



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Regular Meeting Agenda - Final Amended City Council

Tuesday, January 21, 2020

6:00 PM

City Council Chambers

630 E. Hopkins

- I. Call To Order
- II. Roll Call
- III. Invocation
- IV. Pledges Of Allegiance - United States And Texas
- V. 30 Minute Citizen Comment Period

CONSENT AGENDA

1. Consider approval, by motion, of the January 7, 2020 Work Session Meeting Minutes.
2. Consider approval of Ordinance 2020-01, on the second of two readings, annexing into the City approximately 39.37 acres of land out of the Cyrus Wickson Survey, Abstract No. 474, Hays County, generally located at the western corner of South Old Bastrop Highway and Rattler Road; including procedural provisions; and providing an effective date.
3. Consider approval of Ordinance 2020-02, on the second of two readings, amending the Official Zoning Map of the City by rezoning approximately 29.4 acres out of the Cyrus Wickson Survey, Abstract No. 474, Hays County, generally located in the 3200 block of South Old Bastrop Highway, from "FD" Future Development District to "CD-3" Character District 3; and including procedural provisions.
4. Consider approval of Resolution 2020-08R, approving the award of a Construction Contract to M.A. Smith Contracting Co., Inc. for the Blanco River Waterline Bore Improvements Project in the total amount of \$795,933.75; authorizing the City Manager or his designee to execute the appropriate documents related to the contract on behalf of the City; and declaring an effective date.
5. Consider approval of Resolution 2020-09R, approving a professional services agreement with Kimley-Horn and Associates, Inc. for preliminary engineering and field services for the Hopkins Street Improvements Project in the estimated amount of \$388,096.53; authorizing the City Manager or his designee to execute the professional services agreement on behalf of the City; and declaring an effective date.

6. Consider approval of Resolution 2020-10R, approving a contract with Green Equipment Company, Inc. through the Interlocal Cooperative Agreement with the Houston Galveston Area Council of Governments for the purchase of Sewer Inspection Equipment in the amount of \$160,635; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.
7. Consider approval of Resolution 2020-11R, approving the replacement of a Crew Leader Truck to be purchased from Altec Industries, Inc. through the Sourcewell Cooperative for use by the San Marcos Electric Utility in the amount of \$86,990; authorizing the City Manager or his designee to execute all appropriate documents to complete the purchase; and declaring an effective date.
8. Consider approval of Resolution 2020-12R, approving the purchase of a new bucket truck from Altec Industries, Inc. through the Sourcewell Cooperative for use by the Utility Metering Division of the San Marcos Electric Utility in the amount of \$145,429; authorizing the City Manager or his designee to execute all appropriate documents to complete the purchase; and declaring an effective date.
9. Consider approval of Resolution 2020-13R, approving a professional services agreement with Winter & Company to update the architectural design standards for downtown San Marcos in the estimated amount of \$68,160; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.
10. Consider approval of Resolution 2020-14R, adopting Guiding Principles for the City's 2020 Federal and State Legislative Action Program; and declaring an effective date.

NON-CONSENT AGENDA

11. Consider approval of Ordinance 2020-03, on the first of two readings, amending the Official Zoning Map of the City by rezoning approximately 4.96 acres out of the Cyrus Wickson Survey, Abstract No. 474, Hays County, generally located at the western corner of South Old Bastrop Highway and Rattler Road, from "FD" Future Development District to "CD-5" Character District 5; and including procedural provisions.
12. Consider approval of Ordinance 2020-04, on the first of two readings, amending the City's 2018-2019 Fiscal Year budget to allocate a total amount not to exceed \$573,000 to increase the General Fund budget to \$548,000 for economic development incentives and to increase the Resource Recovery Fund budget \$25,000 for trash and recycling services; and providing an effective date.
13. Consider approval of Resolution 2020-15R, approving an agreement for the provision of services in connection with the proposed owner requested annexation of approximately 56.923 acres of land generally located west of the intersection of Old Ranch Road 12 and Wonder World Drive; authorizing the City Manager, or his designee, to execute said agreement on behalf of the City; setting a date for a Public Hearing concerning the proposed annexation of said tract of land; and declaring an effective date.
14. Consider approval of Resolution 2020-16R, approving the appointment of the Law Firm of Davidson Troilo Ream & Garza, PC as special counsel to advise the Ethics Review

Commission as it considers Ethics Complaint No. 2019-2; and declaring an effective date.

15. Consider approval of Resolution 2020-17R, approving an agreement with the City of Martindale relating to the extra-territorial boundaries between the cities; authorizing the Mayor or City Manager to execute the agreement on behalf of the City; and declaring an effective date.
16. Hold discussion on non-discrimination policies within the City, including but not limited to, those with whom the City conducts business or solicits contracts, and provide direction to the City Manager.

EXECUTIVE SESSION (If necessary)

17. Executive Session in accordance with the following Government Code Sections:
 - A. Section § 551.074 - Personnel Matters: to discuss duties and responsibilities of the City Manager.
 - B. Section § 551.071 - Consultation with Attorney: to receive a staff briefing and deliberation regarding Martindale ETJ Matters.
 - C. Section § 551.071 - Consultation with Attorney: to receive advice from Legal Counsel on Kinder Morgan Pipeline.
18. Consider action, by motion, regarding the following Executive Session items held during the Work Session and/or Regular Meeting:
 - A. Section § 551.074 - Personnel Matters: to discuss duties and responsibilities of the City Manager
 - B. Section § 551.071 - Consultation with Attorney: to receive a staff briefing and deliberation regarding Martindale ETJ Matters.
 - C. Section § 551.071 - Consultation with Attorney: to receive advice from Legal Counsel on Kinder Morgan Pipeline.

VI. Question and Answer Session with Press and Public.

VII. Adjournment.

POSTED ON TUESDAY, JANUARY 14, 2020 @ 5:00PM

TAMMY K. COOK, INTERIM CITY CLERK

VIII. ADDENDUM

The following item was removed after the agenda was posted on January 14, 2020:

17 Hold discussion regarding Recommendation Resolution 2019-03RR of the Parks and Recreation Advisory Board supporting the renaming of El Camino Real Park to Kenneth M. Copeland Memorial Park, and provide direction to Staff.

ADDENDUM POSTED ON WEDNESDAY, JANUARY 15, 2020 @ 5:30PM

TAMMY K. COOK, INTERIM 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



Legislation Text

File #: ID#19-855, **Version:** 1

AGENDA CAPTION:

Consider approval, by motion, of the January 7, 2020 Work Session Meeting Minutes.

Meeting date: 1/21/2020

Department: City Clerk

Amount & Source of Funding

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

Fiscal Note:

Prior Council Action: Approval of Previous Meeting Minutes

City Council Goal: [Please select goal from dropdown menu below]

Choose an item.

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

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

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

Choose an item.

Background Information:

File #: ID#19-855, **Version:** 1

The following minutes are attached for review:
January 7, 2020 - Work Session Meeting Minutes

Council Committee, Board/Commission Action: [Click or tap here to enter text.](#)

Alternatives:

Recommendation: Approve Minutes as attached



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes City Council

Tuesday, January 7, 2020

3:00 PM

City Council Chambers

630 E. Hopkins - Work Session

I. Call To Order

With a quorum present, the work session meeting of the San Marcos City Council was called to order by Mayor Hughson at 3:00 p.m. Tuesday, January 7, 2020 in the City Council Chambers, 630 E. Hopkins, San Marcos, Texas 78666.

II. Roll Call

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

PRESENTATIONS

1. Receive a Staff update and hold discussion regarding Cape's Dam, and provide direction to the City Manager.

Bert Lumbreras, City Manager gave a brief introduction of this item. Drew Wells, Director of Parks and Recreation and Jamie Lee Case, Assistant Director of Parks and Recreation provided an update.

The last meeting regarding Cape's Dam was held on October 15, 2019 and since this time, the following progress has been made:

- **Staff has met with representatives of Hays County and the Hays County Historical Commission.**
- **Discussions were held regarding a possible Interlocal Agreement to cost share in some aspects of the project, dependent upon direction Council wishes to take.**
- **A memo dated December 2, 2019 was provided to the City Council reporting on safety measures at Cape's Camp/Thompson Island area.**
- **City Council provided consensus on October 15 for staff to seek what permissions and permits would be needed from state and federal agencies to remove or repair the dam.**

Mr. Wells discussed permitting and depending on the direction Council would like to go, will dictate the permitting that will be required.

The City will coordinate with the following groups on permitting:

United State Army Corp of Engineers (USACE)

Texas Parks & Wildlife Department (TPWD)

General Land Office (GLO)

Texas Commission on Environmental Quality (TCEQ)

Texas Historic Commission (THC)

Staff is seeking direction from Council and have provided the following options:

Option 1: Removal of the Dam

Option 2: Redesign & Rebuild of the Dam

Option 3: Restoration of the Dam

Option 4: Conduct Another Study

Mr. Wells indicated there is currently \$174,628 remaining of the \$250,000 that was originally funded for the Cape's Camp Improvement and Dam Project. To date \$75,372 of the funds have been used to fund previous studies on Cape's Dam and the Mill Race.

After Council held discussion and asked questions staff was directed to go with Option 4, to conduct further studies but to ensure the following items are addressed within the study:

- Study on flow and level and potential flooding and if it would cause more or less flooding**
- Toxicity of the soil below the dam and how much the dam will drop and how that will affect the trees and stability of Thompson Island**
- The effect of diverting more water through the mill race during times of drought and the health of the river and what would be best for the river**
- Identify if there is a way to get rid of what is causing the sedimentation problem and place something that will allow the river to flow through and while still maintaining the Mill Race at some level, most of the time**
- Do not replicate the study previously done by Dr. Hardy**

EXECUTIVE SESSION

- 2. Executive Session in accordance with the following Government Code Sections:
 - A. Section § 551.072 - Real Property: to receive a staff briefing and deliberation regarding acquisition of property in Downtown San Marcos for Public Use.****

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

A motion was made by Mayor Pro Tem Mihalkanin, seconded by Deputy Mayor Pro Tem Rokeymoore, to enter into Executive Session at 4:31 p.m.

The motion carried by the following vote:

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

Against: 0

III. Adjournment.

Mayor Hughson stated Executive Session concluded at 5:39 p.m.

A motion was made by Mayor Pro Tem Mihalkanin, seconded by Council Member Baker, to adjourn the work session meeting of the City Council at 5:42 p.m., Tuesday, January 7, 2020. The motion to adjourn carried by the following vote:

For: 4 - Mayor Hughson, Mayor Pro Tem Mihalkanin, Deputy Mayor Pro Tem Rokeymoore and Council Member Baker

Against: 0

Absent: 3 - Council Member Derrick, Council Member Marquez and Council Member Gonzales

Tammy K. Cook, Interim City Clerk

Jane Hughson, Mayor



Legislation Text

File #: Ord. 2020-01(b), **Version:** 1

AGENDA CAPTION:

Consider approval of Ordinance 2020-01, on the second of two readings, annexing into the City approximately 39.37 acres of land out of the Cyrus Wickson Survey, Abstract No. 474, Hays County, generally located at the western corner of South Old Bastrop Highway and Rattler Road; including procedural provisions; and providing an effective date.

Meeting date: January 21, 2020

Department: Planning and Development Services

Amount & Source of Funding

Funds Required: n/a

Account Number: n/a

Funds Available: n/a

Account Name: n/a

Fiscal Note:

Prior Council Action: Public Hearing and approval of 1st Reading on January 7, 2020

City Council Strategic Initiative:

N/A

Comprehensive Plan Element (s):

- Economic Development - Choose an item.
- Environment & Resource Protection - Choose an item.
- Land Use - Direct Growth, Compatible with Surrounding Uses
- Neighborhoods & Housing - Diversified housing options to serve citizens with varying needs and interests
- Parks, Public Spaces & Facilities - Choose an item.
- Transportation - Choose an item.
- Not Applicable

Master Plan:

Vision San Marcos - A River Runs Through Us

Background Information:

This is a request for a voluntary annexation submitted by Doucet and Associates on behalf of SHC Holdings, LLC, for approximately 39.4 +/- acres of land out of the Cyrus Wickson Survey, Abstract 474, Hays County, generally located at the western corner of South Old Bastrop Hwy and Rattler Road.

The City of San Marcos will provide water and wastewater services at the site. The developer will be responsible for extending water and wastewater facilities through the site. Bluebonnet Electric Cooperative will provide electric service for this development. The City of San Marcos will provide Police, Fire, and EMS services to the site.

Below is a proposed schedule for this annexation, which complies with the Texas Local Government Code requirements:

- City Council Resolution (Approval of Service Agreement and set a public hearing date): December 17, 2019 (Approved)
- City Council Ordinance 1st Reading (Public Hearing): January 7, 2020 (Today)
- City Council Ordinance 2nd Reading: January 21, 2020

Council Committee, Board/Commission Action:

n/a

Alternatives:

n/a

Recommendation:

Staff recommends **approval** of the voluntary annexation request.

ORDINANCE NO. 2020-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS ANNEXING INTO THE CITY APPROXIMATELY 39.37 ACRES OF LAND OUT OF THE CYRUS WICKSON SURVEY, ABSTRACT NO. 474, HAYS COUNTY, GENERALLY LOCATED AT THE WESTERN CORNER OF SOUTH OLD BASTROP HIGHWAY AND RATTLER ROAD; INCLUDING PROCEDURAL PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

1. The owner of approximately 39.37 acres of land out of the Cyrus Wickson Survey, Abstract No. 474, Hays County, generally located at the western corner of South Old Bastrop Highway and Rattler Road, as further described by metes and bounds in Exhibit "A," attached hereto and incorporated herein for all purposes (the "Property"), made a request for the City to annex the Property. A location map of the Property is also shown in Exhibit "A."
2. Said owner of the Property has declined the offer of a development agreement from the City concerning the Property.
3. The Owner and the City have entered into a written agreement for the provision of services to the Property.
4. The Property is contiguous and adjacent to the current boundaries of the City.
5. The City Council held a public hearing regarding the request.
6. The City Council hereby finds and determines that the adoption of the following ordinance is in the interest of the public health, morals, welfare and safety.

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

SECTION 1. The recitals of this ordinance are approved and adopted.

SECTION 2. The Property is annexed to and is a part of the City of San Marcos, Texas and subject to the acts, ordinances, resolutions and regulations of the City.

SECTION 3. Services to the Property will be provided under the terms of the written agreement for the provision of services entered into between the Owner and the City as noted in Recital 3.

SECTION 4. The corporate limits of the City are extended to include the Property.

SECTION 5. The inhabitants of the Property are entitled to all the rights and privileges

of other citizens of the City, and are bound by the acts, ordinances, resolutions and regulations of the City.

SECTION 6. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 7. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 8. This ordinance shall be effective upon its adoption on second reading.

PASSED AND APPROVED on first reading on January 7, 2020.

PASSED, APPROVED AND ADOPTED on second reading on January 21, 2020.

Jane Hughson
Mayor

Attest:

Approved:

Tammy K. Cook
Interim City Clerk

Michael Cosentino
City Attorney

EXHIBIT "A"
Property Description



Exhibit " — "

7401B Highway 71 West, Suite 160
Austin, TX 78735
Office: 512.583.2600
Fax: 512.583.2601

Doucetengineers.com

McCarty Lane
Hays County, Texas

D&A Job No. 1787-001
November 27, 2019

METES & BOUNDS DESCRIPTION
For 39.37 acres [1,714,958 square feet].

BEING A 39.37 ACRE [1,714,957 SQUARE FEET] TRACT OF LAND OUT OF THE CYRUS WICKSON SURVEY, ABSTRACT NUMBER 474, HAYS COUNTY, TEXAS, BEING ALL OF THE CALLED 35.40 ACRE TRACT OF LAND DESCRIBED IN VOLUME 4595, PAGE 398 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS [O.P.R.H.C.T.], AND A PORTION OF MCCARTY LANE [DEED OF RECORD NOT FOUND, AND OLD BASTROP ROAD [DEED OF RECORD NOT FOUND], SAID 39.37 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron rod found for the east corner of the remainder of Lot 18 of Hillside Village Subdivision, a subdivision of record in Volume 8, Page 148, Plat Records of Hays County, Texas [P.R.H.C.T.], same being the south corner of a called 0.03 acre tract described in Volume 3510, Page 283 [O.P.R.H.C.T.], for the **POINT OF BEGINNING**, same being on the south right-of-way line of said McCarthy Lane;

THENCE, N47°47'46"E, across said right-of-way of McCarthy Lane, a distance of 81.64 feet, to an angle point of the tract described herein, same being on the north right-of-way of said McCarthy Lane;

THENCE with the north right-of-way of McCarthy Lane the following three (3) courses and distances:

- 1) S48°20'36"E, a distance of 113.94 feet to an angle point of the tract described herein,
- 2) S47°13'24"E, a distance of 40.31 feet to an angle point of the tract described herein, and
- 3) S46°06'12"E, a distance of 171.77 feet to an angle point, found on the north right-of-way of said McCarthy Lane, same being on the west right-of-way of Old Bastrop Road (County Road 266), no record information found;

THENCE, S57°34'20"E, across said right-of-way of Old Bastrop Road, a distance of 97.44 feet, to a point of curvature to the left of the tract described herein, same being on the south right-of-way of Old Bastrop Road;

THENCE with said curve to the left, an arc length of 39.28 feet, having a radius of 25.00 feet, a delta angle of 90°00'54", and a chord which bears S01°03'54"E, a distance of 35.36 feet, to an angle point found along the said north right-of-way of McCarthy Road;

(CONTINUED ON NEXT PAGE)

COMMITMENT YOU EXPECT.
EXPERIENCE YOU NEED.
PEOPLE YOU TRUST.



THENCE, S42°26'29"W, across the right-of-way of said McCarthy Lane, a distance of 90.04 feet, to point of curvature to the left of the tract described herein, same being on the south right-of-way of McCarthy Lane;

THENCE leaving the south right-of-way of said McCarthy Lane and continuing with the south right-of-way line of said Old Bastrop Road, the following seventeen (17) courses and distances:

- 1) With said curve to the left, an arc length of 45.22 feet, having a radius of 25.00 feet, a delta angle of 103°37'35", and a chord which bears S81°43'02"W a distance of 39.30 feet to a point of curvature to the left of the tract described herein,
- 2) With said curve to the left, an arc length of 170.36 feet, having a radius of 505.95 feet, a delta angle of 19°17'31", and a chord which bears S19°06'14"W a distance of 169.55 feet to an angle point of the tract described herein,
- 3) S08°58'47"W, a distance of 131.08 feet to a point of curvature to the right of the tract described herein,
- 4) With said curve to the right, an arc length of 411.18 feet, having a radius of 540.00 feet, a delta angle of 43°37'40", and a chord which bears S30°47'36"W a distance of 401.32 feet to an angle point of the tract described herein,
- 5) S52°36'25"W, a distance of 18.02 feet to an angle point of the tract described herein,
- 6) S50°32'28"W, a distance of 48.29 feet to an angle point of the tract described herein,
- 7) S52°20'06"W, a distance of 208.92 feet to an angle point of the tract described herein,
- 8) N41°00'32"W, a distance of 11.67 feet to an angle point of the tract described herein,
- 9) S51°06'42"W, a distance of 60.01 feet to an angle point of the tract described herein,
- 10) S41°00'17"E, a distance of 10.34 feet to an angle point of the tract described herein,
- 11) S52°21'10"W, a distance of 209.77 feet to an angle point of the tract described herein,
- 12) N39°21'26"W, a distance of 5.84 feet to an angle point of the tract described herein,
- 13) S55°04'30"W, a distance of 44.99 feet to an angle point of the tract described herein,
- 14) S52°01'14"W, a distance of 53.16 feet to an angle point of the tract described herein,

(CONTINUED ON NEXT PAGE)



- 15) S51°59'17"W, a distance of 234.60 feet to an angle point of the tract described herein,
- 16) S27°59'53"W, a distance of 22.97 feet to an angle point of the tract described herein and,
- 17) S55°06'48"W, a distance of 29.55 feet to a point for the south corner of the tract described herein,

THENCE, N46°06'13"W, across the said right-of-way of Old Bastrop Road, a distance of 84.66 feet, to 1/2-inch iron rod found on the north right-of-way of said Old Bastrop Road, same being the southeast corner of a called 10.265 acre tract, described in Volume 2761, Page 162 [O.P.R.H.C.T.], and same being the south corner of said 35.40-acre tract;

THENCE, N46°06'13"W, with the line common to said 35.40 acres and said 10.265 acres, for a distance of 1,335.73 feet to 1/2-inch iron rod, found for the west corner of said 35.40 acre-tract, the north corner of said 10.265 acres, and same being in the southeast line of a called 60.435 acre tract described in Volume 3698, Page 591 [O.P.R.H.C.T.], and for the west corner of the tract described herein;

THENCE, N44°08'35"E, with the line common to said 35.40 acres, and said 60.435 acres, for a distance of 697.25 feet to a 1/2-inch iron rod found for the westerly north corner of said 35.40 acres, and for the west corner of Lot 9 of said A Hillside Village, Section 1, and for the most westerly north corner of the tract described herein;

THENCE, with the lines common to said 35.40-acre tract and said Hillside Subdivision Section One, the following seven (7) courses and distances;

- 1) S46°01'51"E, a distance of 335.04 feet to a 1/2-inch iron rod with "Byrn" cap, found for the south corner of said Lot 9, same being in the northwest right-of-way line of Cerro Vista Drive, 60 feet wide per recorded plat, and an angle corner of the tract described herein;
- 2) S19°22'40"E, for a distance of 67.29 feet to a 1/2-inch iron rod, found in the southeast right-of-way line of Cerro Vista Drive, same being the west corner of Lot 17 of said A Hillside Village, Section 1, and an angle corner of the tract described herein;
- 3) S46°02'02" E, a distance of 286.55 feet to a 1/2-inch iron rod, found for the south corner of Lot 17, and an angle corner of the tract described herein,
- 4) N44°07'40"E, passing at a distance of 233.93 feet, a 1/2 inch iron rod, found for the common southerly corner of Lots 16 and 15, and continuing in all 350.84 feet to 1/2 inch iron rod found for an angle point in a northwest line of said 35.40 acres and the herein described tract, same being the common southerly corner of Lots 15 and 14,

CONTINUED ON NEXT PAGE



- 5) N47°46'10"E, passing at a distance of 117.71 feet a 1/2 inch iron rod, found for the common southerly corner of Lots 14 and 13, and passing at 235.47 feet a 1/2 inch iron rod, found for the common southerly corner of Lots 13 and 12, and continuing in all 273.51 feet to a 1/2 inch iron rod, found for an exterior corner of said 35.40 acres and the herein described tract, same being the west corner of said remainder of Lot 18;
- 6) S46°08'50" E, a distance of 159.87 feet to a 1/2-inch iron rod, found for the south corner of Lot 18, and an angle corner of the tract described herein,
- 7) N47°47'46"E, a distance of 321.75 feet, back to the **POINT OF BEGINNING** of the herein described tract and containing 39.37 acres [1,714,958 square feet].

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

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

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

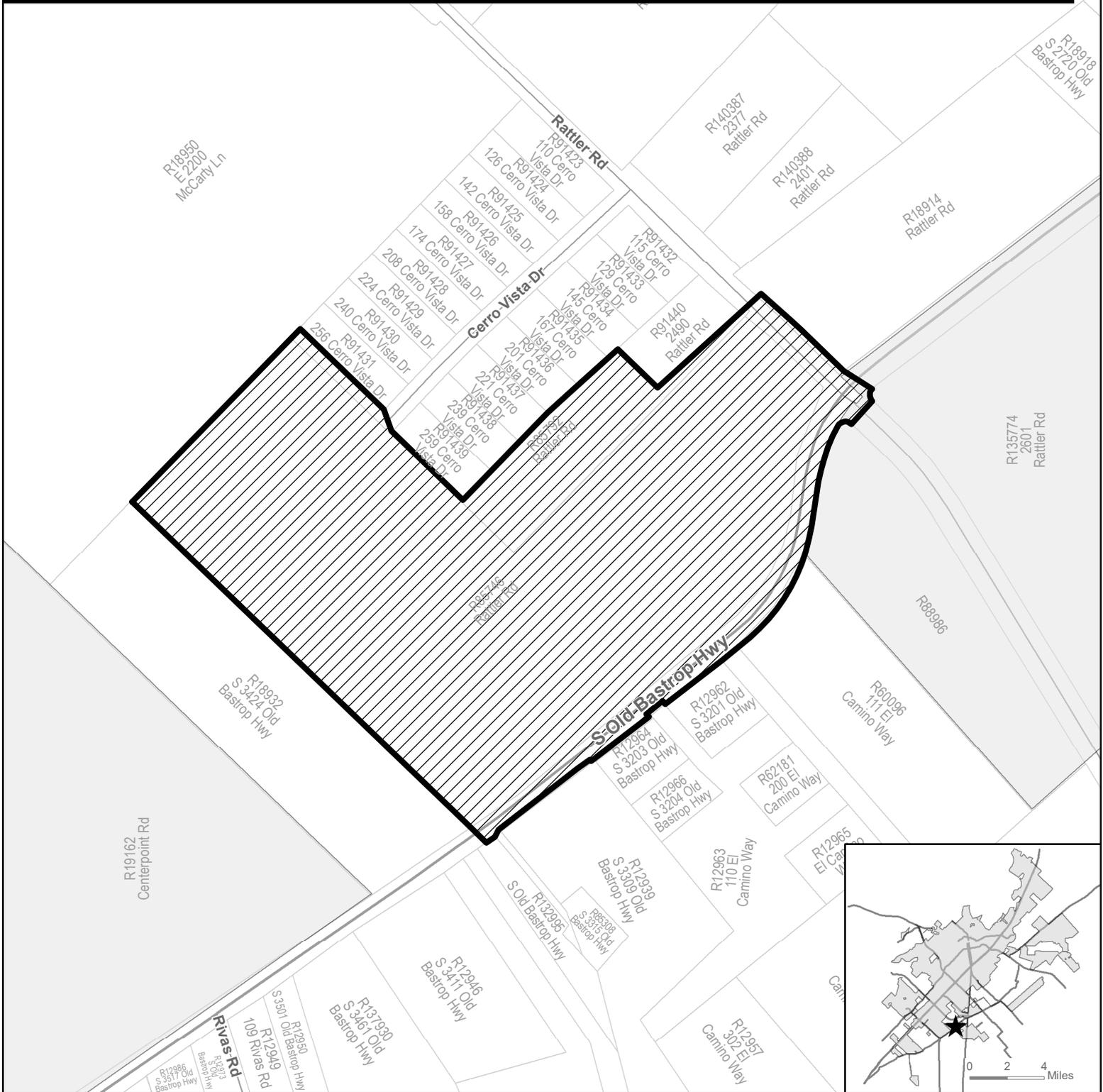


Garrett Cavaiuolo
Registered Professional Land Surveyor
Texas Registration No. 6714
Doucet & Associates, Inc.
GCavaiuolo@DoucetEngineers.com
TBPLS Firm No. 10105800

4/27/19
Date



AN-19-03 Location Map Annexation - South Old Bastrop Hwy / Rattler Road



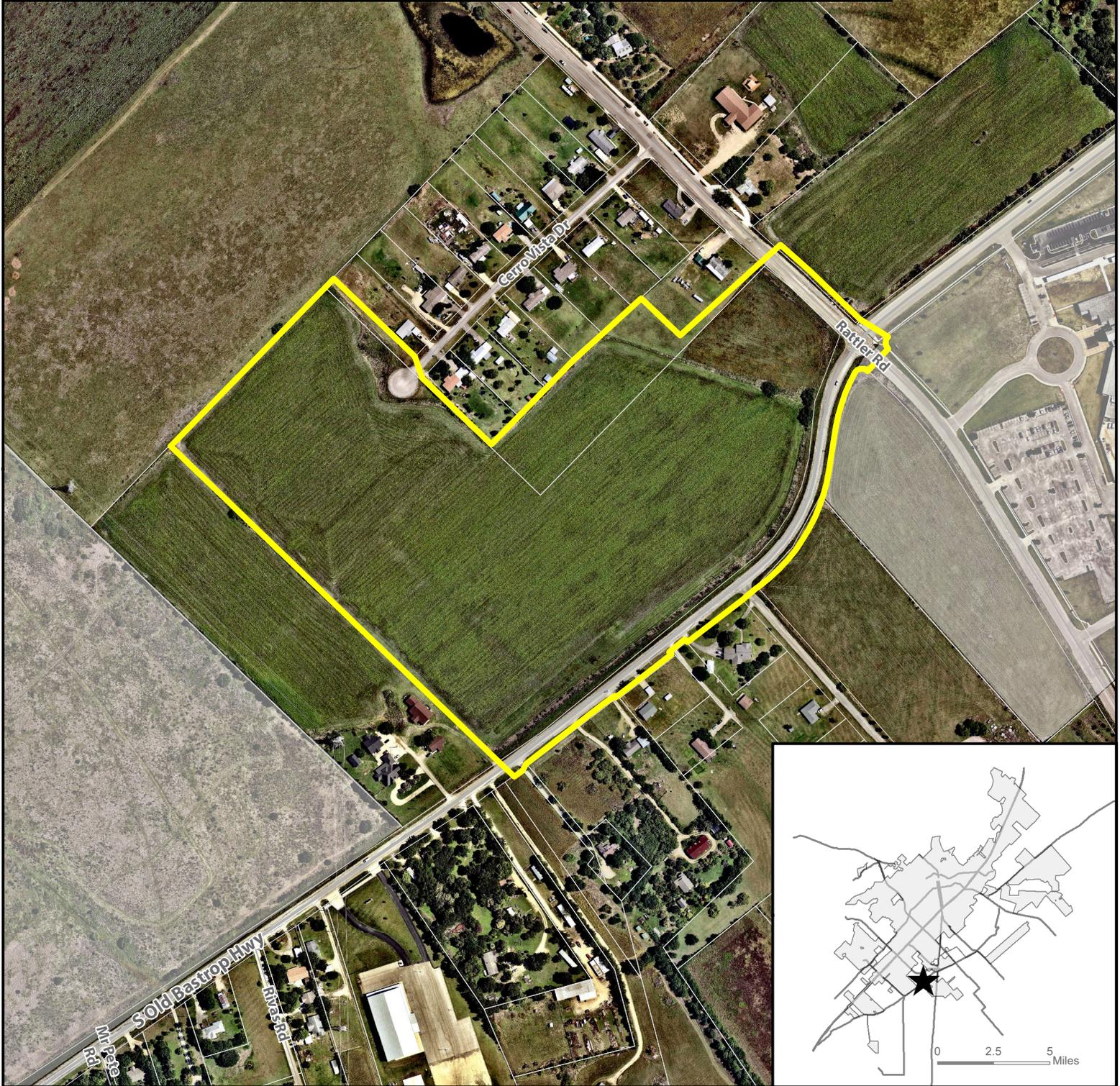
- ★ Site Location
-  Subject Property
-  Parcel
-  City Limit



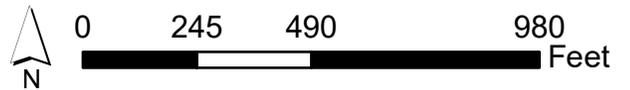
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Map Date: 11/18/2019

AN-19-03 Aerial View Annexation - South Old Bastrop Hwy / Rattler



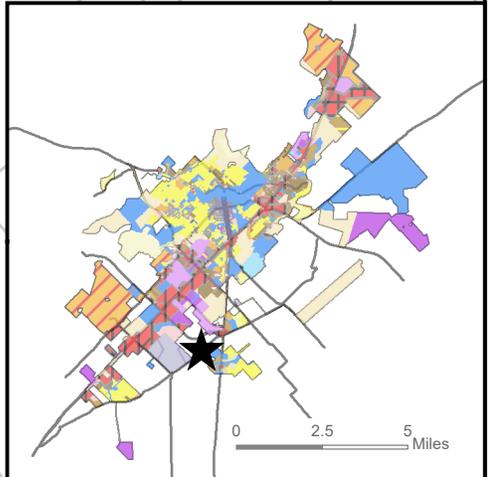
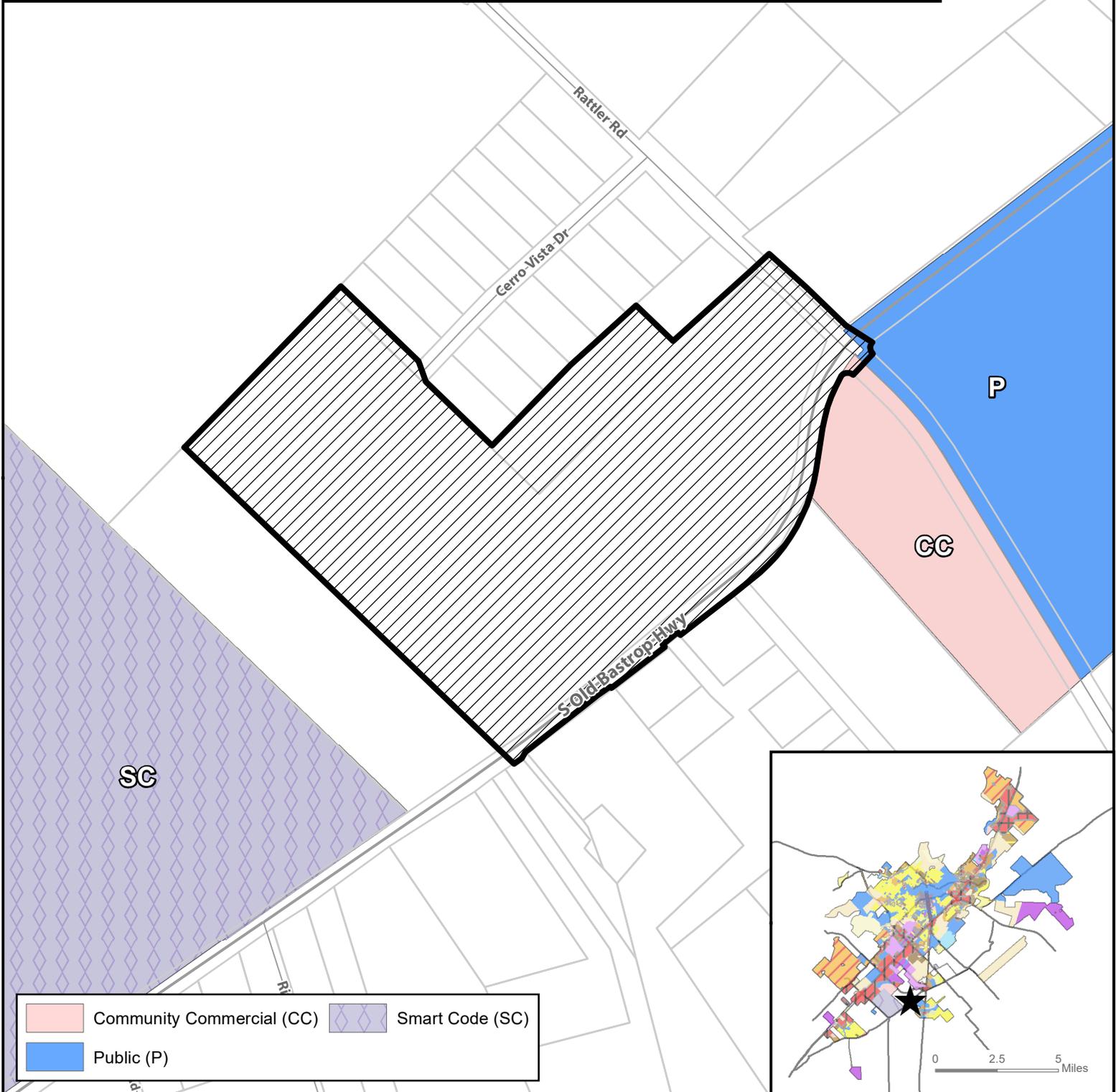
- ★ Site Location
- ▭ Subject Property
- ▭ Parcel
- ▭ City Limit



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Imagery from 2017.

Map Date: 11/18/2019

AN-19-03 Existing Zoning Map Annexation - South Old Bastrop Hwy / Rattler Road



 Community Commercial (CC)	 Smart Code (SC)
 Public (P)	

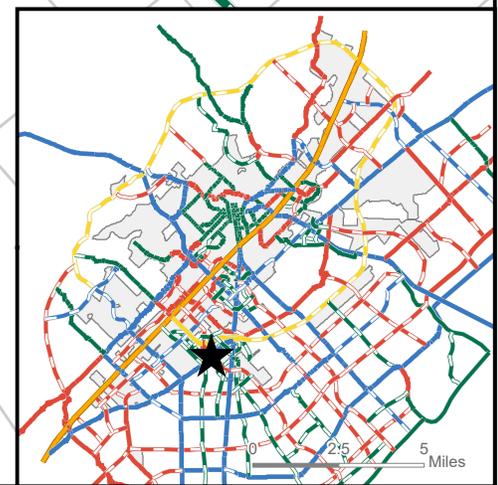
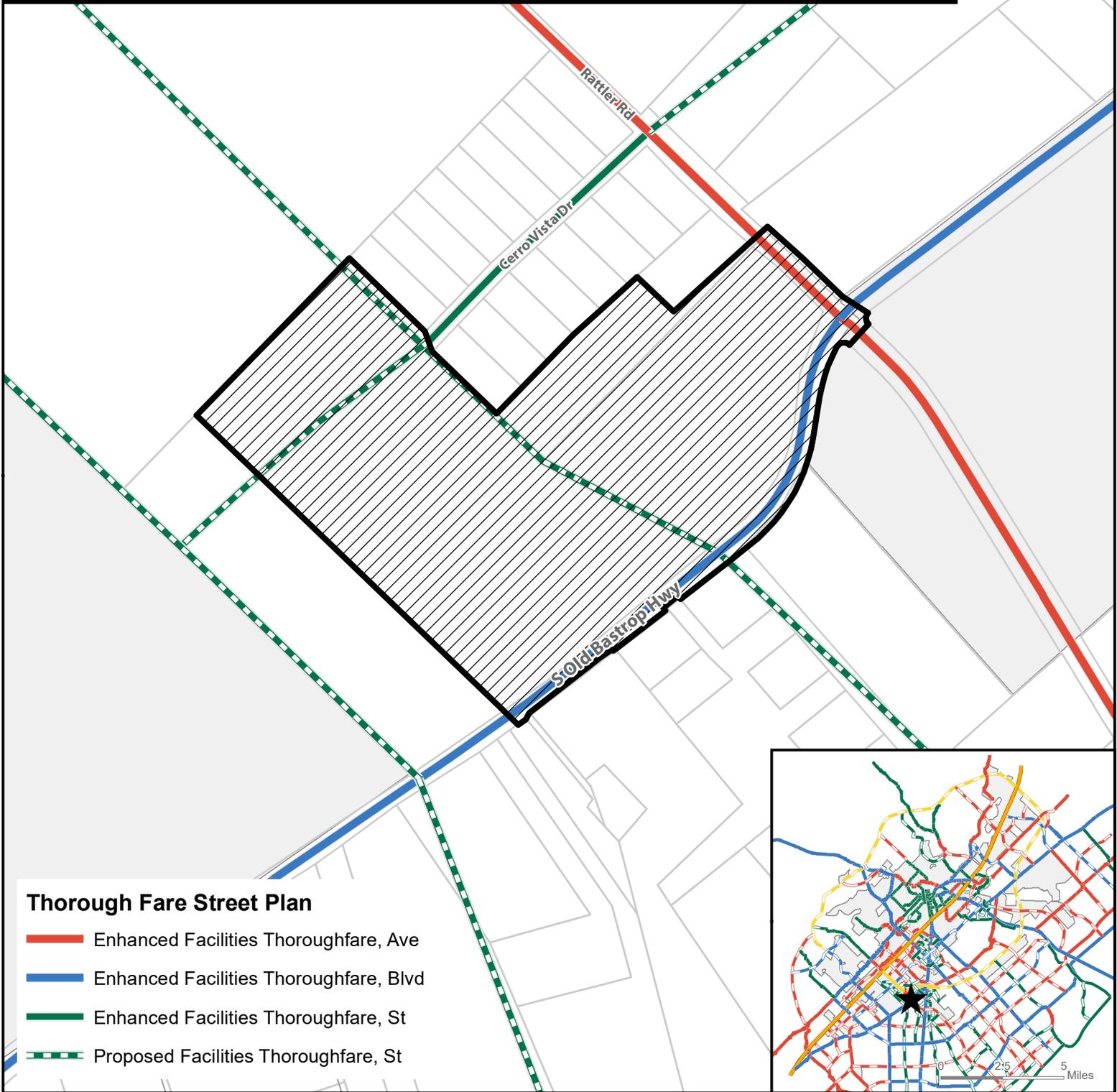
-  **Site Location**
-  **Subject Property**
-  **Parcels**
-  **City Limit**



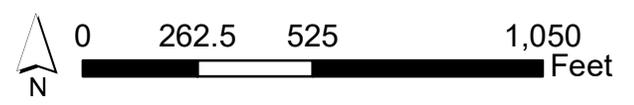
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Map Date: 11/18/2019

AN-19-04 Transportation Master Plan Annexation - South Old Bastrop Hwy / Rattler Road



- ★ Site Location
- ▨ Subject Property
- Parcels
- City Limit

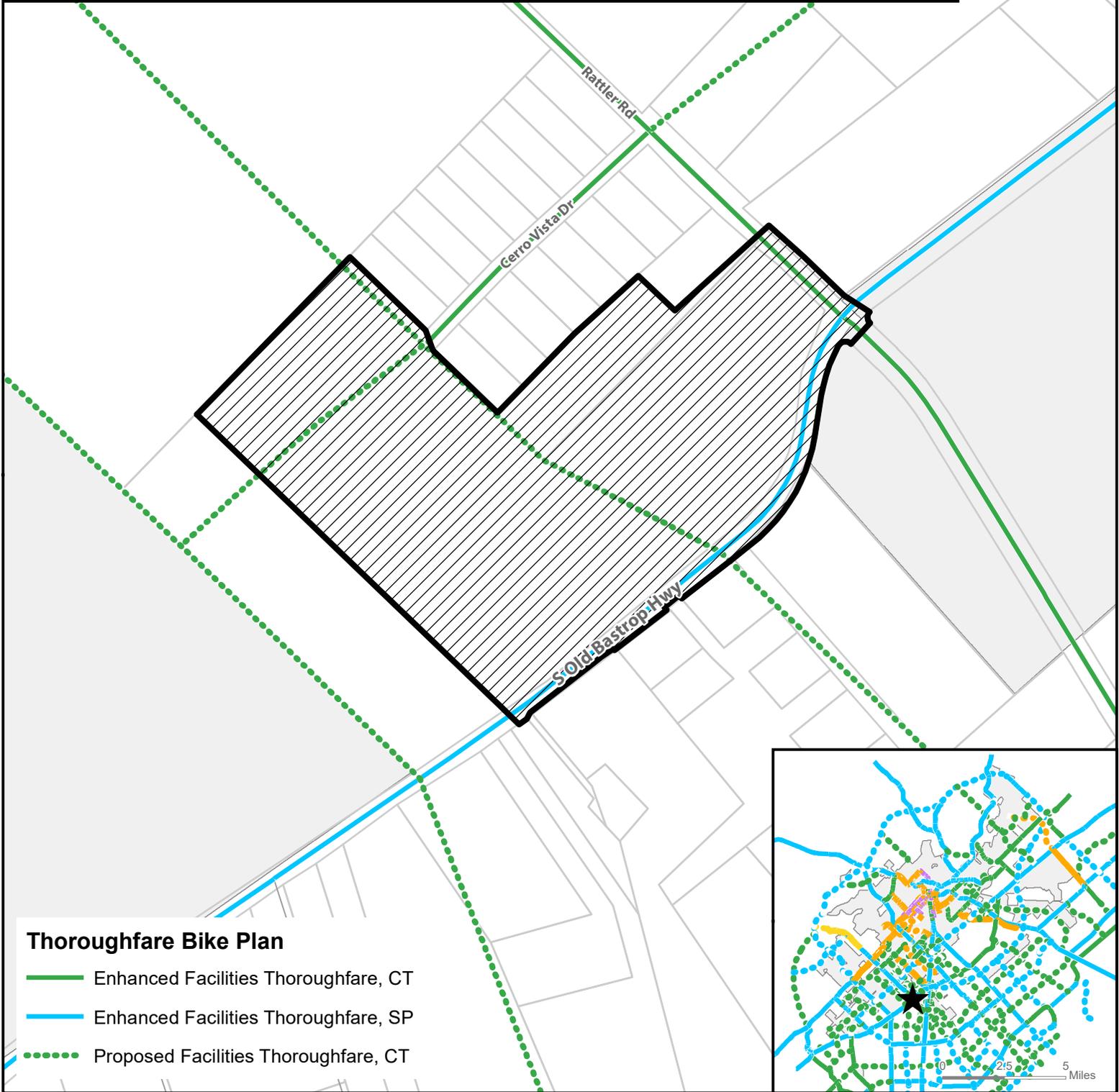


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Map Date: 11/18/2019

AN-19-04

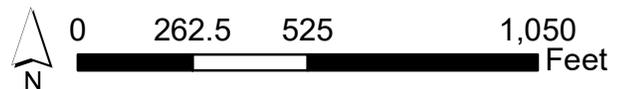
Transportation Master Plan - Bike Facilities Annexation - South Old Bastrop Hwy / Rattler Road



Thoroughfare Bike Plan

- Enhanced Facilities Thoroughfare, CT
- Enhanced Facilities Thoroughfare, SP
- Proposed Facilities Thoroughfare, CT

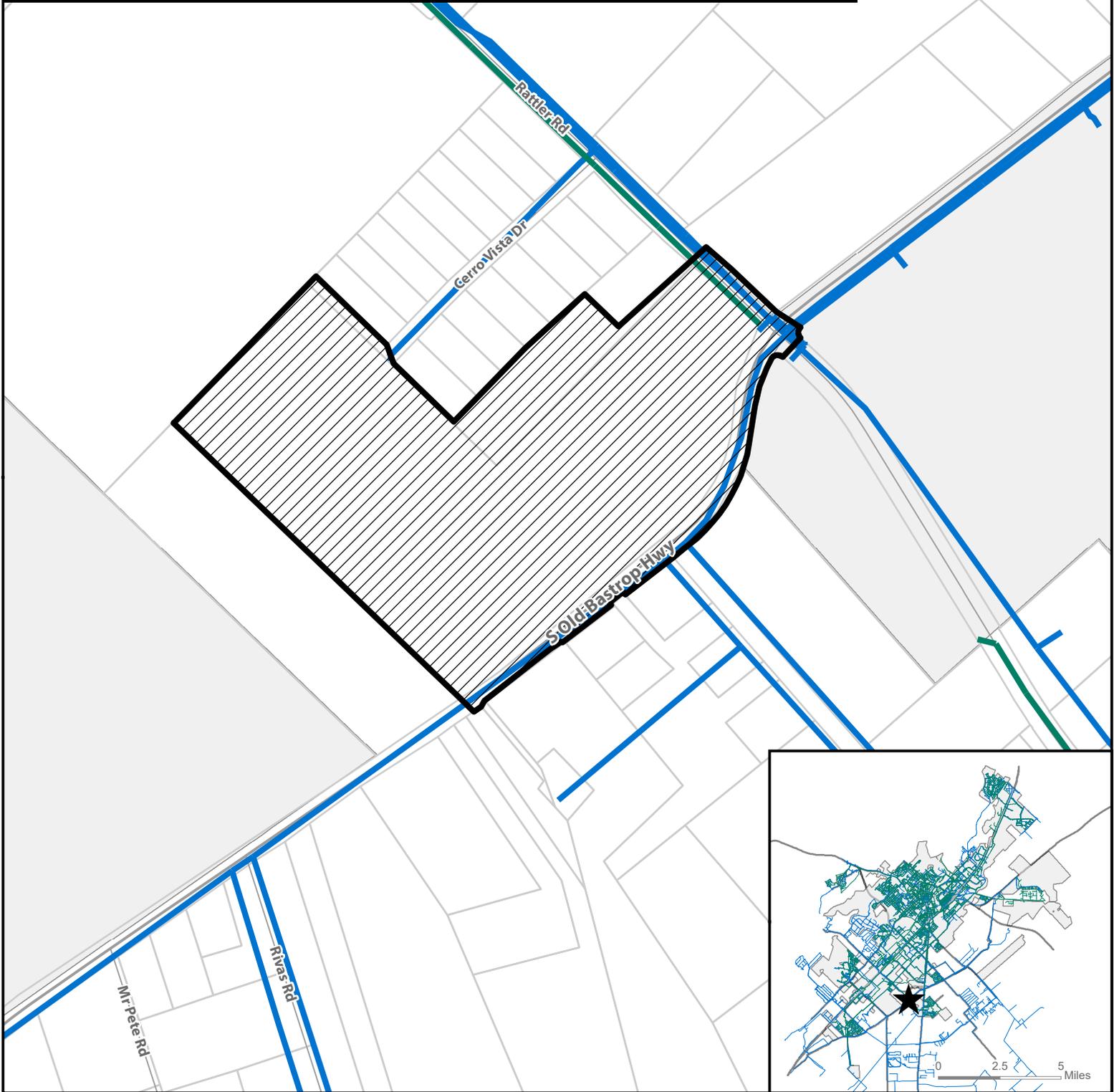
- ★ Site Location
- ▨ Subject Property
- ▭ Parcels
- ▭ City Limit



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

Map Date: 11/18/2019

AN-19-03 Water/Wastewater Lines Annexation - South Old Bastrop Hwy / Rattler



- ★ Site Location
- ▨ Subject Property
- Parcels
- City Limit
- Sanitary Main
- Water Main



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

Map Date: 11/18/2019

AGREEMENT FOR THE PROVISION OF SERVICES
(Pursuant to Tex. Local Gov't Code §43.0672)

Date: December 17, 2019

Owner: SHC, HOLDINGS, LLC, PO BOX 160523, Austin, TX 78716-0523

City: City of San Marcos, Texas, a home rule municipal corporation, 630, East Hopkins Street, San Marcos, Texas 78666

Property: As described in Exhibit A.

