
City Council
City of San Marcos

Dear Commissioners and City Council members:

With this letter I hope to clarify some possible misconceptions about historic preservation and the proposed extension district. One older home in the proposed area has already been lost. Because of the proximity to the university, historic and soon-to-be properties are at risk of being purchased, destroyed and sold for scrap by developers who are unaware of and/or not concerned about the culture and architectural legacy of this city. It is my hope that more of our history will not be torn down and hauled off to the landfill.

I would like to address several issues and misinformed claims that have been made.

1. A majority of the properties in a historic district do not have to be historic. In fact, some historic districts may have a fairly low percentage of historic properties. One example is the Hopkins Street Historic District. Nevertheless, this does not detract from the importance of the properties that are historic, and the surrounding properties benefit from the added recognition that the area receives. ¹

2. Why was this area of Hutchison Street not included in the Hopkins and Lindsey-Rogers Historic Districts when they were formed? At the time some of the buildings were considered low priority according to the 1997 survey. Apparently, the extremely important cultural significance of some of the buildings had not yet come to light or been recognized. Since that time many of the buildings in the proposed expansion district have aged and can now be classified as historic Mid-century Modern, according to the criteria set by the U.S. Dept. of the Interior, National Park Service. In short, many of the buildings are now historic, when they were not before.


“When a historic building is maintained and periodically rehabilitated, the financial benefits of that investment are not the owner’s alone. Owners of adjacent buildings, nearby businesses, and local government also receive monetary benefit. The entire place within which the historic property exists benefits.”
3. I have heard claims that properties will be “devalued” if they are included into historic districts. There is no evidence of this! On a local basis, we have not seen such devaluations occur with the establishment of ANY of our local historic districts. Have you heard people come before you, the zoning board of adjustments, or City Council complaining and showing that their property has been “devalued” because their property has been included in historic district? The answer is no.

On a national level there are studies to show that, with other variables controlled, property values are not decreased, but rather increased or remain stable, from inclusion into a historic district and that property values are more often protected from wide swings of value during economic downturns. ²

In fact, there has never been one credible study that has shown that historic districts reduce property value! ³

One study in the Forum Journal entitled “Economic Impacts of Preservation in New Jersey and Texas” found that “Historic designation was associated with average increases in housing values ranging between approximately $3,000 and $19,000.” ⁴

Another study in Main Street News entitled, “Historic Preservation Boosts Florida’s Economy”, stated, “In an examination of the assessed property values of mainly residential property in 18 historic districts and 25 comparable non-historic districts throughout Florida, there was no case where historic district designation depressed property values.” ⁵

Another study in Virginia concluded, “The virtually unanimous response from local assessors and commissioners of revenue has been that no loss of assessed value has occurred as a result of historic designation, and that values have risen in general accord with the values of surrounding properties over the years.” ⁶

In summary, strong evidence shows that a historic district may stabilize property values from wide swings during economic recessions. A historic district may show significant appreciation. A historic district may attract investment. What a historic district will NOT

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do is reduce property values.\textsuperscript{7}

The thought process for inclusion of the Hutchison Street properties into a historic district began a long time ago. I specifically remember expressing concern to the San Marcos Planning Department about the area when a beautiful old home, with tremendous rehabilitation potential, was not recognized as such, and was razed to the ground. I have been in continued conversations with the San Marcos Planning Department about the inclusion of this, and other areas, into historic districts.

4. A formal and updated survey should not necessarily be required for the establishment of a local historic district. The Hopkins Street Historic District did not have an updated survey done just prior to its approval, in 2008, as a historic district by the City of San Marcos.

5. \textbf{The claim that the area has no significant cultural or historical significance is false. I will grant you that the cultural and historical significance has not been appropriately recognized.} But as I have shown you in my previous communications, buildings in the area have extreme cultural and historical significance for San Marcos, Hays County, and Texas. If our city will recognize this with historic district designation, I am sure that the history of its significance will only increase with time as the struggles of other peoples, such as the Hispanic-Americans and Native Americans, rather than being swept under the rug, are brought to light.

I would like to close with a quote from the great economist, John Kenneth Galbraith, advisor to four presidents and winner of the Presidential Medal of Freedom: “The preservation movement has one great curiosity. There is never retrospective controversy or regret. Preservationists are the only people in the world who are invariably confirmed in their wisdom after the fact.” \textsuperscript{8}

I urge you to vote in favor of the proposed Hutchison Street historic district expansion.

Respectfully,

Diana Baker
Forum Member, National Trust for Historic Preservation


Commissioners,
Thank you for the work you do for our community.
My apologies for the late email.
I wanted to share a bit of information about the site, area, and land that I believe should be included in the Historic Neighborhood Districts.
Attached is some information for your review.

Kind regards,

J. Kama Davis

J. Kama Davis
214-587-6280 (mobile)
judith_kama@hotmail.com
Inclusion of Areas in Lindsey-Rogers and Hopkins Historic Neighborhoods

To the Commissioners of Planning and Zoning:

Thank you for your time and effort in doing what is right for the citizens and constituents in San Marcos, Texas. Please note that the proposed areas to be included in the existing Historic Neighborhoods are already nestled, and a part of, the Historic area.

To be considered historical, real property alone (buildings) do not have to exist. Land, sites, and areas can have sufficient significance to be historical.

Four Approaches to Sites and Areas, Not Just Buildings, That are Historical

Preservation – retaining the property’s form as it changes over time
Rehabilitation – altering or adding to a historic property
Restoration – depicting a historic property at a particular period in its history
Reconstruction – recreating missing or non-surviving portions of a historic property

Historical Significance of the Proposed Included Areas:

Non-historical homes and property are right next door to historical homes and neighborhood
Consistency of area needed; Buffer zone needed because area is a neighborhood, not commercial
Existing homes not 50 years are older (average age 42) are built in specific, consistent styles
Lamar School Property:
  - Coronal Institute (noted on the San Marcos Home Website an historic attraction)
  - WWI training
  - First desegregated high school in 1954 (4 months after federal requirement)
  - Co-Educational facility
  - Tied to Methodist, Episcopal dioses
  - Homes and buildings in the area were constructed to be near the Coronal Institute

Decisions Should Be Based on Constituent Desires and Historical Significance, Not in Reaction to Possibilities of Lawsuits

- Some property owners do not want to be included in the Historic Neighborhoods
- They may want to be in and near the Historic Neighborhoods to attract renters or business, but they do not want the “added layer of cost” of being considered historic.

These are business risks and choices the owners have chosen to take. Our history should not suffer.
- There is misinformation about the cost and expectations of being in a historic neighborhood.
- Not every building or site in an historic area, site, or neighborhood must be of the same era.
- A Nexus of Post-Modern Era, Victorian, Buildings/Homes nearing 50 years, existing younger structures that look like the contributing buildings (Tanger, condos) can exist.

Thank you,

J.Karna Down
Four Approaches to the Treatment of Historic Properties

The Standards are intended to aid the public in making sound historic preservation decisions. The Standards and associated Guidelines offer four distinct approaches to the treatment of historic properties: preservation, rehabilitation, restoration, and reconstruction.

**Preservation**

Preservation involves the maintenance and repair of existing historical materials and retaining the property's form as it changes over time.

**Rehabilitation**

Rehabilitation involves altering or adding to a historic property to meet continued or changing uses while at the same time retaining the historic character of the property. The Standards for Rehabilitation were the first standards developed by NPS and remain the most commonly applied.

**Restoration**

Restoration involves depicting a historic property at a particular period in its history, and usually involves the removal of evidence of later time periods.

**Reconstruction**

Reconstruction involves recreating missing or non-surviving portions of a historic property for interpretive purposes.

Choosing an Appropriate Treatment

Choosing the particular treatment depends on factors such as the property's historical significance, physical condition, proposed use, building code requirements, and intended interpretation.

**Historical Significance**

Buildings designated as National Historic Landmarks for their exceptional significance in American history and many buildings individually listed in the National Register of Historic Places warrant Preservation or Restoration. Buildings contributing to the significance of a historic district but not individually listed in the National Register of Historic Places are often candidates for Rehabilitation projects.
Physical Condition

If distinctive materials, features, and spaces that convey the historical significance of the building are intact, then Preservation may be the most appropriate approach. However, if more extensive repairs are required, or if alterations or additions are required to change the use of a building, then Rehabilitation may be a more appropriate treatment for the building.

Proposed Use

Some historic buildings will continue to be used for their original purpose following a Preservation or Restoration project. During a Rehabilitation project, many historic buildings can be adapted for new uses without causing serious damage to their historic character. However, some historic properties that were originally designed for a specialized use, such as jails, grain silos, ice houses, cold-storage warehouses, and manufacturing facilities may be very difficult to adapt to a new use without major alterations that may result in the loss of historic character.

Building Code Requirements

Whether the project involves Preservation, Rehabilitation, Restoration, or Recreation, building code requirements must be taken into consideration during the project planning process. Poorly designed or hasty code-required work may result in irreversible damage to a building’s materials and historic character. Abatement of hazardous materials such as asbestos and lead also has the potential to cause irreparable harm to historic finishes, if not carefully executed. The installation of life safety upgrades, such as fire alarms, egress stairways, and fire suppression systems should be carefully planned to avoid damaging the features that define the historic character of the building. Alterations and new construction to meet accessibility requirements should also be designed to minimize loss of historic materials and changes to the overall appearance of the building.

Intended Interpretation

In situations where it is important to convey a certain period of history, such as a house museum that depicts the lives of farmers during the 1880s, a Preservation, Restoration, or Reconstruction project may be the most appropriate treatment for that site. However, a private, single-family historic house or commercial building that contributes to the significance of a historic district may be a candidate for Rehabilitation.

Program Requirements

Certain programs for historic properties mandate use of a particular treatment. The Texas Historic Courthouse Preservation Program funds Restoration of historic county courthouses. The 20% tax
credit available under the Federal Historic Preservation Tax Incentives Program and the 25% tax credit under the Texas Historic Preservation Tax Credit Program require that work meet the Standards for Rehabilitation.

Applying the Standards

The Secretary of the Interior's Standards for the Treatment of Historic Properties are generally advisory, but the Texas Historical Commission applies the Standards when performing project reviews under state and federal laws and programs for historic properties.
SAN MARCOS HISTORY

San Marcos: Proud of Our Cultural Diversity and History!

Modern San Marcos, Texas was founded in 1851 and has flourished for more than 161 years. In 2001, the community celebrated our Sesquicentennial—our 150th Birthday—with an entire year of special events, commemorations and special publications.

But the story of this place and what it has meant to human beings is actually an ancient story—dating back more than 12,000 years! Ancient Native Americans—the Clovis Indians—lived, hunted and fished along the banks of a pristine river that mysteriously burst from underground with a rush of clear, clean water and flowed to southeast. The mild year-round climate, the profusion of game and fish—and we suspect, the incredible beauty of this place at the edge of the ancient hills and blackland prairie—invited the Native Americans to stay here continuously through modern times.

"150 Years in San Marcos" is a great historical overview of the San Marcos story produced by the City of San Marcos in partnership with the San Marcos Daily Record and Hays Free Press in 2001.

Museums

- Calaboose African American History Museum
- Commemorative Air Force Central Texas Wing
- El Centro Cultural Hispano de San Marcos
- LBJ Museum of San Marcos
- Wittliff Collections at Texas State University

Historical Organizations and Resources

- Historic Preservation Commission
- Heritage Association of San Marcos
- Hays County Historical Commission
- Heritage Association of San Marcos
- San Marcos Public Library

Ses-qui-cen-ten-ni-al (Our 150th Birthday in 2001)

- 150 Years in San Marcos [PDF]
- Ses-qui-cen-ten-ni-al Final Report [PDF]
- Time Capsule [PDF]
- Cemeteries of San Marcos

* SAN MARCOS CITY WEBSITE FEATURES THE CORONAL INSTITUTE *

Old Main in 1905

Coronal Institute


5/18/2017
James K. Baker
727 Belvin Street
San Marcos, Texas 78666

May 8, 2017

Planning and Zoning Commission
City of San Marcos

Dear Chairman and Commissioners,

I am writing to ask that you vote to support the extension of the historic districts to include the properties on Hutchison Street. Let me make three brief points.

First, the Lamar School has tremendous cultural significance. As outlined in Mrs. Baker’s paper, the San Marcos High School was, from the best that we can tell, the first high school desegregated in Texas, less than four months after the Supreme Court ruling. Quite remarkable for a small country town in the middle of Texas. Yet the tensions did not end there. The stories of African-American, Hispanic-American, and Native American peoples and their struggles against injustice are crying out to be told. (Let us not forget that those who forget the past are doomed to repeat it.) The Lamar school has parallels to the Monroe School in Topeka, Kansas, the school involved in the landmark Brown v. Board of Education lawsuit, in historical and cultural significance in San Marcos. As Mrs. Baker’s paper alludes, these stories matter! Many have yet to be told. I have carefully studied the historical properties and landmarks in our town. I know of no other building or house in San Marcos that greater historical significance than what I have already seen in the Lamar School. Taking into account the rapid high school desegregation, there is no question in my mind that the Lamar School will qualify as a Texas Historical Landmark once these stories are collected and recorded for the Texas Historical Commission.

Second, the expansion of the historic district will absolutely not conflict with the goals of new urbanism. In fact, if you read Suburban Nation, the first chapter glowingly adores the cities with the strongest historic preservation guidelines:
Charleston and San Francisco.\textsuperscript{1} The \textit{Smart Code Manual} flatly states in the section on Historic Buildings: \textquotedblleft[Historic] Preservation is a cornerstone of new urbanism. The challenge is not just to reaffirm the importance of our architectural heritage, but to actively prevent it from being carted off to the landfill.\textquotedblright\textsuperscript{2}. New urbanism was developed to revitalize our decaying downtown areas and reverse the flight to the suburbs. New urbanism encourages adaptive reuse of exiting historic buildings. New urbanism is not about return on investment and tearing down historic houses to build small apartment complexes! Anyone who claims that establishment of a historic district will conflict with the goals of new urbanism or cause his or her property economic harm is misinformed. Strong studies, as documented by Donovan Rypkema show that, for all other variable being controlled, properties in historic districts have enhanced value\textsuperscript{3}. A goal of historic districts is to encourage compatible architecture, but the actual architectural style is \textit{not} dictated. Compatible architecture is a desirable esthetic and is one reason that properties in historic districts are more valuable than properties not in historic districts. If a person cares about the environment of his or her building, then a historic district overlay can only help to ensure compatibility. If a person does not care about compatibility of property around his or her property, then that is that person’s choice, but the tenets of new urbanism cannot be used to defend the lack of concern.

Finally, the potential for the Lamar School is incredible. I firmly think that the Lamar School buildings can be rehabilitated and turned into incredible significant cultural and historical site like the Monroe School in Topeka, Kansas. The first critical step in this will be to establish the Lamar School and surrounding properties in a historic district. To talk of a property in a historic district, with more predictable compatibility of surrounding property, gives one great advantage in fund-raising, securing grants, and in opening doors, eyes, and ears of those who can make things happen. Don’t we have enough historical markers and property sites about those Old 300 and their relatives? What about the rest of our people? Those who were disadvantaged through no fault of their own may not have had the resources to build mansions and breath-taking homes, but their stories are no less valuable, and perhaps, because of their trials and courage in

\begin{itemize}
\item \textsuperscript{1} Duany, Plater-Zyberk, and Speck. \textit{Suburban Nation: The Rise of Sprawl and Decline of the American Dream}. New York: North Point Press, p. xxi.
\item \textsuperscript{3} Rypkema, Donovan. \textit{The Economics of Historic Preservation}. Washington, D.C.: National Trust for Historic Preservation, pp. 43-44.
\end{itemize}
the face of adversity, maybe even more valuable. Expansion of the historic districts will be an important first step to achieving this goal.

To see what the potential for the Lamar School is I urge you to visit the homepage for the National Park Service *Brown v. Board of Education* National Historic site [https://www.nps.gov/brvb/index.htm](https://www.nps.gov/brvb/index.htm) and explore what has been done there. I think that you will find it very interesting.

We are a critical time in the development of Hutchison Street. If we wait for an architectural survey, we will lose years, and undoubtedly lose more historic buildings with the stories of our people gone, their worth shunned again. I ask you to vote to expand the historic districts and let the magic begin!

Sincerely,

James K. Baker
Brake, Alison

From: Burrell, Cesly
Sent: Tuesday, June 6, 2017 4:47 PM
To: Brake, Alison
Subject: FW: Expansion of Lindsey-Rogers Historic District

ATTENTION PUBLIC OFFICIALS:
A “Reply to All” of this e-mail could lead to violations of the Texas Open Meetings Act.
Please reply only to the sender, Thank you.

Cesly Burrell
Administrative Coordinator
City of San Marcos
Planning & Development Services
(512) 393-8231
cburrell@sanmarcostx.gov

Hi! My name is Melissa Severson. My husband Tim and I, along with our 3 year old daughter Molly, live on 529 Lindsey Street. We’ve lived here for 4 years and were so excited when we heard that the school property was going to be developed. I know people in our neighborhood are divided on how the space should be used. If I can give my two cents, my husband and I were very excited about the possibility of a boutique hotel, small shops and restaurants, maybe a neighborhood pub?(for us old folks…not college kids LOL!), and a small playground. It’s a wonderful piece of land and I’d love to see it put to good use. My biggest concern is the building’s appearance. I’d love for it to look historical. I know it costs more but I think the building(s) would fit better in a historical neighborhood if they looked like they came from the same era. I know our neighbors are concerned about traffic, building height, etc. but I believe that if the building not only looks beautiful but provides services we need and want then it would be a boon to our community. Just thought I’d voice my opinion since I won’t be able to make it to the hearing on June 13th. Thank you for hearing me out!…Melissa
I am in favor of the proposal to expand the Lindsey-Rogers Historic District. I am unable to attend the meeting.
Sincerely, Adelaide B. McAninch. 208 Scott Street

Sent from my iPad

CAUTION: This is an email from an EXTERNAL source. DO NOT click links or open attachments without positive sender verification of purpose. Never enter USERNAME, PASSWORD or sensitive information on linked pages from this email.
I strongly support this proposed expansion of historic districts. I believe any development of the Lamar School property and adjacent homes should be guided by the guidelines used for all of our historic districts. Currently, the historic Lamar School property and adjacent structures are surrounded by historic districts. Yet they are not themselves protected by historic district status. On one side of this area is the Lindsey-Rogers Historic District and on the other side is the Hopkins Historic District. I believe that this is an oversight that should be corrected. Continuing to leave these properties outside of any historic district would, in my opinion, be a fundamental error on the city’s part. It would devalue surrounding properties, thereby negatively affecting all of our historic districts and the visual appeal of our city.

Thank you.

Charles O. Walts, Colonel, USA (Ret.)
1001 Burleson Street, San Marcos, TX 78666
charleswlts1@yahoo.com
512-396-3313

CAUTION: This is an email from an EXTERNAL source. DO NOT click links or open attachments without positive sender verification of purpose. Never enter USERNAME, PASSWORD or sensitive information on linked pages from this email.
Ever since Marie and I began producing "Summer Musicale" plays in Lamar school in 1979 and for several years subsequently, we have worked to have the school protected as being of true historic consequence.

And as charter member of the Historical Conservation Commission, it was an impediment for me that Lamar was not in an established historic district, as we are now hoping we will be able to achieve at long last.

Lamar was a public school where thousands of students passed through when Yancey Yarbrough was the high school principal and later with Soila Rodriguez where all students in town attended the only sixth grade.

And "Summer Musical" turned Lamar school into a summer community theater arts facility where there was none in this town.

I once called the school superintendent to get an OK for our proposed summer use. He sent me the key, wished us well and applauded the concept of putting an empty school to such a unique purpose.
I return the key the end of the summer with Lamar awaiting "110 in the Shade" for next summer.

Several of those who acted in that "Summer Musical" (1980) returned recently to honor a retiring mentor. It had become a memorable part of their lives. They grinned as they recollected "Old Lamar auditorium."

Actually, in those years, Lamar was the only community theatre operation in San Marcos and has been credited as the beginning of community theater in this town. Others would follow elsewhere. But it started at Lamar which at the time was the neighborhood hub.

Our point here is not to boast of accomplishments but rather to make known the historical consequence of this property which can NOW (2017) become part of the cluster of three important urban areas, melded as one, with deserving protection which too easily gets trampled in the hub-bub of hectic urban push --where there is no damage control. No protection.

"He who knows not from whence he has arisen knows not where he goes." A city having no historic sense is a lost cause and will flounder on own sputum.

Frankly, such an acknowledgment as is now being considered by our city government is the civilized thing to do. It is a refinement to avoid a regurgitation.

We ask your careful consideration that this opportunity will not be squandered.

Ron and Marie Jager
Citizen Comment
There is mold up at City Hall not going expose myself to deliver these comments that I've already delivered previously other public hearings in multiple venues.

Please include my area of Belvin as part of the new boundaries I have bead board and pristine longleaf pine in my house it is literally my walls my floors my entire house is longleaf pine which as you know is no longer available on this planet. The windows have original glass.

My house built in the 1940s from the same materials as those included in the historic district boundary map also my house has the most amount of live oaks on Belvin and religious artifacts from the Native Americans carved out of Flint as well as food tools fire starting tools and hunting tools this is all been reported in the mainstream press here locally. I have the actual survey that talks about the Spaniards it's actually fascinating if you would like to view it. To that effect the fact there are Native American and Spaniard and Anglo American cultures all infused in my house history please respect this investment.

I am very concerned about out of state developers purchasing property around my block and I want to be protected from those carpet baggers and also I am concerned about situations such as the H-E-B on Hunter please protect my block from flooding. Don't make me wait another decade. Please i am an involved citizen.

I am so thankful that this commission has worked so hard providing us a public hearing and I am thankful that I can submit these comments thank you for your hard work. Thank you for your service to historic preservation.

LM Coppoletta
1322 Belvin

Sent from my iFone so please pardon the misspellings

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CAUTION: This is an email from an EXTERNAL source. DO NOT click links or open attachments without positive sender verification of purpose. Never enter USERNAME, PASSWORD or sensitive information on linked pages from this email.
can you please place this in the file I just found out my house was probably built in the 1800s

Sent from my iFone so please pardon the misspellings

On Jun 8, 2017, at 9:58 AM, Lisa Marie Coppoletta <lisa_coppoletta@yahoo.com> wrote:

Thank you so so much!!!

Sent from my iFone so please pardon the misspellings

On Jun 8, 2017, at 8:10 AM, Brake, Alison <ABrake@sanmarcostx.gov> wrote:

Thank you Lisa. I will make sure your comment is included in all packets as this moves through the process. The Historic Preservation Commission will have the most up-to-date correspondence at the dais at tonight’s meeting.

Alison E. Brake, CNU-A
Historic Preservation Officer and Planner
Planning & Development Services
City of San Marcos
512.393.8232

Citizen Comment
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the mainstream press here locally. I have the actual survey that talks about the Spaniards it's actually fascinating if you would like to view it. To that effect the fact there are Native American and Spaniard and Anglo American cultures all infused in my house history please respect this investment.

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I am so thankful that this commission has worked so hard providing us a public hearing and I am thankful that I can submit these comments thank you for your hard work. Thank you for your service to historic preservation.

LM Coppoletta
1322 Belvin

Sent from my iFone so please pardon the misspellings

CAUTION: This is an email from an EXTERNAL source. DO NOT click links or open attachments without positive sender verification of purpose. Never enter USERNAME, PASSWORD or sensitive information on linked pages from this email.
Hi Allison,

Please find attached two letters, one for P & Z and one for City Council, which I would like to go to the respective members. I realize it may be too late for P & Z packets but would appreciate your best effort in getting the letter to both groups.

I do appreciate the work you do for all of us at City Hall and think you do a great job balancing all of the opinions. Thank you for that.

Thanks again,

Amy
512.757.3790

CAUTION: This is an email from an EXTERNAL source. DO NOT click links or open attachments without positive sender verification of purpose. Never enter USERNAME, PASSWORD or sensitive information on linked pages from this email.
Dear City Council Members,

The proposed expansion of the Lindsey-Rogers and Hopkins Historic Districts is viewed by many as a logical, wise and necessary step to ensure that San Marcos retains the unique charm and character of its historic neighborhoods. If a map is used to view this area it becomes obvious that the properties which are proposed to be brought into the districts should have been included when the districts were first created. The continued exclusion of these properties could ultimately reduce the value and appeal of the districts which they abut. This concern is both serious and valid and, I believe, should be used as a guiding principle for all members of City Council as they cast their votes. Below are some facts extremely relevant to this discussion:

1) **Under current national guidelines a structure is considered historic if it is 50 years of age or older.** When these districts were initially created some years ago many structures within this area did not meet this age requirement. These structures have now aged into being considered historic.

2) **Zoning is not affected by historic district designation.** The only part of any structure which the Historic Preservation Commission of San Marcos may comment on is the exterior. Zoning is not affected by the exterior so any and all buildings within a historic district retain the zoning they currently enjoy. The properties under consideration for inclusion will not have their zoning changed by being brought into the existing districts.

3) **Properties affect the value of adjoining properties.** If we, as a city, want to continue to use our historic districts as a marketing tool and a source of pride, we need to protect these districts, and part of that protection is to maintain their value. It has been found throughout the nation that property values within a historic district increase or remain stable. The excluded properties will benefit from being brought into the existing districts, and if left outside of the districts, may lower the value of the adjoining properties.

4) **History can be used as a teaching tool but only if we choose to listen and learn.** For those who want to keep the properties excluded, please research how such a choice would negatively affect surrounding land values and eventually decrease the historic districts which they adjoin. Such information is out there and the story it tells is not one of a healthy city. Cities which have allowed their historic districts to be unprotected, and thus to consequently fade in value, now lament that decision.
I believe we, as a city and a community, need to thoroughly research the consequences of our choices before the die is cast. **Such thoughtful reasoning was shown by P & Z Commissioners at their meeting on June 13, 2017.** The commissioners voted to deny the current request for expansion with the caveat that city staff gather more information relevant to the situation. Hopefully, these new, forthcoming facts will provide a clear path for the best protection of all of San Marcos.

**I ask you, as members of City Council, to safeguard all of San Marcos by tabling the vote on the expansion of the historic districts and voting for city staff to do further research in this matter.**

Thank you for considering this and thank you for serving San Marcos as City Council members. I truly appreciate all that you do.

Best,

Amy Meeks

June 14, 2017
Due to the dereliction of someone’s duty City Hall has mold as exemplified they have not thought about taking a mold indoor air quality report since 2013 and I’ve been having severe allergic reaction’s for the past couple of months I'm sending in a written comment. Suddenly poof after I report allergic reaction’s a report has been conducted but we don't have the results yet so enjoy your night up there in the mold den.

Please direct CoSM staff to conduct a City-wide historic resources survey so that our property located a little over a half mile away from the proposed expansion boundary and approximately 0.09 miles from the boundary of the Belvin Street Historic District is included.

I want to thank the Historic Preservation Commission for their hard work on this this is a splendid way to protect our community from unsavory out of state developers who are trying to buy up lots and create hostels hotels apartment complexes in my hood. People like to talk about walkable cities but they forget about the porches in our neighborhood in which people used to sit and communicate before the time of iPhones.

My Land has Native American artifacts on it including crystals fossils religious symbols and arrowheads. The property also has the most amount of heritage live oaks of any house on Belvin hands-down. The interior of the property has bead board and long leaf pine. I have the original survey included are a couple photos of the wonderful history of our town included in this official document.

To that effect my house represents Anglo, Spaniard, and Native American heritage please protect our history.

It is completely unreasonable for my property not to be included in this whole movement please include my property and direct staff city staff more studies.

People say everything changes when you're a homeowner what I'm ready for my home to be protected from these carpet baggers from out of state upstate.

Thanks
Lisa Marie Coppoletta
1322 Belvin
ABSTRACT OF TITLE

TO

IN HAYS COUNTY, TEXAS

PREPARED FOR

COMPiled BY
THE HAYS COUNTY ABSTRACT COMPANY
San Marcos, Texas
ABSTRACT OF TITLE

TO

LOTS Nos. One (1) and Four (4) OF THE JACK THOMAS FOURTH ADDITION TO THE CITY OF SAN MARCOS IN HAYS COUNTY, TEXAS

IN

HAYS COUNTY TEXAS

FOR

EDWARD GERALD WILLIAMSON AND WIFE

OF

HAYS COUNTY TEXAS

Made By The Hays County Abstract Company At San Marcos, Texas

November 2nd, 1949.
This Abstract covers all of what is known as Lots One (1) and Four (4) of the Jack Thomas Fourth Addition to the City of San Marcos in Hays County, Texas, and being the same property conveyed by deed dated October 21st, 1944, from Mrs. Florence Thomas to Edward Gerald Williamson and wife, recorded in Vol. 144, pages 600-601, Hays County Deed Records, and shown on pages Nos. 91 to 93 hereof.
Coahuila and Texas

SPANISH GRANT

Dated April 28th, 1832.

Filed for record May 22, 1879.


DESCRIPTION

There is here recorded at length the grant to Juan Vicente Campos, which is all in Spanish. It covers 11 leagues of land, the field notes of which cover the entire town of San Marcos, Hays County, Texas, and a large part of the surrounding country, but is not considered necessary to set same out here in full. The grant appears to have been originally made on April 28, 1832, the application of Campos being dated April 27, 1832, in which he recites that on the 8th day of March, 1830, he had been conceded the right to 11 leagues of land located in Texas, which he had never received and he now asks to receive same on the San Marcos and Blanco River. The successive orders and proceedings covering this grant come down to and include December 12, 1835, that being the date of final grant or confirmation of title to Campos. This last act is signed by Mi. Arcimega, as Special Commissioner of the Government of Coahuila, to Texas, to place said Juan Vicente Campos in possession of the 11 leagues of land. It is signed by Victoriana Zepeda and Vicente Cortari as Witnesses of Assistance, and appears to have been acknowledged by Arcimega on June 11, 1839, before John W. Smith, County Clerk, Bexar County, Texas.

NOTE: The foregoing shows the Campos Grant which covers 11 leagues of the most valuable land in Hays County. The land covered by this grant is covered by other locations and the lands are all held by title emanating from such other locations. A few parties holding under the Veramendi, Chambers and other grants adjacent to the town of San Marcos secured deeds from Ortega and wife, between 1870 and 1880, but the Veramendi and other grants are generally regarded as superior to the Campos Grant and no title is actively asserted at this time under the Campos Grant.

-Abstracter.
Guadalupe Campos de Ortega
and her husband, Pablo P.
Ortega, of Saltillo, Mexico

to

W. O. Hutchison, of Hays
County, Texas.

POWER OF ATTORNEY

Dated October 7th, 1870.

Filed for record July 30, 1874.

Recorded in Vol. I, pages 251-2,
Hays County Deed Records.

ACKNOWLEDGMENT: See below.

DESCRIPTION

By this instrument grantors authorize Hutchison to sell and
convey all their right, title and interest in 2000 acres of land, a
part of the Juan Vicente Campos Grant, in Hays County, Texas, lying
on the San Marcos and Blanco Rivers, and embracing the town of San
Marcos; the interest of grantors being that of said Guadalupe Campos
Ortega, as sole heir to Juan Vicente Campos, Deceased, and said
Hutchison is authorized to make deed in fee simple with full warran-
ties of title of any thereof which are made heretofore.

This instrument purports to be acknowledged before H. Klocke,
Notary Public, Bexar County, Texas, by R. McCarmack, Deputy on Oct. 7,
1870. It is in regular form as to the husband and as to the wife it
reads: "Also personally appeared said Guadalupe Campos Ortega, wife
of Pablo P. Ortega, parties to the foregoing instrument of writing,
admitted October 7th, 1870, and having been examined by me privily and
having the same fully explained to

I have therefore caused the same to be
acknowledged in the presence of said said Guadalupe Campos Ortega,
wife of Pablo P. Ortega, as above before me acknowledged and
admitted October 7th, 1870, and having the same fully explained to

I have therefore caused the same to be
Guadalupe Campos de Ortega and husband, Pablo P. Ortega, of Saltillo, Mexico

POWER OF ATTORNEY

Dated September 6th, 1875.

Filed for Record Feb. 14, 1878.


ACKNOWLEDGMENT: See below.

DESCRIPTION

This recites that Mrs. Ortega was only surviving child and sole heiress of Juan Vicente Campos, deceased, and authorized Caruthers to take possession of 11 leagues of land on the San Marcos and Blanco Rivers, Hays County, Texas, conceded to Juan Vicente Campos by Coahuila and Texas on April 28th, 1832, the title being of record in the General Land Office of the State of Texas, and referred to and made part hereof, and Caruthers is authorized to sue for the land, to sell and convey the same, and to receive and receipt for all proceeds thereof. It provides that the power conferred on him is irrevocable and that his compensation is contingent upon the results of the transactions to be performed hereunder as per agreement of even date.

This instrument is first proven for record on Sept. 25, 1875, by subscribing witness, Francisco Cuellar, before John Rosenheimer, Notary Public, Bexar County, Texas, and is again acknowledged by Ortega and Caruthers, Sept. 16, 1876, before J. D. Carothers, Notary Public, Bexar County, Texas.
One last attachment for PZ
no longer available longleaf pine with hemp rope that was used to attach to the wall paper take care
look at the care that these metal brackets were used to hold the house together

CAUTION: This is an email from an EXTERNAL source. DO NOT click links or open attachments without positive sender verification of purpose. Never enter USERNAME, PASSWORD or sensitive information on linked pages from this email.
Hi Alison,

My name is Kevin Badgett and I own property at 206 Scott Street. I support the expansion of the Lindsey Rogers and Hopkins Historic Neighborhood expansion. My property will be included in the expansion.

My only concern is any future limitation of making home improvements like adding Solar panels or a house fan/vent system. I would not be in favor of such an expansion if the historic district expansion limited home improvements.

Thank you,
Kevin Badgett.
Hi Alison,

Thank you for sending us the flyer regarding the historic district expansion information session that is taking place this afternoon. Although we won't be able to attend today's session, we thought it would make sense at this time to submit the attached letter formally objecting to our property being annexed into the historic district.

We continue to have the goal of bringing to our site an extraordinary project that benefits the City of San Marcos and its permanent population. We look forward to continuing to work with you and other members of the professional staff toward that goal.

Thank you,

Mark Berins
832-971-7871
March 21, 2017

City of San Marcos Historic Preservation Commission
City of San Marcos Planning and Zoning Commission
City of San Marcos City Council
630 E. Hopkins
San Marcos, TX 78666

BY CERTIFIED MAIL # 7015-1520-0001-6193-5828, RETURN RECEIPT REQUESTED and email

RE: Historic District Expansion

Dear Ladies and Gentlemen,

Please accept this letter as our formal objection to inclusion of the property located at 500 W. Hutchison Street (the property bounded by Hutchison, Moore, Burleson, and Blanco Streets, which formerly was known as the SMCISD Lamar School property) into the Lindsey-Rogers Historic District. We are the owner of that property and we respectfully object to this unilateral action.

While we agree with a city’s need to protect areas that include significant collections of high-value historic properties, we do not agree that our property or the additional properties proposed to be annexed include such a collection. In fact, it is clear that the majority of the properties within the areas proposed to be annexed do not have significant historic value and are not of an age or design-type that generally create significant benefits to the citizenry that would warrant this type of arbitrary annexation and regulation. The consequence of annexation to the property owners, however, is profound. The proposed annexation inhibits property ownership rights and devalues the properties in question. There is no legitimate nexus between the burden placed on us and our fellow property owners and the alleged public purpose to be served.

All districts and zones need to have a starting point and an endpoint. For over a decade, the endpoints for the Lindsey-Rogers Historic District and the Hopkins Street Historic District have not changed. That makes sense because there have been no facts on the ground that would warrant such a change other than our proposed redevelopment.

Our property is a large, stand-alone parcel (two full city blocks) that has functioned as its own distinct neighborhood for a very long time. Our property was made available for purchase through a public bid process by a governmental agency that serves the citizens of San Marcos. If there truly were a need and public benefit to have this property become part of the city’s historic districts, why was it not
included either during the initial formation of the Lindsey-Rogers Historic District or at any time since then, including at the time SMCISD made it available for public sale?

Given the fact that a very small percentage of the properties at issue may be historic, we question whether this proposed annexation is solely an effort to add another layer of control over our parcel and a punitive measure against us for reasons we do not understand. Again, we respectfully object to this expansion of the historic districts and especially object to our property being included in that proposed expansion.

We are available at your convenience to answer any questions about this letter, about our property, or about the Lindsey Hill redevelopment project. Please direct any questions to me at the number above or to Mark Berins at 832-971-7871.

Sincerely,

[Signature]

By: 

David Lerman, Member

DL: mb
CC: Mark Berins
    Francis Serna
    Alison Brake
    Shannon Mattingly
    Abigail Gilfillan
April 4, 2017

City of San Marcos Historic Preservation Commission  
City of San Marcos Planning and Zoning Commission  
City of San Marcos City Council  
630 E. Hopkins  
San Marcos Texas 78666

Subject: Expansion of Historic District to include 605 W. Hutchison

Ladies and Gentlemen

I represent the owner, Dr. James Segulev, of the 605 Apartments located at 605 W. Hutchison Street, San Marcos Texas.

Dr. Segulyev is not interested in his property becoming included in the Historic District. The 605 Apartments do not have historic value in either their design or appearance. The apartments were constructed in the late 1960's, have a mansard style composition shingle second story as siding, flat roof and stucco first floor exterior. There is nothing about this property that resembles conventional historical buildings. In addition, most of the neighboring properties do not appear to have historical value.

Because this property has no historical value and because we do not have interest in having an additional layer of oversite in the event we need to repair or renovate our property we respectfully wish to decline the invitation to be included in the expanded Historic District as proposed.

Respectfully,

Richard Skiles
April 25, 2017

To the Planning and Development Services,

I am writing with much concern about the property across the street from my home. The Lamar School and property has been an eyesore for the many years that I have lived here. It is not historical. It is plain ugly. I am wondering where the people like who are thinking this is historical.

I think this is merely another way to keep David Leman and Mark Berrics from doing something positive with that property. I believe this is more hysteria than historic.

Sincerely,
Johanne F. Hansen
642 Burleson
San Marcos, Texas
Hi Alison - I would like to provide written comments regarding the expansion of the historical district because I will not be able to be at the meeting Thursday May 4. Please let me know if you get this and that these comments will be forwarded to Commissioners. Thanks.

Sue Cohen
743 W. San Antonio Street
34 year resident of San Antonio Street Historical District

I am opposed to the expansion of the Historical District as is currently proposed. I believe it is a thinly veiled attempt to stop the development of the Lindsey Hill project (the old Lamar school). I have served on the historical commission and have been very involved in the historic preservation of San Marcos. We have worked hard over the years to expand the districts to preserve historic properties in San Marcos. I believe strongly that we should expand the districts based on the density of historical properties and the need to preserve not the desire to thwart development. I fear that if we do not work with the Lindsey Hill project developers to find a balance that Texas State will purchase the property and not be subject to the rules and regulations of the City of San Marcos.

I believe that Harvey Street would be a much more appropriate place to expand the district and protect existing historical properties.

Thanks

**CAUTION:** This is an email from an EXTERNAL source. DO NOT click links or open attachments without positive sender verification of purpose. Never enter USERNAME, PASSWORD or sensitive information on linked pages from this email.
Good Morning

I have another meeting this evening, which I cannot get out of. I will not be able to attend the meeting of the Historic Preservation Commission. I am opposed to the expansion of the Lindsey-Rogers historic district. I was on the commission when the Lindsey-Rogers historic district was created. The Commission looked at extending the district all the way to Ranch Road 12 (old). It was decided to include the homes along Burleson to RR 12 because of the historic value they had. The homes along the Hutchison side where not of any historic value and were left out. There is NO fair or just reason now to extend the district. The only reason it is now being considered is a back door way to try to restrict development. Not only does it affect the Lamar property but all the homes in the proposed extension that includes, Apartments, duplexes, townhomes and newer homes. There simply is No just or fair reason for the expansion.

I for one am tired of looking at the ugly vacant buildings which occupy the Lamar campus. If we are not careful the only thing that property will be good for is the University. If that happens no matter how much we say we want to save our historic district, it will fall on deaf ears.

Respectfully

Rodney van Oudekerke
323 Scott (Burleson Historic District)
Owner of Property over twenty years
Past Chair, San Marcos Historic Preservation Commission (Several Times) Past Commission Member, San Marcos Historic Preservation Commission Past Chair Hays County Historic Commission Past President San Marcos Heritage Association
512 216 3154

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Dear All,
Please see the attached objection letter for your consideration and presentation. Kindest regards,
May 2, 2017

VIA EMAIL
Brake, Alison ABrake@sanmarcostx.gov
Gillfillan, Abigail AGillfillan@sanmarcostx.gov
Aguirre, Sam SAguirre@sanmarcostx.gov
c/o City of San Marcos, Texas

RE:  **HPC-17-10 – Expansion of the Lindsey Rogers Historic District and the Hopkins Street Historic District.**

**PROPERTY ADDRESS:** 517 W. Hutchison St., San Marcos, Texas 78666

Dear Honorable Mayor, Council Members, Planning & Zoning Commissioners, Historic Preservation Commissioners and City Staff,

This letter is sent to each of you in an effort to voice a formal objection to the inclusion of the referenced Property Address into the Lindsey-Rogers Historic District. We own the property referenced above at **517 W. Hutchison** and object to this action being taken to include our vacant lot in any historic district. Pursuant to the minutes of meetings from The Historic Preservation Commission (“HPC”), it appears that the request was made as early as May 5, 2016 to City Staff by the HPC. Meetings were conducted each month thereafter without notice to the potentially affected property owners until March 10, 2017, 10 months later and only at the specific request of Commissioner Garber.

We believe that the preservation of history in Texas is important; however, historic preservation should seek coexistence in our communities where there is a balance between the preservation of “significant historic property” and allowance for growth and development. A majority of the properties that have been identified by convenience of “blocking” would never be considered as historic under the criterion that has been uniformly established as to property or architecture being associated with a recognized historic event, or person of recognized historic significance. This attempt to block control over property owners stifles Adaptive Reuse, which is the new Urbanism which can work with the current development codes; however, cloaking control under a Historic District designation denigrates what San Marcos is trying to achieve in its thoughtful land development with the growth we all in Texas are experiencing. This should be embraced not stifled and the City Staff is very astute at Adaptive Reuse and Urbanism, as that is the new “live, work, and play in a walkable community”.

There is no prohibition for those property owners who want to voluntarily be included in any Historic District that has been established; however, those that do not wish to be included in such a district are entitled to due process when such a burdensome act is being contemplated by a
municipality, as this equates to a taking of the property rights inherent in our Texas State Constitution, when no specific criteria have been adhered to in determining what is historic in the area sought to be burdened with the designation and additional control imposed after the fact, meaning after the investment has been made in the real property.

These properties that currently have been identified were passed over multiple times in the past for good reason. These properties have been bought and sold many times through the process of original establishment of historic districts in San Marcos, and these properties were neither purchased by the HPC, nor were they included back with the only 1997 survey that existed when it was current. The properties were “unremarkable” then and are still “unremarkable” today with regard to any satisfaction of historic criteria. The inclusion of my property in this request to expand the historic district is unwarranted and will be the proximate cause of damages to my property rights, including but not limited to decrease in value, restriction of development under the current development code, and prohibition of innovative development, constituting a taking without pay in a time of great opportunity which will be lost if this historic overlay district is blanketed over my property.

Considering the lack of interest from the current property owners that would be directly affected by this designation expansion, and the lack of recognized historic event or events, or any person of recognized historic significance, not to mention the absence of any compliance with the current ordinance criteria, it is obvious from the Video of the previous meetings of the P&Z when this topic comes up that the P&Z is also concerned at the process that is lacking in this land grab that is being attempted.

The City, through multiple staff reports has represented that a building 50 years of age or older is historic, and the term “historic resources” is used interchangeably with “cultural resources”. The National Historic Preservation Act of 1966, (later amended) is the first legislation for historic preservation. The National Park Service of the US Department of the Interior manages these programs by the building codes they publish in the Federal Register. This includes the National Register of Historic Places. These are all funded by the Historic Preservation Fund, to support the State Historic Preservation Offices. Furthermore the National park Service oversees and interprets the Sec. of Interior Standards that govern preservation action and planning. The Tex. Historical Commission (“THC”) serves as the state agency for historic preservation. The National Park Service recognizes the THC as the State Historic Preservation Office and delegates certain functions, responsibility and review to it. This includes conducting “surveys” across the state, and reviewing properties for listing in the historic places designation and Historic register. They have developed very specific criteria, which was sought for uniformity, not randomly different from municipality to municipality. Much like the codes which we have law and order from, including the Texas Property Code, these rules and regulations are meant to be uniform so that application is similar and consistent, not arbitrary, and subjective.

Including my property in the expansion historic district is clearly arbitrary and subjective and without merit. In Texas, municipalities may pass legislation to regulate alterations to historic properties or demolition under state enabling legislation. The City of San Marcos has passed that legislation:
Each of the established enabling statutes in both the Federal and State codes have steps in Historic Preservation Planning. Determining what is historic is the first step. There must be a methodology or approval to locate and record all properties that have “historic or architectural significance.” This is referred to as a Survey. I have requested this from the City, in emails to City Staff and Mr. Aguirre, counsel for the City; however, I have not yet received the survey. Furthermore, the criteria set forth in the LDC 1.5.5.1 has protocol that has not been adhered to and must as the legislation of the City is not permissive it is mandatory.

For all the reasons set forth hereinabove, I object to the proposed expansion by the HPC to include our property. Your immediate consideration is appreciated and I look forward to meeting all on Thursday.

Kindest regards,

Mabel Simpson, President

Cc: Jthomaides@sanmarcostx.gov
    Lprewitt@sanmarcostx.gov
    sgonzales@sanmarcostx.gov
    emihalkanin@sanmarcostx.gov
    jhughson@sanmarcostx.gov
    sgregson@sanmarcostx.gov
    mderrick@sanmarcostx.gov
    kmccarty@sanmarcostx.gov
    jgarber@sanmarcostx.gov
    tkelsey@sanmarcostx.gov
    sgonzales@sanmarcostx.gov
    sdupont@sanmarcostx.gov
    aramirez@sanmarcostx.gov
    lporterfield@sanmarcostx.gov
    brand@sanmarcostx.gov
Dear Alison,

Due to a family emergency, I cannot attend the meeting tonight of the Historic Preservation Commission. I regret this but must ask that you provide the following correspondence for me to the Commission. I thank you for helping me with this situation.

To the members of the Historic Preservation Commission:

I regret that I cannot be in attendance tonight due to a family emergency. I would ask that you consider my point of view as one who lives in the area being considered for expansion of our Historic District.

When Jim and I moved to San Marcos in 1979, the Historic District was something we treasured, as citizens, although we did not buy a home in that district. As a couple, we always supported the goals and priorities of historic preservation, and I continue to do so. I continue to believe it is one of the jewels in the crown of San Marcos and I hope it remains so for years to come. I am, however, against the proposed expansion for two major reasons.

One, the area designated for expansion is a very mixed neighborhood of apartments, other rental properties, businesses, and some single family dwellings. I personally love the flavor of our neighborhood, and like the heterogeneous nature of those who reside in it. If those city blocks were composed of historic structures, I would probably feel differently but they are not. To designate them as such would only hinder the owners’ choices about changes to their own properties with no solid foundation on which to base those restrictions.

Secondly, I fear that the Lindsey Hill Project has created a "monster," if you will, within our community, and that this proposal is part of a larger strategy to keep certain kinds of development out of my neighborhood. While I do not suppose to have all the answers, and certainly have no crystal ball, I hope that the leaders in our community are not so dualistic in their thinking that they cannot see a compatibility between respecting and preserving the past while accepting and being creative with the future. San Marcos wasn't the San Marcos of the 1950s when we moved here, and I hope fervently that we are not stuck in the present for the next generation. Times change and the successful communities are open-minded and conscientious about decisions while not preserving the past as the HOLy Grail.

I am grateful for your service to our community and thank you for your consideration of everyone's opinion. They ALL matter.

Sincerely,
Dianne Rush Pape
Hi Allison,
I so wanted to be at tonights meeting but a family matter has come up and I am leaving town as soon as I send this. PLEASE make sure copies of this get to the members of the commission tonight.

There is NOTHING historic about this area they are trying to expand. I have walked these streets several times and it’s the least historic of anything I have ever seen. What part of these streets are you going to photograph and include in the brochure? The old apartments, frat house, rent property?

I feel this is an attempt to control what goes on with the old Lamar school and nothing more.

When the Lindsey-Rogers district was created it was decided then there was no historical significance to the same area they are trying to encompass now.

It certainly diminishes all the work so many previous board members have done as well as the lovely neighborhoods we now call Historical.

There simply is no good reason for this other than controlling what happens to that wonderful piece of property. Living next door to it for 25 years I was happy to see someone want to do something new and innovative with it. It’s being defaced weekly and a new hang out for gangs and vagrants. I also fear what will happen with it if we block everything trying to be done there. Maybe a better plan for the Historic Preservation Commission would be to work on purchasing that property and making it a beautiful park for the Historic neighborhood. That is something we could all benefit from. Thank you for your consideration.

Sandi Neese
416 Blanco Street

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Alison,

I am unable to attend tonight's meeting but would like my comments included in the considered expansion of the Lindsey/Rogers and Hopkins Historic districts.

I am opposed to the expansion and think it is simply a way to further obstruct development in our community, specifically on the Lamar Annex 5 acre infill tract. It is my understanding that only three properties within the proposed expansion have any historic significance and are surrounded by multifamily properties that will be burdened by the overlay.

I am personally disappointed that a City appointed Commission would attempt to use their authority to further an agenda other than the one with which they were tasked. The preservation of our historic areas.

My husband and I have lived in historic homes in San Marcos since 2003 and currently own two. We are committed to the preservation and enhancement of our properties and have a first hand understanding of the significant investment in time and money that entails.

It is because of that understanding that I would encourage the Historic Commission to focus their time and energy on investigating benefits that could be extended to historic property owners to assist in their efforts to preserve their properties.

If as a community we agree historic preservation is a priority we need to find a balance, as other communities have, between preserving properties and and burdening property owners.

The proposed expansions do not add value to our current districts, are mainly comprised of properties without historic significance and seem to be political in nature. I am opposed to these expansions.

Laura Dupont
VP, Regional Development
Corridor Title
512-557-5261

Please excuse typos. This was sent from a mobile device using all thumbs.

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Alison,

I am unable to attend tonight's meeting but would like my comments included in the considered expansion of the Lindsey-Rogers and Hopkins Historic districts.

Barrie Breed
131 Blanco Street
38 year resident of San Marcos
3 year resident of Hopkins Street Historic District

I want to state my concern regarding the proposed expansion of the Historic District in San Marcos. According to the information provided by the City of San Marcos Guide to Living in the Historic District, the area included in the considered expansion does not fit the criteria. According to the guide:

1. "What is a local historic district?"
An area in which historic buildings and their settings are protected by public review which shows the neighborhood is historically significant to San Marcos. **No homes in that area are historic with the exception of Lamar School.**

5. "What restrictions will be placed on my property?"
**Only visible alterations, new construction, additions, or demolitions that are visible from the public right-of-way require a Certificate of Appropriateness.** Routine maintenance & repairs, painting, and interior changes are not regulated. **Why should a home that has no historic significance require certification from the Historic Commission to add on to or demolish their non-historic home?**

7. "What makes a property historic?"
A structure is considered historic if it's **at least 50 years old.** Each period of construction has character-defining elements and these elements are encouraged to be preserved. **Again, this applies only to the Lamar School.**

8. "Will being in a historic district affect the use of my property?"
No, historic designation does not restrict land use. **Zoning determines how your property can be used.** Under the current land use code, all properties in that area are zoned Public, Townhouse, Multi-Family, Neighborhood Commercial, or Mixed Use. **Public zoning allows for: uses of a governmental, civic, public service, or public institutional nature, including major public facilities, state colleges and universities.** Lots of possibilities for use, even with the Historic Designation.

9. "Will I be forced to restore my building?"
**Being in a historic district does not require you to make any improvements to your property.** There are requirements for reasonable upkeep and maintenance already imposed by the Building Code on all property in the City of San Marcos. We have many homes in the Historic District that are not well maintained and have crazy color schemes. That is not controlled by inclusion in the Historic District.
In a nutshell, I believe that the opinions of the property owners being considered for inclusion be most highly considered in this discussion and decision. We Texans don't take kindly to being told how we can use our own property, especially after the fact!

Thanks for the opportunity to share my thoughts.

Barrie Breed
Realtor, Hart Properties
Cell: 512-757-6286
Office: 512-392-2100

Selling Real Estate from the Hart of Texas

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THE JULIET M. DURHAM MANAGEMENT TRUST
403 ENERGY SQUARE
505 N. BIG SPRING ST.
MIDLAND, TEXAS 79701
PHONE: 432-684-5557
FAX: 432-687-2785

May 17, 2017

San Marcos Planning & Zoning Commission
City Hall
630 E. Hopkins
San Marcos, Texas 78666

RE: Case No. ZC-17-10

PROPERTY: 202 Scott St. (NE corner of Scott and Hopkins)

Ladies and Gentlemen:

The undersigned owners of the captioned residential property are strongly opposed to the inclusion of their property into an expanded “Hopkins Street Historic District.”

Undoubtedly there will be many others who will find the proposed action as - if not more objectionable as we on the following or similar grounds, which we believe to be both irrefutable and fundamentally dispositive:

1. Zoning property as being in an “historic district” invariably imposes on its owners a bureaucratic partner in the long term management and disposition of the property which partner seldom contributes anything to maintaining or improving the property. Owners may welcome this classification if they and their neighbors have properties whose historic character and charm is genuinely worth preserving. But in other cases, such a zoning amounts to imposing a burden without adequate - if any - compensation or benefit to the owner. In order to make almost any externally visible improvement (or change) to an “historic” property, no matter how sensible, its owner must obtain approval of bureaucrats who cannot always be relied upon to act with either acclarity or fairness. This notorious fact is a burden on such property that often reduces its market value. This invariably occurs if the property’s location has no particular market appeal to offset or compensate for the burden. This would be precisely the case with respect to our property.