1. The Owner has petitioned the City and the City has elected to annex the Property into the corporate limits of the City. Pursuant to Tex. Local Gov't Code §43.0672, the Owner and the City enter this agreement (the "Agreement") for the provision of services to the Property when annexed.

2. By this Agreement, the Owner affirms its consent to such annexation of the Property by the City and that Owner does not wish to enter into and has declined the offer from the City of a development agreement under Sections 43.016 and 212.172 of the Texas Local Government Code.

3. In consideration of the mutual benefits to the Owner and the City arising from the annexation of the Property, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Owner and the City enter into this Agreement and agree that services to the Property will be provided as described in Exhibit B.

4. This Agreement is made, and shall be construed and interpreted under the laws of the State of Texas. Venue for any legal proceedings shall lie in state courts located in Hays County, Texas. Venue for any matters in federal court will be in the United States District Court for the Western District of Texas.

5. If any word, phrase, clause, sentence, or paragraph of this Agreement is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this Agreement will continue in force if they can be given effect without the invalid portion.

6. This Agreement shall be binding upon Owner, and Owner's heirs, successors and assigns, and all future owners of all or any portion of the Property.

7. This Agreement will become effective as of the date an ordinance annexing the Property is finally passed, approved and adopted by the City's city council (the Effective Date).

[SIGNATURES ON NEXT PAGE]

CITY:

By: _____

Name: _____

Title: _____

ACKNOWLEDGMENT

STATE OF TEXAS §

§

COUNTY OF HAYS §

This instrument was acknowledged before me on _____, 20____, by
_____, _____ of the City of San Marcos, in such capacity, on
behalf of said municipality.

Notary Public, State of Texas

OWNER:
SHC HOLDINGS LLC, a Texas limited liability company

By: _____

Name: _____

Title: _____

ACKNOWLEDGMENT

STATE OF _____ §

§

COUNTY OF _____ §

This instrument was acknowledged before me on _____, 20__ by
_____, _____ of _____ in such
capacity on behalf of said entity.

Notary Public, State of _____

EXHIBIT A



Exhibit “ — ”

7401B Highway 71 West, Suite 160
Austin, TX 78735
Office: 512.583.2600
Fax: 512.583.2601

Doucetengineers.com

McCarty Lane
Hays County, Texas

D&A Job No. 1787-001
November 27, 2019

METES & BOUNDS DESCRIPTION For 39.37 acres [1,714,958 square feet].

BEING A 39.37 ACRE [1,714,957 SQUARE FEET] TRACT OF LAND OUT OF THE CYRUS WICKSON SURVEY, ABSTRACT NUMBER 474, HAYS COUNTY, TEXAS, BEING ALL OF THE CALLED 35.40 ACRE TRACT OF LAND DESCRIBED IN VOLUME 4595, PAGE 398 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS [O.P.R.H.C.T.], AND A PORTION OF MCCARTY LANE [DEED OF RECORD NOT FOUND, AND OLD BASTROP ROAD [DEED OF RECORD NOT FOUND], SAID 39.37 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron rod found for the east corner of the remainder of Lot 18 of Hillside Village Subdivision, a subdivision of record in Volume 8, Page 148, Plat Records of Hays County, Texas [P.R.H.C.T.], same being the south corner of a called 0.03 acre tract described in Volume 3510, Page 283 [O.P.R.H.C.T.], for the **POINT OF BEGINNING**, same being on the south right-of-way line of said McCarthy Lane;

THENCE, N47°47'46"E, across said right-of-way of McCarthy Lane, a distance of 81.64 feet, to an angle point of the tract described herein, same being on the north right-of-way of said McCarthy Lane;

THENCE with the north right-of-way of McCarthy Lane the following three (3) courses and distances:

- 1) S48°20'36"E, a distance of 113.94 feet to an angle point of the tract described herein,
- 2) S47°13'24"E, a distance of 40.31 feet to an angle point of the tract described herein, and
- 3) S46°06'12"E, a distance of 171.77 feet to an angle point, found on the north right-of-way of said McCarthy Lane, same being on the west right-of-way of Old Bastrop Road (County Road 266), no record information found;

THENCE, S57°34'20"E, across said right-of-way of Old Bastrop Road, a distance of 97.44 feet, to a point of curvature to the left of the tract described herein, same being on the south right-of-way of Old Bastrop Road;

THENCE with said curve to the left, an arc length of 39.28 feet, having a radius of 25.00 feet, a delta angle of 90°00'54", and a chord which bears S01°03'54"E, a distance of 35.36 feet, to an angle point found along the said north right-of-way of McCarthy Road;

(CONTINUED ON NEXT PAGE)

COMMITMENT YOU EXPECT.
EXPERIENCE YOU NEED.
PEOPLE YOU TRUST.



THENCE, S42°26'29"W, across the right-of-way of said McCarthy Lane, a distance of 90.04 feet, to point of curvature to the left of the tract described herein, same being on the south right-of-way of McCarthy Lane;

THENCE leaving the south right-of-way of said McCarthy Lane and continuing with the south right-of-way line of said Old Bastrop Road, the following seventeen (17) courses and distances:

- 1) With said curve to the left, an arc length of 45.22 feet, having a radius of 25.00 feet, a delta angle of 103°37'35", and a chord which bears S81°43'02"W a distance of 39.30 feet to a point of curvature to the left of the tract described herein,
- 2) With said curve to the left, an arc length of 170.36 feet, having a radius of 505.95 feet, a delta angle of 19°17'31", and a chord which bears S19°06'14"W a distance of 169.55 feet to an angle point of the tract described herein,
- 3) S08°58'47"W, a distance of 131.08 feet to a point of curvature to the right of the tract described herein,
- 4) With said curve to the right, an arc length of 411.18 feet, having a radius of 540.00 feet, a delta angle of 43°37'40", and a chord which bears S30°47'36"W a distance of 401.32 feet to an angle point of the tract described herein,
- 5) S52°36'25"W, a distance of 18.02 feet to an angle point of the tract described herein,
- 6) S50°32'28"W, a distance of 48.29 feet to an angle point of the tract described herein,
- 7) S52°20'06"W, a distance of 208.92 feet to an angle point of the tract described herein,
- 8) N41°00'32"W, a distance of 11.67 feet to an angle point of the tract described herein,
- 9) S51°06'42"W, a distance of 60.01 feet to an angle point of the tract described herein,
- 10) S41°00'17"E, a distance of 10.34 feet to an angle point of the tract described herein,
- 11) S52°21'10"W, a distance of 209.77 feet to an angle point of the tract described herein,
- 12) N39°21'26"W, a distance of 5.84 feet to an angle point of the tract described herein,
- 13) S55°04'30"W, a distance of 44.99 feet to an angle point of the tract described herein,
- 14) S52°01'14"W, a distance of 53.16 feet to an angle point of the tract described herein,

(CONTINUED ON NEXT PAGE)



- 15) S51°59'17"W, a distance of 234.60 feet to an angle point of the tract described herein,
- 16) S27°59'53"W, a distance of 22.97 feet to an angle point of the tract described herein and,
- 17) S55°06'48"W, a distance of 29.55 feet to a point for the south corner of the tract described herein,

THENCE, N46°06'13"W, across the said right-of-way of Old Bastrop Road, a distance of 84.66 feet, to 1/2-inch iron rod found on the north right-of-way of said Old Bastrop Road, same being the southeast corner of a called 10.265 acre tract, described in Volume 2761, Page 162 [O.P.R.H.C.T.], and same being the south corner of said 35.40-acre tract;

THENCE, N46°06'13"W, with the line common to said 35.40 acres and said 10.265 acres, for a distance of 1,335.73 feet to 1/2-inch iron rod, found for the west corner of said 35.40 acre-tract, the north corner of said 10.265 acres, and same being in the southeast line of a called 60.435 acre tract described in Volume 3698, Page 591 [O.P.R.H.C.T.], and for the west corner of the tract described herein;

THENCE, N44°08'35"E, with the line common to said 35.40 acres, and said 60.435 acres, for a distance of 697.25 feet to a 1/2-inch iron rod found for the westerly north corner of said 35.40 acres, and for the west corner of Lot 9 of said A Hillside Village, Section 1, and for the most westerly north corner of the tract described herein;

THENCE, with the lines common to said 35.40-acre tract and said Hillside Subdivision Section One, the following seven (7) courses and distances;

- 1) S46°01'51"E, a distance of 335.04 feet to a 1/2-inch iron rod with "Byrn" cap, found for the south corner of said Lot 9, same being in the northwest right-of-way line of Cerro Vista Drive, 60 feet wide per recorded plat, and an angle corner of the tract described herein;
- 2) S19°22'40"E, for a distance of 67.29 feet to a 1/2-inch iron rod, found in the southeast right-of-way line of Cerro Vista Drive, same being the west corner of Lot 17 of said A Hillside Village, Section 1, and an angle corner of the tract described herein;
- 3) S46°02'02" E, a distance of 286.55 feet to a 1/2-inch iron rod, found for the south corner of Lot 17, and an angle corner of the tract described herein,
- 4) N44°07'40"E, passing at a distance of 233.93 feet, a 1/2 inch iron rod, found for the common southerly corner of Lots 16 and 15, and continuing in all 350.84 feet to 1/2 inch iron rod found for an angle point in a northwest line of said 35.40 acres and the herein described tract, same being the common southerly corner of Lots 15 and 14,

CONTINUED ON NEXT PAGE



- 5) N47°46'10"E, passing at a distance of 117.71 feet a 1/2 inch iron rod, found for the common southerly corner of Lots 14 and 13, and passing at 235.47 feet a 1/2 inch iron rod, found for the common southerly corner of Lots 13 and 12, and continuing in all 273.51 feet to a 1/2 inch iron rod, found for an exterior corner of said 35.40 acres and the herein described tract, same being the west corner of said remainder of Lot 18;
- 6) S46°08'50" E, a distance of 159.87 feet to a 1/2-inch iron rod, found for the south corner of Lot 18, and an angle corner of the tract described herein,
- 7) N47°47'46"E, a distance of 321.75 feet, back to the **POINT OF BEGINNING** of the herein described tract and containing 39.37 acres [1,714,958 square feet].

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

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

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



Garrett Cavaiuolo
Registered Professional Land Surveyor
Texas Registration No. 6714
Doucet & Associates, Inc.
GCavaiuolo@DoucetEngineers.com
TBPLS Firm No. 10105800

4/27/19
Date



EXHIBIT B

When the Property is annexed, services will be provided to the Property as follows:

1. Police Protection

Police services, including patrolling, response to calls and other routine services, will begin on the Effective Date of the annexation using existing personnel and equipment.

2. Fire Protection

Fire protection services, including emergency response calls, will begin on the Effective Date of the annexation using existing personnel and equipment and within the limitations of the available water supply.

3. Emergency Medical Services

Emergency medical services, including emergency response calls, will continue at the same level of service after the annexation. The City of San Marcos contracts for emergency medical services through the San Marcos – Hays County EMS, which already provides service to the area being annexed.

4. Solid Waste Collection

Solid waste collection services, provided under contract with a private company, will be made available to all properties on the Effective Date of the annexation. Residents of the Property may elect to continue using the services of a private solid waste hauler for a period of two years after the Effective Date of the annexation. Businesses and institutions must make arrangements with private solid waste haulers.

5. Operation and Maintenance of Water and Wastewater Facilities

a. Water. The Property is located within an area over which the City of San Marcos holds a Certificate of Convenience and Necessity (CCN) for water service. The City will make water service available to the Property on the Effective Date of the annexation on the same basis as available to other owners of property in the City, i.e., the Owner is solely responsible for the cost to construct and extend all infrastructure, facilities, and lines necessary to serve the Property.

b. Wastewater. The Property is not covered by a CCN for wastewater service, however, the City of San Marcos has wastewater lines adjacent to the Property and agrees to make wastewater service available to the Property on the Effective Date of the annexation on the same basis as available to other owners of property in the City, i.e., the Owner is solely responsible for the cost to construct and extend all infrastructure, facilities, and lines necessary to serve the Property. In addition, the City is in the process of adding the Property as an area covered by the City's CCN for wastewater service.

6. Construction, Operation and Maintenance of Roads and Streets

As new development occurs within the Property, the Owner(s) of Property will be required to construct streets at the Owner's sole expense in accordance with applicable ordinances of the City.

7. Electric Service

The Property is located in the Bluebonnet Electric Cooperative service area. Thus, the City will not provide electric service to the Property.

8. Operation and Maintenance of Parks, Playgrounds, and/or Swimming Pools

No parks, playgrounds, and/or swimming pools currently exist within the Property. The same standards and policies now established and in force within the city limits will be followed in maintaining and expanding recreational facilities to serve the Property. Upon annexation, the owners and residents of property located within the Property shall be entitled to the use of all municipal parks and recreational facilities, subject to the same restrictions, fees, and availability that pertains to the use of those facilities by other citizens of the city.

9. Operation and Maintenance of Other Public Facilities, Buildings, and Services

No other public facilities, buildings, or services currently exist within the Property. The same standards and policies now established and in force within the city limits will be followed in maintaining and expanding other public facilities, building, and services. Upon annexation, the owners and residents of property located within the Property shall be entitled to the use of all municipal facilities, buildings, and services, subject to the same restrictions, fees, and availability that pertains to the use of those facilities and services by other citizens of the city.



McCarty Lane
Hays County, Texas

D&A Job No. 1787-001
November 27, 2019

METES & BOUNDS DESCRIPTION
For 39.37 acres [1,714,958 square feet].

BEING A 39.37 ACRE [1,714,957 SQUARE FEET] TRACT OF LAND OUT OF THE CYRUS WICKSON SURVEY, ABSTRACT NUMBER 474, HAYS COUNTY, TEXAS, BEING ALL OF THE CALLED 35.40 ACRE TRACT OF LAND DESCRIBED IN VOLUME 4595, PAGE 398 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS [O.P.R.H.C.T.], AND A PORTION OF MCCARTY LANE [DEED OF RECORD NOT FOUND, AND OLD BASTROP ROAD [DEED OF RECORD NOT FOUND], SAID 39.37 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron rod found for the east corner of the remainder of Lot 18 of Hillside Village Subdivision, a subdivision of record in Volume 8, Page 148, Plat Records of Hays County, Texas [P.R.H.C.T.], same being the south corner of a called 0.03 acre tract described in Volume 3510, Page 283 [O.P.R.H.C.T.], for the **POINT OF BEGINNING**, same being on the south right-of-way line of said McCarthy Lane;

THENCE, N47°47'46"E, across said right-of-way of McCarthy Lane, a distance of 81.64 feet, to an angle point of the tract described herein, same being on the north right-of-way of said McCarthy Lane;

THENCE with the north right-of-way of McCarthy Lane the following three (3) courses and distances:

- 1) S48°20'36"E, a distance of 113.94 feet to an angle point of the tract described herein,
- 2) S47°13'24"E, a distance of 40.31 feet to an angle point of the tract described herein, and
- 3) S46°06'12"E, a distance of 171.77 feet to an angle point, found on the north right-of-way of said McCarthy Lane, same being on the west right-of-way of Old Bastrop Road (County Road 266), no record information found;

THENCE, S57°34'20"E, across said right-of-way of Old Bastrop Road, a distance of 97.44 feet, to a point of curvature to the left of the tract described herein, same being on the south right-of-way of Old Bastrop Road;

THENCE with said curve to the left, an arc length of 39.28 feet, having a radius of 25.00 feet, a delta angle of 90°00'54", and a chord which bears S01°03'54"E, a distance of 35.36 feet, to an angle point found along the said north right-of-way of McCarthy Road;

(CONTINUED ON NEXT PAGE)

THENCE, S42°26'29"W, across the right-of-way of said McCarthy Lane, a distance of 90.04 feet, to point of curvature to the left of the tract described herein, same being on the south right-of-way of McCarthy Lane;

THENCE leaving the south right-of-way of said McCarthy Lane and continuing with the south right-of-way line of said Old Bastrop Road, the following seventeen (17) courses and distances:

- 1) With said curve to the left, an arc length of 45.22 feet, having a radius of 25.00 feet, a delta angle of 103°37'35", and a chord which bears S81°43'02"W a distance of 39.30 feet to a point of curvature to the left of the tract described herein,
- 2) With said curve to the left, an arc length of 170.36 feet, having a radius of 505.95 feet, a delta angle of 19°17'31", and a chord which bears S19°06'14"W a distance of 169.55 feet to an angle point of the tract described herein,
- 3) S08°58'47"W, a distance of 131.08 feet to a point of curvature to the right of the tract described herein,
- 4) With said curve to the right, an arc length of 411.18 feet, having a radius of 540.00 feet, a delta angle of 43°37'40", and a chord which bears S30°47'36"W a distance of 401.32 feet to an angle point of the tract described herein,
- 5) S52°36'25"W, a distance of 18.02 feet to an angle point of the tract described herein,
- 6) S50°32'28"W, a distance of 48.29 feet to an angle point of the tract described herein,
- 7) S52°20'06"W, a distance of 208.92 feet to an angle point of the tract described herein,
- 8) N41°00'32"W, a distance of 11.67 feet to an angle point of the tract described herein,
- 9) S51°06'42"W, a distance of 60.01 feet to an angle point of the tract described herein,
- 10) S41°00'17"E, a distance of 10.34 feet to an angle point of the tract described herein,
- 11) S52°21'10"W, a distance of 209.77 feet to an angle point of the tract described herein,
- 12) N39°21'26"W, a distance of 5.84 feet to an angle point of the tract described herein,
- 13) S55°04'30"W, a distance of 44.99 feet to an angle point of the tract described herein,
- 14) S52°01'14"W, a distance of 53.16 feet to an angle point of the tract described herein,

(CONTINUED ON NEXT PAGE)



- 15) S51°59'17"W, a distance of 234.60 feet to an angle point of the tract described herein,
- 16) S27°59'53"W, a distance of 22.97 feet to an angle point of the tract described herein and,
- 17) S55°06'48"W, a distance of 29.55 feet to a point for the south corner of the tract described herein,

THENCE, N46°06'13"W, across the said right-of-way of Old Bastrop Road, a distance of 84.66 feet, to 1/2-inch iron rod found on the north right-of-way of said Old Bastrop Road, same being the southeast corner of a called 10.265 acre tract, described in Volume 2761, Page 162 [O.P.R.H.C.T.], and same being the south corner of said 35.40-acre tract;

THENCE, N46°06'13"W, with the line common to said 35.40 acres and said 10.265 acres, for a distance of 1,335.73 feet to 1/2-inch iron rod, found for the west corner of said 35.40 acre-tract, the north corner of said 10.265 acres, and same being in the southeast line of a called 60.435 acre tract described in Volume 3698, Page 591 [O.P.R.H.C.T.], and for the west corner of the tract described herein;

THENCE, N44°08'35"E, with the line common to said 35.40 acres, and said 60.435 acres, for a distance of 697.25 feet to a 1/2-inch iron rod found for the westerly north corner of said 35.40 acres, and for the west corner of Lot 9 of said A Hillside Village, Section 1, and for the most westerly north corner of the tract described herein;

THENCE, with the lines common to said 35.40-acre tract and said Hillside Subdivision Section One, the following seven (7) courses and distances;

- 1) S46°01'51"E, a distance of 335.04 feet to a 1/2-inch iron rod with "Byrn" cap, found for the south corner of said Lot 9, same being in the northwest right-of-way line of Cerro Vista Drive, 60 feet wide per recorded plat, and an angle corner of the tract described herein;
- 2) S19°22'40"E, for a distance of 67.29 feet to a 1/2-inch iron rod, found in the southeast right-of-way line of Cerro Vista Drive, same being the west corner of Lot 17 of said A Hillside Village, Section 1, and an angle corner of the tract described herein;
- 3) S46°02'02" E, a distance of 286.55 feet to a 1/2-inch iron rod, found for the south corner of Lot 17, and an angle corner of the tract described herein,
- 4) N44°07'40"E, passing at a distance of 233.93 feet, a 1/2 inch iron rod, found for the common southerly corner of Lots 16 and 15, and continuing in all 350.84 feet to 1/2 inch iron rod found for an angle point in a northwest line of said 35.40 acres and the herein described tract, same being the common southerly corner of Lots 15 and 14,

CONTINUED ON NEXT PAGE

- 5) N47°46'10"E, passing at a distance of 117.71 feet a 1/2 inch iron rod, found for the common southerly corner of Lots 14 and 13, and passing at 235.47 feet a 1/2 inch iron rod, found for the common southerly corner of Lots 13 and 12, and continuing in all 273.51 feet to a 1/2 inch iron rod, found for an exterior corner of said 35.40 acres and the herein described tract, same being the west corner of said remainder of Lot 18;
- 6) S46°08'50" E, a distance of 159.87 feet to a 1/2-inch iron rod, found for the south corner of Lot 18, and an angle corner of the tract described herein,
- 7) N47°47'46"E, a distance of 321.75 feet, back to the **POINT OF BEGINNING** of the herein described tract and containing 39.37 acres [1,714,958 square feet].

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

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

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



Garrett Cavauiolo
Registered Professional Land Surveyor
Texas Registration No. 6714
Doucet & Associates, Inc.
GCavauiolo@DoucetEngineers.com
TBPLS Firm No. 10105800

11/27/19
Date



NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

OWNER'S CONSENT TO ANNEXATION OF LAND

Date: November 12, 2019

City: City of San Marcos, Texas, a home rule municipal corporation

Owner: SHC, HOLDINGS, LLC, PO BOX 160523, Austin, TX 78716-0523

Property: 39.37 acres, more or less, of land area in the Cyrus Wickson Survey, Abstract 474, Hays County, Texas

Owner petitioned the City to initiate proceedings to annex the Property. Owner acknowledges and agrees that, in connection with annexation of the Property:

1. Owner does not wish to enter into a development agreement with the City under Section 212.172 and has declined the offer by the City of such a development agreement.
2. Unless specifically authorized by a written agreement with Owner approved by the City Council under applicable ordinances, the City has no obligation to extend water, wastewater, or electric utility services, roads, or other infrastructure to the Property at the City's expense, and the City has made no offers, representations or promises that the City will, at the City's expense, extend water, wastewater, or electric utility services, roads, or other infrastructure to the Property. Such extensions to the Property shall be made available in the same manner and on the same basis as available to other areas of the City, whereby it shall be Owner's sole obligation, and at Owner's sole expense, to construct and install all infrastructure necessary to extend such services to the Property under applicable ordinances.
3. Owner waives any and all rights of Owner to assert any claim or demand, or to file suit against, and covenants not to sue, the City on the basis that the annexation of the Property by the City is invalid, void or voidable, in whole or in part.
4. This instrument is made, and shall be construed and interpreted under the laws of the State of Texas. Venue for any legal proceedings concerning this instrument shall lie in State courts having jurisdiction located in Hays County, Texas. Venue for any matters in federal court will be in the United States District Court for the Western District of Texas.
5. If any word, phrase, clause, sentence, or paragraph of this instrument is held to be unconstitutional or invalid by a court of

competent jurisdiction, the other provisions of this instrument will continue in force if they can be given effect without the invalid portion.

6. This instrument may be recorded in the Official Public Records of the County or Counties in which the Property is located and is binding on Owner's successors, heirs and assigns, and any future owners of the Property.

[SIGNATURE(S) ON NEXT PAGE]

DECLINATION OF OFFER OF DEVELOPMENT AGREEMENT

The attached Development Agreement was offered by the City of San Marcos to the owner of the property subject to the following application/petition (check one):

Out of City Utility Connection of Extension Application

Petition for Annexation (without OCU Request)

By signing below, the owner of the subject property declines the offer to enter into such Development Agreement.

OWNER (Entity):

By: 

Name: SCOTT C SNYDER

Title: MANAGER

Date: 11/12/19



ANNEXATION APPLICATION

Updated: October, 2018

Case # AN-____ - ____

CONTACT INFORMATION

Applicant's Name	Doucet & Associates, Inc.	Property Owner	SHC Holdings, LLC
Applicant's Mailing Address	7401B Hwy. 71 W., Ste. 160 Austin, TX 78735	Owner's Mailing Address	P.O. Box 160523 Austin, TX 78716-0523
Applicant's Phone #	512-583-2600	Owner's Phone #	512-347-7320
Applicant's Email	etheriot@doucetengineers.com	Owner's Email	ssnyder@rstaxcpa.com

PROPERTY INFORMATION

Is the property adjacent to city limits YES NO

Is the property less than 1/2 mile in width YES NO

Are there less than 3 qualified voters living on the property YES NO

Commercial (6 acres),

Proposed Use: SF Residential (29.4 acres) Proposed Zoning: CD-5, CD-3

Reason for Annexation / Other Considerations: _____

Development of the tract requires annexation to apply appropriate zoning controls.

AUTHORIZATION

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

Filing Fee \$1,151 Technology Fee \$12 TOTAL COST \$1,163

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

APPLY ONLINE – WWW.MYGOVERNMENTONLINE.ORG/



CHECKLIST FOR ANNEXATION APPLICATION

The following items are requested for consideration of this application. These and additional items may be required at the request of the Department	Comments
<input checked="" type="checkbox"/> Pre-development meeting with staff is recommended <ul style="list-style-type: none"> • Please visit http://sanmarcostx.gov/1123/Pre-Development-Meetings to schedule 	
<input checked="" type="checkbox"/> Completed Application for Annexation	
<input checked="" type="checkbox"/> Metes & Bounds description of the area to be annexed	Attached
<input checked="" type="checkbox"/> CAD file in grid for GIS integration. Projection: NAD 1983 StatePlane Texas South Central FIPS 4204 Feet	Attached
<input checked="" type="checkbox"/> Property Owner Authorization	Agent Authorization Letter signed by owner
<input checked="" type="checkbox"/> Written request to waive the timing requirements for processing annexation under Chapter 43 of the Texas Local Government Code, if the applicant wishes for concurrent consideration of a Zoning Change	See attached Petition signed by the owner
<input type="checkbox"/> Application Filing Fee \$1,151 <input type="checkbox"/> Technology Fee \$12	
**San Marcos Development Code Section 2.3.1.1(C): “Every application accepted by the responsible official for filing shall be subject to a determination of completeness...the responsible official is not required to review an application unless it is complete...”	

September 6, 2019

Authority Having Jurisdiction (AHJ)

RE: Agent Authorization for an approximately 36 tract located at the intersection of Rattler Road and CR 266 in Hays County, Texas

Doucet & Associates, Inc. is authorized to act as Agents for SHC, Holdings, LLC, owner of the property, locally known as ABS 474, being a 31.456 AC tract and a 3.944 acre tract located in the Cyrus Wickson Survey, with regard to coordinating, submitting and processing all necessary development related permits, zoning requests and plats with the various Authorities Having Jurisdiction.

If you should have any questions, please contact me.

SHC Holdings, LLC

By:



Scott Snyder
ssnyder@rstaxcpa.com
512-347-7320

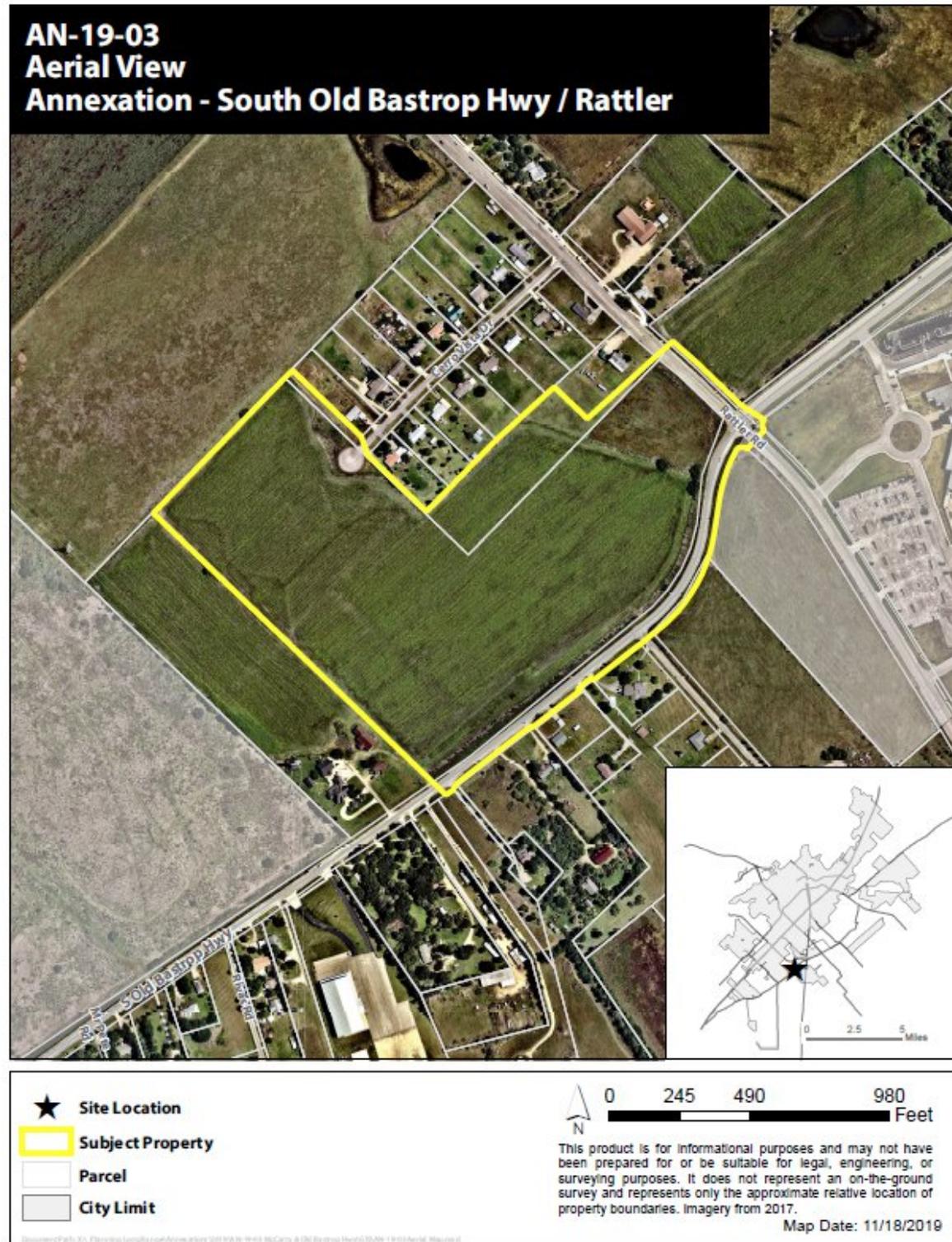
Ordinance 2020-XX

(South Old Bastrop Hwy / Rattler Road – Annexation)

Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2020-XX, by Doucet and Associates on behalf of SHC Holdings, LLC, annexing into the City approximately 39.4 acres of land out of the Cyrus Wickson Survey, Abstract 474, Hays County, generally located at the western corner of South Old Bastrop Hwy and Rattler Road; including procedural provisions; and providing an effective date; and Consider approval of Ordinance 2020-XX, on the first of two readings.

Context:

- Corner of South Old Bastrop Hwy and Rattler Road
- 39.4 acres
- Applicant proposes to develop property for single-family development (29.4 acres) with a portion of commercial (6 acres) at the corner of South Old Bastrop Hwy and Rattler Road.
- Service Plan (Attachment)





Annexation & Zoning Schedules:

*This schedule reflects the new annexation schedule per Texas House Bill 347

Annexation Schedule

- **City Council Resolution (Approval of Service Agreement and set a public hearing date):** December 17, 2019 (*Approved*)
 - **City Council Ordinance 1st Reading (Public Hearing):** January 7, 2020 (*Today*)
 - **City Council Ordinance 2nd Reading:** January 21, 2020
-

Zoning Schedule

- **Planning and Zoning Commission (Public Hearing):** December 10, 2019 (*Approved*)
- **City Council Ordinance 1st Reading (Public Hearing):** January 7, 2020 (*Today*)
- **City Council Ordinance 2nd Reading:** January 21, 2020



Legislation Text

File #: Ord. 2020-02(b), **Version:** 1

AGENDA CAPTION:

Consider approval of Ordinance 2020-02, on the second of two readings, amending the Official Zoning Map of the City by rezoning approximately 29.4 acres out of the Cyrus Wickson Survey, Abstract No. 474, Hays County, generally located in the 3200 block of South Old Bastrop Highway, from "FD" Future Development District to "CD-3" Character District 3; and including procedural provisions.

Meeting date: January 21, 2020

Department: Planning and Development Services

Amount & Source of Funding

Funds Required: n/a

Account Number: n/a

Funds Available: n/a

Account Name: n/a

Fiscal Note:

Prior Council Action: Public Hearing and approval on 1st reading on January 7, 2020.

City Council Strategic Initiative:

N/A

Comprehensive Plan Element (s):

- Economic Development - Choose an item.
- Environment & Resource Protection - Choose an item.
- Land Use - Direct Growth, Compatible with Surrounding Uses
- Neighborhoods & Housing - Diversified housing options to serve citizens with varying needs and interests
- Parks, Public Spaces & Facilities - Choose an item.
- Transportation - Choose an item.
- Not Applicable

Master Plan:

Vision San Marcos - A River Runs Through Us

Background Information:

The subject property is currently located outside the City Limits in the Extraterritorial Jurisdiction (ETJ). The property is currently vacant and is diagonally opposite from the San Marcos High School and adjacent to vacant and residential uses. The adjacent 18-lot residential subdivision to the north includes a public roadway known as Cerro Vista Drive. This roadway extends slightly onto the subject property to provide a turn-around cul-de-sac for the subdivision and may have been extended to serve a future phase of the neighborhood.

The purpose of this zoning change is to allow the development of residential lots allowed within CD-3 zoning. The applicant is also requesting a rezoning to CD-5 for six acres abutting the subject property. This request is being considered as part of a separate zoning request (ZC-19-11). Both zoning requests are being processed concurrently with an annexation request for the property.

The City of San Marcos will provide water and wastewater services at the site. The developer will be responsible for extending water and wastewater facilities through the site. Bluebonnet Electric Cooperative will provide electric service to this development.

Council Committee, Board/Commission Action:

Planning and Zoning Commission Meeting: December 10, 2019

Speakers in favor or opposed:

1. Ed Theriot (in favor)

Recommendation: A motion was made by Commissioner Rand, seconded by Commissioner Haverland, to approve ZC-19-10. The motion carried 8-0.

- **For:** (8) Chairperson Garber, Vice Chairperson Gleason, Commissioner Rand, Commissioner McCarty, Commissioner Haverland, Commissioner Dillon, Commissioner Moore, and Commissioner Agnew
- **Against:** 0
- **Absent:** (1) Commissioner Kelsey

Alternatives:

n/a

File #: Ord. 2020-02(b), **Version:** 1

Recommendation:

Staff provides this request to the Council for your consideration and recommends approval of the request for a zoning change from "FD" Future Development to "CD-3" Character District - 3.

ORDINANCE NO. 2020-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING THE OFFICIAL ZONING MAP OF THE CITY BY REZONING APPROXIMATELY 29.4 ACRES OUT OF THE CYRUS WICKSON SURVEY, ABSTRACT NO. 474, HAYS COUNTY, GENERALLY LOCATED IN THE 3200 BLOCK OF SOUTH OLD BASTROP HIGHWAY, FROM “FD” FUTURE DEVELOPMENT DISTRICT TO “CD-3” CHARACTER DISTRICT 3; AND INCLUDING PROCEDURAL PROVISIONS.

RECITALS:

1. On December 10, 2019, the Planning and Zoning Commission of the City of San Marcos held a public hearing regarding a request to change the zoning designation from “FD” Future Development District to “CD-3” Character District 3 for approximately 29.4 acres out of the Cyrus Wickson Survey, Abstract No. 474, Hays County, generally located in the 3200 Block of South Old Bastrop Highway.

2. The Planning and Zoning Commission voted to recommend that the request be approved by the City Council.

3. The City Council held a public hearing on January 7, 2020 regarding the request.

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

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

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

SECTION 1. The Official Zoning Map of the City is amended to rezone the tract of land described in Exhibit A, attached hereto and made a part hereof, from “FD” Future Development District to “CD-3” Character District 3.

SECTION 2. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

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

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

PASSED AND APPROVED on first reading on January 7, 2020.

PASSED, APPROVED AND ADOPTED on second reading on January 21, 2020.

Jane Hughson
Mayor

Attest:

Tammy K. Cook
Interim City Clerk

Approved:

Michael Cosentino
City Attorney

EXHIBIT A



Exhibit “ — ”

7401B Highway 71 West, Suite 160
Austin, TX 78735
Office: 512.583.2600
Fax: 512.583.2601

Doucetengineers.com

McCarty Lane
Hays County, Texas

D&A Job No. 1787-001
November 27, 2019

METES & BOUNDS DESCRIPTION For 29.40 Acres [1,280,644 Square Feet]

BEING A 29.40 ACRE [1,280,644 SQUARE FEET] TRACT OF LAND OUT OF THE CYRUS WICKSON SURVEY, ABSTRACT NUMBER 474, BEING OUT OF A CALLED 35.40 ACRE TRACT OF LAND DESCRIBED IN VOLUME 4595, PAGE 398 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS [O.P.R.H.C.T.], SAID 29.40 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a calculated point in the south line of said 35.40 acre tract, same being in the apparent northwest right-of-way line of Old Bastrop Road (County Road 266), no record information found, and same being a point in the arc of a curve to the right;

THENCE, with the southeast line of said 35.40 acre and the apparent northwest right-of-way line of Old Bastrop Road, the following two (2) courses and distances;

- 1) With said curve to the right, having an arc length of 180.25 feet, a radius of 460.00 feet, a delta angle of 22°27'04", and a chord which bears S41°08'02"W, a distance of 179.10 feet to a found 1/2 inch iron rod,
- 2) S52°22'02"W, passing at 885.61 feet, a 1/2 inch iron rod, found for reference, and continuing in all 942.24 feet to a 1/2 inch iron rod, found for the south corner of said 35.40 acres and the herein described tract, same being the southeast corner of a called 10.265 acre tract, described in Volume 2761, Page 162 [O.P.R.H.C.T.]