2. There is nothing at all remotely “historic” about the townhomes aligned on the east side of the 200 block of Hopkins Street. Nor are they architecturally significant or unique. Although most of the single and multi-family residential properties along the 500 and 600 blocks of W Hutchinson Street may be older than the Scott Street townhouses, they hardly qualify as “historic” structures under any commonsense understanding of the term. Any argument that any of these properties should be locked in an arbitrary bureaucratic category intended to stymie significant change or development cannot be grounded on the character of such properties.
3. Freezing development of a neighborhood in an area as dynamic as San Marcos is certain to have untoward consequences, notwithstanding the merits of preserving historically interesting structures. The property at 704 W. Hopkins is an excellent example of a house being preserved in a state of derelict disrepair. Whatever glory it once had, its present owner is quite obviously unable or unwilling to restore in any measure. (It would be no surprise if he or she were to claim that the City has repeatedly frustrated him or her in actually doing anything worthwhile with the property.) It has been a worsening eyesore from the time it was first included in the historic district and impresses us as likely being well beyond rehabilitating in any economically sensible way. We mention it because its case is apposite to this proposal. Undoubtedly, if other aged and neglected structures which (unlike 704 W. Hopkins) have absolutely no legitimate basis for being considered “historic” are included in an expanded historic district to become indefinitely preserved in all their charmless mediocrity, there will be more derelicts emerge that will continue to deteriorate to the enduring shame of the citizens of San Marcos including, in particular, those owners of nearby homes that are indeed worth preserving as “historic.” Preserving decay rather than charm is certain to depress the property values of all nearby homes. (To illustrate: the value of every residence near 704 W. Hopkins would be immediately enhanced if the “historic” structure that is presently there were removed.)

We are informed that the proposal to expand the two historic districts is driven at least in part, if not primarily, by its sponsors’ desire to prevent development of the former school property at 500 W. Hutchison (identified as R143037). If we are informed correctly, then we must protest in the most important manner this abuse of the planning and zoning process. The aspects and merits any plans for 500 W. Hutchison’s development should be considered and debated entirely apart from indulging this inelegant subterfuge designed to thwart such plans.

It occurs to us that much of the property proposed to be included in the historic district category is located in a transition zone of a thriving San Marcos. To prevent sensible, market driven development of this area by freezing it into “historic” status might benefit a few property owners elsewhere but would unfairly burden those directly imposed upon and, moreover, only promise a future blight on the margins of San Marcos’ downtown business district. Once a neighborhood begins to physically decay its prospects for becoming the locus of disreputable, even criminal, activity increase which, of course, only further hastens its decline in appeal, safety, and property values. Our impression is that San Marcos would be much better served by its city officials by their shrinking rather than expanding its so-called “historic district.”

Yours truly,

Kevin D. Durham & Lynn D. Durham, Jr.
Co-Trustees
May 18, 2017

San Marcos Planning & Zoning Commission
Development Services – Planning
130 East Hopkins
San Marcos, TX 78666

Dear Commission:

Re: Proposed Expansion of Lindsey-Rogers/Hopkins Street Historic Districts

The project has major implications for individuals on fixed incomes who may not realize potentially harmful financial situations until confronted.

San Marcos should seek acclaim for quality, not size, of historic districts. Relationship to significant architecture/events/individuals should be mandatory—not haphazard assignment. Improving present historic districts would be beneficial. Therefore, the proposed expansion would be of negative consequence—and not best for a university city of stature. Your attention to public concern is appreciated.

Sincerely,

[Signature]

[Address]

San Marcos, TX 78666
See attached letter that expresses my position. Please confirm receipt.

Kind Regards,
Kyle

Kyle Odiorne - Owner/Broker
OWNING TEXAS
512-947-5953
512-532-6841(efax)
Visit our Website

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Kyle and Jamie Odisorne  
3215 Sesbania Drive  
Austin, TX 78748

March 24, 2017

City of San Marcos Historic Preservation Commission  
City of San Marcos Planning and Zoning Commission  
City of San Marcos City Council  
630 E. Hopkins  
San Marcos, TX 78666

RE: Objection to Historic District Expansion  
Objection to My Property Being Added to Historic District

Dear Ladies and Gentlemen,

We own the property located at 519 W. Hutchison St. We received information about the possibility of my property and others being included in an expansion of the neighboring historic districts. The proposed expansion area includes properties having a variety of uses, but few, if any, of those properties appear to be historic in nature or have architectural significance. A substantial majority of those properties would never be looked at as historic and, therefore, there is no collection of historic properties in the proposed historic district expansion area that might need protection.

Because we do not believe that this annexation will provide any real benefit to us or to the citizens of San Marcos, but instead will: (a) cause undue harm to my property rights; (b) inhibit my freedom to act within existing regulations related to my property; and (c) potentially decrease the value of my property, I’d like this letter to serve as my formal objection to the proposed historic district expansion and to my property being included within an historic district.

From what we understand, few property owners, if any, within the proposed expansion zone have requested that these properties be included in the existing historic districts, but instead this matter has been pushed by people who do not own the properties in question. Considering the lack of historic properties, the lack of a request from us as property owners to be subjected to this new layer of regulation, and the extreme burden this will cause to us, we can’t understand why there is an effort to move forward with this proposed expansion.

The existing historic district boundaries are sufficient and sensible as they’ve been for the past many years. There simply is no legitimate reason for the city to make this change at this time. Again, we object to this expansion of the historic districts and especially object to my property being included in any expansion.

Sincerely,

Kyle Odisorne: [Signature]

Jamie Odisorne: [Signature]

CC: Alison Brake (abrace@sanmarcostx.gov)  
Shannon Mattingly (smattingly@sanmarcostx.gov)  
Abigail Gillfilian (agillfilian@sanmarcostx.gov)
THE JULIET M. DURHAM MANAGEMENT TRUST
403 ENERGY SQUARE
505 N. BIG SPRING ST.
MIDLAND, TEXAS 79701
PHONE: 432-684-5557
FAX: 432-687-2785

May 24, 2017

San Marcos Planning & Zoning Commission
City Hall
630 E. Hopkins
San Marcos, Texas 78666 VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

RE: Case No. ZC-17-10

PROPERTY: 202 Scott St. (NE corner of Scott and Hopkins)

Ladies and Gentlemen:

This letter substantially reiterates the body of an earlier letter dated May 17, 2017, submitted to the Commission by email, which email, by the way, questioned whether adequate notice had been provided all property owners affected in this matter. Apparently, the Commission has discovered that notice was, in fact, deficient as we are now informed that the hearing on this matter has been postponed. Our email also asked that our letter be published as broadly and early as feasible in this matter. However, we not that it has not been included among those in opposition in the virtual folder of such material made available via the City’s website. Since we can think of no sensible reason for its exclusion, we have substantially duplicated it herein (following this paragraph), and so that our views may be properly shared, we are sending it by certified mail. We shall also send it by email and fax. We will also follow up with a phone call to verify that it will be included in the materials in opposition.

The undersigned owners of the captioned residential property are strongly opposed to the inclusion of their property into an expanded “Hopkins Street Historic District.”

Undoubtedly there will be many others who will find the proposed action as - if not more - objectionable as we on the following or similar grounds, which we believe to be both irrefutable and fundamentally dispositive:

1. Zoning property as being in an “historic district” invariably imposes on its owners a bureaucratic partner in the long term management and disposition of the property which partner seldom contributes anything to maintaining or improving the property. Owners may welcome this classification if they and their neighbors have properties whose historic character and charm is genuinely worth preserving. But in other cases, such a zoning amounts to imposing a burden without adequate - if any - compensation or benefit to the owner. In order to make almost any externally visible improvement (or change) to an “historic” property, no matter how sensible, its owner must obtain approval of bureaucrats who cannot always be relied upon to act with either alacrity or fairness. This notorious fact is a burden on such property that often reduces its market value. This invariably occurs if the property’s location has no particular market appeal to offset or compensate for the burden. This would be precisely the case with respect to our property.
2. There is nothing at all remotely "historic" about the townhomes aligned on the east side of the 200 block of Hopkins Street. Nor are they architecturally significant or unique. Although most of the single and multi-family residential properties along the 500 and 600 blocks of W Hutchinson Street may be older than the Scott Street townhouses, they hardly qualify as "historic" structures under any commonsense understanding of the term. Any argument that any of these properties should be locked in an arbitrary bureaucratic category intended to stymie significant change or development cannot be grounded on the character of such properties.

3. Freezing development of a neighborhood in an area as dynamic as San Marcos is certain to have untoward consequences, notwithstanding the merits of preserving historically interesting structures. The property at 704 W. Hopkins is an excellent example of a house being preserved in a state of derelict disrepair. Whatever glory it once had, its present owner is quite obviously unable or unwilling to restore in any measure. (It would be no surprise if he or she were to claim that the City has repeatedly frustrated him or her in actually doing anything worthwhile with the property.) It has been a worsening eyesore from the time it was first included in the historic district and impresses us as likely being well beyond rehabilitating in any economically sensible way. We mention it because its case is apposite to this proposal. Undoubtedly, if other aged and neglected structures which (unlike 704 W. Hopkins) have absolutely no legitimate basis for being considered "historic" are included in an expanded historic district to become indefinitely preserved in all their charmless mediocrity, there will be more derelicts emerge that will continue to deteriorate to the enduring shame of the citizens of San Marcos including, in particular, those owners of nearby homes that are indeed worth preserving as "historic." Preserving decay rather than charm is certain to depress the property values of all nearby homes. (To illustrate: the value of every residence near 704 W. Hopkins would be immediately enhanced if the "historic" structure that is presently there were removed.)

We are informed that the proposal to expand the two historic districts is driven at least in part, if not primarily, by its sponsors’ desire to prevent development of the former school property at 500 W. Hutchinson (identified as R143037). If we are informed correctly, then we must protest in the most important manner this abuse of the planning and zoning process. The aspects and merits of any plans for 500 W. Hutchinson’s development should be considered and debated entirely apart from indulging this inelegant subterfuge designed to thwart such plans.

It occurs to us that much of the property proposed to be included in the historic district category is located in a transition zone of a thriving San Marcos. To prevent sensible, market driven development of this area by freezing it into "historic" status might benefit a few property owners elsewhere but would unfairly burden those directly imposed upon and, moreover, only promise a future blight on the margins of San Marcos’ downtown business district. Once a neighborhood begins to decay physically, the likelihood that it will become the locus of disreputable, even criminal, activity increases. This, of course, only further hastens its decline in appeal, safety, and property values. Our impression is that San Marcos would be much better served by its city officials by their constraining - if not shrinking - rather than expanding its present “historic district.”

Yours truly,

Kevin D. Durham & Lynn D. Durham, Jr.
Co-Trustees
Hey Alison,

Attached is a letter to please include in the packet that you send to P & Z for Tuesday’s meeting.

Thanks for talking with me the other day and for taking on this task.

Jean Baggett
210/508-8631 (cell)

**CAUTION:** This is an email from an EXTERNAL source. DO NOT click links or open attachments without positive sender verification of purpose. Never enter USERNAME, PASSWORD or sensitive information on linked pages from this email.
June 7, 2017

Sir/Madam,

I know you will carefully consider all the factors involved in the expansion of the Lindsey-Rogers & Hopkins Historic Districts.

It will definitely “square” off the districts whereas now it is cut up in sections. That is a positive. But, I believe that the negatives in this case will create more problems in the future. This expansion will now require any builder to go through the historic commission for approval before going to you and then on to the Council. It is already cumbersome for developers to get projects approved and this would only create a more negative response from any potential development.

This extra step could discourage the present owner from any future projects and if it is put back on the market, it can be anticipated that the University would submit a bid. If the University owns the property, it would be taken off the city tax rolls and take away any voice that the city/citizens could have in what is built in that location.

The site of this expansion is very near the University and would be a great location for them to expand their campus.

I believe the city and its citizens can be vigilant of what development would go into this site without this added approval layer. This additional overlay will decrease development chances for the site and open the possibility of having no control and no tax benefit to the city from the next owner.

Thank you.

Jean Baggett
726 W. Hopkins
I am someone who was for and excited about the Lindsey Hill Project. I would love to have a boutique hotel in the neighborhood to recommend to my visitors and a restaurant or coffee shop that I could walk to. It would be such an improvement to the property and neighborhood. As the property is now, the only part of it with any charm is the old auditorium and I believe the developers were going to incorporate that into their plans. My concern is that, if we don't allow good development, the college will buy the property and put in more rent-by-the-room dormitories. I would not want the campus to cross RR 12 in that area. I walk this area frequently and I'm not certain why this area should be considered for addition to the Historic District. I believe it would only add 3-4 houses. Harvey Street alone has 16 houses. I am against this particular expansion of the Historic District.

It is a given that my beloved city will grow and be developed. I welcome it and would hope that our city leaders make wise and thoughtful choices on how that development happens.

Margaret Falletta

--
Margaret Falletta
512-738-0050

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Brake, Alison

From: Burrell, Cesly
Sent: Monday, June 12, 2017 8:00 AM
To: Brake, Alison
Cc: Hernandez, Amanda
Subject: FW: Lamar Annex / Boutique-Hotel

ATTENTION PUBLIC OFFICIALS:
A “Reply to All” of this e-mail could lead to violations of the Texas Open Meetings Act.
Please reply only to the sender, Thank you.

From: LYDIA KENDRICK [mailto:kendrick4343@gmail.com]
Sent: Monday, June 12, 2017 7:38 AM
To: Planning_Info <PInfo@sanmarcostx.gov>
Subject: Lamar Annex / Boutique-Hotel

To whom it may concern:

My name is Lydia Kendrick; I live at 404 Browne Terrace in San Marcos, a few blocks removed from the Lamar Annex on Hutchison Street.

The Lamar building is an eyesore in the neighborhood -- has been for a very long time.

A boutique / hotel would be welcomed by me on that spot.  I think it would be a wonderful addition to the neighborhood and community, as long as it is self-sustaining in terms of parking.

I have spoken with four of my neighbors and all four are in favor of a boutique / hotel as well.

Please send this letter to all commissioners involved in this project.

Thank you for your consideration.

Lydia Kendrick
512-753-9565 cell
ATTENTION PUBLIC OFFICIALS:
A “Reply to All” of this e-mail could lead to violations of the Texas Open Meetings Act. Please reply only to the sender, Thank you.

-----Original Message-----
From: Sally Lockwood [mailto:sbhlockwood@aol.com]
Sent: Tuesday, June 13, 2017 8:28 PM
To: Planning Info <PlanningInfo@sanmarcostx.gov>
Subject: Lindsey Hill

I would welcome this development in San Marcos. The property is beautiful and is so easy to get around.
A boutique hotel and small boutiques would be a perfect fit for this area.
I can't imagine why anyone would not like this in their town!! It will bring more people to the area and they will spend money that will benefit restaurants, bed and breakfast homes, as well as great shopping other than going to Wimberly and Gruene.
Our vote is YES

Steve and Sally Lockwood
613 Lindsey
San Marcos

Sent from my iPhone

CAUTION: This is an email from an EXTERNAL source. DO NOT click links or open attachments without positive sender verification of purpose. Never enter USERNAME, PASSWORD or sensitive information on linked pages from this email.
I have lived in San Marcos for 42 years as of this month. I encourage all of you to vote against the expansion of the Lindsey-Rogers and Hopkins Street Historic Districts.

Alison Brake told me that 16 of the 35 expansion parcels are in Lindsey-Rogers. Out of the 16 only 1 property is considered a contributing property. It is the old Lamar School. In the 1997 survey it was designated low value. The Historic Preservation Commission unilaterally changed the designation to high. Since there is only 1 property of contributing value and the previous designation was upgraded, I think it completely inappropriate to expand the district. I find it hard to disagree with the developer that the move seems punitive. In addition there would be 15 of the 16 properties affected by being in a Historic District where their properties are not contributing.

There are Historic Preservation Commissioners who spoke out against the proposed development of the Lamar School property. I feel they should not have voted to expand the District in order to preserve a single property that they opposed development of.
Historic Districts are not meant to be buffer zones to surround and protect other existing Districts or properties. Their purpose is to protect and preserve the properties within the District. Being a part of a Historic District imposes many layers of rules and regulations. This is not a worthwhile endeavor when there is virtually nothing to protect within the expansion.

Any evidence proposed that Lamar School has historic significance should be put to the same rigorous test that any individual applicant for historic designation would have to undergo. The evidence should be scrutinized, evaluated and objectively found to be verifiable. Anything less harms the process and would allow historic designation to undeserving properties.

There are 19 parcels in Hopkins Street Historic District expansion proposal. Out of those 8 are contributing. Only 2 are high value, 4 medium value and 3 low value. So, 57% of the expansion properties would be non-contributing but have the Historic District rules applied to them. It is one thing to buy into a District that exists but quite another to have this imposed upon you.

If the owners of the 9 contributing properties want historic protection they can apply on individual properties and do not need to be part of a Historic District. This would preserve the rights of all in the proposed expansions.

My hope is that you will find these points straightforward. Please do not expand these districts.
Draft Minutes of June 8, 2017 Historic Preservation Commission Special Called Meeting

COMMISSIONERS PRESENT: Diana Baker, Chair  
Ron Prewitt, Vice Chair  
Griffin Spell  
Bob Holder  
Debbie Austin  
Thea Dake  
Clarke Hammond

STAFF PRESENT: Alison Brake, Planner  
Amanda Hernandez, Development Services Manager  
Sam Aguirre, Assistant City Attorney

Citizen Comment Period:
No one spoke.

HPC-17-10 Hold a public hearing and consider approval of a final report and recommendations regarding the proposed expansion of the Lindsey-Rogers Historic District and the Hopkins Street Historic District.

Alison Brake gave a presentation. She explained that the final report was the one the Commission had seen at the May 4 meeting, stating that the Land Development Code requires at least 30 days to pass between when the Planning and Zoning Commission receives the initial report and the public hearing at the Historic Preservation Commission. The report was transmitted to P&Z on April 25 and the public hearing at HPC was on May 4; this did not meet the requirements of the LDC. Therefore, in order to move forward a new public hearing must be held by the Historic Preservation Commission prior to it coming back to Planning Commission for a public hearing. She also stated that the only change in the report from May was that information from the Chair on the desegregation of San Marcos had been included.

Chair Baker opened the public hearing.

Commissioner Hammond asked Staff if being in a historic district had any bearing on the use of the property. Staff replied that zoning is the mechanism for determining use. Commissioner Austin asked Staff if historic guidelines trump the regulations in the Land Development Code. Staff replied that they work together. Commissioner Holder asked Staff what the properties in the area were zoned. Staff replied that the properties within the boundaries of the proposed expansion are a mix of zoning categories.

Cathy Dillon, 1000 Burleson Street, spoke in favor of the expansion. She stated that the City of San Marcos has one of the largest intact residential historic districts in the State and that anything that can be done to keep it that way is great. She stated that she is concerned with commercial jumping Old Ranch Road 12 and encroaching into the residential historic districts.
There were no further questions and Chair Baker closed the public hearing.

COMMISSIONER HAMMOND MOVED TO APPROVE THE PROPOSED THE FINAL REPORT AND RECOMMENDED APPROVAL OF THE EXPANSION OF THE LINDSEY-ROGERS HISTORIC DISTRICT AND THE HOPKINS STREET HISTORIC DISTRICT AS PROPOSED. COMMISSIONER AUSTIN SECONDED. ROLL WAS CALLED AND THE MOTION PASSED 7-0 WITH COMMISSIONERS BAKER, PREWITT, HOLDER, HAMMOND, AUSTIN, DAKE, AND SPELL VOTING YES.

Questions from the press and public.

No one spoke.

THERE BEING NO FURTHER BUSINESS, CHAIR BAKER DECLARED THE MEETING ADJOURNED AT 6:10 P.M.
CITY COUNCIL MEETING

Tuesday, July 5, 2017
Hold a public hearing and consider approval of the expansion of the Lindsey-Rogers Historic District and the Hopkins Street Historic District.
Priority Designation Levels

San Marcos Heritage Neighborhood
Historic Resources Survey

As Prepared for:
The City Of San Marcos
San Marcos Historic Preservation Commission
Texas Historical Commission
August 1997
KEystone ARCHITECTS PLLC

Legend
- Low Priority Level
- Medium Priority Level
- High Priority Level
- Current Historic District

 Proposed Expansion Boundary
(Properites with no Priority Level designation were not included in 1997 Resource Survey Boundary)

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-ground survey and represents only the approximate relative location of property boundaries.

Map Date: August 18, 2018

sanmarcostx.gov
Contributing vs. Non-Contributing

Contributing

• Defined by National Parks Service (NPS):
  – One “which by location, design, setting, materials, workmanship, feeling, and association adds to the district’s sense of time and place, and historical development”

Non-Contributing

• Defined by NPS:
  – one “which does not add to the district's sense of time and place, and historical development; or one where the location, design, setting, materials, workmanship, feeling, and association have been so altered or have so deteriorated that the overall integrity of the building has been irretrievably lost.”
Non-contributing Structures in other Districts

Lindsey-Rogers District

Burleson Street District
Properties within Expansion Boundary 50+ Old

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-
Methodology for Staff Update to Resource Survey
Property with Cultural Significance
### Process (Section 1.5.5.1 LDC)

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>June 2, 2016</td>
<td>HPC initiated petition to establish or expand a historic district</td>
</tr>
<tr>
<td>February 2, 2017</td>
<td>Report on the significance of proposed area presented to HPC</td>
</tr>
<tr>
<td>April 25, 2017</td>
<td>Report scheduled for the Planning &amp; Zoning Commission to review</td>
</tr>
<tr>
<td>June 8, 2017</td>
<td>Public hearing at the HPC meeting; recommended <strong>approval</strong> (7-0)</td>
</tr>
<tr>
<td>June 13, 2017</td>
<td>Public hearing at P&amp;Z meeting; recommended <strong>denial</strong> (7-2)</td>
</tr>
<tr>
<td>July 5, 2017</td>
<td>Public hearing at City Council (First Reading of Ordinance)</td>
</tr>
<tr>
<td>July 18, 2017</td>
<td>Second reading of Ordinance adopting the expansion</td>
</tr>
</tbody>
</table>
Historic District Expansion Open House Results
ATTENDEES

Who Attended?

43 Total Attendees

19 Comment Cards returned

- 6 Within Expansion Boundary
- 17 Within Existing Historic District Boundary
- 17 Not in Historic District or Expansion Boundary
- 4 Historic Preservation Commissioner
WHAT WE HEARD

Do you agree with expansion boundary as proposed?

All Attendees

Those within Expansion Boundary

14 Yes  5 No

2 Yes  4 No

COMMENTS FROM THOSE WITHIN EXPANSION BOUNDARY

"The Open House clarified the role of the Historic Preservation Commission."

"The proposed expansion is reactionary and just a land grab."

"More checks and balances in place would be beneficial for compatible development."

"Property ownership rights will be inhibited and devalues properties in question."

"After speaking with Staff, reassured that the COA process would not be overly complicated or difficult."

[All written comment cards and additional responses have been included in the packet.]
Historic District Expansion

- A public hearing at the Historic Preservation Commission was held on June 8, 2017. The Commission recommended approval, 7-0, of the Final Report and to expand the Lindsey-Rogers District and the Hopkins Street District as proposed.

- A public hearing at the Planning and Zoning Commission was held on June 13, 2017. The Commission recommended denial, 7-2, of the expansion of the Lindsey-Rogers District and the Hopkins Street District as proposed with the recommendation that a historic resources survey be conducted and that no zoning changes in the proposed expansion boundary are considered until the historic resources survey is completed.
AGENDA CAPTION:
Consider approval of Ordinance 2017-16, on the second of two readings, creating a designated permit area under Section 82.189 of the San Marcos City Code that allows parking by permit on both sides of the 400 to 700 blocks of McGehee Street between Cheatham Street and the southern Terminus of the street, 8:00 am to 11:00 pm every day, during and including the months of February through November; amending the traffic register to reflect such designated permit area; and providing for an effective date.

Meeting date: April 4th, 2017 - 1st Reading
July 5, 2017- 2nd Reading

Department: Public Services - Transportation Division (Sabas Avila)

Funds Required: $900
Account Number: 10006147.53230
Funds Available: $43,973
Account Name: Traffic-Signs

CITY COUNCIL GOAL:
Beautify and Enhance the Quality of Place

COMPREHENSIVE PLAN ELEMENT(s):
Neighborhood and Housing Goal 4: Well maintained, stable neighborhoods protected from blight or the encroachment of incompatible land uses

BACKGROUND:
In April Residents of 400-700 McGehee Street (from Cheatham Street to south end of the street) are requesting the installation of residential parking permits on both sides of the street, 8 am - 11 pm daily, February to November.

City staff reviewed the request and the request met the requirements for residential permit parking. City staff recommended parking restriction with residential parking permits, 8 am - 11 pm daily, February to November at that time.

Update: Since the first reading of this Ordinance on April 4, staff has received a petition in opposition of the Residential Parking Permit Request. Attached is a petition recanting resident’s previous signatures on the neighborhood survey submitted in April and a new Neighborhood Survey will not all residents being in support
Due to these new documents staff recommends that the Council deny or postpone this Ordinance indefinitely.
ORDINANCE NO. 2017-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS CREATING A DESIGNATED PERMIT AREA UNDER SECTION 82.189 OF THE SAN MARCOS CITY CODE THAT ALLOWS PARKING BY PERMIT ONLY ON BOTH SIDES OF THE 400 TO 700 BLOCKS OF MCGEHEE STREET BETWEEN CHEATHAM STREET AND THE SOUTHERN TERMINUS OF THE STREET, 8:00 A.M. TO 11:00 P.M., EVERY DAY, DURING AND INCLUDING THE MONTHS OF FEBRUARY THROUGH NOVEMBER; AMENDING THE TRAFFIC REGISTER TO REFLECT SUCH DESIGNATED PERMIT AREA; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUITALS:

1. Section 82.189 of the San Marcos City Code authorizes the creation of a Designated Permit Area upon the request of a property owner whose property abuts the requested Designated Permit Area, the submittal of a petition and fulfillment of the requirements of Section 82.189(b) of the San Marcos City Code.

2. The San Marcos Transportation Department has received a request and a petition for the creation of a Designated Permit Area that allows parking by permit only on both sides of the 400 to 700 blocks of McGehee Street between Cheatham Street and the southern terminus of the street, 8:00 a.m. to 11:00 p.m., every day, during and including the months of February through November.

3. City Transportation Department staff recommends the creation of this Designated Permit Area within which parking will be restricted to permit parking only during the hours indicated in paragraph 2.

4. A public hearing on the application as required by Section 82.189(d) of the San Marcos City Code was held on April 4, 2017.

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

SECTION 1. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of San Marcos.

SECTION 2. The City Council hereby approves the creation of a Designated Permit Area that allows parking by permit only on both sides of the 400 to 700 blocks of McGehee Street between Cheatham Street and the southern terminus of the street, 8:00 a.m. to 11:00 p.m., every day, during and including the months of February through November. The Designated Permit Area is depicted in the map attached hereto and incorporated herein for all purposes as Exhibit “A.”

SECTION 3. No parking shall be allowed in the Designated Permit Area at any time without a valid permit and the Traffic Register is amended to reflect such restriction.
SECTION 4. 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 5. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 6. This ordinance shall be in effect upon adoption on second reading.

PASSED AND APPROVED on first reading on April 4, 2017.

PASSED, APPROVED AND ADOPTED on July 5, 2017.

John Thomaides
Mayor

Attest: Approved:

Jamie Lee Case Michael J. Cosentino
City Clerk City Attorney
EXHIBIT A
Map of Designated Permit Area

McGehee Street Residential Parking Zone
(8AM-11PM Daily, February-November)
McGehee Street Residential Parking Zone
(8AM-11PM Daily, February-November)

- Business Property (No signature collected)
- Property supports the petition
- Property has no response to the petition
**NEIGHBORHOOD SURVEY**

The City of San Marcos has received a request to install Residential Parking Permit System as described below. This survey serves to assess neighborhood/business consent of the proposed Residential Parking area. This survey will be used in conjunction with other City evaluations to assess the feasibility of this restriction or variation thereof. The results of this survey do not guarantee the installation of the signs.

- **Street Name (for Restriction):** McGeehe St
- **Block No.(s) (for Restriction):** 2
- **Proposed Regulation:** Residential Parking Zone – Residential Permit Only
  - Mon-Sunday: 8 AM - 11 PM
  - Feb-November: 8 AM - 5:00 P.M.

We, the undersigned are residents and/or property owners of the proposed designated permit area described in this application. We understand that: (i) if this area is designated, certain restrictions will be placed upon on-street parking within the area; (ii) residents and/or residential property owners of the area will be entitled to obtain a limited number of parking permits exempting their vehicles from such parking restrictions, but if a resident and/or property owner owns a vehicle without having a permit displayed, that vehicle will be subject to the parking restrictions; (iii) parking permits will be issued for a term of one year and require replacement each year; (iv) the cost of the annual parking permits will be paid by the residents and/or property owners. This restriction will be valid for a minimum of one year.

<table>
<thead>
<tr>
<th>NAME (print)</th>
<th>ADDRESS</th>
<th>PHONE NUMBER</th>
<th>APPROVE RESTRICTION (check one)</th>
<th>SIGNATURE</th>
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<tbody>
<tr>
<td>Johnny Garcia</td>
<td>410 McGeehe St</td>
<td>512-794-2383</td>
<td>YES</td>
<td></td>
</tr>
<tr>
<td>Chau Nguyen</td>
<td>336 Drive</td>
<td>393-2542</td>
<td>V</td>
<td></td>
</tr>
<tr>
<td>Dave Suddard</td>
<td>500 McGeehe St</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dan M. Cruz Jr</td>
<td>575 McGeehe St</td>
<td></td>
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</tr>
<tr>
<td>Krista Bost</td>
<td>326 cheatham st</td>
<td>643-353-1960</td>
<td>V</td>
<td></td>
</tr>
<tr>
<td>Brayla Weller</td>
<td>520 McGeehe St</td>
<td>512-797-4322</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Belinda J. Nave</td>
<td>519 McGeehe St</td>
<td>360-247-2832</td>
<td>V</td>
<td></td>
</tr>
<tr>
<td>Malic K. Michael</td>
<td>101 McGeehe St</td>
<td>702-4821</td>
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<tr>
<td>Enes H. Hernandez</td>
<td>302 McGeehe St</td>
<td>625-774-1727</td>
<td>V</td>
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<tr>
<td>Victor</td>
<td>501 McGeehe St</td>
<td>732-234-9147</td>
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<tr>
<td>Vacant</td>
<td>612</td>
<td>512-423-1548</td>
<td>V</td>
<td></td>
</tr>
<tr>
<td>Craig Klinkenberg</td>
<td>608 McGeehe St</td>
<td>512-423-1548</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Roland Badeen</td>
<td>523 McGeehe St</td>
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</table>
PETITION IN OPPOSITION OF RESIDENTIAL PARKING PERMIT REQUEST

To the City of San Marcos, Texas

We, the undersigned are residents and/or property owners whom reside on the 300 & 400 blocks of Grove Street between Mekie Street and CM Allen Parkway. WE RECANT our previous signature in support of the Residential Parking Permit Program we signed with Johnny Garcia in April 2017. We OPPOSE the Residential Parking Permit Program for our street.

<table>
<thead>
<tr>
<th>Date Signed (Fecha Firmada)</th>
<th>Signature (Firma)</th>
<th>Printed Name (Nombre en letra de molde)</th>
<th>Residence Address (City, Texas, Zip) (Dirección de Residencia, Ciudad, Estado, Código)</th>
</tr>
</thead>
<tbody>
<tr>
<td>6/1/17</td>
<td>Nate Galbraith</td>
<td>Nate Galbraith</td>
<td>608 McGee St, San Marcos, TX 78666</td>
</tr>
<tr>
<td>6/1/17</td>
<td>Don Conley</td>
<td>Don Conley</td>
<td>515 McGee St, San Marcos, TX 78666</td>
</tr>
<tr>
<td>6/1/17</td>
<td>Stan Currie</td>
<td>Stan Currie</td>
<td>501 McGee St, San Marcos, TX 78666</td>
</tr>
<tr>
<td>6/1/17</td>
<td>Jennifer Hammett</td>
<td>Jennifer Hammett</td>
<td>99 McGee St, San Marcos, TX 78666</td>
</tr>
<tr>
<td>6/1/17</td>
<td>Abigail Miller</td>
<td>Abigail Miller</td>
<td>525 McGee St, San Marcos, TX 78666</td>
</tr>
<tr>
<td>6/1/17</td>
<td>Megan Taylor</td>
<td>Megan Taylor</td>
<td>525 McGee St, San Marcos, TX 78666</td>
</tr>
<tr>
<td>6/1/17</td>
<td>Scott Scandinav</td>
<td>Scott Scandinav</td>
<td>515 McGee St, San Marcos, TX 78666</td>
</tr>
<tr>
<td>6/1/17</td>
<td>Charlie Reynolds</td>
<td>Charlie Reynolds</td>
<td>336 Grove St, SM TX 78666</td>
</tr>
<tr>
<td>6/25/17</td>
<td>Charlie Reynolds</td>
<td>Charlie Reynolds</td>
<td>336 Grove St, SM TX 78666</td>
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</table>
NEIGHBORHOOD SURVEY

The City of San Marcos has received a request to install Residential Parking Permit System as described below. This survey serves to assess neighborhood/business consent of the proposed Residential Parking area. This survey will be used in conjunction with other City evaluations to assess the feasibility of this restriction or variation thereof. The results of this survey do not guarantee the installation of the signs.

<table>
<thead>
<tr>
<th>Street Name (for Restriction):</th>
<th>McGhee Street</th>
<th>(e.g. N. LBJ Drive)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Block No.(s) (for Restriction):</td>
<td>400-700 blocks</td>
<td>(e.g. 500 block, 100 – 300 block, etc.)</td>
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<td>Proposed Regulation:</td>
<td>Residential Parking Zone – Residential Permit Only</td>
<td>(e.g. NO PARKING- TOW AWAY, 2-HOUR PARKING, etc.)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(e.g. 8 A.M. – 5:00 P.M.)</td>
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<table>
<thead>
<tr>
<th>NAME (print)</th>
<th>ADDRESS</th>
<th>PHONE NUMBER</th>
<th>YES</th>
<th>NO</th>
<th>SIGNATURE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abby Miller</td>
<td>525 McGhee St.</td>
<td>817-475-4247</td>
<td>✔️</td>
<td>✗</td>
<td>Charlie Gonzales</td>
</tr>
<tr>
<td>Kegan Taylor</td>
<td>525 McGhee St.</td>
<td>817-475-4247</td>
<td>✔️</td>
<td>✗</td>
<td>Charlie Gonzales</td>
</tr>
<tr>
<td>J.J. Mascorro</td>
<td>401 Mariposa</td>
<td>512-744-8122</td>
<td>✔️</td>
<td>✗</td>
<td>Charlie Gonzales</td>
</tr>
<tr>
<td>🟢 Charlie Gonzales</td>
<td>336 Grove</td>
<td>512-278-4226</td>
<td>✔️</td>
<td>✗</td>
<td>Charlie Gonzales</td>
</tr>
</tbody>
</table>

Community Contact: Cris Gonzalez
Address: City of San Marcos-Public Services
Phone: 512.393.8135
NEIGHBORHOOD SURVEY

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</thead>
<tbody>
<tr>
<td>Sebyn Hernandez</td>
<td>901 McGhee St</td>
<td>(512) 565-7459</td>
<td>NO</td>
<td></td>
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<tr>
<td>Jake Clay</td>
<td>109 McGhee St</td>
<td>(512) 728-4821</td>
<td>NO</td>
<td></td>
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<tr>
<td>Nathaniel Guthrie</td>
<td>608 McGhee St</td>
<td>(512) 445-8809</td>
<td>NO</td>
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<tr>
<td>Jay Rich</td>
<td>400 Lee St</td>
<td>(512) 749-0131</td>
<td>NO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Darin Cruz</td>
<td>515 McGhee St</td>
<td>(512) 618-0235</td>
<td>NO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Linda Arredondo</td>
<td>163 McGhee St</td>
<td>(512) 753-3994</td>
<td>NO</td>
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<tr>
<td>Stan Currie</td>
<td>501 McGhee St</td>
<td>(512) 754-8686</td>
<td>NO</td>
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<td></td>
</tr>
<tr>
<td>Beverly L. Prine</td>
<td>519 McGhee St</td>
<td>(512) 870-2432</td>
<td>NO</td>
<td></td>
<td></td>
</tr>
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Community Contact: Cris Gonzalez
Address: City of San Marcos-Public Services
Phone: 512.393.8135
Residential Parking Program

What is the Residential Parking Program?
The Residential Parking Program (RPP) is a parking program available to neighborhoods to relieve the neighborhood streets from incompatible, non-residential parking. Generally, on-street parking is a beneficial function of a roadway. However, parking issues can occur in residential areas where adjacent or nearby land uses do not provide an adequate supply of off-street parking for their associated parking demand. Typical land uses that may cause overflow parking in residential areas include, but are not limited to, educational facilities, special event centers, medical centers, retail and entertainment centers, and major transit stops/stations or park-and-ride facilities. Residents in areas that have significant on-street commuter or spillover parking may have concerns about the availability of parking for themselves and their guests, traffic safety, emergency vehicle access, and impacts on delivery and other basic services. If your street is experiencing problems associated with non-residential parking, the Residential Parking Program may be a solution for your neighborhood.

How does the Residential Parking Program work?
The Residential Parking Program is a neighborhood permit program. Only residents on the street are eligible to obtain a permit to park on the street. Any vehicle, that does not have a permit, may be towed or ticketed.

How much do permits cost and how many can I get?
Permit costs are as follows:
- Resident permit ..... $5.00
- Guest permit ............ $5.00
- One-day pass ............ $0.10
- Temporary construction permit ..... no cost

- One guest permit will be issued for each resident permit with a maximum of two guest permits per residence
- The combined total number of resident permits and/or guest permits for each residence is limited to five permits per year.
- Temporary construction permits lasting no more than 45 days can be requested for vehicles of workers.

How do I apply for Residential Parking Permit?
To apply for a Residential Parking Permit zone, contact the Transportation Department at (512) 393-8036 or transportationinfo@sanmarcostx.gov to receive a RPP petition. To be considered for a RPP, a resident of the street must obtain concurrence from 60% of the residents abutting the proposed RPP zone. Submittal of the petition does not guarantee approval. Final approval will be determined by City Council.

For more information, contact the Transportation Department at 512.393.8036.
AGENDA CAPTION:
Consider approval of Ordinance 2017-17, on the second of two readings, creating a designated permit area under Section 82.189 of the San Marcos City Code that allows parking by permit on both sides of East Grove Street between McKie Street and CM Allen Parkway, 8:00 am-11:00pm, Friday to Sunday, during and including the months of February through November; amending the traffic register to reflect such designated permit area; and providing for an effective date.

Meeting date: April 4th, 2017 - 1st Reading
July 5th, 2017 - 2nd Reading

Department: Public Services - Transportation Division (Sabas Avila)

Funds Required: $900
Account Number: 10006147.53230
Funds Available: $43,973
Account Name: Traffic-Signs

CITY COUNCIL GOAL:
Beautify and Enhance the Quality of Place

COMPREHENSIVE PLAN ELEMENT(s):
Neighborhood and Housing Goal 4: Well maintained, stable neighborhoods protected from blight or the encroachment of incompatible land uses

BACKGROUND:
In April the Residents of 300-400 Grove Street (from McKie Street to CM Allen Parkway) requested the installation of residential parking permits on both sides of the street, Friday to Sunday 8 am - 11 pm, February to November.

City staff reviewed the request and the request met the requirements for residential permit parking. City staff recommended parking restriction with residential parking permits, Friday to Sunday 8 am - 11 pm, February to November at that time.

Update: Since the first reading of this Ordinance on April 4, staff has received a petition in opposition of the Residential Parking Permit Request. Attached is a petition recanting resident’s previous signatures on the neighborhood survey submitted in April and a new Neighborhood Survey will not all residents being in support of the restriction.
Due to these new documents staff recommends that the Council deny or postpone this Ordinance indefinitely.
ORDINANCE NO. 2017-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS CREATING A DESIGNATED PERMIT AREA UNDER SECTION 82.189 OF THE SAN MARCOS CITY CODE THAT ALLOWS PARKING BY PERMIT ONLY ON BOTH SIDES OF EAST GROVE STREET BETWEEN MCKIE STREET AND CM ALLEN PARKWAY, 8:00 A.M. TO 11:00 P.M., FRIDAY TO SUNDAY, DURING AND INCLUDING THE MONTHS OF FEBRUARY THROUGH NOVEMBER; AMENDING THE TRAFFIC REGISTER TO REFLECT SUCH DESIGNATED PERMIT AREA; AND PROVIDING FOR AN EFFECTIVE DATE.

on both sides of Grove Street between Mckie Street and CM Allen Parkway, 8:00 a.m. to 11:00 p.m. Friday to Sunday during and including the months of February through November

RECITALS:

1. Section 82.189 of the San Marcos City Code authorizes the creation of a Designated Permit Area upon the request of a property owner whose property abuts the requested Designated Permit Area, the submittal of a petition and fulfillment of the requirements of Section 82.189(b) of the San Marcos City Code.

2. The San Marcos Transportation Department has received a request and a petition for the creation of a Designated Permit Area that allows parking by permit only on both sides of East Grove Street between Mckie Street and CM Allen Parkway, 8:00 a.m. to 11:00 p.m., Friday to Sunday, during and including the months of February through November.

3. City Transportation Department staff recommends the creation of this Designated Permit Area within which parking will be restricted to permit parking only during the hours indicated in paragraph 2.

4. A public hearing on the application as required by Section 82.189(d) of the San Marcos City Code was held on April 4, 2017.

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

SECTION 1. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of San Marcos.

SECTION 2. The City Council hereby approves the creation of a Designated Permit Area that allows parking by permit only on both sides of East Grove Street between Mckie Street and CM Allen Parkway, 8:00 a.m. to 11:00 p.m., Friday to Sunday, during and including the months of February through November. The Designated Permit Area is depicted in the map attached hereto and incorporated herein for all purposes as Exhibit “A.”

SECTION 3. No parking shall be allowed in the Designated Permit Area at any time without a valid permit and the Traffic Register is amended to reflect such restriction.
SECTION 4. 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 5. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 6. This ordinance shall be in effect upon adoption on second reading.

PASSED AND APPROVED on first reading on April 4, 2017.

PASSED, APPROVED AND ADOPTED on July 5, 2017.

John Thomaides
Mayor

Attest: Approved:

Jamie Lee Case Michael J. Cosentino
City Clerk City Attorney
EXHIBIT A
Map of Designated Permit Area
NEIGHBORHOOD SURVEY

The City of San Marcos has received a request to install Residential Parking Permit System as described below. This survey serves to assess neighborhood/business consent of the proposed Residential Parking area. This survey will be used in conjunction with other City evaluations to assess the feasibility of this restriction or variation thereof. The results of this survey do not guarantee the installation of the signs.

Street Name (for Restriction): Grove St.
Block No(s) (for Restriction): [Blank]
Proposed Regulation: Residential Parking Zone - Residential Permit Only

We the undersigned are residents and/or property owners of the proposed designated permit area described in this application. We understand that: (i) if this area is designated, certain restrictions will be placed upon on-street parking within the area; (ii) residents and/or residential property owners of the area will be entitled to obtain a limited number of parking permits exempting their vehicles from such parking restrictions, but if a resident and/or property owner owns a vehicle without having a permit displayed, that vehicle will be subject to the parking restrictions; (iii) parking permits will be issued for a term of one year and require replacement each year; (iv) the cost of the annual parking permits will be paid by the residents and/or property owners. This restriction will be valid for a minimum of one year.

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<thead>
<tr>
<th>NAME (print)</th>
<th>ADDRESS</th>
<th>PHONE NUMBER</th>
<th>APPROVE RESTRICTION (check one)</th>
<th>SIGNATURE</th>
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</thead>
<tbody>
<tr>
<td>Johnny Garcia</td>
<td>420 W College St</td>
<td>878-7439</td>
<td>YES</td>
<td>[Signature]</td>
</tr>
<tr>
<td>Johnny Pride</td>
<td>304 E. Grove St</td>
<td>748-7976</td>
<td></td>
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<tr>
<td>Nancy Dehn</td>
<td>317 E. Grove</td>
<td>214-9205</td>
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<td>Edwin Holt</td>
<td>327 E. Grove</td>
<td>210-0146</td>
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<td>John Sanchez</td>
<td>332 E. Grove</td>
<td>419-3977</td>
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<tr>
<td>Don Tazarski</td>
<td>319 E. Grove</td>
<td>652-2794</td>
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<tr>
<td>Leslie Woo</td>
<td>325 E Grove</td>
<td>326-2056</td>
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<tr>
<td>Sam White</td>
<td>501 McPherson St</td>
<td>743-9238</td>
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<tr>
<td>G. Gilbert Torres</td>
<td>311 E Grove</td>
<td>512-292-3014</td>
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<tr>
<td>Shannon Alvis</td>
<td>412 CMA Allen</td>
<td>512-316-5426</td>
<td></td>
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</tr>
<tr>
<td>J. Shum</td>
<td>503 Monteire St</td>
<td>512-776-7649</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
PETITION IN OPPOSITION OF RESIDENTIAL PARKING PERMIT REQUEST

To the City of San Marcos, Texas

We, the undersigned are residents and/or property owners whom reside on the 400-700 blocks of McGhee Street between Chatham Street and the southern Terminus of the street. WE RECENT our previous signature in support of the Residential Parking Permit Program we signed with Johnny Garcia in April 2017. We OPPOSE the Residential Parking Permit Program for our street.

<table>
<thead>
<tr>
<th>Date Signed</th>
<th>Signature</th>
<th>Printed Name</th>
<th>Residence Address (City, Texas, Zip)</th>
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<tbody>
<tr>
<td>Jan 10, 2017</td>
<td>Shannon Alvis</td>
<td>412 SCM Allen St, San Marcos, TX 78666</td>
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<tr>
<td>Jun 10, 2017</td>
<td>Stan Currie</td>
<td>501 McGhee St, San Marcos, TX 78666</td>
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<tr>
<td>Jun 17, 2017</td>
<td>John Garrett</td>
<td>329 E Grove St, San Marcos, TX 78666</td>
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</tr>
<tr>
<td>Jun 21, 2017</td>
<td>Leslie Good</td>
<td>823 S Grove St</td>
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<tr>
<td>Jun 22, 2017</td>
<td>Teresa Villalpando</td>
<td>323 E Grove Street</td>
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</tr>
<tr>
<td>Jun 24, 2017</td>
<td>Mary Sato</td>
<td>316 E Bankhead St, San Marcos, TX 78666</td>
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<tr>
<td>Jun 30, 2017</td>
<td>Mary Sato</td>
<td>316 E Bankhead St, San Marcos, TX 78666</td>
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<tr>
<td>Jul 1, 2017</td>
<td>John Pena</td>
<td>306 E Grove St, San Marcos, TX 78666</td>
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<tr>
<td>Jul 14, 2017</td>
<td>David Longo</td>
<td>327 E Grove St, San Marcos</td>
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<tr>
<td>Jul 21, 2017</td>
<td>Jess Torres</td>
<td>311 E Grove St, San Marcos</td>
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<tr>
<td>Jul 22, 2017</td>
<td>Wendy Lopez</td>
<td>373 Munkitrf St, San Marcos, TX 78666</td>
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<tr>
<td>Jul 25, 2017</td>
<td>Charlie Gonzales</td>
<td>336 Grove St, San Marcos, TX 78666</td>
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Between

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| Street Name (for Restriction): | Both sides of East Grove between McKie and CM Allen Parkway |
| Block No.(s) (for Restriction): | 300 & 400 blocks |
| Proposed Regulation: | Residential Parking Zone – Residential Permit Only |

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<th>SIGNATURE</th>
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<tr>
<td>Shannon Alvis</td>
<td>412 S. CM Allen Hwy</td>
<td>512-316-5128</td>
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<tr>
<td>Stan Corrie</td>
<td>501 N. LBJ Dr</td>
<td>832-344-8686</td>
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<tr>
<td>John Sargsian</td>
<td>332 E. E. Grove St</td>
<td>512-316-7787</td>
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<td>Leslie Wood</td>
<td>324 E. E. Grove St</td>
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<tr>
<td>Teresa Villalpando</td>
<td>325 E. E. Grove St</td>
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<tr>
<td>Mary Estes</td>
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<tr>
<td>Johnny Peralta</td>
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<tr>
<td>Aaron Lugo</td>
<td>327 E. E. Grove St</td>
<td>512-316-7777</td>
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<td>X</td>
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<tr>
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<td>Cris Gonzalez</td>
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<th>SIGNATURE</th>
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<tbody>
<tr>
<td>Jessica Torres</td>
<td>311 E Grove</td>
<td>512-301-5247</td>
<td>✔️</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wendolyn Lopez</td>
<td>503 Murch</td>
<td>512-389-4202</td>
<td>✔️</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Charlie Gonzalez</td>
<td>336 Grove St</td>
<td>512-821-4235</td>
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<td>512.393.8135</td>
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</table>
Residential Parking Program

What is the Residential Parking Program?
The Residential Parking Program (RPP) is a parking program available to neighborhoods to relieve the neighborhood streets from incompatible, non-residential parking. Generally, on-street parking is a beneficial function of a roadway. However, parking issues can occur in residential areas where adjacent or nearby land uses do not provide an adequate supply of off-street parking for their associated parking demand. Typical land uses that may cause overflow parking in residential areas include, but are not limited to, educational facilities, special event centers, medical centers, retail and entertainment centers, and major transit stops/stations or park-and-ride facilities. Residents in areas that have significant on-street commuter or spillover parking may have concerns about the availability of parking for themselves and their guests, traffic safety, emergency vehicle access, and impacts on delivery and other basic services. If your street is experiencing problems associated with non-residential parking, the Residential Parking Program may be a solution for your neighborhood.

How does the Residential Parking Program work?
The Residential Parking Program is a neighborhood permit program. Only residents on the street are eligible to obtain a permit to park on the street. Any vehicle, that does not have a permit, may be towed or ticketed.

How much do permits cost and how many can I get?
Permit costs are as follows:
- Resident permit ..... $5.00
- Guest permit ........ $5.00
- One-day pass .......... $0.10
- Temporary construction permit ..... no cost

- One guest permit will be issued for each resident permit with a maximum of two guest permits per residence
- The combined total number of resident permits and/or guest permits for each residence is limited to five permits per year.
- Temporary construction permits lasting no more than 45 days can be requested for vehicles of workers.

How do I apply for Residential Parking Permit?
To apply for a Residential Parking Permit zone, contact the Transportation Department at (512) 393-8036 or transportationinfo@sanmarcostx.gov to receive a RPP petition. To be considered for a RPP, a resident of the street must obtain concurrence from 60% of the residents abutting the proposed RPP zone. Submittal of the petition does not guarantee approval. Final approval will be determined by City Council.

For more information, contact the Transportation Department at 512.393.8036.
AGENDA CAPTION:
Consider approval of Ordinance 2017-31, on the first of two readings, amending the City's 2016-2017 Fiscal Year Budget to add a Full-Time Employment Position for a Deputy Court Clerk; providing procedural provisions; and providing an effective date.

Meeting date: July 5, 2017 - 1st Reading
July 18, 2017 - 2nd Reading

Department: Municipal Court, Susie Garcia, Court Administrator

Funds Required: $10,000.00 - budget neutral-expense reimbursed through vendor contract
Account Number: 10001114.XXXXX-Various Personnel Accounts
Funds Available: funded by vendor contract for remainder of year/ upon contract renewal funded for 80% of fiscal year 2017-2018
Account Name: Various Personnel Accounts

CITY COUNCIL GOAL: N/A

COMPREHENSIVE PLAN ELEMENT(s):

BACKGROUND: The court has utilized temporary staffing for the past 5 years to accomplish its work load. In fiscal year 2014/2015 a contract for collections was awarded which included funding for a deputy court position for the court up to $38,548 per annum, this position is currently projected at $51,683.10 annually.
Initially the position was set up as a fulltime deputy court clerk hired through a temp agency. The person who filled the job since its inception was recently hired into a position vacated by a retiring deputy court clerk.
Instead of filling a temporary position for a deputy court clerk, the court’s workload demonstrates a need to make this position permanent and part of the courts compliment of jobs. The position would be budget neutral for the remainder of this fiscal year. If the city exercises its last renewal option with the collections vendor this position will be funded for 80% of fiscal year 2017/2018.
ORDINANCE NO. 2017-______

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING THE CITY’S 2016-2017 FISCAL YEAR BUDGET TO ADD A FULL-TIME EMPLOYMENT POSITION FOR A DEPUTY MUNICIPAL COURT CLERK; PROVIDING PROCEDURAL PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

In accordance with Section 8.16 of the City Charter, the City Council declares that a public necessity exists that requires an amendment to the City’s 2016-2017 Fiscal Year Budget.

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

SECTION 1. The City Budget Ordinance for the 2016-2017 Fiscal Year is amended to add a full-time employment position for a Deputy Municipal Court Clerk as shown in Exhibit “A,” attached hereto and made a part hereof for all purposes.

SECTION 2. This amendment will be incorporated into the 2016-2017 Fiscal Year City Budget.

SECTION 3. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 4. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 5. This ordinance will take effect immediately after its passage, approval and adoption on second reading.

PASSED AND APPROVED on first reading on May 16, 2017.

PASSED, APPROVED AND ADOPTED on second reading on June 6, 2017.

John Thomaides
Mayor

Attest: Approved:

Jamie Lee Case Michael J. Cosentino
City Clerk City Attorney
### Budget Amendment
Approved by Ordinance No.

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### Description

Amend the budget to add one head count for a Deputy Court Clerk and increase the FY17 budget for the addition of this position. The cost will be reimbursed through the current collections contract.
AGENDA CAPTION:
Consider approval of Ordinance 2017-35, on the first of two readings, repealing Article 6 of Chapter 90 of the San Marcos City Code pertaining to the regulation of Transportation Network Companies and Transportation Network Company drivers due to State Law Preemption of Local Regulation of those matters; and providing an effective date.
Meeting date: July 5, 2017

Department: City Clerk’s Office

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

CITY COUNCIL GOAL: N/A

COMPREHENSIVE PLAN ELEMENT(s): N/A

BACKGROUND:
On May 29, 2017, Governor Greg Abbott today signed House Bill 100 (HB 100), which ended a patchwork of local regulations on ride-sharing companies in Texas, and expands transportation options. This law overrides local provisions therefore, it is necessary to repeal our Ordinance regulating Transportation Network Companies in San Marcos.

Safety standards included in HB 100:
- Drivers must undergo annual criminal background check.
- Drivers must provide all necessary information to the consumer before each ride.
- Drivers must provide electronic receipts to passengers.
- There is a zero-tolerance intoxication standard for drivers will be strictly enforced.

This bill is effective immediately.
ORDINANCE NO. 2017-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS REPEALING ARTICLE 6 OF CHAPTER 90 OF THE SAN MARCOS CITY CODE PERTAINING TO THE REGULATION OF TRANSPORTATION NETWORK COMPANIES AND TRANSPORTATION NETWORK COMPANY DRIVERS DUE TO STATE LAW PREEMPTION OF LOCAL REGULATION OF THOSE MATTERS; AND PROVIDING AN EFFECTIVE DATE

Recitals:

1. On May 5, 2015 the San Marcos City Council adopted Ordinance No. 2015-14 to add Article 6 to Chapter 90 of the San Marcos City Code for the purpose of regulating Transportation Network Companies and Transportation Network Company Drivers.
2. H.B. 100, adopted by the 85th Texas Legislature and signed by the Governor, amends the Texas Occupations Code by adding a new section, Section 2402.003, to prohibit local regulation of Transportation Network Companies and Transportation Network Company Drivers.

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

SECTION 1. Article 6 of Chapter 90 of the San Marcos City Code pertaining to the regulation of Transportation Network Companies and Transportation Network Company Drivers is hereby repealed in its entirety and shall not be observed or enforced in any manner within the City of San Marcos, Texas.

SECTION 2. This ordinance will take effect after its passage, approval and adoption on second reading.

PASSED AND APPROVED on first reading on July 5, 2017.

PASSED, APPROVED AND ADOPTED on second reading on July 20, 2017
Attest: Jamie Lee Case  
City Clerk

Approved: Michael J. Cosentino  
City Attorney
ORDINANCE NO. 2015-14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING CHAPTER 90, ARTICLE 3 OF THE SAN MARCOS CITY CODE GOVERNING TAXICABS BY MODIFYING INSPECTION AND APPLICATION REQUIREMENTS, REQUIRING CRIMINAL BACKGROUND CHECKS FOR DRIVERS, AND INCREASING RATES OF FARE; FURTHER AMENDING SAID CHAPTER 90 BY ADDING A NEW ARTICLE 6 THAT ESTABLISHES REGULATIONS FOR TRANSPORTATION NETWORK COMPANIES; 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. Chapter 90, Vehicles for Hire, of the San Marcos City Code is hereby amended as set forth below. Added text is indicated by underlining. Deleted text is indicated by strikethroughs.

SECTION 2. Chapter 90, Article 3, Taxicabs and Pedicabs, Section 90.122 is hereby amended as follows:

Sec. 90.122. Vehicle standards.

(a) No taxicab shall be driven or operated upon the streets of the city unless the same is in safe condition and free from mechanical defects, and it must further meet the following requirements:

(1) Have a current valid state of Texas motor vehicle registration and inspection sticker and be in compliance with the safety requirements of the Texas Motor Vehicle Code as amended; and

(2) Have a seat belt for each passenger; and

(3) Have an operating heater and air conditioner; and

(4) Have a fire extinguisher that is in good operating order; and

(5) Have a taxi-top light.

(b) The vehicle identification number and license number of each taxicab must match the numbers listed for that taxicab on the permit application.
(c) Insignia of taxicab must be the same as that indicated on the permit application.

SECTION 3. Chapter 90, Article 3, Taxicabs and Pedicabs, Section 90.125 is hereby amended as follows:

Sec. 90.125. Taximeter required.

(a) A person may not drive or allow another person to drive a taxicab unless the taxicab is equipped with an operational taximeter that displays an accuracy seal, certifying its accuracy in accordance with procedures determined by the chief of police. A taxicab in service is subject to inspection by any peace officer for purposes of determining compliance with this subsection.

(b) For purposes of determining a fare for taxicab service, a person may not use a device other than a taximeter for measuring distance or time.

(c) Except as provided by subsection 90.126(e), a person may not drive or allow another person to drive a taxicab unless an accurate taximeter is used to determine the fare to be charged.

(d) When using a taximeter to compute a fare, a driver shall place the taximeter in the revenue-earning position when a passenger enters a taxicab, or at the pre-arranged time, if any, after the customer is informed of the taxicab's presence.

(e) When using a taximeter to compute a fare, a driver shall call the attention of passengers to the amount registered on the taximeter before resetting the taximeter. The taximeter may not be reset to the "vacant" position until after the fare is paid.

SECTION 4. Chapter 90, Article 3, Taxicabs and Pedicabs, Section 90.126 is hereby amended as follows:

Sec. 90.126. Rates of fare; rate card required.

(a) This section establishes maximum fares that the owner or operator of a taxicab can charge.

(b) For four or fewer passengers, the owner or operator of a taxicab may charge a pickup fee of not to exceed $5.00. For five or more passengers, the owner or operator of a taxicab may charge $1.00 for each additional passenger.

(c) For trips wholly within the City of San Marcos, the fare shall be a maximum of $2.50 per mile, regardless of the number of passengers. The
taximeter shall be calibrated to charge no more than $0.50 $0.625 per one-fourth of a mile.

(d) For trips that originate in the City of San Marcos, but terminating outside the City of San Marcos, the fare shall be a maximum of $2.50 per mile, regardless of the number of passengers. The taximeter shall be calibrated to charge no more than $0.625 per quarter mile.

(e) A taximeter is not necessary to determine the maximum fare for a trip under a contract with a governmental agency, a nonprofit organization, or as otherwise reasonably necessary to provide a public service.

(f) The maximum fare for wait time will be $24.00 for each hour the driver must wait for a passenger. The taximeter shall be calibrated to charge a maximum of $0.40 per minute of wait time.

(g) A cab driver may charge a cleaning fee if a passenger soils a taxicab to the extent that the taxicab must be pulled from service for cleaning. The cleaning fee shall not exceed $250.00.

(h) Every taxicab operated under this article shall have a rate card setting forth the rates of fare established by this section displayed in a place in view of all passengers. The rate card shall instruct customers to call the San Marcos Police Department at (512) 753-2110 or any successor non-emergency telephone number if they have questions or concerns about the rates.

(i) In January of each year, the chief of police shall review the rates of fare to determine whether the fares need to be reconsidered. The chief of police shall base such the determination on the consumer price index, the costs of gasoline, and other reasonable costs of operating a taxicab service. The chief of police shall report his findings each year to the city council.

(j) This section shall become effective June 1, 2015.

SECTION 5. Chapter 90, Article 3, Taxicabs and Pedicabs, Section 90.162 is hereby amended as follows:

Sec. 90.162. Application.

An application for an operating permit required in section 90.161 shall be filed with the city clerk upon forms provided by the city. The application shall contain the following information:

(1) The name and address of the applicant.
(2) If the applicant is a business entity, copies of the applicant’s organizational documents, e.g., certificate of organization, articles of incorporation, bylaws, operating agreement, partnership agreement or similar documents as applicable, together with evidence of authority from the Texas Secretary of State to conduct business in the state of Texas, and current franchise tax account status and information report from the Texas Comptroller.

(3) The experience of the applicant in the transportation of passengers.

(4) Any facts the applicant believes tend to prove that public convenience and necessity require the granting of an operating permit.

(5) The name, usual trade description, seating capacity, equipment, motor number, state license number, vehicle identification number (VIN) of each motor vehicle to be operated or controlled by applicant, and the year in which each automobile was manufactured.

(6) The location of any stand at which the taxicabs will remain when not in actual service.

(7) The name and address of the person who will be in active charge and control of the taxicab business.

(8) The proposed fares.

(9) The color scheme or insignia to be used to designate the vehicles of the applicant.

SECTION 6. Chapter 90, Article 3, Taxicabs and Pedicabs, Section 90.163 is hereby amended as follows:

Sec. 90.163. Fees.

No operating permit required under this division shall be issued or continued in operation unless the holder thereof has paid an annual license fee of $400.00 and a twenty-dollar fee each year for each vehicle operated under an operating permit. The fees shall be paid to the city to compensate the city for superintendence of the taxicab business operated under this article and for the use of the city streets, alleys and public ways.

SECTION 7. Chapter 90, Article 3, Taxicabs and Pedicabs, Section 90.187 is hereby amended as follows:
Sec. 90.187. Application.

(a) Every individual proposing to drive a taxicab within the City shall submit an application to the City. The application shall include a sworn statement by the applicant that all information provided in the application is true and correct and shall further state that the City is authorized to require a copy of the applicant's driving record and criminal history - provided by the applicant, if any, of the applicant. The City shall investigate the facts stated in the application. A City taxi driver permit shall be issued to each driver fulfilling the requirements of this section. Every applicant shall furnish under oath the following information:

(1) Name, local residence address, date of birth, and telephone number.

(2) Texas driver's license number, expiration date and three-year driving record.

(3) A statement that the applicant has not been finally convicted within the past seven (7) years of a felony or the following offenses involving moral turpitude which adversely affects the applicant's ability to provide safe and reliable passenger transportation:

   a. prostitution or related offenses;
   b. driving while intoxicated;
   c. driving while under the influence of drugs;
   d. violations of the Controlled Substance Act;
   e. rape, murder, attempted murder, aggravated assault;
   f. theft offenses of a Class B Misdemeanor or higher; or
   g. a felony or other offense involving moral turpitude which adversely affects the applicant's ability to provide safe and reliable passenger transportation.

(4) A statement certifying that there is currently in effect an insurance policy covering the driver while the driver is engaged in providing taxi service.

(5) That the applicant has read in full and understands the provisions of this section.
(f) It is the responsibility of the holder to immediately notify the city clerk if the insurance required by subsection (a) of this section is no longer in effect for a driver holding a driver's permit and employed by the holder.

**SECTION 8.** Chapter 90, Vehicles for Hire, of the San Marcos City Code is hereby amended by adding a new Article 6 to read as follows:

**ARTICLE 6. TRANSPORTATION NETWORK COMPANIES**

DIVISION 1. GENERALLY

Sec. 90.321. Definitions.

In this article:

*Abnormal market disruptions* are defined as any change in the ground transportation market, whether actual or imminently threatened, resulting from stress of weather, convulsion of nature, failure or shortage of electric power or other source of energy, strike, civil disorder, war, military action, national or local emergency, or other cause of an abnormal disruption of the market which results in the declaration of a state of emergency by the governor.

*Operating permit* means the permission granted by the city to operate a TNC inside the city for a period of one year, renewable under the provisions of this chapter.

*Transportation Network Company (TNC)* is defined as an organization whether a corporation, partnership, sole proprietor, or other form, that provides on-demand transportation services for compensation using an online-enabled application (app) or platform to connect passengers with drivers.

*Transportation Network Company (TNC) Driver* shall mean an individual who operates a motor vehicle that is:

1. owned, leased or otherwise authorized for use by the individual;
2. not a taxicab; and
3. used to provide Transportation Network Company services.

"*Transportation Network Company (TNC) Services*" shall mean transportation of a passenger between points chosen by the passenger and prearranged with a TNC Driver through the use of a TNC digital network or software application. TNC Services shall begin when a TNC Driver accepts a request for transportation received through the TNC's digital network or software application service, continue while the TNC Driver transports the passenger in the
TNC Driver's vehicle, and end when the passenger exits the TNC Driver’s vehicle. TNC Service is not taxicab or street hail service.

Sec. 90.322. Fare charged for services.

(a) A TNC may charge a fare for the services provided to passengers; provided that, if a fare is charged, the TNC shall disclose to passengers the fare calculation method on its website or within the software application service. The TNC shall also provide passengers with the option to receive an estimated fare before the passenger enters the TNC Driver’s vehicle.

(b) If a TNC utilizes dynamic pricing through its software application to incentivize drivers in an effort to maximize the supply of available vehicles on the network to match the demand for rides and increase reliability, the software application must:

1) provide clear and visible indication that dynamic pricing is in effect prior to requesting a ride;

2) include a feature that requires riders to confirm that they understand that dynamic pricing will be applied in order for the ride request to be completed; and

3) provide a fare estimator that enables the user to estimate the cost under dynamic pricing prior to requesting the ride;

4) during periods of abnormal market disruptions, dynamic pricing shall be prohibited;

Sec. 90.323. Agent Required.

The TNC must maintain an agent for service of process in the State of Texas.

Sec. 90.324. Identification of TNC Vehicles and Drivers.

Before a TNC ride is accepted, the TNC’s software application or website shall display the driver’s first name, an accurate picture of the TNC Driver, a picture or description of the vehicle, and the license plate number of the motor vehicle utilized for providing the TNC Service.

Sec. 90.325. Electronic Receipt Required.

Within a reasonable period of time following the completion of a trip, a TNC shall transmit an electronic receipt to the passenger that lists:
(1) the origin and destination of the trip;
(2) the total time and distance of the trip; and
(3) an itemization of the total fare paid, if any.

Sec. 90.326. Zero Tolerance for Alcohol or Drug Use.

(a) The TNC shall implement a zero tolerance policy on the use of drugs or alcohol while a TNC Driver is providing TNC Services or is logged into the TNC's digital network but is not providing TNC Services, and shall provide notice of this policy on its website, as well as procedures to report a complaint about a driver with whom a passenger was matched and whom the passenger reasonably suspects was under the influence of drugs or alcohol during the course of the trip.

(b) Upon receipt of such passenger complaint alleging a violation of the zero tolerance policy, the TNC shall immediately suspend such TNC Driver's access to the TNC’s digital platform, and shall conduct an investigation into the reported incident. The suspension shall last the duration of the investigation.

(c) The TNC shall maintain records relevant to the enforcement of this requirement for a period of at least two (2) years from the date that a passenger complaint is received by the TNC.

Sec. 90.327. No Street Hails

A TNC Driver shall exclusively accept rides booked through a TNC’s digital network or software application service and shall not solicit or accept street hails.

Sec. 90.328. No Cash Rides

The TNC shall adopt a policy prohibiting solicitation or acceptance of cash payments from passengers and notify TNC Drivers of such policy. TNC Drivers shall not solicit or accept cash payments from passengers. Any payment for TNC Services shall be made only electronically using the TNC's digital network or software application.

Sec. 90.329. No Discrimination; Accessibility.

(a) The TNC shall adopt a policy of non-discrimination on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or gender identity with respect to passengers and potential passengers and notify TNC Drivers of such policy.
(b) TNC Drivers shall comply with all applicable laws regarding non-discrimination against passengers or potential passengers on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or gender identity.

(c) TNC Drivers shall comply with all applicable laws relating to accommodation of service animals.

(d) A TNC shall not impose additional charges for providing services to persons with physical disabilities because of those disabilities.

(e) A TNC shall provide passengers an opportunity to indicate whether they require a wheelchair-accessible vehicle. If a TNC cannot arrange wheelchair-accessible TNC Service in any instance, it shall direct the passenger to an alternate provider of wheelchair-accessible service, if available.

Sec. 90.330. Records Required.

(a) A TNC shall maintain:

(1) individual trip records which must include driver and passenger identity information for at least one (1) year from the date each trip was provided; and

(2) TNC Driver records at least until the one year anniversary of the date on which a TNC Driver's activation on the TNC digital network has ended.

(b) Within 7 business days of the receipt of a duly issued subpoena, court order or warrant relating to investigation of a criminal matter, or within a longer period of time if agreed to by the parties, the TNC shall furnish the requested records to the Chief of Police. For any non-criminal investigations conducted by the Chief of Police in his administrative capacity, a TNC will conduct an internal investigation and shall within 7 business days or within a longer period of time if agreed to by the parties furnish records in response to a written request related to the underlying complaint, in accordance with its publicly posted privacy policies.

Sec. 90.331. Personal Identity Information.

A TNC shall not disclose a passenger's personal identity information to a third party unless: the passenger consents, disclosure is required by a legal obligation, or disclosure is required to protect or defend the terms of use of the service or to investigate violations of those terms. In addition to the foregoing, a
TNC shall be permitted to share a passenger's name and/or telephone number with the TNC Driver providing TNC Services to such passenger in order to facilitate correct identification of the passenger by the TNC Driver, or to facilitate communication between the passenger and the TNC Driver.

**Secs. 90.334--90.350. Reserved.**

**DIVISION 2. OPERATING PERMIT**

**Sec. 90.351. Required.**

No TNC shall operate upon the city streets without having first obtained an operating permit from the city council.

**Sec. 90.352. Application.**

An application for an operating permit required under this division shall be filed with the city clerk upon forms provided by the city. The application shall contain the following information:

1. the name and business address of the applicant;

2. if a business entity, certified copies of the applicant's organizational documents, e.g., certificate of organization, articles of incorporation or similar documents as applicable, together with evidence of authorization from the Texas Secretary of State to conduct business in the state of Texas, and current franchise tax account status with the Texas Comptroller;

3. the experience of the applicant in the transportation of passengers;

4. any facts the applicant believes tend to prove that public convenience and necessity require the granting of an operating permit.

**Sec. 90.353. Fees.**

No operating permit required under this division shall be issued or continued in operation unless the holder thereof has paid an annual license fee of four hundred dollars ($400.00). The fees shall be paid to the city to compensate the city for its superintendence of the TNC business operated under this article and for the use of the city streets, alleys and public ways.

**Sec. 90.354. Public hearing.**
(a) Upon the filing of an application for a permit under this division, a time and place shall be set for a public hearing thereon. Notice of the hearing shall be given to the applicant and to all persons to whom operating permits have been previously issued. Due notice shall also be given to the general public by publication of the notice, at least ten days prior to the date set for the hearing, in a newspaper of general circulation in the city.

(b) Any interested person may file with the city council a statement in support of or opposition to the issuance of an operating permit.

**Sec. 90.355. Issuance.**

If the city council, after the public hearing required by section 90.354, finds that TNC service or additional TNC service in the city is required by the public convenience and necessity and that the applicant is fit, willing and able to provide the public transportation and to conform to this article, the city council shall issue an operating permit stating the name and address of the applicant; otherwise the application shall be denied.

**Sec. 90.356. Suspension and revocation.**

(a) Upon complaint alleging a violation of any of the provisions of this article by a TNC driver or a TNC filed by any person with the chief of police, or upon the person's motion, the chief of police, after five (5) days' notice of the grounds of such complaint to the TNC driver or owner or operators of the TNC against whom complaint is made, shall hear evidence with reference to such complaint, and after such hearing, the chief of police may revoke or suspend the operating permit of such holder or require the TNC to remove said TNC driver from the system with good cause shown.

(b) Due cause for the suspension or revocation of an operating permit will include, but not be limited to, the following:

(1) failure of the operating permit holder to maintain any and all of the general qualifications applicable to the initial issuance of the permit as set forth in this title;

(2) obtaining an operating permit by providing false information;

(3) discontinuing operations for more than ten days;

(4) violating any ordinance of the city, the laws of the United States or of the state, the violation of which adversely affects the ability of holder to offer transportation network services; or

(5) violating any part of this article.
(c) The holder shall have the right to appeal the suspension or revocation to the city manager within ten (10) business days of the notice of suspension or revocation. Such appeal will be submitted by a letter addressed to the city manager stating that an appeal from the decision of the chief of police is desired to the city manager. Upon receiving such notice of appeal, the city manager, as soon as practical thereafter, shall conduct a hearing at which the appealing party will be given an opportunity to present evidence and make argument in the person's behalf. The formal rules of evidence do not apply to an appeal hearing under this section. The city manager shall make its ruling on the basis of a preponderance of the evidence at the hearing.

(d) The city manager will affirm, modify or reverse the decision of the chief of police. The decision of the city manager is final.

(e) If no appeal is taken from the ruling of the chief of police in the time and manner as provided in this title, the ruling of the chief of police shall be final.

(f) Any person who continues to operate a TNC under a permit that has been suspended or revoked for any reason while the suspension or revocation is in effect shall be considered guilty of a misdemeanor and upon conviction thereof, shall be assessed a penalty accordingly. Every day's violation shall be considered to be a separate offense.

Secs. 90.357--90.370. Reserved.

DIVISION 3. DRIVER AND VEHICLE REQUIREMENTS

Sec. 90.371. Driver background check required.

(a) Prior to permitting an individual to act as a TNC Driver on its digital platform, the TNC shall:

(1) require the individual to submit an application to the TNC which includes information regarding his or her address, age, driver's license, driving history, motor vehicle registration, automobile liability insurance, and other information required by the TNC;

(2) conduct, or have a third party conduct, a local and national criminal background check for each applicant that shall include:

a. Multi-State/Multi-Jurisdiction Criminal Records Locator or other similar commercial nationwide database with validation (primary source search); and
b. National Sex Offender Registry database; and

(3) obtain and review a driving history research report for such individual.

(b) The TNC shall not permit an individual to act as a TNC Driver on its digital platform who:

(1) has had more than three moving violations in the prior three-year period, or one major violation in the prior three-year period (including, but not limited to, attempting to evade the police, reckless driving, or driving on a suspended or revoked license);

(2) has been convicted, within the past seven years, of driving under the influence of drugs or alcohol, fraud, sexual offenses, use of a motor vehicle to commit a felony, a crime involving property damage, and/or class B misdemeanor or higher theft, acts of violence, or acts of terror;

(3) is a match in the National Sex Offender Registry database;

(4) does not possess a valid driver’s license;

(5) does not possess proof of registration for the motor vehicle(s) used to provide TNC Services;

(6) does not possess proof of automobile liability insurance for the motor vehicle(s) used to provide TNC Services; or

(7) is not at least 19 years of age.

(c.) Notification – in the event that a TNC becomes aware of a driver being involved in criminal conduct or driving violations or otherwise becomes ineligible to serve as a driver by virtue of no longer meeting the criteria listed above, the TNC shall immediately terminate the driver’s ability to access the platform’s application.

Sec. 90.372. Vehicle safety and emissions.

The TNC shall require that any motor vehicle(s) that a TNC Driver will use to provide TNC Services meets the requirements set forth in Chapter 547 of the Texas Transportation Code for vehicle safety equipment and inspection.

Secs. 90.373--90.380. Reserved.

DIVISION 4. TNC AND TNC DRIVER INSURANCE REQUIREMENTS
Sec. 90.381. Insurance requirements.

(a) The following automobile liability insurance requirements shall apply during the time that a TNC Driver has logged into a TNC's digital network and is available to receive requests for transportation but not providing TNC Services:

(1) Automobile liability insurance that meets at least the minimum coverage requirements per section 601.072 (a-1) of the Texas Motor Vehicle Safety Responsibility Act.

(2) Automobile liability insurance in the amounts required in paragraph (1) of subsection (a) shall be maintained by a TNC and provide coverage in the event a participating driver's insurance policy under subsection (a) (1) excludes coverage according to its policy terms or does not provide coverage of at least the limits required in paragraph (1) of subsection (a).

(b) The following automobile liability insurance requirements shall apply while a TNC driver is providing TNC Services:

(1) Provides primary automobile liability insurance that recognizes the TNC Driver's provision of TNC Services;

(2) Provides primary automobile liability insurance coverage of at least one million dollars ($1,000,000) for death, personal injury and property damage;

(3) The coverage requirements of this subsection (b) may be satisfied by any of the following:

a. Automobile liability insurance maintained by the TNC Driver; or

b. Automobile liability insurance maintained by the TNC; or

c. Any combination of subparagraphs (a) and (b).

(c) In every instance where insurance maintained by a TNC Driver to fulfill the insurance requirements of this section has lapsed, failed to provide the required coverage, denied a claim for the required coverage or otherwise ceased to exist, insurance maintained by a TNC shall provide the coverage required by this section beginning with the first dollar of a claim.
(d) Insurance required by this section may be satisfied by an insurer authorized to do business in the state or with a surplus lines insurer eligible under Chapter 981 of the Insurance Code.

Sec. 90.382. Disclosure requirements.

A TNC shall disclose in writing to TNC Drivers, as part of its agreement with those drivers, the insurance coverage and limits of liability that the TNC provides while the driver uses a personal vehicle in connection with a TNC’s online-enabled digital network. A TNC shall also disclose in writing to participating drivers, as part of its agreement with those drivers, that the driver's own automobile insurance policy might not provide coverage while the TNC driver uses a vehicle in connection with a TNC’s digital network depending on its terms.

Secs. 90.383--90.400. Reserved.

SECTION 9. 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 10. 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 11. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 12. This ordinance will take effect after its passage, approval and adoption on second reading.

PASSED AND APPROVED on first reading on April 7, 2015.

PASSED, APPROVED AND ADOPTED on second reading on May 5, 2015.

Attest:                      Approved:

[Signature]
Mayor
AGENDA CAPTION:
Discuss and consider appointments to fill vacancies on the following boards, and provide direction to staff:
   A. Economic Development San Marcos Board, Chamber Representative
   B. Parks and Recreation Board

Meeting date: July 5, 2017

Department: City Clerk

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

CITY COUNCIL GOAL:

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

BACKGROUND:
Economic Development San Marcos Board
Molly Ann Garcia was filling the vacancy left by former Chamber President Brian Bondy. Jason Mock, the current Chamber president is seeking to fill this role. We are asking Council to confirm this appointment. This term expires February 28, 2019.

Parks and Recreation Board
Derrick Lee resigned due to relocation. We are seeking appointment to fill this term which expires February 28, 2018.

Applications have been provided to you.
AGENDA CAPTION:
Receive a Staff update and follow-up of the Transportation Master Plan regarding Thoroughfare, Bike and Greenway plans, and street cross-sections; and provide direction to Staff.
Meeting date: July 5, 2017

Department: City Clerk

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

CITY COUNCIL GOAL:

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

BACKGROUND:
AGENDA CAPTION:
Receive a report and recommendation from the Co-Working Subcommittee, and provide direction to the City Manager.

Meeting date: July 5, 2017

Department: City Council

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

CITY COUNCIL GOAL: Economic Vitality and Responsible Finances

COMPREHENSIVE PLAN ELEMENT(s):
Economic Development Goal 4: An enhanced and diverse local economic environment that is prosperous, efficient and provides improved opportunities to residents.

BACKGROUND:
At the March 21, 2017 meeting, the City Council held a discussion regarding a, “contracted service of program and support for entrepreneurs and local small businesses.” Following discussion, the Council created a Subcommittee of Mayor Pro Tem Hughson, Council Member Gregson, and Council Member Mihalkanin to further discuss the idea.

The Subcommittee met on the following dates:

April 10, 2017 - Co-Working Subcommittee meeting with staff, plus Jason Mock (San Marcos Area Chamber of Commerce), Adriana Cruz (Greater San Marcos Partnership), and Carina Boston Pinales.
April 17, 2017 - Co-Working Subcommittee meeting with staff.
May 24, 2017 - Co-Working Subcommittee meeting with staff.
June 8, 2017 - Co-Working Subcommittee meeting with staff.

Working through staff, the Subcommittee created the attached Request For Proposals (RFP #217-368) for “Co-Working Space Partnership.” Provided direction from Council, the City Manager will issue this solicitation, evaluate respondent proposals, and prepare a contract for formal Council consideration.

RFP SUMMARY:
The City of San Marcos (the “City”) is requesting proposals from Co-working space operators (the “Proponent (s)”) for the purpose collaborating with the City to develop a sustainable co-working space to serve our community.

The RFP identifies the City’s minimum requirements. The successful Proponent will:
1. Design and launch a fully equipped, collaborative working space, available to companies and individual entrepreneurs, offering sufficient space and affordable, flexible rents. The Proponent will provide, or make arrangements for provision of basic business support services, including information technology, administrative support, facility maintenance and physical security, and provide a sustainable network of business support for co-working tenants.

2. Provide a business plan that addresses the following:
   a) Management of the Co-Working Space: This includes, but is not limited to strategic planning, fiscal responsibility, hours of operation, procurement and selection of vendors and suppliers, tenant policies and procedures, and performance measurement;
   b) Tenant Recruitment: This includes marketing and publicity that addresses outreach, social media, website and promotional activities;
   c) Programming: Programming that supports entrepreneurs such as mentoring, networking, financial and legal advice, and regular public events that provide the opportunity for companies and individual entrepreneurs to connect with, and learn from, established companies and professional service providers; and
   d) Reporting: Quarterly financial and operational reports to the City.

3. The Proponent will have co-working space management experience and may be a non-profit organization, industry group, private company or individual. The successful Proponent will demonstrate strong organizational qualifications, including credentials of the proponent team, showcasing relevant professional experiences, business acumen, and previous experience managing and operating co-working programs in a financially sustainable manner.

4. Demonstrate financial capacity to successfully launch the co-working space and create a self-sustaining operation once the City’ financial contributions are exhausted. This should include identification of all funding sources that will sustain the co-working space, revenues that the space will generate, the Proponent's own assets, letters of intent, and/or any external sources.

5. Submit budget projections for a three-year program. Within that term, the City of San Marcos will provide funding up to $20,000 towards rent, renovations, tenant improvements, fixtures, furniture and equipment on a reimbursement basis. The City may also provide access to certain office equipment and furnishings, such as high-quality printing/scanning machines, through cooperative purchase or rental contracts and City surplus. The City may also provide marketing and promotional assistance through our website and social media channels.
REQUEST FOR PROPOSALS

CO-WORKING SPACE PARTNERSHIP
RFP # 217-368

ISSUED BY:
City of San Marcos - Purchasing Division
630 E. Hopkins
San Marcos, Texas 78666
July 9, 2017

{Proponent Name}
{Address}
{City, State, Zip}

Dear {Representative's Name},

The City of San Marcos invites you to submit a proposal for a Co-working Space Partnership.

The City of San Marcos appreciates your time and effort in preparing this proposal. Submit your proposal in a sealed envelope marked "DO NOT OPEN - Proposal – Co-working Space Partnership” to be received by the Office of the Purchasing Manager, Municipal Building – 1st Floor, San Marcos, Texas 78666, no later than August 3, 2017 at 2:00 p.m. Central Standard Zone, Central Daylight Time (C.D.T.). The City will not accept proposals after the 2:00 p.m. submittal deadline.

Proposals will be publicly acknowledged in the City of San Marcos Municipal Building – 1st Floor, Human Resources Training Room, 630 E. Hopkins, San Marcos, Texas at 2:00 p.m. on August 3, 2017. All addenda are only available for viewing at www.sanmarcostx.gov/eprocurement.

Award of the contract for this proposal will be made in the Council Chambers, City Hall, at the 5:00 p.m. meeting of the City of San Marcos City Council on September 19, 2017 or any subsequent date.

IT IS UNDERSTOOD that the City of San Marcos reserves the right to reject any/or all proposals as it shall deem to be in the best interest of the City.

Thank you,

Cheryl Pantermuehl, CPPO, CPPB
Purchasing Manager
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3. GENERAL SPECIFICATIONS

A. INTRODUCTION: The City of San Marcos (the “City”) is requesting proposals from Co-working space operators (the “Proponent(s)”) for the purpose collaborating with the City to develop a sustainable co-working space to serve our community (the “Project”). The City intends to select a single firm to accomplish all the services outlined in this Request for Proposal (“RFP”).

B. BACKGROUND: San Marcos, Texas (“San Marcos”) welcomes businesses and visitors to our beautiful community. Located at the gateway to the Texas Hill Country, San Marcos has wonderful places to visit, great places to stay, and the best shopping in Texas! The spring-fed San Marcos River provides a refreshing playground for swimming, canoeing, tubing and more. San Marcos is the seat of Hays County and is home to Texas State University, the fourth largest university in Texas, with more than 38,000 students. San Marcos also boasts of more parkland per capita than any other city in the region.

In recent years, San Marcos has emerged as an increasingly prominent destination. Nearly equidistant from the thriving cities of Austin and San Antonio, the City occupies a strategic geographic location, allowing us to take advantage of economic opportunities generated by both metros while maintaining our own unique character.

San Marcos is the anchor of the two-county “Greater San Marcos” region, and was the fastest growing municipality above 50,000 population in the country in 2012, 2013 and 2014 according to the U.S. Census Bureau. Our rapid population growth highlights the dynamism that makes San Marcos a compelling destination for new residents and businesses; however, challenges remain. The City has higher than average poverty rates, and our economy is overly concentrated in service sectors that pay below-average wages and offer few opportunities for Texas State University graduates. There are also a diversity of perspectives among community stakeholders on the tenor and intensity of growth.

One of our most important economic development objectives is to strengthen and support the entrepreneurial community. Co-working space is desired in the community, and such entrepreneurial support services have been identified an unmet need. The City is issuing this RFP to invite co-working operators to submit a proposal, stating their interest in collaborating with the City to develop a self-sustaining co-working model to serve the community.

C. SCOPE OF WORK: This RFP identifies the City’s minimum requirements. The successful Proponent will:

1. Design and launch a fully equipped, collaborative working space, available to companies and individual entrepreneurs, offering sufficient space and affordable, flexible rents. The Proponent will provide, or make arrangements for provision of basic business support services, including information technology, administrative
support, facility maintenance and physical security, and provide a sustainable network of business support for co-working tenants.

2. Provide a business plan that addresses the following:

a) Management of the Co-Working Space: This includes, but is not limited to strategic planning, fiscal responsibility, hours of operation, procurement and selection of vendors and suppliers, tenant policies and procedures, and performance measurement;

b) Tenant Recruitment: This includes marketing and publicity that addresses outreach, social media, website and promotional activities;

c) Programming: Programming that supports entrepreneurs such as mentoring, networking, financial and legal advice, and regular public events that provide the opportunity for companies and individual entrepreneurs to connect with, and learn from, established companies and professional service providers; and

d) Reporting: Quarterly financial and operational reports to the City.

3. The Proponent will have co-working space management experience and may be a non-profit organization, industry group, private company or individual. The successful Proponent will demonstrate strong organizational qualifications, including credentials of the proponent team, showcasing relevant professional experiences, business acumen, and previous experience managing and operating co-working programs in a financially sustainable manner.

4. Demonstrate financial capacity to successfully launch the co-working space and create a self-sustaining operation once the City’s financial contributions are exhausted. This should include identification of all funding sources that will sustain the co-working space, revenues that the space will generate, the Proponent’s own assets, letters of intent, and/or any external sources.

5. Submit budget projections for a three-year program. Within that term, the City of San Marcos will provide funding up to $20,000 towards rent, renovations, tenant improvements, fixtures, furniture and equipment on a reimbursement basis. The City may also provide access to certain office equipment and furnishings, such as high-quality printing/scanning machines, through cooperative purchase or rental contracts and City surplus. The City may also provide marketing and promotional assistance through our website and social media channels.
4. SPECIAL PROVISIONS

A. PREPARATION OF PROPOSAL: Proponents are encouraged to submit concise and clear responses to this RFP which are limited in length to a maximum of fifteen (15) pages, including the cover letter. Responses of excessive length or complexity are discouraged. The City reserves the right to include the selected proposal or any part or parts of the selected proposal in the final contract.

B. REIMBURSEMENT: The City makes no commitment to any proponent of this RFP beyond consideration of the written proposal. The City will not reimburse proponents for the costs incurred in preparing proposals, presentations, etc.

C. COLLUSION: By submission of a proposal, the Proponent certifies, and in the case of a joint proposal each party certifies as to its own organization, that in connection with any cost proposal submitted by the Proponent, the prices which are quoted are not the product, direct or indirect, of any collusion with any other proponent, and have not been knowingly disclosed by the Proponent directly or indirectly to any other proponent prior to submission to the City.

D. EFFECTIVE PERIOD OF PROPOSALS: All proposals must state the period for which the proposal will remain in effect. Such period will not be less than one hundred twenty (120) days from the proposal due date.

E. ADDITIONAL INFORMATION: Inquiries regarding this RFP will be submitted in written form only, and must be received by 5:00 p.m. Central Standard Zone, Central Daylight Time (“CDT”), ten (10) business days prior to the proposal submission date. All inquiries must include a contact person and address. Inquiries will be submitted to:

Cheryl Pantermuehl, CPPO, CPPB  
Purchasing Manager  
City of San Marcos  
630 East Hopkins  
San Marcos, Texas 78666  
Email: cosmpurchasing@sanmarcostx.gov

F. ADDENDA: Any changes resulting from the questions submitted affecting the scope of work, or which may require an extension to the proposal due date will be reduced to writing in the form of an addendum to this solicitation. Addenda may only be viewed at www.sanmarcostx.gov/eprocurement. It is the Proponent’s responsibility to check the above site to determine if the City has issued any addenda. Addenda will be issued no later than five (5) business days prior to the proposal due date.

G. LOBBYING PROHIBITED: Potential proponents are prohibited from directly or indirectly communicating with City Council members regarding their qualifications or any other matter related to the eventual award of a contract for the services requested in this RFP. Potential proponents are prohibited from contacting City staff or evaluation
committee members regarding their qualifications or the award of a contract, unless in response to an inquiry from a staff or committee member. Any violation will result in immediate disqualification of the Proponent from the selection process.

H. **CITY ARTWORK:** Use of the City seal or the City brand on proposals is not permitted.

I. **PAYMENT:** Prior to the execution of a contract for these services, the successful Proponent will complete a Request for Taxpayer Identification Number and Certification Form (See Attachment “A”). The City will not make payment against the contract until it has received the properly completed form. The successful Proponent will invoice the City for services rendered accompanied by the City’s required documentation. The City’s representative and the appropriate staff in the City’s Finance Department must approve payments.

J. **“GREEN” PROCUREMENT:** It is the City’s objective to be proactive with regard to the environment. The City encourages “Value Purchasing” of environmentally friendly products. Proponents are encouraged to clearly identify any green solution in their proposals or a proponent may propose a separate alternative “Green” solution proposal, in a separate envelope marked “Green Solution”. The Green solution alternative proposal will meet the minimum performance, and delivery standards.

K. **PROTESTS:** A protest to the City’s consideration of any proposal must be submitted in writing and received by the Purchasing Manager no later than 5 calendar days after the proposal due date. A written reply to the protest will be sent to the protesting proponent by the City’s Purchasing Manager. The protest must contain:

1. Identification of the statute or procedure that is alleged to have been violated;
2. A precise statement of the relevant facts;
3. Identification of the issues to be resolved; and
4. Aggrieved party’s argument and supporting documentation.

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

M. **CONFLICT OF INTEREST:** The standards in OMB Super Circular (2 CFR 200 - Uniform Administrative Requirements, Cost Principles, and Audit Requirements for
Federal Awards), provide that no employee, officer, or agent shall participate in the selection, award, or administration of a contract supported by Federal funds if a real or apparent conflict of interest would be involved. Such a conflict would arise when an employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in the firm selected for an award. All organizations must complete and submit the Conflict of Interest Disclosure section of the application to document any perceived or actual conflict of interest.

5. RESPONSE TO THE REQUEST FOR PROPOSALS

The following items are required in each proposal. In order to expedite the evaluation of proposals, Proponents will organize their proposals in the sequence provided below. Instructions regarding scope and contents are given in this section. These instructions are designed to ensure the submission of information essential to the understanding and comprehensive evaluation of the proposal.

A. COVER LETTER: Include the following in the cover letter:

1. The name of the principal who will work on the contract and relevant project experience.

2. Firm name, form of legal entity, business address, telephone number and email address.

B. EXECUTIVE SUMMARY: Provide an Executive Summary of the major features of the proposal, including any conclusions, assumptions and generalized recommendations the Proponent desires to make. The Executive Summary section is limited to a length of one page.

C. PROONENT PROFILE: Provide the following information about your firm:

1. Firm name, form of legal entity, business address, telephone number and email address.

2. Year established (including former firm names and year established, if applicable). State the size of the firm and the number and nature of the professional staff to be assigned to the project. List any sub-consultants separately.

3. List the individual(s) who will be working on day-to-day activities with City staff. Provide organizational chart containing the name and project role of each person.
D. EXPERIENCE AND REFERENCES: The Proponent will demonstrate strong organizational qualifications with regard to the credentials of their team, lead and sub-contractors, if applicable, showcasing relevant professional experiences, business acumen and other relevant information. Provide detailed descriptions of previous experience managing and operating co-working programs in a financially sustainable manner. Provide a list of professional references including the name, contact person and phone number for any municipal client(s), if applicable.

E. PROPOSED CONCEPT AND VISION: The Proponent will perform research on the San Marcos community and the potential for co-working space to become sustainable. Your proposal will articulate this vision. Submit your approach to tenant recruitment, marketing and publicity and how the co-working space will provide a sustainable network of business support for its members.

F. OPERATIONAL AND FINANCIAL FEASIBILITY: The Proponent will demonstrate financial capacity to successfully launch the co-working space and create a self-sustaining operation once the City’s financial contributions are exhausted.

G. TIME SCHEDULE: Submit your proposed time schedule for the implementation of the co-working space and demonstrated ability to launch it in a timely fashion.

H. INTANGIBLES: Submit concepts or ideas that are unique and capture the potential for co-working space in San Marcos.

I. PROPOSENT INFORMATION QUESTIONNAIRE: In order to be considered responsive, each Proponent will submit, with its proposal, the Proponent Information Questionnaire (Attachment “B”).

Failure to address Section 5 (A – I) in detail will be sufficient reason to eliminate a proposal from consideration.
6. SUBMISSION OF PROPOSAL

Submit one (1) original and four (4) copies and a CD or as a flash drive as a pdf file of the proposal (as one file) to the address on the label below by the date and time on the label below. The City will not accept proposals after the 2:00 p.m. submittal deadline. The Proponent will attach the label below on the sealed envelope. **DO NOT SUBMIT PROPOSALS LARGER THAN 8 ½ X 11 IN SIZE.**

To the extent permitted by law, all documents pertaining to this RFP will be kept confidential until a contract is awarded. No information about any proposal will be released to the public until the process is complete. The City is under no obligation to return proposals.

It is the sole responsibility of the Proponent to ensure that its proposal reaches the City’s Purchasing Division. All proposals, unless otherwise specified, will be delivered to the address on the label no later than the time and date specified below. The Proponent is cautioned that it is responsible for delivery to the specific location cited below. Therefore, if your proposal is delivered by an express mail carrier or by any other means, it is your responsibility to ensure delivery to the address below. The City is not responsible for deliveries made to any place other than the specified address.

The City will not accept or consider proposals received after the specified date and time.

Cut along the outer border and affix this label to your sealed proposal envelope to identify it as a “Sealed Proposal”. Include the name of the company submitting the proposal where requested.

---

**SEALED PROPOSAL • DO NOT OPEN**

SEALED PROPOSAL NO.: RFP # 217-368

PROPOSAL TITLE: **CO-WORKING SPACE PARTNERSHIP**

DUE DATE/TIME: August 3, 2017, 2PM CDT

SUBMITTED BY: ________________________________

(Name and City/State of Proponent)

DELIVER TO: City of San Marcos
Office of the Purchasing Manager
Municipal Building – 1st Floor
630 E. Hopkins
San Marcos, Texas 78666

---

7. EVALUATION OF PROPOSALS
A. **EVALUATION CRITERIA:** The proposals submitted in response to this RFP will be evaluated by a City appointed committee. The committee will evaluate the proposals based on, but not limited to, the following criteria:

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<td>1. Proponent experience and references</td>
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**TOTAL** 100

The City reserves the right to request additional information or clarifications from all Proponents and to allow corrections of errors or omissions.

Optional: The short-listed Proponents may be requested to participate in an interview and provide a presentation that is worth up to an additional 25 points. Any additional points earned will be added to the points the Proponent received in the first round of the evaluation.

In responding to this RFP, the Proponent understands that the decision of the selection committee is final.

B. **RANKING:** All proposals will be reviewed and ranked according to the criteria above, and proponents may be selected for interviews or oral presentations as may be necessary. The City makes no commitment to any proponent to this RFP beyond consideration of the proposals.

---

**8. AWARD OF CONTRACT**

A. **NEGOTIATIONS:** After selection of a Proponent based on the evaluation criteria, the City may then enter into negotiations with the successful Proponent as to the terms of the agreement, and all aspects of the Project.

B. **INABILITY TO REACH AGREEMENT:** In the event the negotiations between the most qualified proponent selected and the City cannot be completed as a result of an inability to reach agreement on the fee for services, or the scope of work to be
performed, then at the option of the City, the contract may be awarded to the second most qualified Proponent. Negotiations will continue in this sequence until a contract is finalized or all proposals are rejected.

C. **SUCCESSFUL PROONENT’S DOCUMENTS:** The successful Proponent will provide its proposal and any negotiated amendments to the proposal to the Office of the Purchasing Manager as an electronic Microsoft Office Word file.

D. **CONTRACT AWARD:** The selection of a Proponent and the execution of a contract, while anticipated, are not guaranteed by the City. The City reserves the right to determine which proposal is in the City’s best interest and to award the contract on that basis, to reject any and all proposals, waive any irregularities of any proposal, negotiate with any potential Proponent (after proposals are opened) if such is deemed to be in the best interest of the City.

E. **CITY COUNCIL APPROVAL:** The City Council will consider the final contract for approval unless the award amount is less than $50,000.00. In the event the total amount of the contract is less than $50,000.00, the contract will be awarded administratively.

F. **FINAL CONTRACT:**

1. The selected Proponent will assume responsibility for all services offered in its proposal, whether or not such services are provided by a subcontractor or joint venture arrangement. The successful Proponent will be considered the sole point of contact with regard to contractual matters, including payment of any and all charges resulting from the contract.

2. The successful Proponent will be required to enter into a written contract with the City. The City’s legal terms and conditions for this contract are attached as Attachment “C”. Where conflicts exist between the provisions of Attachment “C” and the provisions of this RFP, the provisions imposing greater responsibility on the successful proponent will control.

3. This RFP and the successful Proponent’s proposal, or any part thereof, may be incorporated into and made a part of the final contract. The City reserves the right to negotiate the terms and conditions of the contract with the successful proponent.

4. Be advised that exceptions to any portion of the RFP may jeopardize acceptance of your proposal. If exceptions are taken to the City’s Agreement, this will be clearly indicated and a full explanation given for each exception. It is required that the proposal enumerate the specific clauses that the Proponent wishes to amend or delete and suggest alternative wording in the proposal. In view of the length of time involved in obtaining the approval of legal counsel, proponents are cautioned not to state that the Proponent’s proposal is subject to the Proponent’s standard terms and conditions or that the final terms and conditions are subject
to negotiation after award. This may result in the proposal being deemed non-responsive, in which no further consideration or evaluation will be made.
9. ATTACHMENT “A”
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See the instructions below and the separate instructions for the Requester of Form W-9.
Also see Special rules for partnerships on page 1.

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of $50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a $500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

Specific Instructions

Name
If you are an individual, you must generally enter the name shown on your income tax return. However, if you have changed your last name, for instance, due to marriage without informing the Social Security Administration of the name change, enter your first name, the last name shown on your social security card, and your new last name.

If the account is in joint names, list first, and then circle, the name of the person or entity whose number you entered in Part I of the form.

Sole proprietor. Enter your individual name as shown on your income tax return on the “Name” line. You may enter your business, trade, or “doing business as” (DBA) name on the “Business name” line.

Limited liability company (LLC). Check the “Limited liability company” box only and enter the appropriate code for the tax classification (“D” for disregarded entity, “C” for corporation, “P” for partnership) in the space provided.

For a single-member LLC (including a foreign LLC with a domestic owner) that is disregarded as an entity separate from its owner under Regulations section 301.7701-3, enter the owner’s name on the “Name” line. Enter the LLC’s name on the “Business name” line.

For an LLC classified as a partnership or a corporation, enter the LLC’s name on the “Name” line and any business, trade, or DBA name on the “Business name” line.

Other entities. Enter your business name as shown on required federal tax documents on the “Name” line. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on the “Business name” line.

Note. You are requested to check the appropriate box for your status (individual/sole proprietor, corporation, etc.).

Exempt Payee
If you are exempt from backup withholding, enter your name as described above and check the appropriate box for your status, then check the “Exempt payee” box in the line following the business name, sign and date the form.
Part I. Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see How to get a TIN below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are a single-member LLC that is disregarded as an entity separate from its owner (see Limited liability company (LLC) on page 2), enter the owner’s SSN (or EIN, if the owner has one). Do not enter the disregarded entity’s EIN. If the LLC is classified as a corporation or partnership, enter the entity’s EIN.

Note. See the chart on page 4 for further clarification of name and TIN combinations.

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local Social Security Administration office or get this form online at www.ssa.gov. You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at www.irs.gov/businesses and clicking on Employer Identification Number (EIN) under Starting a Business. You can get Forms W-7 and SS-4 from the IRS by visiting www.irs.gov or by calling 1-800-TAX-FORM (1-800-829-3676).

If you are asked to complete Form W-9 but do not have a TIN, write “Applied For” in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will become subject to backup withholding on all such payments until you provide your TIN to the requester.

Note. Entering “Applied For” means that you have already applied for a TIN or that you intend to apply for one soon.

Caution: A disregarded domestic entity that has a foreign owner must use the appropriate Form W-8.

Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if items 1, 4, and 5 below indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). Exempt payees, see Exempt Payee on page 2.

Signature requirements. Complete the certification as indicated in 1 through 5 below.

1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983. You must give your correct TIN, but you do not have to sign the certification.

2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983. You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out Item 2 in the certification before signing the form.
Secure Your Tax Records from Identity Theft

Identity theft occurs when someone uses your personal information such as your name, social security number (SSN), or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:
- Protect your SSN.
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

Call the IRS at 1-800-829-1040 if you think your identity has been used inappropriately for tax purposes.

Victims of identity theft who are experiencing economic harm or a system problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/DD 1-800-829-4059.

Protect yourself from suspicious emails or phishing schemes. Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be from an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to phishing@irs.gov. You may also report misuse of the IRS name, logo, or other IRS personal property to the Treasury Inspector General for Tax Administration at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at: spam@uce.gov or contact them at www.consumer.gov/idtheft or 1-877-IDTHEFT(438-4338).

Visit the IRS website at www.irs.gov to learn more about identity theft and how to reduce your risk.
11. ATTACHMENT “B”

Proponent Information Questionnaire

This document will be submitted with the proposal or the proposal will be considered non-responsive.

Name of Firm: ____________________________________________________________

Principal Office Address: ________________________________________________

Telephone Number: ______________________________________________________

Form of Ownership (check one)

( ) Corporation  State of Incorporation/Registration __________
                    Date of Incorporation/Registration __________

( ) LLC
( ) Joint Venture
( ) Partnership: If Partnership, select one of the following: ( ) Limited or ( ) General
( ) Individual

Firm has been in business since: ______________

List of Partners, Principals, Corporate Officers or Owners

Name __________________________________ Title ____________________________.

_________________________________________ ____________________________.

_________________________________________ ____________________________.

List of Corporate Directors

Name __________________________________ Title ____________________________.

_________________________________________ ____________________________.

_________________________________________ ____________________________.
1. Have you had any contracts terminated for default or other performance reasons?  __Yes__  __No__  If yes, explain: ____________________________________________________  ____________________________________________________  ____________________________________________________  ____________________________________________________

2. Has your firm been convicted of a criminal offense committed in the United States involving fraud, theft, bribery, kickbacks, or unlawful gifts to a public official? _____________  If so, has the conviction occurred within three years immediately preceding either the date of submission of a SOQ, or statement of qualifications or the date of award of the contract? ______________ If so, explain: ____________________________________________________  ____________________________________________________  ____________________________________________________  ____________________________________________________

3. Is your firm involved in pending investigation or criminal prosecution of a criminal offense alleged to have been committed in the United States involving fraud, theft, bribery, kickbacks, or unlawful gifts to a public official? _______________  If so, explain: ____________________________________________________  ____________________________________________________  ____________________________________________________  ____________________________________________________

4. Does your firm have pending claims, investigations, or civil litigation involving allegations of fraud, misrepresentation, or conversion? ____________________________________________________  ____________________________________________________  ____________________________________________________  ____________________________________________________

5. Does your firm have previous final judgments against the City for breach of contract, fraud, misrepresentation or conversion? ____________________________________________________  ____________________________________________________  ____________________________________________________  ____________________________________________________

6. Has your firm failed to timely pay/remit sales tax, property tax, or utility payments to the City of San Marcos? ____________________________________________________  ____________________________________________________  ____________________________________________________  ____________________________________________________

7. Has your firm refused to execute a contract following an award by the San Marcos City Council? ____________________________________________________  ____________________________________________________  ____________________________________________________  ____________________________________________________

8. Has your firm violated the anti-lobbying provisions in a current or previous City of San Marcos procurement process by making contact with a member of the San Marcos City Council prior to the award of a contract? ______________ If so, explain: ____________________________________________________  ____________________________________________________  ____________________________________________________  ____________________________________________________

Authorized Signature

Representing to be ____________________________________________________ of the Company.

Title

I, ____________________________________________________, as ________________________________

Name of Individual  Title & Authority

Of ____________________________________________________, declare under oath

Company Name
that the above Statements, including any supplemental responses attached hereto, are true and correct, and that the representations made herein are accurate to the best of my knowledge and are based upon a diligent search of records. I further acknowledge that any failure to conduct a diligent search or to make a full and complete disclosure may result in cancellation of my contract by the City of San Marcos, and possibly debarment.

______________________________
Authorized Signature

Representing to be ________________________________ of the Company.

Title

**THIS FORM MUST BE SUBMITTED WITH YOUR SOQ**
12. EXHIBIT “C”
ATTACH SAMPLE PROFESSIONAL SERVICES AGREEMENT
AGENDA CAPTION:
Hold a discussion regarding contracts with the Hays County Election Administrator for Election Services and a Joint Election Agreement with Hays County, and provide direction to Staff.

Meeting date: July 5, 2017

Department: City Clerk

Funds Required:
Account Number: 100-01-101-00-52425
Funds Available:
Account Name: Election Expenses

CITY COUNCIL GOAL:

COMPREHENSIVE PLAN ELEMENT(s):

BACKGROUND:
The City of San Marcos has previously entered into Joint Election Agreements and Election Services Agreements with Hays County while Ms. Joyce Cowen was the Hays County Elections Administrator. With Ms. Cowen's retirement at the end of 2016 it is necessary for the City to update these agreements reflecting Ms. Jennifer Anderson as the Hays County Election Administrator for the conduct and supervision of the City's General and Special Election to be held on November 7, 2017, and if necessary a runoff election.

Draft documents of both agreements have been attached.
AGENDA CAPTION:
Receive a Staff update and hold discussion regarding Wastewater Service to the Posey Road Industrial Park and surrounding service area; and provide direction to Staff.
Meeting date: July 5, 2017

CITY COUNCIL GOAL:
Economic Growth & Development

COMPREHENSIVE PLAN ELEMENT(s): Economic Development Vision - Goal 3
EDG 304 - Identify gaps in utilities for employment and activity nodes, re-prioritize Capital Improvement Projects to support the preferred scenario.

BACKGROUND:
The City has seen an increase in development interest in the far southwest portion of the City centered at Posey Road and IH-35. The Texas State Bus Barn was constructed, the relocation of the Ingram Ready Mix Plant, and the now under construction Trace Subdivision. There is increased interest for the further development of the Posey Road Industrial Park and the Posey Business Park. The water infrastructure exists in the area to support future development, however the wastewater infrastructure is limited.

The Trace Subdivision with City participation will include a regional lift station with capacity to serve this wastewater service area. The extension of this infrastructure across IH-35 and to Posey Road is significant and impacts the development of these areas. At a landowner’s request the City facilitated a meeting of landowners, who lie within the wastewater service area, to discuss the possibility of a participation agreement for the funding of design and construction of wastewater facilities.