THENCE, N46°06'13"W, with the southwest line of said 35.40 acres and the northeast line of said 10.265 acres, for a distance of 1,335.73 feet to 1/2 inch iron rod, found for the west corner of said 35.40 acres, the north corner of said 10.265 acres, and same being in the southeast line of a called 60.435 acre tract described in Volume 3698, Page 591 [O.P.R.H.C.T.];

THENCE, N44°08'35"E, with the westerly northwest line of said 35.40 acres, and the southeast line of said 60.435 acres, for a distance of 697.25 feet to a 1/2 inch iron rod, found for the westerly north corner of said 35.40 acres and the herein described tract, same being the west corner of A Hillside Village, Section 1, as recorded in Volume 8, Page 148 of the Plat Records of Hays County, Texas [P.R.H.C.T.], same being the west corner of Lot 9 of said A Hillside Village, Section 1;

(CONTINUED ON NEXT PAGE)

COMMITMENT YOU EXPECT.
EXPERIENCE YOU NEED.
PEOPLE YOU TRUST.



THENCE, S46°01'51"E, with the westerly northeast line of said 35.40 acres, and the southwest line of said Lot 9, for a distance of 335.04 feet to a 1/2 inch iron rod with "Byrn" cap, found for the south corner of said Lot 9, same being in the northwest right-of-way line of Cerro Vista Drive, 60 feet wide per recorded plat;

THENCE, S19°22'40"E, continuing with the westerly northeast line of said 35.40 acres and the southerly terminus right-of-way line of Cerro Vista Drive, for a distance of 67.29 feet to a 1/2 inch iron rod, found in the southeast right-of-way line of Cerro Vista Drive, same being the west corner of Lot 17 of said A Hillside Village, Section 1;

THENCE, with the common lines of the 35.40 acres to Lots 17, 16, 15, and 14 of said A Hillside Village, Section 1, the following three (3) courses and distances;

- 1) S46°02'02" E, a distance of 286.55 feet to a 1/2 inch iron rod, found for the south corner of Lot 17,
- 2) N44°07'40"E, passing at a distance of 233.93 feet, a 1/2 inch iron rod, found for the common southerly corner of Lots 16 and 15, and continuing in all 350.84 feet to 1/2 inch iron rod, found for an angle point in a northwest line of said 35.40 acres and the herein described tract, same being the common southerly corner of Lots 15 and 14,
- 3) N47°46'10"E, a distance of 98.70 feet a calculated point for the easterly north corner of the herein described tract, same being in the south line of Lot 14;

THENCE, S45°45'12"E, over and across said 35.40 acre tract, for a distance of 773.13 feet back to the **POINT OF BEGINNING** of the herein described tract and containing 29.40 acres [1,280,644 square feet].

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

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

I, Garrett Cavaiuolo, Registered Professional Land Surveyor, hereby certify that this metes and bounds description represents an actual survey performed on the ground under my supervision.



Garrett Cavaiuolo
Registered Professional Land Surveyor
Texas Registration No. 6714
Doucet & Associates, Inc.
GCavaiuolo@DoucetEngineers.com
TBPLS Firm No. 10105800

11/27/19
Date



Zoning Request	3200 Block of South Old Bastrop Hwy
ZC-19-10	



Summary

Request:	Zoning change from “FD” Future Development to “CD-3” Character District – 3		
Applicant:	Ed Theriot Doucet and Associates 7401B Hwy 71 W, Ste 160 Austin, TX 78735	Property Owner:	Scott Snyder SHC Holdings, LLC P.O. Box 160523 Austin, TX 78716-0523

Notification

Application:	November 5, 2019	Neighborhood Meeting:	N/A
Published:	November 24, 2019	# of Participants	N/A
Posted:	November 20, 2019	Personal:	November 22, 2019
Response:	None as of Staff Report date		

Property Description

Legal Description:	+/- 29.4 acre tract out of the Cyrus Wickson Survey, Abstract 474, Hays County		
Location:	3200 Block of South Old Bastrop Hwy		
Acreage:	29.4	PDD/DA/Other:	Pending Annexation
Existing Zoning:	“FD” Future Development	Proposed Zoning:	“CD-3” Character District – 3
Existing Use:	Vacant / Rural	Proposed Use:	Single-Family
Preferred Scenario:	“Growth Area – Medium Intensity”.	Proposed Designation:	“Growth Area – Medium Intensity”.
CONA Neighborhood:	N/A	Sector:	N/A
Utility Capacity:	Developer is responsible for extended utilities.	Floodplain:	No
Historic District	N/A		

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	ETJ	Single Family / Vacant	Growth Area - Medium Intensity
South of Property:	ETJ	Vacant	Growth Area - Medium Intensity
East of Property:	ETJ; “P” Public and Institutional; “CC” Community Commercial	Single Family / Vacant / San Marcos High School	Growth Area - Medium Intensity
West of Property:	ETJ	Single Family	Growth Area - Medium Intensity

Zoning Request	3200 Block of South Old Bastrop Hwy
ZC-19-10	



Staff Recommendation

<input checked="" type="checkbox"/>	Approval as Submitted	<input type="checkbox"/>	Approval with Conditions / Alternate	<input type="checkbox"/>	Denial
Staff: Andrea Villalobos, CNU-A		Title : Senior Planner		Date: December 5, 2019	

Commission Recommendation

<input checked="" type="checkbox"/>	Approval as Submitted	<input type="checkbox"/>	Approval with Conditions / Alternate	<input type="checkbox"/>	Denial
<p><u>Planning and Zoning Commission Meeting: December 10, 2019</u></p> <p>Speakers in favor or opposed:</p> <p>1. Ed Theriot (in favor)</p> <p>Recommendation from the Planning and Zoning Commission meeting held December 10, 2019: A motion was made by Commissioner Rand, seconded by Commissioner Haverland, to approve ZC-19-10. The motion carried 8-0.</p> <ul style="list-style-type: none"> • For: (8) Chairperson Garber, Vice Chairperson Gleason, Commissioner Rand, Commissioner McCarty, Commissioner Haverland, Commissioner Dillon, Commissioner Moore, and Commissioner Agnew • Against: 0 • Absent: (1) Commissioner Kelsey 					

Zoning Request**ZC-19-10****3200 Block of South Old
Bastrop Hwy****History**

The subject property is currently located outside the City Limits in the Extraterritorial Jurisdiction (ETJ). The property is currently vacant and is diagonally opposite from the San Marcos High School and adjacent to vacant and residential uses. The adjacent 18-lot residential subdivision to the north includes a public roadway known as Cerro Vista Drive. This roadway extends slightly onto the subject property to provide a turn-around cul-de-sac for the subdivision and may have been extended to serve a future phase of the neighborhood.

The purpose of this zoning change is to allow the development of residential lots allowed within CD-3 zoning. The applicant is also requesting a rezoning to CD-5 for six acres abutting the subject property. This request is being considered as part of a separate zoning request (ZC-19-11). Both zoning requests are being processed concurrently with an annexation request for the property.

The City of San Marcos will provide water and wastewater services at the site. The developer will be responsible for extending water and wastewater facilities through the site. Bluebonnet Electric Cooperative will provide electric service to this development.

Additional Analysis

Upon annexation, the property will be zoned "FD", the default classification for newly annexed land. The annexation request will be considered prior to the zoning change by City Council. See Comprehensive Plan Analysis Checklist and Criteria Checklists.

Comments from Other Departments

Police	No Comment
Fire	No Comment
Public Services	No Comment
Engineering	No Comment

Zoning Request	3200 Block of South Old Bastrop Hwy
ZC-19-10	



Evaluation			Compatibility of Uses & Density Criteria (Sec.4.1.2.5)
Consistent	Inconsistent	Neutral	
<u>X</u>			Helps prevent the impacts of high density uses on low density areas <i>The subject property is located within a Medium Intensity - Growth Area on the Preferred Scenario Map. Character Districts, such as CD-3, are intended for new development within this designation on the Preferred Scenario Map.</i>
		<u>N/A</u>	Limits changes in neighborhood density categories unless directed by a small area plan or neighborhood character study <i>Studies were not complete at the time of the request.</i>
<u>X</u>			Encourages more opportunities for home ownership <i>The property is proposed to be constructed as a single-family residential subdivision.</i>
<u>X</u>			Ensures a diversity of housing to serve citizens with varying needs and interests <i>CD-3 zoning is a residential district that will allow for one and two family residential uses. Allowable residential Building Types are House, Cottage, Cottage Court, Duplex, and Zero Lot Line House.</i>

Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan and preferred scenario map <i>Vision San Marcos states that the East Village Medium Intensity Zone should include a mix of commercial, retail, and service oriented activity including a variety of residential options. It further states that as the site of San Marcos' only high school, this area has a high potential for growth. The proposed request will add residential uses to the East Village and will be near the high school. In addition, Character Districts, such as CD-3, are designated as "C" Considered on the Comprehensive Plan / District Translation Table within a Medium Intensity District.</i>
		<u>N/A</u>	Whether the proposed zoning map amendment is consistent with any adopted small area plan or neighborhood character study for the area <i>Studies were not complete at time of request.</i>

Zoning Request	3200 Block of South Old Bastrop Hwy
ZC-19-10	



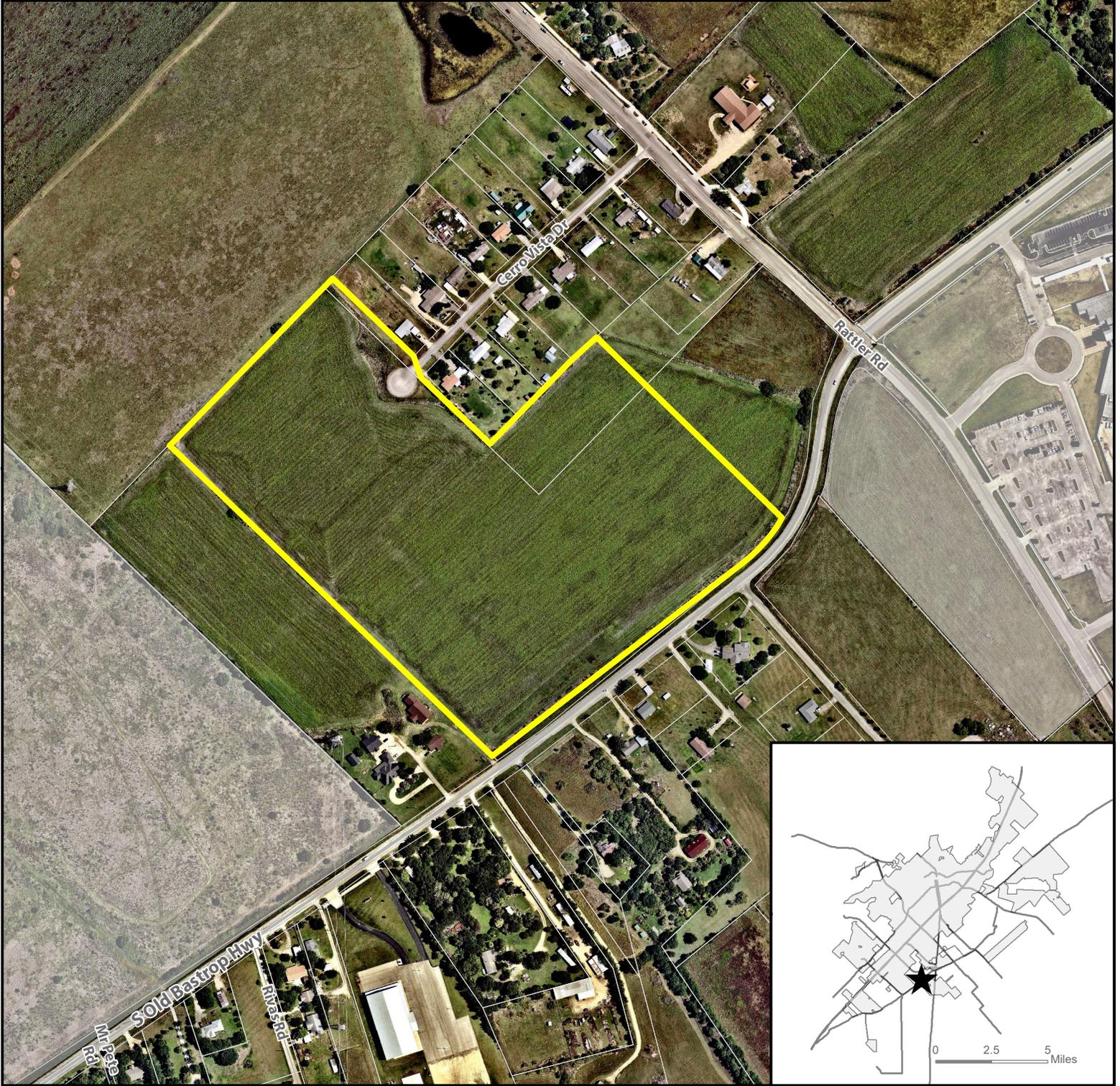
<u>X</u>		<p>Whether the proposed zoning map amendment is consistent with any applicable development agreement in effect <i>A development agreement is not required because the property is being annexed.</i></p>
<u>X</u>		<p>Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses shall be appropriate in the immediate area of the land to be reclassified <i>CD-3 only allows for residential uses and Building Types and uses that would substantially interfere with the residential nature of the district are not allowed.</i></p>
<u>X</u>		<p>Whether the proposed zoning will reinforce the existing or planned character of the area <i>Approval of this zoning change would allow the property to develop according to the vision of the Comprehensive Plan, which states that the community needs diversified housing options (Neighborhood and Housing Goal 3). It is also located within the East Village Medium Intensity Zone which is planned for growth. In addition, the subject property's proximity to the High School has the potential to provide convenient pedestrian and bike access between the property and the school.</i></p>
<u>X</u>		<p>Whether the site is appropriate for the development allowed in the proposed district <i>The property is vacant and shown to be in a low constrained area. In addition, the subject property is near existing residential development.</i></p>
	<u>N/A</u>	<p>Whether there are substantial reasons why the property cannot be used according to the existing zoning <i>The property is currently not zoned as it is located outside of the City Limits.</i></p>
<u>X</u>		<p>Whether there is a need for the proposed use at the proposed location <i>The rezoning does serve a public purpose as it furthers the goals and vision of the Comprehensive Plan.</i></p>
<u>X</u>		<p>Whether the City and other service providers will be able to provide sufficient public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, public safety, and emergency services, while maintaining sufficient levels of service to existing development <i>The property is located within the City's water service area and approximately 350 feet from the City's wastewater service area. Once the property is annexed, the City's wastewater service area boundary will be updated.</i></p>

Zoning Request	3200 Block of South Old Bastrop Hwy
ZC-19-10	



<u>X</u>		<p>Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property <i>The majority of the area surrounding the property is located within the East Village Medium Intensity Zone. Character districts are intended for new development in Medium Intensity Zone.</i></p>
	<u>N/A</u>	<p>For requests to a Neighborhood Density District, whether the proposed amendment complies with the compatibility of uses and density in Section 4.1.2.5 <i>This request is not for a Neighborhood Density District.</i></p>
<u>X</u>		<p>The impact the proposed amendment has with regard to the natural environment, including the quality and quantity of water and other natural resources, flooding, and wildlife management <i>The property is located within a low constrained area according to the Land Use Suitability Map. In addition, there is no floodplain on the property.</i></p>
<u>X</u>		<p>Any other factors which shall substantially affect the public health, safety, morals, or general welfare <i>None noted.</i></p>

ZC-19-10 Aerial View FD to CD-3 - 3200 Block of South Old Bastrop



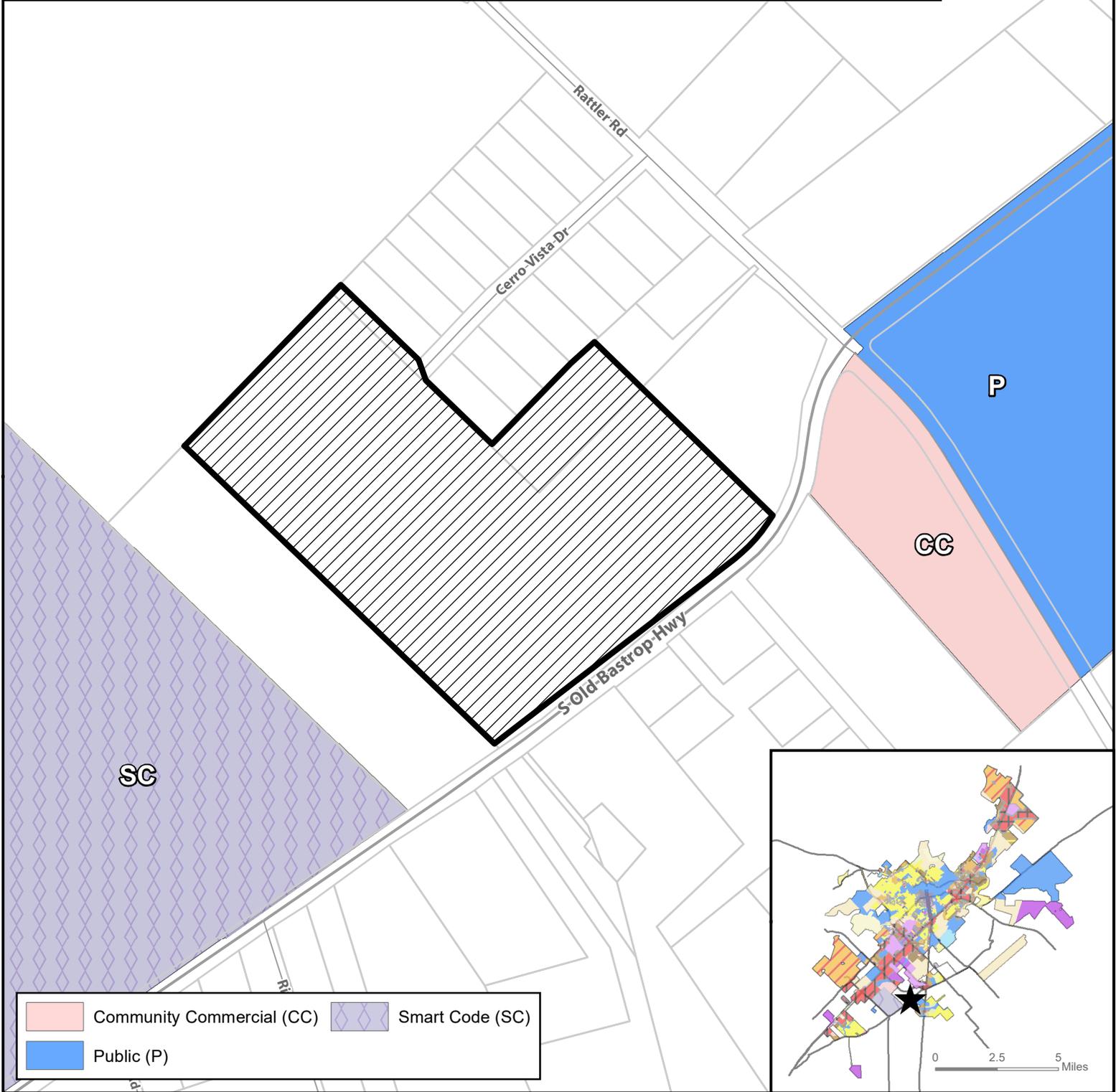
- ★ Site Location
- ▭ Subject Property
- ▭ Parcel
- ▭ City Limit



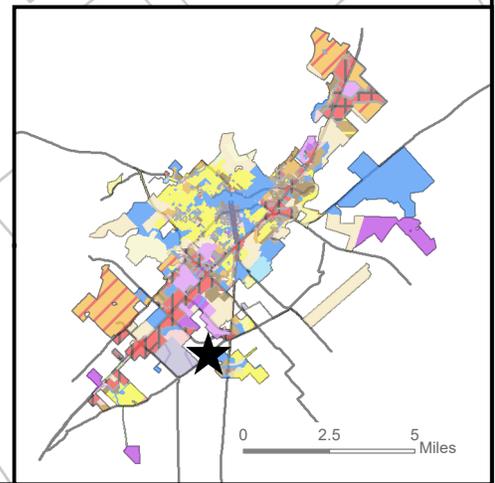
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Imagery from 2017.

Map Date: 11/25/2019

ZC-19-10 Existing Zoning Map FD to CD-3 - 3200 Block of South Old Bastrop



	Community Commercial (CC)		Smart Code (SC)
	Public (P)		



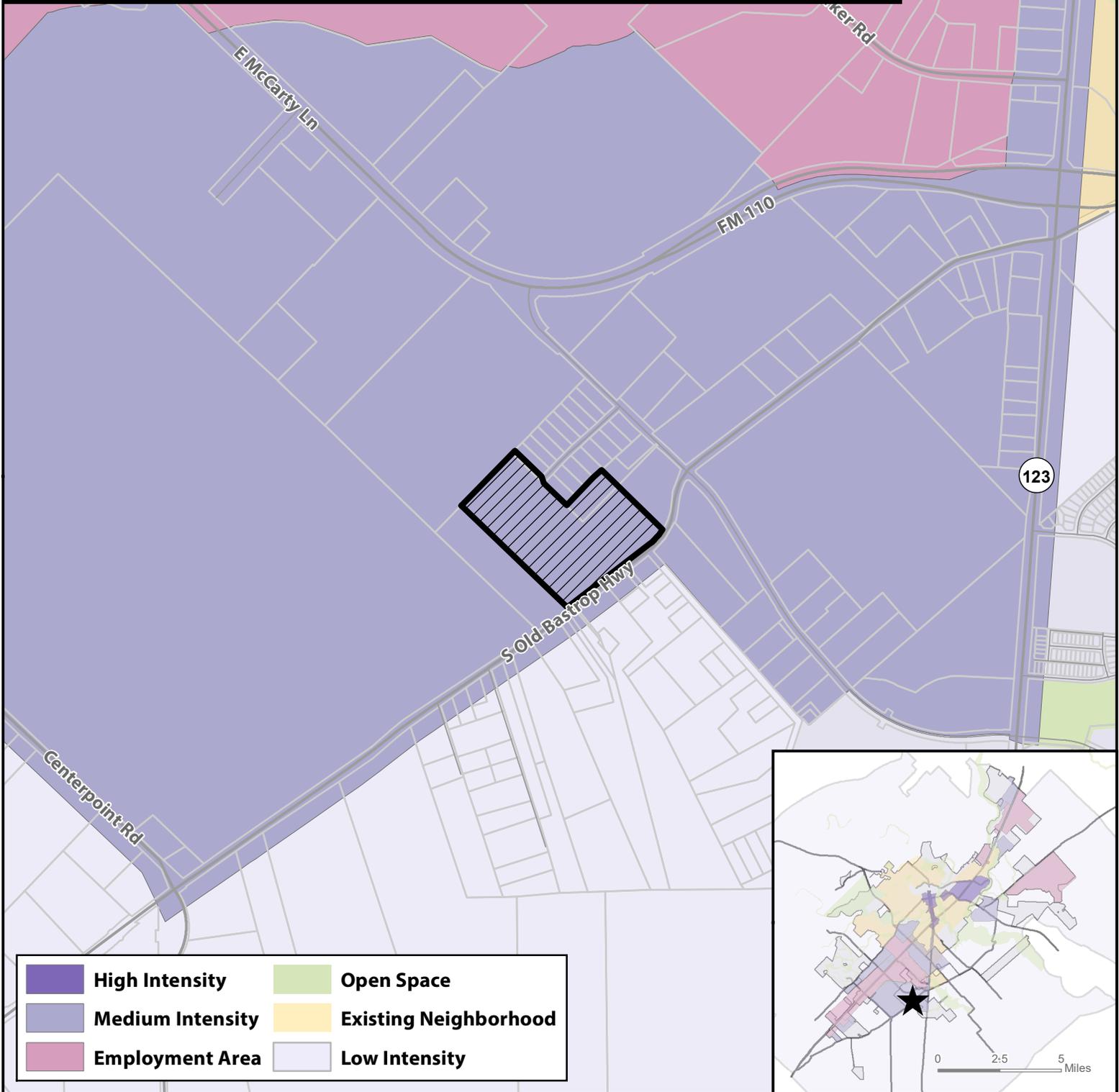
-  **Site Location**
-  **Subject Property**
-  **Parcels**
-  **City Limit**



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

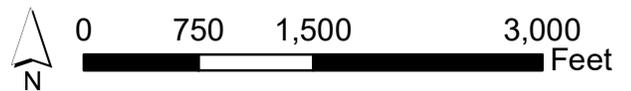
Map Date: 11/25/2019

ZC-19-10 Preferred Scenario FD to CD-3 - 3200 Block of South Old Bastrop Hwy



	High Intensity		Open Space
	Medium Intensity		Existing Neighborhood
	Employment Area		Low Intensity

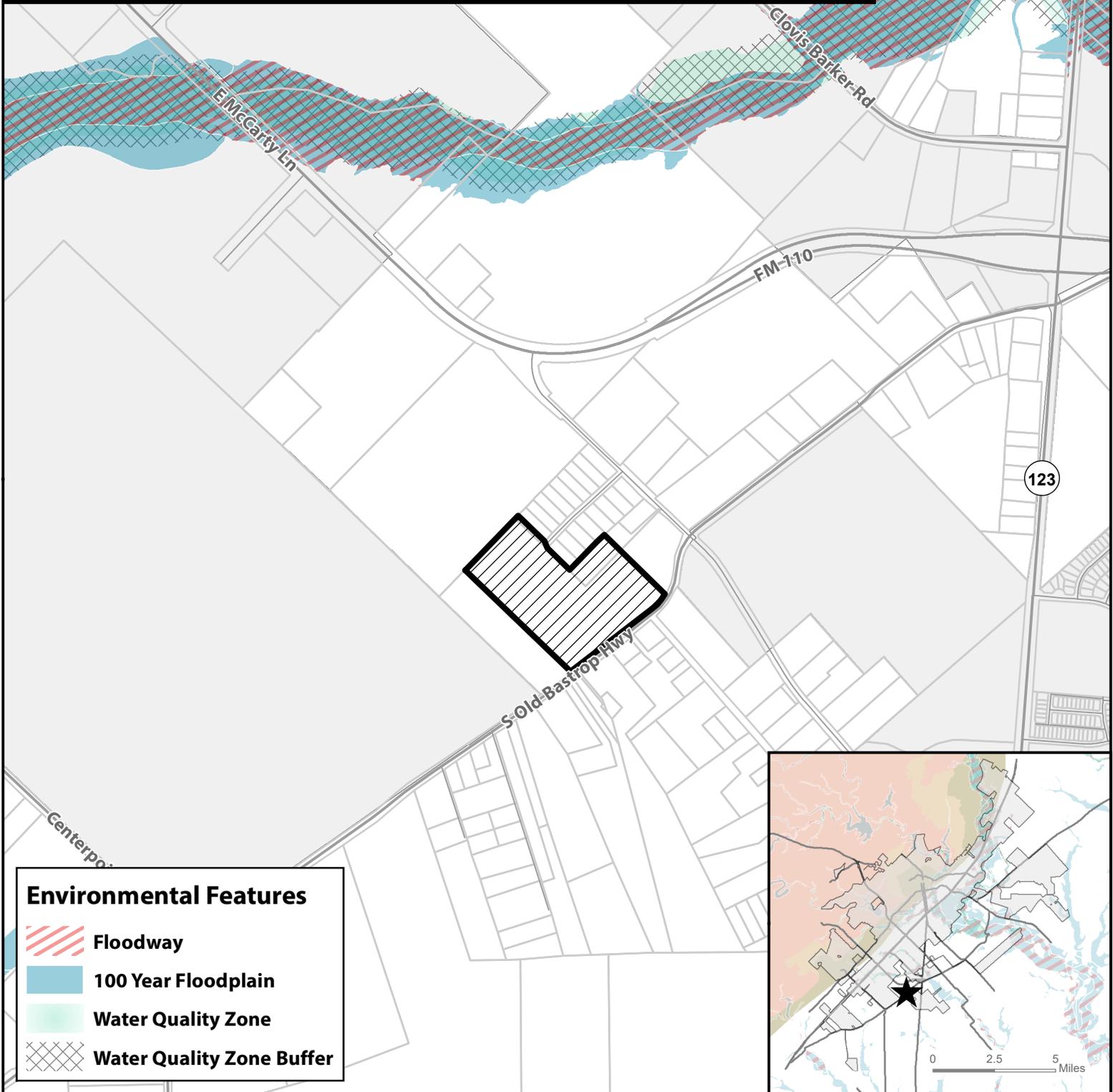
-  **Site Location**
-  **Subject Property**
-  **Parcels**
-  **City Limit**



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

Map Date: 11/25/2019

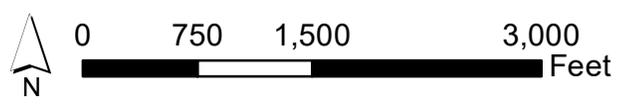
ZC-19-10 Environmental Features FD to CD-3 - 3200 Block of South Old Bastrop Hwy



Environmental Features

-  Floodway
-  100 Year Floodplain
-  Water Quality Zone
-  Water Quality Zone Buffer

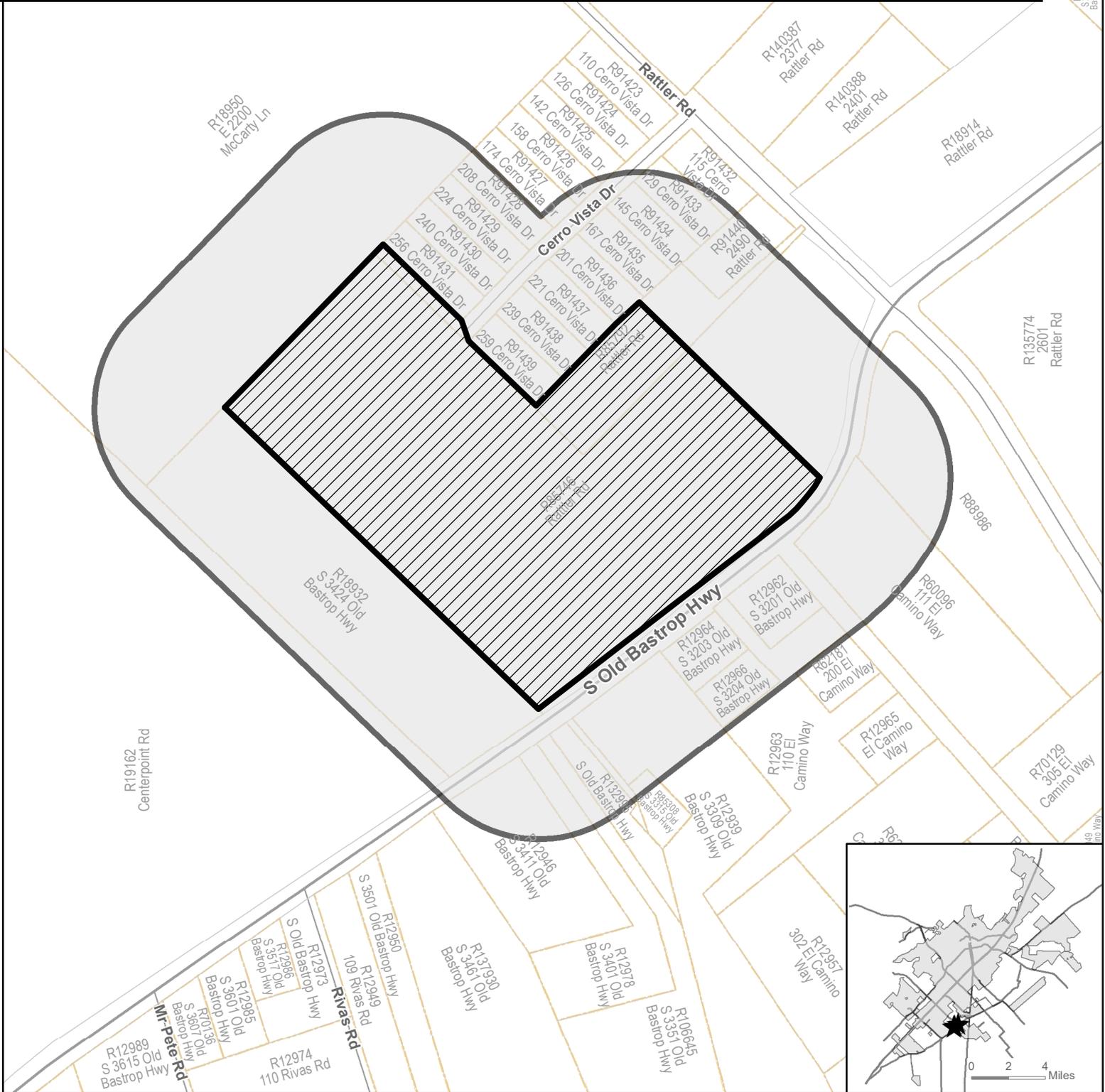
-  Site Location
-  Subject Property
-  Parcels
-  City Limit



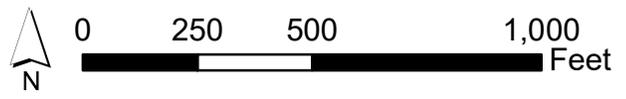
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Map Date: 11/26/2019

ZC-19-10 400' Notification Buffer FD to CD-3 — 3200 Block of South Old Bastrop Highway



- ★ Site Location
-  Subject Property
-  400' Buffer
-  Parcel
-  City Limit



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

Map Date: 11/19/2019

Notification List (ZC-19-10)

Property	Site Address	Owner Name	Owner Address	Address 2	Owner City	Owner State	Owner Zip
R91427	174 CERRO VISTA DR	ANGEL AUDELINO B & HERNANDEZ BLANCA E	174 CERRO VISTA DR	# 5	SAN MARCOS	TX	78666-1065
R91434	145 CERRO VISTA DR	BAILEY JESSE H & JESSICA L	754 BRIARBEND DR		NEW BRAUNFELS	TX	78130-2323
R91425	142 CERRO VISTA DR	CHAVEZ ALBERTO & IRENE	142 CERRO DR		SAN MARCOS	TX	78666
R91433	129 CERRO VISTA DR	COY MARY & GOMEZ MANUEL	129 CERRO VISTA DR		SAN MARCOS	TX	78666
R106645	3351 S OLD BASTROP HWY	DUCOTE, BRUCE A	3351 S OLD BASTROP HWY		SAN MARCOS	TX	78666
R91436	201 CERRO VISTA DR	FLORES, GUADALUPE, JR	201 CERRA VISTA DR		SAN MARCOS	TX	78666
R88986		FRAYEZUR PROPERTIES LP	PO BOX 629		SAN MARCOS	TX	78667
R91438	239 CERRO VISTA DR	GONZALEZ PABLO & ANGELICA	239 CERRO VISTA DR		SAN MARCOS	TX	78666-1067
R60096	111 EL CAMINO WAY	ISLAS PEDRO T & JOSEFA G REVOCABLE LIVING TRUST	726 WILLOW CREEK CIR		SAN MARCOS	TX	78666-5058
R91429	224 CERRO VISTA DR	MATA RAMON & RUTH	224 CERRO VISTA DR		SAN MARCOS	TX	78666
R91428	208 CERRO VISTA DR	MAYHEW MARK P & BARBARA	P O BOX 2695		WIMBERLEY	TX	78676-2695
R18932	3424 S OLD BASTROP HWY	MENDOZA ROY R & MARIA G	3424 B S OLD BASTROP HWY		SAN MARCOS	TX	78666
R85308	3315 S OLD BASTROP HWY	NATAL, FRANCES	% RAYMOND & PATRICIA NATAL	3315 S OLD BASTROP RD	SAN MARCOS	TX	78666
R12946	3411 S OLD BASTROP HWY	NATAL, MARY ANN	3411 OLD BASTROP HWY		SAN MARCOS	TX	78666
R12964	3203 S OLD BASTROP HWY	NEWBY JERRY & PATRICIA	3203 S OLD BASTROP HWY		SAN MARCOS	TX	78666
R91430	240 CERRO VISTA DR	NGO ANNA	240 CERRO VISTA DR		SAN MARCOS	TX	78666-1066
R91440	2486 RATTLER RD	PALACIOS LUIS	2486 E MCCARTY LN		SAN MARCOS	TX	78666-5029
R91431	256 CERRO VISTA DR	PARTIDA JENNIFER LYNN	8225 N FM 620 RD	APT 2132	AUSTIN	TX	78726-4171
R91439	259 CERRO VISTA DR	PATES DIGNA E	1612 MOCKINGBIRD DR		SAN MARCOS	TX	78666-7513
R91435	167 CERRO VISTA DR	PEREZ, DOMINGO	167 CERRO VISTA DR		SAN MARCOS	TX	78666-1065
R18950	2200 E MCCARTY LN	PEREZ, MARTINA C	2200 E MCCARTY LN		SAN MARCOS	TX	78666
R132995	S OLD BASTROP HWY	RAYMOND MATTHEW & RASMEY MAU	3309 S Old Bastrop HWY		San Marcos	TX	78666-8938
R12939	3309 S OLD BASTROP HWY	RAYMOND MATTHEW & RASMEY MAU	3309 S Old Bastrop HWY		San Marcos	TX	78666-8938
R12978	3401 S OLD BASTROP HWY	ROMANO AMANDA LAMONT TRUST	ROMANO ROCKY TRUSTEE	P O BOX 769	WIMBERLEY	TX	78676
R91437	221 CERRO VISTA DR	SANCHEZ THEODORA & SALAS ALFONSO	221 CERRO VISTA DR		SAN MARCOS	TX	78666
R62181	200 EL CAMINO WAY	SELVERA ALEX & CARMEN	3201 S OLD BASTROP RD		SAN MARCOS	TX	78666
R12962	3201 S OLD BASTROP HWY	SELVERA ALEX & CARMEN	3201 S OLD BASTROP RD		SAN MARCOS	TX	78666
R12963	110 EL CAMINO WAY	SELVERA, ALEX	3201 S OLD BASTROP HWY		SAN MARCOS	TX	78666
R12966	3204 S OLD BASTROP HWY	SELVERA, ROSANNA	3204 S OLD BASTROP HWY		SAN MARCOS	TX	78666
R85792	RATTLER RD	SHC HOLDINGS LLC	ATTN: SCOTT SNYDER	PO BOX 160523	AUSTIN	TX	78716-0523
R91432	115 CERRO VISTA DR	TIJERINA, ROBERT, Jr	115 CERRO VISTA DR		SAN MARCOS	TX	78666
R91426	158 CERRO VISTA DR	VILLANUEVA NANCY G & JOHN M	158 CERRO VISTA DR		SAN MARCOS	TX	78666
		SARA LEE UNDERWOOD-MYERS	1415 HARPER DR				
		LIZBETH DOBBINS	2705 LESLIE LN				
		WALTON TEXAS LP, C/O WALTON INTERNATIONAL GROUP	5420 LYNDON B JOHNSON FWY STE 790		DALLAS	TX	75240-1084

Section 5.1.1.2 Land Use Matrix Future Development (FD) VS. Character District (CD-3)

TABLE 5.1 LAND USE MATRIX

TYPES OF LAND USES	CONVENTIONAL RESIDENTIAL				NEIGHBORHOOD DENSITY DISTRICTS				CHARACTER DISTRICTS						SPECIAL DISTRICTS					DEFINITION USE STANDARDS
	FD	SF-R	SF-6	SF-4.5	ND-3	ND-3.5	ND-4	N-MS	CD-1	CD-2	CD-3	CD-4	CD-5	CD-5D	HC	LI	HI	MH	EC	
AGRICULTURAL USES																				
Barns or agricultural buildings	P	L	--	--	--	--	--	--	P	P	L	--	--	--	P	--	--	--	--	Section 5.1.2.1
Stables	P	L	--	--	--	--	--	--	--	P	L	--	--	--	P	--	--	--	--	Section 5.1.2.2
Community Garden	P	P	L	L	L	L	L	--	P	P	L	L	L	L	P	P	P	P	P	Section 5.1.2.3
Urban Farm	P	C	C	C	C	L	L	C	P	P	L	L	C	C	P	P	--	P	C	Section 5.1.2.4
Plant Nursery	L	--	--	--	--	--	--	P	--	L	--	--	P	P	P	P	P	--	P	Section 5.1.2.5
ACCESSORY USES AND STRUCTURES																				
Accessory Building/Structure	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 5.1.3.1
Accessory Dwelling Unit	L	L	L	L	L	L	P	P	--	P	L	P	P	P	--	--	--	--	--	Section 5.1.3.1
Accessory Use, except as listed below:	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 5.1.3.2
Outdoor Storage	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	L	P	--	L	Section 5.1.3.2
Outdoor Display	--	--	--	--	--	--	--	L	--	--	--	--	L	L	P	--	--	--	L	Section 5.1.3.2
Food Truck	--	--	--	--	--	--	--	P	--	--	--	--	P	P	P	P	P	--	P	Section 5.1.3.1
Drive-thru or Drive-in	--	--	--	--	--	--	--	C	--	--	--	--	C	C	P	--	--	--	P	Section 5.1.3.2
Home Occupation	L	L	L	L	L	L	L	--	--	L	L	L	--	--	--	--	--	--	--	Section 5.1.3.4
Family Home Care	P	P	P	P	P	P	P	--	--	P	P	P	--	--	--	--	--	--	--	Section 5.1.3.5
Short Term Rental	L	L	L	L	L	L	L	P	--	L	L	P	P	P	--	--	--	L	P	Section 5.1.3.6
RESIDENTIAL USES																				
Single Family Detached	P	L	L	L	L	L	L	--	--	P	P	P	--	--	--	--	--	--	--	Section 5.1.4.1
Cottage Court	--	--	--	--	--	L	L	--	--	--	P	P	--	--	--	--	--	--	--	Section 5.1.4.1
Two Family	--	--	--	--	--	L	L	--	--	--	P	P	--	--	--	--	--	--	--	Section 5.1.4.1
Single Family Attached	--	--	--	--	L	L	L	L	--	--	P	P	P	P	--	--	--	--	--	Section 5.1.4.1
Small Multi-Family (up to 9 units)	--	--	--	--	--	L	L	L	--	--	--	P	P	P	--	--	--	--	--	Section 5.1.4.1
Courtyard Housing (up to 24 units)	--	--	--	--	--	--	L	L	--	--	--	P	P	P	--	--	--	--	--	Section 5.1.4.1
Multi-family (10 or more units)	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	--	--	--	--	Section 5.1.4.1
Purpose Built Student Housing	--	--	--	--	--	--	--	--	--	--	--	--	C	C	--	--	--	--	--	Section 5.1.4.1
Manufactured Home	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	Section 5.1.4.1
Mobile Home Community	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	Section 5.1.4.1

TABLE 5.1 LAND USE MATRIX

TYPES OF LAND USES	CONVENTIONAL RESIDENTIAL				NEIGHBORHOOD DENSITY DISTRICTS				CHARACTER DISTRICTS						SPECIAL DISTRICTS					DEFINITION USE STANDARDS
	FD	SF-R	SF-6	SF-4.5	ND-3	ND-3.5	ND-4	N-MS	CD-1	CD-2	CD-3	CD-4	CD-5	CD-5D	HC	LI	HI	MH	EC	
Community Home	L	L	L	L	L	L	P	P	--	P	P	P	P	P	--	--	--	L	--	Section 5.1.4.12
Fraternity or Sorority Building	--	--	--	--	--	--	C	C	--	--	--	C	P	P	--	--	--	--	--	Section 5.1.4.12
COMMERCIAL USES																				
Professional Office	--	--	--	--	--	--	L	P	--	--	--	L	P	P	P	P	--	--	P	Section 5.1.5.1
Medical, except as listed below:	--	--	--	--	--	--	L	P	--	--	--	L	P	P	P	--	--	--	P	Section 5.1.5.2
Urgent care, emergency clinic, or hospital	--	--	--	--	--	--	--	P	--	--	--	--	P	P	P	P	--	--	P	Section 5.1.5.2
Nursing/ retirement home	--	--	--	--	--	--	P	P	--	--	--	P	P	P	P	--	--	--	P	Section 5.1.5.2
Personal Services, except as listed below:	--	--	--	--	--	--	L	P	--	--	--	L	P	P	P	--	--	--	P	Section 5.1.5.3
Animal care (indoor)	C	--	--	--	--	--	--	P	--	--	--	--	P	P	P	--	--	--	P	Section 5.1.5.3
Animal care (outdoor)	C	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	--	C	Section 5.1.5.3
Funeral Home	--	--	--	--	--	--	--	C	--	--	--	--	C	C	P	--	--	--	P	Section 5.1.5.3
Adult Oriented Businesses	See Section 18, Article 6 of the City Code																			
All Retail Sales, except as listed below:	--	--	--	--	--	--	L	P	--	--	--	L	P	P	P	--	--	--	P	Section 5.1.5.4
Gasoline Sales	--	--	--	--	--	--	--	L	--	--	--	--	C	C	P	--	--	--	P	Section 5.1.5.4
Truck stop	--	--	--	--	--	--	--	--	--	--	--	--	--	--	L	--	--	--	L	Section 5.1.5.4
Tattoo, body piercing	--	--	--	--	--	--	C	C	--	--	--	C	P	P	P	--	--	--	P	Section 5.1.5.4
Building material sales	--	--	--	--	--	--	--	C	--	--	--	--	C	C	P	P	P	--	P	Section 5.1.5.4
Vehicle Sales/ Rental	--	--	--	--	--	--	--	C	--	--	--	--	C	C	P	--	--	--	P	Section 5.1.5.4
Pawnshop	--	--	--	--	--	--	--	C	--	--	--	C	P	P	P	--	--	--	P	Section 5.1.5.4
Restaurant/ Bar, as listed below:																				
Eating Establishment	--	--	--	--	--	--	L	P	--	--	--	L	P	P	P	--	--	--	P	Section 5.1.5.5
Bar	--	--	--	--	--	--	--	C	--	--	--	--	C	C	C	--	--	--	C	Section 5.1.5.5
Mobile Food Court	--	--	--	--	--	--	--	C	--	--	--	--	P	P	--	--	--	--	--	Section 5.1.5.5
Sale of Alcohol for on premise consumption	--	--	--	--	--	--	C	C	--	--	--	C	C	C	C	--	--	--	C	Section 5.1.5.5
Overnight Lodging, as listed below:																				Section 5.1.5.6
Bed and Breakfast (up to 8 rooms)	L	C	C	C	C	L	L	P	--	P	C	P	P	P	--	--	--	--	P	Section 5.1.5.6
Boutique Hotel (9 - 30 rooms)	--	--	--	--	--	--	C	P	--	--	--	P	P	P	--	--	--	--	P	Section 5.1.5.6

TABLE 5.1 LAND USE MATRIX

TYPES OF LAND USES	CONVENTIONAL RESIDENTIAL				NEIGHBORHOOD DENSITY DISTRICTS				CHARACTER DISTRICTS					SPECIAL DISTRICTS					DEFINITION USE STANDARDS	
	FD	SF-R	SF-6	SF-4.5	ND-3	ND-3.5	ND-4	N-MS	CD-1	CD-2	CD-3	CD-4	CD-5	CD-5D	HC	LI	HI	MH		EC
Hotel/ Motel (more than 30 rooms)	--	--	--	--	--	--	--	P	--	--	--	--	P	P	--	--	--	--	P	Section 5.1.5.6
Outdoor Recreation, except as listed below:	--	--	--	--	--	--	--	C	--	--	--	--	P	C	P	--	--	--	P	Section 5.1.5.7
Golf Course	C	C	C	C	C	C	C	C	C	C	C	C	C	C	--	--	--	C	C	Section 5.1.5.7
Traveler Trailers/ RVs Short Term stays	P	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	P	--	Section 5.1.5.7
Shooting Range	C	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	--	C	Section 5.1.5.7
Indoor Recreation, except as listed below:	--	--	--	--	--	--	--	P	--	--	--	--	P	P	P	P	P	--	P	Section 5.1.5.8
Gym/ Health club	--	--	--	--	--	--	L	P	--	--	--	L	P	P	P	P	P	--	P	Section 5.1.5.8
Smoking Lounge	--	--	--	--	--	--	--	C	--	--	--	--	P	C	--	--	--	--	P	Section 5.1.5.8
Charitable Gaming Facility	--	--	--	--	--	--	--	--	--	--	--	--	C	--	C	--	--	--	C	Section 5.1.5.8
PUBLIC & INSTITUTIONAL																				
Civic, except as listed below:	P	L	L	L	L	L	P	P	L	L	L	P	P	P	P	P	P	P	P	Section 5.1.6.1
Day Care Center	C	--	--	--	C	C	L	P	--	C	C	L	P	P	P	--	--	--	P	Section 5.1.6.1
Parks, Open Space, and Greenways	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 5.1.6.2
Minor Utilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 5.1.6.3
Major Utilities	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	C	--	--	Section 5.1.6.3
Antenna	See Section 5.1.6.3D																			
INDUSTRIAL																				
Light Industrial	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	P	P	--	C	Section 5.1.7.1
Light Manufacturing	--	--	--	--	--	--	--	C	--	--	--	--	P	P	P	P	P	--	P	Section 5.1.7.2
Vehicle Service, as listed below:																				Section 5.1.7.3
Car Wash	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	C	Section 5.1.7.3
Vehicle repair (minor)	--	--	--	--	--	--	--	C	--	--	--	--	P	P	P	P	P	--	C	Section 5.1.7.3
Vehicle repair (major)	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	C	Section 5.1.7.3
Warehouse & Distribution	--	--	--	--	--	--	--	--	--	--	--	--	C	--	P	P	P	--	P	Section 5.1.7.4
Waste-Related service	--	--	--	--	--	--	--	--	--	--	--	--	C	--	P	P	P	--	--	Section 5.1.7.5
Wholesale trade	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	P	Section 5.1.7.6
Self Storage	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	C	Section 5.1.7.7
Research and Development	--	--	--	--	--	--	--	--	--	--	--	--	C	C	P	P	P	--	C	Section 5.1.7.8
Wrecking/Junk Yard	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	Section 5.1.7.9

Zoning District Comparison Chart

Topic	Existing Zoning: Future Development (FD)	Proposed Zoning: Character District – 3 (CD-3)
Zoning Description	The Future Development (FD) District is intended to serve as a temporary zoning district for properties that shall develop in the future, but have been newly annexed and/or are not yet ready to be zoned for a particular Use. Characterized by primarily agricultural use with woodlands and wetlands and scattered buildings.	The CD-3 district is primarily intended to accommodate one and two family houses. Uses that would substantially interfere with the residential nature of the district are not allowed.
Uses	Residential (<i>See Land Use Matrix</i>)	Residential (<i>See Land Use Matrix</i>)
Parking Location	No location standards	No parking in the 1st layer; Garage design/orientation requirements
Parking Standards	2 spaces per dwelling unit (Single Family Detached)	2 spaces per dwelling unit (Single Family Detached)
Max Residential Units per acre	0.4 units per acre (max)	10 units per acre (max)
Occupancy Restrictions	N/A	N/A
Landscaping	Tree and shrub requirements	Tree and shrub requirements
Building Height (max)	2 stories	2 stories
Setbacks	Based on Zoning District	Based on Zoning District
Impervious Cover (max)	30%	60%
Lot Sizes	Allows a variety of lot sizes depending on Building Type.	Allows a variety of lot sizes depending on Building Type.
Streetscapes	Residential Street: 5' sidewalk for lots smaller than 1 acre, street trees every 40' on center average, 7' planting area between sidewalk and street required.	Residential Street: 5' sidewalk, street trees every 40' on center average, 7' planting area between sidewalk and street required.
Blocks	No Block Perimeter Required	2,800 ft. Block Perimeter max

ZC-19-10 (3200 Block of South Old Bastrop Hwy) Zoning Change Review (By Comp Plan Element)

LAND USE – Preferred Scenario Map / Land Use Intensity Matrix

	YES	NO (map amendment required)
Does the request meet the intent of the Preferred Scenario Map and the Land Use Intensity Matrix?	X – East Village Medium Intensity Zone	

ECONOMIC DEVELOPMENT – Furthering the goal of the Core 4 through the three strategies

STRATEGY	SUMMARY	Supports	Contradicts	Neutral
Preparing the 21 st Century Workforce	Provides / Encourages educational opportunities			X
Competitive Infrastructure & Entrepreneurial Regulation	Provides / Encourages land, utilities and infrastructure for business			X
The Community of Choice	Provides / Encourages safe & stable neighborhoods, quality schools, fair wage jobs, community amenities, distinctive identity			X

ENVIRONMENT & RESOURCE PROTECTION – Land Use Suitability & Development Constraints

	1 (least)	2	3 (moderate)	4	5 (most)
Level of Overall Constraint	X				
Constraint by Class					
Cultural	X				
Edwards Aquifer	X				
Endangered Species	X				
Floodplains	X				
Geological	X				
Slope	X				
Soils	X				
Vegetation	X				
Watersheds	X				
Water Quality Zone	X				

ENVIRONMENT & RESOURCE PROTECTION – Water Quality Model Results

Located in Subwatershed:	Cottonwood Creek Watershed				
	0-25%	25-50%	50-75%	75-100%	100%+
Modeled Impervious Cover Increase Anticipated for watershed					X
Notes: The property is located within the Cottonwood Creek Watershed. Most of the area that is located within this watershed is primarily rural, undeveloped, and used for agriculture. The Comprehensive Plan states that the rise in impervious cover can be attributed to multiple intensity zones located within the watershed.					

NEIGHBORHOODS – Where is the property located

CONA Neighborhood(s):	N/A – Outside City Limits
Neighborhood Commission Area(s):	N/A – Outside City Limits
Neighborhood Character Study Area(s):	N/A

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

				YES	NO
Will Parks and / or Open Space be Provided? Parkland dedication or fee-in-lieu will be required at time of plat. In addition, the San Marcos Development Code requires a \$400/unit Parkland Development Fee to be paid prior to development.				X	
Will Trails and / or Green Space Connections be Provided?					X
Maintenance / Repair Density	Low (maintenance)		Medium		High (maintenance)
Wastewater Infrastructure	X				
Water Infrastructure	X				
Public Facility Availability				YES	NO
Parks / Open Space within ¼ mile (walking distance)? The development will be required to dedicate required parkland at the time of plat. The nearest park is the Cottonwood Creek Park.					X
Wastewater service available? Wastewater lines will also be required throughout the development to service the property.				X	
Water service available? Water lines will be also required throughout the development to service the property.				X	

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

		A	B	C	D	F
Existing Daily LOS	South Old Bastrop Highway Rattler Road	X X				
Existing Peak LOS	South Old Bastrop Highway Rattler Road	X X				
Preferred Scenario Daily LOS	South Old Bastrop Highway Rattler Road	X X				
Preferred Scenario Peak LOS	South Old Bastrop Highway Rattler Road	X		X		
Note: The property will be required to meet the Transportation Master Plan and construct required streets per the Block Standards in the Development Code.						
			N/A	Good	Fair	Poor
Sidewalk Availability (Required to build.)			X			
Sidewalks will be required to be constructed at the time of development.						
				YES	NO	
Adjacent to existing bicycle lane? The development will be responsible for constructing required bike infrastructure within new proposed streets.					X	
Adjacent to existing public transportation route?					X	

ZONING CHANGE, OVERLAY OR ESTABLISHMENT OF A HISTORIC DISTRICT/LANDMARK APPLICATION



Updated: October, 2018

Case # ZC-____-____

CONTACT INFORMATION

Applicant's Name	Doucet & Associates (Ed Theriot)	Property Owner	SHC Holdings (Scott Snyder)
Applicant's Mailing Address	7401B Hwy. 71 W., Ste. 160 Austin, TX 78735	Owner's Mailing Address	P.O. Box 160523 Austin, TX 78716-0523
Applicant's Phone #	512-583-2600 o / 512-618-2865 c	Owner's Phone #	512-347-7320
Applicant's Email	etheriot@doucetengineers.com	Owner's Email	ssnyder@rstaxcpa.com

PROPERTY INFORMATION

Subject Property Address(es): E. McCarty & S. Old Bastrop Hwy, San Marcos, TX 78666

Legal Description: Lot _____ Block _____ Subdivision 29.4 ac out of Cyrus Wickson Survey, Abstract #474

Total Acreage: 29.4 acres (out of 31.456 ac) **Tax ID #: R** 85746

Preferred Scenario Designation: Dev. Zone: East Village **Existing Zoning:** ETJ

Existing Land Use(s): Vacant

DESCRIPTION OF REQUEST

Proposed Zoning District(s): CD-3

Proposed Land Uses / Reason for Change: _____

Annexation application has been submitted, Site development for single-family residential development requires rezoning

AUTHORIZATION

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

Filing Fee* \$1,030 plus \$100 per acre **Technology Fee** \$12 **MAXIMUM COST** \$3,012

**Existing Neighborhood Regulating Plan Included.*

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

APPLY ONLINE – WWW.MYGOVERNMENTONLINE.ORG/



CHECKLIST FOR ZONING CHANGE, ZONING OVERLAY OR HISTORIC DISTRICT

The following items are requested for consideration of this application. These and additional items may be required at the request of the Department		Comments
<input type="checkbox"/>	Pre-application conference with staff is recommended Please call 512-393-8230 to schedule	
<input type="checkbox"/>	Completed Application for Zoning Change, Overlay, or Establishment of Historic District/Landmark	
<input type="checkbox"/>	Copy of Subdivision Plat or Metes & Bounds	Metes & bounds for overall subdivision is attached
<input type="checkbox"/>	CAD file in grid for GIS integration. Projection: NAD 1983 StatePlane Texas South Central FIPS 4204 Feet	
<input type="checkbox"/>	Certificate of no tax delinquency	Copies of current Account Summary & Tax Receipts are attached
<input type="checkbox"/>	Proof of Ownership	Deed attached: Vol. 4595, Pg. 398
<input type="checkbox"/>	Lien Holder(s) Name and Mailing Address(es)	Trustee: Rex G. Baker, III, P.O. Box 718, Dripping Springs, TX 78620
<input type="checkbox"/>	Agreement to the placement of notification signs and acknowledgement of notification requirements	Attached
<input type="checkbox"/>	Property Owner Authorization	Signed Agent Authorization Letter is attached.
<input type="checkbox"/>	Filing Fee \$1,030 + \$100 per acre (\$3,000 max) Technology Fee \$12	
<p>**San Marcos Development Code Section 2.3.1.1(C): “Every application accepted by the responsible official for filing shall be subject to a determination of completeness...the responsible official is not required to review an application unless it is complete...”</p>		

September 6, 2019

Authority Having Jurisdiction (AHJ)

RE: Agent Authorization for an approximately 36 tract located at the intersection of Rattler Road and CR 266 in Hays County, Texas

Doucet & Associates, Inc. is authorized to act as Agents for SHC, Holdings, LLC, owner of the property, locally known as ABS 474, being a 31.456 AC tract and a 3.944 acre tract located in the Cyrus Wickson Survey, with regard to coordinating, submitting and processing all necessary development related permits, zoning requests and plats with the various Authorities Having Jurisdiction.

If you should have any questions, please contact me.

SHC Holdings, LLC

By:



Scott Snyder
ssnyder@rstaxcpa.com
512-347-7320

**AGREEMENT TO THE PLACEMENT OF NOTIFICATION SIGNS
AND ACKNOWLEDGEMENT OF NOTIFICATION REQUIREMENTS**

The City of San Marcos Development Code requires public notification in the form of notification signs on the subject property, published notice, and / or personal notice based on the type of application presented to the Planning Commission and / or City Council.

- Notification Signs: if required by code, staff shall place notification signs on each street adjacent to the subject property and must be placed in a visible, unobstructed location near the property line. It is unlawful for a person to alter any notification sign, or to remove it while the request is pending. However, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements. ***It shall be the responsibility of the applicant to periodically check sign locations to verify that the signs remain in place had have not been vandalized or removed. The applicant shall immediately notify the responsible official of any missing or defective signs. It is unlawful for a person to alter any notification sign, or to remove it while the case is pending; however, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements.***
- Published Notice: if required by code, staff shall publish a notice in a newspaper of general circulation in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be published it may be at the expense of the applicant. The renotification fee shall be \$88 plus an \$12 technology fee.***
- Personal Notice: if required by code, staff shall mail personal notice in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be mailed it may be at the expense of the applicant. The renotification fee shall be \$88 plus a \$12 technology fee.***

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

Signature: 

Date: 9/30/2019

Print Name: Ed Theriot



McCarty Lane
Hays County, Texas

D&A Job No. 1787-001
November 27, 2019

**METES & BOUNDS DESCRIPTION
For 29.40 Acres [1,280,644 Square Feet]**

BEING A 29.40 ACRE [1,280,644 SQUARE FEET] TRACT OF LAND OUT OF THE CYRUS WICKSON SURVEY, ABSTRACT NUMBER 474, BEING OUT OF A CALLED 35.40 ACRE TRACT OF LAND DESCRIBED IN VOLUME 4595, PAGE 398 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS [O.P.R.H.C.T.], SAID 29.40 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a calculated point in the south line of said 35.40 acre tract, same being in the apparent northwest right-of-way line of Old Bastrop Road (County Road 266), no record information found, and same being a point in the arc of a curve to the right;

THENCE, with the southeast line of said 35.40 acre and the apparent northwest right-of-way line of Old Bastrop Road, the following two (2) courses and distances;

- 1) With said curve to the right, having an arc length of 180.25 feet, a radius of 460.00 feet, a delta angle of $22^{\circ}27'04''$, and a chord which bears $S41^{\circ}08'02''W$, a distance of 179.10 feet to a found 1/2 inch iron rod,
- 2) $S52^{\circ}22'02''W$, passing at 885.61 feet, a 1/2 inch iron rod, found for reference, and continuing in all 942.24 feet to a 1/2 inch iron rod, found for the south corner of said 35.40 acres and the herein described tract, same being the southeast corner of a called 10.265 acre tract, described in Volume 2761, Page 162 [O.P.R.H.C.T.]

THENCE, $N46^{\circ}06'13''W$, with the southwest line of said 35.40 acres and the northeast line of said 10.265 acres, for a distance of 1,335.73 feet to 1/2 inch iron rod, found for the west corner of said 35.40 acres, the north corner of said 10.265 acres, and same being in the southeast line of a called 60.435 acre tract described in Volume 3698, Page 591 [O.P.R.H.C.T.];

THENCE, $N44^{\circ}08'35''E$, with the westerly northwest line of said 35.40 acres, and the southeast line of said 60.435 acres, for a distance of 697.25 feet to a 1/2 inch iron rod, found for the westerly north corner of said 35.40 acres and the herein described tract, same being the west corner of A Hillside Village, Section 1, as recorded in Volume 8, Page 148 of the Plat Records of Hays County, Texas [P.R.H.C.T.], same being the west corner of Lot 9 of said A Hillside Village, Section 1;

(CONTINUED ON NEXT PAGE)

THENCE, S46°01'51"E, with the westerly northeast line of said 35.40 acres, and the southwest line of said Lot 9, for a distance of 335.04 feet to a 1/2 inch iron rod with "Byrn" cap, found for the south corner of said Lot 9, same being in the northwest right-of-way line of Cerro Vista Drive, 60 feet wide per recorded plat;

THENCE, S19°22'40"E, continuing with the westerly northeast line of said 35.40 acres and the southerly terminus right-of-way line of Cerro Vista Drive, for a distance of 67.29 feet to a 1/2 inch iron rod, found in the southeast right-of-way line of Cerro Vista Drive, same being the west corner of Lot 17 of said A Hillside Village, Section 1;

THENCE, with the common lines of the 35.40 acres to Lots 17, 16, 15, and 14 of said A Hillside Village, Section 1, the following three (3) courses and distances;

- 1) S46°02'02" E, a distance of 286.55 feet to a 1/2 inch iron rod, found for the south corner of Lot 17,
- 2) N44°07'40"E, passing at a distance of 233.93 feet, a 1/2 inch iron rod, found for the common southerly corner of Lots 16 and 15, and continuing in all 350.84 feet to 1/2 inch iron rod, found for an angle point in a northwest line of said 35.40 acres and the herein described tract, same being the common southerly corner of Lots 15 and 14,
- 3) N47°46'10"E, a distance of 98.70 feet a calculated point for the easterly north corner of the herein described tract, same being in the south line of Lot 14;

THENCE, S45°45'12"E, over and across said 35.40 acre tract, for a distance of 773.13 feet back to the **POINT OF BEGINNING** of the herein described tract and containing 29.40 acres [1,280,644 square feet].

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

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

I, Garrett Cavaiuolo, Registered Professional Land Surveyor, hereby certify that this metes and bounds description represents an actual survey performed on the ground under my supervision.



Garrett Cavaiuolo
Registered Professional Land Surveyor
Texas Registration No. 6714
Doucet & Associates, Inc.
GCavaiuolo@DoucetEngineers.com
TBPLS Firm No. 10105800

11/27/19
Date



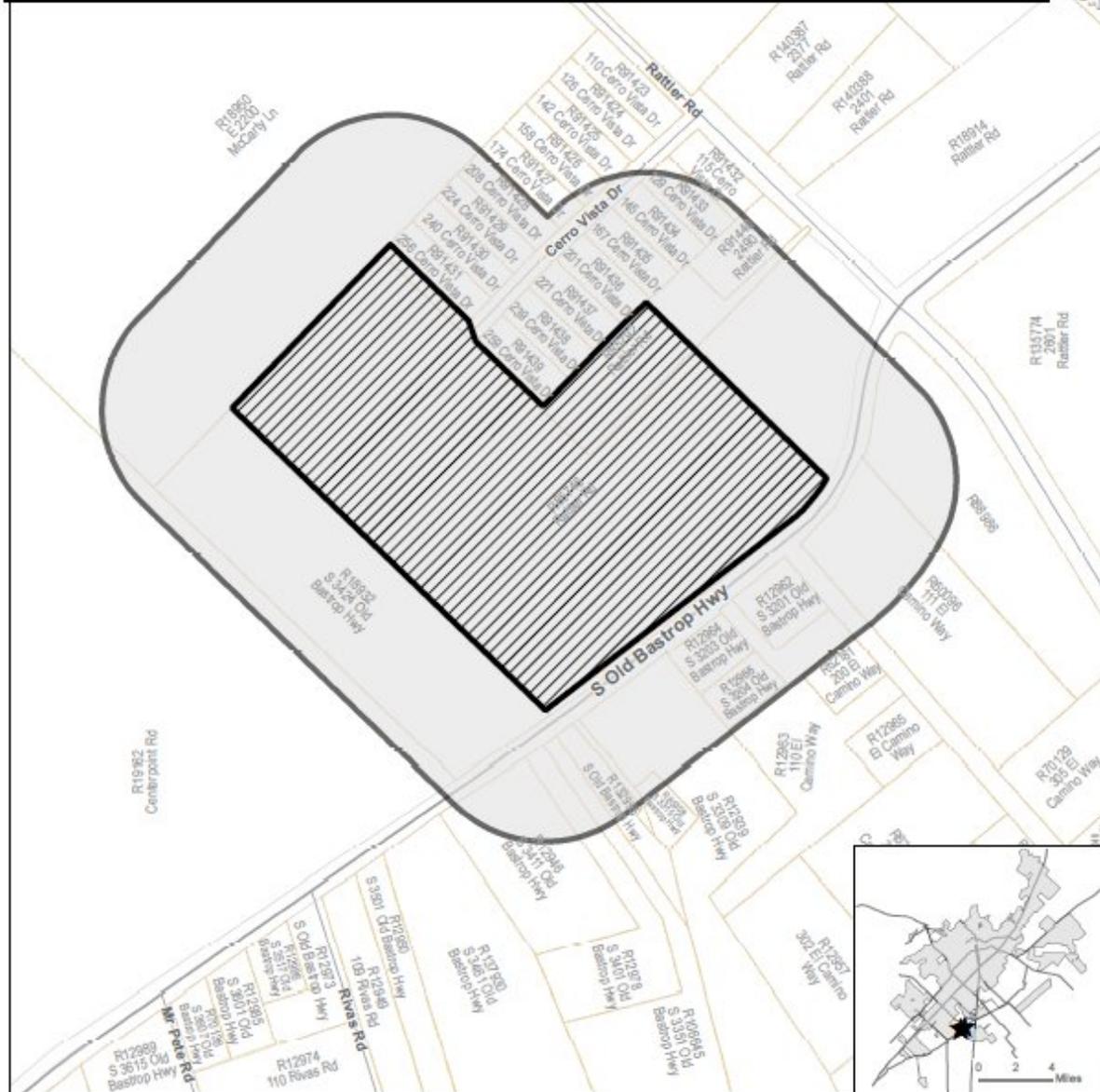
Ordinance 2020-XX

South Old Bastrop Highway Zoning Change

Receive a Staff presentation and hold a public hearing to receive comments for or against Ordinance 2020-XX, by Doucet and Associates on behalf of SHC Holdings, LLC, amending the Official Zoning Map of the City by rezoning 29.4 acres, more or less, out of the Cyrus Wickson Survey, Abstract 474, Hays County, generally located in the 3200 Block of South Old Bastrop Hwy, from “FD” Future Development to “CD-3” Character District - 3, and including procedural provisions on the first of two readings, and consider approval of Ordinance 2020-XX, on the first of two readings.

Location:

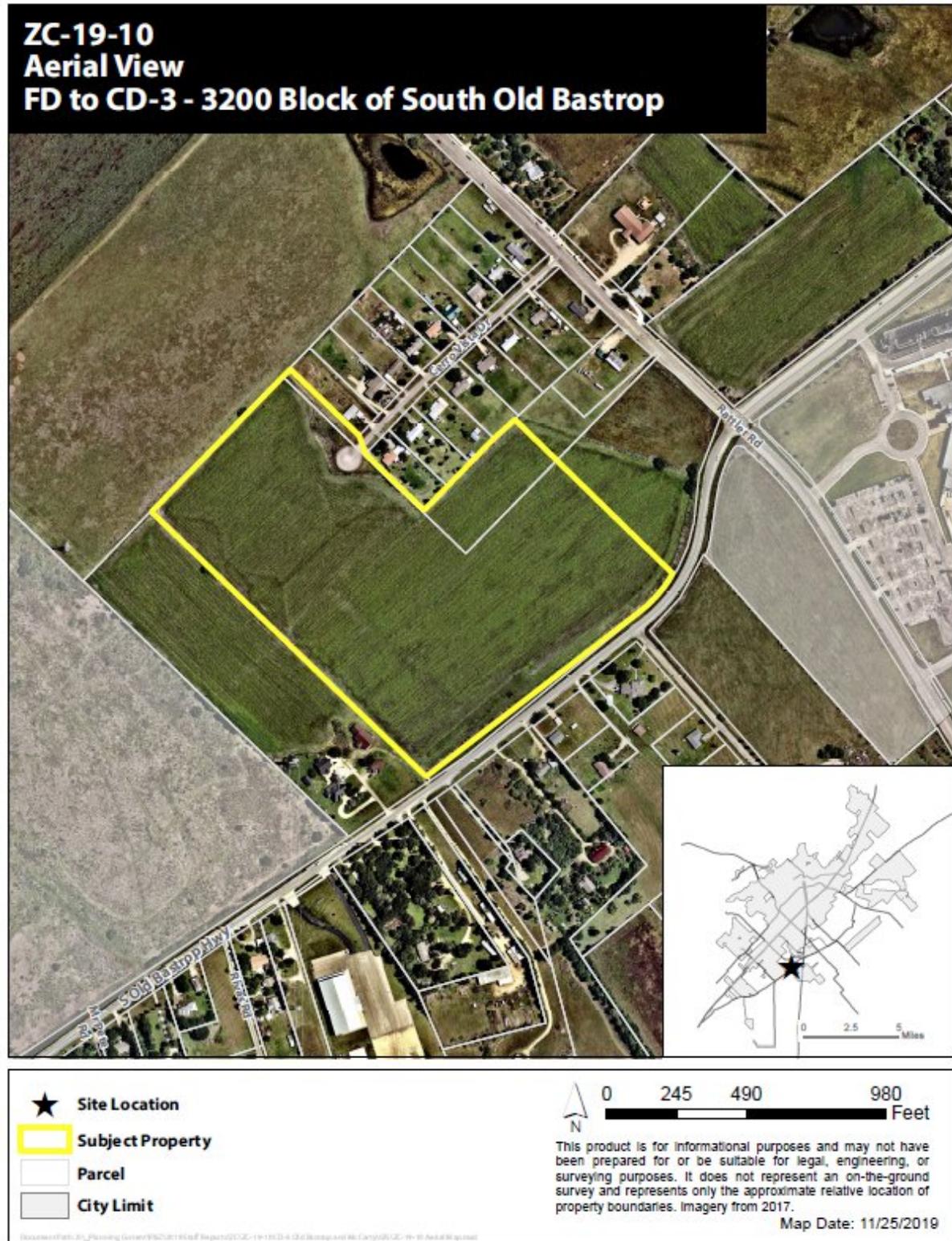
- Approximately 29.4 acres
- **Current Configuration:**
Vacant / Agricultural land
- Surrounding uses include:
 - Single-family (ETJ)
 - San Marcos High School
 - Vacant / rural
- Located outside the City Limits (Extraterritorial Jurisdiction)



★	Site Location	<p>This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.</p> <p>Map Date: 11/19/2019</p>
	Subject Property	
	400' Buffer	
	Parcel	
	City Limit	

Context & History

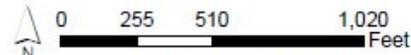
- **Existing Zoning:** Outside City Limits (ETJ)
- **Proposed Zoning:** Character District - 3 (CD-3)
- Proposed CD-3 zoning allows for residential uses and Building Types.
- Annexation request is being processed concurrently for property located outside City Limits
 - FD zoning is default classification for newly annexed land.



**ZC-19-10
Existing Zoning Map
FD to CD-3 - 3200 Block of South Old Bastrop**



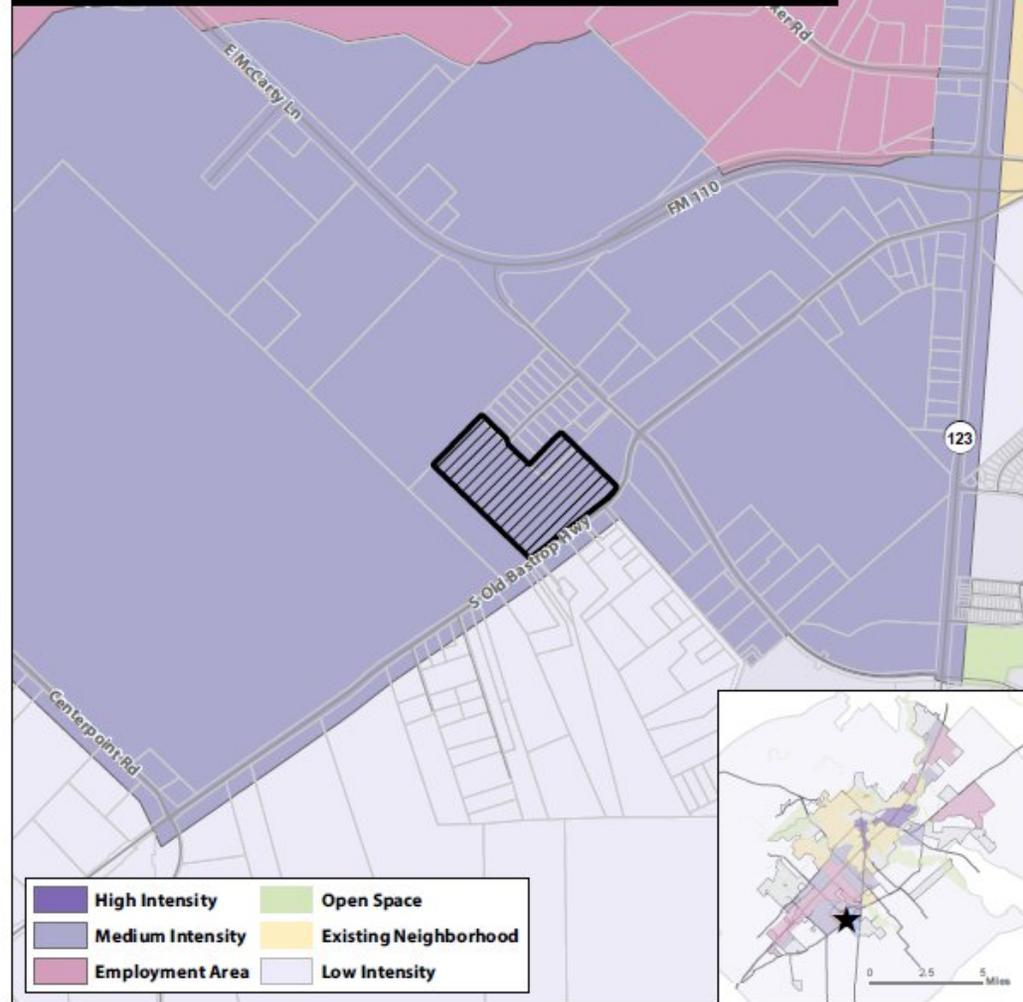
- ★ Site Location
- ▨ Subject Property
- ▭ Parcels
- ▭ City Limit



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Map Date: 11/25/2019

**ZC-19-10
Preferred Scenario
FD to CD-3 - 3200 Block of South Old Bastrop Hwy**

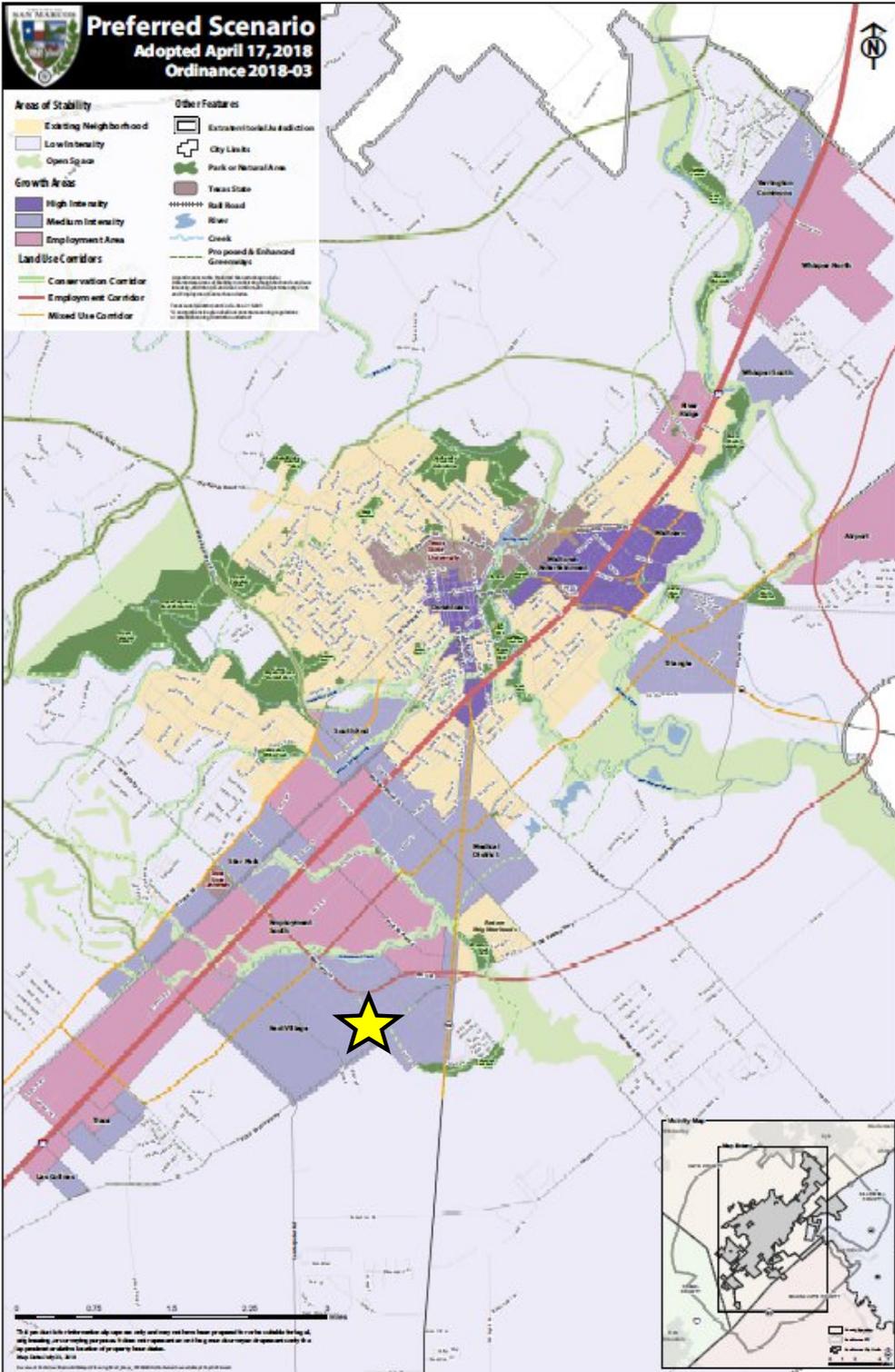


- ★ Site Location
- ▨ Subject Property
- ▭ Parcels
- ▭ City Limit



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Map Date: 11/25/2019



Comprehensive Plan Analysis

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

Located in a Medium Intensity Zone

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

Comprehensive Plan Analysis

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

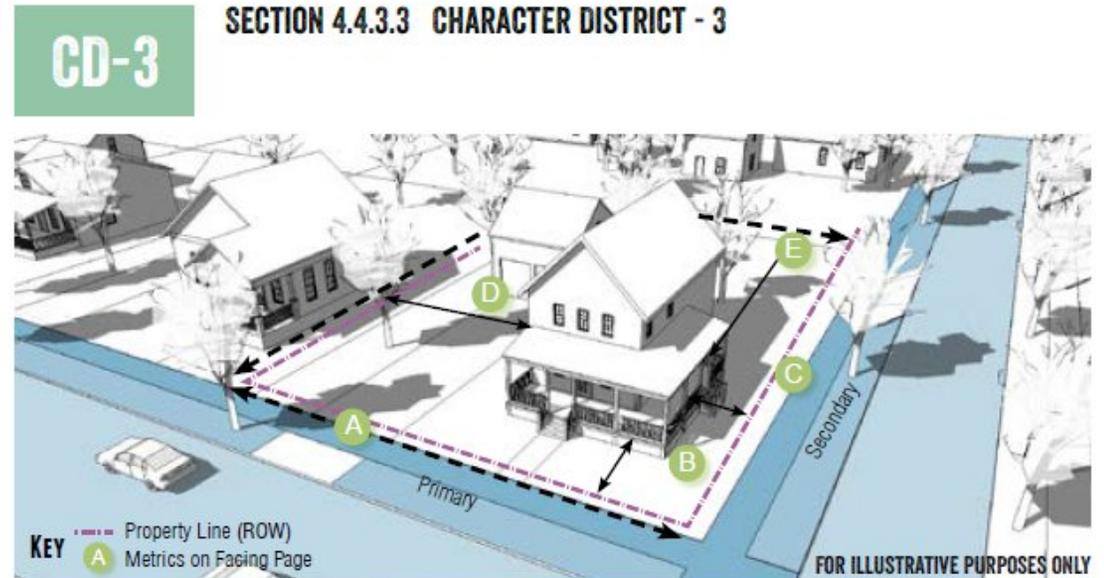
Applicant is requesting a “Character District” (CD-3) within a Medium Intensity Zone.

TABLE 4.1 COMPREHENSIVE PLAN / DISTRICT TRANSLATION

DISTRICT CLASSIFICATION	COMPREHENSIVE PLAN DESIGNATIONS					
	OPEN SPACE/ AGRICULTURAL	LOW INTENSITY	EXISTING NEIGHBORHOOD	MEDIUM OR HIGH INTENSITY ZONE	EMPLOYMENT CENTER	CORRIDOR
Conventional Residential	NP	NP	C	--	--	--
Neighborhood Density Districts	NP	NP	See Section 4.1.2.4 - 4.1.2.5	NP	NP	C
Character Districts	NP	C	--	C	NP	C
Special Districts	--	NP	NP	NP	C	C
Legend	-- = Not Allowed (PSA Required)		NP = Not Preferred		C = Consider	

CD-3 Zoning Analysis:

- CD-3 zoning is primarily intended to accommodate one and two family houses. Uses that would substantially interfere with the residential nature of the district are not allowed.
- **Allowable Building Types:** *House, Cottage, Accessory Dwelling Unit, Cottage Court, Duplex, Zero Lot Line House, Civic Building*
- Proposed rezoning aligns with vision of the Comprehensive Plan, which states that the community needs **diversified housing options**.
- The property is vacant and shown to be in a low constrained area. There is no floodplain on the property.



GENERAL DESCRIPTION

The CD-3 district is primarily intended to accommodate one and two family houses. Uses that would substantially interfere with the residential nature of the district are not allowed.

DENSITY

Impervious Cover	60% max.
Units Per Gross Acre	10 max.