The overall construction cost to extend wastewater facilities to the entire service area is approximately $1,531,560.00. The construction cost to only extend wastewater facilities across IH-35 and to Posey Road is approximately $786,600.00. Please see the attached exhibit for a breakdown of the costs. Typically the City participates in the increased construction costs of infrastructure beyond what is necessary for a
development. The City has also participated on a percent capacity basis where the extension of infrastructure to an area was too great for a single development and in an area the City desired growth.

The Pros of City participation include:
- Opening up a desired area for employment
- Make available additional shovel-ready sites
- Avoid the use of septic systems for development

The Cons of City participation include:
- City paying a higher portion of infrastructure costs typically borne by a developer

Staff is seeking guidance from Council on if there is consensus for the City to move forward with a participation agreement in excess of a standard oversize.
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**CAPACITY BASED PARTICIPATION**

% capacity of use by segment would have City with larger share on lower segments with larger line size. Includes Eng, Survey & Permitting

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City Costs Capacity Based: $793,742
March 14, 2017

Dear Property Owner:

The City of San Marcos Engineering/CIP Department is hosting a meeting to discuss the possible extension of wastewater service to the Posey Road / IH 35 area. You are invited to attend the meeting because you are indicated as an owner of property within the wastewater service area of the proposed wastewater line extension.

Topics of discussion include a general description of the possible future project, the projected service area of the project, and a possible cost participation agreement to facilitate funding for the design and construction of the wastewater facilities.

The meeting details are as follows:

- Wednesday, March 29, 2017 at 3:30 PM
- 630 E. Hopkins, San Marcos, TX 78666
- Municipal Building, 2nd Floor

Please contact the City of San Marcos Engineering/CIP Department at 512.393.8130 if you have questions regarding the possible project or the meeting. We hope you can attend.

Sincerely,

Richard Reynosa, P.E.
Engineering/CIP
City of San Marcos
AGENDA CAPTION:
Discuss proposed amendments to the San Marcos City Charter; and provide direction to Staff.

Meeting date: July 5, 2017

Department: City Attorney’s Office

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

CITY COUNCIL GOAL:

COMPREHENSIVE PLAN ELEMENT(s): N/A

BACKGROUND:
The 2017 Charter Review Commission held a series of eleven meetings to consider possible amendments to the San Marcos City Charter. The Commission concluded its work on May 25, 2017 and approved the attached report. The report contains a list of recommended charter amendments with a purpose statement for each recommendation and a redline copy of the charter showing the text of each amendment. The minutes of the Commission’s meetings are also included in the report.

Council received a presentation from the Commission on June 6, 2017. Council discussed proposed charter amendments and provided direction to staff at its regular meetings on June 6th and June 20th regarding propositions to be included in an ordinance calling a special charter amendment election in November of 2017.

This is a continuation of discussion on the proposed amendments. The attached Cumulative List of Proposed Charter Amendments and redlined copy of the charter have been revised to reflect the direction given by council at its two prior meetings.
May 25, 2017

Mayor Thomaides and City Council Members:

The 2017 Charter Review Commission held a series of 11 meetings to consider possible amendments to the San Marcos City Charter. The Commission conducted a section-by-section review and also considered provisions recommended by individual council members. We have concluded our work, and we present this report to you with recommendations for amendments to the City Charter to be submitted to City voters for consideration at the November 7, 2017 election.

We studied the charter with the following purposes in mind:

- To keep the charter current with state law – no changes were needed
- To update terminology, clarify language, improve syntax and punctuation
- To create added efficiency and transparency
- To maintain and allow for consistency in policy
- To encourage broader participation of the citizenry
- To promote integrity in public service and ethics in city government

Attached is a list describing each proposed amendment, with a purpose statement, and a redlined copy of the charter showing each text amendment using underlining to indicate language proposed to be added and overstrike indicating language proposed to be deleted. Minutes of our meetings are also attached.

We appreciate the opportunity to serve you and the citizens of our community through the Charter review process.

Respectfully submitted,

Paul Mayhew, Chair
Charter Review Commission
Cumulative List of Recommended City Charter Amendments

1. Change all references to “municipal government” to “city government.” [Sections 1.01 and 1.02]

   **Purpose:** To provide clarity and consistency throughout the City Charter

2. Amend Section 1.03, Statement of Goals, to provide that the city government should:
   - promote high quality affordable housing
   - include protection of the San Marcos River, its springs, aquifer, and tributaries

   **Purpose:** To explicitly include high-quality affordable housing with the existing enumeration of the characteristic of a high quality of life already included in the City Charter. To emphasize the particular importance of protecting the city’s treasured natural features.

3. Allow the address shown on a person’s Texas Identification card to be used, in addition to a current driver’s license, as proof of residence for purposes of qualifying to run for and hold office on the city council. [Section 3.02(a)(2)(A)]

   **Purpose:** To allow additional state documents to be used and accepted as proof of residence to qualify for public elections

4. Amend Section 3.02(a)(6) to require Council members to remain current on all financial obligations to the city in order to continue to hold office. Under the current city charter, only financial obligations arising from the duties of the office are considered. If this amendment is approved, having delinquent city utility accounts or delinquent property taxes would disqualify a council member from continuing to hold office and disqualify an individual with such outstanding debts from filing an application to run for council. See also, Section 5.03 – Filing For Office.

   **Purpose:** To elect council members with sufficient personal financial management skills and avoid possible conflicts of interest due to outstanding city debts

5. Change all references to the position of “mayor pro tempore” to “mayor pro tem.” [Section 3.05]

   **Purpose:** To provide clarity and consistency throughout the City Charter

6. Change all references to the position of “city secretary” to “city clerk” [Sections 3.09 and 6.02]

   **Purpose:** To provide clarity and consistency throughout the City Charter
7. Require the city attorney to approve or file written objections to proposed ordinances prior to consideration by the city council. [Section 3.11(b)]

**Purpose:** Clarifies existing language to make sure council receives legal advice regarding the validity of proposed ordinances before consideration and action by council

8. Correct a reference in the first sentence of Section 3.12 from “chapter” to “charter”

**Purpose:** To provide clarity and consistency throughout the City Charter

9. Require the affirmative vote of at least five members of the city council to remove the city manager. [Section 4.01(b)]

**Purpose:** This provision strengthens the operation of San Marcos as a "council-manager government" as defined in the City Charter by insulating the City Manager from political pressures from the council.

10. Allow the city clerk to authenticate ordinances and resolutions by electronic signature. [Section 4.02]

**Purpose:** Allows for efficient and modern operation of city government.

11. Clarify that names of candidates can be listed electronically on the ballot instead of being printed as they would be on paper ballots. [Section 5.04]

**Purpose:** Allows for efficient and modern operation of city elections.

12. Amendments to Section 7.01 – Planning and Zoning Commission – Qualifications:

- Remove all remaining references to the ETJ member

**Purpose:** The ETJ position was removed from the City Charter by voters effective March 15, 2015. The removal of out-of-date ETJ language from section 7.01 makes it easier to understand how current membership in the P&Z commission is determined.

- Eliminate property ownership as a requirement to serve on the P&Z
- Increase residency requirement from three years to five years to serve on P & Z

**Purpose:** To encourage civic participation and expand the pool of San Marcos citizens eligible for appointment to this public commission, including long-term local residents impacted by decisions made by P&Z, and encourages participation by members with knowledge of the community.

- Prohibit the appointment of more than two professional realtors to the P & Z
Purpose: The Charter presently instructs City Council to appoint a diverse set of P&Z commissioners “which includes geographic, professional, gender, racial, and viewpoint diversity. (Section 7.01)” This provision ensures that a broad range of professions are represented on Planning and Zoning.

13. Amendments to Section 7.02 – Planning and Zoning Commission – Powers and Duties:

- Require the planning staff to follow all city ordinances rules and regulations and consult with the city attorney before making any recommendations to the Planning and Zoning Commission
- Require the Planning and Zoning Commission to follow all city ordinances, rules, and regulations before making any recommendations to the city council

Purpose: This provision makes current city practice a City Charter requirement.

- Require city council decisions on conditional use permit appeals to be based on Texas laws, Federal laws, city ordinances and regulations in addition to the record before the Planning and Zoning Commission

Purpose: This provision allows the City Council to consider all relevant laws and regulations in its public hearings related to conditional use permits.

- Prohibit the assessment of a fee to appeal a decision on conditional use permit to the city council

Purpose: This provision provides citizens of San Marcos free access to their elected officials related to public matters.

14. Require the proposed city budget to be made available at city hall, at the San Marcos Public Library, and on the city’s website. Require the adopted budget and supporting schedules to be published on the city’s website. [Sections 8.02 and 8.05]

Purpose: Promote transparency and public awareness of city government

15. Require proposed ordinances granting a public utility franchise to be made available at the San Marcos Public Library, at city hall, and on the city’s website. [Section 11.04]

Purpose: Promote transparency and public awareness of city government

16. Require updates to annual financial disclosure forms by council members, council appointees, and board and commission members within 30 days of any significant changes. [Section 12.02(a)(2)]

Purpose: Public officials are currently required to file financial disclosure forms every 12 months. This provision assures San Marcos citizens on-going accuracy and transparency regarding public official’s financial disclosures if there is a significant change within that one-year timeframe.
17. Prohibit council members and employees from having a financial interest in the purchase from the city of any land, materials, supplies, or service. [Section 12.02(a)(3)]

**Purpose:** To avoid conflicts of interest and ensure public trust, the City Charter already prohibits current council members and city employees from financial benefit in the *sale* of any land, materials, supplies, or service. This provision increases protection by prohibiting this potential conflict to financial interest the *purchase* of land, materials, supplies, or service as well.

18. Prohibit council members from having a financial interest in the sale to the city of any land, materials, supplies, or service for a period of two years from the date of leaving office; rendering contracts entered into in violation of this provision voidable by city manager or city council. [Section 12.02; add a new subsection (a)(4)]

**Purpose:** Public office is meant for the public good and not for personal enrichment. Currently, only active council members are prevented from having a financial interest in city deals. In contrast, currently both active city employees (Section 12.02) and former employees within two years of employment (San Marcos Ethics Ordinance) are prevented from having a financial interest in city deals. This provision amends the charter to apply the same prohibition to council members for period of two years after leaving office.

19. Correct punctuation errors - Insert a comma, known as the Oxford comma or serial comma, immediately before the coordinating conjunction (usually “and” or “or”) in a series of three or more items – in each instance where this occurs in the city charter

**Purpose:** To provide clarity and consistency throughout the City Charter

20. Amend the powers of the Ethics Review Commission; granting the authority to conduct hearings regarding alleged violations of the city charter, render advisory opinions regarding potential violations of the city charter, and make recommendations regarding such violations. [Section 12.02(c), subparagraphs (2),(3), and (4)]

**Purpose:** This amendment makes clear the importance of public officials to follow the City Charter in addition to existing State conflict of interest laws and the San Marcos Code of Ethics ordinances and provides a process for accepting and hearing complaints regarding charter violations.

21. Amendments to Section 12.03, Nepotism:

- Rename this section to read: “12.03 Nepotism and Conflict of Interest”
- Rephrase the sentence structure of the current provision to make it less cumbersome and to provide greater clarity
- Prohibit direct supervision of an employee by his/her relative, roommate, or sexual partner
• Require supervisors to report relationships with subordinates promptly to the Human Resources Department
• Defining “relative” to include persons related within the third degree by blood or within the second degree by affinity (marriage, including common law marriage)
• Prohibit a “public official” from appointing his or her business associate to a “public board or commission”
• Defining “business associate” and “sexual partner”

**Purpose:** This provision increases public trust in financial interests of public officials and avoids potential conflicts of interests by public officials and city employees.

22. Amendments to Section 8.02, Preparation and submission of budget:
• Add a provision to require the city council to hold a policy budget workshop on or before February 27th of each year
• Require the council to conduct a public hearing and to formulate the budget policy statement by March 31st of each year instead of April 30th
• Re-letter the subsections of this section to follow the sequential steps in the process for formulating the budget policy statement

**Purpose:** This provision provides citizens and city staff more time to review proposed city budget goals before the adoption of a city budget. It also promote transparency and public awareness of city government

23. Provide for removal of the mayor or a council member from office, upon the affirmative vote of five members of the council, for substantial violations of the city charter [Section 3.17]

**Purpose:** This provision makes clear the importance of the Mayor and Council Members to follow the City Charter by providing an option for enforcement of the Charter.

24. Require candidates for mayor or city council to take an oath agreeing to comply with the Code of Fair Campaign Practices set forth in Section 258.004 of the Texas Election Code [Section 5.03]

**Purpose:** The State Election Code provision encourages campaigns that are decent, honest, and fair to encourage healthy competition and open discussion of issues and candidate qualifications and to discourage practices that cloud the issues or unfairly attack opponents. This provision makes it a City Charter requirement that candidates take an oath to comply with the Code of Fair Campaign Practices to help retain the community culture of San Marcos, to encourage citizens to offer themselves for public service without fear of the politics of personal destruction, and to keep local elections issue oriented.

25. Require the salary of each city position to be published on the city’s website [New Section 4.07]
Purpose: Promote financial transparency and public awareness of city government

26. Require all campaign contributions and reports filed by candidates to be legible. The city clerk shall enforce this provision and retain the records.

Purpose: Promote financial transparency and public awareness in public elections via candidate reports that are clearly and readily understood.

*LIST IS COMPLETE THROUGH MAY 3, 2017 AND INCLUDES PURPOSE STATEMENTS FOR EACH PROPOSED AMENDMENT APPROVED AT THE ERC’S FINAL MEETING*
ARTICLE I. - FORM OF GOVERNMENT AND BOUNDARIES

Sec. 1.01. - Establishment and purposes of Charter.

We, the people of San Marcos, do ordain and establish this Charter as the foundation of our city government, a home-rule city with the name "City of San Marcos". We further ordain that the City of San Marcos will exist for the purposes enumerated in this Charter, and will have the organizational structure described in this Charter, and will have the powers, duties, limitations, and immunities stated in this Charter.

(Ord. No. 2000-12, 2-14-00/5-6-00; Ord. No. 2006-36, § 2(1), 8-15-06/11-7-06)

Sec. 1.02. - Form of government.

The city government provided by this Charter shall be known as the "council-manager government". Pursuant to this Charter and subject only to the limitations imposed by the state constitution, the statutes of the state and by this Charter, all powers of the city shall be vested in an elective council, hereinafter referred to as the "council", which shall in an open and transparent manner, enact local legislation, adopt budgets, determine policies and appoint the city manager, who in turn shall execute the laws and administer the government of the city. All powers of the city shall be exercised in the manner prescribed by this Charter, or if the manner not be prescribed, then in such manner as may be prescribed by ordinance.

(Ord. No. 2000-12, 2-14-00/5-6-00; Ord. No. 2013-44, Prop. 7, 8-20-13/11-5-13)


Sec. 1.03. - Statement of goals.

The goals of the city government are to safeguard the health, safety and welfare of the city's residents, provide for a high quality of life including, but not limited to, neighborhood integrity, a clean and abundant water supply, a cost-efficient electricity supply, efficient police and fire departments, educational opportunities, effective road and transportation systems, a healthy business environment, well maintained parkland and recreational opportunities, foster intergovernmental liaison and communication, encourage responsible citizenship, promote sound community and economic development, promote high quality affordable housing, conserve and protect the city's natural resources and environment and, in particular the San Marcos River, its springs, aquifer, and tributaries.

(Ord. No. 1998-7, Prop. 1, 2-9-98/5-5-98; Ord. No. 2000-12, Prop. 1, 2-14-00/5-6-00; Ord. No. 2008-29, § 2(2), 8-19-08/11-4-08; Ord. No. 2013-44, Prop. 8, 8-20-13/11-5-13)

ARTICLE II. - POWERS OF THE CITY[2]

Footnotes:
Sec. 2.01. - General.

The city shall be a home rule city, with full power of local self-government, including the right to amend this Charter, as provided by the constitution and laws of this state. It shall have and may exercise all the powers granted to home rule cities by the constitution or laws of Texas, as they now exist or are hereafter amended.

(Ord. No. 1992-9, Prop. 1, 2-10-92/5-2-92; Ord. No. 2000-12, Prop. 1, 2-14-00/5-6-00)

Sec. 2.02. - Eminent domain.

(a) The city shall have the full power and right to exercise the power of eminent domain when necessary or desirable to carry out any of the powers conferred upon it by this Charter or by the constitution and laws of the State of Texas. The city may exercise the power of eminent domain in any manner authorized or permitted by the constitution and laws of this state, subject to the right of the owner of the property taken. The city shall have and possess the power of eminent domain for any municipal or public purposes, subject to the provisions of this section.

(b) However, the city shall not use the power of eminent domain to acquire property for transfer, or for lease in substantial part, to a private third party for the purpose of economic development. The term "economic development" means any activity to increase tax revenue, tax base, employment, or the general economic health of the City, when that activity does not result in (1) the transfer of land to public ownership, such as for a road, public utility facility, or municipal building; (2) the transfer of land to a private entity that is a common carrier, such as a utility provider; or (3) the transfer of property to a private entity to remove a harmful use of the land, such as the removal of public nuisances, removal of structures that are beyond repair or that are unfit for human habitation or use, or the acquisition or transfer of abandoned property.

(Ord. No. 1998-7, Prop. 2, 2-9-98/5-5-98; Ord. No. 2000-12, Prop. 1, 2-14-00/5-6-00; Ord. No. 2006-36, § 2(2), 8-15-06/11-7-06; Ord. No. 2008-29, § 2(3), 8-19-08/11-4-08)

Sec. 2.03. - Extension or detachment of boundaries.

The city council shall have power by ordinance to fix the boundary limits of the City of San Marcos and to provide for the alteration and extension of boundary limits, the detachment of territory and the annexation of additional territory, in accordance with applicable state annexation laws.

(Ord. No. 1984-11, Prop. 1, 1-30-84/4-7-84; Ord. No. 1986-4, Prop. 1, 1-27-86/4-5-86; Ord. No. 1988-15, Prop. 1, 2-8-88/5-7-88; Ord. No. 2000-12, Prop. 1, 2-14-00/5-6-00; Ord. No. 2000-40, Prop. 1, 5-9-00/5-6-00)

Sec. 2.04. - Limited purpose annexation.
In addition to the power to annex additional territory for all purposes, the city shall have the power, by ordinance, to fix, alter and extend the corporate boundary limits of the city for the limited purposes of "planning and zoning" and "sanitation and health protection," and to annex for one or both of such limited purposes additional territory lying adjacent to the city; provided, however, that no such territory which lies farther than one mile from the corporate boundary limits enclosing the territory which is a part of the city for all purposes, as those corporate boundary limits are now or may hereafter be established, shall be annexed for any limited purpose or purposes. Wherever the boundary limits of territory annexed for one or both of such limited purposes are not coterminous with the corporate boundary limits enclosing the territory which is a part of the city for all purposes, such boundary limits of the limited territory shall be known as "limited purpose boundary limits". Every ordinance by which territory is to be annexed to the city for one or both of such limited purposes shall state clearly the limited purpose or purposes for which it is being annexed, and shall be published one time, in a newspaper of general circulation in the city and in the form in which it is to be finally adopted, not less than 30 days prior to its final passage.

When any additional territory has been annexed for one or both of the limited purposes, it shall be a part of the city for such limited purpose or purposes only. However, in dealing with the property and inhabitants thereof, the city shall have each and every power which it otherwise possesses and which is reasonable and expedient for the accomplishment of the limited purpose or purposes for which such territory is annexed, and the power of the city to deal with the property and inhabitants of such limited purpose territory shall include the powers enumerated in the next two succeeding sentences but shall not be limited or restricted thereto. With regard to territory annexed for the limited purpose of "planning and zoning," the city shall have the power to control and regulate the use of property and the density of structures, to require compliance with reasonable zoning regulations, to control and regulate the subdivision of property, and to control and regulate the construction of buildings. With regard to territory annexed for the limited purpose of "sanitation and health protection," the city shall have the power to adopt all reasonable regulations pertaining to sanitation and public health and to require compliance with such regulations. Every inhabitant of territory annexed for one or both of the limited purposes, who is otherwise qualified, shall be entitled to vote in city elections on every issue where the question is the election or recall of the mayor or a city council member or the amendment of this Charter, and every such inhabitant shall be deemed to be a citizen of the city in connection with any ordinance, regulation or action which is, or is alleged to be, applicable to him or his property because of such limited purpose annexation, but will not be eligible to run for any office in the City of San Marcos. The city shall have no power to levy any tax for municipal purposes on either the property or the inhabitants of territory annexed for limited purpose or purposes, and no funds of the city shall be spent in such territory except where reasonable and expedient for the accomplishment of the limited purpose or purposes for which the territory is annexed; but the city may collect reasonable charges from property owners and inhabitants of such territory for services rendered by the city in the accomplishment of the limited purpose or purposes for which the territory is annexed.

(Ord. No. 1984-11, Prop. 2, 1-30-84/4-7-84; Ord. No. 2000-12, Prop. 1, 2-14-00/5-6-00; Ord. No. 2000-40, Prop. 1, 5-9-00/5-6-00)

State Law reference—Annexations for limited purposes, V.T.C.A., Local Government Code, § 43.121 et seq.

ARTICLE III. - THE CITY COUNCIL

Sec. 3.01. - Number, selection and term.
(a) The legislative and governing body of the city shall consist of seven council members and shall be known as the "City Council of San Marcos".

(b) The members of the city council shall be elected from the city at large, and each council member shall be elected to occupy a place on the council, such places being numbered and designated 1, 2, 3, 4, 5, 6 and mayor.

(c) Each council member for places 1, 2, 3, 4, 5 and 6 shall hold office for a period of three years, staggered so that two members shall be elected to a regular term each year. The council member elected to the place of mayor shall hold office for a period of two years.

(Res. No. 1977-7R, Prop. 1-24-77/4-2-77; Res. No. 1979-2R, Prop. 1, 1-8-79/4-7-79; Ord. No. 1984-11, Prop. 3, 1-30-84/4-7-84; Ord. No. 2000-12, Prop. 1, 2-14-00/5-6-00; Ord. of 8-12-02, § 1; Ord. No. 2004-44, § 1, 8-9-04)

Sec. 3.02. - Qualifications.

(a) Each member of the city council, in addition to having other qualifications prescribed by law:

(1) Shall be a qualified voter of the city;

(2) Shall have had his or her principal physical residence for at least one year preceding the election within the corporate limits of San Marcos and shall maintain his or her principal physical residence within the corporate limits of San Marcos throughout his or her term of office; for purposes of this subsection, a person must meet all of the following to meet the requirement for a "principal physical residence" in the city:

(A) The person must use the residence address for voter registration, and current driver's license or Texas identification card purposes;

(B) The person must use the residence address as the person's home address on documents such as employment records, resumes, business cards, government forms and loan applications;

(C) The person must not claim a homestead exemption on any property other than the residence;

(3) Shall not hold any other office or employment under the city government while a member of the council, except a member of the city council may be appointed by the city council to represent the council on any board, commission, committee, organization or entity in the council's sole discretion so long as that person's service does not extend beyond the person's council term;

(4) Shall not be an officer or director of any public service company within the city, or outside the city but serving inhabitants of the city, nor be the owner or proprietor of any public service company in the city. "Public service company" is defined as any company, individual, partnership, corporation or other entity recognized by law that uses any of the city's streets, alleys, highways or other public property to carry out its principal purposes, including but not limited to water, wastewater, gas, electricity and telecommunication utilities, commercial railway or street railway services, public transit services, solid waste collection, and vehicles for hire.

(5) Shall not have a financial interest in the sale to the city of any land, materials, supplies or service, outside of the person's position with the city.

(6) Shall remain current on all financial obligations to the city relating to the duties of the council member.
(b) The city council shall determine that the qualifications of its own members are continually met. If the council determines that any member of the council has ceased to possess any of these qualifications or has been convicted of a felony, that member shall immediately forfeit office.

(Res. No. 1977-7R, Prop. 1, 1-24-77/4-2-77; Ord. No. 1988-15, Props. 2—4, 2-8-88/5-7-88; Ord. No. 1996-6, Prop. 1, 2-12-96/5-4-96; Ord. No. 1998-7, Prop. 3, 2-9-98/5-5-98; Ord. No. 2000-12, Prop. 2, 2-14-00/5-6-00; Ord. No. 2000-40, Prop. 2, 5-9-00/5-6-00; Ord. No. 2002-12, Prop. 1, 2-11-02/5-4-02; Ord. No. 2002-35, Prop. 1, 5-7-02/5-4-02; Ord. No. 2004-10, Prop. 1, 2-23-04/5-15-04; Ord. No. 2006-36, § 2(4), 8-15-06/11-7-06; Ord. No. 2008-29, § 2(4), 8-19-08/11-4-08; Ord. No. 2013-44, Props. 10, 11, 8-20-13/11-5-13.)

Sec. 3.03. - Reserved.

Editor's note—Formerly, § 3.03 pertained to council to judge election qualifications, and derived from Ord. No. 1996-6, Prop. 2, 2-12-96/5-4-96.

Sec. 3.04. - Compensation and reimbursement.

City Council Compensation shall be set in a public forum by ordinance of the city council; and they shall be entitled to all necessary expenses incurred in the performance of their official duties. There shall be provided in each annual city budget an amount for the expenses of the mayor and of each council member. The mayor and the members of the city council shall be reimbursed for the amounts so provided for in the annual city budget for their actual official city business expenses. The city council by resolution or ordinance shall provide for a means of determining what expenses are reimbursable and what requirements must be met for reimbursement.

(Ord. No. 1984-11, Prop. 4, 1-30-84/4-7-84; Ord. No. 1988-15, Prop. 5, 2-8-88/5-7-88; Ord. No. 2000-12, Prop. 1, 2-14-00/5-6-00; Ord. No. 2002-12, Prop. 2, 2-11-02/5-4-02; Ord. No. 2002-35, Prop. 2, 5-7-02/5-4-02; Ord. No. 2008-29, § 2(5), 8-19-08/11-4-08)

Sec. 3.05. - Mayor, mayor pro tempore and deputy mayor pro tempore.

The mayor shall preside at all meetings of the council and shall be recognized as head of the city government for all ceremonial purposes, for the purpose of receiving service of civil process, and for emergency management purposes. The mayor, as a member of the council, shall be entitled to vote upon all matters considered by the council but shall have no veto power. At its first meeting following each regular election of council members, the council shall by election designate a mayor pro tempore, and may shall in addition designate a deputy mayor pro tempore, who each shall serve in such capacity for a period of one year.; provided, however, that in the event a runoff election is required the city council shall not designate a mayor pro tempore or deputy mayor pro tempore until the runoff election is completed and the duly elected candidates have been officially seated on the council. The mayor pro tempore shall act as mayor during the absence or disability of the mayor, and shall have power to perform every act the mayor could perform if
present. The deputy mayor pro tempore shall act as mayor during the absence or disability of the mayor and mayor pro tempore, and shall have power to perform every act the mayor could perform if present.

(Res. No. 1974-5R, Prop. 2, 2-18-74/4-2-74; Res. No. 1977-7R, Prop. 1, 1-24-77/4-2-77; Res. No. 1979-2R, Prop. 1, 1-8-79/4-7-79; Ord. No. 1984-11, Prop. 5, 1-30-84/4-7-84; Ord. No. 1996-6, Prop. 3, 2-12-96/5-4-96; Ord. No. 2000-12, Prop. 4, 2-14-00/5-6-00; Ord. No. 2000-40, Prop. 4, 5-9-00/5-6-00; Ord. No. 2006-36, § 2(6), 8-15-06/11-7-06)

Sec. 3.06. - Vacancies.

(a) A special election to fill a vacancy shall be called in accordance with state law. In the event the mayor is unable to call a meeting to order the election for any reason, the mayor pro tem or deputy mayor pro tem are authorized and directed to call a meeting to order the election and perform all other required actions incident to the election. In the event of vacancies in the offices of mayor and all members of the city council for any reason, the following persons, in the order prescribed, are authorized and directed to order the election and perform all other required actions incident to the election:

1. The city manager.
2. The city clerk.
3. The city attorney.
4. The presiding judge of the municipal court.

(b) No such election shall be held sooner than 30 days from the date it is called.

(Ord. No. 1984-11, Prop. 5, 1-30-84/4-7-84; Ord. No. 1986-4, Prop. 2, 1-27-86/4-5-86; Ord. No. 1988-15, Prop. 6, 2-8-88/5-7-88; Ord. No. 1990-8, Prop. 1, 2-12-90/5-5-90; Ord. No. 1996-6, Prop. 4, 2-12-96/5-4-96; Ord. No. 2000-12, Prop. 1, 2-14-00/5-6-00; Ord. of 8-12-02, § 1; Ord. No. 2013-44, Prop. 12, 8-20-13/11-5-13.)

Sec. 3.07. - Powers and limitations of the city council.

(a) All powers and authority which are expressly or impliedly conferred on or possessed by the city shall be vested in and exercised by the council.

(b) The council shall have no power to, and shall not:

1. Sell, convey, lease, mortgage or otherwise alienate any land which is now, or shall hereafter be, dedicated for park purposes, unless the qualified voters of the city shall authorize such act by adopting in a general or special election a proposition submitting the question and setting forth the terms and conditions under which such sale, conveyance, lease, mortgage or other alienation is to be made; provided, that the city council may, after a public hearing, authorize a lease of park property to another governmental entity or to a non-profit corporation or association for a term of up to three years if the council determines that the lease will further the use of the property for park purposes.

2. Sell, convey, or lease all or any substantial part of the facilities of any municipally owned public utility, provided that the council may lease all or a substantial part of such facilities to any public agency of the State of Texas if the qualified voters of the city authorize such lease by adopting in a
general or special election a proposition submitting the question and setting forth the terms and conditions under which such lease is to be made.

(3) Accept or admit liability in, or pay, any claim for damages asserted against the city, without first obtaining a written opinion from the city attorney regarding the city’s liability therein.

(c) The council will have the authority to approve the conveyance of land, right-of-way and easements owned by the city. Any such approval will be in the form of an ordinance, and no such ordinance may be adopted as an emergency measure.

(Ord. No. 1994-16, Prop. 2, 3-22-94/5-7-94; Ord. No. 2000-12, Prop. 5, 2-14-00/5-6-00; Ord. No. 2000-40, Prop. 5, 5-9-00/5-6-00)

State Law reference—Municipal home rule powers, Texas Const., art. 16, § 5; V.T.C.A., Local Government Code, §§ 26.001 et seq., 51.001, 51.071 et seq.

Sec. 3.08. - City council not to interfere in appointments or removals.

Neither the council nor any of its members shall instruct or request the city manager or any of the city manager’s subordinates to appoint to or remove from office or employment any person except with respect to those offices which are to be filled by appointment by the council under the provisions of this Charter. Except as provided for in Section 3.15 of this Charter, the council and its members shall deal with the administrative and management functions of the city solely through the city manager and other council appointees, as appropriate, and shall not give orders to any of their subordinates either publicly or privately.

(Res. No. 1977-7R, Prop. 1, 1-24-77/4-2-77; Ord. No. 1988-15, Prop. 7, 2-8-88/5-7-88; Ord. No. 2000-12, Prop. 1, 2-14-00/5-6-00)

Sec. 3.09. - Meetings of the city council.

The city council shall hold at least two regular meetings in each month at a time to be fixed by it for such regular meetings, and may hold as many additional meetings during the month as may be necessary for the transaction of the business of the city and its citizens. All meetings of the city council shall be held within the city, except that the city council may conduct a meeting at a location outside the city after publishing notice of the meeting in one issue of a newspaper in general circulation in the City of San Marcos. All meetings of the city council shall be public; however the council may recess for the purpose of discussing in a closed session any matter permitted to be so discussed by state law, provided that the general subject matter for consideration is expressed in the motion calling for such a session and that final action thereon shall not be taken by the council until the matter is placed on the agenda. Special meetings of the council shall be called by the city clerk upon the written request of the mayor or any three members of the city council.

The city council shall provide by ordinance for procedures to call meetings, set meeting agendas, conduct meetings, provide for reasonable time limits on presentations to the council and any other matters necessary to the efficient and fair conduct of the public’s business.

(Res. No. 1977-7R, Prop. 2, 1-24-77/4-2-77; Ord. No. 1984-11, Prop. 7, 1-30-84/4-7-84; Ord. No. 1988-15, Prop. 8, 2-8-88/5-7-88; Ord. No. 2000-12, Prop. 6, 2-14-00/5-6-00; Ord. No. 2000-40, Prop. 6, 5-9-00/5-6-00)
Sec. 3.10. - Rules of procedure.

The city council shall determine by ordinance its own rules of procedure and order of business. Four or more council members shall constitute a quorum, but no action of the council shall be of any force or effect unless it is adopted by the favorable votes of four or more of the council members. Minutes of all meetings of the council, including the vote of "ayes" and "noes" upon the passage of all ordinances and resolutions, shall be taken and recorded, and such minutes shall constitute a permanent record to which any citizen may have access at all reasonable times.

(Res. No. 1977-7R, Prop. 1, 2-24-77/4-2-77; Ord. No. 2000-12, Prop. 1, 2-14-00/5-6-00; Ord. of 8-12-02, § 1)

Sec. 3.11. - Procedure for passage of ordinances.

(a) The council shall legislate by ordinance, and the enacting clause of every ordinance shall be: "Be it ordained by the City Council of the City of San Marcos".

(b) The city attorney shall approve the legality of all ordinances adopted prior to consideration by the council, or shall file with the city clerk written legal objections thereto. Evidence of approval by the city attorney may be by notation on the ordinance itself, or by separate instrument.

(c) Every ordinance enacted by the council shall be signed by the mayor, the mayor pro tem, or two council members and shall be filed with and recorded by the city clerk.

(d) All proposed ordinances requiring a public hearing or hearings shall be finally acted upon by the city council within 90 days of the most recent public hearing at which it was considered. If final action does not occur within the 90 day period following the public hearing, then another public hearing shall be held before final action on the ordinance. Unless notice requirements are provided by other law, the city clerk shall publish a notice of each public hearing by the city council on an ordinance in a newspaper of general circulation in the city, city website or local media outlets before the public hearing.

(e) Ordinances shall be presented to council and acted on in open meetings on two separate days, unless:

   (1) an ordinance is posted and adopted as an emergency measure with only one reading by the favorable vote of five or more council members; or

   (2) the adoption of an ordinance under a different procedure is expressly authorized by state law.

(f) An ordinance relating to the changing of a future land use map or zoning district designation shall not be adopted as an emergency measure and shall be adopted only upon approval in two separate readings on two separate days no less than seven days apart.

(g) At the time of the first presentation each ordinance shall be read aloud unless it is publicly posted, available at a readily accessible location and filed with the city clerk at least 72 hours prior to the meeting at which it is to be considered, in which event only the caption need be read aloud.

(h) All ordinances shall be effective upon final reading or publication if publication is required by state law.

(Ord. No. 1986-4, Prop. 3, 1-27-86/4-5-86; Ord. No. 1992-9, Prop. 3, 2-10-92/5-2-92; Ord. No. 1998-7, Prop. 4, 2-9-98/5-5-98; Ord. No. 2000-12, Prop. 1, 2-14-00/5-6-00; Ord. of 8-12-02, § 1; Ord. No. 2006-36, § 2(7), 8-15-06/11-7-06; Ord. No. 2008-29, § 2(6), 8-19-08/11-4-08; Ord. No. 2013-44, Props. 13, 14, 8-20-13/11-5-13.)
Sec. 3.12. - Publication of ordinances.

Except as otherwise provided by law or by this Chapter, the city clerk shall give notice of the enactment of every penal ordinance by causing its caption and penalty, to be published at least one time within ten days following the date of final passage thereof in some newspaper of general circulation within the city. The city clerk shall give notice of the enactment of other ordinances by publishing in the newspaper only if publication is required by state law, this Charter, or city ordinance. The city clerk shall give notice of the enactment of all ordinances on the city's website.

The city clerk shall note on every ordinance and on the record thereof the dates and medium of its publication, and such notation shall be prima facie evidence of compliance with the requirements of this section.

(Ord. No. 2000-12, 2-14-00/5-6-00; Ord. of 8-12-02, § 1; Ord. No. 2008-29, § 2(7), 8-19-08/11-4-08; Ord. No. 2013-44, Prop. 15, 8-20-13/11-5-13.)


Sec. 3.13. - Code of Ordinances.

The council shall cause all general ordinances of the city to be compiled and printed in Code form. Every general ordinance enacted subsequent to such codification shall be enacted as an amendment to the Code. For the purposes of this section general ordinances shall be deemed to be those ordinances of a permanent or continuing nature which affect the residents of the city at large. When adopted by the council, the printed codes of general ordinances contemplated by this section shall be in full force and effect without the necessity of such Code or any part thereof being published in any newspaper. The caption, descriptive clause, and other formal parts of the ordinances of the city may be omitted without affecting the validity of such ordinances when they are published as a Code. Copies of the Code shall be furnished to city officers, placed in libraries and public offices for free public reference and made available through electronic media and for purchase by the public at a reasonable price fixed by the council.

(Ord. No. 1988-15, Prop. 9, 2-8-88/5-7-88; Ord. No. 1998-7, Prop. 5, 2-9-98/5-5-98; Ord. No. 2000-12, Prpc. 1, 2-14-00/5-6-00)


Sec. 3.14. - Official bonds for city employees.

The council shall require bonds or insurance of all municipal officers and employees who receive or pay out any monies of the city. The amount of such bonds or insurance shall be determined by the council and the cost thereof shall be borne by the city.

(Ord. No. 2000-12, 2-14-00/5-6-00; Ord. No. 2013-44, Prop. 16, 8-20-13/11-5-13.)

Sec. 3.15. - Investigation by the city council.

The city council shall have power to inquire into the official conduct of any office, department, agency, officer or employee of the city and to make investigations as to municipal affairs, and for that purpose may
subpoena witnesses, administer oaths and compel the production of books, papers, and other evidence material to the inquiry. The council shall provide by ordinance penalties for contempt in failing or refusing to obey any such subpoena or to produce any such books, papers, or other evidence, and shall have the power to punish any such contempt in the manner provided by such ordinance. Any person participating in such an investigation shall have all rights afforded by the Constitution and laws of the United States and the State of Texas.

(Ord. No. 2000-12, 2-14-00/5-6-00; Ord. No. 2008-29, § 2(8), 8-19-08/11-4-08)

Sec. 3.16. - Audit and examination of city books and accounts.

The city council shall cause an annual audit to be made of the books and accounts of each and every department of the city. At the close of each fiscal year a complete audit shall be made by a certified public accountant, who shall be selected by the city council, and who shall have no personal interest, direct or indirect, in the fiscal affairs of the city government or of any of its officers. Such audit shall include a recapitulation of all internal audits made during the course of each fiscal year, and all audit reports shall be filed with the city council, shall be available for public inspection, and shall be made a part of the archives of the city. Such accountant, so selected, shall not maintain or keep any of the city’s accounts or records.

(Ord. No. 2000-12, 2-14-00/5-6-00)

State Law reference—Annual audit required, V.T.C.A., Local Government Code, § 103.001 et seq.

Sec. 3.17. - Expulsion or removal of city officials.

(a) The city council shall have the authority to expel any city council member who is absent three consecutive regular city council meetings unless the council member has secured permission, in advance, from the city council to be absent from at least one of the meetings; provided that any such action for expulsion of a city council member shall require five affirmative votes of city council members. The city council may remove council members including the mayor who are in substantial violation of or have substantially violated provisions of this charter; provided that any such action for expulsion of a city council member shall require five affirmative votes of city council members.

(b) The city council shall have the authority to remove any city official appointed by the city council, including members of city boards and commissions established under state law, by this Charter, or by ordinance, and the city manager, city clerk, city attorney and municipal court judge. Any such removal of a city official by the city council shall require a majority vote of the membership of the city council and shall be preceded by adequate notice to the official of the time and location of the meeting, the nature of the charge against the official, and an opportunity for a hearing. At any such hearing, evidence both for and against the city official may be offered for the council’s consideration. The council may, by ordinance, provide for further or more detailed procedures pertaining to the removal of city official, not inconsistent with this provision.

(Ord. No. 2000-12, Prop. 7, 2-14-00/5-6-00; Ord. No. 2000-40, Prop. 7, 5-9-00/5-6-00; Ord. No. 2004-10, Prop. 2, 2-23-04/5-15-04; Ord. No. 2013-44, Prop. 17, 8-20-13/11-5-13.)
ARTICLE IV. - ADMINISTRATIVE SERVICES

Footnotes:
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Sec. 4.01. - City manager.

(a) Appointment and qualifications: The city council shall appoint a city manager who shall be the chief administrative and executive officer of the city, and shall be responsible to the city council for the administration of all the affairs of the city. The manager shall be chosen by the city council on the basis of education, executive and administrative training, experience and ability; and need not, when appointed, have his or her principal physical residence in the City of San Marcos. The manager shall establish his or her principal physical residence in the city, within 90 days after appointment, and shall have his or her principal physical residence in the city continuously thereafter while holding that office.

(b) Term and salary: The city manager shall not be appointed for a definite term, but may be removed by a vote of the majority of the council. The action of the city council in suspending or removing the city manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility of each suspension or removal in the city council. In case of temporary absence or disability, the city manager may designate by letter filed with the city clerk a qualified administrative officer of the city to perform the duties of the city manager for a period not to exceed 30 days. In the event of failure of the city manager to make such designation, the council may by resolution appoint an officer of the city to perform the duties of the city manager, until the manager shall return or the disability shall cease. The city manager shall receive compensation as may be fixed by the council.

(c) Duties of the city manager:

(1) To appoint and remove all employees of the city, except where such authority is reserved to the city council or otherwise prescribed by this Charter or by state law.

(2) To appoint an assistant or assistants with the approval of the city council, and to supervise, direct and control all administrative units of the city, except those supervised by other appointees of the council.

(3) To prepare and submit the annual budget to the city council in accordance with the requirements of this Charter and state law.

(4) To keep the city council fully advised of the financial condition and needs of the city.

(5) To recommend to the city council for action such administrative measures as the manager deems necessary or expedient.

(6) To perform other duties as provided by this Charter and as prescribed by the city council.

(Res. No. 1977-78, Prop. 1, 1-24-77/4-2-77; Ord. No. 1986-4, Prop. 6, 1-27-86/4-5-86; Ord. No. 1992-9, Prop. 4, 2-10-92/5-2-92; Ord. No. 1994-16, Prop. 3, 3-22-94/5-7-94; Ord. No. 2000-12, Prop. 1, 2-14-00/5-6-00; Ord. No. 2002-12, Prccp. 3, 2-11-02/5-4-02; Ord. No. 2002-35, Prop. 3, 5-7-02/5-4-02; Ord. of 8-12-02, § 1; Ord. No. 2006-36, § 2(8), 8-15-06/11-7-06; Ord. No. 2008-29, § 2(9), 8-19-08/11-4-08)

Sec. 4.02. - City clerk.
The city council shall appoint a city clerk, who shall give notice of council meetings, shall keep the minutes of the proceedings of such meetings, shall authenticate by signature or electronic signature all ordinances and resolutions, and shall perform such other duties as city council, shall assign and those elsewhere provided for in this Charter. The city clerk’s compensation shall be fixed by the city council. The city clerk may appoint an assistant or assistants with the approval of the council. The city clerk shall establish his or her principal physical residence in the city, within 90 days after appointment, and shall have his or her principal physical residence in the city continuously thereafter while holding that office.

(Res. No. 1977-7R, Prop. 1, 1-24-77/4-2-77; Ord. No. 1981-48, Prop. 1, 6-22-81/8-8-81; Ord. No. 1992-9, Prop. 5, 2-10-92/5-2-92; Ord. No. 1994-16, Prop. 4, 3-22-94/5-7-94; Ord. No. 2000-12, Prop. 8, 2-14-00/5-6-00; Ord. No. 2000-40, Prop. 8, 5-9-00/5-6-00; Ord. No. 2008-29, § 2(10), 8-19-08/11-4-08)

Sec. 4.03. - Municipal court.

(a) A municipal court is established for the trial of misdemeanor offenses, with jurisdiction, powers and duties as prescribed by ordinance and state laws.

(b) The city council shall appoint a presiding judge for the municipal court and any associate judges it deems advisable. The presiding judge and each associate judge shall be a competent and duly qualified and licensed attorney authorized to practice law in the State of Texas. The presiding judge shall establish his or her principal physical residence in the city within 90 days after appointment, and shall have his or her principal physical residence in the city continuously thereafter while holding that office. The compensation of the judges shall be fixed by the city council.

The presiding judge shall appoint a municipal court clerk and any assistants with the approval of the city council.


Sec. 4.04. - City attorney.

The city council shall appoint a city attorney, who shall be a competent and duly qualified and licensed attorney, authorized to practice law in the State of Texas. The city attorney shall establish his or her principal physical residence in the city within 90 days after appointment, and shall have his or her principal physical residence in the city continuously thereafter while holding that office. The city attorney's compensation shall be fixed by the city council. The city attorney may appoint an assistant or assistants with the approval of the city council. The city attorney, or other attorneys selected by the city attorney with the approval of the city council, shall represent the city in all litigation. The city attorney shall be the legal advisor and counsel for the city and all city officers and administrative units; provided, that the city council may retain special counsel at any time it deems same appropriate and necessary. The city attorney shall prepare or review all ordinances and shall prosecute all criminal cases in the municipal court in person or through an assistant.
Sec. 4.05. - City auditor.

The city council may appoint a city internal auditor who shall serve at the pleasure of the city council. The city council shall establish the duties and operating procedures of the city internal auditor by ordinance. The city council may enter into a contract for the duties of an internal auditor to be carried out by an outside firm if the council chooses to do so.

(Ord. No. 2010-44, §§ 2, 3, 8-17-10/11-2-10)

Sec. 4.06. - Other administrative units.

The city council may abolish or consolidate such administrative units as it may deem to be to the best interest of the city, and may divide and subdivide the administration of any such units as it may deem advisable; may create new administrative units, and may discontinue any administrative unit at its discretion, except those specifically established by this Charter.

(Ord. No. 2000-12, 2-14-00/5-6-00)

Sec. 4.07. - Publication of salaries

The salary of each city position shall be published on the city website.

ARTICLE V. - NOMINATIONS AND ELECTIONS

Footnotes:
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Sec. 5.01. - Elections.

The regular city election shall be held annually on the first Tuesday after the first Monday in November as provided by state law.

(Res. No. 1977 7R, Prop. 5, 1 24 77/4 2 77; Ord. No. 1988-15, Prop. 11, 2-8-88/5-7-88; Ord. No. 2000-12, Prop. 1, 2-14-00/5-6-00; Ord. No. 2006-36, § 2(10), 8-15-06/11-7-06; Ord. No. 2008-29, § 2(12), 8-19-08/11-4-08)


Sec. 5.02. - Regulation of elections.

All elections shall be held in accordance with the laws of the State of Texas regulating the holding of municipal elections and in accordance with the ordinances adopted by the city council for the conduct of
elections. The city council shall appoint the election judges and other election officials. Voting precincts shall
be established by ordinance and may be altered from time to time in like manner.

(Ord. No. 2000-12, 2-14-00/5-6-00; Ord. of 8-12-02, § 2)

Sec. 5.03. - Filing for office.

Any qualified person as defined in Section 3.02 who desires to become a candidate in a general election
to a place on the city council shall file with the city clerk at least 62 days prior to the election day an application
for his or her name to appear on the ballot. All candidates shall take the oath of fair campaign practices
provided in Section 258.004 of the Texas Election Code. For an election to be held on the date of the general
election for state and county officers, the date of the filing deadline is the 70th day before election day. Such
application shall clearly designate the place on the council to which the candidate seeks election and shall
contain the candidate’s sworn statement of compliance with the qualifications for holding the office sought
under the laws of Texas and the provisions of this Charter. All campaign contributions and reports filed by
candidates shall be legible.

(Res. No. 1977-7R, Prop. 1, 1-24-77/4-2-77; Ord. No. 1992-9, Prop. 6, 2-10-92/5-2-92; Ord. No. 2000-12,
Prop. 1, 2-14-00/5-6-00; Ord. of 8-12-02, § 1; Ord. No. 2004-10, Prop. 3, 2-23-04/5-15-04; Ord. No. 2008-29,
§ 2(13), 8-19-08/11-4-08; Ord. No. 2013-44, Prop. 20, 8-20-13/11-5-13.)

Sec. 5.04. - The official ballot.

The names of all candidates for office, except such as may have withdrawn, died, or become ineligible,
shall be printed included on the official ballots without party designation. The order on the ballot of the
names of the candidates for each respective council place shall be determined by lot in a drawing to be held
under the supervision of the city clerk, at which drawing each candidate or the candidate’s named
representative shall have a right to be present. Incumbent council members seeking reelection must file for
the place for which they were originally elected; provided that, however, a council member originally elected
to place 1, 2, 3, 4, 5 or 6 may file for the place of mayor and a member holding the place of mayor may file
for election as council member place 1, 2, 3, 4, 5 or 6.

(Res. No. 1977-7R, Prop. 1, 1-24-77/4-2-77; Ord. No. 2000-12, 2-14-00/5-6-00)

Sec. 5.05. - Election by majority.

At any regular or special municipal election the candidates in each place on the ballot who shall have
received the majority of votes cast in such election for such place shall be declared elected. In the event no
candidate for a designated place on the city council receives a majority of the votes cast for that place in the
regular or special election, a runoff election shall be held between the two candidates who received the
greatest number of votes for such place. The runoff election shall be held not earlier than the 20th or later
than the 45th day after the date the final canvass of the regular or special election is completed.

(Res. No. 1977-7R, Prop. 5, 1-24-77/4-2-77; Ord. No. 1981-51, Prop. 11, 7-6-81/8-8-81; Ord. No. 1986-4,
Prop. 11, 1-27-86/4-5-86; Ord. No. 1994-16, § 1.2, Prop. 7, 3-22-94/5-7-94; Ord. No. 1998-7, Prop. 12, 2-9-98/5-5-98; Ord. No. 2000-12, 2-14-00/5-6-00; Ord. of 8-12-02, § 1; Ord. No. 2006-36, § 2(10), 8-15-06/11-7-06)
Sec. 5.06. - Laws governing city elections.

All city elections shall be governed by the constitution of the State of Texas, general laws of the state, this Charter, and ordinances of the city, in the order named.

(Ord. No. 2000-12, 2-14-00/5-6-00)

Sec. 5.07. - Conducting and canvassing elections.

The returns of every municipal election shall be delivered by the election judges to the central counting station immediately after the closing of the polls. Returns of the elections, general and special, shall be presented to the city council on any date permitted by the Texas Election Code at which time the council shall canvass and declare the results of such election.

(Res. No. 1977-7R, Prop. 5, 1-24-77/4-2-77; Ord. No. 1988-15, Prop. 20, 2-8-88/5-7-88; Ord. No. 2000-12, Prop. 9, 2-14-00/5-6-00; Ord. No. 2000-40, Prop. 9, 5-9-00/5-6-00)

Sec. 5.08. - Oath of office.

Every officer of the city shall take and subscribe to an oath or affirmation similar to that required by the Texas Constitution for state officers, before entering upon the duties of the office. The oath or affirmation shall be in a form provided by the city clerk, shall be given before a person authorized to administer oaths, and shall be filed and kept in the office of the city clerk.

(Res. No. 1977-7R, Prop. 1, 1-24-77/4-2-77; Ord. No. 1986-4, Prop. 12, 1-27-86/4-5-86; Ord. No. 1990-8, Prop. 2, 1-2-90/5-5-90; Ord. No. 2000-12, 2-14-00/5-6-00)

State Law reference—Oath Texas Const., art. 16, § 1.

ARTICLE VI. - INITIATIVE, REFERENDUM AND RECALL

Sec. 6.01. - Power of initiative.

The people of the city reserve the power of direct legislation by initiative, and in the exercise of such power may propose any ordinance or repeal any ordinance not in conflict with this Charter, the State Constitution, or the state laws. Any initiated ordinance may be submitted to the council by a petition signed by at least ten per cent of the qualified voters of the city.

(Res. No. 1979-14R, Prop. 11, 2-26-79/4-7-79; Ord. No. 1992-9, Prop. 7, 2-10-92/5-2-92; Ord. No. 2000-12, Prop. 10, 2-14-00/5-6-00; Ord. No. 2000-40, Prop. 10, 5-9-00/5-6-00)

Sec. 6.02. - Power of referendum.

The people reserve the power to approve or reject at the polls any legislation enacted by the council which is subject to the initiative process under this Charter. Prior to or within thirty days after the effective date of any ordinance which is subject to referendum, a petition by at least ten per cent of the qualified voters of the city shall be presented to the council for their consideration.
voters of the city may be filed with the city secretary clerk requesting that any such ordinance be either repealed or submitted to the vote of the people. When such a petition has been certified as sufficient by the city secretary clerk, the ordinance specified in the petition shall not go into effect, or further action thereunder shall be suspended if it shall have gone into effect, until and unless it is approved by the voters as herein provided. Notwithstanding the foregoing, no zoning district boundary ordinance shall be subject to the referendum process.

(Res. No. 1979-14R, Prop. 12, 2-26-79/4-7-79; Ord. No. 1986-4, Prop. 13, 1-27-86/4-5-86; Ord. No. 1992-5, Prop. 7, 2-10-92/5-2-92; Ord. No. 2000-12, Prop. 10, 2-14-00/5-6-00; Ord. No. 2000-40, Prop. 10, 5-9-00/5-6-00)

Sec. 6.03. - Forms of petitions.

Initiative petition papers shall contain the full text of the proposed legislation in the form of an ordinance, including a descriptive caption. Referendum petition papers shall contain a sufficient description of the ordinance sought to be referred to identify it, or if the ordinance has been passed by the council, the full text of the ordinance sought to be referred shall be included in such papers. Before signatures on any petition paper may be counted, one of the signers of such petition paper, a qualified voter, shall make oath or affirmation before the city clerk or any other officer competent to administer oaths or affirmations, that the statements made therein are true, that each signature to the paper appended is the genuine signature of the person whose name purports to be signed thereto, and that such signatures were placed thereon in that person’s presence.

(Res. No. 1974-5R, Prop. 4, 2-18-74/4-2-74; Res. No. 1977-7R, Prop. 1, 1-24-77/4-2-77; Ord. No. 1992-9, Prop. 8, 2-10-92/5-2-92; Ord. No. 2000-12, 2-14-00/5-6-00; Ord. of 8-12-02, §§ 1, 3; Ord. No. 2006-36, § 2(11), 8-15-06/11-7-06)

Sec. 6.04. - Council consideration and submission to voters.

(a) When the council receives an authorized initiative petition certified by the city clerk to be sufficient, the council, within 30 days after the date of the certification, shall either:

(1) Pass the initiated ordinance without amendment; or

(2) Call an election on the adoption of the initiated ordinance without amendments, to be held on the next uniform date authorized by state law for municipal elections which is at least 62 days after the date on which the council acts.

At the election, the council may submit the initiated ordinance without amendment, and an alternative ordinance on the same subject proposed by the council; the voters being given the opportunity to accept or reject both. If both are accepted, then the ordinance receiving the greatest number of affirmative votes is adopted, and the other ordinance is deemed rejected. If both are accepted and receive the same number of affirmative votes, both are deemed rejected.

(b) When the council receives an authorized referendum petition, certified by the city clerk to be sufficient the council shall reconsider the referendum ordinance, and within 30 days, shall either repeal the ordinance or call an election on the repeal of the ordinance, to be held on the next uniform date authorized by state law for municipal elections which is at least 45 days from the date on which the council acts.
(c) Special elections on initiated or referred ordinances shall not be held more frequently than once each six months, and no ordinance on the same subject as an initiated ordinance which has been defeated or on the same subject as a referred ordinance which has been approved at any election may be initiated by the voters within two years from the date of such election.

(Ord. No. 1984-11, Prop. .0, 1-30-84/4-7-84; Ord. No. 1996-6, Prop. 6, 2-12-96/5-4-96; Ord. No. 2000-12, 2-14-00/5-6-00; Ord. of 8-12-02, § 1; Ord. No. 2004-10, Prop. 4, 2-23-04/5-15-04; Ord. No. 2006-36, § 2(11), 8-15-06/11-7-06)


Sec. 6.05. - Results of elections.

Any number of ordinances may be voted on at the same election in accordance with the provisions of this article. Except as otherwise provided in Section 6.05, if a majority of the legal votes cast is in favor of an initiated ordinance, it shall be effective as an ordinance of the city when the result of the election is declared. An ordinance so adopted may be repealed or amended at any time after the expiration of two years by a vote of three-fourths of the council members qualified and serving. A referred ordinance which is rejected by a majority of the legal votes cast in a referendum election shall be deemed repealed when the result of the election is declared.

(Ord. No. 1996-6, Prop. 6, 2-12-96/5-4-96; Ord. No. 2000-12, 2-14-00/5-6-00; Ord. No. 2006-36, § 2(11), 8-25-06/11-7-06)

Sec. 6.06. - Power of recall.

(a) The people of the city reserve the power to recall any elected officer of the City of San Marcos and may exercise such power by filing with the city clerk a petition demanding the removal of the officer, signed by at least ten per cent of the qualified voters of the city.

(b) The recall petition shall be on a form approved by the city clerk. Any recall petition form supplied by the city clerk shall be valid for 45 days from the date of its issuance and the expiration date and time shall be noted on the petition form by the city clerk at the time of its issuance. All such forms must be returned to the city clerk before their respective expiration dates in order to be eligible to be verified and certified by the city clerk.

(Ord. No. 1986-4, Props. 5, 16, 1-27-86/4-5-86; Ord. No. 1996-6, Prop. 7, 2-12-96/5-4-96; Ord. No. 2000-12, 2-14-00/5-6-00; Ord. of 8-12-02, § 1; Ord. No. 2004-10, Prop. 5, 2-23-04/5-15-04; Ord. No. 2006-36, § 2(11), 8-25-06/11-7-06)

Sec. 6.07. - Recall election.

The provisions regulating examination, certification and amendment of initiative petitions shall apply to recall petitions. If the petition is certified by the city clerk to be sufficient, the council shall order and hold an
election to determine whether such officer shall be recalled. The election shall be held on the date next authorized by state law for municipal elections which is at least 62 days after certification of the petition calling for the recall election.

(Res. No. 1974-5R, Prop. 5, 2-18-74/4-2-74; Ord. No. 1984-11, Prop. 11, 1-30-84/4-7-84; Ord. No. 2000-12, 2-14-00/5-6-00; Ord. of 8-12-02, § 1; Ord. No. 2004-10, Prop. 6, 2-23-04/5-15-04; Ord. No. 2006-36, § 2(11), 8-25-06/11-7-06)

Sec. 6.08. - Results of recall election.

If a majority of the votes cast at a recall election shall be against removal of the council member named on the ballot, that council member shall continue in office. If the majority of the votes cast at such election be for the removal of the council member named on the ballot, the council shall immediately declare that member’s office vacant and such vacancy shall be filled in accordance with the provisions of this Charter for the filling of vacancies. A council member thus removed shall not be a candidate in an election called to fill the vacancy thereby created.

(Res. No. 1977-7R, Prop. 1, 1-24-77/4-2-77; Ord. No. 2000-12, 2-14-00/5-6-00; Ord. No. 2006-36, § 2(11), 8-25-06/11-7-06)

Sec. 6.09. - Limitation on recall.

No recall petition shall be filed against a council member within six months after taking office, and no council member shall be subjected to more than one recall election during a term of office.

(Res. No. 1977-7R, Prop. 1, 1-24-77/4-2-77; Ord. No. 2000-12, 2-14-00/5-6-00; Ord. of 8-12-02, § 1; Ord. No. 2006-36, § 2(11), 8-25-06/11-7-06)

Sec. 6.10. - Examinations and certification of petitions.

(a) Within 45 days after an initiative, referendum or recall petition is filed, the city clerk shall determine whether the petition is properly signed by the requisite number of qualified voters. The city clerk shall use the standards and procedures described in state law to make this determination.

(b) In examining a petition, the clerk shall clearly note signatures found to be invalid.

(c) After completing examination of a petition, the clerk shall certify the result to the council at its next regular meeting.

(d) If the certificate of the city clerk shows an initiative or referendum petition to be insufficient, the clerk shall comply with the provisions of state law regarding the filing of a supplementary petition, if applicable. Within 45 days after a supplementary petition is filed, the clerk shall examine the petition and certify as to its sufficiency. If the original petition and supplementary petition are found to be insufficient, no further proceedings shall be had with regard to them.

(Ord. No. 2006-36, § 2(11), 8-15-06/11-7-06; Ord. No. 2013-44, Prop. 25, 8-20-13/11-5-13)

Sec. 6.11. - Non-binding ballot propositions.
The council is authorized to call elections on ballot propositions that are non-binding in nature when the council wishes to obtain an informal indication of the position of the city's voters on an issue. The following shall apply to elections or non-binding ballot propositions:

(1) The ballots must clearly label each proposition as non-binding in the heading of the proposition.

(2) The ballot cannot contain an indication of the effect that approval or disapproval of a proposition will have on the position of the city council on any issue.

(3) The ordinance calling the election and the ordinance declaring the result of the election must both contain a clear statement that the non-binding propositions are not binding on the city council.

(4) The city council shall not place a non-binding proposition on a ballot as a substitute or alternative for a binding proposition the council is obligated to place on the same ballot.

(5) A non-binding proposition may be placed on the ballot by the council only when the ballot will contain other matters. The city council shall not call an election at any time solely for the purpose of placing one or more non-binding propositions before the voters of the city.

(Ord. No. 2002-12, Prop. 4, 2-11-02/5-4-02; Ord. No. 2002-35, Prop. 4, 5-7-02/5-4-02)

ARTICLE VII. - MUNICIPAL PLANNING AND ZONING[5]

Footnotes:

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State Law reference — Planning and zoning, V.T.C.A., Local Government Code, § 211.001 et seq.

Sec. 7.01. - Planning and zoning commission.

(a) A city planning and zoning commission is established. The commission shall consist of nine members appointed for staggered three-year terms. Commission members shall be appointed by the council and serve without compensation.

(b) To be eligible for appointment to the commission, all eight of the commission members must have resided and owned real property in the city for a period of three five years before the date of appointment, and the remaining member must have resided and owned real property in the city’s extraterritorial jurisdiction for a period of three years before the date of appointment. To be eligible for continued service on the commission, the commission members appointed as city residents must maintain residence and property ownership in the city, and the commission member appointed as an extraterritorial jurisdiction resident must maintain residence and property ownership in the extraterritorial jurisdiction. Effective March 1, 2015 the ETJ member of the commission shall be deleted and a qualified city resident member shall be appointed.

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

(d) The council shall establish, by ordinance, the month in which appointments are made, and the month in which terms of office commence. The council may prescribe, by ordinance, educational requirements to be met after persons are appointed to the commission.

(e) In making appointments to the commission, council shall seek to ensure broad citizen representation which includes geographic, professional, gender, racial, and viewpoint diversity. No more than two
Professional realtors may be appointed to the commission. The commission shall establish bylaws to govern rules of procedure and the annual election of officers. All meetings of the commission shall be open to the public.

(Ord. No. 1981-51, Prop. 14, 7-6-81/8-8-81; Ord. No. 1990-8, Prop. 3, 2-12-90/5-5-90; Ord. No. 1994-16, Prop. 8, 2-9-94/5-7-94; Ord. No. 1998-7, Prop. 7, 2-9-98/5-5-98; Ord. No. 2000-12, Prop. 11, 2-14-00/5-6-00; Ord. No. 2000-40, Prop. 11, 5-9-00/5-6-00; Ord. No. 2004-10, Prop. 7, 2-23-04/5-15-04; Ord. No. 2008-29, § 2(22), 8-19-08/11-4-08; Ord. No. 2013-44, Props. 2—4, 25, 8-20-13/11-5-13)

Sec. 7.02. - Powers and duties of the commission.

The commission shall have the power and be required to:

(1) Be responsible to and act as an advisory body to the council on all matters related to the physical growth and development of the city. The Planning and Zoning staff shall follow all city ordinances, rules, and regulations and confer with the city attorney before making any recommendations to the Planning and Zoning Commission. The Planning and Zoning Commission shall follow all city ordinances, rules, and regulations before making any recommendations to the City Council.

(2) Review and be the final approval authority for the subdivision and platting of land within the city and its extraterritorial jurisdiction. The council or the commission may expressly delegate authority to approve certain minor subdivision plats to the director of the planning and development services department in accordance with the provisions of state law.

(3) Hold a public hearing and recommend to the city council the approval or disapproval of any proposed change to the city's official zoning map.

(4) Hold public hearings and approve or deny conditional use permit applications made under the city's zoning ordinances, subject to an appeal of such decisions to the city council. The council, on appeal, may uphold, modify, or reverse the decision of the commission. The council may reverse a decision of the commission to deny a permit only by a three-fourths vote of the council. Appeals to the council on conditional use permit applications will be based on the record before the Planning and Zoning Commission, Texas and Federal laws, San Marcos city ordinances and regulations. The decision on appeals before city council and will be governed by the substantial evidence rule. Decisions of the commission to revoke or suspend conditional use permits will be final and may not be appealed to the council. No filing fees shall be assessed for appeals to the city council.

(5) Submit annually to the city council, not less than one hundred and twenty days prior to the beginning of the fiscal year, a list of recommended capital improvements found necessary or desirable.

(6) Hold an annual public hearing on the Land Development Code and recommend any necessary or desirable changes to the council.

(7) Perform an ongoing review of the city's comprehensive plan to include:

(a) Holding an annual public hearing on the plan and recommend any necessary or desirable changes to the council;

(b) Holding public hearings and making recommendations to the council regarding updates to the land use and transportation elements of the plan at least once every three years; and
(c) Holding public hearings and making recommendations to the council regarding the update of the entire comprehensive plan document at least once every five years.

(8) Perform such other duties and be vested with such other powers as the council may prescribe in accordance with state law.

(9) Require information from the administrative units of city government in relation to the duties of the commission listed under this section.

(Ord. No. 1981-51, Prop. 14, 7-6-81/8-8-81; Ord. No. 1984-11, Prop. 12, 1-30-84/4-7-84; Ord. No. 1986-4, Prop. 17, 1-27-86/4-5-86; Ord. No. 1990-8, Prop. 4, 2-12-90/5-5-90; Ord. No. 1994-16, Prop. 8, 3-22-94/5-7-94; Ord. No. 2000-12, Prop. 11, 2-14-00/5-6-00; Ord. No. 2000-40, Prop. 11, 5-9-00/5-6-00; Ord. No. 2002-12, Prop. 5, 2-11-02/5-4-02; Ord. No. 2002-35, Prop. 5, 5-7-02/5-4-02; Ord. No. 2006-36, § 2(12), 8-15-06/11-7-06; Ord. No. 2013-44, Props. 5, 6, 8-20-13/11-5-13.)

Editor's note—The amendment adopted in Ordinance Number 1994-16 created a planning and zoning commission and established this section which repealed sections 7.05 through 7.07 which contained the power and duties of both a planning commission and zoning commission.

Sec. 7.03. - The comprehensive plan.

(a) The comprehensive plan for the City of San Marcos shall be used to guide the growth and development of the city. The comprehensive plan shall be adopted by ordinance. The city council will endeavor to ensure that city ordinances governing growth and development are consistent with the goals and policies contained in the comprehensive plan; however, land use maps and descriptions contained in the comprehensive plan do not constitute zoning, and do not entitle any property owner to any change in zoning.

(b) The commission shall conduct an ongoing review of the plan in accordance with Section 7.02. The commission may recommend amendments to the comprehensive plan after at least one public hearing on the proposed action. The council may amend the comprehensive plan after at least one public hearing on the proposed action. The council shall not act on any amendment affecting the comprehensive plan unless and until a recommendation on the amendment is received from the commission.

(Ord. No. 1984-11, Prop. 14, 1-30-84/4-7-84; Ord. No. 1986-4, Prop. 18, 1-27-86/4-5-86; Ord. No. 1994-16, Prop. 8, 3-22-94/5-7-94; Ord. No. 1998-7, Prop. 8, 2-9-98/5-5-98; Ord. No. 2000-12, Prop. 11, 2-14-00/5-6-00; Ord. No. 2000-40, Prop. 11, 5-9-00/5-6-00; Ord. No. 2002-12, Prop. 6, 2-11-02/5-4-02; Ord. No. 2002-35, Prop. 6, 5-7-02/5-4-02; Ord. No. 2013-44, Prop. 6, 8-20-13/11-5-13.)

Editor's note—The amendment adopted in Ordinance Number 1994-16 reenacted this section which was formerly Charter § 7.08.

Sec. 7.04. - Organization.

The commission shall elect a chair from its membership annually, and shall establish rules of procedure which shall include the following:

(1) A quorum shall consist of a majority of the membership.

(2) The chair shall be entitled to vote upon any question.
(3) All meetings shall be open to the public.


ARTICLE VIII. - FINANCIAL PROCEDURE

Footnotes:
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Sec. 8.01. - Fiscal year.

The fiscal year of the City of San Marcos shall begin on the first day of October and shall end on the last day of September of each calendar year. Such fiscal year shall also constitute the budget and accounting year.

(Ord. No. 2000-12, 2-14-00/5-6-00)


Sec. 8.02. - Preparation and submission of budget.

(a)(c) The city manager, not less than 30 days prior to the time the city council makes its tax levy for the current fiscal year, shall file with the city clerk a proposed budget, which budget shall provide a complete financial plan for the fiscal year, and shall contain a budget message explaining the budget, containing an outline of the proposed financial policies of the city for the ensuing fiscal year, setting forth the reasons for salient changes from the previous fiscal year in expenditure and revenue items, and explaining any major changes in financial policy. Copies of the proposed budget shall be made available at the San Marcos Public Library, at City Hall, and on the city's website.

(b) By April 30 March 31st of each year, after a public hearing, the city council shall formulate a policy statement to be used by the city manager as direction during the preparation of the proposed budget.

(e)(a) By February 27th of each year the city council shall hold a policy budget workshop.

(Res. No. 1977-7R, Prop. 6, 1-24-77/4-2-77; Ord. No. 1984-11, Prop. 15, 1-30-84/4-7-84; Ord. No. 1998-7, Prop. 9, 2-9-98/5-5-98; Ord. No. 2000-12, 2-14-00/5-6-00; Ord. No. 2002-12, Prop. 7, 2-11-02/5-4-02; Ord. No. 2002-35, Prop. 7, 5-7-02/5-4-02; Ord. No. 2006-36, § 2(13), 8-15-06/11-7-06)

State Law reference— Budgets, V.T.C.A., Local Government Code, § 102.001 et seq.

Sec. 8.03. - Anticipated revenues compared with other years in budget.

In preparing the budget, the city manager shall place in parallel columns opposite the several items of revenue: the actual amount of each item for the last completed fiscal year, the estimated amount for the current fiscal year, and the proposed amount for the ensuing fiscal year.
Sec. 8.04. - Proposed expenditures compared with other years.

The city manager in the preparation of the budget shall place in parallel columns opposite the various items of expenditures: the actual amount of such items of expenditures for the last completed fiscal year, the estimated amount for the current fiscal year and the proposed amount for the ensuing fiscal year.

Sec. 8.05. - Budget a public record.

The budget and all supporting schedules shall be filed with the city clerk, submitted to the city council and shall be a public record. The city manager shall provide copies for distribution to all interested persons. The budget and all supporting schedules shall be published on the city’s website.

Sec. 8.06. - Notice of public hearing on budget.

Not less than 30 days before the date the city council adopts the budget, the city council shall fix the time and place of public hearing on the budget and shall cause to be published in a newspaper of general circulation in the City of San Marcos, and through electronic media, a general summary of the proposed budget and a notice of the hearing setting forth the time and place thereof, the time for which publication shall be in accordance with applicable law.

Sec. 8.07. - Public hearing on budget.

At the time and place set forth in the notice required by Section 8.06, or at any time and place to which such public hearing shall from time to time be adjourned, the city council shall hold a public hearing on the budget submitted and all interested persons shall be given an opportunity to be heard for or against any item or the amount of any item therein contained. Copies of the proposed budget shall be available at the San Marcos Public Library, at City Hall, and on the city’s website.

Sec. 8.08. - Proceedings on budget after public hearing.

As a result of such public hearing, the city council may insert new items or may increase or decrease the items of the budget, except items in proposed expenditures fixed by law, but where it shall increase the total proposed expenditures, it shall also provide for an increase in the total anticipated revenue to at least equal such proposed expenditures.
Sec. 8.09. - Adoption after public hearing.

The budget and the tax rate shall be adopted, after public hearings, in compliance with State law. Copies of the budget shall be available at the San Marcos Public Library, at City Hall, and on the city's website.

(Res. No. 1979-2R, Prop. 6, 1-8-79/4-7-79; Ord. No. 1992-9, Prop. 11, 2-10-92/5-2-92; Ord. No. 2000-12, 2-14-00/5-6-00; Ord. of 8-12-02, § 1; Ord. No. 2006-36, § 2(13), 8-15-06/11-7-06; Ord. No. 2008-29, § 2(14), 8-19-08/11-4-08; Ord. No. 2013-44, Prop. 22, 8-20-13/11-5-13.)

Sec. 8.10. - Date of final adoption.

The budget and the tax rate shall be finally adopted not later than the expiration of the fiscal year.

(Ord. No. 2000-12, 2-14-00/5-6-00; Ord. of 8-12-02, § 1; Ord. No. 2006-36, § 2(13), 8-15-06/11-7-06; Ord. No. 2008-29, § 2(14), 8-19-08/11-4-08)

Sec. 8.11. - Effective date of budget; certification; copies made available.

Upon final adoption, the budget shall be in effect for the fiscal year. A copy of the budget, as finally adopted, shall be filed with the city clerk and such other officials as may be designated by law. The final budget shall be printed or otherwise reproduced and copies shall be made available for the use of all offices, departments and agencies and for the use of interested persons and civic organizations.

(Ord. No. 1992-9, Prop. 10, 2-10-92/5-2-92; Ord. No. 1998-7, Prop. 10, 2-9-98/5-5-98; Ord. No. 2000-12, 2-14-00/5-6-00)

Sec. 8.12. - Budget establishes appropriations.

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes therein named.

(Ord. No. 2000-12, 2-14-00/5-6-00)

Sec. 8.13. - Budget establishes amount to be raised by property tax.

From the effective date of the budget, the amount stated therein as the amount to be raised by property tax shall constitute the amount of the levy for the purposes of the city in the corresponding tax year; provided, that such levy shall not exceed the legal limit provided by the laws and constitution of the State of Texas.

(Ord. No. 2000-12, 2-14-00/5-6-00; Ord. No. 2008-29, § 2(14), 8-19-08/11-4-08)

Sec. 8.14. - Contingent appropriation.

Provision shall be made in the annual budget and in the appropriation ordinance for a contingent appropriation in amount not more than three per centum of the total budget, to be used in case of unforeseen items of expenditure. Such contingent appropriation shall be under the control of and distributed by the city manager after approval of the city council. Expenditures from this appropriation shall be made
only in case of established emergencies and a detailed account of such expenditures shall be recorded and reported.

(Res. No. 1977-7R, Prop. 1, 1-24-77/4-2-77; Ord. No. 2000-12, 2-14-00/5-6-00; Ord. of 8-12-02, § 1)

Sec. 8.15. - Estimated expenditures shall not exceed estimated resources.

The total estimated expenditures of the general fund and debt service fund shall not exceed the total estimated resources of each fund (prospective income plus cash on hand). The classification of revenue and expenditure accounts shall conform as nearly as local conditions will permit to the uniform classification as promulgated by the National Committee on Governmental Accounting or some other nationally accepted classification.

(Ord. No. 2000-12, 2-14-00/5-6-00)

Sec. 8.16. - Other necessary appropriations.

The city budget may be amended and appropriations altered in accordance therewith in cases of public necessity, the actual fact of which shall have been declared by the city council.

(Ord. No. 2000-12, 2-14-00/5-6-00)

Sec. 8.17. - Purchase procedure.

No contract or order shall be binding upon the city unless and until the city manager or the manager’s designated representative certifies that there is to the credit of such administrative unit a sufficient unencumbered appropriation and an allotment balance to pay for the supplies, materials, equipment, or contractual services, for which the contract or order is to be issued. Before the city makes any purchase or contract for supplies, materials, equipment, or contractual services, opportunity shall be given for competition. The council may by ordinance convey upon the city manager general authority to contract for expenditures without further approval of the council for all budgeted items not requiring competitive bidding or proposals under state law. All purchases shall be made in accordance with applicable ordinances and state law. When required, notice of solicitation for competitive purchases of goods and services shall appear on the city’s website and on an internet site for governmental procurements and may also be published in a newspaper of general circulation in the city.

(Res. No. 1977-7R, Props. 1, 7, 1-24-77/4-2-77; Ord. No. 1981-51, Prop. 13, 7-6-81/8-8-81; Ord. No. 1984-11, Prop. 16, 1-30-84/4-7-84; Ord. No. 1986-4, Props. 19—21, 1-27-86/4-5-86; Ord. No. 1988-15, Prop. 12, 2-8-88/5-7-88; Ord. No. 1992-9, Prop. 12, 2-10-92/5-2-92; Ord. No. 2000-12, 2-14-00/5-6-00; Ord. No. 2008-29, § 2(15), 8-19-08/11-4-08)

ARTICLE IX. - BORROWING FOR CAPITAL IMPROVEMENTS

Footnotes:
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Sec. 9.01. - Power to borrow.

The City of San Marcos shall have the right and power to borrow money on the credit of the city for permanent public improvements or for any other public purpose not prohibited by the constitution or statutes of the State of Texas. The city shall also have the power to borrow money against the revenues of any municipally owned utility and to mortgage the physical properties of such utilities in payment of such debt. In no event, however, shall revenue bonds be considered a general indebtedness of the city nor repaid with funds secured by taxation.

(Ord. No. 1996-6, Prop. 9, 2-12-96/5-4-96; Ord. No. 2000-12, 2-14-00/5-6-00)

Sec. 9.02. - Bond record.

The city manager or the manager's designated representative shall prepare, maintain and cause to be filed in the city manager's office a complete bond record, showing all bonds and certificates of obligation, the date and amount thereof, the rate of interest, a schedule of maturity dates and a record of all bonds and all other transactions of the city council having reference to the refunding of any indebtedness of the City of San Marcos. A copy of the bond record shall be available at the San Marcos Public Library, at City Hall, and on the city's website.

(Ord. No. 1992-9, Prop. 13, 2-10-92/5-2-92; Ord. No. 2000-12, 2-14-00/5-6-00; Ord. No. 2006-36, § 2(14), 8-15-06/11-7-06; Ord. No. 2008-29, § 2(16), 8-19-08/11-4-08; Ord. No. 2013-44, Prop. 23, 8-20-13/11-5-13)

Sec. 9.03. - Misapplication of bond funds.

Any officer or employee of the City of San Marcos who shall willfully or knowingly divert or use any funds arising from the issuance of any bond or sinking fund for any other purpose than that for which the fund is created or as herein otherwise authorized, shall be subject to prosecution as provided by the laws of the State of Texas on the diversion and conversion of funds belonging to any of the municipalities of the State of Texas.

(Ord. No. 2000-12, 2-14-00/5-6-00; Ord. of 8-12-02, § 4)

ARTICLE X. - TAX ADMINISTRATION[8]

Footnotes:
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State Law reference — Authority, Texas Const., art. 11, §§ 4, 5; local taxation, V.T.C.A., Tax Code, § 302.001 et seq.

Sec. 10.01. - Tax administration.
The city council shall provide for the administration and collection of property taxes in accordance with state law. This may be accomplished through interlocal agreement with another taxing unit whose taxing jurisdiction overlaps all or part of the city's taxing jurisdiction.

(Ord. No. 1981-51, Prop. 6, 7-6-81/8-8-81; Ord. No. 1992-9, Prop. 14, 2-10-92/5-2-92; Ord. No. 2000-12, 2-14-00/5-6-00; Ord. No. 2004-44, § 3, 8-9-04)

Sec. 10.02. - Power to tax.

The City Council of the City of San Marcos shall have the power, and is hereby authorized to levy, assess and collect annual taxes not to exceed the maximum limits set by the constitution and laws of the State of Texas as they now exist or as they may be amended on each $100.00 assessed valuation of all real and personal property within the corporate limits of the City of San Marcos and not exempt from taxation by the constitution and laws of the State of Texas; however, provisions must be made annually to assess and collect a sum sufficient to pay the interest on any debts of the city and to create a sinking fund of at least two percent of such debt.

(Res. No. 1977-7R, Prop. 8, 1-24-77/4-2-77; Ord. No. 2000-12, 2-14-00/5-6-00; Ord. of 8-12-02, § 1; Ord. No. 2008-29, § 2(17), 8-19-08/11-4-08; Ord. No. 2013-44, Prop. 25, 8-20-13/11-5-13)

Sec. 10.03. - Property subject to tax, methods of assessment.

All real and tangible personal property that the State of Texas has jurisdiction to tax, shall be subject to annual taxation by the City of San Marcos unless exempted by state law if the real property is located within the corporate limits of the City of San Marcos on January 1 and the tangible personal property is:

(1) Located in the City of San Marcos on January 1 for more than a temporary period;
(2) Normally located in the City of San Marcos, even though it is outside the city on January 1, if it is outside the city only temporarily;
(3) Normally returned to the City of San Marcos between uses elsewhere and is not located in any one place for more than a temporary period; or
(4) That in which the owner resides (for property not used for business purposes) or maintains his principal place of business in Texas (for property used for business purposes) in the City of San Marcos and the property is taxable in Texas but does not have a taxable situs pursuant to (1)–(3) above.

All procedures and actions relating to property taxation shall be conducted pursuant to the requirements of the Texes Property Tax Code. Each person, partnership, corporation, association or other legal entity so owning property within the limits of the City of San Marcos, shall render said property as required by the Texas Property Tax Code and the chief appraiser of the Hays County Appraisal District.

(Res. No. 1977-7R, Prop. 1, 1-24-77/4-2-77; Ord. No. 1984-11, Prop. 17, 1-30-84/4-7-84; Ord. No. 2000-12, 2-14-00/5-6-00)

Sec. 10.04. - Reserved.
Editor's note— A Charter amendment adopted April 7, 1984, deleted § 10.04, pertaining to the board of equalization. The section derived unamended from the city's Home Rule Charter as adopted Feb. 24, 1967, and has been reserved for future use.

Sec. 10.05. - Taxes; when due and payable.

All taxes due the City of San Marcos shall be payable at the office of the city assessor-collector and may be paid at any time after October 1. Unless otherwise provided by State law, taxes for each tax year shall be paid before February 1 of the following year, and all such taxes not paid prior to such date shall be deemed delinquent and shall be subject to penalty and interest at the maximum percentage permitted by law.

(Ord. No. 1981-51, Prop. 7, 7-6-81/8-8-81; Ord. No. 1984-11, Prop. 19, 1-30-84/4-7-84; Ord. No. 2000-12, 2-14-00/5-6-00; Ord. No. 2008-29, § 2(18), 8-19-08/11-4-08)

Sec. 10.06. - Seizure and sale of personal property.

Personal property is subject to seizure for the payment of a delinquent tax, penalty and interest owed the City of San Marcos. Personal property is subject to seizure for the payment of a tax imposed by the City of San Marcos on property before the tax becomes delinquent as provided by the Texas Property Tax Code. Sale of such seized property shall be pursuant to the federal and state constitution and the Texas Property Tax Code.

(Res. No. 1977-7R, Prop. 1, 1-24-77/4-2-77; Ord. No. 1984-11, Prop. 20, 1-30-84/4-7-84; Ord. No. 2000-12, 2-14-00/5-6-00)

Sec. 10.07. - Tax liens.

(a) The tax levied by the city is hereby declared to be a lien, charge, or encumbrance upon the property upon which the tax is due, which lien, charge or encumbrance the city is entitled to enforce and foreclose in any court having jurisdiction over the same and the lien, charge or encumbrance on the property in favor of the city, for the amount of the taxes due upon such property is such as to give the state courts jurisdiction to enforce and foreclose said lien on the property on which the tax is due, not only as against any resident of this state or person whose residence is unknown, but also as against nonresidents. All taxes upon real estate shall especially be a lien and a charge upon the property upon which the taxes are due, which lien may be foreclosed in any court having jurisdiction. The city's tax lien shall exist from January 1, in each year until the taxes are paid.

(b) Personal property may not be seized and a suit may not be filed:

(1) To collect a tax on personal property that has been delinquent more than four years; or

(2) To collect a tax on real property that has been delinquent more than 20 years.

(c) A tax delinquent for more than the limitation period prescribed by this section and any penalty and interest on the tax is presumed paid unless a suit to collect the tax is pending.

(d) The city's tax lien shall be prior to all other claims, and no gift, sale, assignment or transfer of any kind, or judicial writ of any kind, can ever defeat such lien. All persons or corporations owning or holding personal property or real estate in the City of San Marcos on the first day of January of each year shall
be liable for all municipal taxes levied thereon for such year. The City of San Marcos is hereby made liable for all of said taxes, whether the same be due upon personal or real property, or upon both.

(Ord. No. 1984-11, Prop. 21, 1-30-84/4-7-84; Ord. No. 2000-12, 2-14-00/5-6-00; Ord. of 8-12-02, § 1; Ord. No. 2004-44, § 4, 8-9-04)

Sec. 10.08. - Tax remissions, discount, and compromises.

The city council or any other official of the city shall never extend the time for payment of taxes or remit, discount or compromise any tax legally due the city or waive the penalty and interest that may be due thereon to any person, firms or corporations owing taxes to the city for such year or years except as permitted by state law; provided, however, that this provision shall not prevent the compromise of any tax suit.

(Ord. No. 1988-15, Prop. 13, 2-8-88/5-7-88; Ord. No. 2000-12, 2-14-00/5-6-00)

ARTICLE XI. - FRANCHISES AND PUBLIC SERVICE COMPANIES\[9]\n
Footnotes:
--- (9) ---

Sec. 11.01. - Definitions; powers of the city council.

(a) In this article:

(1) "Public service company" means any company, individual, partnership, corporation or other entity recognized by law that uses the city's streets, alleys, highways or other public property to carry out its principal purposes, including but not limited to public utilities, commercial railway or street railway services, public transit services, solid waste collection, and vehicles for hire.

(2) "Public utility" means any water, wastewater, gas, electricity or telecommunications utility that operates or offers service in the city.

(3) "Telecommunications utility" includes any company that provides or offers to provide telephone, cable television or other similar services for the transmission of voice, data or video information.

(b) The city council has the following powers regarding public service companies of every character operating in the city:

(1) To buy, condemn, construct, lease, maintain, and operate public utility systems in the city;
(2) To sell, manufacture, and distribute the services and output of city public utility systems;
(3) To prohibit the use of city streets, alleys, easements or other grounds by a public service company unless the company first obtains a franchise, permit, certificate or other authorization in accordance with this article and applicable ordinances; and
(4) To regulate public service companies in the interest of public health, welfare, and safety.

(c) The authority of the council under this article is subject to federal and state laws regarding public utilities. The provisions of this article will be disregarded to the extent of any conflict between them and federal and state laws.
Sec. 11.02. - Power to grant franchise.

The council shall have the power, by ordinance, to grant, renew, extend, and amend all franchises of all public utilities of every character operating within the city. No franchise shall be for an indeterminate period, and no franchise shall be granted for a term of more than five years from the date of the grant, renewal or extension.

(Ord. No. 1988-15, Prop. 2, 2-8-88/5-7-88; Ord. No. 2000-12, Prop. 12, 2-14-00/5-6-00; Ord. No. 2000-40, Prop. 12, 5-9-00/5-6-00)

Sec. 11.03. - Reserved.


Sec. 11.04. - Ordinance granting franchise; public hearing.

All ordinances granting, renewing, extending or amending a public utility franchise shall be read at three separate regular meetings of the council, and shall not be finally passed until 30 days after the first reading; and no such ordinance shall take effect until 30 days after its final passage. The council shall conduct a public hearing on any such franchise ordinance before the first reading of the ordinance. Notice of the public hearing, including the full text of the ordinance shall be published once before the first reading, in a newspaper of general circulation in the city, and shall be made available at the San Marcos Public Library at City Hall and on the city's website, and the expense of such publication shall be borne by the applicant for the franchise.

(Ord. No. 2000-12, Prop. 12, 2-14-00/5-6-00; Ord. No. 2000-40, Prop. 12, 5-9-00/5-6-00)

Sec. 11.05. - Transfer of franchise.

No public utility franchise shall be assigned or transferred except with the approval of the council expressed by ordinance. The term "assigned or transferred" includes a transfer of a controlling interest in stock, and an assignment or transfer to an affiliated or subsidiary person or company, but the term does not include the pledging of a franchise as security for a valid debt or mortgage.

(Ord. No. 2000-12, Prop. 12, 2-14-00/5-6-00; Ord. No. 2000-40, Prop. 12, 5-9-00/5-6-00)

Sec. 11.06. - Franchise value not to be allowed.
No value shall be assigned to any franchise granted by the city in fixing reasonable rates and charges for utility service within the city, or in determining the just compensation to be paid by the city for public utility property which it may acquire by condemnation or otherwise.

(Ord. No. 2000-12, 2-14-00/5-6-00; Ord. No. 2000-40, 5-9-00/5-6-00)

Sec. 11.07. - Right of regulation.

Every grant, renewal, extension or amendment of a public utility franchise, whether so provided in the ordinance or not, shall be subject to the right of the council:

(1) To forfeit any such franchise by ordinance at any time for the failure of holder thereof to comply with the terms of the franchise, such power to be exercised only after notice and hearing, and an opportunity to correct the default.

(2) To require such expansion and extension of plant and facilities as are necessary to provide adequate service to the public and maintain plant and fixtures at the highest reasonable standard of efficiency.

(3) To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates.

(4) To impose regulations to ensure safe, efficient and continuous service to the public.

(5) To collect from every franchise holder its fair and just proportion of the expense of maintaining areas of public property occupied by the franchise holder, or to compel the franchise holder to perform its fair and just share of the work of maintaining areas of public property occupied by the franchise holder at its own expense.

(6) To examine and audit at any time during regular business hours the accounts and records of any such utility which are relevant to the city's right of regulation.

(7) To prescribe the form of accounts kept by such utility.

(8) To require such compensation and rental as may be permitted by federal or state law.

(Ord. No. 1996-6, Prop. 10, 2-12-96/5-4-96; Ord. No. 2000-12, 2-14-00/5-6-00; Ord. No. 2000-40, 5-9-00/5-6-00)

Sec. 11.08. - Public service companies to file annual reports.

The city council by ordinance shall require each public service company operating within the corporate limits of the city to file a sworn annual report of the receipts from the operation of the company for the current year, how expended, how much thereof for betterments or improvements, the rate of tolls or charges for services rendered to the public, and any other facts or information that the council may deem pertinent for its use in intelligently passing upon any questions that may arise between the city and the public service company. These reports shall be filed with the city clerk, and preserved for the use of the city council. The reports may be reviewed periodically by the council to determine the propriety of the rates being charged and will be available at the San Marcos Public Library, at City Hall, and on the city's website.

(Ord. No. 1996-6, Prop. 10, 2-12-96/5-4-96; Ord. No. 2000-12, 2-14-00/5-6-00; Ord. No. 2000-40, 5-9-00/5-6-00; Ord. No. 2006-36, § 2(15), 8-15-06/11-7-06; Ord. No. 2013-44, Prop. 24, 8-20-13/11-5-13)
Sec. 11.09. - Regulation of rates.

The council shall have the power to:

(1) Regulate by ordinance the rates of every public service company operating in the city, provided that no such ordinance shall be passed as an emergency measure;

(2) Employ expert advice and assistance in determining a rate and equitable profit to the public service company; and shall have the power to require, as a condition precedent to any hearing concerning rates and service of a company, that the company pay the cost of such expert advice and assistance as chosen and deemed necessary by the council.

(Ord. No. 1988-15, Prop. 15, 2-8-88/5-7-88; Ord. No. 2000-12, 2-14-00/5-6-00; Ord. No. 2000-40, 5-9-00/5-6-00)

Sec. 11.10. - Municipally owned utilities.

Accounts shall be kept for each public utility owned or operated by the city, in such manner as to show the true and complete financial results of such city ownership and operation, including all assets and all liabilities, appropriately subdivided by classes, depreciation reserve, other reserves and surplus; also revenues, operating expenses including depreciation, interest payments, rental and other disposition of annual income. The accounts shall show actual capital cost to the city of each utility owned. The accounts shall show as nearly as possible the cost of any service furnished to or rendered by any such utility to any city department. The council shall cause an annual report to be made by a certified public accountant and shall publish such report showing the financial results of such city ownership and operation, giving the information specified in this section and such other data as the council shall require.

(Ord. No. 2000-12, 2-14-00/5-6-00; Ord. No. 2000-40, 5-9-00/5-6-00)

Sec. 11.11. - Regulation of city owned public utilities.

The council has authority to supervise and regulate the operations of city owned public utilities, including the following:

(1) To establish the rates, terms and conditions for the sale of utility services.

(2) To prescribe rules and standards for the construction, extension, maintenance and operation of production, transmission and distribution facilities.

The council may exercise this authority itself, or it may delegate all or part of the authority to a board of citizens to oversee one or more of the city's public utilities.

(Ord. No. 1996-6, Prop. 1., 2-12-96/5-4-96; Ord. No. 2000-12, 2-14-00/5-6-00; Ord. No. 2000-40, 5-9-00/5-6-00)

ARTICLE XII. - GENERAL PROVISIONS
Sec. 12.01. - Public access to records.

All information collected, assembled or maintained by the city pursuant to law or ordinance or in connection with the transaction of official city business is public information and available to the public during normal business hours of the city under the terms and conditions provided in the Texas Public Information Act as amended.

(Ord. No. 1988-15, Prop. 16, 2-8-88/5-7-88; Ord. No. 2000-12, 2-14-00/5-6-00; Ord. No. 2004-44, § 5, 8-9-04)


Sec. 12.02. - Personal interest and code of ethics.

(a) (1) All elected and appointed officers of the city shall comply with applicable requirements of state law and city ordinances pertaining to conflicts of interest of local government officials.

(2) The code of ethics adopted by the city council under subsection (b) of this section shall require annual disclosure by members of the city council and city boards and commissions of their relevant interests in business entities and real property as defined under state law and city ordinances. The financial disclosures shall be updated within 30 days of any significant change in the interests of an official – even if such a change is temporary. For this part “significant” means a change in interest that would tend to render the annual financial disclosure misleading or incomplete.

(3) No member of the city council, and no employee of the city shall have a financial interest in the sale to the city or purchase from the city of any land, materials, supplies or service, outside of the person's position with the city. Any person having such an interest shall be ineligible for election as a city council member or appointment as an employee of the city, and any city council member or employee who acquires such an interest shall forfeit the office or employment. Any violation of this provision with the actual or constructive knowledge of the city council member or employee shall render the contract voidable by the city manager or the city council. These provisions shall not apply to acquisitions of property by the city as a result of eminent domain proceedings or the threat of eminent domain proceedings.

(4) For a period of two years from the date of leaving office a city council member shall not have any financial interest in the sale to the city or purchase from the city of any land, materials, supplies, or service. Any violation of this subsection with the actual or constructive knowledge of the former city council member shall render the contract voidable by the city manager or the city council.

(b) It is the policy of the City of San Marcos that all city officials and employees shall act and conduct themselves both inside and outside the city's service so as to give no occasion for distrust for their integrity, impartiality or of their devotion to the best interest of the City of San Marcos and the public trust which it holds. To this end and to expressly assure its accomplishment, the city council shall establish and maintain an ethics review commission, and shall adopt and maintain a code of ethics for officials and employees of the City of San Marcos in ordinance form. The city council shall appoint an ethics review commission composed of seven citizens of the City of San Marcos to serve three-year staggered terms. A chair shall be elected by a majority of the commission after the annual appointment of members to the commission.
(c) Duties of the ethics review commission:

(1) The ethics review commission shall meet at least once a year to review the code of ethics of the City of San Marcos and make recommendations, if any, to the city council.

(2) Conduct hearings into allegations of violations of the city's code of ethics, or a state conflict of interest law, or the city charter, according to the procedures set forth in the city's ethics ordinance.

(3) Render advisory opinions on potential conflicts of interest, or violation of the city's code of ethics, or the city charter, at the request of a public official or employee covered by the code of ethics.

(4) Recommend to appropriate authorities cases for prosecution or other action for violation of the code of ethics, or a state conflict of interest law, or the city charter.

(5) Review and monitor financial reports required by the Texas Election Code with respect to city-sponsored elections.

(Res. No. 1979-2R, Props. 5, 7, 1-8-79/4-7-79; Ord. No. 1984-4, Props. 22—24, 1-27-86/4-5-86; Ord. No. 1988-15, Prop. 17, 2-8-88/5-7-88; Ord. No. 1990-8, Prop. 5, 2-12-90/5-5-90; Ord. No. 1998-7, Prop. 11, 2-9-98/5-5-98; Ord. No. 2000-12, 2-14-00/5-6-00; Ord. No. 2000-40, 5-9-00/5-6-00; Ord. No. 2006-36, § 2(16), 8-15-06/11-7-06; Ord. No 2008-29, § 2(20), 8-19-08/11-4-08)

Sec. 12.03. – Nepotism and Conflict of Interest

The members of the city council, and, the city manager, city clerk, city attorney and presiding judge of the municipal court are the public officials of the city who are subject to the nepotism prohibitions defined under State law.

(a) Public officials of the City of San Marcos are subject to the nepotism prohibitions defined under State law. For purposes of this section, the following are defined as public officials:

(1) The mayor and members of city council
(2) City Manager
(3) City Clerk
(4) City Attorney
(5) Presiding judge of the municipal court

(b) No city employee shall be regularly directly supervised by a relative, sexual partner, or roommate. City employees will not be transferred or promoted into positions that would cause them to be in a direct supervisor/subordinate relationship with a relative, sexual partner, or roommate. The supervisor involved in the relationship is responsible for promptly reporting the relationship to the city's Director of Human Resources.

(1) Relatives: Includes the first, second, and third degree of consanguinity (blood or adoption); and the first and second degree of affinity (marriage). Common law marriages as recognized by the State of Texas will also be included for purposes of this section.

(2) Roommates: Individuals who share the same living quarters.
(3) Sexual Partner: Persons in a consensual sexual relationship but are not married to one another.

(c) To avoid the appearance and risk of impropriety a public official shall not appoint his or her business associates to public commissions and boards. Business associate is defined to include:

1. a public official's outside employer, outside employee, outside supervisor, or inside subordinate

2. a public official’s relative's outside employer, outside employee, outside supervisor, or outside subordinate

3. the public official's outside client;

4. the public official’s outside business partner, including:

   a. Owning 10 percent or more of a business entity in which the public official also owns 10 percent or more

   b. Owning real property with a fair market value of $2,500 or more in partnership with the public official

   c. In an outside legal contract for business goods or services valued at $2,500 or more with the public official

(Ord. No. 1994-16, Prop. 9, 3-22-94/5-7-94; Ord. No. 2000-12, 2-14-00/5-6-00)


Sec. 12.04. - Provisions relating to assignment, execution and garnishment.

The property, real and personal, belonging to the city shall not be liable to be sold or appropriated under any writ or execution or cost bill. The funds belonging to the city, in the hands of any person, firm or corporation, shall not be liable to garnishment, attachment, or sequestration; nor shall the city be liable to garnishment on account of any debt it may owe or funds or property it may have on hand or owing to any person. Neither the city nor any of its officers or agents shall be required to answer any such writ of garnishment on any account whatever. The city shall not be obligated to recognize any assignment of wages or funds by its employees, agents or contractors.

(Ord. No. 2000-12, 2-14-C0/5-6-00)


Sec. 12.05. - City not required to give security or execute bond.

It shall not be necessary in any action, suit or proceeding in which the City of San Marcos is a party, for any bond, undertaking, or security to be demanded or executed by or on behalf of said city in any of the state courts, but in all such actions, suits, appeals, or proceedings same shall be conducted in the same manner as if such bond, undertaking or security had been given as required by law.

(Ord. No. 2000-12, 2-14-C0/5-6-00)
Sec. 12.06. - Special provisions covering damage suits.

Before the city shall be liable to damage claim or suit for personal injury, or damage to property, the person who is injured or whose property is damaged or someone in that person's behalf shall give the city manager or the person performing the duties of city clerk, notice in writing within 90 days after the occurrence of the alleged injury, or damage, stating specifically in such notice when, where and how the injury or damage was sustained, and setting forth the extent of the injury or damage as accurately as possible. Provided however, that the ninety-day notice requirement of this section may be extended by a court of competent jurisdiction for good cause shown if the injured party has exercised due diligence, if any delay in giving the notice required by this section is not the result of conscious indifference by the party and if there is no substantial harm to the city caused by the delay. No action at law for damages shall be brought against the city for personal injury or damage to property prior to the expiration of 30 days after the notice hereinbefore described has been filed with the city manager or the person performing the duties of city clerk. In case of injuries resulting in death, before the city shall be liable in damages therefor the person or persons claiming such damages shall after the death of the injured person give notice as above required in case of personal injury. Provided, however, that nothing herein contained shall be construed to mean that the City of San Marcos waives any rights, privileges, defenses or immunities in tort actions which are provided under the common law, the constitution and general laws of the State of Texas.

(Res. No. 1977-7R, Prop. 1, 1-24-77/4-2-77; Ord. No. 1981-51, Prop. 9, 7-6-81/8-8-81; Ord. No. 1988-15, Prop. 18, 2-8-88/5-7-88; Ord. No. 2000-12, 2-14-00/5-6-00; Ord. of 8-12-02, § 1)


Sec. 12.07. - Separability clause.

If any section or part of section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be in separably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

(Ord. No. 2000-12, 2-14-00/5-6-00)

Sec. 12.08. - Effect of this Charter on existing law.

All ordinances, resolutions, rules, and regulations now in force under the city government of San Marcos and not in conflict with the provisions of this Charter, shall remain in force under this Charter until altered, amended or repealed by the council after this Charter takes effect; and all rights of the City of San Marcos under existing franchises and contracts are preserved in full force and effect to the City of San Marcos.

(Ord. No. 2000-12, 2-14-00/5-6-00)

Sec. 12.09. - Holdover of officers.

All officers of the city, including appointed members of city boards and commissions, shall continue to perform the duties of their offices until their successors are duly qualified.

Sec. 12.10. - Applicability of general laws.

The constitution of the State of Texas, the statutes of said state applicable to home-ruled municipal corporations, as now or hereafter enacted, this Charter and ordinances enacted pursuant hereto shall, in the order mentioned, be applicable to the City of San Marcos. The city shall also have the power to exercise any and all powers conferred by the laws of the State of Texas upon any other kind of city, town or village, not contrary to the provisions of said home-rule statutes, Charter and ordinances, but the exercise of any such powers by the City of San Marcos shall be optional with it, and it shall not be required to conform to the law governing any other cities, towns or villages unless and until by ordinance it adopts same.

Sec. 12.11. - Amending the Charter.

Amendments to this Charter may be framed and submitted to the voters of the city in the manner provided by state law and in compliance with the provisions of this Charter pertaining to the holding of elections, including the requirements in Section 6.03 for verification of signatures on any petition paper that have been continuously in effect since the adoption of the original city charter on February 24, 1967.

Sec. 12.12. - Charter review commission.

Beginning in January 2013 and at least every four years thereafter, the city council shall appoint a Charter review commission of seven citizens of the City of San Marcos.

(a) Duties of the commission:

(1) Inquire into the operation of the city government under the Charter provisions and determine whether any such provisions require revision. To this end public hearings may be held, and the commission shall have the power to compel the attendance of any officer or employee of the city and to require the submission of any of the city records which it may deem necessary to the conduct of such hearing.

(2) Propose any recommendations it may deem desirable to ensure compliance with the provisions of the Charter by the several departments of the city government.

(3) Propose, if it deems desirable, amendments to this Charter to improve the effective application of said Charter to current conditions.

(4) Report its findings and present its proposed amendments, if any, to the city council.

(b) The city council may take action to amend the Charter in the manner provided by state law.
(c) **Term of office:** The term of office of such Charter review commission shall be six months, and, if during such term no report is presented to the city council, then all records of the proceedings of such commission shall be filed with the person performing the duties of the city clerk and shall become a public record.

(Ord. No. 1986-4, Props. 25, 26, 1-27-86/4-5-86; Ord. No. 1992-9, Props. 16, 17, 2-10-92/5-2-92; Ord. No. 2000-12, 2-14-00/5-6-00; Ord. No. 2000-40, 5-9-00/5-6-00; Ord. of 8-12-02, § 1; Ord. No. 2008-09, § 2(1), 8-19-08/11-4-08)

**Sec. 12.13. - Reserved.**


**Sec. 12.14. - Reserved.**

**Editor's note**— Former § 12.14 relative to the manner of the original adoption of the Charter by the vote has been deleted by proposition number 27 of the Apr. 5, 1986 Charter amendments.

**Sec. 12.15. - Fluoridation of municipal water supply.**

The City of San Marcos shall not add, or direct or require its agents to add fluoride in the form of hydrofluorosilicic acid, hexafluorosilicic acid, or sodium silicofluoride to the San Marcos municipal water supply.

(Ord. No. 2015-32, § 2, 8-18-15/11-3-15)
MINUTES OF THE REGULAR MEETING OF THE
CHARTER REVIEW COMMISSION OF THE
CITY OF SAN MARCOS, TEXAS
FEBRUARY 9, 2017

Members Present: Kama Davis
Daniel Guerrero
Paul Mayhew, Chair
Amy Meeks
Perry Moore
Todd Salmi
Shane Scott

City Attorney: Michael Cosentino

Recording Secretary: Tina Moreno

Others Present: Don Eyssen, Forrest Fulkerson, and Tom Wassenich

The meeting was called to order at 5:45 p.m. by Mr. Cosentino.

Ms. Moreno administered the Oaths of Office to newly appointed members.

Mr. Mayhew stated he would like to place his name for consideration as Chair. There were no other nominations. A motion was made by Mr. Scott, seconded by Ms. Davis, that Mr. Mayhew be appointed Chair. The motion carried by the following vote:

For: 5 - Davis, Meeks, Moore, Salmi, and Scott
Against: 0
Absent: 1 - Guerrero
Abstain: 1 - Mayhew

Chair Mayhew introduced the nomination of Vice-Chair. Ms. Davis stated she would like to place her name for consideration as Vice-Chair. There were no other nominations. A motion was made by Ms. Davis, seconded by Mr. Moore, that Ms. Davis be appointed Vice-Chair. The motion carried by the following vote:

For: 5 - Mayhew, Meeks, Moore, Salmi, and Scott
Against: 0
Absent: 1 - Guerrero
Abstain: 1 - Davis

Chair Mayhew introduced the Citizen Comment Period. Three (3) citizens were present: Mr. Don Eyssen, Mr. Forrest Fulkerson, and Mr. Tom Wassenich. All three declined to speak during the Citizen Comment Period.
Chair Mayhew introduced the next agenda item, “Discuss and consider approval of the meeting schedule and approach to Charter review.” (Mr. Guerrero arrived at 5:52 p.m.) A motion was made by Mr. Guerrero, seconded by Mr. Scott, that the Commission would meet at 5:30 p.m. every Thursday for the next eight (8) weeks, with the exception of Spring Break Week and Holy Week (so February 16th through April 20th). The motion carried by the following vote:

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

A motion was made by Ms. Meeks, seconded by Mr. Guerrero, that the Commission approach the Charter section by section (beginning at Article I and ending with Article 12) and addressing the requests made by Council and staff when applicable. The motion carried by the following vote:

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

Chair Mayhew introduced the next agenda item, “Begin section by section review of City Charter.” After reviewing ARTICLE I. – FORM OF GOVERNMENT AND BOUNDARIES, a motion was made by Ms. Davis, seconded by Mr. Guerrero, to strike-through all references of the term “municipal government” and replace with “city government” throughout entire Charter to allow clarity, consistency and utilization of plain language. The motion carried by the following vote:

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

After reviewing ARTICLE II. – POWERS OF THE CITY, a motion was made by Ms. Davis, seconded by Ms. Meeks, that the term “city” be lower-cased throughout the Charter, according to grammar rules, unless you specify which city is being referenced (i.e., City of San Marcos). The motion carried by the following vote:

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

A second motion was made by Ms. Davis, seconded by Mr. Guerrero, that correct punctuation be incorporated throughout the Charter (i.e., appropriate usage of colon and semi-colon signs when numbering a list of items). The motion carried by the following vote:
For: 7 - Davis, Guerrero, Mayhew, Meeks, Moore, Salmi, and Scott
Against: 0
Absent: 0
Abstain: 0

Chair Mayhew introduced the next agenda item, “Questions and Answers from Press and Public.” Mr. Eyssen addressed the Commission on whether their action meeting minutes would include notes on dissenting votes. Mr. Salmi responded that the Commission has not made a decision or taken any action on this item. Mr. Cosentino also responded that the action minutes would certainly include the roll call votes. Mr. Fulkerson addressed the Commission regarding web page inconsistencies between departments and boards and commissions. He suggested more uniformity in terms of information provided and how presented. Mr. Salmi responded that some discussion has been made on this item but no action has been taken. Mr. Fulkerson further recommended there be multiple means of media for publication notices, to prevent access limitations. Ms. Davis responded that some discussion has been made on this item and more will be forthcoming. Mr. Fulkerson then addressed the Commission on whether citizens and/or groups are allowed to make presentations to the Commission on items of concern. Mr. Cosentino responded that items of concern can be submitted any time to the Charter staff liaisons and must be agendized for discussion and/or presentation. Mr. Salmi also responded by requesting that the Charter Review Commission web page include information for public input on items of concern.