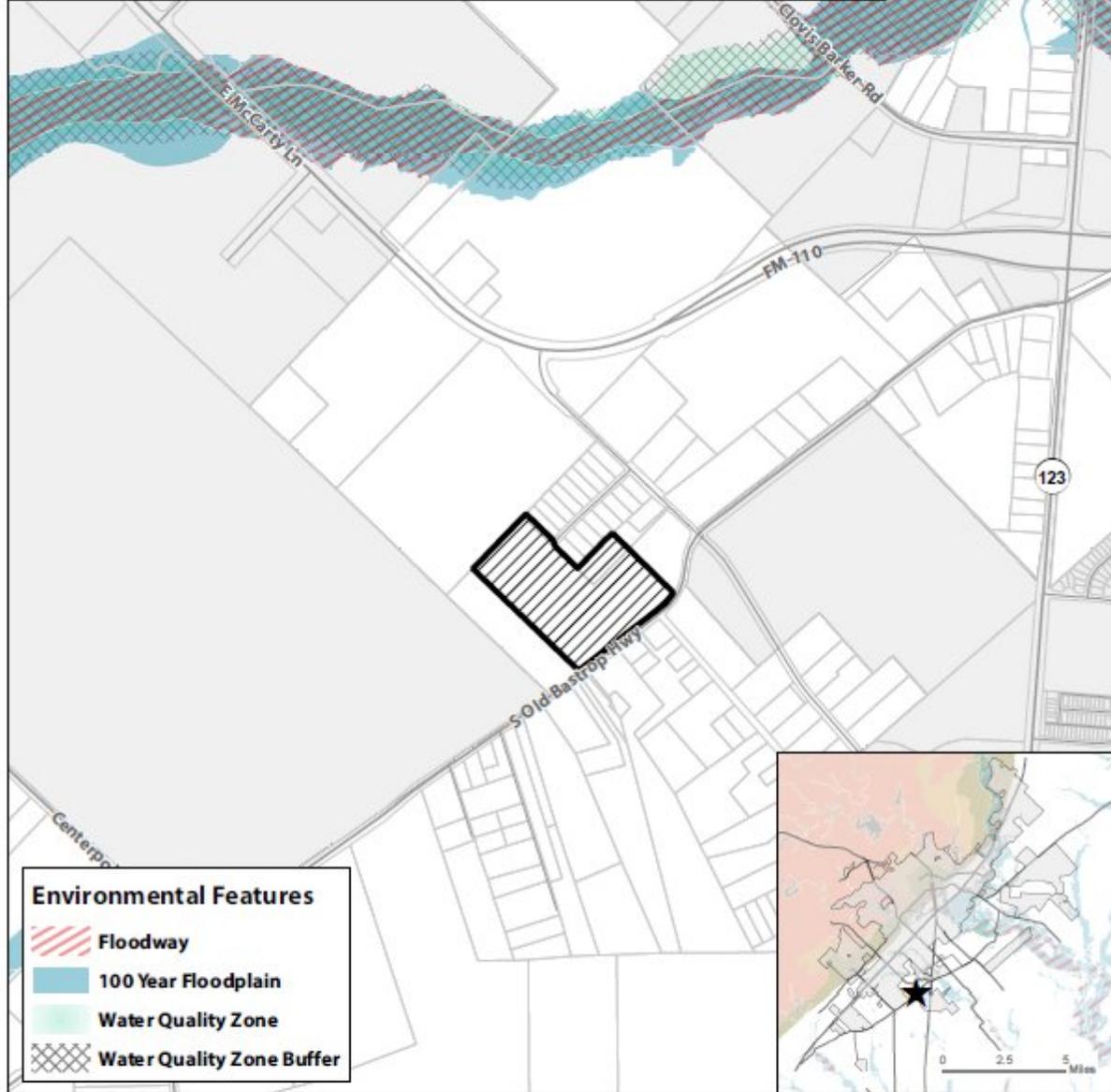
TRANSPORTATION

Block Perimeter	2,800 ft. max.	Section 3.6.2.1
Streetscape Type	Residential	Section 3.8.1.10

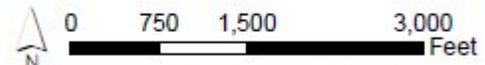
BUILDING TYPES ALLOWED

Accessory Dwelling	Section 4.4.6.1
House	Section 4.4.6.2
Cottage	Section 4.4.6.3
Cottage Court	Section 4.4.6.4
Duplex	Section 4.4.6.5
Zero Lot Line House	Section 4.4.6.6
Civic Building	Section 4.4.6.15

**ZC-19-10
Environmental Features
FD to CD-3 - 3200 Block of South Old Bastrop Hwy**



- ★ Site Location
- ▨ Subject Property
- Parcels
- ▭ City Limit



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Map Date: 11/26/2019

Infrastructure

- **Street Requirements**

- Transportation Master Plan
- Block perimeter requirements
- Bike facility requirements
- Sidewalk connections
- Traffic Impact Analysis (TIA)

- **Parkland Dedication + Development**

- Land dedication and development of infrastructure (fee-in-lieu may be requested)
- Approved by Parks Board
- Active recreation
- Neighborhood / regional parks
- Parkland types

- **Environmental Requirements**

- Watershed Protection Plan
- Lot and street landscaping







Staff Recommendation:

At their December 10, 2019 Meeting, the Planning and Zoning Commission recommended **approval** of the zoning change with a 8-0 vote.

Staff provides this request to the Council for your consideration and recommends **approval** of the request for a zoning change from “FD” Future Development to “CD-3” Character District – 3

Zoning District Comparison Chart

Topic	Existing Zoning: Future Development (FD)	Proposed Zoning: Character District – 3 (CD-3)
Zoning Description	The Future Development (FD) District is intended to serve as a temporary zoning district for properties that shall develop in the future, but have been newly annexed and/or are not yet ready to be zoned for a particular Use. Characterized by primarily agricultural use with woodlands and wetlands and scattered buildings.	The CD-3 district is primarily intended to accommodate one and two family houses. Uses that would substantially interfere with the residential nature of the district are not allowed.
Uses	Residential (See Land Use Matrix)	Residential (See Land Use Matrix)
Parking Location	No location standards	No parking in the 1st layer; Garage design/orientation requirements
Parking Standards	2 spaces per dwelling unit (Single Family Detached)	2 spaces per dwelling unit (Single Family Detached)
Max Residential Units per acre	0.4 units per acre (max)	10 units per acre (max)
Occupancy Restrictions	N/A	N/A
Landscaping	Tree and shrub requirements	Tree and shrub requirements
Building Height (max)	2 stories	2 stories
Setbacks	Based on Zoning District	Based on Zoning District
Impervious Cover (max)	30%	60%
Lot Sizes	Allows a variety of lot sizes depending on Building Type.	Allows a variety of lot sizes depending on Building Type.
Streetscapes	Residential Street: 5' sidewalk for lots smaller than 1 acre, street trees every 40' on center average, 7' planting area between sidewalk and street required.	Residential Street: 5' sidewalk, street trees every 40' on center average, 7' planting area between sidewalk and street required.
Blocks	No Block Perimeter Required	2,800 ft. Block Perimeter max



Legislation Text

File #: Res. 2020-08R, **Version:** 1

AGENDA CAPTION:

Consider approval of Resolution 2020-08R, approving the award of a Construction Contract to M.A. Smith Contracting Co., Inc. for the Blanco River Waterline Bore Improvements Project in the total amount of \$795,933.75; authorizing the City Manager or his designee to execute the appropriate documents related to the contract on behalf of the City; and declaring an effective date.

Meeting date: January 21, 2020

Department: Engineering & CIP, Laurie Moyer, Director (by Lynda Williams, Purchasing Manager)

Amount & Source of Funding

Funds Required: \$795,933.75

Account Number: c27

Funds Available: \$1,722,621.70

Account Name: Cheatham St Imp & Blanco River WL

Fiscal Note:

Prior Council Action: Resolution 2016-07R: Award a contract to K Friese & Associates for design services.

City Council Strategic Initiative: [Please select from the dropdown menu below]

N/A

Choose an item.

Choose an item.

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

Economic Development - Choose an item.

Environment & Resource Protection - Population Prepared for and resilient to Man-Made & Natural Disasters

Land Use - Choose an item.

Neighborhoods & Housing - Choose an item.

Parks, Public Spaces & Facilities - Choose an item.

Transportation - Choose an item.

Not Applicable

Master Plan: *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

Background Information:

A 16 Inch waterline crossing the Blanco River was damaged and taken out of service as a result of the October 2015 floods. The city subsequently commenced the design of a replacement waterline which will be bored under the Blanco River at a depth to avoid damage from future flood events. The city worked with FEMA to justify the receipt of grant funding due to the original line being damaged from a nature disaster event. The City received confirmation of grant funding in September 2019 (FEMA Grant PW-00367) at 75% funding match (25% city match).

Seven (7) bids were received on December 5, 2019. The apparent low bidder failed to comply with the bidding requirements, and is therefore deemed nonresponsive making the bidder disqualified. Refer to the attached letter from the Engineer of Record, Freese and Nichols. Award is recommended to the lowest responsible bidder, MA Smith Contracting Company, Inc., from Austin, Texas, that did submit a bid responsive to all bid requirements, in the amount of \$795,933.75. Construction is anticipated to be complete by the summer of 2020.

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

None

Recommendation:

Staff recommends award of a construction contract to MA Smith Contracting Company, Inc. in the amount of \$795,933.75.

RESOLUTION NO. 2020- R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS APPROVING THE AWARD OF A CONSTRUCTION CONTRACT TO MA SMITH CONTRACTING CO., INC. FOR THE BLANCO RIVER WATERLINE BORE IMPROVEMENTS PROJECT IN THE TOTAL AMOUNT OF \$795,933.75; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE APPROPRIATE DOCUMENTS RELATED TO 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 construction contract with MA Smith Co., Inc., in the amount of \$795,933.75 for the Blanco River Waterline Bore Improvements Project is approved.

PART 2. The City Manager or his designee is authorized to execute appropriate documents related to the construction 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 January 21, 2020.

Jane Hughson
Mayor

Attest:

Tammy K. Cook
Interim City Clerk



1120 S. Capital of Texas Highway
CityView 2, Suite 100
Austin, Texas 78746
TBPE Firm #6535
P - 512.338.1704 F - 512.338.1784
kfriese.com

December 10, 2019

Mr. Kirk Abbott, P.E.
Project Engineer, Capital Improvements Department
City of San Marcos
630 E. Hopkins Street
San Marcos, Texas 78666

Sent Via: E-Mail

Re: Blanco River Waterline Bore Improvements - Recommendation of Award

Dear Mr. Abbott,

On December 5th, 2019, bids were received and opened at 630 East Hopkins Street, San Marcos, Texas, for the Blanco River Waterline Bore Improvements project. Seven (7) bids were received as shown in the summary tabulation below.

<u>Bidder</u>	<u>Total Bid Amount</u>
Vaca Underground Utilities	\$628,932.00
MA Smith Contracting Co., Inc.	\$795,933.75
Austin Engineering Co., Inc.	\$808,357.50
JBS Underground, LLC.	\$831,084.79
Whitestone Civil Corporation, LLC.	\$915,770.00
Lupe Rubio Construction Co., Inc.	\$921,449.69
Alcott, Inc. dba THC	\$1,028,711.20

Vaca Underground Utilities was the lowest bidder; however, the City has deemed them to be unresponsive, because they failed to submit Appendix A, 44 CFR, Part 18 – Certification Regarding Lobbying with their bid package. Therefore, the bid from Vaca Underground Utilities has been disqualified and we reviewed the Statement of Bidder's Qualifications submitted by the 2nd lowest bidder, MA Smith Contracting Co., Inc.

As part of their bid package, MA Smith Contracting Co., Inc. indicated that they have had two (2) OSHA safety citations in the past five (5) years, and these details are attached. After reviewing the safety violations and speaking with project references, we believe that MA Smith Contracting Co., Inc. has the experience to complete the Blanco River Waterline Bore Improvements project within the timeframe and requirements in the contract. We recommend that the Blanco River Waterline Bore Improvements contract be awarded to the 2nd lowest bidder, MA Smith Contracting Co., Inc. in the amount of \$795,933.75.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Gregory T. Blackburn, P.E.
Project Engineer

Attachment





Smith Contracting has had two OSHA inspections/Citations in the last 5 years. The first citation was received 3/28/16 in reference to an inspection at 12400 Gregg Manor Road Manor, TX 78653.

Citation 1 Item 1-Serious

OSH ACT of 1970 Section (5)(a)(1): The Employer did not furnish employment and a place of employment which were free from recognized hazards that were casing or likely to cause death or serious physical harm to employees from being struck by materials and equipment while installing a storm drainage system. Proposed penalty \$6,300.00

Citation 1 Item 2-Serious

29 CFR1926.251(a)(2)(i): The employer failed to ensure frigging equipment had permanently affixed and legible identification markings as prescribed by the manufacturer that indicate the recommended safe working load. Proposed Penalty \$4,500.00

Citation 1 Item 3-Serious

29 CFR 1926.251(c)(12): A sling was pulled from under a load while the load was resting on the sling. Proposed Penalty \$3,600.00.

Smith Contracting filed a notice of Contest and subsequently reached a settlement with OSHA on January 10, 2017. The settlement agreement reduced the penalty of item 1 to \$4,900.00, Item 2 was removed in its entirety, and the penalty on Item 3 was reduced to \$2,900.00. Smith Contracting retrained all excavation employees by a 3rd party trainer. The settlement agreement admits no fault or guilt and includes confidentiality between Smith Contracting and OSHA.

Smith Contracting received its second citation on 3/28/17 in reference to an inspection at 12206 Scribe Dr., Austin TX 79159.

Citation 1 Item 1-Serious

29 CFR 1926.652 (g)(1)(II): Shields were not installed in a manner to restrict lateral or other hazardous movement of the shield in the event of the application of sudden lateral loads Proposed Penalty \$8,963.00

OSHA Offered an informal settlement agreement which reduced the penalty amount of item 1 to \$5,377.80 and changed the citation from Serious to Other than Serious due to the fact that the trench safety was installed per the manufacturers recommendations. The abatement included additional training and contacting the manguard manufacturer to request improved methods and instructions for securing the manguard in the trench. Additionally, the agreement admits no fault or guilt and includes confidentiality between Smith Contracting and OSHA.

Respectfully,

Travis Ragland
President
Smith Contracting Co., Inc.

BLANCO RIVER WATERLINE BORE IMPROVEMENTS
 MA SMITH CONTRACTING CO., INC. REFERENCE CHECK

Date & Time: 12/10/19	
Contact: Tuan Nguyen	Project: Austin Heights Water System Upgrades
Affiliation: City of Austin	Contract Amount: \$1,692,497.50
Phone #: 512-974-1585	Type of Project: Water System Upgrades
Position: Project Manager	

1. Did the Contractor provide adequate, competent personnel? **Can't Complai**
2. Did the Contractor provide adequate, competent supervision? **Can't Complain**
3. Did the Contractor have adequate equipment and/or supplies on the job when needed? **Always**
4. Did the Contractor complete reports and other paperwork in a timely manner? **Always**
5. How much difficulty did you have in keeping the Contractor on schedule? **None**
6. How would you rate the Contractor's superintendence and scheduling on the project? (I.e., were subcontractors scheduled logically, were long-lead items ordered sufficiently in advance, etc.?) **Excellent**
7. Did the Contractor self-perform the major items of work? **Mostly**
8. What major items of work did he subcontract? Paving, traffic control, E&S
9. How would you rate the Contractor's ability to build according to the contract documents? **Excellent**
10. How would you rate the Contractor's willingness/ability to work with the City in carrying out the intent of the contract documents? **Average**
11. Approximately how many RFI's did the Contractor submit? **Moderate Amount**
12. Were there an inordinate number of change orders on the project? **No**
13. Did you have difficulty obtaining documentation for change order requests? **Moderate Amount**
14. Did the Contractor return change order documents in a timely manner? **Usually**
15. How many stop notices were filed on the project? A few – density retests and working outside of work hours
16. Were any lawsuits filed on the stop notices? **No**
17. Was there a claim or lawsuit between the Contractor and City? **No**
18. If so, how was it resolved? N/A
19. Did the Contractor prepare accurate up-to-date record drawings? **Yes**

BLANCO RIVER WATERLINE BORE IMPROVEMENTS
MA SMITH CONTRACTING CO., INC. REFERENCE CHECK

20. Was the work completed on time? **Yes**

21. What overall rating would you give the Contractor? **Average**

Other Comments or Notes:

- This Contractor can tend to “nickel and dime” the City more than most contractors with change orders by finding small errors or discrepancies in the plans, specifications, and/or bid items.

BLANCO RIVER WATERLINE BORE IMPROVEMENTS
MA SMITH CONTRACTING CO., INC. REFERENCE CHECK

Date & Time: 12/10/19	
Contact: Tom Owens, PE	Project: Waters Park Relief Main
Affiliation: K Friese + Associates	Contract Amount: \$5,185,725.00
Phone #: 512-338-1704	Type of Project: Wastewater Main (Open-cut & Micro Tunnel)
Position: Project Manager	

1. Did the Contractor provide adequate, competent personnel? **Can't Complain**
2. Did the Contractor provide adequate, competent supervision? **Can't Complain**
3. Did the Contractor have adequate equipment and/or supplies on the job when needed? **Usually**
4. Did the Contractor complete reports and other paperwork in a timely manner?
Usually
5. How much difficulty did you have in keeping the Contractor on schedule? **None**
6. How would you rate the Contractor's superintendence and scheduling on the project? (I.e., were subcontractors scheduled logically, were long-lead items ordered sufficiently in advance, etc.?) **Average**
7. Did the Contractor self-perform the major items of work? **Yes**
8. What major items of work did he subcontract? Micro Tunnel
9. How would you rate the Contractor's ability to build according to the contract documents? **Average**
10. How would you rate the Contractor's willingness/ability to work with the City in carrying out the intent of the contract documents? **Average**
11. Approximately how many RFI's did the Contractor submit? **Few**
12. Were there an inordinate number of change orders on the project? **No**
13. Did you have difficulty obtaining documentation for change order requests?
Moderate Amount,
14. Did the Contractor return change order documents in a timely manner? **Usually**
15. How many stop notices were filed on the project? None
16. Were any lawsuits filed on the stop notices? **No**
17. Was there a claim or lawsuit between the Contractor and City? **No**
18. If so, how was it resolved? N/A

BLANCO RIVER WATERLINE BORE IMPROVEMENTS
MA SMITH CONTRACTING CO., INC. REFERENCE CHECK

- 19. Did the Contractor prepare accurate up-to-date record drawings? **Yes**
- 20. Was the work completed on time? **Yes**
- 21. What overall rating would you give the Contractor? **Average**

Other Comments or Notes:

BLANCO RIVER WATERLINE BORE IMPROVEMENTS
 MA SMITH CONTRACTING CO., INC. REFERENCE CHECK

Date & Time: 12/10/19	
Contact: Shaun Condor, PE	Project: Sessom Underground Conversion
Affiliation: City of San Marcos	Contract Amount: \$613,001.00
Phone #: 512-393-8134	Type of Project: Underground conversion
Position: Project Manager	

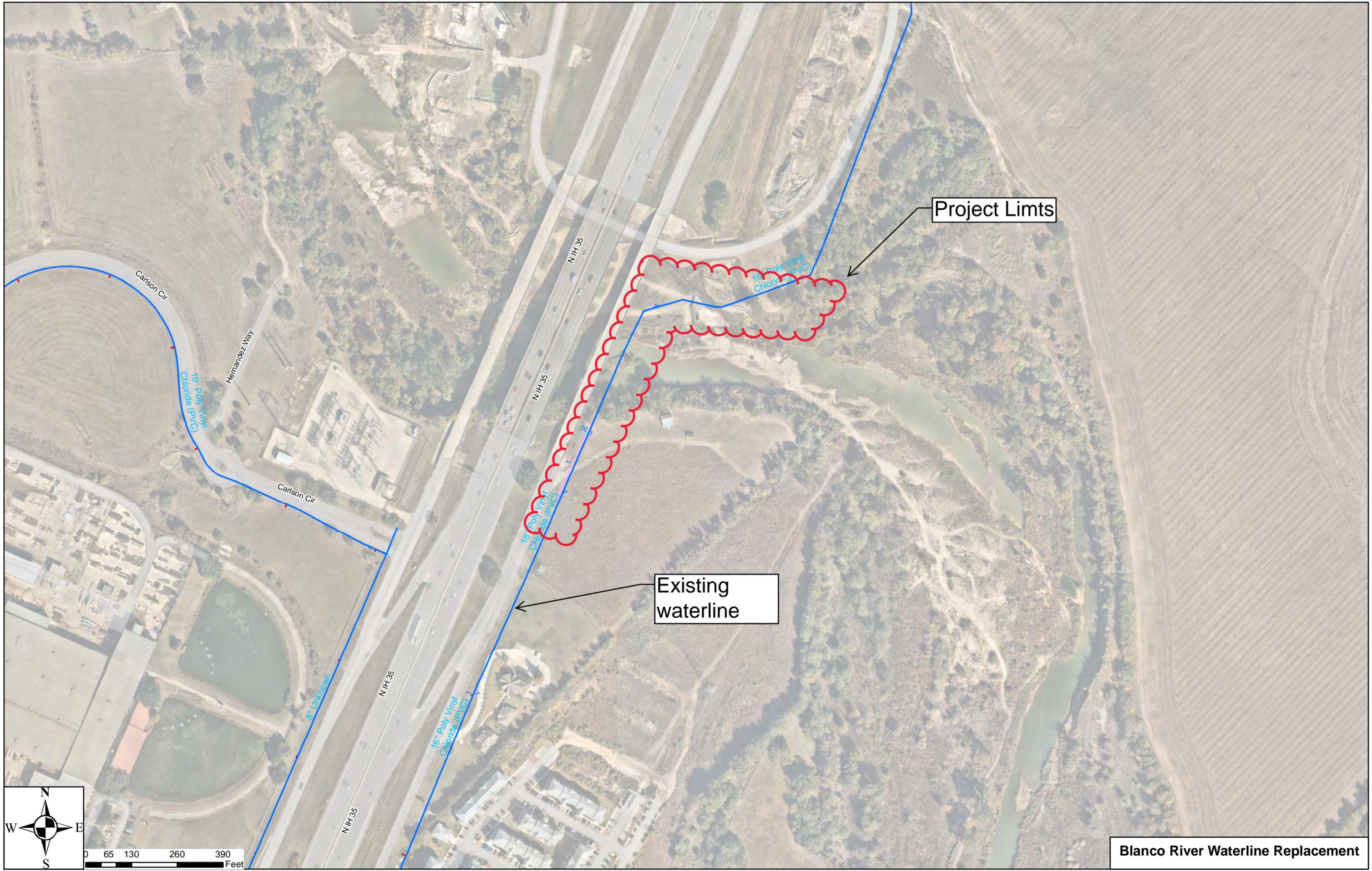
1. Did the Contractor provide adequate, competent personnel? **Can't Complain**
2. Did the Contractor provide adequate, competent supervision? **Can't Complain**
3. Did the Contractor have adequate equipment and/or supplies on the job when needed? **Always**
4. Did the Contractor complete reports and other paperwork in a timely manner?
Usually
5. How much difficulty did you have in keeping the Contractor on schedule? **None**
6. How would you rate the Contractor's superintendence and scheduling on the project? (I.e., were subcontractors scheduled logically, were long-lead items ordered sufficiently in advance, etc.?) **Average**
7. Did the Contractor self-perform the major items of work? **No**
8. What major items of work did he subcontract? Ductbank Conduit
9. How would you rate the Contractor's ability to build according to the contract documents? **Average**
10. How would you rate the Contractor's willingness/ability to work with the City in carrying out the intent of the contract documents? **Excellent**
11. Approximately how many RFI's did the Contractor submit? **Moderate Amount**
12. Were there an inordinate number of change orders on the project? **No**
13. Did you have difficulty obtaining documentation for change order requests?
Moderate Amount
14. Did the Contractor return change order documents in a timely manner? **Rarely**
15. How many stop notices were filed on the project? None
16. Were any lawsuits filed on the stop notices? **No**
17. Was there a claim or lawsuit between the Contractor and City? **No**
18. If so, how was it resolved? N/A
19. Did the Contractor prepare accurate up-to-date record drawings? **Yes**

BLANCO RIVER WATERLINE BORE IMPROVEMENTS
MA SMITH CONTRACTING CO., INC. REFERENCE CHECK

20. Was the work completed on time? **Yes**

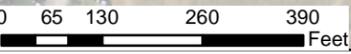
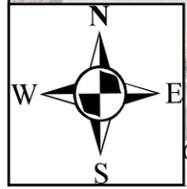
21. What overall rating would you give the Contractor? **Average**

Other Comments or Notes:



Project Limits

Existing waterline



Blanco River Waterline Replacement



BID TABULATION

Blanco River Waterline Improvements, #220-034

December 5, 2019, at 2:00 p.m.

Bidder Name	Total Price
JBS Underground, LLC Austin, TX	\$831,084.79
Austin Engineering Company, Inc. Austin, TX	\$808,357.50
Lupe Rubio Construction Company, Inc. Kingsland, TX	\$921,449.69
Smith Contracting Company, Inc. Austin, TX	\$795,933.75
Whitestone Civil Construction Cedar Park, TX	\$915,770.00
Alcott, Inc. dba TCH Friendswood, TX	\$1,028,711.20
Vaca Underground Utilities, Inc. Houston, TX	\$628,932.00

This is the official record of bidders and bid prices only. It is not an acknowledgement of responsiveness, responsibility, or of contract award.

Recorded by: 

Witnessed by: 



Legislation Text

File #: Res. 2020-09R, **Version:** 1

AGENDA CAPTION:

Consider approval of Resolution 2020-09R, approving a professional services agreement with Kimley-Horn and Associates, Inc. for preliminary engineering and field services for the Hopkins Street Improvements Project in the estimated amount of \$388,096.53; authorizing the City Manager or his designee to execute the professional services agreement on behalf of the City; and declaring an effective date.

Meeting date: January 21, 2020

Department: Engineering & CIP, Laurie Moyer, Director (by Lynda Williams, Purchasing Manager)

Amount & Source of Funding

Funds Required: \$400,000.00

Account Number: C#594

Funds Available: \$910,000.00

Account Name: Hopkins Street from Moore to Guadalupe

Fiscal Note:

Prior Council Action: April 19, 2019: Resolution 2019-65R, Council approved On-Call Engineering List which includes Kimley-Horn and Associates, Inc.

City Council Strategic Initiative: [Please select from the dropdown menu below]

Multi Modal Transportation

Choose an item.

Choose an item.

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

- Economic Development - Choose an item.
- Environment & Resource Protection - Choose an item.
- Land Use - Choose an item.
- Neighborhoods & Housing - Choose an item.
- Parks, Public Spaces & Facilities - Choose an item.

- Transportation - Multimodal transportation network to improve accessibility and mobility, minimize congestion and reduce pollution
- Not Applicable

Master Plan: *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Transportation Master Plan

Background Information:

The objective of the Hopkins Street Improvements (Moore to Guadalupe) project is to reconstruct the street with upgraded water, wastewater, stormwater and electric utilities and to be compliant with the City's Complete Streets Ordinance. The Comanche Street intersection will also be included to add a dedicated left turn lane onto Hopkins Street as recommended in the Transportation Master Plan.

This \$11Million project is identified as a potential 2022 Bond project. The services for this preliminary engineering phase consists of topographic and boundary/ROW survey, subsurface utility engineering, and preliminary design.

City requests award of contract 219-129.5 to Kimley-Horn and Associates Inc. to perform preliminary engineering and field services in the estimated amount of \$388,096.53. Kimley-Horn and Associates Inc. is selected from the On-call Water-Wastewater Engineering list of qualified firms approved by City Council in April 2019.

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

NA

Recommendation:

Staff recommends approval of the engineering contract with Kimley-Horn and Associates, Inc.

RESOLUTION NO. 2020- R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR PRELIMINARY ENGINEERING AND FIELD SERVICES FOR THE HOPKINS STREET IMPROVEMENTS PROJECT IN THE ESTIMATED AMOUNT OF \$388,096.53; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE PROFESSIONAL SERVICES 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 professional services agreement between the City and Kimley-Horn and Associates, Inc. for preliminary engineering and field services for the Hopkins Street Improvements Project in the estimated amount of \$388,096.53 is approved.

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

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

ADOPTED on January 21, 2020.

Jane Hughson
Mayor

Attest:

Tammy K. Cook
Interim City Clerk

ATTACHMENT A - SCOPE

Hopkins Street Improvements: Guadalupe to Moore

The City of San Marcos (City) would like to retain engineering services for Hopkins Street Improvements from Guadalupe Street to Moore Street. The services for this phase of the project consist of topographic and boundary/ROW survey, subsurface utility engineering, and preliminary engineering for the reconstruction of street, water, wastewater, stormwater, and electric infrastructure along Hopkins Street from Guadalupe Street to Moore Street.

The objective of this project is to upgrade this segment of Hopkins Street to be compliant with the Complete Streets ordinance. Additionally, the scope of work consists of widening Comanche Street to add a dedicated left turn lane onto Hopkins Street to enhance intersection capacity and improve traffic operations and safety. The project will also consist of preliminary engineering for the replacement of substandard wastewater lines along Fredericksburg Street and the alley between Comanche Street and Fredericksburg Street.

Information to be provided by the City

The City will provide following information to the Engineer and/or perform following tasks related to the project:

- Existing reports or data the City has on file concerning this project, including existing and forecasted traffic volumes.
- Any available as-built plans for the intersection, roadways, signals, pavement markings, and public utilities
- Any available as-built plans for O/H and underground utilities within the project area
- Any available parcel and/or topographic mapping information of the project area; any available survey information of the project area
- Current or standard industry costs used by the City for unit pricing as well as cost estimates
- Fees associated with approvals and/or permits from entities if approvals deemed necessary
- Advertising for public meeting, venue for public meeting, and any other direct costs for public meeting (i.e., Court reporter or Spanish translator).
- Electrical and voltage drop requirements for the illumination system (SMEU)
- Any available proposed or known future development plans within the project limits

Services to be performed by the Engineer

The Engineer shall provide engineering and technical services for preliminary engineering for Hopkins Street Improvements from Guadalupe to Moore. The work shall be completed in accordance with the City of San Marcos, Federal Highway Administration (FHWA), National Association of City Transportation Engineers (NACTO), and TxDOT standard requirements where applicable.

1. Data Collection, Survey, and Subsurface Utility Engineering

I. Data Collection

- The engineer will meet with the City staff to review scope of engineering services, invoicing and schedule of services to be provided by the Engineer.
- Collect and review available information including existing reports, traffic data, record drawings, O/H and underground as-built utility plans and other pertinent information
- Collect and review available traffic projections
- Conduct field observation with the City Staff to identify and evaluate constraints during preliminary design process
- Obtain AM, Mid-day, and PM peak-period turning movement vehicular and pedestrian traffic counts on a weekday at the following intersections.
 - Hopkins St / CM Allen Pkwy
 - Hopkins St / N LBJ Dr
 - Hopkins St / Guadalupe St
 - Hopkins St / Comanche St
 - Hopkins St / Moore St
- Obtain travel time runs along the corridor during AM, Midday, and PM peak periods.
- Obtain crash record data from the City at above-mentioned locations.
- Obtain existing traffic signal timing data at following intersections:
 - Hopkins St / N LBJ Dr
 - Hopkins St / Guadalupe St
 - Hopkins St / Comanche St
 - Hopkins St / Moore St
- Obtain existing Synchro traffic models for Hopkins St from the City, if available.
- Obtain details of existing street lighting along Hopkins St.
- Obtain parking spaces occupancy and turn over rates from the City.

II. Topographic and Boundary/ROW Survey

- Surveyor will perform GPS survey to establish horizontal and vertical control and establish a benchmark for use as construction baseline
- Topographic and boundary survey limits will consist of:
 - Hopkins Street from 100' south of Moore St to 100' North of Guadalupe St
 - 100' up side streets past radius return unless noted below
 - Fredericksburg St from Hopkins St to San Antonio St
 - Alley between Fredericksburg/Comanche from Hopkins St to San Antonio St
 - Comanche Street from Hutchinson St to San Antonio Street
- Surveyor will collect spot elevations and grade breaks along the project route at intervals conducive to precise DTM generation (no greater than 50 foot intervals).

Limits of the survey will extend 10' past the right-of-way line. The data will include curbs, gutters, culverts, and driveways, portions of parking areas, visible utilities, drainage features, structures, striping, etc.

- Surveyor will also obtain flow line elevations & pipe sizes (if ascertainable) for each wastewater and storm drain manhole within the limits of the survey area & for one structures or manholes downstream and upstream of the point of connection.
- Surveyor will obtain water line locations utilizing Texas 811 and City locates. Surveyor will obtain water line appurtenances (valves, fire hydrants, water meters, etc.) including the top of nut elevation on all water line valves.
- Trees having a diameter or 6" or larger will be located, tagged and identified (by their common name). Critical root zones will be drawn based on City of San Marcos standards
- Provide contours and drawing showing data outlined above
- Surveyor will utilize TxDOT Right-of-Way (ROW) Maps, tax appraisal maps, and recorded plats as a base map to recover monumentation, including ROW monuments, record/non-record monumentation and evidence of boundary lines (fence corners, etc.). This survey will also include deed research of adjacent properties for ownership data and locating property corners, and City, TxDOT, and railroad rights-of-way. Surveyor will not abstract tracts adjacent to the ROW for easements of record but will show easements adjacent to the roadway as depicted on recorded plats. The survey will show right-of-way lines with a best fit to found property corners and record ownership lines.

III. Subsurface Utility Engineering (SUE)

- SUE provider will perform QL"B" SUE services for the Hopkins Street Improvement Project. The limits of the SUE investigation match the limits of survey noted above.
- The SUE provider will attempt to designate the following utilities within this area: potable water, reclaimed water, chilled water, natural gas/crude oil/refined product pipelines, communication duct banks, fiber optic, cable television, telephone, and electric. Wastewater and storm drain facilities will be inverted at manholes, and will be depicted as QL"C" information. Irrigation lines and utility services lines are excluded from this scope of work. The SUE provider will also perform an inventory of overhead utilities within the project limits.
- SUE Provider will obtain ROW permits from the City of San Marcos.
- Designed traffic control plans will be required. SUE provider will acquire the services of a qualified temporary traffic control engineering subcontractor, and ensure that all traffic control plans meet required City standards.
- Non-routine traffic control measures will be required. SUE Provider will acquire the services of a qualified Maintenance-Of-Traffic (MOT) Subcontractor and ensure that adequate traffic control is provided.

Definition of SUE Quality levels included is below:

QL"D" and "C" – Records Research and Surface Feature Survey

It is the responsibility of the SUE provider to perform due-diligence with regard to records research and the acquisition of available utility records. The due-diligence provided for

this project will consist of contacting the applicable One Call agency and associated utility owners/municipalities, visually inspecting the work area for evidence of utilities, and reviewing available utility record information. Additional utilities not identified through these efforts will be referred to as Unknown utilities.

QL "B" – Designating

Following a review of the project scope and available utility records with the project manager, TRG field personnel will begin designating the approximate horizontal position of known subsurface utilities within the project area. A suite of geophysical equipment that includes magnetic and electromagnetic induction will be used to designate conductive utilities. Where access is available, a sonde will be inserted into non-conductive utilities to provide a medium for transmission which can then be designated using geophysical equipment. Non-conductive utilities can also be designated using other proven methods, such as rodding and probing. TRG will make a reasonable attempt to designate Unknown utilities identified during field work; however, no guarantee is made that all Unknown utilities will be designated. Utilities will be marked and labeled to distinguish type and ownership. Field data depicting the designated utilities, as well as relevant surface features, will be produced to ensure accuracy and completeness of subsequent survey data. The TRG project manager will review the collected survey data, field data, and utility records for accuracy and completeness.

IV. Deliverables

- Traffic Counts
- ROW base map in a 2D CAD file
- Topographic survey in a 2D and 3D CAD file
- Survey points file in a text file format
- A utility file in CAD format depicting all designated utilities.
- 11" x 17" SUE Plan Sheets depicting all designated utilities. These plans will be signed and sealed by a Professional Engineer and delivered to the Client in electronic PDF form.

2. Preliminary Engineering Services (30%)

I. Project Management & Meetings

- The engineer will manage engineering services to complete the project on time including, progress reports, milestones and invoicing.
- The engineer will attend and document up to 4 progress/comment resolution meetings. The engineer will prepare meeting minutes including action items to help maintain project schedule
- The engineer will attend and document up to 2 utility coordination meetings to discuss and coordinate taking overhead utilities underground.
- The engineer will prepare monthly status reports to be included with the monthly invoice.

II. Prepare Preliminary Engineering Report

- Prepare paving exhibits (plan view only) and opinion of probable construction cost (OPCC) of Hopkins Street reconstruction and widening of Comanche Street at Hopkins Street. Prepare up to two (2) alternatives for Hopkins Street configuration.

- Prepare typical sections for up to two (2) alternatives for Hopkins Street
- Prepare exhibit and OPCC for sidewalk connection on Comanche Street between Hopkins Street and San Antonio Street
- Prepare three (3) horizontal alignment options for the proposed water lines and three (3) horizontal and vertical alignment options for the proposed sanitary sewer. OPCCs will be prepared for each option.
- Prepare two (2) alternatives to capture and convey 25-year flow (using Atlas14 rainfall data) to existing downstream storm sewer system. OPCCs will be prepared for each alternative.
- Review Purgatory Creek 2D model for area to identify drainage improvements needed for the area. Model will be used to determine peak overland flow and pipe flow within the project corridor.
- Determine preliminary size and cost of stormwater quality device(s).
- Prepare landscape, streetscape, and pedestrian lighting exhibit for up to two (2) landscape/streetscape alternatives. Prepare OPCC for each alternative.
- Traffic Analysis
 - Develop Synchro base model for the corridor to use it to develop VISSIM model
 - Use VISSIM microsimulation tool to develop a traffic model for the study corridor along E Hopkins St from CM Allen Pkwy to Moore St. include exclusion of intersections language for side streets.
 - Develop AM and PM peak-period models and calibrate appropriately to simulate existing conditions.
 - Evaluate if any elements of 'Protected Intersection' concept may be applied to the corridor to enhance pedestrian and bike safety.
 - Evaluate up to four (4) different alternatives (lane assignment, signal timing, bike & pedestrian crossings, and parking locations) at the following intersections:
 - E Hopkins St / N LBJ Dr
 - E Hopkins St / Guadalupe St
 - E Hopkins St / Comanche St
 - Project future traffic volumes for appropriate year using historical traffic volumes along the corridor and growth rates observed by the City.
 - Develop future conditions VISSIM models for one (1) preferred alternative for AM and PM peak conditions for the corridor for an appropriate year.
 - Develop one (1) VISSIM simulation video for the PM peak period showing plan view of the peak 15-minute traffic operations for the "Preferred Alternative" for the corridor Public Meetings.
 - Summarize the findings, and recommendations of the traffic study in a Technical Memorandum.
- Consider access management measures that may be incorporated to consolidate driveways/access points to Hopkins Street.
- Determine City of San Marcos, TCEQ, and applicable permitting requirements for limits of project.
- Prepare Utility Conflict exhibit and conflict analysis spreadsheet.
- Perform internal quality control review
- Submit Draft Preliminary Engineering Report to the City for review/comment

- Respond to and address City comments and submit final Preliminary Engineering Report

III. Public Involvement

- Public Meetings
 - Support up to two (2) Public Meetings (understood to be an Open House format) with staff, materials, and displays. Engineer will not provide translation services.
 - Engineer will prepare Public Meeting materials including roll plot of up to two (2) paving options), typical section alternatives, blank map (if needed at first open house), project information displays, enhanced typical section rendering, Vissim model visualizations, and project handouts.
 - Engineer will provide attendee Sign-in sheets and comment cards for written comments.
 - Engineer will review and summarize comments submitted via comment cards and those submitted during appropriate public comment periods after the meeting. Engineer will prepare and submit a Draft and Final Public Meeting Summary.
 - Engineer will provide draft language for a public notice. Engineer understands that the City will post the notice in appropriate media and provide a suitable venue for the event.
- Stakeholder meetings: The engineer will attend and document up to 4 stakeholder group meetings to discuss and gain input on the project. The engineer will use exhibits developed for public meetings to aid in the discussion at stakeholder meetings.

IV. Deliverables

- Monthly Status report included with monthly invoice
- Public meeting exhibits and handouts
- Draft preliminary engineering report
- Approved preliminary engineering report

Additional Services:

Services not specifically identified in the Scope of Services above shall be considered additional and shall be performed on an individual basis upon authorization by the City.

ATTACHMENT B - FEE SCHEDULE												
City of San Marcos, Texas												
Hopkins Street Improvements: Guadalupe to Moore												
Professional Service Description	Total Task Hours	Total Task Cost	Kimley-Horn Staff						Subconsultants			
			Senior Engineer II	Senior Engineer I	Professional	Analyst II	Analyst I	Clerical Staff	Byrn (Survey)	Quality Counts (Traffic Counts)	Rios Group (SUE)	
			\$255.00	\$210.00	\$165.00	\$145.00	\$135.00	\$95.00	Fee	Fee	Fee	
Task 1 - Data Collection, Survey, and Subsurface Utility Engineering												
1-I Data Collection												
Kickoff Meeting with City Staff	9	\$ 1,890	3	3	3							
Obtain and Review Available As-Builts, survey, and utilities	6	\$ 840						5				
Site Visit	9	\$ 1,665	3		3			3				
Obtain and review signal timing plans at 8 intersections	7	\$ 1,080		1				2				
Conduct travel time runs and field parking spaces observations	12	\$ 1,740			4			8				
Obtain & Review Existing Traffic Counts at 8 locations	8	\$ 1,140			2			6				
Traffic Counts (subconsultant)		\$ 3,680								\$ 3,680.00		
10% Traffic Counts Subconsultant Mark-up		\$ 368										
1-II Topographic and Boundary/ROW Survey												
Subconsultant Boundary/ROW Fee (see Byrn Proposal)		\$ 25,000								\$ 25,000.00		
Survey Fee (See Byrn Proposal)		\$ 63,000								\$ 63,000.00		
10% Survey Subconsultant Mark-up		\$ 8,800										
Perform QC on Digitized Survey	10	\$ 1,470			4			6				
1-III Subsurface Utility Engineering (SUE)												
Subconsultant SUE Fee (see Rios Group Proposal)		\$ 58,589.53									\$ 58,589.53	
10% SUE Subconsultant Mark-up		\$ 5,859										
Perform QC of SUE file	8	\$ 1,200			4			4				
Total Task 1:	69	\$ 176,321.53	6	4	23	0	36	0				
Task 2 - Preliminary Engineering Services												
2-I Project Management and Administration		\$ -										
Attend up to 4 Progress/Comment resolution Meetings	30	\$ 6,120	12	6	6			6				
Attend up to 2 Utility Coordination Meetings	18	\$ 3,330	6		6			6				
Prepare Meeting Minutes	10	\$ 1,590	2					8				
Project Administration and Coordination	32	\$ 5,800	8	8	8							
Prepare Monthly Invoice	26	\$ 3,750	8					18				
Prepare Monthly Status Report	12	\$ 2,520	4	4	4							
2-III Prepare Preliminary Engineering Report												
Prepare Paving Plan Sheets	66	\$ 10,150	6		12	16	32					
Prepare Comanche Sidewalk Exhibit	10	\$ 1,560	1		3		6					
Prepare Paving OPCC	21	\$ 3,265	1	2	4	4	10					
Prepare Typical Sections	14	\$ 2,250	2		4		8					
Sanitary Sewer Alignment Analysis and P&P	34	\$ 4,980		2	8		24					
Water Alignment Analysis and Plan View Exhibits	21	\$ 3,030		1	4		16					
Prepare Sanitary/Water OPCC	10	\$ 1,515		1	3		6					
Review Purgatory Creek 2D Model	28	\$ 4,320		4	8		16					
Size Stormwater Quality Device	19	\$ 3,075	1	2	4	12						
Storm Sewer Alternatives Analysis and Exhibits	92	\$ 14,010	2	10	20		60					
Prepare Stormwater OPCC	10	\$ 1,515		1	3		6					
Prepare Streetscape/Landscape/Pedestrian Lighting Exhibits	36	\$ 5,550		2	10	24						
Prepare Streetscape/Landscape/Pedestrian Lighting OPCC	10	\$ 1,575		1	3	6						
Traffic Study	0	\$ -										
Develop Synchro model for the corridor	19	\$ 2,970		3	6		10					
Develop VISSIM base model for the corridor	110	\$ 16,650		10	35		65					
Calibrate AM and PM peak models	60	\$ 9,450		10	20		30					
Evaluate "Protected Intersection" concepts applicable to the corridor	15	\$ 2,700		5	10							
Analyze up to 4 different alternatives for intersection improvements	76	\$ 11,880		12	24		40					
Project future traffic volumes at study intersections	8	\$ 1,230		2			6					
Develop AM & PM Future Conditions VISSIM model for "Preferred Alternative"	32	\$ 4,860		4	8		20					
Develop VISSIM video simulations for "Preferred Alternative"	38	\$ 6,030		8	10		20					
Develop MOE results from VISSIM for up to 6 models	36	\$ 5,910		6	20		10					
Summarize results & recommendations in a Tech Memo	55	\$ 8,220		5	14		36					
Incorporate Access Management Considerations	10	\$ 1,875	1	3	6							
Determine Permit Requirements	8	\$ 1,140			2		6					
Prepare Utility Conflict Exhibit and Conflict Analysis Spreadsheet	22	\$ 3,150			4	6	12					
Prepare Draft Preliminary Engineering Report	84	\$ 13,580	4	16	16	8	40					
Quality Review	16	\$ 3,720	8	8								
Respond to City Comments on Draft PER	10	\$ 1,800	2	2	2		4					
Prepare Final Preliminary Engineering Report	18	\$ 3,090	2	4	4		8					
2-III Public Involvement												
Attend up to 2 Public Meetings	32	\$ 6,120	8	8	8		8					
Prepare Roll Plots for Public Meetings	42	\$ 6,230	2		8	8	24					
Prepare Public Meeting Exhibits and Handouts	64	\$ 9,240	4		12	8	32	8				
Respond to Public Meeting Comments/Prepare Public Meeting Summary	36	\$ 5,740	8		8		12	8				
Attend up to 4 Stakeholder Meetings	24	\$ 5,310	12	6	6							
Total Task 2:	1,314	\$ 210,800.00	104	156	333	92	587	42				
Reimbursable Expenses												
Plotting & Reproduction		\$ 500										
Mileage	700	\$ 375										
Overnight Mail		\$ 100										
Total Reimbursable Expenses:	0	\$ 975	0	0	0	0	0	0				
Total Hours	1,383		110	160	356	92	623	42				
Total Fee		\$ 388,096.53										

Fee Breakdown by Firm:
 Kimley-Horn \$ 237,827
 Byrn (Survey) \$ 88,000
 Quality Counts (Traffic Counts) \$ 3,680
 Rios Group (SUE) \$ 58,589.53

TOTAL FEE \$ 388,096.53

ATTACHMENT B - FEE SCHEDULE												
City of San Marcos, Texas												
Hopkins Street Improvements: Guadalupe to Moore												
Professional Service Description	Total Task Hours	Total Task Cost	Kimley-Horn Staff						Subconsultants			
			Senior Engineer II	Senior Engineer I	Professional	Analyst II	Analyst I	Clerical Staff	Bym (Survey)	Quality Counts (Traffic Counts)	Rios Group (SUE)	
			\$255.00	\$210.00	\$165.00	\$145.00	\$135.00	\$95.00	Fee	Fee	Fee	

The hours listed above are an estimate. The hours assigned to the Phase are not exclusive to the Phase which they are assigned. The total fee will not exceed the total contract amount as discussed in Article 2. The hourly rates of this contract shall apply throughout the remainder of this contract and to all change in services.