Ms. Davis moved for adjournment at 7:26 p.m., seconded by Mr. Salmi. The motion passed with the following vote:

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

Chair
[Signature]
MINUTES OF THE REGULAR MEETING OF THE
CHARTER REVIEW COMMISSION OF THE
CITY OF SAN MARCOS, TEXAS
FEBRUARY 16, 2017

Members Present: Kama Davis
                Paul Mayhew, Chair
                Amy Meeks
                Perry Moore
                Todd Salmi
                Shane Scott

Members Absent: Daniel Guerrero

City Attorney: Michael Cosentino

Recording Secretary: Tina Moreno

Others Present: Tom Wassenich

The meeting was called to order at 5:34 p.m. by Chair Mayhew.

Chair Mayhew introduced the Citizen Comment Period. Mr. Tom Wassenich was present. However, he elected to not sign in to speak during the Citizen Comment Period.

Chair Mayhew introduced the next agenda item, “Discuss and review the usage of the terms: “city” and “municipal” as used in San Marcos’ City Charter. Ms. Moreno identified the terms: “city” and “municipal,” in highlighted-colors throughout the entire charter, as requested, and found no other instances where “municipal government” needed to be changed or addressed.

Chair Mayhew introduced the next agenda item, “Begin section by section review of City Charter, including but not limited to Article 3 – The City Council.” After reviewing Sec. 3.01. – Number, selection, and term, a motion was made by Mr. Scott, seconded by Mr. Moore, to change the term for Mayor from a 2-year term to a 4-year term. The motion failed by the following vote:

For: 2 - Moore and Scott
Against: 4 - Davis, Mayhew, Meeks, and Salmi
Absent: 1 - Guerrero
Abstain: 0

A second motion was made by Mr. Moore, seconded by Mr. Scott, to not change to single-member districts. The motion carried by the following vote:

For: 6 - Davis, Mayhew, Meeks, Moore, Salmi, and Scott
Against: 0
Absent: 1 - Guerrero
Abstain: 0

After reviewing Sec. 3.02. - Qualifications, a motion was made by Mr. Moore, seconded by Ms. Meeks, that the following amendment be made to item (a)(6): “Shall remain current on all financial obligations to the city relating to the duties of the council member.” The motion carried by the following vote:

For: 4 - Mayhew, Meeks, Moore, and Scott
Against: 2 - Davis and Salmi
Absent: 1 - Guerrero
Abstain: 0

Chair Mayhew introduced the next agenda item, “Questions and Answers from Press and Public.” Mr. Wassennich addressed the Commission on what where the requests from the city council for the commission to review in the charter. Mr. Cosentino provided Mr. Wassennich a copy of the entire list. Mr. Wassennich then inquired on whether disclosure of ongoing purchases of property while on council would be addressed by the Commission. Mr. Cosentino responded that the item has been addressed by the Ethics Review Commission and they will be making a proposal to the city council (possibly the second council meeting in March 2017). The proposal would be to amend the financial disclosure form to have the mayor and city council be required to report new interest in real estate within 30 days of purchase. Mr. Wassennich stated that was good but then inquired on whether this item would also be incorporated into the city charter. Mr. Cosentino responded that it could be.

Chair Mayhew adjourned the meeting at 7:06 p.m.

Chair
MINUTES OF THE REGULAR MEETING OF THE
CHARTER REVIEW COMMISSION OF THE
CITY OF SAN MARCOS, TEXAS
FEBRUARY 23, 2017

Members Present: Kama Davis
Daniel Guerrero
Paul Mayhew, Chair
Amy Meeks
Perry Moore
Todd Salmi
Shane Scott

City Attorney: Michael Cosentino

Recording Secretary: Tina Moreno

The meeting was called to order at 5:35 p.m. by Chair Mayhew.

Chair Mayhew introduced the Citizen Comment Period. None were present.

Chair Mayhew introduced the approval of the minutes of the Regular Meeting of February 9, 2017. A motion was made by Mr. Scott, seconded by Ms. Meeks, to approve the minutes. The motion passed by the following vote:

For: 5 - Davis, Mayhew, Meeks, Moore, and Scott.
Against: 0
Absent: 0
Abstain: 2 - Guerrero and Salmi

Chair Mayhew introduced the next agenda item, “Section by section review of City Charter, including but not limited to Article 3 – The City Council and Article 4 – Administrative Services.” After reviewing Sec. 3.01. – Number, selection, and term, a motion was made by Mr. Guerrero, seconded by Ms. Davis, to maintain current terms for mayor (2-year) and council members (3-year). The motion passed by the following vote:

For: 5 - Davis, Guerrero, Mayhew, Meeks, and Salmi
Against: 2 - Moore and Scott
Absent: 0
Abstain: 0

A second motion was made by Ms. Davis, seconded by Mr. Guerrero, to use the term “mayor pro tem” in place of “mayor pro tempore” and “mayor pro temp” to allow consistency throughout entire charter. The motion carried by the following vote:
For: 7 - Davis, Guerrero, Mayhew, Meeks, Moore, Salmi, and Scott
Against: 0
Absent: 0
Abstain: 0

After reviewing **Sec. 3.02 - Qualifications**, a motion was made by Mr. Guerrero, seconded by Ms. Davis, that the following amendment be made to item (a)(2)(A): "The person must use the residence address for voter registration, and current driver’s license or Texas identification card purposes;". The motion carried by the following vote:

For: 6 - Davis, Guerrero, Mayhew, Meeks, Moore, and Scott
Against: 1 - Salmi
Absent: 0
Abstain: 0

After reviewing **Sec. 3.05 - Mayor, mayor pro tempore and deputy mayor pro tempore**, a motion was made by Mr. Salmi, seconded by Ms. Davis, that the following amendment be made to the third sentence: "At its first meeting following each regular election of council members, the council shall by election designate a mayor pro tempore, and may shall in addition designate a deputy mayor pro tempore, who each shall serve in such capacity for a period of one year;". The motion carried by the following vote:

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

Chair Mayhew introduced the next agenda item, "Questions and Answers from Press and Public." None were present.

Mr. Scott moved for adjournment at 6:55 p.m., seconded by Ms. Meeks. The motion passed with the following vote:

For: 5 - Guerrero, Mayhew, Meeks, Moore, and Scott
Against: 0
Absent: 1 - Salmi (left at 6:46 p.m.)
Abstain: 1 - Davis

Chair
MINUTES OF THE REGULAR MEETING OF THE
CHARTER REVIEW COMMISSION OF THE
CITY OF SAN MARCOS, TEXAS
MARCH 2, 2017

Members Present: Kama Davis
Daniel Guerrero
Paul Mayhew, Chair
Amy Meeks
Perry Moore
Shane Scott

Members Absent: Todd Salmi

City Attorney: Michael Cosentino

Recording Secretary: Tina Moreno

Others Present: Jamie Lee Case

The meeting was called to order at 5:31 p.m. by Chair Mayhew.

Chair Mayhew introduced the Citizen Comment Period. None were present.

Chair Mayhew introduced the approval of the minutes of the Regular Meeting of February 16, 2017. A motion was made by Mr. Scott, seconded by Mr. Guerrero, to approve the minutes. The motion passed by the following vote:

For: 5 - Guerrero, Mayhew, Meeks, Moore, and Scott
Against: 0
Absent: 2 - Davis (arrived at 5:33 p.m.) and Salmi
Abstain: 0

Chair Mayhew introduced the next agenda item, “Section by section review of City Charter, including but not limited to Article 3 – The City Council, Article 4 – Administrative Services, and Article 5 – Nominations and Elections.” A motion was made by Mr. Guerrero, seconded by Mr. Scott, to amend item (b) of Sec. 3.11. – Procedure for passage of ordinances, to read as follows: “The city attorney shall approve [by written instrument] the legality of all ordinances before they are submitted to the Council, or shall file with the city clerk written legal objections thereto.” Mr. Guerrero amended his motion to strike the words “submitted to” and replace with “considered by,” which was seconded by Mr. Scott. After discussion, Mr. Guerrero made a second amendment to strike the words “by written instrument,” motion was seconded by Mr. Scott. After more discussion, the original motion was withdrawn by Mr. Guerrero and Mr. Scott. Mr. Guerrero made a new motion, seconded by Mr. Scott, to amend item (b) to read as follows: “The city attorney shall approve the legality of all ordinances adopted prior to consideration by the council, or shall file with the city clerk written legal objections thereto.” The motion passed by the following vote:
For: 6 - Davis, Guerrero, Mayhew, Meeks, Moore, and Scott
Against: 0
Absent: 1 - Salmi
Abstain: 0

Mr. Guerrero made a motion, seconded by Mr. Scott, to amend Sec. 4.02 – City clerk to permit usage of electronic signatures. The amendment would read as follows: “The city council shall appoint a city clerk, who shall give notice of council meetings, shall keep the minutes of the proceedings of such meetings, shall authenticate by signature or electronic signature all ordinances and resolutions...”. The motion carried by the following vote:

For: 6 - Davis, Guerrero, Mayhew, Meeks, Moore, and Scott
Against: 0
Absent: 1 - Salmi
Abstain: 0

A motion was made by Mr. Guerrero, seconded by Mr. Scott, to amend Sec. 5.04 – The official ballot to read as follows: “The names of all candidates for office, except such as may have withdrawn, died, or become ineligible, shall be printed included on the official ballots without party designation.” The motion carried by the following vote:

For: 6 - Davis, Guerrero, Mayhew, Meeks, Moore, and Scott
Against: 0
Absent: 1 - Salmi
Abstain: 0

Mr. Guerrero made a motion, seconded by Mr. Scott, that item (b) of Sec. 7.01 – Planning and zoning commission be amended by removing the last sentence to reflect the effect of actions taken March 1, 2015: “Effective March 1, 2015 the ETJ member of the commission shall be deleted and a qualified city resident member shall be appointed.” The motion carried by the following vote:

For: 6 - Davis, Guerrero, Mayhew, Meeks, Moore, and Scott
Against: 0
Absent: 1 - Salmi
Abstain: 0

A motion was made by Mr. Guerrero, seconded by Ms. Davis, that the following language be added to Sec. 3.08 – The City council not to interfere in appointments or removals: “If the mayor or a member of the city council violates Section 3.08 of the city charter the offending party or parties will be subject to an immediate review and censure by the city council.” After some discussion, the motion was withdrawn by Mr. Guerrero and Ms. Davis to allow further study into this item.

Chair Mayhew made a motion, seconded by Mr. Scott, to amend Sec. 3.04 – Compensation and reimbursement by adding the following sentence: “The city clerk shall post all receipts and corresponding paperwork for council reimbursement of travel and business expenses on the city’s
website.” After some discussion, the motion was withdrawn by Chair Mayhew and Mr. Scott to allow further study into this item.

Ms. Davis made a motion, seconded by Mr. Guerrero, to exclude term limits for mayor and city council members and not change the procedures in Sec. 3.01 - Number, selection and term. The motion carried by the following vote:

For: 5 - Davis, Guerrero, Mayhew, Meeks, and Moore
Against: 1 - Scott
Absent: 1 - Salmi
Abstain: 0

Mr. Guerrero made a motion, seconded by Ms. Meeks, that all references of the term “city secretary” be replaced with “city clerk” throughout entire charter. The motion carried by the following vote:

For: 6 - Davis, Guerrero, Mayhew, Meeks, Moore, and Scott
Against: 0
Absent: 1 - Salmi
Abstain: 0

A motion was made by Mr. Scott, seconded by Mr. Guerrero, to amend item (b) of Sec. 4.01 - City Manager and have the first sentence read as follows: “Term and salary: The city manager shall not be appointed for a definite term, but may be removed by a vote of the super majority of the entire council.” After some discussion, the motion was withdrawn by Mr. Scott and Mr. Guerrero. A new motion was made by Mr. Scott, seconded by Mr. Guerrero, for the sentence to read: “Term and salary: The city manager shall not be appointed for a definite term, but may be removed by a vote of the majority five members of the entire city council.” After more discussion, the motion was withdrawn by Mr. Guerrero, for the time being.

Chair Mayhew introduced the next agenda item, “Questions and Answers from Press and Public.” None were present.

Mr. Guerrero moved for adjournment at 8:10 p.m., seconded by Mr. Moore. The motion passed with the following vote:

For: 6 - Davis, Guerrero, Mayhew, Meeks, Moore, and Scott
Against: 0
Absent: 1 - Salmi
Abstain: 0
MINUTES OF THE REGULAR MEETING OF THE
CHARTER REVIEW COMMISSION OF THE
CITY OF SAN MARCOS, TEXAS
MARCH 9, 2017

Members Present: Kama Davis
Daniel Guerrero
Paul Mayhew, Chair
Amy Meeks
Perry Moore
Todd Salmi
Shane Scott

City Attorney: Michael Cosentino

Recording Secretary: Tina Moreno

Others Present: Brett Thorne

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

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

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

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

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

For: 4 - Guerrero, Mayhew, Moore, and Scott
Against: 3 - Davis, Meeks, and Salmi
Absent: 0
Abstain: 0
Mr. Salmi made a motion, seconded by Mr. Scott, to amend item (b) of **Sec. 7.01 – Planning and zoning commission** to remove ETJ residency requirement. The amendment would read as follows: “To be eligible for appointment to the commission, eight of the commission members must have resided and owned real property in the city for a period of three years before the date of appointment, and the remaining member must have resided and owned real property in the city's extraterritorial jurisdiction for a period of three years before the date of appointment. To be eligible for continued service on the commission, the commission members appointed as city residents must maintain residence and property ownership in the city, and the commission member appointed as an extraterritorial jurisdiction resident must maintain residence and property ownership in the extraterritorial jurisdiction.” The motion carried by the following vote:

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

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

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

And the main motion carried by the following vote:

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

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

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

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

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

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

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

The motion carried by the following vote:

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

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

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

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

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

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

The meeting adjourned at 7:34 p.m.

Chair
MINUTES OF THE REGULAR MEETING OF THE
CHARTER REVIEW COMMISSION OF THE
CITY OF SAN MARCOS, TEXAS
MARCH 23, 2017

Members Present: Kama Davis
Paul Mayhew, Chair
Amy Meeks
Perry Moore
Todd Salmi
Shane Scott

Members Absent: Daniel Guerrero

City Attorney: Michael Cosentino

Recording Secretary: Tina Moreno

Others Present: Council Member Lisa Prewitt
Lisa Marie Coppoletta

The meeting was called to order at 5:31 p.m. by Chair Mayhew.

Chair Mayhew introduced the Citizen Comment Period. None were present during the Citizen Comment Period. (Council Member Lisa Prewitt arrived at 5:50 p.m. and Lisa Marie Coppoletta at 7:02 p.m.)

Chair Mayhew introduced agenda item, “Approve minutes of the previous meeting(s).” A motion was made by Ms. Meeks, seconded by Mr. Salmi, to approve minutes of March 9, 2017. The motion passed by the following vote:

For: 5 - Davis, Mayhew, Meeks, Moore, and Salmi
Against: 0
Absent: 1 - Guerrero & Scott (Scott arrived at 5:37 p.m.)
Abstain: 0

Chair Mayhew introduced the next agenda item, “Section by section review of City Charter, including but not limited to Article 7 – Municipal Planning and Zoning, Article 8 – Financial Procedure, and Article 9 – Borrowing for Capital Improvements.” A motion was made by Mr. Salmi, seconded by Ms. Davis, to amend item (b) of Sec. 7.01. – Planning and zoning commission, for clarity and consistency. The amendment would read as follows: “To be eligible for appointment to the commission, all the nine commission members must have resided in the city for a period of five years before the date of appointment. To be eligible for continued service on the commission, the commission members appointed must maintain residence in the city.” The motion carried by the following vote:
Ms. Davis made a motion, seconded by Ms. Meeks, to amend Sec. 7.02 – Powers and duties of the commission by adding the following sentences to the end of item (1): “The Planning and Zoning staff shall follow all city ordinances, rules, and regulations and confer with the city attorney before making any recommendations to the Planning and Zoning Commission. The Planning and Zoning Commission shall follow all city ordinances, rules, and regulations before making any recommendations to City Council.” The motion carried by the following vote:

For: 5 - Davis, Mayhew, Meeks, Moore, and Salmi
Against: 1 - Scott
Absent: 1 - Guerrero
Abstain: 0

A motion was made by Ms. Davis, seconded by Ms. Meeks, to amend a portion of item (4) of Sec. 7.02 – Powers and duties of the commission to read as follows: “Appeals to the council on conditional use permit applications will be based on the record before the Planning and Zoning eCommission, Texas and Federal laws, San Marcos city ordinances and regulations, and other relevant material. The decision on appeals before city council will be governed by the substantial evidence rule. Decisions of the commission to revoke or suspend conditional use permits will be final and may not be appealed to the council. Citizen appealed to the city council will not cost the appellant any money.” After some discussion, an amendment to the motion was made by Ms. Davis, seconded by Ms. Meeks, to remove the phrase “and other relevant material” from the first sentence and remove the word “Citizen” from the third sentence. The amended motion would read as follows: “Appeals to the council on conditional use permit applications will be based on the record before the Planning and Zoning Commission, Texas and Federal laws, San Marcos city ordinances and regulations, and other relevant material. The decision on appeals before city council will be governed by the substantial evidence rule. Decisions of the commission to revoke or suspend conditional use permits will be final and may not be appealed to the council. Appeals to the city council will not cost the appellant any money.” The amended motion carried by the following vote:

For: 6 - Davis, Mayhew, Meeks, Moore, Salmi and Scott
Against: 0
Absent: 1 - Guerrero
Abstain: 0

A second amendment to the main motion was made by Ms. Davis, seconded by Mr. Scott to change the last sentence to read as follows: “No filing fees shall be assessed for appeals to the city council.” The second amendment to the main motion carried by the following vote:

For: 6 - Davis, Mayhew, Meeks, Moore, Salmi, and Scott
Against: 0
Absent: 1 - Guerrero
Abstain: 0
The main motion carried by the following vote:

For: 6 - Davis, Mayhew, Meeks, Moore, Salmi, and Scott
Against: 0
Absent: 1 - Guerrero
Abstain: 0

Ms. Davis made a motion, seconded by Mr. Scott, to amend the end of **Sec. 8.05 – Budget a public record** by adding the following sentence: “The budget and all supporting schedules shall be published on the city’s website.” The motion carried by the following vote:

For: 6 - Davis, Mayhew, Meeks, Moore, Salmi, and Scott
Against: 0
Absent: 1 - Guerrero
Abstain: 0

A motion was made by Ms. Davis, seconded by Mr. Scott, to amend the end of item (a) of **Sec. 8.02 – Preparation and submission of budget** by adding the following sentence: “Copies of the proposed budget shall be made available at the San Marcos Public Library, at City Hall, and on the city’s website.” The motion carried by the following vote:

For: 6 - Davis, Mayhew, Meeks, Moore, Salmi, and Scott
Against: 0
Absent: 1 - Guerrero
Abstain: 0

Ms. Davis made a motion, seconded by Ms. Meeks, to amend the last sentence of **Sec. 8.11 – Effective date of budget; certification; copies made available** to have it read as follows: “The final budget shall be printed or otherwise reproduced and copies shall be made available for the use of all offices, departments and agencies and for the use of interested persons and civic organizations and shall be published on the city’s website.” After some discussion, the motion was withdrawn by Ms. Davis.

A motion was made by Ms. Davis, seconded by Mr. Scott, to amend the last sentence of item (b) of **Sec. 3.02 Qualifications** to read as follows: “The city council shall determine that the qualifications of its own member are continually met. If the council determines that any member of the council has ceased to possess any of these qualifications, has substantially violated the provisions of this charter, or has been convicted of a felony, that member shall immediately forfeit office.” After some discussion, the motion was withdrawn by Ms. Davis.

Ms. Davis made a motion, seconded by Ms. Meeks, to amend **Sec. 3.08 – City council not to interfere in appointments or removals** to read as follows: “Neither the council nor any of its members shall instruct or request the city manager to any of the city manager’s subordinates to appoint to or remove from office or employment any person except with respect to those offices which are to be filled by appointment by the council under the provisions of this Charter. Employment decisions by the City Manager regarding all employees at the Director level, or above, must be approved by the City Council. Except as provided for in Section 3.15 of this charter, the council and its members shall deal with the administrative and management functions of the city.
solely through the city manager and other council appointees, as appropriate, and shall not give orders to any of their subordinates either publicly or privately. Actions taken by the city in response to directions given by council members in violation of this section are voidable either by council, or by a court.” After some discussion, the motion was withdrawn by Ms. Davis.

Chair Mayhew introduced the next agenda item, “Questions and Answers from Press and Public.” Ms. Coppoletta cheerfully stated she was at Concert in the Park and realized Charter Review was also being conducted, so she chose to attend Charter Review instead.

Mr. Scott moved for adjournment at 7:32 p.m., seconded by Ms. Davis. The motion passed with the following vote:

For: 6 - Davis, Mayhew, Meeks, Moore, Salmi and Scott
Against: 0
Absent: 1 - Guerrero
Abstain: 0
MINUTES OF THE REGULAR MEETING OF THE
CHARTER REVIEW COMMISSION OF THE
CITY OF SAN MARCOS, TEXAS
MARCH 30, 2017

Members Present:  Kama Davis
                  Paul Mayhew, Chair
                  Amy Meeks
                  Perry Moore
                  Todd Salmi

Members Absent:  Daniel Guerrero (resigned 3/29/17)
                Shane Scott

City Attorney:  Michael Cosentino

Recording Secretary:  Tina Moreno

Others Present:  Council Member Lisa Prewitt
                 Christine Terrell
                 Brett Thorne

The meeting was called to order at 5:35 p.m. by Chair Mayhew.

Chair Mayhew introduced the Citizen Comment Period. Brett Thorne was present but declined to speak during the Citizen Comment Period. (Christine Terrell arrived at 5:40 p.m. and Council Member Lisa Prewitt at 7:13 p.m.)

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

For:  5 - Davis, Mayhew, Meeks, Moore, and Salmi
Against:  0
Absent:  1 - Scott
Abstain:  0

Chair Mayhew introduced the next agenda item, “Section by section review of City Charter, including but not limited to Article 10 – Tax Administration, Article 11 – Franchises and Public Service Companies, and Article 12 – General Provisions.” A motion was made by Ms. Davis, seconded by Ms. Meeks, to make a grammatical correction in item (b)(1) of Sec. 11.01 – Definitions; powers of the city council by inserting a comma after the word “maintain”. The item would read as follows:

(1) To buy, condemn, construct, lease, maintain, and operate public utility systems in the city;
The motion carried by the following vote:

For: 5 - Davis, Mayhew, Meeks, Moore, and Salmi
Against: 0
Absent: 1 - Scott
Abstain: 0

A second motion was made by Ms. Davis, seconded by Mr. Salmi, to make a grammatical correction in item (b)(4) of **Sec. 11.01 – Definitions; powers of the city council** by inserting a comma after the word “welfare”. The item would read as follows:

(4) To regulate public service companies in the interest of public health, welfare, and safety.

The motion carried by the following vote:

For: 5 - Davis, Mayhew, Meeks, Moore, and Salmi
Against: 0
Absent: 1 - Scott
Abstain: 0

Ms. Davis made another motion, seconded by Mr. Salmi, to make a grammatical correction in item (b)(2) of **Sec. 11.01 – Definitions; powers of the city council** by inserting a comma after the word “manufacture”. The item would read as follows:

(2) To sell, manufacture, and distribute the services and output of city public utility systems;

The motion carried by the following vote:

For: 5 - Davis, Mayhew, Meeks, Moore, and Salmi
Against: 0
Absent: 1 - Scott
Abstain: 0

A motion was made by Ms. Davis, seconded by Mr. Salmi, to make a grammatical correction in the first sentence of **Sec. 11.02 – Power to grant franchise** by inserting a comma after the word “extend”. The sentence would read as follows: “The council shall have the power, by ordinance, to grant, renew, extend, and amend all franchises of all public utilities of every character operating within the city.” The motion carried by the following vote:

For: 5 - Davis, Mayhew, Meeks, Moore, and Salmi
Against: 0
Absent: 1 - Scott
Abstain: 0

Mr. Salmi made a motion, seconded by Ms. Meeks, to make a grammatical correction in the first sentence of **Sec. 11.04 – Ordinance granting franchise; public hearing** by inserting a comma
after the word “extending”. The sentence would read as follows: “All ordinances granting, renewing, extending, or amending a public utility franchise shall be read at three separate regular meetings of the council...”. After some discussion, the motion was withdrawn by Mr. Salmi, for the time being. Another motion was made by Mr. Salmi, seconded by Ms. Davis, to amend the last sentence of Sec. 11.04 – Ordinance granting franchise; public hearing. The amendment would read as follows: “Notice of public hearing, including the full text of the ordinance shall be published once before the first reading, in a newspaper of general circulation in the city, and shall be made available at the San Marcos Public Library, at City Hall and on the city’s website, and the expense of such publication shall be borne by the applicant for the franchise.” The motion carried by the following vote:

For: 5 - Davis, Mayhew, Meeks, Moore, and Salmi
Against: 0
Absent: 1 - Scott
Abstain: 0

A motion was made by Ms. Davis, seconded by Ms. Meeks, to amend the end of item (a)(2) of Sec. 12.02 – Personal interest and code of ethics by adding the following sentence: “The financial disclosures shall be updated within 30 days of any significant change in the interests of an official – even if such a change is temporary. For this part “significant” means a change in interest that would tend to render the annual financial disclosure misleading or incomplete.” The motion carried by the following vote:

For: 5 - Davis, Mayhew, Meeks, Moore, and Salmi
Against: 0
Absent: 1 - Scott
Abstain: 0

Ms. Davis made a motion, seconded by Mr. Salmi, to amend the first sentence of item (a)(3) of Sec. 12.02 – Personal interest and code of ethics. The amendment would read as follows: “No member of the city council, and no employee of the city shall have a financial interest in the sale to the city or purchase from the city of any land, materials, supplies or service, outside of the person's position with the city.” The motion carried by the following vote:

For: 5 - Davis, Mayhew, Meeks, Moore, and Salmi
Against: 0
Absent: 1 - Scott
Abstain: 0

Another motion was made by Ms. Davis, seconded by Ms. Meeks, to add a sentence prior to the end of item (a)(3) of Sec. 12.02 – Personal interest and code of ethics. The sentence would read as follows: “Nor, for 24 months after serving as an officer of the city, may a person acquire such an interest. If the former employee or official acquires such an interest while employed by the city, or serving as a city official, the city may not take action on any application affecting such an interest for 24 months after the person leaves city employment or office, or for 24 months after the interest is acquired, whichever is longer.” After some discussion, the motion was withdrawn by Ms. Davis, for the time being.
Ms. Davis made one more motion, seconded by Ms. Meeks, to amend item (c)(2) of Sec. 12.02 – **Personal interest and code of ethics.** The amendment would read as follows: “Conduct hearings into allegations of violations of the city’s code of ethics or a state conflict of interest law, code of fair campaign practices, or violation of this charter according to the procedures set forth in the city’s ethic ordinance.” After some discussion, the motion was withdrawn by Ms. Davis for the time being.

A motion was made by Mr. Salmi, seconded by Ms. Davis, to amend **Sec. 1.03 – Statement of goals.** The amendment would read as follows: “The goals of the city government are to safeguard the health, safety and welfare of the city's residents, provide for a high quality of life including, but not limited to, neighborhood integrity, a clean and abundant water supply, a cost-efficient electricity supply, efficient police and fire departments, educational opportunities, effective road and transportation systems, a healthy business environment, well maintained parkland and recreational opportunities, foster intergovernmental liaison and communication, encourage responsible citizenship, promote sound community and economic development, promote high quality and affordable housing, conserve and protect the city's natural resources and environment.” The motion carried by the following vote:

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<td>For</td>
<td>5 - Davis, Mayhew, Meeks, Moore, and Salmi</td>
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<td>1 - Scott</td>
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Chair Mayhew introduced the next agenda item, “Questions and Answers from Press and Public.” Ms. Terrell addressed the commission on **Sec. 12.01 – Public access to records.** She stated it lacked information on what the timeframe would be on receiving a response from the city and what the recourse would be for not receiving a timely response or any response at all. Mr. Cosentino responded that a complaint can be filed with the Texas Attorney General’s Office and that the obligation to provide information is to do so within a reasonable time. He also stated additional information can be found in Chapter 552 of the Texas Government Code. Ms. Terrell then asked if there is a policy in regard to having a travel companion on city business trips. Mr. Cosentino responded that the companion would have to pay his/her own way.

Ms. Meeks moved for adjournment at 7:41 p.m., seconded by Ms. Davis. The motion passed with the following vote:

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Chair
MINUTES OF THE REGULAR MEETING OF THE
CHARTER REVIEW COMMISSION OF THE
CITY OF SAN MARCOS, TEXAS
APRIL 6, 2017

Members Present:  
Kama Davis  
Paul Mayhew, Chair  
Amy Meeks  
Perry Moore  
Jude Prather (appointed 4/4/17)  
Todd Salmi  
Shane Scott

City Attorney:  
Michael Cosentino

Recording Secretary:  
Tina Moreno

Others Present:  
Sam Brannon  
Forrest Fulkerson  
Christine Terrell

The meeting was called to order at 5:30 p.m. by Chair Mayhew. Chair Mayhew called a brief recess for the commissioning of new member, Jude Prather. The commission reconvened at 5:32 p.m.

Chair Mayhew introduced the Citizen Comment Period. Sam Brannon and Forrest Fulkerson were present. Mr. Brannon stated he appreciated the work of the commission. He then explained an amendment to the charter to discontinue fluoridation in (city) water was not fully addressed on the 2015 ballot. Although fluoride is no longer an additive in city water, fluoridated water is still being distributed through water acquisitions. Mr. Brannon requested the commission place the fluoride item back on the ballot to prohibit the city from receiving and distributing fluoridated water, as well. He is also willing to address the city council with this issue and/or seek legal representation, if needed. Forrest Fulkerson addressed the commission on behalf of the Ethics Review Commission. He stated the ERC is not allowed to conduct investigations on ethics complaints they receive. Mr. Fulkerson feels it would be beneficial for the ERC to be given this capability. Christine Terrell was also present but declined to speak.

Chair Mayhew introduced agenda item, “Approve minutes of the previous meeting(s).” A motion was made by Mr. Scott, seconded by Ms. Meeks, to approve minutes of March 30, 2017. The motion passed by the following vote:

For:  6 - Mayhew, Meeks, Moore, Prather, Salmi, and Scott
Against:  0
Absent:  1 - Davis (arrived at 5:45 p.m.)
Abstain:  0
Chair Mayhew introduced the next agenda item, "Section by section review of City Charter, including but not limited to Article 12 – General Provisions." A motion was made by Mr. Salmi, seconded by Mr. Scott, to amend Sec. 12.03 – Nepotism by omitting the current language and inserting item (a) to read as follows: "The members of the city council, and, the city manager, city clerk, city attorney and presiding judge of the municipal court are the public officials of the city who are subject to the nepotism prohibitions defined under State law."

(a) Public officials of the City of San Marcos are subject to the nepotism prohibitions defined under State law. For the purposes of this section, the following are defined as public officials:

(1) The mayor and members of city council

(2) City Manager

(3) City Attorney

(4) Presiding judge of the municipal court

The motion carried by the following vote:

For: 6 - Mayhew, Meeks, Moore, Prather, Salmi, and Scott
Against: 0
Absent: 0
Abstain: 1 - Davis

Mr. Salmi made another motion, seconded by Ms. Davis, to amend Sec. 12.03 – Nepotism by inserting item (b) and have it read as follows:

(b) No city employee shall be regularly directly supervised by a relative, a romantic partner, or roommate. City employees will not be transferred or promoted into positions that would cause them to be in a direct supervisor/subordinate relationship with a relative, romantic partner or roommate.

(1) Relatives: Includes, but are not limited to, the first, second and third degree of consanguinity (blood), adoption; and the first and second degree of affinity (marriage). Common Law marriages as recognized by the State of Texas will also be included for purposes of this section.

(2) Romantic Partner: Persons in a consensual romantic relationship but are not married to one another.

(3) Roommates: Individuals who share the same living quarters.

After some discussion, Mr. Salmi amended his motion, seconded by Ms. Davis, to remove the phrase "but are not limited to" in item (b)(1). The item would read as follows:
(1) Relatives: Includes but are not limited to, the first, second and third degree of consanguinity (blood), adoption; and the first and second degree of affinity (marriage). Common Law marriages as recognized by the State of Texas will also be included for purposes of this section.

The amendment to the main motion carried by the following vote:

For: 6 - Davis, Mayhew, Meeks, Moore, Prather, and Salmi
Against: 1 - Scott
Absent: 0
Abstain: 0

The main motion failed by the following vote:

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

Another motion was made by Mr. Salmi, seconded by Ms. Meeks, to further amend Sec. 12.03 – Nepotism by inserting item (c) and have it read as follows:

(c) To avoid the appearance and risk of impropriety, public officials will not appoint business associates to public commissions and boards. Business associate is defined to include:

(1) Public official’s outside employer, outside employee, outside supervisor, or outside subordinate

(2) Public official’s relative’s outside employer, outside employee, outside supervisor, or outside subordinate (relative as defined in 12.03.b.1)

(3) The public official’s outside client

(4) The public official’s outside business partner, including:

a. Owning 10 percent or more of a business entity in which public official also owns 10 percent or more

b. Owning real property with a fair market value of $2,500 or more in partnership with public official

c. In an outside legal contract for business goods or services valued $2,500 or more with public officials
After some discussion, Mr. Salmi amended his motion, seconded by Ms. Meeks, to rephrase item (c) and (c)(4)c to read as follows:

(c) To avoid the appearance and risk of impropriety, a public official will not appoint his or her business associates to public commissions and boards. Business associate...

(4) c. In an outside legal contract for business goods and services valued $2,500 or more with the public officials

The amendment to the main motion carried by the following vote:

For: 6 - Davis, Mayhew, Meeks, Moore, Prather, and Salmi
Against: 0
Absent: 0
Abstain: 1 - Scott

The main motion carried by the following vote:

For: 6 - Davis, Mayhew, Meeks, Moore, Prather, and Salmi
Against: 0
Absent: 0
Abstain: 1 - Scott

Chair Mayhew made a motion, seconded by Mr. Moore, to amend item (b) of Sec. 12.03 - Nepotism by removing the term "romantic partner" throughout item (b). The amendment would read as follows:

(b) No city employee shall be regularly directly supervised by a relative, romantic partner, or roommate. City employees will not be transferred or promoted into positions that would cause them to be in a direct supervisor/subordinate relationship with a relative, romantic partner or roommate.

(1) Relatives: Includes the first, second and third degree of consanguinity (blood), adoption; and the first and second degree of affinity (marriage). Common Law marriages as recognized by the State of Texas will also be included for purposes of this section.

(2) Romantic Partner: Persons in a consensual romantic relationship but are not married to one another.

(32) Roommates: Individuals who share the same living quarters.

The motion carried by the following vote:

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

A motion was made by Mr. Salmi, seconded by Chair Mayhew, to amend the title of Sec. 12.03 – Nepotism to read: “Sec. 12.03 – Nepotism & Conflict of Interest.” The motion carried by the following vote:

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

Chair Mayhew made a motion, seconded by Mr. Scott, to amend Sec. 3.17 – Expulsion or removal of city officials by striking item (a) in its entirety:

(a) The city council shall have the authority to expel any city council member who is absent three consecutive regular city council meetings unless the council member has secured permission, in advance, from the city council to be absent from at least one of the meetings; provided that any such action for expulsion of a city council member shall require five affirmative votes of city council members.

After some discussion, the motion was withdrawn by Chair Mayhew and Mr. Scott.

A motion was made by Chair Mayhew, seconded by Mr. Scott, to amend item (b) of Sec. 8.02 – Preparation and submission of budget by striking “April 30” and inserting “March 31” to allow timely budget preparation. The amendment would read as follows:

(b) By April 30-March 31 of each year, after a public hearing, the city council shall formulate a policy statement to be used by the city manager as direction during the preparation of the proposed budget.

The motion carried by the following vote:

For: 6 - Davis, Mayhew, Meeks, Moore, Prather, and Scott  
Against: 0  
Absent: 0  
Abstain: 1 - Salmi

Chair Mayhew made a motion, seconded by Ms. Davis, to amend Sec. 8.02 – Preparation and submission of budget by inserting a new item, which would read as follows: “By February 27th of each year the city council shall hold a policy budget workshop.” The motion carried by the following vote:

For: 6 - Davis, Mayhew, Meeks, Moore, Prather, and Scott
Another motion was made by Chair Mayhew, seconded by Ms. Davis, to further amend Sec. 8.02 – Preparation and submission of budget by re-lettering the items with the insertion of the newly approved item:

(ae) The city manager, not less than 30 days prior to the time the city council makes its tax levy for the current fiscal year, shall file with the city clerk a proposed budget, which budget shall provide a complete financial plan for the fiscal year, and shall contain a budget message explaining the budget, containing an outline of the proposed financial policies of the city for the ensuing fiscal year, setting forth the reasons for salient changes from the previous fiscal year in expenditure and revenue items, and explaining any major changes in financial policy. Copies of the proposed budget shall be made available at the San Marcos Public Library, at City Hall, and on the city’s website.

(b) By March 31st of each year, after a public hearing, the city council shall formulate a policy statement to be used by the city manager as direction during the preparation of the proposed budget.

(ea) By February 27th of each year the city council shall hold a policy budget workshop.

The motion carried by the following vote:

For: 6 - Davis, Mayhew, Meeks, Moore, Prather, and Scott
Against: 0
Absent: 0
Abstain: 1 - Salmi

Ms. Meeks made a motion, seconded by Ms. Davis, to amend Sec. 3.17 – Expulsion or removal of city officials by adding the following sentence to the end of item (a): “The city council may remove council members who are in violation of, or have violated, any provisions of this charter.” After some discussion, the motion was withdrawn by Ms. Meeks.

A motion was made by Ms. Meeks, seconded by Ms. Davis, to amend item (a) of Sec. 3.02 – Qualifications by adding the following sentence and labeling it item (a)(7): “The city council shall not violate any provisions of the charter.” After some discussion, the motion was withdrawn by Ms. Meeks and Ms. Davis.

Mr. Salmi made a motion, seconded by Mr. Moore, to amend Sec. 12.02 subsection (c)(2) pertaining to the duties of the Ethics Review Commission, to read as follows:
(c)(2) Conduct hearings into allegations of violations of the city’s code of ethics, or a state conflict of interest law, or the city charter according to the procedures set forth in the city’s ethics ordinance.

The motion carried by the following vote:

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

A motion was made by Mr. Salmi, seconded by Mr. Moore, to amend item (c)(3) of Sec. 12.02 - Personal interest and code of ethics to read as follows:

(c)(3) Render advisory opinions on potential conflicts of interest or violation of the city’s code of ethics, or the city charter at the request of a public official or employee covered by the code of ethics.

The motion carried by the following vote:

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

Mr. Salmi made another motion, seconded by Mr. Moore, to amend item (c)(4) of Sec. 12.02 Personal interest and code of ethics to read as follows:

(c)(4) Recommend to appropriate authorities cases for prosecution or other action for violation of the code of ethics, or a state conflict of interest law, or the city charter.

The motion carried by the following vote:

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

Chair Mayhew introduced the next agenda item, “Questions and Answers from Press and Public.” Mr. Fulkerson asked the commission what penalties for violations of the charter would the Ethics Commission render if a guilty plea is ruled. Mr. Cosentino stated the remedies would be the ones currently spelled out in the ethics ordinance. Mr. Fulkerson also stated he is interested in determining whether any conflicts of interest occur when board and commission appointments are made and how they are voted on. Mr. Salmi responded that the commission hopes to incorporate language into the charter to address his concern. Ms. Terrell had no questions.
Mr. Scott moved for adjournment at 8:26 p.m., seconded by Ms. Davis. The motion passed with the following vote:

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

Chair
MINUTES OF THE REGULAR MEETING OF THE
CHARTER REVIEW COMMISSION OF THE
CITY OF SAN MARCOS, TEXAS
APRIL 20, 2017

Members Present:  Kama Davis
                         Paul Mayhew, Chair
                         Amy Meeks
                         Perry Moore
                         Todd Salmi

Members Absent:  Jude Prather
                         Shane Scott

City Attorney:  Michael Cosentino

Recording Secretary:  Tina Moreno

Others Present:  Lisa Marie Coppoletta
                         Steve Parker, Assistant City Manager/CFO

The meeting was called to order at 5:31 p.m. by Chair Mayhew.

Chair Mayhew introduced the Citizen Comment Period. Steve Parker, Assistant City Manager/CFO addressed the commission on residency requirements currently listed in the charter for municipal judge and the challenges it may impose for future recruitment (of this appointed position). Ms. Lisa Marie Coppoletta stated her concerns on: absences by mayor’s appointees to Charter Review Commission; indebtedness to the city (by city employees); Planning & Zoning Commissioners being required to be property owners; and allowing the Ethics Review Commission more oversight on contractors.

Chair Mayhew introduced agenda item, “Approve minutes of the previous meeting(s).” A motion was made by Ms. Meeks, seconded by Mr. Moore, to approve minutes of April 6, 2017. The motion passed by the following vote:

For:  4 - Mayhew, Meeks, Moore, and Salmi
Against:  0
Absent:  2 - Prather and Scott
Abstain:  1 - Davis

Chair Mayhew introduced the next agenda item, “Section by section review of City Charter, including but not limited to Article 12 – General Provisions.” A motion was made by Ms. Meeks, seconded by Ms. Davis, to amend Sec. 3.17 – Expulsion or removal of city officials by adding the following sentence to the end of item (a): “The city council may remove council members including the mayor who are in violation of or have violated provisions of this charter.” After some discussion, Ms. Meeks amended her motion, seconded by Ms. Davis to insert the word “substantially”. The
amendment would read as follows: “The city council may remove council members, including the mayor, who are in violation of or who have substantially violated provisions of this charter.” After more discussion, the motion to amend was withdrawn by Ms. Meeks and Ms. Davis. In addition, the main motion was also withdrawn by Ms. Meeks and Ms. Davis. A new motion was made by Ms. Meeks, seconded by Ms. Davis, to amend **Sec. 3.17 – Expulsion or removal of city officials** by adding the following sentence to the end of item (a): “The city council may remove council members including the mayor who are in substantial violation of or have substantially violated provisions of this charter.” After some discussion, an amendment to the main motion was made by Mr. Salmi, seconded by Mr. Moore, to insert an additional phrase at the very end of item (a). The amendment would read as follows:

(a) The city council may remove council members including the mayor who are in substantial violation of or have substantially violated provisions of this charter; provided that any such action for expulsion of a city council member shall require five affirmative votes of the city council.

The motion to amend carried by the following vote:

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<td>2 - Prather and Scott</td>
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<td>Abstain:</td>
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And the main motion carried by the following vote:

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<th>For:</th>
<th>4 - Davis, Meeks, Moore, and Salmi</th>
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<td>Against:</td>
<td>1 - Mayhew</td>
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<td>Absent:</td>
<td>2 - Prather and Scott</td>
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<td>Abstain:</td>
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Mr. Salmi made a motion, seconded by Ms. Davis, to amend **Sec. 1.03 – Statement of goals** to correct the phrase “promote high quality and affordable housing” by striking the word “and”. The phrase would read as follows: “promote high quality and affordable housing”. The motion carried by the following vote:

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<td>2 - Prather and Scott</td>
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<td>Abstain:</td>
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A motion was made by Mr. Salmi, seconded by Ms. Davis, to amend **Sec. 12.03 – Nepotism and Conflict of Interest** by adding the following sentence to the end of item (b): “The supervisor involved in the relationship is responsible for promptly reporting the relationship to the city’s Director of Human Resources.” The motion carried by the following vote:

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Mr. Salmi made another motion, seconded by Ms. Davis, to further amend item (b) of Sec. 12.03 – Nepotism and Conflict of Interest by inserting the term and definition of “sexual partner”. The amendment would read as follows:

(b) No city employee shall be regularly directly supervised by a relative, sexual partner, or roommate. City employees will not be transferred or promoted into positions that would cause them to be in a direct supervisor/subordinate relationship with a relative, sexual partner, or roommate. The supervisor involved in the relationship is responsible for promptly reporting the relationship to the city’s Director of Human Resources.

(1) Relatives: Includes the first, second, and third degree of consanguinity (blood or adoption); and the first and second degree of affinity (marriage). Common law marriages as recognized by the State of Texas will also be included in purposes of this section.

(2) Roommates: Individuals who share the same living quarters.

(3) Sexual Partner: Persons in a consensual sexual relationship but are not married to one another.

The motion carried by the following vote:

For: 5 - Davis, Mayhew, Meeks, Moore, and Salmi
Against: 0
Absent: 2 - Prather and Scott
Abstain: 0

A motion was made by Ms. Davis, seconded by Ms. Meeks, to amend item (a)(3) of Sec. 12.02 – Personal interest and code of ethics by adding the following sentence: “For 24 months after serving as an officer of the city, no person may acquire a financial interest. If the former employee or official acquires a financial interest while employed by the city or serving as a city official, the city official may not take action on any application affecting such an interest for 24 months after the person leaves city employment or office or for 24 months after the interest is acquired, whichever is longer. The ethics commission and the city council shall enforce the forfeiture of the office, remove the city official, and bar him or her from conducting any further business.” After some discussion, the motion was withdrawn by Ms. Davis and Ms. Meeks.

Mr. Salmi made a motion, seconded by Ms. Meeks, to amend item (a) of Sec. 12.02 – Personal interest and code of ethics by adding a subsection (4), which would read as follows:

(a)(4) For a period of two years from the date of leaving office, a city council member shall not have any financial interest in the sale to the city of any land, materials, supplies, or service.
Any violation of this subsection with the actual or constructive knowledge of the former city council member shall render the contract voidable by the city manager or the city council.

The motion carried by the following vote:

For: 5 - Davis, Mayhew, Meeks, Moore, and Salmi
Against: 0
Absent: 2 - Prather and Scott
Abstain: 0

A motion was made by Ms. Davis, seconded by Mr. Salmi, to amend Sec. 12.15 – Fluoridation of municipal water supply to read as follows: “The City of San Marcos shall not add or direct or require its agents to add fluoride to the San Marcos municipal water supply.” After some discussion, the motion failed by the following vote:

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

Ms. Davis made a motion, seconded by Ms. Meeks, to amend item (a) of Sec. 3.02 – Qualifications by adding a subsection (7), which would read as follows: “Each member of the city council and the mayor take the oath of fair campaign practices before taking office as promulgated by Sec. 258.004 in the Texas Code of Fair Campaign Practices.” After some discussion, the motion was withdrawn by Ms. Davis and Ms. Meeks.

A new motion was made by Ms. Davis, seconded by Ms. Meeks, to amend Sec. 5.03 – Filing for office by adding the following sentence and inserting it after the first sentence: “All candidates shall take the oath of fair campaign practices provided in Section 258.004 of the Texas Election Code.” The motion carried by the following vote:

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

Ms. Davis made a motion, seconded by Ms. Meeks, to amend Sec. 4.02 – City clerk by adding the following sentence at the end of this section: “The city clerk shall assure that state law on record retention be followed.” The motion failed by the following vote:

For: 2 - Davis and Meeks
Against: 2 - Mayhew and Moore
Absent: 3 - Prather, Salmi, and Scott (Salmi left at 8:00 p.m.)
Abstain: 0

A motion was made by Ms. Davis, seconded by Ms. Meeks, to amend Sec. 12.01 – Public access to records by adding the following sentence at the end of this section: “All city council
members, including the mayor, city manager, city attorney, city clerk, and presiding municipal judge have their salaries published on the city website." After some discussion, the motion was withdrawn by Ms. Davis and Ms. Meeks.

Ms. Davis made another motion, seconded by Ms. Meeks, to amend Sec. 12.02 pertaining to the duties of the Ethics Review Commission, by adding a new subsection and labeling it (d) to allow the ethics commission investigative power and subpoena power. After some discussion, the motion was withdrawn by Ms. Davis.

Chair Mayhew introduced the next agenda item, “Questions and Answers from Press and Public.” None were present.

Ms. Meeks moved for adjournment at 9:06 p.m., seconded by Mr. Moore. The motion passed with the following vote:

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<tr>
<td>Against:</td>
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<tr>
<td>Absent:</td>
<td>3 - Prather, Salmi, and Scott (Salmi left at 8:00 p.m.)</td>
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Chair
MINUTES OF THE REGULAR MEETING OF THE
CHARTER REVIEW COMMISSION OF THE
CITY OF SAN MARCOS, TEXAS
May 3, 2017

Members Present:        Kama Davis
                        Paul Mayhew, Chair
                        Amy Meeks
                        Perry Moore
                        Jude Prather
                        Todd Salmi
                        Shane Scott

City Attorney:          Michael Cosentino
Recording Secretary:    Tina Moreno
Others Present:         Brett Thorne

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

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

Chair Mayhew introduced agenda item, “Approve minutes of the previous meeting(s).” A motion was made by Mr. Scott, seconded by Ms. Meeks, to approve minutes of April 20, 2017. The motion passed by the following vote:

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

Chair Mayhew introduced the next agenda item, “Section by section review of City Charter, including but not limited to Article 12 – General Provisions.” A motion was made by Ms. Meeks, seconded by Mr. Prather, to amend Sec. 1.03 – Statement of goals to read as follows: “The goals of the city government are to safeguard the health, safety and welfare of the city's residents, provide for a high quality of life including, but not limited to, neighborhood integrity, a clean and abundant water supply, a cost-efficient electricity supply, efficient police and fire departments, educational opportunities, effective road and transportation systems, a healthy business environment, well maintained parkland and recreational opportunities, foster intergovernmental liaison and communication, encourage responsible citizenship, promote sound community and economic development, promote high quality affordable housing, conserve and protect the city's natural resources and environment and, in particular the San Marcos River, its springs, aquifer, and tributaries.” After some discussion, an amendment to the motion was made by Mr. Prather, seconded
by Ms. Davis, to include the Blanco River. After brief discussion, the motion to amend was withdrawn by Mr. Prather. After more discussion, the main motion carried by the following vote:

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<td>Abstain:</td>
<td>2 - Salmi and Scott</td>
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Ms. Meeks made a motion, seconded by Ms. Davis, to add a sentence to item (d) of Sec. 7.01 – Planning & zoning commission. The amendment would read as follows:

(d) In making appointments to the commission, council shall seek to ensure broad citizen representation which includes geographic, professional, gender, racial, and viewpoint diversity. A person may not be appointed to the Commission if that person has a substantial interest in, or receives income from, the development or sale of real property. The commission shall establish bylaws to govern rules of procedure and the annual election of officers. All meetings of the commission shall be open to the public.

After some discussion, the motion was withdrawn by Ms. Meeks. A new motion was made by Ms. Meeks, seconded by Mr. Scott, to amend item (d) of Sec. 7.01 – Planning and zoning commission to read as follows:

(d) In making appointments to the commission, council shall seek to ensure broad citizen representation which includes geographic, professional, gender, racial, and viewpoint diversity. No more than two professional realtors may be appointed to the commission. The commission shall establish bylaws to govern rules of procedure and the annual election of officers. All meetings of the commission shall be open to the public.

The motion carried by the following vote:

<table>
<thead>
<tr>
<th>For:</th>
<th>4 - Davis, Meeks, Moore, and Scott</th>
</tr>
</thead>
<tbody>
<tr>
<td>Against:</td>
<td>3 - Mayhew, Prather, and Salmi</td>
</tr>
<tr>
<td>Absent:</td>
<td>0</td>
</tr>
<tr>
<td>Abstain:</td>
<td>0</td>
</tr>
</tbody>
</table>

Ms. Meeks made a motion, seconded by Ms. Davis, to amend Sec. 3.17 – Expulsion or removal of city officials by adding a new item and labeling it item (c), which would read as follow:

(c) No member of city council, including the mayor, shall make any intimation or promise of current or future financial gain, promotion, or other benefit to any employee, public official, or their family members. Nor shall any member of city council, including the mayor, intimidate, or intimate current or future financial loss, job loss, or demotion to any employee, public official, or their family members. Any such action may be grounds for removal.

After some discussion, the motion failed by the following vote:
A motion was made by Ms. Meeks, seconded by Ms. Davis, to create a new section under ARTICLE VII – MUNICIPAL PLANNING AND ZONING, which would read as follows:

Sec. 7.05. – Disqualification from voting.

(1) A member shall disqualify himself or herself from voting whenever he or she finds that he or she has a personal or monetary interest in the property under review, or that he or she will be directly affected by the decision of the Commission.

(2) A member shall disqualify himself or herself from voting whenever any applicant, or the applicant’s agent, has sought to influence the vote of the member on an application, other than in the public hearing.

After discussion, the motion was withdrawn by Ms. Meeks.

Ms. Meeks made another motion, seconded by Ms. Davis, to amend subsection (a) of Sec. 12.02 – Personal interest and code of ethics by creating item (5) and have it read as follows:

(a)(5) No city official may receive loans, contributions, promises of financial support, or any other form of financial gain from another city official.

After brief discussion, an amendment to the motion was made by Ms. Meeks, seconded by Ms. Davis, to replace the first listing of “city official” with “city council member”. The amendment would read as follows:

(a)(5) No city official council member may receive loans, contributions, promises of financial support, or any other form of financial gain from another city official.

After discussion, the amended motion carried by the following vote:

For: 6 - Davis, Mayhew, Meeks, Moore, Prather, and Salmi
Against: 0
Absent: 0
Abstain: 1 - Scott

However, the main motion failed by the following vote:

For: 2 - Davis and Meeks
Against: 5 - Mayhew, Moore, Prather, Salmi, and Scott
Absent: 0
Abstain: 0
A motion was made by Ms. Davis, seconded by Ms. Meeks, to amend Sec. 5.03 – Filing for office by adding the following sentences to the end of this section: “All campaign contributions and reports filed by candidates shall be printed electronically, not hand-written, so that they are legible. The City Clerk shall enforce this and retain the records.” After brief discussion, the motion was withdrawn by Ms. Davis. A new motion was made by Mr. Salmi, seconded by Chair Mayhew to amend Sec. 5.03 – Filing for office by adding the following sentence to the end of this section: “All campaign contributions and reports filed by candidates shall be legible.” The motion carried by the following vote:

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

Ms. Davis made a motion, seconded by Mr. Prather, to create a new section under ARTICLE IV. – ADMINISTRATIVE SERVICES, which would read as follows:

Sec. 4.07 – Publication of appointed public official’s salaries.