Payment to the ENGINEER will be made as follows:

1. Basic Services - The amounts of these invoices will be based upon the extent of work completed by the Engineer on an hourly basis.
2. Supplemental Services - The Engineer will receive approval in writing before performing supplemental services. The amounts of these invoices will be based upon the extent of work completed by the Engineer on a lump sum basis.
3. Reimbursable Expense - Reimbursable expenses including such things as expenses for plotting, reproduction of documents, auto travel mileage (current IRS approved mileage rate), delivery charges, long distance communications, freight, and state accessibility will be invoiced with appropriate backup documentation.

Invoice and Time of Payment

Invoices will be prepared in a format approved by the City prior to submission of the first monthly invoice. Invoices shall be submitted monthly and paid within 30 days.

ESTIMATE



TEX:TX

BILL TO : Kimley-Horn and Associates, Inc.
 10415 Morado Circle
 Austin, TX 78759
 (512) 418-1771

CLIENT PROJECT # :

ESTIMATE DATE : 12/13/2019

ORDER DATE : 12/13/2019

ORDER No	PROJECT NAME	PAYMENT TERMS	ORDER BY
151475	Hopkins St	Net 60 Days	Vivek Deshpande

QTY	DESCRIPTION	RATE	TOTAL
6	High Volume-Turn Count	\$250.00	\$1,500.00
	3 Location(s) for time period(s): 7:00 AM -- 9:00 AM-(Midweek)		
	-N C M Allen Pkwy -- E Hopkins St, San Marcos, TX		
	-N LBJ Dr -- E Hopkins St, San Marcos, TX		
	-N Guadalupe St -- W Hopkins St, San Marcos, TX		
	3 Location(s) for time period(s): 4:00 PM -- 6:00 PM-(Midweek)		
	-N C M Allen Pkwy -- E Hopkins St, San Marcos, TX		
	-N LBJ Dr -- E Hopkins St, San Marcos, TX		
	-N Guadalupe St -- W Hopkins St, San Marcos, TX		
10	Standard-Turn Count	\$160.00	\$1,600.00
	5 Location(s) for time period(s): 7:00 AM -- 9:00 AM-(Midweek)		
	-N Edward Gary St -- E Hopkins St, San Marcos, TX		
	-Fredricksburg St -- W Hopkins St, San Marcos, TX		
	-Comanche St -- W Hopkins St, San Marcos, TX		
	-North St -- W Hopkins St, San Marcos, TX		
	-Moore St -- W Hopkins St, San Marcos, TX		
	5 Location(s) for time period(s): 4:00 PM -- 6:00 PM-(Midweek)		
	-N Edward Gary St -- E Hopkins St, San Marcos, TX		
	-Fredricksburg St -- W Hopkins St, San Marcos, TX		
	-Comanche St -- W Hopkins St, San Marcos, TX		
	-North St -- W Hopkins St, San Marcos, TX		
	-Moore St -- W Hopkins St, San Marcos, TX		
1	1-3 Lanes-Class, Volume	\$170.00	\$170.00
	1 Location(s) for time period(s): 1 Days (Class, Volume)		
	-W Hopkins St Btwn Fredericksburg St & Comanche St, San Marcos, TX		
1	4+ Lanes-Class, Volume	\$210.00	\$210.00
	1 Location(s) for time period(s): 1 Days (Class, Volume)		
	-E Hopkins St Btwn LBJ Dr & Edward Gary St, San Marcos, TX		

QTY	DESCRIPTION	RATE	TOTAL
1	Tube Setup Fee - Standard tube setup fee	\$200.00	\$200.00
		TOTAL	\$3,680.00

Balances unpaid by end of Payment term (listed above) will be charged 1.5% interest per month

Quality Counts, LLC
7409 SW Tech Center Dr, STE 150
Tigard, OR 97223
(877) 580-2212
qualitycounts.net



FIRM # 10070500

December 6, 2019

Kimley-Horn
Attn: Brian Boecker
10814 Jollyville Rd., Ste. 300
Austin, TX 78759

RE: HOPKINS STREET IMPROVEMENT PROJECT

Mr. Boecker:

Byrn & Associates, Inc. will perform a design quality TOPOGRAPHIC AND R-O-W survey for the area along Hopkins Street that extends from Moore Street to Guadalupe Street for a fee of \$25,000 for the boundary R-O-W portion and \$63,000 for the topographic portion.

The scope is as follows:

1. Topographic and R-O-W Survey

- * Surveyor will perform GPS survey to establish horizontal and vertical control and establish benchmarks for use as construction baseline
- * Surveyor will locate field markings of underground utilities with the project limits
- * Surveyor will collect spot elevations and grade breaks along the project route at intervals conducive to precise DTM generation (no greater than 50 foot intervals). Limits of the survey will be outlined as follows:
 - Hopkins Street - from Moore Street to Guadalupe Street
 - Fredericksburg Street - from Hopkins to San Antonio Street
 - Comanche Street - from Hutchinson Street to San Antonio Street
 - Alley between Comanche/Fredericksburg - from Hopkins Street to San Antonio Street
 - All intersections of the above referenced streets will be surveyed 100 ft in all directions.
- * Topo limits will be 10' outside right-of-way (or to a building face).

- * The data will consist of curbs, gutters, drop inlets, culverts, and driveways, portions of parking areas, visible utilities, drainage features, structures, striping, etc.
- * Surveyor will also obtain flow line elevations and pipe sizes (if ascertainable) for each wastewater, storm drainage manhole, water valve (including top nut elevations), culvert, and drop inlets within the limits of the survey area including one manhole upstream and downstream of said streets (except for any measure-downs done by SUE Company).
- * Trees having a diameter of 6" or larger will be located, tagged, and identified (by their common name). Critical root zones will be drawn based on City of San Marcos standards.
- * Surveyor will provide contours and drawings showing data outlined above in CAD format.
- * Surveyor will utilize TxDOT Right-of-Way (ROW) maps, tax appraisal maps, and recorded plats as base maps to recover monumentation, including ROW monuments, record/non-record monumentation and evidence of boundary lines (fence corners, etc.). This survey will also include deed research of adjacent properties for ownership data and locating property corners and City, TxDOT, and railroad rights-of-way. Survey will not abstract tracts adjacent to the ROW for easements of record but will show easements adjacent to the roadway as depicted on recorded plats. The survey will show right-of-way lines with a best fit to found property corners and record ownership lines.

Sincerely,



David C. Williamson
President

December 20, 2019

Brian Boecker, P.E.
Kimley-Horn
10814 Jollyville Road
Avallon IV, Suite 200
Austin, TX 78759
D: 512.418.4533
Brian.Boecker@kimley-horn.com

**RE: Subsurface Utility Engineering
Hopkins Street Improvement**

Dear Mr. Boecker:

The Rios Group, Inc. (TRG) is pleased to submit a cost proposal for Subsurface Utility Engineering (SUE) for the above referenced project. This proposal is based on information provided via email December 4, 2019.

Introduction

TRG will perform SUE services for this project in general accordance with the recommended practices and procedures described in ASCE publication CI/ASCE 38-02 “Standard Guidelines for the Collection and Depiction of Existing Subsurface Utility Data.” As described in the publication, four levels have been established to describe and depict the quality of subsurface utility information. The four quality levels are as follows:

- Quality Level D (QL“D”) – Information obtained from existing utility records.
- Quality Level C (QL“C”) – Surveyed data depicting visible above-ground features supplemented with QL“D” information.
- Quality Level B (QL“B”) – Two-dimensional horizontal information obtained through the application and interpretation of non-destructive surface geophysical methods. Also known as “designating,” this level incorporates QL“C” information and provides horizontal positioning of subsurface utilities to within approximately 1.0 foot.
- Quality Level A (QL“A”) – Three-dimensional horizontal and vertical information obtained through non-destructive vacuum excavation equipment to expose utilities at critical points. Also known as “locating,” this level incorporates QL“B” information and provides horizontal and vertical positioning of subsurface utilities to within approximately 0.05 feet.

Scope of Work

Based on information provided by Kimley-Horn. (Client), TRG has developed a preliminary scope for the SUE work on this project. This scope of work may be modified, with the Client’s concurrence, during the performance of work if warranted by actual field findings.

The scope of this proposal includes QL“B” SUE services for the Hopkins Street Improvement Project in San Marcos, Texas. The limits of the SUE investigation include the full-width Right-Of-Way (ROW) of Hopkins Street between Moore Street and N Guadalupe Street along with the full-width ROW of Fredericksburg Street from Hopkins Street to San Antonio Street, the full-width ROW of Comanche Street from Hutchison Street to San Antonio Street, and the full-width ROW of the alley between Fredericksburg Street and Comanche Street from Moore Street to San Antonio Street. The investigation area also includes a 100’ radius return for each side street and intersection that intersects Hopkins Street as well as 10-feet outside the ROW along each street within the investigation area. The investigation also includes 100’ along Hopkins Street both west of Moore Street and east of N Guadalupe Street. The general outline of the investigation area is shown in red on Exhibit B. TRG will attempt to designate the following utilities within this area: potable water, reclaimed water, chilled water, natural gas/crude oil/refined product pipelines, communication duct banks, fiber optic, cable television, telephone, and electric. Wastewater and storm drain facilities will be inverted at manholes, and will be depicted as QL“C” information. Irrigation lines and utility services lines are excluded from this scope of work. TRG will also perform an inventory of overhead utilities within the project limits.

The survey of SUE field markings is not included in this scope of work. It is assumed that the Client’s surveyor will provide survey data of the SUE field markings for use in preparing the final deliverable.

Any necessary Right-Of-Entry (ROE) permits, including railroad ROE, will be provided by the Client prior to the start of field work.

TRG Procedures

QL“D” and “C” – Records Research and Surface Feature Survey

It is the responsibility of the SUE provider to perform due-diligence with regard to records research and the acquisition of available utility records. The due-diligence provided for this project will consist of contacting the applicable One Call agency and associated utility owners/municipalities, visually inspecting the work area for evidence of utilities, and reviewing available utility record information. Additional utilities not identified through these efforts will be referred to as Unknown utilities.

QL“B” – Designating

Following a review of the project scope and available utility records with the project manager, TRG field personnel will begin designating the approximate horizontal position of known subsurface utilities within the project area. A suite of geophysical equipment that includes magnetic and electromagnetic induction will be used to designate conductive utilities. Where access is available, a sonde will be inserted into non-conductive utilities to provide a medium for transmission which can then be designated using geophysical equipment. Non-conductive utilities can also be designated using other proven methods, such as rodding and probing. TRG will make a reasonable attempt to designate Unknown utilities identified during field work; however, no guarantee is made that all Unknown utilities will be designated. Utilities will be marked and labeled to distinguish type and ownership. Field data depicting the designated utilities, as well as relevant surface features, will be produced to ensure accuracy and completeness of subsequent

survey data. The TRG project manager will review the collected survey data, field data, and utility records for accuracy and completeness.

TRG has made the following assumptions with regard to the designating work on this project:

- ROW permits from the City of San Marcos will not be required.
- Designed traffic control plans will be required. TRG will acquire the services of a qualified temporary traffic control engineering subcontractor, and ensure that all traffic control plans meet required City standards.
- Non-routine traffic control measures will be required. TRG will acquire the services of a qualified Maintenance-Of-Traffic (MOT) Subcontractor and ensure that adequate traffic control is provided.

Deliverables

TRG will provide the following as a final deliverable to the Client:

- A utility file in CAD format depicting all designated utilities. The Client will provide TRG with any necessary background files for use in completing the final deliverables.
- 11" x 17" SUE Plan Sheets depicting all designated utilities. These plans will be signed and sealed by a Professional Engineer and delivered to the Client in electronic PDF form.

Schedule

TRG can mobilize within three (3) weeks of receiving Notice-To-Proceed (NTP). TRG estimates that the QL"B" SUE work can be completed in thirty (30) working days following approval of the ROW permits, broken down as follows:

- QL"B" field work – 20 days
- Deliverable preparation – 10 days (following receipt of survey data)

Estimated Fee

The total estimated cost to complete the work described herein is **Fifty-Eight Thousand Five Hundred Eighty-Nine Dollars and 53/100 (\$58,589.53)**. An itemized breakdown of cost is provided in Exhibit A. Please note that these pricings are based on an assumption of quantities, and that only actual quantities will be invoiced – up to the total Contract amount.

We look forward to working with you on this project. If there are any questions, please do not hesitate to call at 512.580.5440.

Hopkins Street Improvement
December 20, 2019
Page 4 of 4

Respectfully,

The Rios Group, Inc.

A handwritten signature in blue ink, appearing to read "Ry C Chapin".

Ryan C. Chapin, P.E.
Project Manager



THE RIOS GROUP

Estimate for Subsurface Utility Engineering Hopkins Street Improvement

EXHIBIT A

Hourly Office Labor	<i>Rate</i>	<i>Assumed Quantity</i>	<i>Unit of Measure</i>	<i>Sub-Total</i>
Key Personnel - Travis Isaacson	\$ 252.40	4	HR	\$ 1,009.60
Professional Engineer I (4-8)	\$ 136.84	25	HR	\$ 3,421.00
Engineer in Training I (0-5)	\$ 91.23	8	HR	\$ 729.84
CADD Technician IV (15-20)	\$ 79.07	35	HR	\$ 2,767.45
Field Manager	\$ 103.39	8	HR	\$ 827.12
Administrative Specialist V (20-25)	\$ 83.63	4	HR	\$ 334.52
Sub-Total				\$ 9,089.53
Direct Expenses				
	<i>Rate</i>	<i>Assumed Quantity</i>	<i>Unit of Measure</i>	<i>Sub-Total</i>
Designed Traffic Control Plan	\$ 7,500.00	1	LS	\$ 7,500.00
Traffic Control	\$ 1,200.00	7	DAY	\$ 8,400.00
Sub-Total				\$ 15,900.00
QL"B" SUE Designating				
	<i>Rate</i>	<i>Assumed Quantity</i>	<i>Unit of Measure</i>	<i>Sub-Total</i>
One Designating Person	\$ 136.50	0	HR	\$ -
Two Person Designating Crew	\$ 210.00	160	HR	\$ 33,600.00
Sub-Total				\$ 33,600.00
Total Estimated Cost				\$ 58,589.53

Exhibit B



Mary St

W Hutchison St

N Comanche St

E Hutchison St

E Hopkins St

Moore St

W Hopkins St

80

Comanche St

Fredericksburg St

N Guadalupe St

E San Antonio St

2439

82

S Guadalupe St

North St

Harvey St

Felmer Alley

S Fredericksburg St





Legislation Text

File #: Res. 2020-10R, **Version:** 1

AGENDA CAPTION:

Consider approval of Resolution 2020-10R, approving a contract with Green Equipment Company, Inc. through the Interlocal Cooperative Agreement with the Houston Galveston Area Council of Governments for the purchase of Sewer Inspection Equipment in the amount of \$160,635; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.

Meeting date: January 21, 2020

Department: Public Services...Tom Taggart, Director (By Lynda Williams, Purchasing Manager)

Amount & Source of Funding

Funds Required: \$160,635

Account Number: 20006300.60125

Funds Available: \$161,000

Account Name: Equipment

Fiscal Note:

Prior Council Action: [Click or tap here to enter text.](#)

City Council Strategic Initiative: [Please select from the dropdown menu below]

Choose an item.

Choose an item.

Choose an item.

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

Economic Development - Choose an item.

Environment & Resource Protection - Population Prepared for and resilient to Man-Made & Natural Disasters

Land Use - Choose an item.

Neighborhoods & Housing - Choose an item.

Parks, Public Spaces & Facilities - Choose an item.

- Transportation - Choose an item.
- Core Services
- Not Applicable

Master Plan: *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

Background Information:

Public Services, Drainage Division is requesting purchase of a new RoverX CCTV Equipment from Green Equipment Company, Fort Worth, Texas, through interlocal cooperative contract #SC-01-18, in the amount of \$160,635. Currently, City crews are unable to visually inspect the City's confined-space, storm sewer system. The mobile camera equipment will be used to visually inspect the City's drainage infrastructure and provide crews the ability to assess pipe condition, damage, and obstructions.

The City of San Marcos is authorized by Local Government Code, Chapter 271, to participate in cooperative purchasing programs. The Houston Galveston Area Council of Governments ("HGAC") has awarded contract #SC-01-18, to Green Equipment Company, located in Fort Worth, Texas.

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Click or tap here to enter text.

Recommendation:

Recommend approval of the purchase CCTV Equipment, Fort Worth, Texas in the amount of \$160,635.

RESOLUTION NO. 2020- R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, APPROVING A CONTRACT WITH GREEN EQUIPMENT COMPANY, INC. THROUGH THE INTERLOCAL COOPERATIVE AGREEMENT WITH THE HOUSTON GALVESTON AREA COUNCIL OF GOVERNMENTS FOR THE PURCHASE OF SEWER INSPECTION EQUIPMENT IN THE AMOUNT OF \$160,635; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY; AND DECLARING AN EFFECTIVE DATE.

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

PART 1. The contract with Green Equipment Company, Inc. through the Interlocal Agreement with the Houston Galveston Area Council of Governments for the purchase of sewer inspection equipment in the amount of \$160,635 is approved.

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

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

ADOPTED on January 21, 2020.

Jane Hughson
Mayor

Attest:

Tammy K. Cook
Interim City Clerk

RoverX CCTV Proposal

to: Adam Rossing, City of San Marcos
address: 630 E. Hopkins
re: CCTV Equipment
date: October 1, 2019



The Value of Insight

The only thing standing between you and a sewer failure is insight. For more than 15 years, Envirosight has been perfecting technologies that capture critical insight about pipe condition. Customers across North America depend on this insight to maintain their infrastructure.

Understanding pipe condition demands insight that is detailed, comprehensive and current. Envirosight makes it possible with equipment that is:

- **Reliable**, so your inspection crew can maximize their productivity and minimize unplanned costs and downtime
- **Designed for safety**, helping you avoid confined space entry, reducing your traffic exposure, and wieldy enough to help you avoid strain and injury.
- **Agile**, so you can overcome obstacles and gather data from deep inside pipes.
- **Precise**, so you can better document, measure, understand and explain pipe condition.

Envirosight delivers these advanced capabilities through the industry's largest network of sales partners, each offering personalized training, support and service at a regional level.



Envirosight



sewer inspection technology

Meet Envirosight

Envirosight focuses exclusively on technologies to assess pipe condition.

We've redefined expectations for pipe inspection crawlers by offering the first steerable six-wheel-drive design, the first fully modular setup that adapts to pipe conditions, and the first digital system to support onboard reporting, online feature updates and cloud-based data sharing.

We've also pioneered entirely new technologies, like zoom inspection and HD video nozzles. These help users gain a comprehensive understanding of pipe



condition with less time and effort, and integrate seamlessly with existing processes.

And we've developed innovative workflows, such as the Phased Assessment Strategy for Sewers (PASS), that help municipalities get more out of their inspection programs.

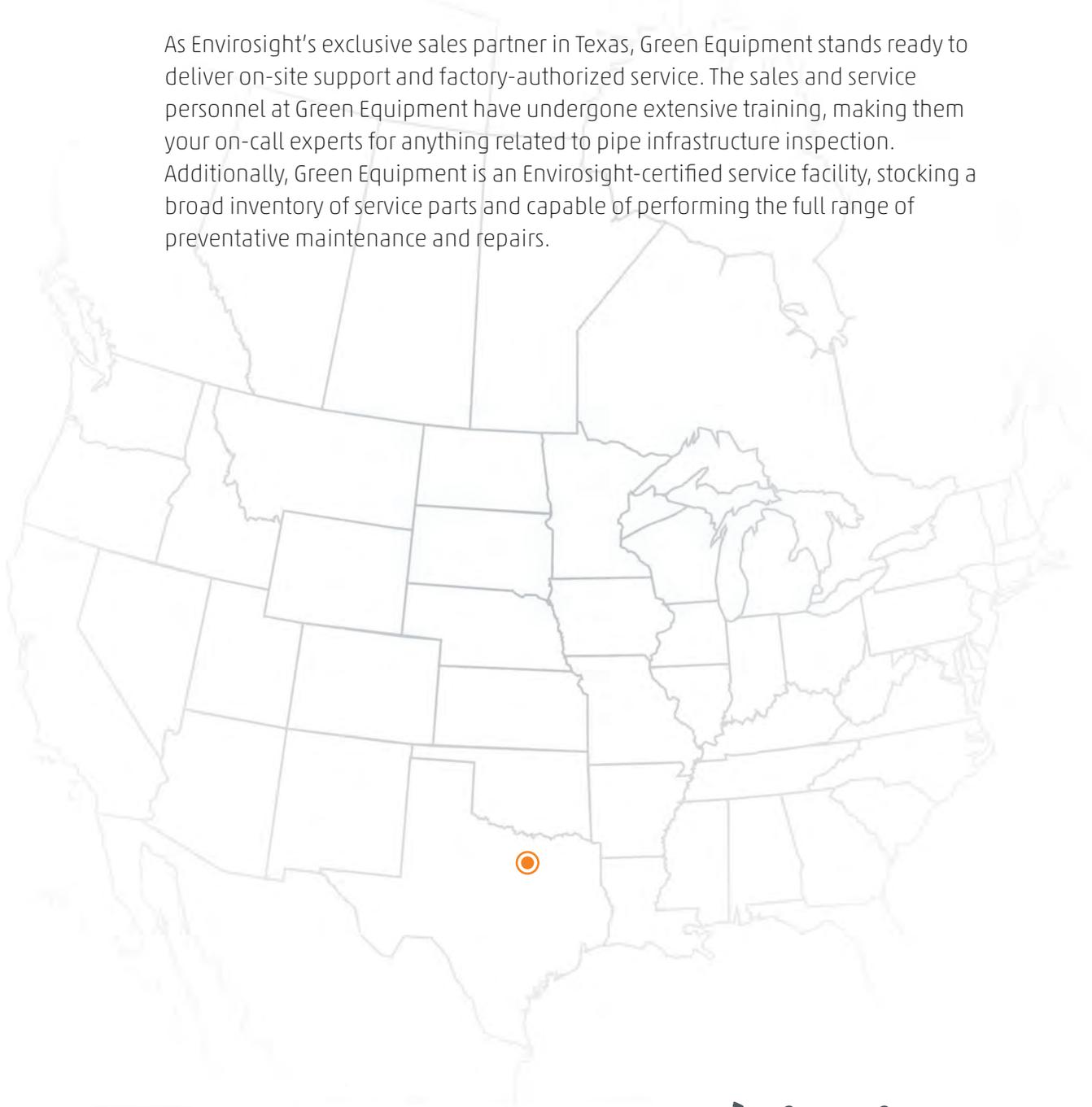


Envirosight

sewer inspection technology

Meet Green Equipment

As EnviroSight's exclusive sales partner in Texas, Green Equipment stands ready to deliver on-site support and factory-authorized service. The sales and service personnel at Green Equipment have undergone extensive training, making them your on-call experts for anything related to pipe infrastructure inspection. Additionally, Green Equipment is an EnviroSight-certified service facility, stocking a broad inventory of service parts and capable of performing the full range of preventative maintenance and repairs.



EnviroSight



sewer inspection technology

Commitment to Support

At Envirosight, we know equipment is only as successful as the team that stands behind it. Our product, service and support specialists deliver industry-leading:



Training: When your personnel are properly trained, your productivity goes up and the risk of injury and equipment damage goes down. You can expect operator and service training—at no charge—when your equipment is delivered, when you hire new operators, and whenever a refresher is needed.



Technical Support: Don't let challenging applications, unfamiliar features and compatibility issues slow you down. Our technical support team is standing by to help you work through whatever challenges arise.



Service: When you need scheduled maintenance or emergency repair, count on our factory-trained technicians to deliver guaranteed workmanship with rapid turnaround.



Envirosight

sewer inspection technology

Solution Overview: ROVER X

The one crawler system that makes inspecting pipes simple for beginners, while delivering the capability and productivity larger operations demand.

- Steerable 6-wheel drive
- Modular design for versatility
- Auto-updating controls with self-diagnostics
- Lateral launch, side-scan and laser options
- WinCan VX software included



technical details attached

Deliverables & Pricing

Envirosight



sewer inspection technology

qty	part no.	item	amount	Subtotal
1	E-RX-SYS-Basic-18	<p>Rover X Basic Mainline Inspection System</p> <p>System includes VC500 Controller with Vision Report Software installed, RAX300 Automatic Cable Reel with 300M (1000ft) cable, wireless remote controller, reel mounting frame, emergency stop cable, RX130 Quick Change version crawler with 3 sets of rubber wheels for 6" to 12" pipe diameter. RCX90 pan, tilt, zoom camera, Pressurization Kit, and Wincan VX entry license.</p> 	\$71,500	\$71,500
1	564-0900-04	<p>RX Camera Elevator Kit, QCD</p> 	\$13,000	\$13,000
1	559-0900-03	<p>RX Aux Light w/ Rear Camera, QCD</p> 	\$3,700	\$3,700
1	569-0900-00	<p>RX Carriage</p> 	\$10,300	\$10,300
1	E-000-0035-00	<p>Top Manhole Roller</p>	\$400	\$400

Envirosight



sewer inspection technology

1	E-000-0036-00	Tyger Tail For cable protection from manhole bottom pipe entry	\$70	\$70
4	080-0706-00	ELKA Wheel D120x31 / d12 QCD (Med Grease) 	\$325	\$1,300
4	080-0707-00	ELKA Wheel D150x52 / d12 QCD (Lg Grease) 	\$370	\$1,480
4	080-0711-00	HMS Wheel D120x31 / d12 QCD (Md Aggressive) 	\$560	\$2,240
4	080-0710-00	HMS Wheel D145x52 / d12 QCD (Lg Aggressive) 	\$575	\$2,300
1	E-OUTPOST-RX-V3.0	Outpost Portable Enclosure / Inspection Platform includes washdown system	\$10,350	\$10,350

Envirosight



sewer inspection technology

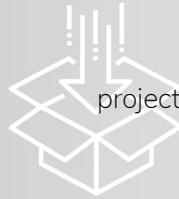


1	E-OUTP-GENSLIDEOUT	Generator Slide out Tray Upgrade	\$620	\$620
1	Sunlight Monitor	19" Tru-View Sunlight Readable Monitor	\$1,667	\$1,667
1	E-V-SYS-SPP-109	Verisight Pro Plus 100M (330ft) System System includes reel with 100M (330ft) of push cable, self-leveling camera, control unit with text generation, video recording and digital output, accessory case with 3 skids, USB memory stick, charger, and tooling.	\$10,750	\$10,750
				
1	E-QV-SYS-AIRHD	Quickview airHD Camera Inspection System Complete system includes WIFI enabled camera head, 2 batteries, battery charger, 16' collapsible pole, 6' pole extension, spring standoff, and bipod.	\$15,000	\$15,000
				
1	E-QVA-LASER	Laser Measurement Attachment	\$1,600	\$1,600
				



1	Greenstick	MT202 Ferrous Metal Detector Aids in the detection of covered access points	\$885	\$885
1	VX-UPGRADE-ADVANCED	WinCam VX Advanced License UPGRADE WinCam VX Advanced License UPGRADE includes: Section/Lateral/Manhole, Basic Reporting, Data Viewer, All languages & Standards, Map Entry, PhotoAssistant, Drawing function, Meta DB, Data Transfer Tool, SQL & Oracle database option, Multiple Inspection, Grading, Software Encoding, MPEG 1/2/4 Recording, NASSCO Validator, Text Generator, Inclination, Local deformation & Crack width with laser.	\$4,820	\$4,820
1	VX-INFINITY-ADVANCED-1	Advanced Enterprise Infinity Support Plan Advanced Enterprise Infinity Support Plan includes: Unlimited Phone, Email, and Remote Internet Technical Support Unlimited Maintenance Upgrades and Version Upgrades to WinCam VX 5 Hours per year of Web Ex Training Same Day Support and Service	\$1,148	\$1,148
1	E-PA- PINNACLE	Pinnacle Dazzle Card	\$105	\$105
1	GEC Labor	GEC Orientation and General Set-Up 3 days of time for training, setting up the outpost system, and general orientation to the QVAHD, Verisight, Greenstick and RoverX systems.	\$2,100	\$2,100
1	E-WINCANTRAINING-2	Two Day On-Site Installation and Training includes instructor's time and expenses	\$3,300	\$3,300





.....total: **\$158,635**

projected delivery: **6-8 Weeks from Order Date**

FOB: **New Jersey, USA**

terms: **Net10**

subject to terms and conditions listed on following pages

Customer is responsible for IT integration and supplying relevant hardware (i.e. computers, tablets, smartphones, etc)

Freight is F.O.B. New Jersey. Estimate total Freight is \$2,000.00 and is to be billed at actual freight cost.

HGAC Contract Number: SC01-18



Envirosight

sewer inspection technology

Terms & Conditions

Notes: This proposal may be withdrawn if not accepted within 30 days. All equipment remains the property of the seller until the sum stated herein is paid in full. We propose to furnish labor and material, complete in accordance with the above specifications, and subject to the conditions found in this agreement, for the sum stated herein in accordance with the terms as specified:

Expiration Period: March 31, 2020

Payment Terms: Net10

FOB: New Jersey, USA

Currency: USD



Envirosight

sewer inspection technology

Warranty

Envirosight LLC (Envirosight) guarantees this product to be free from defects in materials and manufacturing. Envirosight's obligation under this Warranty shall be limited to the repair or exchange of any part or parts thereof which may prove to be defective under normal use and service within one (1) years from the date of original purchase and which our examination, at our facility, shall disclose, to our satisfaction, to be defective. This Warranty is expressly in lieu of all other warranties, express or implied, including the warranties of merchantability and fitness for use and of all other obligations or liabilities on our parts, and we neither assume nor authorize any other person to assume for us, any other liability in connection with the sale of Envirosight's equipment. This Warranty shall not apply to any equipment that has been subject to accident, negligence, alteration, abuse, unauthorized repair, improper storage or other misuse. This Warranty applies only to the original purchaser and cannot be assigned or transferred to any third party without express written consent of Envirosight. The warranty does not apply to expendable items or normal wear and tear or failure due to overheating or radiation exposure. Additionally, Envirosight assumes no responsibility, either expressed or implied, regarding the improper usage of this equipment or interpretation of test data derived from this product. Envirosight's responsibility and obligations, in all cases, are limited strictly to the repair and/or replacement cost as outlined above. This warranty shall be governed by the laws of the State of New Jersey. Note: In the event that the equipment cannot be returned to Envirosight, for whatever reason, the customer agrees to pay for all travel and living expenses incurred to have an Envirosight LLC representative evaluate, assess or affect a field warranty repair.

Envirosight is not responsible for shipping costs. After receiving and evaluating the product, Envirosight's product manager will contact you to discuss the warranty claim.



Envirosight

sewer inspection technology

Envirosight



For More Information, please contact:

Derek A. Dickens, MBA
Green Equipment Company, Inc.
Regional Sales Manager
210-410-7589 cell phone
derekdickens@greenequipco.com

The Power of One

Safe, Easy and Advanced Inspection Crawler



ROVER X

The Power of One

ROVER X is the one system that lets you do everything—control inspections, view and record digital video, log observations, generate reports, and link directly to asset-management software. All this capability is packed into a simple three-piece layout, with no CCU or other components to clutter your truck.

ROVER X is built on a powerful digital backbone. Not only can you add side-scanning, laser profiling and lateral launch, you can view status from onboard sensors, automate tasks with macros, and measure defects on-screen. And future capabilities are limitless—ROVER X's firmware updates automatically to the latest features and accessory support.

Technology aside, ROVER X is built for the rigors of sewer work. Twelve wheel options—plus camera lift, carriage and lamp accessories—mean ROVER X transforms in seconds to inspect any line. Its steerable six-wheel drive navigates past obstacles, and overlapping wheels climb offsets better than tracks.

ROVVER X

Responsive Controls

Control multiple camera and crawler functions at once. • View live and recorded video directly on controller. • Enhance productivity with custom controls. • Use macros to automate inspection tasks like joint scanning. • Access specialized functions using intuitive touchscreen interface.



camera controls

crawler/reel controls

Recording

Store digital video and images, and export them via USB media or network port. • Review footage directly onscreen.

Reporting

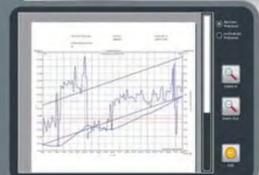
Log observations on touchscreen. • Use standard or custom defect catalogs. • Generate simple reports, or use WinCan for full reporting. • Overlay text on video without external hardware. • View system status and operating history.



observation entry



manhole-to-manhole report



incline report



WinCan export



system status

Envirosight



Remote Control

Supplied standard, this single-channel wireless remote lets you control camera, crawler, lift and reel.

Visibility

Capture superior video resolution. • Illuminate distant targets with 50% brighter LED light. • Boost illumination in large pipelines with auxiliary lamp. • See above flow with high-mount rear-view camera, plus additional rear-view camera on auxiliary lamp.



Adaptability

Remotely adjust camera height over 7" range with lift accessory. • Handle pipe of any size, material and condition with 12 wheel options. • Extend height and wheelbase with carriage accessory for pipelines up to 72" diameter.



Maneuverability

Control any number of camera and crawler functions at once. • Pivot in place with zero-degree turning. • Use macros to automate tasks (like joint scanning). • Avoid high-centering on offsets and debris with overlapping wheels.



Range

Crawl up to 1000' with standard reel. • Overcome obstacles with unmatched maneuverability and power. • Prevent tangles and maximize range with cable tension control. • Control reel direction, force, speed and mode directly from pendant.



Measurement

Track pipe grade with inclinometer. • Monitor temperature/pressure with onboard sensors. • Locate crawler using built-in sonde. • Easily add laser profiling and side-scanning. • Size defects with twin lasers. • Avoid flips with warnings from roll sensor.



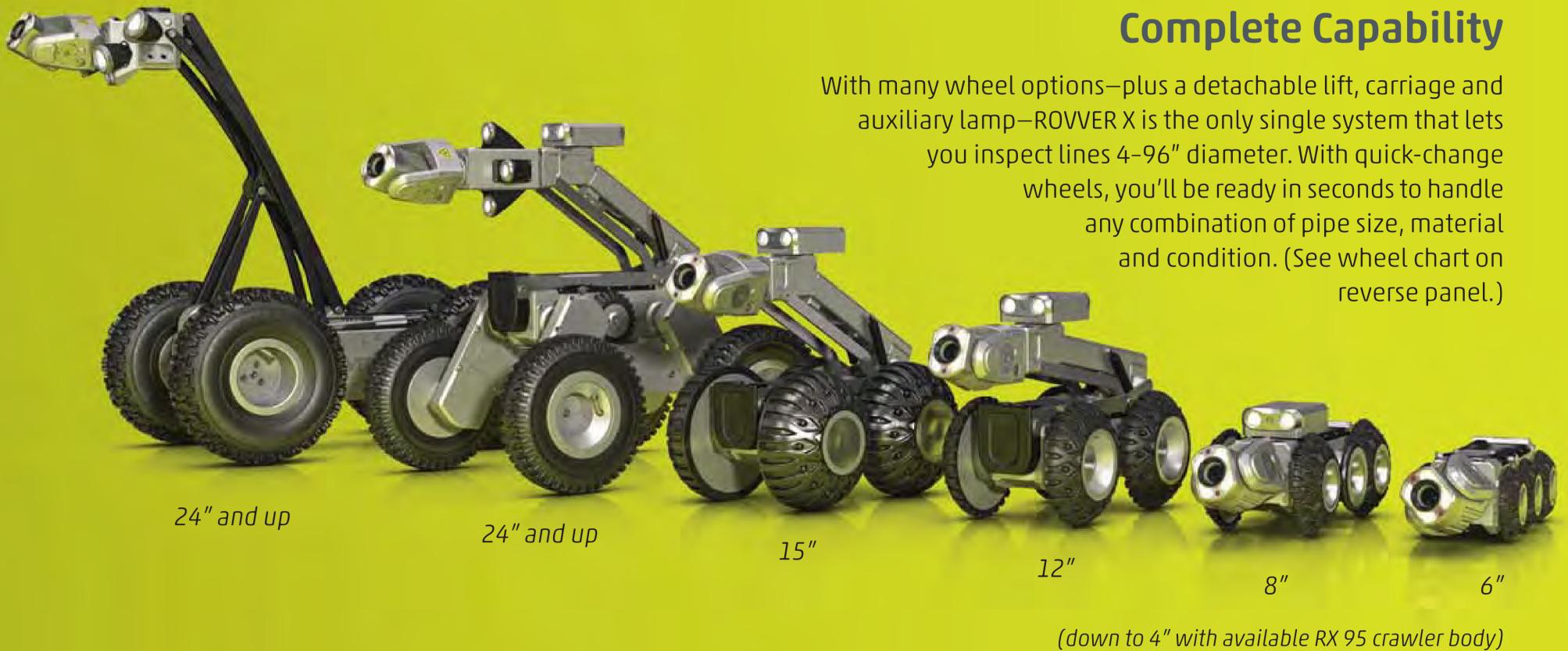
Field-Readiness

Inspect from truck, pickup or ATV using simple 3-component system. • Run off generator or inverter. • Inspect pipelines 6-72" diameter with single, reconfigurable crawler. • Store 1000' of strong, lightweight cable on compact, automated reel. • Transport system in compact, weatherproof enclosure.



Complete Capability

With many wheel options—plus a detachable lift, carriage and auxiliary lamp—ROVER X is the only single system that lets you inspect lines 4–96" diameter. With quick-change wheels, you'll be ready in seconds to handle any combination of pipe size, material and condition. (See wheel chart on reverse panel.)



Power to Maneuver

ROVER was the first crawler with steerable 6-wheel drive, giving operators the agility to navigate past obstacles that stop other crawlers.

ROVER X adds to that legacy with CAN-bus controls, which allow you to perform multiple functions at once. Now you can steer while panning the camera and adjusting camera lift height. Proportional joysticks give you fine control over speed and direction, and also let you pivot in place.



Many Ways to Inspect



► **Digisewer.** Generate side-scans that capture every detail from pipe wall. With Digisewer, you can inspect three times faster than with CCTV—at a cost and learning curve anyone can manage. With the Digisewer laser ring, you can also measure pipe ovality.

◀ **Laser.** Onboard lasers can be used to measure defects and ovality. With an optional laser profiling accessory attached, WinCan's laser module can track cross-section along the pipe to determine ovality and create a geometric model.

► **Lateral Launch.** The ROVER X SAT lateral launch add-on lets you inspect laterals from a mainline, ideal for finding gas line cross-bores and illicit flows. It integrates with any existing ROVER X system, reducing cost and equipment clutter.

Onboard Intelligence

ROVVER X uses CAN-bus, the same technology found in modern automobiles. This gives it capabilities not available anywhere else:

Automatic Updates: When connected to the Internet, the pendant updates its firmware automatically, ensuring the latest features.

Concurrent Control: Digital communications let you control any number of camera, crawler and accessory functions at once.

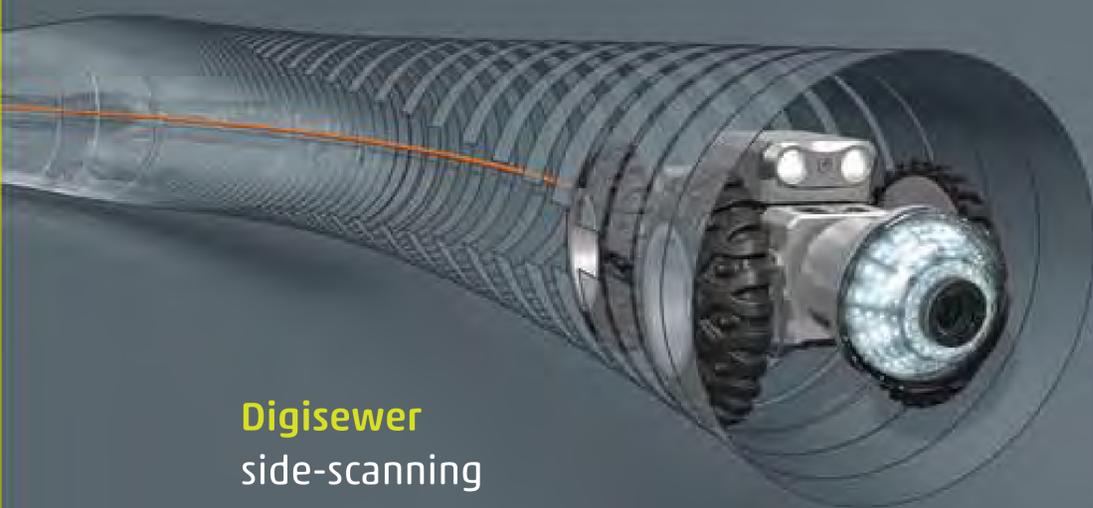


Agility & Uptime: With only six conductors, lightweight ROVVER X cable is easy to pull long distances, and also easy to reterminate. Kevlar gives it a 1000-lb. break strength, and a tough jacket maximizes abrasion resistance.

Future-Readiness: ROVVER X evolves with technology, which means its capabilities can grow with your needs.

Information: Access system status, from real-time sensor data to lifetime service and operating history.

Self-Diagnostics: Connect to a PC with ROVVER X Studio, and our technicians can log in to read error codes and run diagnostics.