The salary of each public official appointed by the city council, which include the city attorney, city manager, city clerk, presiding municipal judge, and city auditor shall be published on the city website.

After some discussion, a motion to amend was made by Ms. Davis, seconded by Mr. Scott, to include all employees. After more discussion, the motion to amend was withdrawn by Ms. Davis and Mr. Scott. The main motion was also withdrawn by Ms. Davis. A new motion was made by Ms. Davis, seconded by Mr. Prather, to have the new section read as follows:

Sec. 4.07 – Publication of appointed public official’s salaries.

The salary of each position shall be published on the city website.

After discussion, the motion was withdrawn by Ms. Davis. Ms. Davis made a new motion, seconded by Mr. Scott, to have the new section read as follows:

Sec. 4.07 – Publication of appointed public official’s salaries.

The salary of each position shall be published on the city website.

After brief discussion, the motion was withdrawn by Ms. Davis. A new motion was made by Ms. Davis, seconded by Mr. Scott, to have the new section read as follows:

Sec. 4.07 – Publication of salaries.

The salary of each city position shall be published on the city website.

The motion carried by the following vote:
Ms. Davis made a motion, seconded by Ms. Meeks, to create a subsection labeled item (1) to Sec. 5.03 – Filing for office and have it read as follows:

(1) City employees, city officials and candidates for office (or businesses in which they have a substantial interest) shall not contribute, either monetarily or in kind, to the campaigns of other candidates for city office.

After some discussion, the motion was withdrawn by Ms. Davis. Another motion was made by Ms. Davis, seconded by Ms. Meeks, to have a new subsection (1) of Sec. 5.03 – Filing for office read as follows:

(1) City employees, city officials and candidates for office (or businesses in which they have a substantial interest) shall not contribute, either monetarily or in kind, to the campaigns of other candidates for city office.

After further discussion, the motion was withdrawn by Ms. Davis. A new motion was made by Ms. Davis, seconded by Ms. Meeks, to create a subsection labeled item (2) to Sec. 5.03 – Filing for office and have it read as follows:

(2) Candidates for city office shall not accept monetary or in kind contributions from any person or entity in excess of $250.

After additional discussion, the motion was withdrawn by Ms. Davis. Another new motion was made by Ms. Davis, seconded by Ms. Meeks, to create a subsection labeled item (1) to Sec. 5.03 – Filing for office and have it read as follows:

(1) Candidates for city office shall not accept monetary or in kind contributions from any person or entity in excess of $250-$1,000.

After brief discussion, the motion tied by the following vote:

For: 3 - Davis, Meeks, and Scott
Against: 3 - Mayhew, Moore, and Prather
Absent: 0
Abstain: 1 - Salmi

A motion was made by Ms. Davis, seconded by Ms. Meeks, to amend subsection (a)(2) of Sec. 12.02 – Personal interest and code of ethics by adding a sentence to the end of this section, which would read as follows: “Each financial disclosure of outside earnings shall be made to the nearest $100,000 increment. City officials who do not make such disclosures shall have 30 days to conform to this Section of the Charter or shall be subject to review by the Ethics Commission or subject to removal by City Council.” After discussion, the motion was withdrawn by Ms. Davis.
Chair Mayhew introduced the next agenda item, “Consider approval of the 2017 Charter Review Commission’s recommendations and report to City Council.” After some discussion, Chair Mayhew, Mr. Moore, and Mr. Salmi were appointed to a subcommittee to prepare the final report, which will be reviewed and approved at the commission’s next and final meeting (date to be determined).

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

Mr. Scott moved for adjournment at 7:33 p.m., seconded by Ms. Davis. The motion passed with the following vote:

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

[Signature]
Chair
Charter Review Requests from City Council and Staff

- Should the Deputy Mayor Pro Tem be added to authorize the calling of a meeting to order the election in the event that the Mayor and Mayor Pro Tem are unavailable?  Sec. 3.06 – Vacancies.

- Should web posting on the city’s website be added as a requirement for meetings of the city council? Sec. 3.09 – Meetings of the city council.

- City Secretary should be corrected to city clerk. Sec. 3.09 – Meetings of the city council.

- Should the city attorney review the legality of all ordinances provided for council consideration? Sec. 3.11 – Procedures for passage of ordinances.

- Should electronic signatures be allowed to authenticate all ordinances and resolutions? Sec. 4.02 City Clerk.

- Should the word “printed” be changed to accommodate the use of electronic voting systems? Sec. 5.04 – The official ballot.

- The ETJ member should be deleted. Effective March 1, 2015 the ETJ member of the commission shall be deleted and qualified city resident member shall be appointed. Sec. 7.01 – Planning and zoning commission.

- Should the nepotism rules be modified? Sec. 12.03 – Nepotism.

- Should the qualifications for council be altered to reference indebtedness to the city? Sec. 3.02 – Qualifications.

- Should Council terms to be extended to 4 years? Sec. 3.01 – Number, selection and term.

- Should the Mayor’s term be extended from 2 years to 3 years? Sec. 3.01 – Number, selection and term.

- Should there be term limits? Sec. 3.01 – Number, selection and term.

- Review the possibility of going to single member districts. Sec. 3.01 – Number, selection and term.

- Review the possibility of going from November elections to May elections. Sec. 5.01 – Elections.

- Review the possibility of going to odd year elections if moving to May elections is not an option. Sec. 5.01 – Elections.

Additional Council Review Requests

- Section 3.01 – Number, selection and term; Section 3.02 – Qualifications; Section 3.03 – reserved; Section 3.05 – Mayor, Mayor Pro Tempore and Deputy Mayor Pro Tempore; Section 3.07 – Powers and limitations of city council; Section 3.08 – City council not to interfere in appointments or removals; Section 3.11 – Procedure for passage of ordinances.

- Section 4.01 – City manager

- Section 5.01 – Elections; Section 5.02 – Regulation of elections; Section 5.06 – Laws governing city elections; Section 5.07 – Conducting and canvassing elections.

Staff

- Should anyone who has a criminal record of a certain seriousness (to be defined by the commission), be deemed ineligible to serve on city council? Sec. 3.02 – Qualifications.
Cumulative List of Recommended City Charter Amendments*

1. Change all references to “municipal government” to “city government.” [Sections 1.01 and 1.02]

**Purpose:** To provide clarity and consistency throughout the City Charter

2. Amend Section 1.03, Statement of Goals, to provide that the city government should:
   - promote high quality affordable housing
   - include protection of the San Marcos River, its springs, aquifer, and tributaries

**Purposes:** To explicitly include high-quality affordable housing with the existing enumeration of the characteristic of a high quality of life already included in the City Charter. To emphasize the particular importance of protecting the city’s treasured natural features.

3. Allow the address shown on a person’s Texas Identification card to be used, in addition to a current driver’s license, as proof of residence for purposes of qualifying to run for and hold office on the city council. [Section 3.02(a)(2)(A)]

**Purpose:** To allow additional state documents to be used and accepted as proof of residence to qualify for public elections

4. Amend Section 3.02(a)(6) to require Council members to remain current on all financial obligations to the city in order to continue to hold office. Under the current city charter, only financial obligations arising from the duties of the office are considered. If this amendment is approved, having delinquent city utility accounts or delinquent property taxes would disqualify a council member from continuing to hold office and disqualify an individual with such outstanding debts from filing an application to run for council. See also, Section 5.03 – Filing For Office.

**Purpose:** To elect council members with sufficient personal financial management skills and avoid possible conflicts of interest due to outstanding city debts

5. Change all references to the position of “mayor pro tempore” to “mayor pro tem.” [Section 3.05]

**Purpose:** To provide clarity and consistency throughout the City Charter

6. Change all references to the position of “city secretary” to “city clerk” [Sections 3.09 and 6.02]

**Purpose:** To provide clarity and consistency throughout the City Charter
7. Require the city attorney to approve or file written objections to proposed ordinances prior to consideration by the city council. [Section 3.11(b)]

**Purpose:** Clarifies existing language to make sure council receives legal advice regarding the validity of proposed ordinances before consideration and action by council

8. Correct a reference in the first sentence of Section 3.12 from “chapter” to “charter”

**Purpose:** To provide clarity and consistency throughout the City Charter

9. Require the affirmative vote of at least five members of the city council to remove the city manager. [Section 4.01(b)]

**Purpose:** This provision strengthens the operation of San Marcos as a "council-manager government" as defined in the City Charter by insulating the City Manager from political pressures from the council.

10. Allow the city clerk to authenticate ordinances and resolutions by electronic signature. [Section 4.02]

**Purpose:** Allows for efficient and modern operation of city government.

11. Clarify that names of candidates can be listed electronically on the ballot instead of being printed as they would be on paper ballots. [Section 5.04]

**Purpose:** Allows for efficient and modern operation of city elections.

12. Amendments to Section 7.01 – Planning and Zoning Commission – Qualifications:

- Remove all remaining references to the ETJ member

**Purpose:** The ETJ position was removed from the City Charter by voters effective March 15, 2015. The removal of out-of-date ETJ language from section 7.01 makes it easier to understand how current membership in the P&Z commission is determined.

- Eliminate property ownership as a requirement to serve on the P&Z
- Increase residency requirement from three years to five years to serve on P & Z

**Purpose:** To encourage civic participation and expand the pool of San Marcos citizens eligible for appointment to this public commission, including long-term local residents impacted by decisions made by P&Z, and encourages participation by members with knowledge of the community.

- Prohibit the appointment of more than two professional realtors to the P & Z
Purpose: The Charter presently instructs City Council to appoint a diverse set of P&Z commissioners “which includes geographic, professional, gender, racial, and viewpoint diversity. [Section 7.01]” This provision ensures that a broad range of professions are represented on Planning and Zoning.

13. Amendments to Section 7.02 – Planning and Zoning Commission – Powers and Duties:
   - Require the planning staff to follow all city ordinances rules and regulations and consult with the city attorney before making any recommendations to the Planning and Zoning Commission
   - Require the Planning and Zoning Commission to follow all city ordinances, rules, and regulations before making any recommendations to the city council

   Purpose: This provision makes current city practice a City Charter requirement.

   - Require city council decisions on conditional use permit appeals to be based on Texas laws, Federal laws, city ordinances and regulations in addition to the record before the Planning and Zoning Commission

   Purpose: This provision allows the City Council to consider all relevant laws and regulations in its public hearings related to conditional use permits.

   - Prohibit the assessment of a fee to appeal a decision on conditional use permit to the city council

   Purpose: This provision provides citizens of San Marcos free access to their elected officials related to public matters

14. Require the proposed city budget to be made available at city hall, at the San Marcos Public Library, and on the city’s website. Require the adopted budget and supporting schedules to be published on the city’s website. [Sections 8.02 and 8.05]

   Purpose: Promote transparency and public awareness of city government

15. Require proposed ordinances granting a public utility franchise to be made available at the San Marcos Public Library, at city hall, and on the city’s website. [Section 11.04]

   Purpose: Promote transparency and public awareness of city government

16. Require updates to annual financial disclosure forms by council members, council appointees, and board and commission members within 30 days of any significant changes. [Section 12.02(a)(2)]

   Purpose: Public officials are currently required to file financial disclosure forms every 12 months. This provision assures San Marcos citizens on-going accuracy and transparency regarding public official’s financial disclosures if there is a significant change within that one-year timeframe.
17. Prohibit council members and employees from having a financial interest in the purchase from the city of any land, materials, supplies, or service. [Section 12.02(a)(3)]

**Purpose:** To avoid conflicts of interest and ensure public trust, the City Charter already prohibits current council members and city employees from financial benefit in the *sale* of any land, materials, supplies, or service. This provision increases protection by prohibiting this potential conflict to financial interest the *purchase* of land, materials, supplies, or service as well.

18. Prohibit council members from having a financial interest in the *sale* to the city of any land, materials, supplies, or service for a period of two years from the date of leaving office; rendering contracts entered into in violation of this provision voidable by city manager or city council. [Section 12.02; add a new subsection (a)(4)]

**Purpose:** Public office is meant for the public good and not for personal enrichment. Currently, only active councilmembers are prevented from having a financial interest in city deals. In contrast, currently both active city employees (Section 12.02) and former employees within two years of employment (San Marcos Ethics Ordinance) are prevented from having a financial interest in city deals. This provision amends the charter to apply the same prohibition to council members for period of two years after leaving office.

19. Correct punctuation errors - Insert a comma, known as the Oxford comma or serial comma, immediately before the coordinating conjunction (usually “and” or “or”) in a series of three or more items – in each instance where this occurs in the city charter

**Purpose:** To provide clarity and consistency throughout the City Charter

20. Amend the powers of the Ethics Review Commission; granting the authority to conduct hearings regarding alleged violations of the city charter, render advisory opinions regarding potential violations of the city charter, and make recommendations regarding such violations. [Section 12.02(c), subparagraphs (2),(3), and (4)]

**Purpose:** This amendment makes clear the importance of public officials to follow the City Charter in addition to existing State conflict of interest laws and the San Marcos Code of Ethics ordinances and provides a process for accepting and hearing complaints regarding charter violations.

21. Amendments to Section 12.03, Nepotism:

- Rename this section to read: “12.03 Nepotism and Conflict of Interest”
- Rephrase the sentence structure of the current provision to make it less cumbersome and to provide greater clarity
- Prohibit direct supervision of an employee by his/her relative, roommate, or sexual partner
- Require supervisors to report relationships with subordinates promptly to the Human Resources Department
- Defining “relative” to include persons related within the third degree by blood or within the second degree by affinity (marriage, including common law marriage)
- Prohibit a “public official” from appointing his or her business associate to a “public board or commission”
- Defining “business associate” and “sexual partner”

**Purpose:** This provision increases public trust in financial interests of public officials and avoids potential conflicts of interests by public officials and city employees.

22. Amendments to Section 8.02, Preparation and submission of budget:
- **Add a provision requiring the city council to hold a visioning workshop by January 31^{st} of each year**
- **Add a provision to require the city council to hold a policy budget** budget policy **workshop on or before February 27^{th} of each year**
- **Require the council to conduct a public hearing and to formulate the budget policy statement by March 31^{st} of each year instead of April 30^{th}**
- **Re-letter the subsections of this section to follow the sequential steps in the process for formulating the budget policy statement**

**Purpose:** This provision provides citizens and city staff more time to review proposed city budget goals before the adoption of a city budget. It also promote transparency and public awareness of city government

23. **Provide for removal of the mayor or a council member from office, upon the affirmative vote of five members of the council, for substantial violations of the city charter [Section 3.17]**

**Purpose:** This provision makes clear the importance of the Mayor and Council Members to follow the City Charter by providing an option for enforcement of the Charter.

24. **Require candidates for mayor or city council to take an oath agreeing to comply with the Code of Fair Campaign Practices set forth in Section 258.004 of the Texas Election Code [Section 5.03]**

**Purpose:** The State Election Code provision encourages campaigns that are decent, honest, and fair to encourage healthy competition and open discussion of issues and candidate qualifications and to discourage practices that cloud the issues or unfairly attack opponents. This provision makes it a City Charter requirement that candidates take an oath to comply with the Code of Fair Campaign Practices to help retain the community culture of San Marcos, to encourage citizens to offer themselves for public service without fear of the politics of personal destruction, and to keep local elections issue oriented.
25. Require the salary **range** of each city position to be published on the city’s website [New Section 4.07]

**Purpose:** Promote financial transparency and public awareness of city government

26. Require all campaign contributions and reports filed by candidates to be legible. The city clerk shall enforce this provision and retain the records.

**Purpose:** Promote financial transparency and public awareness in public elections via candidate reports that are clearly and readily understood.

*LIST IS COMPLETE THROUGH MAY 3, 2017 AND INCLUDES PURPOSE STATEMENTS FOR EACH PROPOSED AMENDMENT APPROVED AT THE ERC’S FINAL MEETING*
ARTICLE I. - FORM OF GOVERNMENT AND BOUNDARIES

Sec. 1.01. - Establishment and purposes of Charter.

We the people of San Marcos, do ordain and establish this Charter as the foundation of our city municipal government, a home-rule city with the name "City of San Marcos". We further ordain that the City of San Marcos will exist for the purposes enumerated in this Charter, and will have the organizational structure described in this Charter, and will have the powers, duties, limitations, and immunities stated in this Charter.

(Ord. No. 2000-12, 2-14-00/5-6-00; Ord. No. 2006-36, § 2(1), 8-15-06/11-7-06)

Sec. 1.02. - Form of government.

The city municipal government provided by this Charter shall be known as the "council-manager government". Pursuant to this Charter and subject only to the limitations imposed by the state constitution, the statutes of the state and by this Charter, all powers of the city shall be vested in an elective council, hereinafter referred to as the "council", which shall in an open and transparent manner, enact local legislation, adopt budgets, determine policies and appoint the city manager, who in turn shall execute the laws and administer the government of the city. All powers of the city shall be exercised in the manner prescribed by this Charter, or if the manner not be prescribed, then in such manner as may be prescribed by ordinance.

(Ord. No. 2000-12, 2-14-00/5-6-00; Ord. No. 2013-44, Prop. 7, 8-20-13/11-5-13)


Sec. 1.03. - Statement of goals.

The goals of the city government are to safeguard the health, safety and welfare of the city's residents, provide for a high quality of life including, but not limited to, neighborhood integrity, a clean and abundant water supply, a cost-efficient electricity supply, efficient police and fire departments, educational opportunities, effective road and transportation systems, a healthy business environment, well maintained parkland and recreational opportunities, foster intergovernmental liaison and communication, encourage responsible citizenship, promote sound community and economic development, promote high quality affordable housing, conserve and protect the city's natural resources and environment and, in particular the San Marcos River, its springs, aquifer, and tributaries.

(Ord. No. 1998-7, Prop. 1, 2-9-98/5-5-98; Ord. No. 2000-12, Prop. 1, 2-14-00/5-6-00; Ord. No. 2008-29, § 2(2), 8-19-08/11-4-08; Ord. No. 2013-44, Prop. 8, 8-20-13/11-5-13)

ARTICLE II. - POWERS OF THE CITY[2]

Footnotes:

--- (2) ---

Sec. 2.01. - General.

The city shall be a home rule city, with full power of local self-government, including the right to amend this Charter, as provided by the constitution and laws of this state. It shall have and may exercise all the powers granted to home rule cities by the constitution or laws of Texas, as they now exist or are hereafter amended.

(Ord. No. 1992-9, Prop. 1, 2-10-92/5-2-92; Ord. No. 2000-12, Prop. 1, 2-14-00/5-6-00)

Sec. 2.02. - Eminent domain.

(a) The city shall have the full power and right to exercise the power of eminent domain when necessary or desirable to carry out any of the powers conferred upon it by this Charter or by the constitution and laws of the State of Texas. The city may exercise the power of eminent domain in any manner authorized or permitted by the constitution and laws of this state, subject to the right of the owner of the property taken. The city shall have and possess the power of eminent domain for any municipal or public purposes, subject to the provisions of this section.

(b) However, the city shall not use the power of eminent domain to acquire property for transfer, or for lease in substantial part, to a private third party for the purpose of economic development. The term “economic development” means any activity to increase tax revenue, tax base, employment, or the general economic health of the City, when that activity does not result in (1) the transfer of land to public ownership, such as for a road, public utility facility, or municipal building; (2) the transfer of land to a private entity that is a common carrier, such as a utility provider; or (3) the transfer of property to a private entity to remove a harmful use of the land, such as the removal of public nuisances, removal of structures that are beyond repair or that are unfit for human habitation or use, or the acquisition or transfer of abandoned property.

(Ord. No. 1998-7, Prop. 2, 2-9-98/5-5-98; Ord. No. 2000-12, Prop. 1, 2-14-00/5-6-00; Ord. No. 2006-36, § 2(2), 8-15-06/11-7-06; Ord. No. 2008-29, § 2(3), 8-19-08/11-4-08)

Sec. 2.03. - Extension or detachment of boundaries.

The city council shall have power by ordinance to fix the boundary limits of the City of San Marcos and to provide for the alteration and extension of boundary limits, the detachment of territory and the annexation of additional territory, in accordance with applicable state annexation laws.

(Ord. No. 1984-11, Prop. 1, 1-30-84/4-7-84; Ord. No. 1986-4, Prop. 1, 1-27-86/4-5-86; Ord. No. 1988-15, Prop. 1, 2-8-88/5-7-88; Ord. No. 2000-12, Prop. 1, 2-14-00/5-6-00; Ord. No. 2000-40, Prop. 1, 5-9-00/5-6-00)

Sec. 2.04. - Limited purpose annexation.

In addition to the power to annex additional territory for all purposes, the city shall have the power, by ordinance, to fix, alter and extend the corporate boundary limits of the city for the limited purposes of “planning and zoning” and “sanitation and health protection,” and to annex for one or both of such limited purposes additional territory lying adjacent to the city; provided, however, that no such territory which lies farther than one mile from the corporate boundary limits enclosing the territory which is a part of the city
for all purposes, as those corporate boundary limits are now or may hereafter be established, shall be
annexed for any limited purpose or purposes. Wherever the boundary limits of territory annexed for one or
both of such limited purposes are not coterminous with the corporate boundary limits enclosing the territory
which is a part of the city for all purposes, such boundary limits of the limited territory shall be known as
"limited purpose boundary limits". Every ordinance by which territory is to be annexed to the city for one or
both of such limited purposes shall state clearly the limited purpose or purposes for which it is being annexed,
and shall be published one time, in a newspaper of general circulation in the city and in the form in which it
is to be finally adopted, not less than 30 days prior to its final passage.

When any additional territory has been annexed for one or both of the limited purposes, it shall be a
part of the city for such limited purpose or purposes only. However, in dealing with the property and
inhabitants thereof, the city shall have each and every power which it otherwise possesses and which is
reasonable and expedient for the accomplishment of the limited purpose or purposes for which such territory
is annexed, and the power of the city to deal with the property and inhabitants of such limited purpose
territory shall include the powers enumerated in the next two preceding sentences but shall not be limited
or restricted thereto. With regard to territory annexed for the limited purpose of "planning and zoning," the
city shall have the power to control and regulate the use of property and the density of structures, to require
compliance with reasonable zoning regulations, to control and regulate the subdivision of property, and to
control and regulate the construction of buildings. With regard to territory annexed for the limited purpose
of "sanitation and health protection," the city shall have the power to adopt all reasonable regulations
pertaining to sanitation and public health and to require compliance with such regulations. Every inhabitant
of territory annexed for one or both of the limited purposes, who is otherwise qualified, shall be entitled to
vote in city elections on every issue where the question is the election or recall of the mayor or a city council
member or the amendment of this Charter, and every such inhabitant shall be deemed to be a citizen of the
city in connection with any ordinance, regulation or action which is, or is alleged to be, applicable to him or
his property because of such limited purpose annexation, but will not be eligible to run for any office in the
City of San Marcos. The city shall have no power to levy any tax for municipal purposes on either the property
or the inhabitants of territory annexed for limited purpose or purposes, and no funds of the city shall be spent
in such territory except where reasonable and expedient for the accomplishment of the limited purpose or
purposes for which the territory is annexed; but the city may collect reasonable charges from property
owners and inhabitants of such territory for services rendered by the city in the accomplishment of the
limited purpose or purposes for which the territory is annexed.

(Ord. No. 1984-11, Prop. 2, 1-30-84/4-7-84; Ord. No. 2000-12, Prop. 1, 2-14-00/5-6-00; Ord. No. 2000-40,
Prop. 1, 5-9-00/5-6-00)

State Law reference—Annexations for limited purposes, V.T.C.A., Local Government Code, § 43.121 et seq.

ARTICLE III. - THE CITY COUNCIL

Sec. 3.01. - Number, selection and term.

(a) The legislative and governing body of the city shall consist of seven council members and shall be known
as the "City Council of San Marcos".

Page 3
(b) The members of the city council shall be elected from the city at large, and each council member shall be elected to occupy a place on the council, such places being numbered and designated 1, 2, 3, 4, 5, 6 and mayor.

c Each council member for places 1, 2, 3, 4, 5 and 6 shall hold office for a period of three years, staggered so that two members shall be elected to a regular term each year. The council member elected to the place of mayor shall hold office for a period of two years.

(Res. No. 1977-7R, Prop. 1, 1-24-77/4-2-77; Res. No. 1979-2R, Prop. 1, 1-8-79/4-7-79; Ord. No. 1984-11, Prop. 3, 1-30-84/4-7-84; Ord. No. 2000-12, Prop. 1, 2-14-00/5-6-00; Ord. of 8-12-02, § 1; Ord. No. 2004-44, § 1, 8-9-04)

Sec. 3.02. - Qualifications.

(a) Each member of the city council, in addition to having other qualifications prescribed by law:

(1) Shall be a qualified voter of the city;

(2) Shall have had his or her principal physical residence for at least one year preceding the election within the corporate limits of San Marcos and shall maintain his or her principal physical residence within the corporate limits of San Marcos throughout his or her term of office; for purposes of this subsection, a person must meet all of the following to meet the requirement for a "principal physical residence" in the city:

(A) The person must use the residence address for voter registration, and current driver's license or Texas identification card purposes;

(B) The person must use the residence address as the person's home address on documents such as employment records, resumes, business cards, government forms and loan applications;

(C) The person must not claim a homestead exemption on any property other than the residence;

(3) Shall not hold any other office or employment under the city government while a member of the council, except a member of the city council may be appointed by the city council to represent the council on any board, commission, committee, organization or entity in the council's sole discretion so long as that person's service does not extend beyond the person's council term;

(4) Shall not be an officer or director of any public service company within the city, or outside the city but serving inhabitants of the city, nor be the owner or proprietor of any public service company in the city. "Public service company" is defined as any company, individual, partnership, corporation or other entity recognized by law that uses any of the city's streets, alleys, highways or other public property to carry out its principal purposes, including but not limited to water, wastewater, gas, electricity and, telecommunications utilities, commercial railway or street railway services, public transit services, solid waste collection, and vehicles for hire.

(5) Shall not have a financial interest in the sale to the city of any land, materials, supplies or service, outside of the person's position with the city.

(6) Shall remain current on all financial obligations to the city relating to the duties of the council member.
Sec. 3.03. - Reserved.

Editor's note—Formerly, § 3.03 pertained to council to judge election qualifications, and derived from Ord. No. 1996-6, Prop. 2, 2-12-96/5-4-96.

Sec. 3.04. - Compensation and reimbursement.

City Council Compensation shall be set in a public forum by ordinance of the city council; and they shall be entitled to all necessary expenses incurred in the performance of their official duties. There shall be provided in each annual city budget an amount for the expenses of the mayor and of each council member. The mayor and the members of the city council shall be reimbursed for the amounts so provided for in the annual city budget for their actual official business expenses. The city council by resolution or ordinance shall provide for the expenses of the mayor and of each council member. There shall be met for reimbursement.

Sec. 3.05. - Mayor, mayor pro tempore and deputy mayor pro tempore.

The mayor shall preside at all meetings of the council and shall be recognized as head of the city government for all ceremonial purposes, for the purpose of receiving service of civil process, and for emergency management purposes. The mayor, as a member of the council, shall be entitled to vote upon all matters considered by the council but shall have no veto power. At its first meeting following each regular election of council members, the council shall by election designate a mayor pro tempore, and may shall in addition designate a deputy mayor pro tempore, who each shall serve in such capacity for a period of one year; provided, however, that in the event a runoff election is required the city council shall not designate a mayor pro tempore or deputy mayor pro tempore until the runoff election is completed and the duly elected candidates have been officially seated on the council. The mayor pro tempore shall act as mayor during the absence or disability of the mayor, and shall have power to perform every act the mayor could perform if present. The deputy mayor pro tempore shall act as mayor during the absence or disability of the mayor and mayor pro tempore, and shall have power to perform every act the mayor could perform if present.
Sec. 3.06. - Vacancies.

(a) A special election to fill a vacancy shall be called in accordance with state law. In the event the mayor is unable to call a meeting to order the election for any reason, the mayor pro tem or deputy mayor pro tem are authorized and directed to call a meeting to order the election and perform all other required actions incident to the election. In the event of vacancies in the offices of mayor and all members of the city council for any reason, the following persons, in the order prescribed, are authorized and directed to order the election and perform all other required actions incident to the election:

1. The city manager.
2. The city clerk.
3. The city attorney.
4. The presiding judge of the municipal court.

(b) No such election shall be held sooner than 30 days from the date it is called.

Sec. 3.07. - Powers and limitations of the city council.

(a) All powers and authority which are expressly or impliedly conferred on or possessed by the city shall be vested in and exercised by the council.

(b) The council shall have no power to, and shall not:

1. Sell, convey, lease, mortgage or otherwise alienate any land which is now, or shall hereafter be, dedicated for park purposes, unless the qualified voters of the city shall authorize such act by adopting in a general or special election a proposition submitting the question and setting forth the terms and conditions under which such sale, conveyance, lease, mortgage or other alienation is to be made; provided, that the city council may, after a public hearing, authorize a lease of park property to another governmental entity or to a non-profit corporation or association for a term of up to three years if the council determines that the lease will further the use of the property for park purposes.

2. Sell, convey, or lease all or any substantial part of the facilities of any municipally owned public utility, provided that the council may lease all or a substantial part of such facilities to any public agency of the State of Texas if the qualified voters of the city authorize such lease by adopting in a general or special election a proposition submitting the question and setting forth the terms and conditions under which such lease is to be made.

3. Accept or admit liability in, or pay, any claim for damages asserted against the city, without first obtaining a written opinion from the city attorney regarding the city's liability therein.
(c) The council will have the authority to approve the conveyance of land, right-of-way and easements owned by the city. Any such approval will be in the form of an ordinance, and no such ordinance may be adopted as an emergency measure.

(Ord. No. 1994-16, Prop. 2, 3-22-94/5-7-94; Ord. No. 2000-12, Prop. 5, 2-14-00/5-6-00; Ord. No. 2000-40, Prop. 5, 5-9-00/5-6-00)

State Law reference — Municipal home rule powers, Texas Const., art. 16, § 5; V.T.C.A., Local Government Code, §§ 26.001 et seq., 51.001, 51.071 et seq.

Sec. 3.08. - City council not to interfere in appointments or removals.

Neither the council nor any of its members shall instruct or request the city manager or any of the city manager’s subordinates to appoint to or remove from office or employment any person except with respect to those offices which are to be filled by appointment by the council under the provisions of this Charter. Except as provided for in Section 3.15 of this Charter, the council and its members shall deal with the administrative and management functions of the city solely through the city manager and other council appointees, as appropriate, and shall not give orders to any of their subordinates either publicly or privately.

(Res. No. 1977-7R, Prop. 1, 1-24-77/4-2-77; Ord. No. 1988-15, Prop. 7, 2-8-88/5-7-88; Ord. No. 2000-12, Prop. 1, 2-14-00/5-6-00)

Sec. 3.09. - Meetings of the city council.

The city council shall hold at least two regular meetings in each month at a time to be fixed by it for such regular meetings, and may hold as many additional meetings during the month as may be necessary for the transaction of the business of the city and its citizens. All meetings of the city council shall be held within the city, except that the city council may conduct a meeting at a location outside the city after publishing notice of the meeting in one issue of a newspaper in general circulation in the City of San Marcos. All meetings of the city council shall be public; however the council may recess for the purpose of discussing in a closed session any matter permitted to be so discussed by state law, provided that the general subject matter for consideration is expressed in the motion calling for such a session and that final action thereon shall not be taken by the council until the matter is placed on the agenda. Special meetings of the council shall be called by the city secretary upon the written request of the mayor or any three members of the city council.

The city council shall provide by ordinance for procedures to call meetings, set meeting agendas, conduct meetings, provide for reasonable time limits on presentations to the council and any other matters necessary to the efficient and fair conduct of the public’s business.

(Res. No. 1977-7R, Prop. 2, 1-24-77/4-2-77; Ord. No. 1984-11, Prop. 7, 1-30-84/4-7-84; Ord. No. 1988-15, Prop. 8, 2-8-88/5-7-88; Ord. No. 2000-12, Prop. 6, 2-14-00/5-6-00; Ord. No. 2000-40, Prop. 6, 5-9-00/5-6-00)


Sec. 3.10. - Rules of procedure.
The city council shall determine by ordinance its own rules of procedure and order of business. Four or more council members shall constitute a quorum, but no action of the council shall be of any force or effect unless it is adopted by the favorable votes of four or more of the council members. Minutes of all meetings of the council, including the vote of "ayes" and "noes" upon the passage of all ordinances and resolutions, shall be taken and recorded, and such minutes shall constitute a permanent record to which any citizen may have access at all reasonable times.

(Res. No. 1977-7R, Prop. 1, 1-24-77/4-2-77; Ord. No. 2000-12, Prop. 1, 2-14-00/5-6-00; Ord. of 8-12-02, § 1)

Sec. 3.11. - Procedure for passage of ordinances.

(a) The council shall legislate by ordinance, and the enacting clause of every ordinance shall be: "Be it ordained by the City Council of the City of San Marcos".

(b) The city attorney shall approve the legality of all ordinances adopted prior to consideration by the council, or shall file with the city clerk written legal objections thereto. Evidence of approval by the city attorney may be by notation on the ordinance itself, or by separate instrument.

(c) Every ordinance enacted by the council shall be signed by the mayor, the mayor pro tem, or two council members and shall be filed with and recorded by the city clerk.

(d) All proposed ordinances requiring a public hearing or hearings shall be finally acted upon by the city council within 90 days of the most recent public hearing at which it was considered. If final action does not occur within the 90 day period following the public hearing, then another public hearing shall be held before final action on the ordinance. Unless notice requirements are provided by other law, the city clerk shall publish a notice of each public hearing by the city council on an ordinance in a newspaper of general circulation in the city, city website or local media outlets before the public hearing.

(e) Ordinances shall be presented to council and acted on in open meetings on two separate days, unless:
   
   (1) an ordinance is posted and adopted as an emergency measure with only one reading by the favorable vote of five or more council members; or
   
   (2) the adoption of an ordinance under a different procedure is expressly authorized by state law.

(f) An ordinance relating to the changing of a future land use map or zoning district designation shall not be adopted as an emergency measure and shall be adopted only upon approval in two separate readings on two separate days no less than seven days apart.

(g) At the time of the first presentation each ordinance shall be read aloud unless it is publicly posted, available at a readily accessible location and filed with the city clerk at least 72 hours prior to the meeting at which it is to be considered, in which event only the caption need be read aloud.

(h) All ordinances shall be effective upon final reading or publication if publication is required by state law.

(Ord. No. 1986-4, Prop. 3, 1-27-86/4-5-86; Ord. No. 1992-9, Prop. 3, 2-10-92/5-2-92; Ord. No. 1998-7, Prop. 4, 2-9-98/5-5-98; Ord. No. 2000-12, Prop. 1, 2-14-00/5-6-00; Ord. of 8-12-02, § 1; Ord. No. 2006-36, § 2(7), 8-15-06/11-7-06; Ord. No. 2008-29, § 2(6), 8-19-08/11-4-08; Ord. No. 2013-44, Props. 13, 14, 8-20-13/11-5-13)

Sec. 3.12. - Publication of ordinances.

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Except as otherwise provided by law or by this Charter, the city clerk shall give notice of the enactment of every penal ordinance by causing its caption and penalty, to be published at least one time within ten days following the date of final passage thereof in some newspaper of general circulation within the city. The city clerk shall give notice of the enactment of other ordinances by publishing in the newspaper only if publication is required by state law, this Charter, or city ordinance. The city clerk shall give notice of the enactment of all ordinances on the city's website.

The city clerk shall note on every ordinance and on the record thereof the dates and medium of its publication, and such notation shall be prima facie evidence of compliance with the requirements of this section.

(Ord. No. 2000-12, 2-14-00/5-6-00; Ord. of 8-12-02, § 1; Ord. No. 2008-29, § 2(7), 8-19-08/11-4-08; Ord. No. 2013-44, Prop. 15, 8-20-13/11-5-13 )


Sec. 3.13. - Code of Ordinances.

The council shall cause all general ordinances of the city to be compiled and printed in Code form. Every general ordinance enacted subsequent to such codification shall be enacted as an amendment to the Code. For the purposes of this section general ordinances shall be deemed to be those ordinances of a permanent or continuing nature which affect the residents of the city at large. When adopted by the council, the printed codes of general ordinances contemplated by this section shall be in full force and effect without the necessity of such Code or any part thereof being published in any newspaper. The caption, descriptive clause, and other formal parts of the ordinances of the city may be omitted without affecting the validity of such ordinances when they are published as a Code. Copies of the Code shall be furnished to city officers, placed in libraries and public offices for free public reference and made available through electronic media and for purchase by the public at a reasonable price fixed by the council.

(Ord. No. 1988-15, Prop. 9, 2-8-88/5-7-88; Ord. No. 1998-7, Prop. 5, 2-9-98/5-5-98; Ord. No. 2000-12, Prop. 1, 2-14-00/5-6-00)


Sec. 3.14. - Official bonds for city employees.

The council shall require bonds or insurance of all municipal officers and employees who receive or pay out any monies of the city. The amount of such bonds or insurance shall be determined by the council and the cost thereof shall be borne by the city.

(Ord. No. 2000-12, 2-14-00/5-6-00; Ord. No. 2013-44, Prop. 16, 8-20-13/11-5-13 )

Sec. 3.15. - Investigation by the city council.

The city council shall have power to inquire into the official conduct of any office, department, agency, officer or employee of the city and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths and compel the production of books, papers, and other evidence material to the inquiry. The council shall provide by ordinance penalties for contempt in failing or refusing to
obey any such subpoena or to produce any such books, papers, or other evidence, and shall have the power
to punish any such contempt in the manner provided by such ordinance. Any person participating in such an
investigation shall have all rights afforded by the Constitution and laws of the United States and the State of
Texas.

(Ord. No. 2000-12, 2-14-00/5-6-00; Ord. No. 2008-29, § 2(8), 8-19-08/11-4-08)

Sec. 3.16. - Audit and examination of city books and accounts.

The city council shall cause an annual audit to be made of the books and accounts of each and every
department of the city. At the close of each fiscal year a complete audit shall be made by a certified public
accountant, who shall be selected by the city council, and who shall have no personal interest, direct or
indirect, in the fiscal affairs of the city government or of any of its officers. Such audit shall include a
recapitulation of all internal audits made during the course of each fiscal year, and all audit reports shall be
filed with the city council, shall be available for public inspection, and shall be made a part of the archives of
the city. Such accountant, so selected, shall not maintain or keep any of the city's accounts or records.

(Ord. No. 2000-12, 2-14-00/5-6-00)

State Law reference — Annual audit required, V.T.C.A., Local Government Code, § 103.001 et seq.

Sec. 3.17. - Expulsion or removal of city officials.

(a) The city council shall have the authority to expel any city council member who is absent three
consecutive regular city council meetings unless the council member has secured permission, in
advance, from the city council to be absent from at least one of the meetings; provided that any such
action for expulsion of a city council member shall require five affirmative votes of city council members.

(b) The city council shall have the authority to remove any city official appointed by the city council,
including members of city boards and commissions established under state law, by this Charter, or by
ordinance, and the city manager, city clerk, city attorney and municipal court judge. Any such removal
of a city official by the city council shall require a majority vote of the membership of the city council
and shall be preceded by adequate notice to the official of the time and location of the meeting, the
nature of the charge against the official, and an opportunity for a hearing. At any such hearing, evidence
both for and against the city official may be offered for the council's consideration. The council may, by
ordinance, provide for further or more detailed procedures pertaining to the removal of city official, not
inconsistent with this provision.

(Ord. No. 2000-12, Prop. 7, 2-14-00/5-6-00; Ord. No. 2000-40, Prop. 7, 5-9-00/5-6-00; Ord. No. 2004-10,

ARTICLE IV. - ADMINISTRATIVE SERVICES

Footnotes:
--- (3) ---
Sec. 4.01. - City manager.

(a) Appointment and qualifications: The city council shall appoint a city manager who shall be the chief administrative and executive officer of the city, and shall be responsible to the city council for the administration of all the affairs of the city. The manager shall be chosen by the city council on the basis of education, executive and administrative training, experience and ability; and need not, when appointed, have his or her principal physical residence in the City of San Marcos. The manager shall establish his or her principal physical residence in the city, within 90 days after appointment, and shall have his or her principal physical residence in the city continuously thereafter while holding that office.

(b) Term and salary: The city manager shall not be appointed for a definite term, but may be removed by a vote of the majority five members of the entire council. The action of the city council in suspending or removing the city manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility of each suspension or removal in the city council. In case of temporary absence or disability, the city manager may designate by letter filed with the city clerk a qualified administrative officer of the city to perform the duties of the city manager for a period not to exceed 30 days. In the event of failure of the city manager to make such designation, the council may by resolution appoint an officer of the city to perform the duties of the city manager, until the manager shall return or the disability shall cease. The city manager shall receive compensation as may be fixed by the council.

(c) Duties of the city manager:

(1) To appoint and remove all employees of the city, except where such authority is reserved to the city council or otherwise prescribed by this Charter or by state law.

(2) To appoint an assistant or assistants with the approval of the city council, and to supervise, direct and control all administrative units of the city, except those supervised by other appointees of the council.

(3) To prepare and submit the annual budget to the city council in accordance with the requirements of this Charter and state law.

(4) To keep the city council fully advised of the financial condition and needs of the city.

(5) To recommend to the city council for action such administrative measures as the manager deems necessary or expedient.

(6) To perform other duties as provided by this Charter and as prescribed by the city council.

{Res. No. 1977-7R, Prop. 1, 1-24-77/4-2-77; Ord. No. 1986-4, Prop. 6, 1-27-86/4-5-86; Ord. No. 1992-9, Prop. 4, 2-10-92/5-2-92; Ord. No. 1994-16, Prop. 3, 3-22-94/5-7-94; Ord. No. 2000-12, Prop. 1, 2-14-00/5-6-00; Ord. No. 2002-12, Prop. 3, 2-11-02/5-4-02; Ord. No. 2002-35, Prop. 3, 5-7-02/5-4-02; Ord. of 8-12-02, § 1; Ord. No. 2006-36, § 2(8), 8-15-06/11-7-06; Ord. No. 2008-29, § 2(9), 8-19-08/11-4-08)

Sec. 4.02. - City clerk.

The city council shall appoint a city clerk, who shall give notice of council meetings, shall keep the minutes of the proceedings of such meetings, shall authenticate by signature or electronic signature all ordinances and resolutions, and shall perform such other duties as city council, shall assign and those elsewhere provided for in this Charter. The city clerk's compensation shall be fixed by the city council. The city clerk may appoint an assistant or assistants with the approval of the council. The city clerk shall establish
his or her principal physical residence in the city, within 90 days after appointment, and shall have his or her principal physical residence in the city continuously thereafter while holding that office.

(Res. No. 1977-7R, Prop. 1, 1-24-77/4-2-77; Ord. No. 1981-48, Prop. 1, 6-22-81/8-8-81; Ord. No. 1992-9, Prop. 5, 2-10-92/5-2-92; Ord. No. 1994-16, Prop. 4, 3-22-94/5-7-94; Ord. No. 2000-12, Prop. 8, 2-14-00/5-6-00; Ord. No. 2000-40, Prop. 8, 5-9-00/5-6-00; Ord. No. 2008-29, § 2(10), 8-19-08/11-4-08)

Sec. 4.03. - Municipal court.

(a) A municipal court is established for the trial of misdemeanor offenses, with jurisdiction, powers and duties as prescribed by ordinance and state laws.

(b) The city council shall appoint a presiding judge for the municipal court and any associate judges it deems advisable. The presiding judge and each associate judge shall be a competent and duly qualified and licensed attorney authorized to practice law in the State of Texas. The presiding judge shall establish his or her principal physical residence in the city within 90 days after appointment, and shall have his or her principal physical residence in the city continuously thereafter while holding that office. The compensation of the judges shall be fixed by the city council.

The presiding judge shall appoint a municipal court clerk and any assistants with the approval of the city council.


Sec. 4.04. - City attorney.

The city council shall appoint a city attorney, who shall be a competent and duly qualified and licensed attorney, authorized to practice law in the State of Texas. The city attorney shall establish his or her principal physical residence in the city within 90 days after appointment, and shall have his or her principal physical residence in the city continuously thereafter while holding that office. The city attorney’s compensation shall be fixed by the city council. The city attorney may appoint an assistant or assistants with the approval of the city council. The city attorney, or other attorneys selected by the city attorney with the approval of the city council, shall represent the city in all litigation. The city attorney shall be the legal advisor and counsel for the city and all city officers and administrative units; provided, that the city council may retain special counsel at any time it deems same appropriate and necessary. The city attorney shall prepare or review all ordinances and shall prosecute all criminal cases in the municipal court in person or through an assistant.

(Ord. No. 1984-11, Prop. 9, 1-30-84/4-7-84; Ord. No. 1994-16, Prop. 6, 3-22-94/5-7-94; Ord. No. 2000-12, Prop. 1, 2-14-00/5-6-00; Ord. No. 2006-36, § 2(9), 8-15-06/11-7-06; Ord. No. 2013-44, Prop. 19, 8-20-13/11-5-13)

Sec. 4.05. - City auditor.
The city council may appoint a city internal auditor who shall serve at the pleasure of the city council. The city council shall establish the duties and operating procedures of the city internal auditor by ordinance. The city council may enter into a contract for the duties of an internal auditor to be carried out by an outside firm if the council chooses to do so.

(Ord. No. 2010-44, §§ 2, 3, 8-17-10/11-2-10)

Sec. 4.06. - Other administrative units.

The city council may abolish or consolidate such administrative units as it may deem to be to the best interest of the city, and may divide and subdivide the administration of any such units as it may deem advisable; may create new administrative units, and may discontinue any administrative unit at its discretion, except those specifically established by this Charter.

(Ord. No. 2000-12, 2-14-00/5-6-00)

Sec. 4.07. - Publication of salaries

The salary range of each city position shall be published on the city website.

ARTICLE V. - NOMINATIONS AND ELECTIONS

Footnotes:
--- (4) ---

Sec. 5.01. - Elections.

The regular city election shall be held annually on the first Tuesday after the first Monday in November as provided by state law.

(Res. No. 1977-7R, Prop. 5, 1-24-77/4-2-77; Ord. No. 1988-15, Prop. 11, 2-8-88/5-7-88; Ord. No. 2000-12, Prop. 1, 2-14-00/5-6-00; Ord. No. 2006-36, § 2(10), 8-15-06/11-7-06; Ord. No. 2008-29, § 2(12), 8-19-08/11-4-08)


Sec. 5.02. - Regulation of elections.

All elections shall be held in accordance with the laws of the State of Texas regulating the holding of municipal elections and in accordance with the ordinances adopted by the city council for the conduct of elections. The city council shall appoint the election judges and other election officials. Voting precincts shall be established by ordinance and may be altered from time to time in like manner.

(Ord. No. 2000-12, 2-14-00/5-6-00; Ord. of 8-12-02, § 2)

Sec. 5.03. - Filing for office.
Any qualified person as defined in Section 3.02 who desires to become a candidate in a general election to a place on the city council shall file with the city clerk at least 62 days prior to the election day an application for his or her name to appear on the ballot. All candidates shall sign the code of fair campaign practices provided in Section 258.004 of the Texas Election Code. For an election to be held on the date of the general election for state and county officers, the date of the filing deadline is the 70th day before election day. Such application shall clearly designate the place on the council to which the candidate seeks election and shall contain the candidate’s sworn statement of compliance with the qualifications for holding the office sought under the laws of Texas and the provisions of this Charter.

All campaign contributions and reports filed by candidates shall be legible.

(Res. No. 1977-7R, Prop. 1, 1-24-77/4-2-77; Ord. No. 1992-9, Prop. 6, 2-10-92/5-2-92; Ord. No. 2000-12, Prop. 1, 2-14-00/5-6-00; Ord. of 8-12-02, § 1; Ord. No. 2004-10, Prop. 3, 2-23-04/5-15-04; Ord. No. 2008-29, § 2(13), 8-19-08/11-4-08; Ord. No. 2013-44, Prop. 20, 8-20-13/11-5-13)

Sec. 5.04. - The official ballot.

The names of all candidates for office, except such as may have withdrawn, died, or become ineligible, shall be printed on the official ballots without party designation. The order on the ballot of the names of the candidates for each respective council place shall be determined by lot in a drawing to be held under the supervision of the city clerk, at which drawing each candidate or the candidate’s named representative shall have a right to be present. Incumbent council members seeking reelection must file for the place for which they were originally elected; provided that, however, a council member originally elected to place 1, 2, 3, 4, 5 or 6 may file for the place of mayor and a member holding the place of mayor may file for election as council member place 1, 2, 3, 4, 5 or 6.

(Res. No. 1977-7R, Prop. 1, 1-24-77/4-2-77; Ord. No. 2000-12, 2-14-00/5-6-00)

Sec. 5.05. - Election by majority.

At any regular or special municipal election the candidates in each place on the ballot who shall have received the majority of votes cast in such election for such place shall be declared elected. In the event no candidate for a designated place on the city council receives a majority of the votes cast for that place in the regular or special election, a runoff election shall be held between the two candidates who received the greatest number of votes for such place. The runoff election shall be held not earlier than the 20th or later than the 45th day after the date the final canvass of the regular or special election is completed.

(Res. No. 1977-7R, Prop. 5, 1-24-77/4-2-77; Ord. No. 1981-51, Prop. 11, 7-6-81/8-8-81; Ord. No. 1986-4, Prop. 11, 1-27-86/4-5-86; Ord. No. 1994-16, § 1.2, Prop. 7, 3-22-94/5-7-94; Ord. No. 1998-7, Prop. 12, 2-9-98/5-5-98; Ord. No. 2000-12, 2-14-00/5-6-00; Ord. of 8-12-02, § 1; Ord. No. 2006-36, § 2(10), 8-15-06/11-7-06)

Sec. 5.06. - Laws governing city elections.

All city elections shall be governed by the constitution of the State of Texas, general laws of the state, this Charter, and ordinances of the city, in the order named.

(Ord. No. 2000-12, 2-14-00/5-6-00)
Sec. 5.07. - Conducting and canvassing elections.

The returns of every municipal election shall be delivered by the election judges to the central counting station immediately after the closing of the polls. Returns of the elections, general and special, shall be presented to the city council on any date permitted by the Texas Election Code at which time the council shall canvass and declare the results of such election.

(Res. No. 1977-7R, Prop. 5, 1-24-77/4-2-77; Ord. No. 1988-15, Prop. 20, 2-8-88/5-7-88; Ord. No. 2000-12, Prop. 9, 2-14-00/5-6-00; Ord. No. 2000-40, Prop. 9, 5-9-00/5-6-00)

Sec. 5.08. - Oath of office.

Every officer of the city shall take and subscribe to an oath or affirmation similar to that required by the Texas Constitution for state officers, before entering upon the duties of the office. The oath or affirmation shall be in a form provided by the city clerk, shall be given before a person authorized to administer oaths, and shall be filed and kept in the office of the city clerk.

(Res. No. 1977-7R, Prop. 1, 1-24-77/4-2-77; Ord. No. 1986-4, Prop. 12, 1-27-86/4-5-86; Ord. No. 1990-8, Prop. 2, 2-12-90/5-5-90; Ord. No. 2000-12, 2-14-00/5-6-00)

State Law reference—Oath, Texas Const., art. 16, § 1.

ARTICLE VI. - INITIATIVE, REFERENDUM AND RECALL

Sec. 6.01. - Power of initiative.

The people of the city reserve the power of direct legislation by initiative, and in the exercise of such power may propose any ordinance or repeal any ordinance not in conflict with this Charter, the State Constitution, or the state laws. Any initiated ordinance may be submitted to the council by a petition signed by at least ten per cent of the qualified voters of the city.

(Res. No. 1979-14R, Prop. 11, 2-26-79/4-7-79; Ord. No. 1992-9, Prop. 7, 2-10-92/5-2-92; Ord. No. 2000-12, Prop. 10, 2-14-00/5-6-00; Ord. No. 2000-40, Prop. 10, 5-9-00/5-6-00)

Sec. 6.02. - Power of referendum.

The people reserve the power to approve or reject at the polls any legislation enacted by the council which is subject to the initiative process under this Charter. Prior to or within thirty days after the effective date of any ordinance which is subject to referendum, a petition by at least ten per cent of the qualified voters of the city may be filed with the city secretary clerk requesting that any such ordinance be either repealed or submitted to the vote of the people. When such a petition has been certified as sufficient by the city secretary clerk, the ordinance specified in the petition shall not go into effect, or further action thereunder shall be suspended if it shall have gone into effect, until and unless it is approved by the voters as herein provided. Notwithstanding the foregoing, no zoning district boundary ordinance shall be subject to the referendum process.
Sec. 6.03. - Forms of petitions.

Initiative petition papers shall contain the full text of the proposed legislation in the form of an ordinance, including a descriptive caption. Referendum petition papers shall contain a sufficient description of the ordinance sought to be referred to identify it, or if the ordinance has been passed by the council, the full text of the ordinance sought to be referred shall be included in such papers. Before signatures on any petition paper may be counted, one of the signers of such petition paper, a qualified voter, shall make oath or affirmation before the city clerk or any other officer competent to administer oaths or affirmations, that the statements made therein are true, that each signature to the paper appended is the genuine signature of the person whose name purports to be signed thereto, and that such signatures were placed thereon in that person’s presence.

Sec. 6.04. - Council consideration and submission to voters.

(a) When the council receives an authorized initiative petition certified by the city clerk to be sufficient, the council, within 30 days after the date of the certification, shall either:

1. Pass the initiated ordinance without amendment; or
2. Call an election on the adoption of the initiated ordinance without amendments, to be held on the next uniform date authorized by state law for municipal elections which is at least 62 days after the date on which the council acts.

At the election, the council may submit the initiated ordinance without amendment, and an alternative ordinance on the same subject proposed by the council; the voters being given the opportunity to accept or reject both. If both are accepted, then the ordinance receiving the greatest number of affirmative votes is adopted, and the other ordinance is deemed rejected. If both are accepted and receive the same number of affirmative votes, both are deemed rejected.

(b) When the council receives an authorized referendum petition, certified by the city clerk to be sufficient the council shall reconsider the referendum ordinance, and within 30 days, shall either repeal the ordinance or call an election on the repeal of the ordinance, to be held on the next uniform date authorized by state law for municipal elections which is at least 45 days from the date on which the council acts.

(c) Special elections on initiated or referred ordinances shall not be held more frequently than once each six months, and no ordinance on the same subject as an initiated ordinance which has been defeated or on the same subject as a referred ordinance which has been approved at any election may be initiated by the voters within two years from the date of such election.
Sec. 6.05. - Results of elections.

Any number of ordinances may be voted on at the same election in accordance with the provisions of this article. Except as otherwise provided in Section 6.05, if a majority of the legal votes cast is in favor of an initiated ordinance, it shall be effective as an ordinance of the city when the result of the election is declared. An ordinance so adopted may be repealed or amended at any time after the expiration of two years by a vote of three-fourths of the council members qualified and serving. A referred ordinance which is rejected by a majority of the legal votes cast in a referendum election shall be deemed repealed when the result of the election is declared.

Sec. 6.06. - Power of recall.

(a) The people of the city reserve the power to recall any elected officer of the City of San Marcos and may exercise such power by filing with the city clerk a petition demanding the removal of the officer, signed by at least ten per cent of the qualified voters of the city.

(b) The recall petition shall be on a form approved by the city clerk. Any recall petition form supplied by the city clerk shall be valid for 45 days from the date of its issuance and the expiration date and time shall be noted on the petition form by the city clerk at the time of its issuance. All such forms must be returned to the city clerk before their respective expiration dates in order to be eligible to be verified and certified by the city clerk.

Sec. 6.07. - Recall election.

The provisions regulating examination, certification and amendment of initiative petitions shall apply to recall petitions. If the petition is certified by the city clerk to be sufficient, the council shall order and hold an election to determine whether such officer shall be recalled. The election shall be held on the date next authorized by state law for municipal elections which is at least 62 days after certification of the petition calling for the recall election.
Sec. 6.08. - Results of recall election.

If a majority of the votes cast at a recall election shall be against removal of the council member named on the ballot, that council member shall continue in office. If the majority of the votes cast at such election be for the removal of the council member named on the ballot, the council shall immediately declare that member’s office vacant and such vacancy shall be filled in accordance with the provisions of this Charter for the filling of vacancies. A council member thus removed shall not be a candidate in an election called to fill the vacancy thereby created.

Sec. 6.09. - Limitation on recall.

No recall petition shall be filed against a council member within six months after taking office, and no council member shall be subjected to more than one recall election during a term of office.

Sec. 6.10. - Examinations and certification of petitions.

(a) Within 45 days after an initiative, referendum or recall petition is filed, the city clerk shall determine whether the petition is properly signed by the requisite number of qualified voters. The city clerk shall use the standards and procedures described in state law to make this determination.

(b) In examining a petition, the clerk shall clearly note signatures found to be invalid.

(c) After completing examination of a petition, the clerk shall certify the result to the council at its next regular meeting.

(d) If the certificate of the city clerk shows an initiative or referendum petition to be insufficient, the clerk shall comply with the provisions of state law regarding the filing of a supplementary petition, if applicable. Within 45 days after a supplementary petition is filed, the clerk shall examine the petition and certify as to its sufficiency. If the original petition and supplementary petition are found to be insufficient, no further proceedings shall be had with regard to them.

Sec. 6.11. - Non-binding ballot propositions.

The council is authorized to call elections on ballot propositions that are non-binding in nature when the council wishes to obtain an informal indication of the position of the city’s voters on an issue. The following shall apply to elections on non-binding ballot propositions:

(1) The ballots must clearly label each proposition as non-binding in the heading of the proposition.
(2) The ballot cannot contain an indication of the effect that approval or disapproval of a proposition will have on the position of the city council on any issue.

(3) The ordinance calling the election and the ordinance declaring the result of the election must both contain a clear statement that the non-binding propositions are not binding on the city council.

(4) The city council shall not place a non-binding proposition on a ballot as a substitute or alternative for a binding proposition the council is obligated to place on the same ballot.

(5) A non-binding proposition may be placed on the ballot by the council only when the ballot will contain other matters. The city council shall not call an election at any time solely for the purpose of placing one or more non-binding propositions before the voters of the city.

(Ord. No. 2002-12, Prop. 4, 2-11-02/5-4-02; Ord. No. 2002-35, Prop. 4, 5-7-02/5-4-02)

ARTICLE VII. - MUNICIPAL PLANNING AND ZONING

Footnotes:
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State Law reference—Planning and zoning, V.T.C.A., Local Government Code, § 211.001 et seq.

Sec. 7.01. - Planning and zoning commission.

(a) A city planning and zoning commission is established. The commission shall consist of nine members appointed for staggered three-year terms. Commission members shall be appointed by the council and serve without compensation.

(b) To be eligible for appointment to the commission, all eight of the commission members must have resided and owned real property in the city for a period of three five years before the date of appointment, and the remaining member must have resided and owned real property in the city's extraterritorial jurisdiction for a period of three years before the date of appointment. To be eligible for continued service on the commission, all the commission members appointed as city residents must maintain residence and property ownership in the city, and the commission member appointed as an extraterritorial jurisdiction resident must maintain residence and property ownership in the extraterritorial jurisdiction. Effective March 1, 2015 the ETJ member of the commission shall be deleted and a qualified city resident member shall be appointed.

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

(d) The council shall establish, by ordinance, the month in which appointments are made, and the month in which terms of office commence. The council may prescribe, by ordinance, educational requirements to be met after persons are appointed to the commission.

(e) In making appointments to the commission, council shall seek to ensure broad citizen representation which includes geographic, professional, gender, racial, and viewpoint diversity. The commission shall establish bylaws to govern rules of procedure and the annual election of officers. All meetings of the commission shall be open to the public.

(Ord. No. 1981-51, Prop. 14, 7-6-81/8-8-81; Ord. No. 1990-8, Prop. 3, 2-12-90/5-5-90; Ord. No. 1994-16, Prop. 8, 3-22-94/5-7-94; Ord. No. 1998-7, Prop. 7, 2-9-98/5-5-98; Ord. No. 2000-12, Prop. 11, 2-14-00/5-6-
Sec. 7.02. - Powers and duties of the commission.

The commission shall have the power and be required to:

1. Be responsible to and act as an advisory body to the council on all matters related to the physical growth and development of the city. The Planning and Zoning staff shall follow all city ordinances, rules, and regulations and confer with the city attorney before making any recommendations to the Planning and Zoning Commission. The Planning and Zoning Commission shall follow all city ordinances, rules, and regulations before making any recommendations to the City Council.

2. Review and be the final approval authority for the subdivision and platting of land within the city and its extraterritorial jurisdiction. The council or the commission may expressly delegate authority to approve certain minor subdivision plats to the director of the planning and development services department in accordance with the provisions of state law.

3. Hold a public hearing and recommend to the city council the approval or disapproval of any proposed change to the city's official zoning map.

4. Hold public hearings and approve or deny conditional use permit applications made under the city's zoning ordinances, subject to an appeal of such decisions to the city council. The council, on appeal, may uphold, modify, or reverse the decision of the commission. The council may reverse a decision of the commission to deny a permit only by a three-fourths vote of at least six members of the council in favor of reversal. Appeals to the council on conditional use permit applications will be based on the record before the Planning and Zoning Commission, Texas and Federal laws, San Marcos city ordinances and regulations. The decision on appeals before city council will be governed by the substantial evidence rule. Decisions of the commission to revoke or suspend conditional use permits will be final and may not be appealed to the council.

5. Submit annually to the city council, not less than one hundred and twenty days prior to the beginning of the fiscal year, a list of recommended capital improvements found necessary or desirable.

6. Hold an annual public hearing on the Land Development Code and recommend any necessary or desirable changes to the council.

7. Perform an ongoing review of the city's comprehensive plan to include:
   a. Holding an annual public hearing on the plan and recommend any necessary or desirable changes to the council;
   b. Holding public hearings and making recommendations to the council regarding updates to the land use and transportation elements of the plan at least once every three years; and
   c. Holding public hearings and making recommendations to the council regarding the update of the entire comprehensive plan document at least once every five years.

8. Perform such other duties and be vested with such other powers as the council may prescribe in accordance with state law.

9. Require information from the administrative units of city government in relation to the duties of the commission listed under this section.
Sec. 7.03. - The comprehensive plan.

(a) The comprehensive plan for the City of San Marcos shall be used to guide the growth and development of the city. The comprehensive plan shall be adopted by ordinance. The city council will endeavor to ensure that city ordinances governing growth and development are consistent with the goals and policies contained in the comprehensive plan; however, land use maps and descriptions contained in the comprehensive plan do not constitute zoning, and do not entitle any property owner to any change in zoning.

(b) The commission shall conduct an ongoing review of the plan in accordance with Section 7.02. The commission may recommend amendments to the comprehensive plan after at least one public hearing on the proposed action. The council may amend the comprehensive plan after at least one public hearing on the proposed action. The council shall not act on any amendment affecting the comprehensive plan unless and until a recommendation on the amendment is received from the commission.

Sec. 7.04. - Organization.

The commission shall elect a chair from its membership annually, and shall establish rules of procedure which shall include the following:

1. A quorum shall consist of a majority of the membership.

2. The chair shall be entitled to vote upon any question.

3. All meetings shall be open to the public.
ARTICLE VIII. - FINANCIAL PROCEDURE

Footnotes:
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Sec. 8.01. - Fiscal year.

The fiscal year of the City of San Marcos shall begin on the first day of October and shall end on the last day of September of each calendar year. Such fiscal year shall also constitute the budget and accounting year.

(Ord. No. 2000-12, 2-14-00/5-6-00)


Sec. 8.02. - Preparation and submission of budget.

(a) The city manager, not less than 30 days prior to the time the city council makes its tax levy for the current fiscal year, shall file with the city clerk a proposed budget, which budget shall provide a complete financial plan for the fiscal year, and shall contain a budget message explaining the budget, containing an outline of the proposed financial policies of the city for the ensuing fiscal year, setting forth the reasons for salient changes from the previous fiscal year in expenditure and revenue items, and explaining any major changes in financial policy. Copies of the proposed budget shall be made available at the San Marcos Public Library, at City Hall, and on the city’s website.

(Ord. No. 2000-12, 2-14-00/5-6-00)

(b) By April 30 of each year, after a public hearing, the city council shall formulate a policy statement to be used by the city manager as direction during the preparation of the proposed budget.

(c) By January 31st of each year, council shall hold a visioning session. By February 27th of each year the city council shall hold a budget policy workshop.

(Res. No. 1977-7R, Prop. 6, 1-24-77/4-2-77; Ord. No. 1984-11, Prop. 15, 1-30-84/4-7-84; Ord. No. 1998-7, Prop. 9, 2-9-98/5-5-98; Ord. No. 2000-12, 2-14-00/5-6-00; Ord. No. 2002-12, Prop. 7, 2-11-02/5-4-02; Ord. No. 2002-35, Prop. 7, 5-7-02/5-4-02; Ord. No. 2006-36, § 2(13), 8-15-06/11-7-06)

State Law reference— Budgets, V.T.C.A., Local Government Code, § 102.001 et seq.

Sec. 8.03. - Anticipated revenues compared with other years in budget.

In preparing the budget, the city manager shall place in parallel columns opposite the several items of revenue: the actual amount of each item for the last completed fiscal year, the estimated amount for the current fiscal year, and the proposed amount for the ensuing fiscal year.

(Ord. No. 2000-12, 2-14-00/5-6-00)

Sec. 8.04. - Proposed expenditures compared with other years.
The city manager in the preparation of the budget shall place in parallel columns opposite the various items of expenditures: the actual amount of such items of expenditures for the last completed fiscal year, the estimated amount for the current fiscal year and the proposed amount for the ensuing fiscal year.

(Ord. No. 2000-12, 2-14-00/5-6-00)

Sec. 8.05. - Budget a public record.

The budget and all supporting schedules shall be filed with the city clerk, submitted to the city council and shall be a public record. The city manager shall provide copies for distribution to all interested persons. The budget and all supporting schedules shall be published on the city’s website.

(Ord. No. 1992-9, Prop. 10, 2-10-92/5-2-92; Ord. No. 2000-12, 2-14-00/5-6-00)

Sec. 8.06. - Notice of public hearing on budget.

Not less than 30 days before the date the city council adopts the budget, the city council shall fix the time and place of public hearing on the budget and shall cause to be published in a newspaper of general circulation in the City of San Marcos, and through electronic media, a general summary of the proposed budget and a notice of the hearing setting forth the time and place thereof, the time for which publication shall be in accordance with applicable law.

(Ord. No. 1981-51, Prop. 5, 7-6-81/8-8-81; Ord. No. 2000-12, 2-14-00/5-6-00; Ord. of 8-12-02, § 1; Ord. No. 2006-36, § 2(13), 8-15-06/11-7-06)

Sec. 8.07. - Public hearing on budget.

At the time and place set forth in the notice required by Section 8.06, or at any time and place to which such public hearing shall from time to time be adjourned, the city council shall hold a public hearing on the budget submitted and all interested persons shall be given an opportunity to be heard for or against any item or the amount of any item therein contained. Copies of the proposed budget shall be available at the San Marcos Public Library, at City Hall, and on the city’s website.

(Ord. No. 2000-12, 2-14-00/5-6-00; Ord. No. 2013-44, Prop. 21, 8-20-13/11/5/13)

Sec. 8.08. - Proceedings on budget after public hearing.

As a result of such public hearing, the city council may insert new items or may increase or decrease the items of the budget, except items in proposed expenditures fixed by law, but where it shall increase the total proposed expenditures, it shall also provide for an increase in the total anticipated revenue to at least equal such proposed expenditures.

(Ord. No. 2000-12, 2-14-00/5-6-00)

Sec. 8.09. - Adoption after public hearing.
The budget and the tax rate shall be adopted, after public hearings, in compliance with State law. Copies of the budget shall be available at the San Marcos Public Library, at City Hall, and on the city's website.

(Res. No. 1979-2R, Prop. 6, 1-8-79/4-7-79; Ord. No. 1992-9, Prop. 11, 2-10-92/5-2-92; Ord. No. 2000-12, 2-14-00/5-6-00; Ord. of 8-12-02, § 1; Ord. No. 2006-36, § 2(13), 8-15-06/11-7-06; Ord. No. 2008-29, § 2(14), 8-19-08/11-4-08; Ord. No. 2013-44, Prop. 22, 8-20-13/11-5-13)

Sec. 8.10. - Date of final adoption.

The budget and the tax rate shall be finally adopted not later than the expiration of the fiscal year.

(Ord. No. 2000-12, 2-14-00/5-6-00; Ord. of 8-12-02, § 1; Ord. No. 2006-36, § 2(13), 8-15-06/11-7-06; Ord. No. 2008-29, § 2(14), 8-19-08/11-4-08)

Sec. 8.11. - Effective date of budget; certification; copies made available.

Upon final adoption, the budget shall be in effect for the fiscal year. A copy of the budget, as finally adopted, shall be filed with the city clerk and such other officials as may be designated by law. The final budget shall be printed or otherwise reproduced and copies shall be made available for the use of all offices, departments and agencies and for the use of interested persons and civic organizations.

(Ord. No. 1992-9, Prop. 10, 2-10-92/5-2-92; Ord. No. 1998-7, Prop. 10, 2-9-98/5-5-98; Ord. No. 2000-12, 2-14-00/5-6-00)

Sec. 8.12. - Budget establishes appropriations.

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes therein named.

(Ord. No. 2000-12, 2-14-00/5-6-00)

Sec. 8.13. - Budget establishes amount to be raised by property tax.

From the effective date of the budget, the amount stated therein as the amount to be raised by property tax shall constitute the amount of the levy for the purposes of the city in the corresponding tax year; provided, that such levy shall not exceed the legal limit provided by the laws and constitution of the State of Texas.

(Ord. No. 2000-12, 2-14-00/5-6-00; Ord. No. 2008-29, § 2(14), 8-19-08/11-4-08)

Sec. 8.14. - Contingent appropriation.

Provision shall be made in the annual budget and in the appropriation ordinance for a contingent appropriation in amount not more than three per centum of the total budget, to be used in case of unforeseen items of expenditure. Such contingent appropriation shall be under the control of and distributed by the city manager after approval of the city council. Expenditures from this appropriation shall be made
only in case of established emergencies and a detailed account of such expenditures shall be recorded and reported.

(Res. No. 1977-7R, Prop. 1, 1-24-77/4-2-77; Ord. No. 2000-12, 2-14-00/5-6-00; Ord. of 8-12-02, § 1)

Sec. 8.15. - Estimated expenditures shall not exceed estimated resources.

The total estimated expenditures of the general fund and debt service fund shall not exceed the total estimated resources of each fund (prospective income plus cash on hand). The classification of revenue and expenditure accounts shall conform as nearly as local conditions will permit to the uniform classification as promulgated by the National Committee on Governmental Accounting or some other nationally accepted classification.

(Ord. No. 2000-12, 2-14-00/5-6-00)

Sec. 8.16. - Other necessary appropriations.

The city budget may be amended and appropriations altered in accordance therewith in cases of public necessity, the actual fact of which shall have been declared by the city council.

(Ord. No. 2000-12, 2-14-00/5-6-00)

Sec. 8.17. - Purchase procedure.

No contract or order shall be binding upon the city unless and until the city manager or the manager’s designated representative certifies that there is to the credit of such administrative unit a sufficient unencumbered appropriation and an allotment balance to pay for the supplies, materials, equipment, or contractual services, for which the contract or order is to be issued. Before the city makes any purchase or contract for supplies, materials, equipment, or contractual services, opportunity shall be given for competition. The council may by ordinance convey upon the city manager general authority to contract for expenditures without further approval of the council for all budgeted items not requiring competitive bidding or proposals under state law. All purchases shall be made in accordance with applicable ordinances and state law. When required, notice of solicitation for competitive purchases of goods and services shall appear on the city’s website and on an internet site for governmental procurements and may also be published in a newspaper of general circulation in the city.

(Res. No. 1977-7R, Props. 1, 7, 1-24-77/4-2-77; Ord. No. 1981-51, Prop. 13, 7-6-81/8-8-81; Ord. No. 1984-11, Prop. 16, 1-30-84/4-7-84; Ord. No. 1986-4, Props. 19---21, 1-27-86/4-5-86; Ord. No. 1988-15, Prop. 12, 2-8-88/5-7-88; Ord. No. 1992-9, Prop. 12, 2-10-92/5-2-92; Ord. No. 2000-12, 2-14-00/5-6-00; Ord. No. 2008-29, § 2(15), 8-19-08/11-4-08)

ARTICLE IX. - BORROWING FOR CAPITAL IMPROVEMENTS

Footnotes:
--- (7) ---
Sec. 9.01. - Power to borrow.

The City of San Marcos shall have the right and power to borrow money on the credit of the city for permanent public improvements or for any other public purpose not prohibited by the constitution or statutes of the State of Texas. The city shall also have the power to borrow money against the revenues of any municipally owned utility and to mortgage the physical properties of such utilities in payment of such debt. In no event, however, shall revenue bonds be considered a general indebtedness of the city nor repaid with funds secured by taxation.

(Ord. No. 1996-6, Prop. 9, 2-12-96/5-4-96; Ord. No. 2000-12, 2-14-00/5-6-00)

Sec. 9.02. - Bond record.

The city manager or the manager’s designated representative shall prepare, maintain and cause to be filed in the city manager’s office a complete bond record, showing all bonds and certificates of obligation, the date and amount thereof, the rate of interest, a schedule of maturity dates and a record of all bonds and all other transactions of the city council having reference to the refunding of any indebtedness of the City of San Marcos. A copy of the bond record shall be available at the San Marcos Public Library, at City Hall, and on the city’s website.

(Ord. No. 1992-9, Prop. 13, 2-10-92/5-2-92; Ord. No. 2000-12, 2-14-00/5-6-00; Ord. No. 2006-36, § 2(14), 8-15-06/11-7-06; Ord. No. 2008-29, § 2(16), 8-19-08/11-4-08; Ord. No. 2013-44, Prop. 23, 8-20-13/11-5-13)

Sec. 9.03. - Misapplication of bond funds.

Any officer or employee of the City of San Marcos who shall willfully or knowingly divert or use any funds arising from the issuance of any bond or sinking fund for any other purpose than that for which the fund is created or as herein otherwise authorized, shall be subject to prosecution as provided by the laws of the State of Texas on the diversion and conversion of funds belonging to any of the municipalities of the State of Texas.

(Ord. No. 2000-12, 2-14-00/5-6-00; Ord. of 8-12-02, § 4)

ARTICLE X. - TAX ADMINISTRATION

Footnotes:
--- (8) ---
State Law reference—Authority, Texas Const., art. 11, §§ 4, 5; local taxation, V.T.C.A., Tax Code, § 302.001 et seq.
The city council shall provide for the administration and collection of property taxes in accordance with state law. This may be accomplished through interlocal agreement with another taxing unit whose taxing jurisdiction overlaps all or part of the city's taxing jurisdiction.

(Ord. No. 1981-51, Prop. 6, 7-6-81/8-8-81; Ord. No. 1992-9, Prop. 14, 2-10-92/5-2-92; Ord. No. 2000-12, 2-14-00/5-6-00; Ord. No. 2004-44, § 3, 8-9-04)

Sec. 10.02. - Power to tax.

The City Council of the City of San Marcos shall have the power, and is hereby authorized to levy, assess and collect annual taxes not to exceed the maximum limits set by the constitution and laws of the State of Texas as they now exist or as they may be amended on each $100.00 assessed valuation of all real and personal property within the corporate limits of the City of San Marcos and not exempt from taxation by the constitution and laws of the State of Texas; however, provisions must be made annually to assess and collect a sum sufficient to pay the interest on any debts of the city and to create a sinking fund of at least two percent of such debt.

(Res. No. 1977-7R, Prop. 8, 1-24-77/4-2-77; Ord. No. 2000-12, 2-14-00/5-6-00; Ord. of 8-12-02, § 1; Ord. No. 2008-29, § 2(17), 8-19-08/11-4-08; Ord. No. 2013-44, Prop. 25, 8-20-13/11-5-13)

Sec. 10.03. - Property subject to tax, methods of assessment.

All real and tangible personal property that the State of Texas has jurisdiction to tax, shall be subject to annual taxation by the City of San Marcos unless exempted by state law if the real property is located within the corporate limits of the City of San Marcos on January 1 and the tangible personal property is:

1. Located in the City of San Marcos on January 1 for more than a temporary period;
2. Normally located in the City of San Marcos, even though it is outside the city on January 1, if it is outside the city only temporarily;
3. Normally returned to the City of San Marcos between uses elsewhere and is not located in any one place for more than a temporary period; or
4. That in which the owner resides (for property not used for business purposes) or maintains his principal place of business in Texas (for property used for business purposes) in the City of San Marcos and the property is taxable in Texas but does not have a taxable situs pursuant to (1)—(3) above.

All procedures and actions relating to property taxation shall be conducted pursuant to the requirements of the Texas Property Tax Code. Each person, partnership, corporation, association or other legal entity so owning property within the limits of the City of San Marcos, shall render said property as required by the Texas Property Tax Code and the chief appraiser of the Hays County Appraisal District.

(Res. No. 1977-7R, Prop. 1, 1-24-77/4-2-77; Ord. No. 1984-11, Prop. 17, 1-30-84/4-7-84; Ord. No. 2000-12, 2-14-00/5-6-00)

Sec. 10.04. - Reserved.
Editor’s note—A Charter amendment adopted April 7, 1984, deleted § 10.04, pertaining to the board of equalization. The section derived unamended from the city's Home Rule Charter as adopted Feb. 24, 1967, and has been reserved for future use.

Sec. 10.05. - Taxes; when due and payable.

All taxes due the City of San Marcos shall be payable at the office of the city assessor-collector and may be paid at any time after October 1. Unless otherwise provided by State law, taxes for each tax year shall be paid before February 1 of the following year, and all such taxes not paid prior to such date shall be deemed delinquent and shall be subject to penalty and interest at the maximum percentage permitted by law.

(Ord. No. 1981-51, Prop. 7, 7-6-81/8-8-81; Ord. No. 1984-11, Prop. 19, 1-30-84/4-7-84; Ord. No. 2000-12, 2-14-00/5-6-00; Ord. No. 2008-29, § 2(18), 8-19-08/11-4-08)

Sec. 10.06. - Seizure and sale of personal property.

Personal property is subject to seizure for the payment of a delinquent tax, penalty and interest owed the City of San Marcos. Personal property is subject to seizure for the payment of a tax imposed by the City of San Marcos on property before the tax becomes delinquent as provided by the Texas Property Tax Code. Sale of such seized property shall be pursuant to the federal and state constitution and the Texas Property Tax Code.

(Res. No. 1977-7R, Prop. 1, 1-24-77/4-2-77; Ord. No. 1984-11, Prop. 20, 1-30-84/4-7-84; Ord. No. 2000-12, 2-14-00/5-6-00)

Sec. 10.07. - Tax liens.

(a) The tax levied by the city is hereby declared to be a lien, charge, or encumbrance upon the property upon which the tax is due, which lien, charge or encumbrance the city is entitled to enforce and foreclose in any court having jurisdiction over the same and the lien, charge or encumbrance on the property in favor of the city, for the amount of the taxes due on such property is such as to give the state courts jurisdiction to enforce and foreclose said lien on the property on which the tax is due, not only as against any resident of this state or person whose residence is unknown, but also as against nonresidents. All taxes upon real estate shall especially be a lien and a charge upon the property upon which the taxes are due, which lien may be foreclosed in any court having jurisdiction. The city's tax lien shall exist from January 1, in each year until the taxes are paid.

(b) Personal property may not be seized and a suit may not be filed:

(1) To collect a tax on personal property that has been delinquent more than four years; or

(2) To collect a tax on real property that has been delinquent more than 20 years.

(c) A tax delinquent for more than the limitation period prescribed by this section and any penalty and interest on the tax is presumed paid unless a suit to collect the tax is pending.

(d) The city's tax lien shall be prior to all other claims, and no gift, sale, assignment or transfer of any kind, or judicial writ of any kind, can ever defeat such lien. All persons or corporations owning or holding personal property or real estate in the City of San Marcos on the first day of January of each year shall
be liable for all municipal taxes levied thereon for such year. The City of San Marcos is hereby made liable for all of said taxes, whether the same be due upon personal or real property, or upon both.

(Ord. No. 1984-11, Prop. 21, 1-30-84/4-7-84; Ord. No. 2000-12, 2-14-00/5-6-00; Ord. of 8-12-02, § 1; Ord. No. 2004-44, § 4, 8-9-04)

Sec. 10.08. - Tax remissions, discount, and compromises.

The city council or any other official of the city shall never extend the time for payment of taxes or remit, discount or compromise any tax legally due the city or waive the penalty and interest that may be due thereon to any person, firms or corporations owing taxes to the city for such year or years except as permitted by state law; provided, however, that this provision shall not prevent the compromise of any tax suit.

(Ord. No. 1988-15, Prop. 13, 2-8-88/5-7-88; Ord. No. 2000-12, 2-14-00/5-6-00)

ARTICLE XI. - FRANCHISES AND PUBLIC SERVICE COMPANIES

Footnotes:
--- (9) ---

Sec. 11.01. - Definitions; powers of the city council.

(a) In this article:

(1) "Public service company" means any company, individual, partnership, corporation or other entity recognized by law that uses the city’s streets, alleys, highways or other public property to carry out its principal purposes, including but not limited to public utilities, commercial railway or street railway services, public transit services, solid waste collection, and vehicles for hire.

(2) "Public utility" means any water, wastewater, gas, electricity or telecommunications utility that operates or offers service in the city.

(3) "Telecommunications utility" includes any company that provides or offers to provide telephone, cable television or other similar services for the transmission of voice, data or video information.

(b) The city council has the following powers regarding public service companies of every character operating in the city:

(1) To buy, condemn, construct, lease, maintain and operate public utility systems in the city;

(2) To sell, manufacture, and distribute the services and output of public utility systems;

(3) To prohibit the use of city streets, alleys, easements or other grounds by a public service company unless the company first obtains a franchise, permit, certificate or other authorization in accordance with this article and applicable ordinances; and

(4) To regulate public service companies in the interest of public health, welfare and safety.

(c) The authority of the council under this article is subject to federal and state laws regarding public utilities. The provisions of this article will be disregarded to the extent of any conflict between them and federal and state laws.
Sec. 11.02. - Power to grant franchise.

The council shall have the power, by ordinance, to grant, renew, extend and amend all franchises of all public utilities of every character operating within the city. No franchise shall be for an indeterminate period, and no franchise shall be granted for a term of more than five years from the date of the grant, renewal or extension.

Sec. 11.03. - Reserved.


Sec. 11.04. - Ordinance granting franchise; public hearing.

All ordinances granting, renewing, extending or amending a public utility franchise shall be read at three separate regular meetings of the council, and shall not be finally passed until 30 days after the first reading; and no such ordinance shall take effect until 30 days after its final passage. The council shall conduct a public hearing on any such franchise ordinance before the first reading of the ordinance. Notice of the public hearing, including the full text of the ordinance shall be published once before the first reading, in a newspaper of general circulation in the city, and shall be made available at the San Marcos Public Library, at City Hall, and on the city’s website, and the expense of such publication shall be borne by the applicant for the franchise.

Sec. 11.05. - Transfer of franchise.

No public utility franchise shall be assigned or transferred except with the approval of the council expressed by ordinance. The term ”assigned or transferred” includes a transfer of a controlling interest in stock, and an assignment or transfer to an affiliated or subsidiary person or company, but the term does not include the pledging of a franchise as security for a valid debt or mortgage.

Sec. 11.06. - Franchise value not to be allowed.
No value shall be assigned to any franchise granted by the city in fixing reasonable rates and charges for utility service within the city, or in determining the just compensation to be paid by the city for public utility property which it may acquire by condemnation or otherwise.

(Ord. No. 2000-12, 2-14-00/5-6-00; Ord. No. 2000-40, 5-9-00/5-6-00)

Sec. 11.07. - Right of regulation.

Every grant, renewal, extension or amendment of a public utility franchise, whether so provided in the ordinance or not, shall be subject to the right of the council:

1. To forfeit any such franchise by ordinance at any time for the failure of holder thereof to comply with the terms of the franchise, such power to be exercised only after notice and hearing, and an opportunity to correct the default.

2. To require such expansion and extension of plant and facilities as are necessary to provide adequate service to the public and maintain plant and fixtures at the highest reasonable standard of efficiency.

3. To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates.

4. To impose regulations to ensure safe, efficient and continuous service to the public.

5. To collect from every franchise holder its fair and just proportion of the expense of maintaining areas of public property occupied by the franchise holder, or to compel the franchise holder to perform its fair and just share of the work of maintaining areas of public property occupied by the franchise holder at its own expense.

6. To examine and audit at any time during regular business hours the accounts and records of any such utility which are relevant to the city's right of regulation.

7. To prescribe the form of accounts kept by such utility.

8. To require such compensation and rental as may be permitted by federal or state law.

(Ord. No. 1996-6, Prop. 10, 2-12-96/5-4-96; Ord. No. 2000-12, 2-14-00/5-6-00; Ord. No. 2000-40, 5-9-00/5-6-00)

Sec. 11.08. - Public service companies to file annual reports.

The city council by ordinance shall require each public service company operating within the corporate limits of the city to file a sworn annual report of the receipts from the operation of the company for the current year, how expended, how much thereof for betterments or improvements, the rate of tolls or charges for services rendered to the public, and any other facts or information that the council may deem pertinent for its use in intelligently passing upon any questions that may arise between the city and the public service company. These reports shall be filed with the city clerk, and preserved for the use of the city council. The reports may be reviewed periodically by the council to determine the propriety of the rates being charged and will be available at the San Marcos Public Library, at City Hall, and on the city's website.

(Ord. No. 1996-6, Prop. 10, 2-12-96/5-4-96; Ord. No. 2000-12, 2-14-00/5-6-00; Ord. No. 2000-40, 5-9-00/5-6-00; Ord. No. 2006-36, § 2(15), 8-15-06/11-7-06; Ord. No. 2013-44, Prop. 24, 8-20-13/11-5-13)
Sec. 11.09. - Regulation of rates.

The council shall have the power to:

(1) Regulate by ordinance the rates of every public service company operating in the city, provided that no such ordinance shall be passed as an emergency measure;

(2) Employ expert advice and assistance in determining a rate and equitable profit to the public service company; and shall have the power to require, as a condition precedent to any hearing concerning rates and service of a company, that the company pay the cost of such expert advice and assistance as chosen and deemed necessary by the council.

(Ord. No. 1988-15, Prop. 15, 2-8-88/5-7-88; Ord. No. 2000-12, 2-14-00/5-6-00; Ord. No. 2000-40, 5-9-00/5-6-00)

Sec. 11.10. - Municipally owned utilities.

Accounts shall be kept for each public utility owned or operated by the city, in such manner as to show the true and complete financial results of such city ownership and operation, including all assets and all liabilities, appropriately subdivided by classes, depreciation reserve, other reserves and surplus; also revenues, operating expenses including depreciation, interest payments, rental and other disposition of annual income. The accounts shall show actual capital cost to the city of each utility owned. The accounts shall show as nearly as possible the cost of any service furnished to or rendered by any such utility to any city department. The council shall cause an annual report to be made by a certified public accountant and shall publish such report showing the financial results of such city ownership and operation, giving the information specified in this section and such other data as the council shall require.

(Ord. No. 2000-12, 2-14-00/5-6-00; Ord. No. 2000-40, 5-9-00/5-6-00)

Sec. 11.11. - Regulation of city owned public utilities.

The council has authority to supervise and regulate the operations of city owned public utilities, including the following:

(1) To establish the rates, terms and conditions for the sale of utility services.

(2) To prescribe rules and standards for the construction, extension, maintenance and operation of production, transmission and distribution facilities.

The council may exercise this authority itself, or it may delegate all or part of the authority to a board of citizens to oversee one or more of the city's public utilities.

(Ord. No. 1996-6, Prop. 11, 2-12-96/5-4-96; Ord. No. 2000-12, 2-14-00/5-6-00; Ord. No. 2000-40, 5-9-00/5-6-00)

ARTICLE XII. - GENERAL PROVISIONS
Sec. 12.01. - Public access to records.

All information collected, assembled or maintained by the city pursuant to law or ordinance or in connection with the transaction of official city business is public information and available to the public during normal business hours of the city under the terms and conditions provided in the Texas Public Information Act as amended.

(Ord. No. 1988-15, Prop. 16, 2-8-88/5-7-88; Ord. No. 2000-12, 2-14-00/5-6-00; Ord. No. 2004-44, § 5, 8-9-04)


Sec. 12.02. - Personal interest and code of ethics.

(a) (1) All elected and appointed officers of the city shall comply with applicable requirements of state law and city ordinances pertaining to conflicts of interest of local government officials.

(2) The code of ethics adopted by the city council under subsection (b) of this section shall require annual disclosure by members of the city council and city boards and commissions of their relevant interests in business entities and real property as defined under state law and city ordinances. The financial disclosures shall be updated within 30 days of any significant change in the interests of an official— even if such a change is temporary. For this part "significant" means a change in interest that would tend to render the annual financial disclosure misleading or incomplete.

(3) No member of the city council, and no employee of the city shall have a financial interest in the sale to the city or purchase from the city of any land, materials, supplies or service, outside of the person’s position with the city. Any person having such an interest shall be ineligible for election as a city council member or appointment as an employee of the city, and any city council member or employee who acquires such an interest shall forfeit the office or employment. Any violation of this provision with the actual or constructive knowledge of the city council member or employee shall render the contract voidable by the city manager or the city council. These provisions shall not apply to acquisitions of property by the city as a result of eminent domain proceedings or the threat of eminent domain proceedings. These provisions shall not apply to purchases from the city of land, materials, supplies or services that are made available for purchase to all members of the public.

(4) For a period of two years from the date of leaving office a city council member shall not have any financial interest in the sale to the city of any land, materials, supplies, or service. Any violation of this subsection with the actual or constructive knowledge of the former city council member shall render the contract voidable by the city manager or the city council. These provisions shall not apply to acquisitions of property by the city as a result of eminent domain proceedings or the threat of eminent domain proceedings.

(b) It is the policy of the City of San Marcos that all city officials and employees shall act and conduct themselves both inside and outside the city’s service so as to give no occasion for distrust for their integrity, impartiality or of their devotion to the best interest of the City of San Marcos and the public trust which it holds. To this end and to expressly assure its accomplishment, the city council shall establish and maintain an ethics review commission, and shall adopt and maintain a code of ethics for officials and employees of the City of San Marcos in ordinance form. The city council shall appoint an
ethics review commission composed of seven citizens of the City of San Marcos to serve three-year staggered terms. A chair shall be elected by a majority of the commission after the annual appointment of members to the commission.

(c) Duties of the ethics review commission:

(1) The ethics review commission shall meet at least once a year to review the code of ethics of the City of San Marcos and make recommendations, if any, to the city council.

(2) Conduct hearings into allegations of violations of the city's code of ethics, or a state conflict of interest law, or the city charter according to the procedures set forth in the city's ethics ordinance.

(3) Render advisory opinions on potential conflicts of interest, or violation of the city's code of ethics, or the city charter at the request of a public official or employee covered by the code of ethics.

(4) Recommend to appropriate authorities cases for prosecution or other action for violation of the code of ethics, or a state conflict of interest law, or the city charter.

(5) Review and monitor financial reports required by the Texas Election Code with respect to city-sponsored elections.

Sec. 12.03. – Nepotism and Conflict of Interest

(a) Public officials of the City of San Marcos are subject to the nepotism prohibitions defined under State law. For purposes of this section, the following are defined as public officials:

(1) The mayor and members of city council

(2) City Manager

(3) City Clerk

(4) City Attorney

(5) Presiding judge of the municipal court

(b) No city employee shall be regularly directly supervised by a relative, sexual partner, or roommate. City employees will not be transferred or promoted into positions that would cause them to be in a direct supervisor/subordinate relationship with a relative, sexual partner, or roommate. The supervisor involved in the relationship is responsible for promptly reporting the relationship to the city's Director of Human Resources.

(1) Relatives: Includes the first, second, and third degree of consanguinity (blood or adoption); and the first and second degree of affinity (marriage). Common law marriages as recognized by the State of Texas will also be included for purposes of this section.
(2) Roomates: Individuals who share the same living quarters.

(3) Sexual Partner: Persons in a consensual sexual relationship but are not married to one another.

(c) To avoid the appearance and risk of impropriety a public official shall not nominate or appoint his or her business associates to public commissions and boards. Business associate is defined to include:

1. A public official’s outside employer, outside employee, outside supervisor, or inside outside subordinate
2. A public official’s relative’s outside employer, outside employee, outside supervisor, or outside subordinate
3. The public official’s outside client
4. The public official’s outside business partner, including:
   A. Owning 10 percent or more of a business entity in which the public official also owns 10 percent or more
   B. Owning real property with a fair market value of $2,500 or more in partnership with the public official
   C. In an outside legal contract for business goods or services valued at $2,500 or more with the public official

(Ord. No. 1994-16, Prop. 9, 3-22-94/5-7-94; Ord. No. 2000-12, 2-14-00/5-6-00)


Sec. 12.04. - Provisions relating to assignment, execution and garnishment.

The property, real and personal, belonging to the city shall not be liable to be sold or appropriated under any writ or execution or cost bill. The funds belonging to the city, in the hands of any person, firm or corporation, shall not be liable to garnishment, attachment, or sequestration; nor shall the city be liable to garnishment on account of any debt it may owe or funds or property it may have on hand or owing to any person. Neither the city nor any of its officers or agents shall be required to answer any such writ of garnishment on any account whatever. The city shall not be obligated to recognize any assignment of wages or funds by its employees, agents or contractors.

(Ord. No. 2000-12, 2-14-00/5-6-00)


Sec. 12.05. - City not required to give security or execute bond.

It shall not be necessary in any action, suit or proceeding in which the City of San Marcos is a party, for any bond, undertaking, or security to be demanded or executed by or on behalf of said city in any of the state courts, but in all such actions, suits, appeals, or proceedings same shall be conducted in the same manner as if such bond, undertaking or security had been given as required by law.
Sec. 12.06. - Special provisions covering damage suits.

Before the city shall be liable to damage claim or suit for personal injury, or damage to property, the person who is injured or whose property is damaged or someone in that person's behalf shall give the city manager or the person performing the duties of city clerk, notice in writing within 90 days after the occurrence of the alleged injury, or damage, stating specifically in such notice when, where and how the injury or damage was sustained, and setting forth the extent of the injury or damage as accurately as possible. Provided however, that the ninety-day notice requirement of this section may be extended by a court of competent jurisdiction for good cause shown if the injured party has exercised due diligence, if any delay in giving the notice required by this section is not the result of conscious indifference by the party and if there is no substantial harm to the city caused by the delay. No action at law for damages shall be brought against the city for personal injury or damage to property prior to the expiration of 30 days after the notice hereinbefore described has been filed with the city manager or the person performing the duties of city clerk. In case of injuries resulting in death, before the city shall be liable in damages therefor the person or persons claiming such damages shall after the death of the injured person give notice as above required in case of personal injury. Provided, however, that nothing herein contained shall be construed to mean that the City of San Marcos waives any rights, privileges, defenses or immunities in tort actions which are provided under the common law, the constitution and general laws of the State of Texas.

Sec. 12.07. - Separability clause.

If any section or part of section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

Sec. 12.08. - Effect of this Charter on existing law.

All ordinances, resolutions, rules, and regulations now in force under the city government of San Marcos and not in conflict with the provisions of this Charter, shall remain in force under this Charter until altered, amended or repealed by the council after this Charter takes effect; and all rights of the City of San Marcos under existing franchises and contracts are preserved in full force and effect to the City of San Marcos.

Sec. 12.09. - Holdover of officers.
All officers of the city, including appointed members of city boards and commissions, shall continue to perform the duties of their offices until their successors are duly qualified.

(Ord. No. 2002-12, Prop. 8, 2-11-02/5-4-02; Ord. No. 2002-35, Prop. 8, 5-7-02/5-4-02)


Sec. 12.10. - Applicability of general laws.

The constitution of the State of Texas, the statutes of said state applicable to home-ruled municipal corporations, as now or hereafter enacted, this Charter and ordinances enacted pursuant hereto shall, in the order mentioned, be applicable to the City of San Marcos. The city shall also have the power to exercise any and all powers conferred by the laws of the State of Texas upon any other kind of city, town or village, not contrary to the provisions of said home-rule statutes, Charter and ordinances, but the exercise of any such powers by the City of San Marcos shall be optional with it, and it shall not be required to conform to the law governing any other cities, towns or villages unless and until by ordinance it adopts same.

(Ord. No. 2000-12, 2-14-00/5-6-00; Ord. No. 2008-29, § 2(17), 8-19-08/11-4-08)

Sec. 12.11. - Amending the Charter.

Amendments to this Charter may be framed and submitted to the voters of the city in the manner provided by state law and in compliance with the provisions of this Charter pertaining to the holding of elections, including the requirements in Section 6.03 for verification of signatures on any petition paper that have been continuously in effect since the adoption of the original city charter on February 24, 1967.

(Ord. No. 1992-9, Prop. 16, 2-10-92/5-2-92; Ord. No. 2000-12, 2-14-00/5-6-00; Ord. No. 2015-32, § 2, 8-18-15/11-3-15)

Sec. 12.12. - Charter review commission.

Beginning in January 2013 and at least every four years thereafter, the city council shall appoint a Charter review commission of seven citizens of the City of San Marcos.

(a) Duties of the commission:

(1) Inquire into the operation of the city government under the Charter provisions and determine whether any such provisions require revision. To this end public hearings may be held; and the commission shall have the power to compel the attendance of any officer or employee of the city and to require the submission of any of the city records which it may deem necessary to the conduct of such hearing.

(2) Propose any recommendations it may deem desirable to ensure compliance with the provisions of the Charter by the several departments of the city government.

(3) Propose, if it deems desirable, amendments to this Charter to improve the effective application of said Charter to current conditions.
(4) Report its finding and present its proposed amendments, if any, to the city council.

(b) The city council may take action to amend the Charter in the manner provided by state law.

(c) Term of office: The term of office of such Charter review commission shall be six months, and, if during such term no report is presented to the city council, then all records of the proceedings of such commission shall be filed with the person performing the duties of the city clerk and shall become a public record.

[Ord. No. 1986-4, Props. 25, 26, 1-27-86/4-5-86; Ord. No. 1992-9, Props. 16, 17, 2-10-92/5-2-92; Ord. No. 2000-12, 2-14-00/5-6-00; Ord. No. 2000-40, 5-9-00/5-6-00; Ord. of 8-12-02, § 1; Ord. No. 2008-09, § 2(1), 8-19-08/11-4-08]

Sec. 12.13. - Reserved.


Sec. 12.14. - Reserved.

Editor's note—Former § 12.14 relative to the manner of the original adoption of the Charter by the voters has been deleted by proposition number 27 of the Apr. 5, 1986 Charter amendments.

Sec. 12.15. - Fluoridation of municipal water supply.

The City of San Marcos shall not add, or direct or require its agents to add fluoride in the form of hydrofluorosilicic acid, hexafluorosilicic acid, or sodium silicofluoride to the San Marcos municipal water supply.

(Ord. No. 2015-32, § 2, 8-18-15/11-3-15)
Mayor and Council Members: Based on Council’s request at the June 20, 2017 meeting, here is a summary of Nepotism provisions from a sampling of other Texas Cities

1. Austin - Nepotism not referenced in Charter. It is addressed in the City’s Personnel Policies. “No person related within the second degree by affinity or consanguinity to the Mayor, any member of the City Council, or the City Manager shall be appointed to any office, position, clerkship, or other service of the City. This prohibition shall not apply, however, to any person who shall have been continuously employed by the City for a period of two years prior to the election of the Mayor or Councilman or appointment of the City Manager so related to him. In addition, the City Manager shall not approve the appointment to any supervisor’s work group any person who is related within the second degree by affinity or consanguinity to that supervisor, nor shall the appointment of any member of the immediate family of any Department Director be approved unless the City Manager shall determine the necessity thereof because of the lack of qualified applicants for such position.”

2. San Antonio - Nepotism not referenced in Charter. It is addressed in the City’s Personnel Policies. “It is the City’s policy to fully comply with Municipal Civil Service rule VIII, Section 1 (c), and Section 2-44 (b) of the City’s Ethics Code. No person shall be employed or transferred into any division of the City if a kinsman by blood or marriage of such person is employed in a supervisory position over the employee within the same division.”


4. City of Georgetown - Referenced in Charter. “A person who is related within the second degree by affinity or within the third degree by consanguinity to the Mayor or any member of the City Council or City Manager may not be employed or appointed to any office, position, or clerkship of the City. This prohibition does not apply to any person employed by the City at least one (1) year prior to and at the time of the election of the Mayor or Council members, or appointment of the City Manager. This provision does not apply to any unpaid members of City boards, committees, or commissions.”

5. City of Cedar Park - Referenced in Charter. “No person related, within the second degree by affinity or within the third degree by consanguinity, as defined by the Texas Local Government Code as amended, to an elected City Official or the City Manager shall be employed or appointed to any office, position or clerkship of the City. This prohibition shall not apply, however, to any person who shall have been employed by the City at least one (1) year prior to and at the time of the election or appointment of the officer related in the prohibited degree.”

6. City of Round Rock - Referenced in Charter. “No person related, within the second degree by affinity or within the third degree by consanguinity, to the Mayor or any member of the City Council or City Manager shall be employed or appointed to any office, position or clerkship of the City. This prohibition shall not apply, however, to any person who shall have been employed by the City at least two (2) years prior to and at the time of the election or appointment of the officer related in the prohibited degree.”
7. New Braunfels – Referenced in Charter. “All members of the City Council, and all officers and employees of the City, shall be subject to and shall comply with the provisions of general state law regarding nepotism, including but not limited to Chapter 573 of the Texas Government Code. The City Council shall provide, by ordinance, regulations and procedures for the implementation and enforcement of said Chapter.”

8. City of Seguin – Referenced in Charter. “No person related within the second degree by affinity, or within the third degree by consanguinity to the mayor or any elected officer of the city, shall be employed in any office, position or clerkship or other service of the city. This prohibition shall not apply, however, to any person who shall have been continuously employed by the city for a period of six (6) months prior to the election of any city official so related to him.”
AGENDA CAPTION:
Hold discussion regarding Ordinance 2015-27 ("Dining with Dogs") and the application of the Ordinance to businesses in San Marcos, and provide direction to Staff.
Meeting date: July 5, 2017

Department: City Clerk’s Office for Council

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

BACKGROUND:
Deputy Mayor Pro Tem Prewitt, Council Members Mihalkanin and Gregson requested this discussion item. Ordinance 2015-27 was adopted on second reading on August 18, 2015. The Ordinance is attached for review.
ORDINANCE NO. 2015-27

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING ARTICLE 3 OF CHAPTER 18 OF THE SAN MARCOS CITY CODE BY ADDING SECTION 18.095 TO CREATE A VARIANCE PROCESS AUTHORIZING FOOD ESTABLISHMENTS TO ALLOW DOGS IN OUTDOOR DINING AREAS PURSUANT TO TITLE 25, SECTION 229.171(C) OF THE TEXAS ADMINISTRATIVE CODE; 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. Article 3, Food Establishments and Food Vending Machines, of Chapter 18, Businesses, of the San Marcos City Code is hereby amended by adding Section 18.095 to read as follows:

Sec. 18.095. Variance for food establishments seeking to permit dogs in outdoor eating areas.

(a) A food establishment may apply for a variance waiving the prohibition against dogs at a food establishment as permitted by Section 229.171(c) of the Texas Food Establishment Rules. The variance will be granted if the City Environmental Health Division determines a health hazard or nuisance will not result from the granting of the variance. The food establishment must submit an application for a variance on a form provided by the City Environmental Health Division and pay a nonrefundable application fee of two hundred ($200.00) dollars. A variance granted under this section is nontransferable and shall be reviewed biannually in accordance with City Code Section 18.092.

(b) The City Environmental Health Division may grant a variance pursuant to this section and Section 229.171(c) of the Texas Food Establishment Rules, to allow dogs on the premises of a food establishment’s outdoor patio area, only in accordance with the following standards and conditions intended to prevent a health hazard or nuisance:

(1) Except as allowed under Section 229.167(p)(15) of the Texas Food Establishment Rules, no dog may enter or be present inside the food establishment or on any playground area of the food establishment;

(2) A separate entrance must be provided from the outside of the food establishment to the outdoor patio so that a dog will have direct access to the patio without entering the interior of the food establishment or any playground area of the food establishment. A dog on an outdoor patio may not be allowed
within seven feet of any entrance to the interior of the food establishment, except when necessary to enter or exit the patio;

(3) Signage provided by the City Environmental Health Division must be posted at the front entrance and at the separate entrance to the outdoor patio area of the food establishment to be easily visible to the public. The signage at the front entrance must read: DOG FRIENDLY PATIO (with an arrow showing the direction to the patio entrance) DOG ACCESS ONLY THROUGH OUTDOOR PATIO. Signage to the outdoor patio area must read: DOG ACCESS.

(4) Doors equipped with self-closing devices must be provided at all entrances to the outdoor patio from the interior of the food establishment;

(5) No food preparation, including mixing drinks or serving ice, may be performed in the outdoor patio area, except that a beverage glass may be filled on the patio from a pitcher or other container that has been filled or otherwise prepared inside the food establishment;

(6) The food establishment shall have hand sanitizer available at or near all entrances and exits to the establishment;

(7) The outdoor patio must be continuously maintained free of visible dog hair, dog dander, and other dog-related waste or debris. The outdoor patio must be hosed down or mopped with animal friendly chemicals at the beginning of each shift during which food or beverages will be served (breakfast, lunch, dinner, or late-hours), or, if a food establishment has continuous food or beverage service without designated shifts, then every six hours that the establishment is open for business, except that cleaning under this subsection is not required if no dog has been present on the outdoor patio since the last cleaning. Waste created from a dog’s bodily functions must be cleaned up with animal friendly chemicals within five minutes after each occurrence. All dog waste must be disposed of outside of the food establishment in an appropriate waste receptacle. Equipment used to clean the outdoor patio must be kept outside of the food establishment;

(8) While on duty, wait staff or other food handlers at the food establishment, may not pet or have contact with any dog;

(9) A dog must be kept on a leash and remain in the control of the owner while in the outdoor patio area. The dog must be currently vaccinated for rabies and wear a collar or harness with a current rabies tag attached to it;

(10) A dog is not allowed on a seat, table, countertop, or similar surface in the outdoor patio area;
(11) A dog is not allowed to have contact with any dish, utensil, tableware, linen, paper product, or any other item used for food service;

(12) A dog may not be given any food (including, but not limited to, dog kibble, biscuits, and edible treats) while in the outdoor patio area, but may be given water in a disposable container or from a container provided by the owner; and,

(13) The food establishment must maintain written procedures to notify City Animal Services of any rabies control incidents, or any other incident involving any sort of altercation between two or more dogs where the dogs come into physical contact.

c) An owner, officer, manager, or other person in charge of a food establishment commits an offense if he, either personally or through an employee or agent, violates, allows a violation of, or fails to comply with a term or condition of a variance granted under this section.

(d) A food establishment granted a variance under this section shall comply with all other applicable Texas Food Establishment Rules and the provisions of this chapter.

(e) The city may deny or revoke a variance under this section if the food establishment is in violation of any term or condition of the variance as established by this section or state law. The process established in Section 18.090 for the revocation of a food establishment permit will be followed when it is determined a violation of this section has occurred.

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 adoption on second reading.

PASSED AND APPROVED on first reading on August 4, 2015.
PASSED, APPROVED AND ADOPTED on second reading on August 18, 2015.

Attest:  
Jamie Lee Pettijohn  
City Clerk

Approved:  
Michael J. Cosentino  
City Attorney

Daniel Guerrero  
Mayor
§ 10-3-124 - DOGS PERMITTED IN OUTDOOR DINING AREAS.

A food service enterprise may permit a customer to be accompanied by a dog in an outdoor dining area if:

(1) the food service enterprise posts a sign in a conspicuous location stating that dogs are allowed in the outdoor dining area;

(2) the customer and the dog access the outdoor dining area directly from the exterior of the food service enterprise;

(3) the dog does not enter the interior of the food service enterprise;

(4) the customer keeps the dog on a leash and controls the dog;

(5) the customer does not allow the dog on a seat, table, countertop, or similar surface; and

(6) in the outdoor dining area, the food service enterprise does not:
   (a) prepare food; or
   (b) permit open food, except for food that is being served to a customer.

Source: Ord. 20060302-059; Ord. 20120301-010.