Digisewer
side-scanning



SAT
lateral launch

Quick-Change Wheels

Swapping in seconds with no tools, ROVER X quick-change wheels address any combination of pipeline diameter, material and condition.



system

ratings CE, NRTL
power 120-240 Vac, 60 Hz
viewing capability pipelines 4-96" dia.

camera (RCX90)

imager color 1/4" CCD
resolution 720 × 576 pixels
zoom lens 120× (10× optical, 12× digital)
pressure rating 1 bar
features auto shutter; auto/manual focus
illumination dimmable 40-LED array
articulation ±145 deg tilt; infinite pan
measurement twin laser diodes
sensing temperature, pressure, pan/tilt
size 6.6" × 3.1" × 2.8" (168 × 81 × 72 mm)
weight 3.3 lb (1.5 kg)
materials aluminum, stainless steel

crawler (RX130)

wheels 6
turn radius down to 0.0"
camera color rear-view with tri-LED lamp
sensors pitch, roll, temperature, pressure
pressure rating 1 bar
size 12.2" × 4.4" × 3.2" (310 × 111 × 90 mm)
weight 13.2 lb (6 kg)
materials aluminum, stainless steel
sonde transmitter 33 kHz / 512 Hz

control pendant (VC200)

controls twin joysticks; push-button controls (power, lamp intensity, camera lift, zoom, focus, reel mode, pull force, crawl speed/direction); 10 soft keys; touchscreen
touchscreen 8.4" color (800×600 pixels)
video capture MPEG-4 (H.256)
image capture JPEG
storage external USB; internal flash (64 GB)
connectivity Ethernet
size 13.5" × 9.3" × 3" (342 × 236 × 75 mm)
weight 4.4 lb (2 kg)
firmware VisionControl (auto-updating)
bundled software VisionReport

aux. lamp (optional)

lamps four (4) tri-LED lamps
dimensions 4.6"×5.2"×5.2" (117×132×132 mm)
materials aluminum, stainless steel

For More Information, please contact:

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cable reel (RAX300)

cable length 1000' (300 m)
cable diameter 1/4" (6.5 mm)
cable weight 0.03 lb/ft
cable strength 1000 lb
cable conductors 6
controls (local) power, emergency stop
controls (via pendant) auto/manual, speed, forward/reverse, pull strength
sensors tension, tilt
size 24.2"×12.4"×19.3" (620×315×490 mm)
weight 68.3 lb (31 kg)
connections pendant, service, video in/out

camera lift (optional)

lift range 3.1-10.2" (132-312 mm)
materials aluminum, stainless steel

carriage (optional)

wheelbase (w/l) 14.5"/12.2" (368/310 mm)
weight 34.2 lb (15.5 kg)
materials aluminum, stainless steel

aux. lamp/rear camera (optional)

forward illumination twin tri-LED lamps
camera color rear-view with tri-LED lamp
sonde transmitter 33 kHz / 512 Hz
materials aluminum, stainless steel

basic system

- RX130 crawler body
- RCX90 camera head
- RAX300 reel with 1000' cable
- VC200 control pendant
- VisionReport software
- WinCan VX software (basic)
- single-channel digital wireless remote control
- small rubber wheels (6)
- medium rubber wheels (4)
- medium grease wheels (4)
- climber wheels (2)
- large rubber wheels (4)
- crawler body transport case
- camera head transport case
- tools (wrenches, pressure kit)

options/accessories

- laser profiler
- DigiSewer side-scan camera
- lateral launch crawler/reel
- remote camera lift
- large-pipe carriage
- large- and small-dia. crawlers
- aux. lamp/rear-view camera
- desktop mount for pendant
- USB media for pendant
- wheel sets (see chart on flap)
- cable management accessories
- lowering devices
- WinCan VX software (advanced)
- other accessories



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111 Canfield Ave., Unit B3
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Regional sales, support and service
across North and South America.

The industry's most
extensive network of
service partners.



We've analyzed the preferences of our inspection vehicle customers to identify the most popular configurations. We offer these as our Preferred Build-Outs.

We can also build inspection vehicles of any chassis and size, with production facilities on each coast for responsive delivery. We stock select chassis and boxes, and can retrofit new systems into existing trucks.

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inspect sewers from a pickup or ATV

**underground
understood**

The rugged, weatherproof Outpost inspection transport enclosure powers, protects and organizes all your sewer inspection equipment, including crawler, cable reel, monitor and computer. A slide-out drawer holds 500 lb of accessories, and a partitioned video compartment stows the crawler, controller, reel, computer and monitor.



- Welded aluminum construction has epoxy finish and gasketed doors.**
- Swing-up hood shields operator.**
- Blinders and flat interior reduce glare.**
- Shelving holds video/crawler gear.**
- Drawer compartments hold 500 lb.**
- Fork skids facilitate installation.**
- Optional washdown helps with cleanup.**



lots of room
Easily deploy your crawler system, generator and wash-down system.



secure
Rugged, lockable construction protects your valuable equipment.



perfectly organized
Work efficiently with everything in its place and easy to find.

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insight
unleashed



 **quickview**[®]
airHD

an instant,
wireless view
into any sewer

Envirosight



sewer assessment that unleashes your insight

A complete sewer assessment is essential to prioritizing CCTV and maintenance activities, planning cleaning and rehab work, and meeting regulatory obligations.

Quickview airHD makes it easier, faster and more affordable to assess sewer condition, offering productivity features like:

- HD video
- wireless operation
- touchscreen controls
- motorized tilt
- hands-free stability
- remote centering



Quad Haloptic. Our patented Haloptic technology gives you more illumination farther into the pipe with optimum alignment at every distance. The new Quad Haloptic configuration uses four offset reflector/lamp pairs to fully encircle the camera with powerful light.

HALOPTIC

Smart Center. To adjust camera height in-manhole, push against the standoff's gas spring to the desired height; a ratchet then holds your position.

Wi-Fi. Wireless control and video eliminates cables and allows live video sharing on multiple devices.

Connection. Connect to any Quickview airHD in range, either in control or view-only mode. Download app updates to access new features.

Status Bar. Monitor illumination, zoom and tilt, as well as Wi-Fi signal and battery (for both tablet and camera).

Capture. Record video and capture still images to the media library.

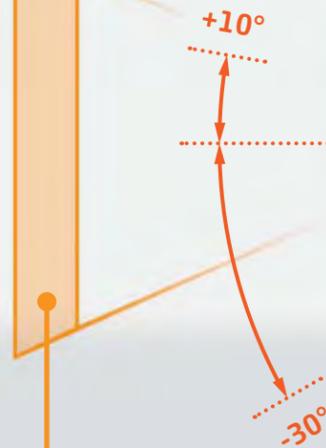
HD Zoom

Tilt

Illumination

camera

controls



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Text Overlay. Configure on-screen display of text, including variables like zoom, tilt and GPS coordinates. Modify text color and position.

Media Library. Browse media thumbnails, then review, annotate and share footage.



system components

- camera head
- pole
- standoff
- bipod
- battery (2)
- battery charger
- case
- app (tablet device not included)



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specifications

video system

imager 1/2.8-type CMOS
 zoom 360× (30× optical, 12× digital)
 resolution 1280×720 pixels (2.38 megapixels)
 functions ZOOM
 focus (auto/manual)
 shutter (auto/manual)
 sensitivity mode
 field of view (hor.) . . . 63.7 deg (wide) - 2.3 deg (tele)
 sensitivity 1.4 lux

illumination

system Quad Haloptic (four LED/reflector pairs)
 illumination type coaxial, collimated
 reflector type proprietary

camera head

connections 4-pin auxiliary port
 depth rating 10' (3m)
 construction aluminum, rubber, acrylic
 sensors temperature, pressure, incline

wireless system

Wi-Fi standard IEEE 802.11b/g/n
 frequency range 2.400-2.483 GHz
 operating channels 1-11

centering support

extension range 18.9" (480mm)
 pipe diameter compatibility . . . 6-48" (DIN 150-1200)
 mechanism . . . gas spring with reciprocating ratchet

battery/charger

battery quantity 2
 battery capacity 3.4 A-hr.
 battery charger mains power

pole/bipod

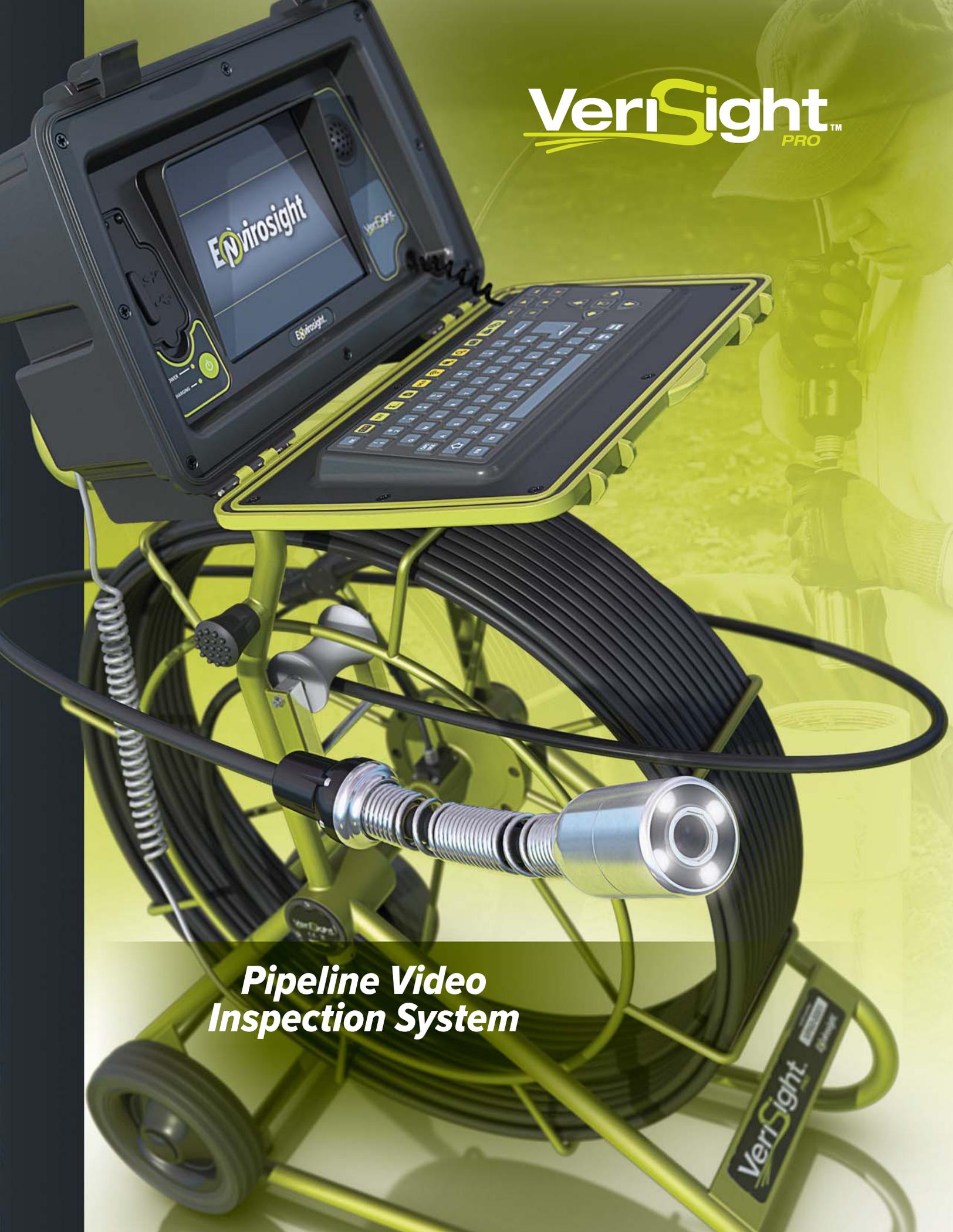
length (collapsed/extended) 4'/16' (nominal)
 stabilization detachable hands-free support

app

supported OS Android, iOS, Windows

worldwide sales, service and support offices

VeriSight™
PRO



***Pipeline Video
Inspection System***

VeriSight™
PRO



VeriSight[™] PRO

Total Inspection Productivity

VeriSight Pro has everything you need to inspect pipes, document your findings, and generate reports for on-site delivery*. It captures detailed footage under challenging conditions, and its advanced interface offers robust tools—including observation entry and reporting options—and has USB and SD media bays for easy offload of data, video, images and reports.

Reel

Welded steel construction with a protective powder coat finish mean VeriSight Pro's reel stands up to the punishment of daily field use. It's sealed slip ring ensures reliable operation, while measurements from the integral distance counter appear onscreen. The VeriSight Pro reel is available in three sizes:



Offloading video, images and data is as simple as plugging in a USB stick or SD/SDHC card.



* Observation entry and reporting modules are available as options.

VeriSight Pro's self-leveling head keeps video upright, so you can maintain your orientation.

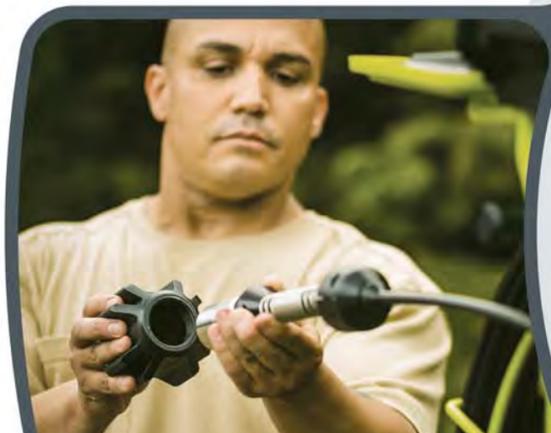


Controls

VeriSight Pro's interface displays real-time footage on an 8" LCD, records up to 90 hours of video to internal memory, and offers the option to enter observation data for upload directly to WinCan. With its customizable interface, you can zoom video 3X, capture still images, enter up to 16 pages of text, browse thumbnail galleries, and select among several available languages. Housed in rugged ABS plastic with an IP54 rating, the controller runs off mains power, vehicle power, or an internal rechargeable 6-hr battery.

Camera

VeriSight Pro's self-leveling camera captures crisp color footage from pipes 2" in diameter and larger. LED lamps deliver variable-intensity, shadowless illumination adjustable to 12,500 lux (at 6"). The camera's stainless construction withstands harsh conditions, and its unique spring facilitates navigation through bends and P traps. The signal from its tri-band sonde can be picked up by most any locator.



Data Entry & Reporting

VeriSight Pro is the only push camera available with optional data entry and reporting capabilities. With these options, you can enter standards-compliant observations using onboard defect catalogs, and then generate reports (right) and save them to USB media. Imagine—your client gets a deliverable before you leave the job site!



You can also export observation data seamlessly to WinCan software (sold separately) and benefit from: database capabilities • PACP and LACP compliance • GIS integration • advanced technology modules • enhanced reporting • support for network installation and enterprise databases (Oracle, SQL) • links to municipal apps (ArcGIS, Cartegraph, CityWorks, GBA, Hansen, Maximo)



In 3" pipe (top) and larger.

Though VeriSight Pro inspects pipes as small as 2", you can optimize your view in lines 3" and larger using the supplied adapter kit (includes three centering devices, maneuverability collar, and wrench for quick installation).





Functionality At Your Fingertips

Capture Footage. Grab MPEG video and JPEG images, and zoom up to 3X on video.

Enter Observations. Use optional data-entry module to log inspection findings.

Review Footage. Organize videos and images in folders, then find them using the thumbnail gallery. Review media using standard controls.

Generate Reports. Use optional reporting module to generate an inspection report, then transfer it to USB media for on-site delivery.

Offload Data. Copy video, images and data to USB or SDHC media for easy transfer to PC and seamless integration with WinCan's reporting and querying capabilities.

Write Screen Text. Type and store up to 16 pages of onscreen text. Customize text color, position and background color.

Control Hardware. Set sonde frequency, adjust illumination, and zero/offset footage.

Configure Preferences. Set language and date/time; establish file formats and naming conventions; adjust camera parameters; choose interface theme and power-saving scheme; update firmware.



Use the VeriSight Pro control unit to view, record and annotate inspection footage from any composite video source.

System

video format selectable NTSC or PAL
battery 6-hour lithium-ion
charging mains power (100-240 Vac) or vehicle power (12 Vdc) using supplied adapters

Controller

display 8" TFT LCD (800×600 pixels)
keyboard full QWERTY membrane keyboard with function keys and navigation pad
video recording MPEG4 (WinCan compatible)
image capture JPEG (live or from recorded video)
text overlay 16-page (selectable text/background colors)
internal memory 16 GB (expandable to 128 GB)
external media SDHC and USB 2.0
language support English, Spanish, French
connections power, reel
environmental rating IP54
weight 6.6 lb (3kg)
size 17.1" × 9.8" × 5.5" (435 × 250 × 140 mm)

Camera

imager 1/4" color CCD with DSP
effective pixels 512×582
resolution 470 HTVL
sensitivity <1.0 lux
aperture / field of view F2.5 / 75 deg
image orientation auto-leveling
size 1.61" (41 mm) dia.
illumination system 4 LED
illumination intensity adjustable (up to 12.5K lux at 6")
construction stainless steel
pipe compatibility 2" (50 mm) and up
sonde 33 kHz, 512 Hz, 640 Hz (selectable)

Reel

construction welded steel
finish powder coat
distance counter units feet, meters
controls reel brake, reel lock

130' (40 m) reel

weight / height 33 lb. (15 kg) / 24.4" (620 mm)

200' (60 m) reel with wheels

weight / height 44 lb. (20 kg) / 35.0" (890 mm)

330' (100 m) reel with wheels

weight / height 66 lb. (30 kg) / 37.8" (960 mm)



System Components

- push rod reel
- illuminated, self-leveling color camera with sonde
- control unit with internal battery
- reel-to-controller cable
- car power adapter
- mains power adapter
- pipe adapter kit
- 8 GB USB drive
- components case

Options

- observation entry module
- reporting module
- composite video input pigtail
- SD/SDHC card for data storage
- replacement camera windows
- roller skids (below)



Envirosight LLC

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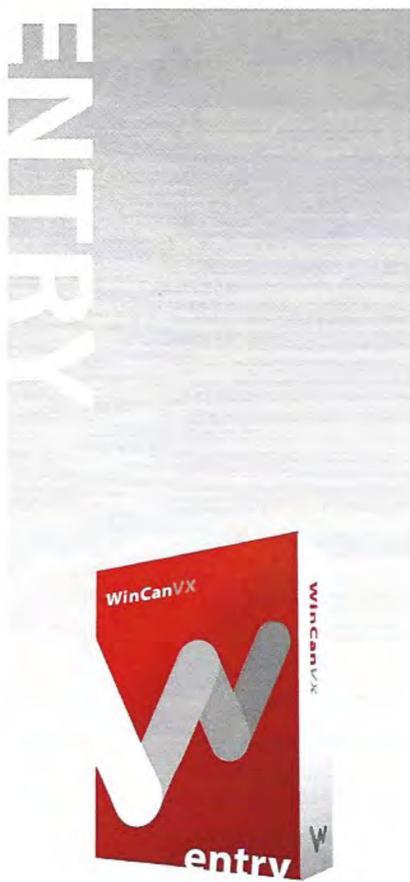
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Worldwide Sales & Service

Packages

at-a-glance



WinCanVX ENTRY

ENTRY Package Plus:

- Unlimited View Ware
- NASSCO PACP Standard
- Photo Assistant
- Drawing Functionality
- Project Meta DB
- Data Transfer Tool
- SQL & Oracle DB Connectivity
- Multiple Inspections

WinCanVX OFFICE

Includes ENTRY Package Plus:

- WinCan Validator
- Deformation Measurement
- Crack Measurement
- NASSCO LACP, MACP, PACP Standard

WinCanVX ADVANCED

Includes OFFICE Package Plus:

- Text Generation Control
- MPEG 1/2/4 Capture
- HD Video Capture
- Inclination

WinCanVX EXPERT

Includes ADVANCED Package Plus:

- Report Generator
- WinCan 3D
- WinCan Analyst
- ESRI GIS Connection
- Asset Management Integration
- Work Order Management

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NEW

WinCan VX and its main advantages

WinCan VX lets you invest in the functionality you require today and then add capabilities as future needs arise. Value bundles make essential functionality affordable even for the smallest water authority or contractor with the assurance that down the road you can expand functionality. Growing organisations demand versatility and WinCan VX scales to meet all your future needs.

For more information: www.wincan.com

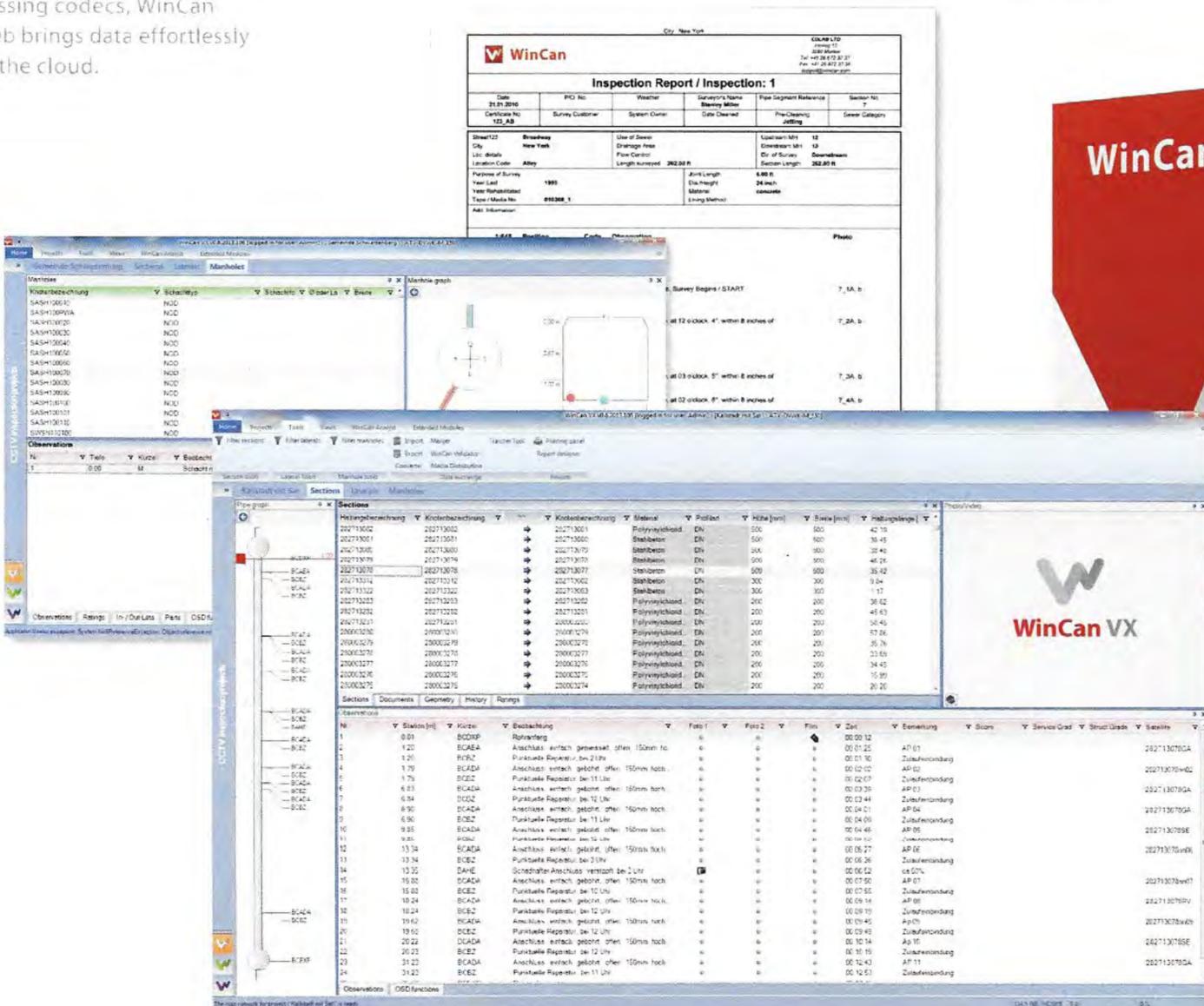
Cloud compatibility
 Securely publish inspection data, images and video to the cloud using your own server or WinCan's. An authorised user can view up-to-the minute results on any platform using a common Web browser. No more versioning issues or missing codecs, WinCan Web brings data effortlessly to the cloud.

Modern user interface
 WinCan VX has a new user interface which adopts to any screen size and the main screen is completely customisable.

Newest Video Technology
 WinCan VX integrates with the newest video drivers and hardware available on the market.

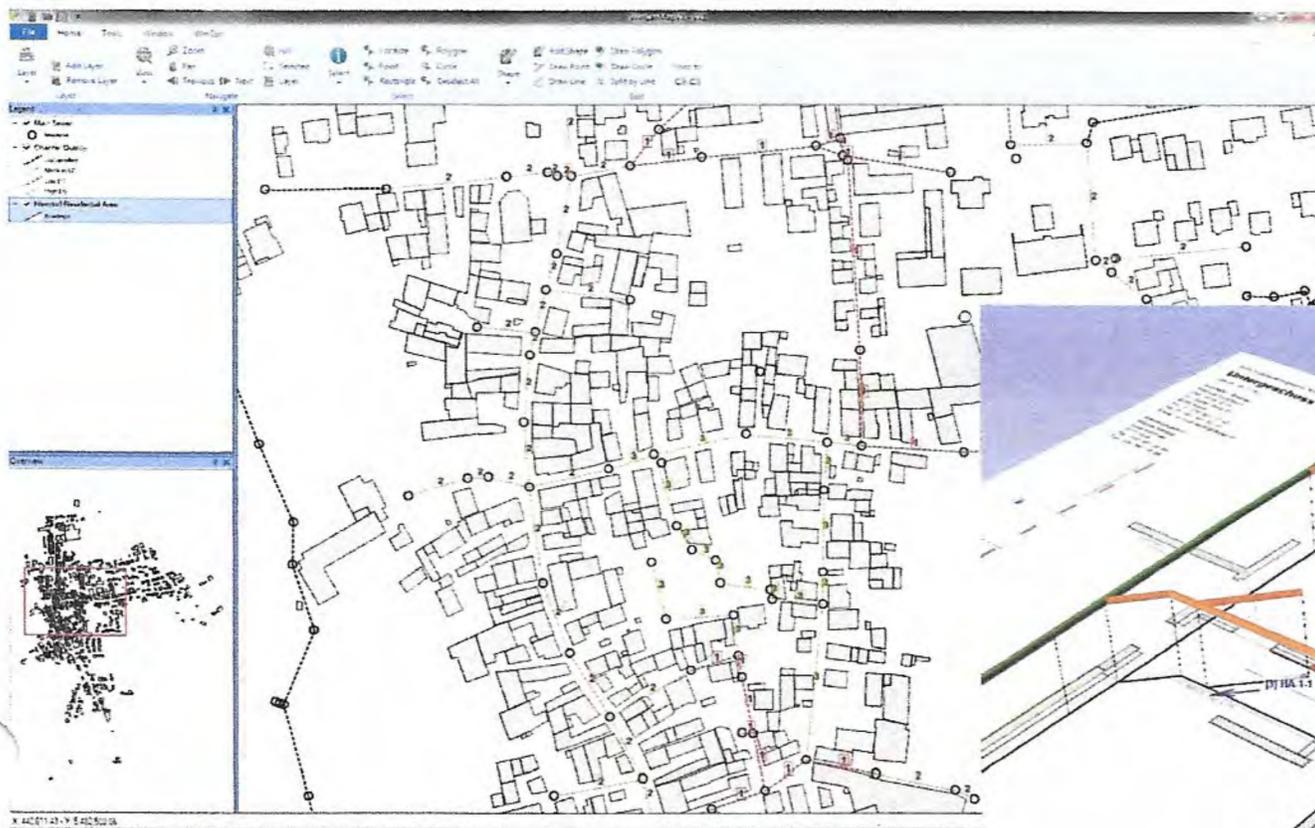
GIS & Mapping
 WinCan VX's full-featured GIS implementation makes it easier than ever to manage infrastructure data using GIS as the front end. Simply click and drag on a map to create entire WinCan projects with pre-populated section data.

WRc MSCC5
 WinCan VX includes the new data collection standard MSCC5.

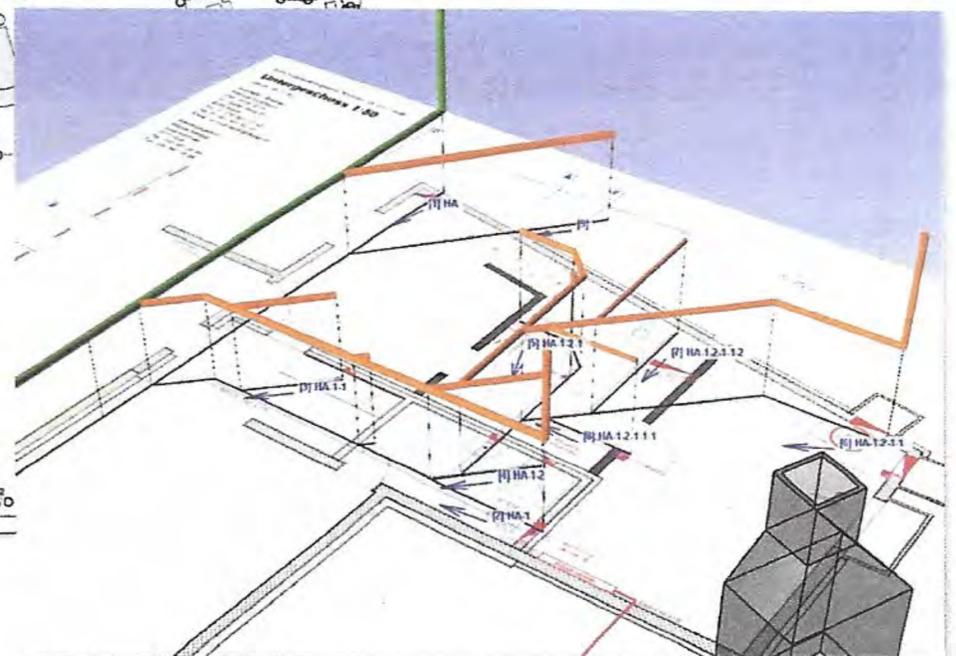


User interface	Customization of user interface	✓	—
	Customization of font size / type	✓	—
	Adjustment of screen size / resolution	✓	—
	Modern screen layout	✓	—
Data analysis	Pipe graphic on main user interface	✓	—
	Quick observation entry	✓	—
	Beginner's observation entry	✓	—
	Data synchronization with office database	✓	—
	3D preview of pipe & manhole	✓	—
	List & label report generator	✓	—
	Creation of project statistics	✓	—
Video technology	MPEG 1/2/4 with USB grabbers	✓	—
	Software OSD with colours	✓	—
Sensor technology	Sonar sensor compatibility	✓	—
GIS / Mapping	Basic MAP software included	✓	—
	Show grading on map	✓	—
	WorldWide background satellite maps	✓	—
	ArcGIS integration	✓	—
	Heatmap analysis for rehabilitation priorities	✓	—
Cloud compatibility	WinCan Web connector	✓	—
	Streaming of videos via a web browser	✓	—
	Streaming of photos via a web browser	✓	—
	Streaming of reports via a web browser	✓	—
	Central & secure data storage	✓	—
Services	Future standards	✓	—
	Future operating system support	✓	—
	Client specific customisations	✓	—

**Users with a comprehensive maintenance plan receive VX upgrades for no additional charge.
WinCan VX is PACP & MACP & LACP 6 certified!**



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Legislation Text

File #: Res. 2020-11R, **Version:** 1

AGENDA CAPTION:

Consider approval of Resolution 2020-11R, approving the replacement of a Crew Leader Truck to be purchased from Altec Industries, Inc. through the Sourcewell Cooperative for use by the Utility Metering Division in the amount of \$86,990; authorizing the City Manager or his designee to execute all appropriate documents to complete the purchase; and declaring an effective date.

Meeting date: January 21, 2020

Department: Public Services ...Tom Taggart, Director (By Lynda Williams, Purchasing Manager)

Amount & Source of Funding

Funds Required: \$86,990

Account Number: 21006319.60125

Funds Available: \$86,990

Account Name: Equipment

Fiscal Note:

Prior Council Action: Budgetary approval of the capital outlay line item during the FY20 budget process.

City Council Strategic Initiative: [Please select from the dropdown menu below]

Choose an item.

Choose an item.

Choose an item.

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

- Economic Development - Choose an item.
- Environment & Resource Protection - Choose an item.
- Land Use - Choose an item.
- Neighborhoods & Housing - Choose an item.
- Parks, Public Spaces & Facilities - Choose an item.
- Transportation - Choose an item.
- Core Services

Not Applicable

Master Plan: *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

Background Information:

The San Marcos Electric Utility Department is requesting purchase of a replacement crew leader truck from Altec Industries, Burnsville, North Carolina, through cooperative contract #0124-8-ALT in the amount of \$86,990. This vehicle will replace truck 37-912 whose age and condition make it less reliable than is acceptable and more costly to maintain. A lease option is not available for this size vehicle, so a purchase of new is the preferred option.

The City of San Marcos is authorized by Local Government Code, Chapter 271, to participate in cooperative purchasing programs. The Sourcewell Cooperative has awarded contract #0124-18-ALT to Altec Industries, located in Burnsville, North Carolina.

This capital outlay request was approved in September 2019 during the FY20 budget process.

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

None. A lease option is not available and buying used is not advised.

Recommendation:

Recommend award to Altec Industries, Inc for Crew Leader Truck in the amount of \$86,990.

RESOLUTION NO. 2020- R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS APPROVING THE REPLACEMENT OF A CREW LEADER TRUCK TO BE PURCHASED FROM ALTEC INDUSTRIES, INC. THROUGH THE SOURCEWELL COOPERATIVE FOR USE BY THE UTILITY METERING DIVISION IN THE AMOUNT OF \$86,990; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ALL APPROPRIATE DOCUMENTS TO COMPLETE THE PURCHASE; AND DECLARING AN EFFECTIVE DATE.

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

PART 1. The replacement of a crew leader truck to be purchased from Altec Industries, Inc. through the Sourcewell Cooperative for use by the Utility Metering Department in the amount of \$86,990 is approved.

PART 2. The City Manager or his designee is authorized to execute the appropriate documents necessary to complete the purchase on behalf of the City.

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

ADOPTED on January 21, 2020.

Jane Hughson
Mayor

Attest:

Tammy K. Cook
Interim City Clerk

Quoted for: City of San Marcos
Customer Contact:
Phone: / Email:

Quoted by: David Hunter
Phone: / Email: 336-786-3426/david.hunter@altec.com

REFERENCE ALTEC MODEL

A108DW	108"L x 94"W steel service body installed on dual wheel Ford F350 4x4	\$48,950
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(A.) SOURCEWELL OPTIONS ON CONTRACT (Unit)

1	A108DW-DIESEL	Deisel Engine	\$4,441
2			
3			
4			

(A1.) SOURCEWELL OPTIONS ON CONTRACT (General)

1	FE	POWER EQUIPMENT (Power Locks and Power Windows)	\$973
2	ICD	CD PLAYER, CRUISE CONTROL & TILT STEERING	\$640
3	RM3	MOTORIZED SIDE MIRRORS	\$472
4	TBE	ELECTRIC TRAILER BRAKE CONTROLLER. Controls Trailers with Electric Brakes,	\$233
5	LR	Ladder Rack	\$1,086
6	CH	Cone Holder, Fold Over Post Style	\$277
7	TH1	TOOL HOLDER FOR PISTOL GRIP CHAINSAW. Slip-On Type for Platform With or	\$129
8	RW	Rear Window Guard	\$271
SOURCEWELL OPTIONS TOTAL:			\$57,472

(B.) OPEN MARKET ITEMS (Customer Requested)

1	UNIT		
2	UNIT & HYDRAULIC ACC		
3	BODY	Drawer Kit(2), wire rack, generator box, top opening box, hot stick shelf	\$6,278
4	BODY & CHASSIS ACC	Ranch legend grille guard, theiman tailgates	\$6,252
5	ELECTRICAL	Fed sig light bar, Spot lights, strobes, flood lights, 7" monitor w/backup camera	\$5,735
6	FINISHING	Anti skid on all walking surface	\$405
7	CHASSIS	2020 Dodger RAM 4500 4x2 ILO 2019 Ford F350 4x4	\$8,043
8	OTHER		
OPEN MARKET OPTIONS TOTAL:			\$26,713

SUB-TOTAL FOR UNIT/BODY/CHASSIS: \$84,185
Delivery to Customer: \$2,805
TOTAL FOR UNIT/BODY/CHASSIS: \$86,990

(C.) ADDITIONAL ITEMS (items are not included in total above)

1			
2			
3			
4			

****Pricing valid for 45 days****

NOTES

PAINT COLOR: White to match chassis, unless otherwise specified

WARRANTY: Standard Altec Warranty for Aerials and Derricks - One (1) year parts warranty One (1) year labor warranty Ninety (90) days warranty for travel charges (Mobile Service) Limited Lifetime Structural Warranty. Chassis to include standard warranty, per the manufacturer.

TO ORDER: To order, please contact the Altec Account Manager listed above.

CHASSIS: Per Altec Commercial Standard

DELIVERY: No later than 240-270 days ARO, FOB Customer Location

TERMS: Net 30 days

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

TRADE-IN: Equipment trades must be received in operational condition (as initial inspection) and DOT compliant at the time of pick-up. Failure to comply with these requirements, may result in customer bill-back repairs.

BUILD LOCATION: NC



Legislation Text

File #: Res. 2020-12R, **Version:** 1

AGENDA CAPTION:

Consider approval of Resolution 2020-12R, approving the purchase of a new bucket truck from Altec Industries, Inc. through the Sourcewell Cooperative for use by the Utility Metering Division of the San Marcos Electric Utility in the amount of \$145,429; authorizing the City Manager or his designee to execute all appropriate documents to complete the purchase; and declaring an effective date.

Meeting date: January 21, 2020

Department: Public Services ...Tom Taggart, Director (By Lynda Williams, Purchasing Manager)

Amount & Source of Funding

Funds Required: \$145,429

Account Number: 21006318.60125

Funds Available: \$145,429

Account Name: Equipment

Fiscal Note:

Prior Council Action: Budgetary approval of the capital outlay line item during the FY20 budget process.

City Council Strategic Initiative: [Please select from the dropdown menu below]

Choose an item.

Choose an item.

Choose an item.

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

- Economic Development - Choose an item.
- Environment & Resource Protection - Choose an item.
- Land Use - Choose an item.
- Neighborhoods & Housing - Choose an item.
- Parks, Public Spaces & Facilities - Choose an item.
- Transportation - Choose an item.
- Core Services

Not Applicable

Master Plan: *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

Background Information:

The Utility Metering Division requests the purchase of a new bucket truck from Altec Industries, Burnsville, North Carolina, through cooperative contract #0124-18-ALT in the amount of \$145,429, to be used to maintain Advanced Metering Infrastructure (AMI) relays and gateways throughout the service area. The previous practice of borrowing vehicles from other Public Services groups is no longer practical due to the work load the group has and the need for fast response when system communication equipment is out of service.

The City of San Marcos is authorized by Local Government Code, Chapter 271, to participate in cooperative purchasing programs. The Sourcewell Cooperative has awarded contract #0124-18-ALT to Altec Industries, located in Burnsville. North Carolina.

This capital outlay request was approved in September 2019 during the FY20 budget process.

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Click or tap here to enter text.

Recommendation:

Recommend award to Altec Industries, located in Burnsville, North Carolina for a bucket truck in the amount of \$145,429.

RESOLUTION NO. 2020- R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS APPROVING THE PURCHASE OF A NEW BUCKET TRUCK FROM ALTEC INDUSTRIES, INC. THROUGH THE SOURCEWELL COOPERATIVE FOR USE BY THE UTILITY METERING DIVISION OF THE SAN MARCOS ELECTRIC UTILITY IN THE AMOUNT OF \$145,429; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ALL APPROPRIATE DOCUMENTS TO COMPLETE THE PURCHASE; AND DECLARING AN EFFECTIVE DATE.

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

PART 1. The purchase of a bucket truck from Altec Industries, Inc. through the Sourcewell Cooperative for use by the Utility Metering Division of the San Marcos Electric Utility in the amount of \$145,429 is approved.

PART 2. The City Manager or his designee is authorized to execute the appropriate documents necessary to complete the purchase on behalf of the City.

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

ADOPTED on January 21, 2020.

Jane Hughson
Mayor

Attest:

Tammy K. Cook
Interim City Clerk

Quoted for: City of San Marcos

Customer Contact:

Phone: / Email:

Quoted by: Lori Woods

Phone: / Email: 919-528-8088 / lori.woods@altec.com

REFERENCE ALTEC MODEL

AT41M	Articulating Telescopic Aerial Device with Material Handling Insulated, 41'	\$132,085
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(A.) SOURCEWELL OPTIONS ON CONTRACT (Unit)

1			
2			
3			
4			

(A1.) SOURCEWELL OPTIONS ON CONTRACT (General)

1	CH	Cone Holder, Fold Over Post Style	\$277
2	LR	Ladder Rack	\$1,086
3	SPOT3	FOUR (4) POINT STROBE SYSTEM (LED)	\$561
4	CC1	Light Duty CREW CAB	\$3,042
5	FE	POWER EQUIPMENT (Power Locks and Power Windows)	\$973
6	VCAM	Backup Camera System	\$835
7			
8			
SOURCEWELL OPTIONS TOTAL:			\$138,859

(B.) OPEN MARKET ITEMS (Customer Requested)

1	UNIT		
2	UNIT & HYDRAULIC ACC		
3	BODY		
4	BODY & CHASSIS ACC		
5	ELECTRICAL	LED Directional Light Bar Installed	\$790
6	FINISHING		
7	CHASSIS	2021 Dodge RAM Chassis ILO 2019 Ford F550	\$2,980
8	OTHER		
OPEN MARKET OPTIONS TOTAL:			\$3,770

SUB-TOTAL FOR UNIT/BODY/CHASSIS: \$142,629

Delivery to Customer: \$2,800

TOTAL FOR UNIT/BODY/CHASSIS: \$145,429

(C.) ADDITIONAL ITEMS (items are not included in total above)

1			
2			
3			
4			

Pricing valid for 45 days

NOTES

PAINT COLOR: White to match chassis, unless otherwise specified

WARRANTY: Standard Altec Warranty for Aerials and Derricks - One (1) year parts warranty One (1) year labor warranty Ninety (90) days warranty for travel charges (Mobile Service) Limited Lifetime Structural Warranty. Chassis to include standard warranty, per the manufacturer.

TO ORDER: To order, please contact the Altec Account Manager listed above.

CHASSIS: Per Altec Commercial Standard

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

TERMS: Net 30 days

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

TRADE-IN: Equipment trades must be received in operational condition (as initial inspection) and DOT compliant at the time of pick-up. Failure to comply with these requirements, may result in customer bill-back repairs.

BUILD LOCATION: Creedmoor, NC



Legislation Text

File #: Res. 2020-13R, **Version:** 1

AGENDA CAPTION:

Consider approval of Resolution 2020-13R, approving a professional services agreement with Winter & Company to update the architectural design standards for downtown San Marcos in the estimated amount of \$68,160; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.

Meeting date: January 21, 2020

Department: Planning and Development Services, Shannon Mattingly, Director (by Lynda Williams, Purchasing Manager)

Amount & Source of Funding

Funds Required: \$68,160

Account Number: C31

Funds Available: \$500,000

Account Name: Comprehensive Master Plan

Fiscal Note:

Prior Council Action: [Click or tap here to enter text.](#)

City Council Strategic Initiative: [Please select from the dropdown menu below]

N/A

Choose an item.

Choose an item.

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

- Economic Development - Choose an item.
- Environment & Resource Protection - Choose an item.
- Land Use - Choose an item.
- Neighborhoods & Housing - Choose an item.
- Parks, Public Spaces & Facilities - Choose an item.
- Transportation - Choose an item.

- Core Services
- Not Applicable

Master Plan: *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

Background Information:

In 2012, Winter & Company was selected to develop architectural design standards to enhance the effectiveness of the SmartCode in downtown San Marcos. This request is to award professional services agreement 220-068 to Winter & Company, Boulder, CO, in the amount of \$68,160 to update those design standards.

The update to the design standards and guidelines for downtown San Marcos is intended to include new standards to address design issues, new graphics to clearly illustrate the standards and guidelines, and shall be tailored to the various contexts within downtown. Key topics include:

- Massing of larger buildings to promote compatibility with traditional scale of downtown;
- Variety in articulation of facades to be more in scale with design traditions;
- Treatment of building materials;
- Street level design to provide sense of place and activate the public realm; and
- Transitions from higher density zones to abutting sensitive edges.

Council Committee, Board/Commission Action:

At their January 2, 2020 regular Historic Preservation Commission meeting, the Historic Preservation Commission reviewed the proposed scope from Winter and Company for Downtown Design Standards and Guidelines, and provided the following direction to staff.

The Commission provided direction to include the HPC and ZBOA as part of the joint meeting with City Council and P&Z within the scope of services. The Commission also would like to include a review of previous recommendations from Winter and Company’s prior contract within the scope.

Alternatives:

Click or tap here to enter text.

Recommendation:

Award a professional services agreement to Winter & Company, Boulder, CO, in the estimated amount of \$68,160 to update architectural design standards for downtown San Marcos.

RESOLUTION NO. 2020- R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH WINTER & COMPANY TO UPDATE THE ARCHITECTURAL DESIGN STANDARDS FOR DOWNTOWN SAN MARCOS IN THE ESTIMATED AMOUNT OF \$68,160; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE PROFESSIONAL SERVICES 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 professional services agreement between the City and Winter & Company to update the architectural design standards for downtown San Marcos in the estimated amount of \$68,160 is approved.

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

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

ADOPTED on January 21, 2020.

Jane Hughson
Mayor

Attest:

Tammy K. Cook
Interim City Clerk



MEMO

TO: City Council
FROM: Andrea Villalobos, AICP, Senior Planner
THROUGH: Shannon Mattingly, AICP, Director of Planning and Development Services
DATE: January 2, 2020
RE: Update to Downtown Design Standards and Guidelines

PURPOSE

The purpose of this item is to consider awarding a contract for professional services to Winter and Company to update downtown architectural design standards. The focus of the project will be on design variables that were addressed by Winter and Company in a previous project for the city in 2012. Full details regarding the scope of services, timeline, cost of services, and Winter and Company qualifications and project descriptions are included in the packet.

BACKGROUND

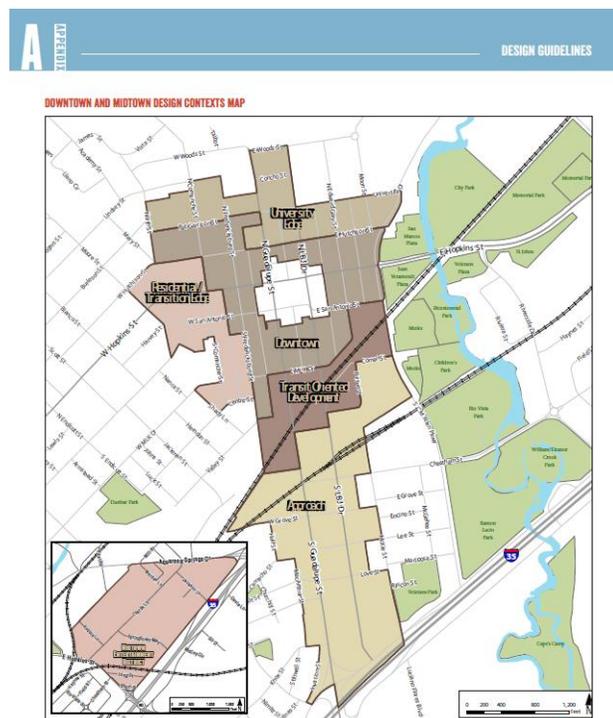
In 2012, the City contracted with Nore Winters to develop architectural standards. As presented in 2012, the purpose of the design standards was “to enhance the effectiveness of the SmartCode in downtown by adding context-sensitive design standards, supplementing with design guidelines for special cases, and revising the signage standards for the downtown area.” The following standards were approved in 2012:

- Expression tools
- Upper-floor window design
- Varied upper-floor massing
- Step-downs in height

In addition to these standards which are code requirements, a set of downtown design guidelines were adopted to be used in special cases as identified below:

- As advisory information for those who wish to better understand the intent of the design standards.
- As part of design review when an administrative approval process is specifically allowed by the code.
- As part of design review for the alternative compliance process approved by the Planning Commission.

The standards and guidelines adopted in 2012 with the design assistance of Nore Winters were carried over into the new San Marcos Development Code in 2018. In many cases, the 2012 standards were expanded upon and made applicable to other zoning districts where larger buildings may also be built. In addition to the 2012 standards being carried over, Code SMTX introduced new architectural standards to specifically address the massing of buildings adjacent to residential areas and sensitive sites. The current Downtown Design Guidelines can be found in Appendix A of the San Marcos Design Manual: <https://user-3vpeqil.cld.bz/Design-Manual/4/>



WINTER AND COMPANY SCOPE OF SERVICES

The update to the design standards and guidelines for downtown San Marcos is intended to include new standards to address design issues, new graphics to clearly illustrate the standards and guidelines, and shall be tailored to the various contexts within downtown.

Key Topics Include:

- Massing of larger buildings to promote compatibility with traditional scale of downtown;
- Variety in articulation of facades to be more in scale with design traditions;
- Treatment of building materials;
- Street level design to provide sense of place and activate the public realm; and
- Transitions from higher density zones to abutting sensitive edges.

Outreach Levels:

- **Community Workshops / Open House** – designed to engage the greatest numbers of people and to highlight a diversity of ideas through interactive settings to help build consensus.
- **Focus / Stakeholder Groups** – include specific discussions about matters of interest to stakeholders such as the Historic Preservation Commission, Heritage Association, downtown property owners, Downtown Association, and Main Street through community workshops and exercises to engage participants in the update.

Scope of Services:

- **Step 1: Set the Stage** – build an understanding of existing conditions in downtown San Marcos, evaluate the existing code for downtown, and generate alternative computer models.
- **Step 2: Develop the Strategy** – work with downtown to refine a vision for the area and its sub-areas with respect to design.
- **Step 3: Develop the Design Standards and Guidelines**
- **Step 4: Adoption**

Proposed Timeline:



Scope of Services to Update Downtown Design Standards and Guidelines San Marcos, Texas



Approach for San Marcos

This assignment is to update design standards and guidelines for downtown San Marcos. The focus will be on design variables that were addressed by Winter & Company in a previous project for the city. Recent developments have raised questions about the degree to which new, larger buildings fit with the traditional scale and character of downtown. There also are concerns that the different sub-areas in downtown may need more refined guidance for compatible development. Initially, we understand these to be the key topics:

- Ways in which to vary massing of larger building such that they will be more compatible with the traditional scale of downtown
- Ways in which to provide variety in articulation of facades such they appear to be more in scale with design traditions
- Treatment of building materials that will be in character with downtown
- Treatment of street level design to provide a sense of scale and activate the public realm
- Ways in which to provide transitions from higher density zones to abutting sensitive edges

Tailoring to context

We will revisit the vision for the individual sub-areas that are identified in the design guidelines. Working with the community, we will draft more detailed vision statements for these contexts. These will serve as the base for updating the standards and guidelines and also can be used in the future as a starting point for updates to the comprehensive plan and downtown plan.

New standards

We will explore opportunities for providing new, prescriptive standards to address the design issues. At the same time, we will consider how new, discretionary guidelines may be crafted to work in concert with the revised standards. In both cases, we will strive to provide clarity and predictability in the standards and guidelines while also offering flexibility in meeting their intent.



Noré Winter conducting a community workshop.

New graphics

New illustrations will be developed to more clearly illustrate the standards and guidelines. Computer-generated illustrations will be designed to match the illustrations in the current code. Photographs of real, built examples will also be included.

We will draft the standards and guidelines as a stand-alone document for public review and adoption, such that the public can understand the changes that are proposed. They will be formatted such that they can easily be inserted into the land development code after adoption.

Outreach

A key part of developing design standards and guidelines is to involve major stakeholders as well as the general public. The Outreach has several levels:

Community Workshops/Open House

These are designed to engage the greatest numbers of people and to highlight a diversity of ideas. They are interactive and help build consensus.

Focus/Stakeholder Groups

These appeal to special stakeholders who wish to participate in more specific discussions about matters of interest to them. In these sessions, special concerns are addressed and information related to specific issues is collected. These often include Downtown business leaders and historic preservation players.

We will conduct a series of focus/stakeholder groups and community workshops, which will include exercises that are designed to actively engage participants in this update.

Scope of Services

Step 1. Set the Stage

In this step, we will help build an understanding of existing conditions in downtown San Marcos. We will evaluate the existing code for downtown, generate alternative computer models and hold a public workshop.

Tasks:

1.1 Review existing conditions

- Review current building trends
- Review existing code for downtown
- Review Design Manual as it relates to downtown

1.2 Conduct start-up strategy call with staff

- Discuss issues and objectives
- Discuss project logistics and schedule

1.3 Generate alternative models

- The models will illustrate variations in massing and articulation techniques that may be amendments to the code.

1.4 Orientation session with staff (Trip 1)

- Review itinerary and final logistics.

1.5 Conduct Workshop #1 (Trip 1)

- Introduce the project
- Present models illustrating design variables (i.e., massing, articulation, street level character)
- Discuss a vision for the character areas (including transitions to sensitive edges)
- Conduct exercises in which participants can apply the variables to the different contexts

1.6 Joint meeting with the CC and P&Z (Trip 1)

1.7 Conduct three (3) focus/stakeholder groups (Trip 1)

- Historic Preservation Commission/Heritage Association
- Property Owners
- Downtown Association/Main Street

Step 2. Develop the Strategy

In this step we will work with the downtown to refine a vision for the area and its sub-areas, with respect to design. We will use the new computer models to test the benefits of other potential design standards and guidelines and determine the best approach for addressing the findings from Step 1.

Tasks:

2.1 Refine the vision for downtown and its sub-areas.

- Fine tune vision based on feedback from staff and the community workshop

2.2 Outline potential new design standards.

- Build from the new models and apply specific dimensional standards.

2.3 Outline potential new design guidelines.

2.4 Discuss with the client in a conference call.



Participants chart preferred scenarios in a Greenville, South Carolina workshop.

Step 3. Develop the Design Standards and Guidelines

Tasks:

3.1 Develop draft #1 of the design standards and guidelines.

3.2 Review with the client via conference call.

3.3 Develop draft #2 of the design standards and guidelines.

- Edit Draft #1 based on consolidated comments received from staff

3.4 Work session with staff (Trip 2)

- Review on-site logistics; discuss next steps.

3.5 Present draft #2 of design standards and guidelines in Workshop #2. (Trip 2)

- Present draft materials and collect comments.

3.6 Joint work session with the CC and P&Z. (Trip 2)

- Present draft materials and collect comments.

3.7 Develop final draft of design standards and guidelines.

- Edit Draft #2 based on consolidated comments received from staff

Step 4. Adoption

4.1 Prepare Powerpoint presentation

4.2 Present final Design Standards and Design Guidelines to Planning Commission. (Trip 3)

4.3 Present final Design Standards and Design Guidelines to City Council. (Trip 4)

Proposed Timeline

January 2020	Negotiate contract
February 2020	Gather information, finalize schedules
April 2020	Hold first public meetings, develop models (Trip 1)
May 2020	Refine vision and develop outlines for new design standards & guidelines
June-July 2020	Develop draft #1 of design standards & guidelines
August-Sept 2020	Develop draft #2 of design standards & guidelines
September 2020	Hold second public workshop and meetings (Trip 2)
October 2020	Develop final draft of design standards & guidelines
November 2020	Prepare Powerpoint presentation for adoption hearings
TBD	Present final design standards and guidelines to Planning Commission (Trip 3)
TBD	Present final design standards and guidelines to City Council for adoption (Trip 4)

Cost of Services

BUDGET

8-Nov-19

Step 1: Set the Stage

1.1 Review existing conditions.				
1.2 Conduct start-up strategy call with staff				
1.3 Generate alternative models				
1.4 On-site orientation session with staff (Trip 1)				
1.5 Conduct Workshop #1 (Trip 1)				
1.6 Joint meeting with CC and P&Z (Trip 1)				
1.7 Conduct focus/stakeholder groups (Trip 1)				

In-house fees

Personnel	Rate	Hours	Amount	Subtotal
N. Winter	\$190	12	\$2,280	
J. Husband	\$130	24	\$3,120	
Graphics/admin	\$70	32	\$2,240	
Total In-house Fees				\$7,640

On-site fees (2 people, 2 nights)

Personnel	Rate	Hours	Amount	Subtotal
N. Winter	\$190	24	\$4,560	
J. Husband	\$130	24	\$3,120	
Total On-site Fees				\$7,680

Expenses	Cost	Quantity	Amount	Subtotal
Airfare	\$400	2	\$800	
Surface transit, Parking	\$100	3	\$300	
Car rental	\$265	Lump Sum	\$265	
Accommodations	\$165	4	\$660	
Meals	\$65	6	\$390	
Photography	\$100	Lump Sum	\$100	
Technical	\$250	Lump Sum	\$250	
Workshop materials	\$100	Lump Sum	\$100	
Step 1 Expenses				\$2,865

Total Step 1 Fees & Expenses **\$18,185**

Step 2: Develop the Strategy

2.1 Refine the vision for downtown & its sub-areas				
2.2 Outline potential new design standards				
2.3 Outline potential new design guidelines				
2.4 Discuss with client in a conference call				

Personnel	Rate	Hours	Amount	Subtotal
N. Winter	\$190	16	\$3,040	
J. Husband	\$130	32	\$4,160	
M. Boyle	\$100	8	\$800	
Graphics/admin	\$70	10	\$700	

Step 2 Fees **\$8,700**

Expenses	Cost	Quantity	Amount	Subtotal
Reproduction	\$100	Lump Sum	\$100	
Technical	\$100	Lump Sum	\$100	

Step 2 Expenses **\$200**

Total Step 2 Fees & Expenses **\$8,900**

Step 3: Develop the Design Standards and Guidelines				
3.1 Develop draft #1 of the design standards & guidelines				
3.2 Review with client via conference call				
3.3 Develop draft #2 of the design standards & guidelines				
3.4 Work session with staff (Trip 2)				
3.5 Present draft #2 in Workshop #2 (Trip 2)				
3.6 Joint work session with CC and P&Z (Trip 2)				
3.7 Develop the final draft of design standards & guidelines				
In-house fees				
Personnel	Rate	Hours	Amount	Subtotal
N. Winter	\$190	32	\$6,080	
J. Husband	\$130	80	\$10,400	
M. Boyle	\$100	24	\$2,400	
Graphics/admin	\$70	40	\$2,800	
Total In-house Fees				\$21,680
On-site fees (2 people, 2 nights)				
Personnel	Rate	Hours	Amount	Subtotal
N. Winter	\$190	24	\$4,560	
J. Husband	\$130	24	\$3,120	
Total On-site Fees				\$7,680
Expenses	Cost	Quantity	Amount	Subtotal
Airfare	\$400	2	\$800	
Surface transit, Parking	\$100	3	\$300	
Car rental	\$265	Lump Sum	\$265	
Accommodations	\$165	4	\$660	
Meals	\$65	6	\$390	
Reproduction	\$100	Lump Sum	\$100	
Technical	\$100	Lump Sum	\$100	
Workshop Materials	\$100	Lump Sum	\$100	
Step 3 Expenses				\$2,715
Total Step 3 Fees & Expenses				\$32,075

Step 4: Adoption				
4.1 Prepare Powerpoint presentation				
4.2 Present final draft to Planning Commission (Trip 3)				
4.3 Present final draft to City Council (Trip 4)				
In-house fees				
Personnel	Rate	Hours	Amount	Subtotal
N. Winter	\$190	2	\$380	
J. Husband	\$130	2	\$260	
Graphics/admin	\$70	2	\$140	
Total In-house Fees				\$780
On-site fees (1 person, 1 night x 2 trips)				
Personnel	Rate	Hours	Amount	Subtotal
N. Winter	\$190	32	\$6,080	
Total On-site Fees				\$6,080
Expenses	Cost	Quantity	Amount	Subtotal
Airfare	\$400	2	\$800	
Surface transit, Parking	\$100	4	\$400	
Car rental	\$350	<u>Lump Sum</u>	\$350	
Accommodations	\$165	2	\$330	
Meals	\$65	4	\$260	
Step 4 Expenses				\$2,140
Total Step 4 Fees & Expenses				\$9,000
TOTAL FEES & EXPENSES				\$68,160

Winter & Company Qualifications



- **Firm Profile**
- **Project Descriptions**
- **Resumes**

WINTER & COMPANY

1435 YARMOUTH AVE, STE 106, BOULDER, CO 80304

(303) 440-8445



Preservation guidelines, Denver, CO

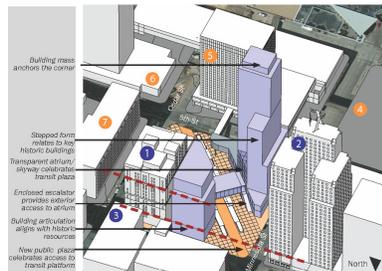
Historic Preservation • Urban Design • Design Review

Enhancing livability, protecting cultural resources and providing delight in the community experience — these are the focus of urban design, preservation and planning services at Winter & Company.

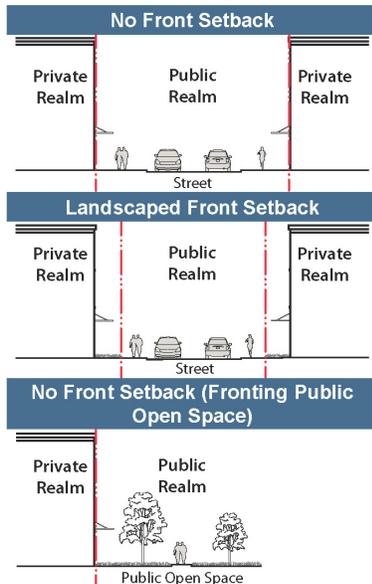
Winter & Company consults nationwide to public agencies, developers and private property owners, crafting context-sensitive standards and guidelines that are user-friendly and easy to administer. Services also include design review systems and training, urban design plans, neighborhood conservation strategies and development feasibility studies. Projects span more than 150 communities in 48 states and Canada.

Winter & Company actively engages stakeholders, residents and property owners in creative ways of team-building and problem solving. Community workshops, open houses, and stakeholder interviews are planned to be lively, informative and constructive.

Founded in 1986, Winter & Company is a sole proprietorship and has a staff of five.



Infill example scenario for the Central Station Block, Saint Paul, MN



Public realm diagrams, Downtown Design Guidelines, Ithaca, NY



Master Plan, Village of East Davenport, IA

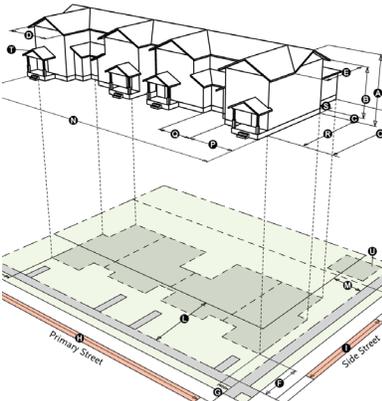




Streetscape concept, Old Town San Diego, CA



Design charrette hosted by Winter & Company to actively engage the public in designing their community



Form-based standards in Denver, CO provide for a range of building types which are then calibrated to differing contexts.



New development of a transit center that is also utilized for a farmers market. This development is a result to Winter & Company's Downtown Plan for Bellingham, WA.

Services:

- » Community Character Management Systems
- » Neighborhood conservation plans
- » Historic preservation guidelines
- » Design guidelines for developing areas
- » Design review systems
- » Preservation plans

Form-Based Design Codes

- » Neighborhood-based design regulations
- » Context-sensitive design standards

Historic Resource Planning and Management

- » Historic building master plans
- » Adaptive reuse feasibility studies
- » Heritage tourism and historic survey strategies
- » Commission training

Public Participation and Community Outreach

- » Hands-on participatory planning workshops
- » Community-based charrettes and visioning

Urban Design

- » Downtown and neighborhood plans
- » Streetscape design and wayfinding systems
- » Corridor plans and guidelines
- » River corridor plans and development standards



New development illustration in design guidelines for Encinitas, CA



DESIGN GUIDELINE SERVICES

1

CHAPEL HILL, NORTH CAROLINA



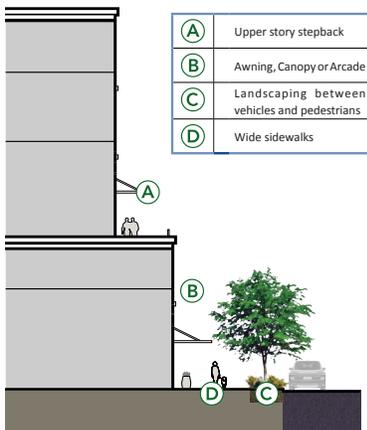
A building pass-through design should be inviting and in proportion to its associated building.

Design Guidelines for The Blue Hill District

The Blue Hill District (formerly Ephesus/Fordham), is emerging as a vibrant part of Chapel Hill based on a vision for redevelopment that is established in the area's Form-based Code. The Form Based Code establishes basic requirements for development as a series of prescriptive standards to be administered by Town staff. It also provides for a design review process, using design guidelines, for a specific set of topics, in which the Town's Community Design Commission (CDC) participates. These design guidelines are published, therefore, as provided in the code. The intent is to facilitate interpretation of the code by staff and the review of the specified topics by the CDC.

The Blue Hill District builds on the active, green and creative traditions found throughout Chapel Hill. With a range of living options, shopping, offices spaces, restaurants and outdoor spaces, the Blue Hill District thrives on its mix of uses and a walkable, well-connected urban environment. Architecture invites the attention of passersby through innovative design, details and variations in massing and materials. The District's design guidelines contribute by promoting the development of a walkable community with opportunities for all to live, shop, work and share community experiences in one place.

Human Scale Building Design



New development in the Blue Hill District should incorporate articulation techniques that promote a sense of human scale and divide the mass and scale of a larger building into smaller parts.

A. PUBLIC AREA

This area is within the public right-of-way. It most often includes the area between the street edge and the inside edge of the sidewalk.

B. SEMI-PUBLIC AREA

This area includes highly-visible and publicly-accessible outdoor amenity spaces on private property adjacent to the public area. It may include outdoor public space. Compatibility with the public streetscape is preferred, in terms of paving, lighting and furnishings. Guidelines for this area are found in Chapter 3: Site Design Guidelines.



Diagram 2-1 The Interface Between Public Streets & Private Development

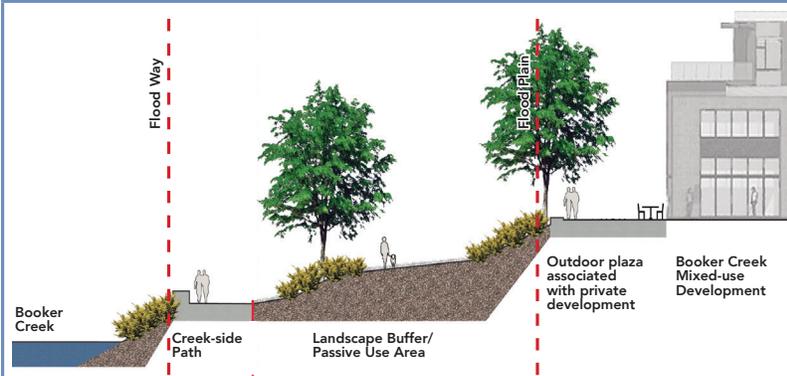


DESIGN GUIDELINE SERVICES

2

CHAPEL HILL, NORTH CAROLINA

LANDSCAPE BUFFER AND BUILDING SETBACK ALONG BOOKER CREEK



SERVICES:

- » Design Guidelines
- » Form-Based Code Amendments

CLIENT:

Town of Chapel Hill

DATE:

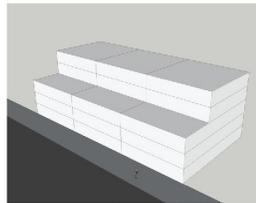
2017-2018

OPTIONS FOR VARIED BUILDING MASSING

Building massing techniques can be used to reduce the overall appearance of a building while also helping to create a more interesting building form. Stepping down the mass of a building adjacent to a pedestrian way or sensitive area will provide a smooth transition to a lower scale.

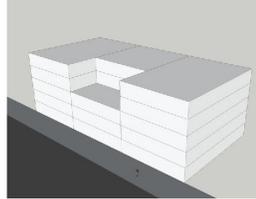
1. FRONT STEPCBACK

A front stepback reduces the mass of a building along the street frontage.



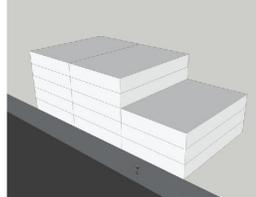
2. MIDDLE STEPCBACK

A middle stepback reduces the central mass of a building by expressing different modules.



3. SIDE STEPDOWN

A side stepdown reduces the mass of a building to provide a transition to a neighboring building of smaller scale or a pedestrian connection.



4. REAR STEPDOWN

A rear stepdown provides a transition between the rear of a building and a sensitive area such as an adjacent residential area or outdoor amenity space.

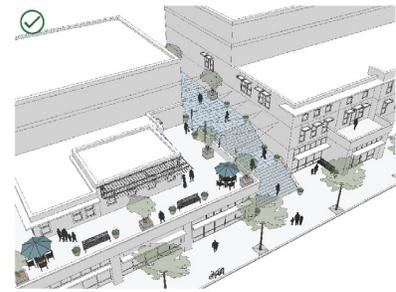
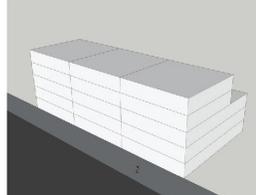


Figure 3-25 Design a rooftop outdoor amenity space to be highly visible and easily accessible from the public way. The stairs and elevator should be exterior or located in a vestibule.



Winter & Company

www.winterandcompany.net

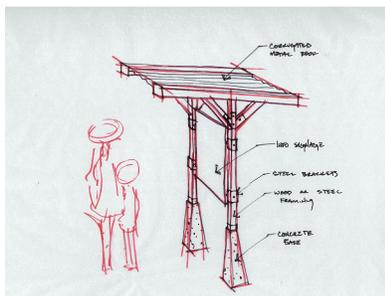
DESIGN GUIDELINES & STANDARDS

1

FORT WORTH, TEXAS



Stockyards was a major economic place of business in the early twentieth century, and remains active in livestock trading.



Street furniture guidelines illustrate how historic elements such as timber materials and metal joinery can be incorporated in contemporary designs.



Sketches throughout the design guidelines illustrate the character of the Stockyards historic district. (Murray Miller)

Fort Worth Stockyards - Design Guidelines & Standards

The historic Stockyards area is one of the most iconic places in Fort Worth. In the early twentieth century, it was a major economic generator, source of employment and place of business for the city. It remains active in livestock trading and is a popular destination for visitors from around the country and internationally. It is active with Cowboy Heritage events, exhibitions and specialty retail and dining. The core of the area is a locally-designated historic district.

Today, the Stockyards is attracting new investment that could substantially change parts of the area. Concerned that the area's heritage should be preserved while accommodating compatible infill, the City developed an integrated set of design standards and guidelines in a new form-based code. Winter & Company, in collaboration with Code-Studio, developed this set of integrated tools.

Sec. 5.2.3. Articulation

The following table indicates design techniques that are required and appropriate for building massing and articulation in each of the zoning districts. Refer to the zoning district to identify the number of articulation techniques that must be used. Techniques may be used individually or in combination.

Vertical Articulation

- » Roof Line Offset: 3' min height difference for at least 20% of facade width
- » Vertical Molding: 4" min in depth and 12" in width, full height of facade
- » Wall Notch: 4' min depth, 6' min width and full height of facade for at least 10% of facade width.



Horizontal Articulation

- » Horizontal Molding: 2" min in depth and 6" min in height, full width of facade.
- » Alignment: upper-story windows, balconies, canopies and other architectural features in alignment with one another and the historic context, for the full width of facade
- » Cornice: 6" min in depth and 18" min in height, for the full width of facade.



Step Back

- » 10' min step back from street facing facade plane for at least 20% of facade width.



This articulation chart explains techniques for reducing the perceived mass of new construction in the Stockyards districts.

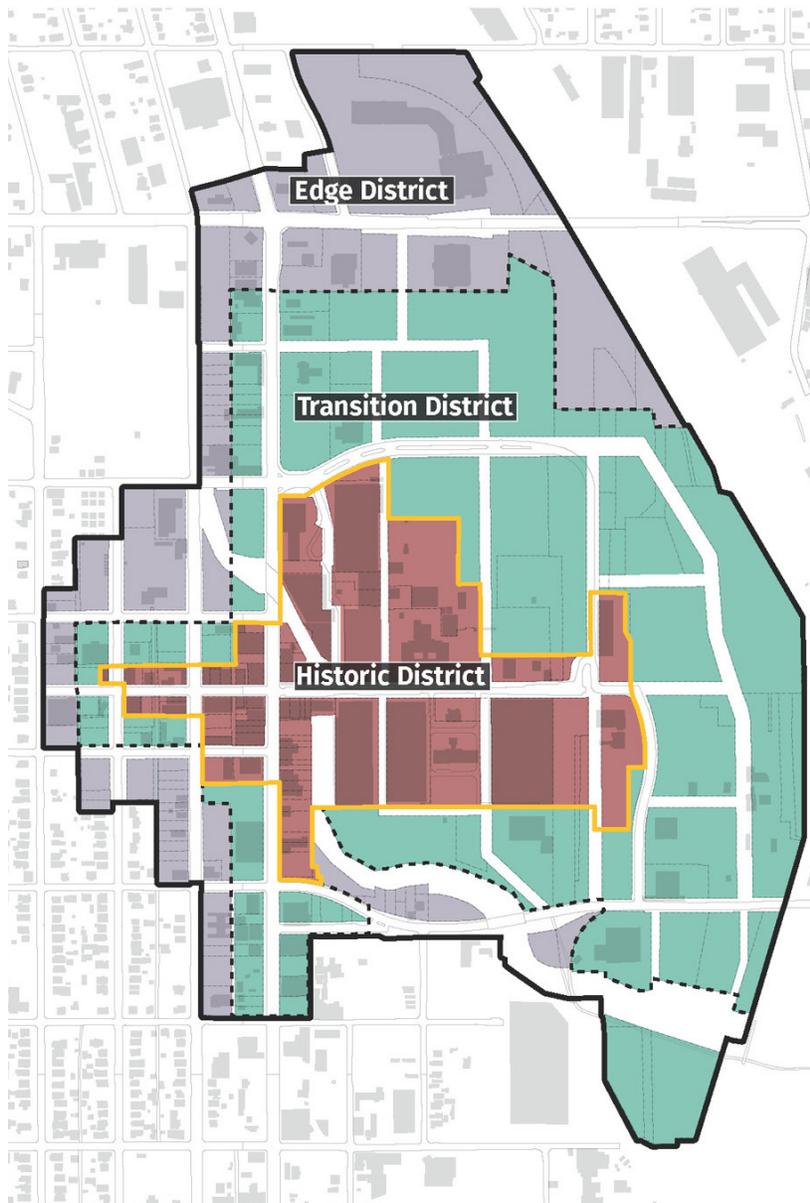


DESIGN GUIDELINES & STANDARDS

2

FORT WORTH, TEXAS

The project area is divided into a series of character areas with differing features and opportunities. Some character areas make up the historic district, where preservation is the objective. Others lie outside that boundary where best practices in urban design form the base for the regulations.



This map identifies three "rings" of character areas with differing features and opportunities. The central area is the Historic District which has its own set of design guidelines.

SERVICES:

- » Design Guidelines & Standards
- » Form-Based Code
- » Public Workshops

CLIENT:

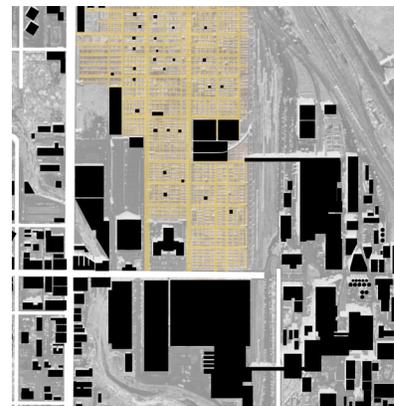
Laura Voltmann, Senior Planner
City of Fort Worth

DATE:

2016 - 2018



Massing models were generated to project the impact of different development scenarios along the Main Street and West Exchange Ave.



A figure ground map displays the development and circulation patterns that existed in 1956.



DESIGN GUIDELINE SERVICES

ITHACA, NEW YORK



The design guidelines provide examples of articulating a building mass that are similar to the basic mass and scale characteristics of traditional buildings.

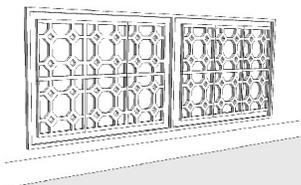
Downtown and Collegetown Design Guidelines

Ithaca’s most important and treasured commercial centers are Collegetown and Downtown. Collegetown includes a pedestrian-oriented, mixed use district and its surrounding residential districts just south of Cornell University in the eastern portion of the city. Downtown is the traditional business district in the city and serves a wide variety of residents and visitors.

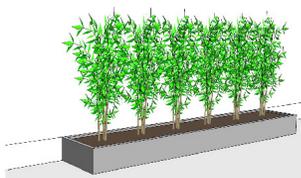
In both areas, project applicants must participate in a design review process prior to receiving project approval. Due to a lack of guidelines, applicants have concerns about the clarity of expectations and predictability of the process and the Design Review Board’s decisions. Staff and the Design Review Board also believed the process could benefit from a cohesive set of guidelines for each of these two unique districts.

As a result, Winter & Company is conducting a comprehensive community process to develop stand-alone design guidelines documents for Collegetown and Downtown. Winter & Company is tailoring each document to its respective district, but also striving for consistency in organization and language between the documents to aid in interpretation and to make them user-friendly.

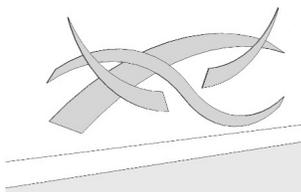
Decorative Wall Surface



Landscaping (Planter)



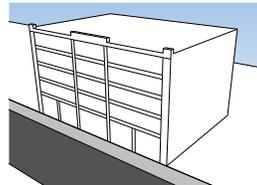
Wall Art



Façade Articulation Methods

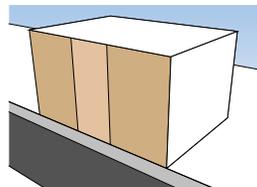
A1 Accent Lines

Accent lines include vertical and horizontal expression lines on a building wall. An accent line often projects slightly from the face of a building wall.



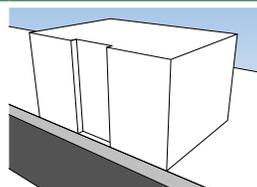
A2 Color Changes

Color changes include significant vertical or horizontal changes (15'-30' min) in color on a building wall.



A3 Minor Wall Offsets

A minor wall offset is a vertical expression line created by notching a building wall for its full height. Minor wall offsets are typically 5 feet or less.



Articulation diagrams and photos provide guidance on ways to provide a sense of human scale in new construction.



DESIGN GUIDELINES SERVICES

ITHACA, NEW YORK

In Collegetown, the design guidelines are being designed to work seamlessly with a previously adopted form-based code and address key concerns like building mass and scale along the street edge, corner building design, inclusion of publicly-accessible open space, site design on sites with significant grade changes and transitions in scale to residential uses. In Downtown, the design guidelines address design of tall buildings allowed under the zoning code, development on curvilinear and odd-shaped parcels, and preservation and incorporation of existing buildings in redevelopment efforts. In addition to these specialized topic areas, both sets of guidelines will address typical design topics, such as site design, building design, landscaping, sustainability and parking. Winter & Company divided both areas into unique subareas or “character areas” for which specialized guidelines were developed.

SERVICES:

- » Design Guidelines for Collegetown
- » Design Guidelines for Downtown
- » Community workshops

CLIENT:

Megan Wilson
Senior Planner
City of Ithaca

DATE:

2015-Present

Maintaining Compatibility with Traditional Scale at the Street

Intent: Maintaining compatibility with traditional building widths and heights along a public street.

Width

Long Walls: Combine at least (3) three of the following:

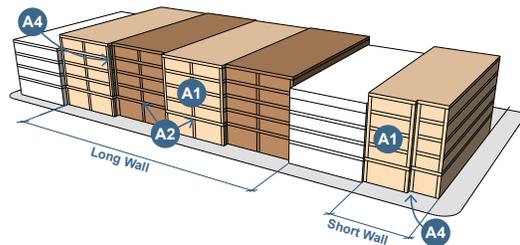
- A1, A2, A3, A4, A5, A6

The example building shows A1. Accent Lines, A2. Color Changes, and A4. Minor Wall Offset.

Short Walls: Combine at least (2) two of the following:

- A1, A2, A3, A4, A5, A6

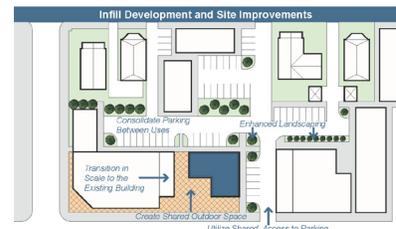
The example building shows A1. Accent Lines and A4. Minor Wall Offset.



	Downtown Core	Tuning Fork	West State Street
Long Wall =	Greater than or equal to 40 ft.	Greater than or equal to 60 ft.	Greater than or equal to 80 ft.
Short Wall =	Less than 40 ft.	Less than 60 ft.	Less than 80 ft.



A shadow study illustrates the positive effects of creating an open space to increase sun exposure.



This diagram shows how a new infill project could work within the existing site without demolishing the original building. The new structure could step down in scale to transition smoothly to the original building. Parking consolidation between uses would allow for site enhancements.



URBAN DESIGN & PLANNING

MISSOULA, MONTANA



Character Management Strategy

Winter & Company is working with the City of Missoula on a project to promote high quality design in the community. The Missoula Design Excellence Project seeks to reinforce recent development successes which have demonstrated that high quality design can add value to properties and to the City at large. It responds to concerns that some development projects have not met the City's objective to maintain its distinct identity and instead are generic, without expressing a unique sense of place that is Missoula. The project focuses on Downtown and the City's commercial corridors, and how development in those areas can enhance the public realm and be sensitive to abutting neighborhoods. The process will result in amendments to the City's zoning code, new design guidelines and incentives to promote high quality development. An overarching goal is to help the community achieve high quality design that reflects Missoula's character.

SERVICES:

- » Analysis of existing design contexts
- » Community visioning for future design
- » Zoning code amendments
- » Design guidelines

CLIENT:

Laval Means, Planner
City of Missoula

DATE:

2017-2018



Corridor Typologies Map



Winter & Company

www.winterandcompany.net

TABLE 1: CORRIDOR TYPOLOGIES					
	Type 1	Type 2	Type 3	Type 4	Type 5
Pedestrian Activity Level	Very high	High	High	Medium	Moderate
Street Edge Character	Generally consistent street wall/ some flexibility and variation appropriate (with courtyards and landscaping)	Moderately consistent street wall/flexible front setbacks within a limited range (with courtyards and landscaping)	Moderately consistent street wall/flexible front setbacks within a moderate range	Moderate street wall/flexible front setbacks within a range (with landscaped edge)	Landscaped edge/ buildings set Back (buildings closer to the Street allowed)
Parking Location	Behind building/ shared wherever possible	Side or behind the building	Side or behind building	Flexible location/ limited parking in front, buffered	Flexible location, buffered
Building Types	Target: Vertical mixed use/commercial; multi-dwelling residential Typical: Small to medium format commercial	Target: Small to medium commercial and multi-dwelling residential buildings Typical: Small format commercial with a large amount of residential throughout	Target: Small to medium commercial buildings; multi-dwelling residential Typical: Small format commercial	Target: Medium to large format commercial mixed use; multi-dwelling residential Typical: Medium to large format commercial	Target: Medium to large format commercial; multi-dwelling residential Typical: Medium to large format commercial
Preferred Maximum Building Height at the Street Edge ^[1]	6 stories	3 stories	3 stories	5 stories	6 stories
Mass and Scale	High importance (finer grained)	High importance	High importance	Medium importance	Moderate importance

[1]Maximum building height is established in the zoning code, and may be 40', 50', 65' or 125', depending on the intensity designation. Preferred maximum building height at the street edge refers to the scale of the building at the street, and does not indicate a limit on overall building height on the lot.

Scale for interpreting Table 1.

This scale is intended to rank the relative degree or importance of design considerations in the above table. The scale is used to rank Pedestrian Activity Level and Mass and Scale.



D. FAÇADE DESIGN

Figure 11 identifies overlay design standards for the design of street facing building walls, focusing on ensuring adequate glazed area and a rhythm of building entries. Design variables related to these topics are illustrated in the elevation diagram on Figure 12.

Design Variable	Typology 1	Typology 2	Typology 3	Typology 4
D1. Minimum Ground Floor Glazed Area <i>(Corridor/Corridor-intersecting side streets)</i>	Commercial: 60% / 40%; Residential: 30% / 30%	Commercial: 50% / 35%; Residential: 30% / 30%		Commercial: 35% / 25%; Residential: 20% / 20%
D2. Maximum Upper Floor Blank Wall Distance/ Minimum Glazed Area	Corridor: 8'/20% Corridor-intersecting side street: 12'/20%	Corridor: 12'/20% Corridor-intersecting side street: 16'/20%	14'/20%	16'/20%
D3. Minimum Distance Between Entries <i>(Corridor facing)</i>	60'	80'; Residential: 100'	120'; Residential: 150'	160'

Figure 11: Façade Design Standards

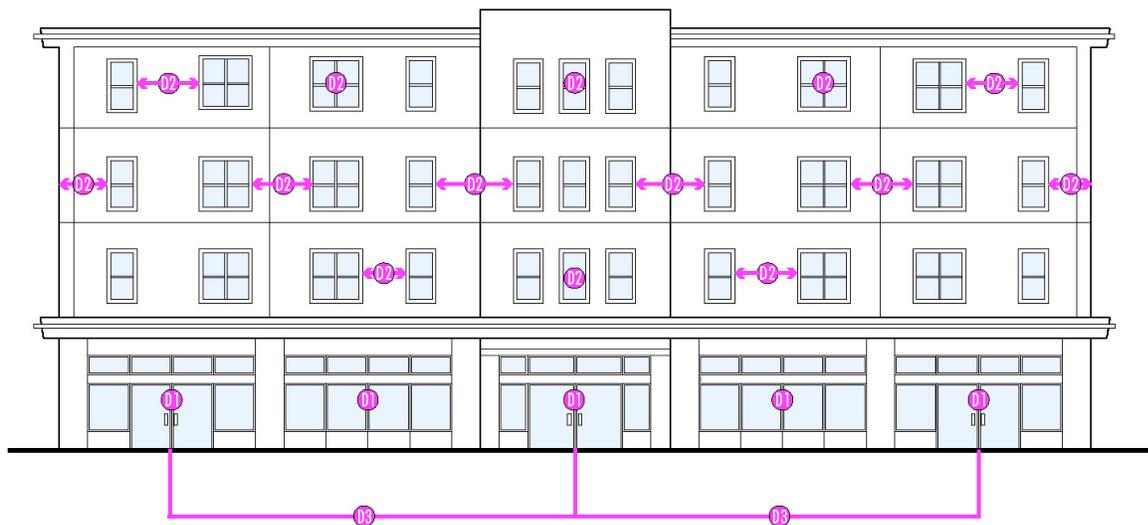


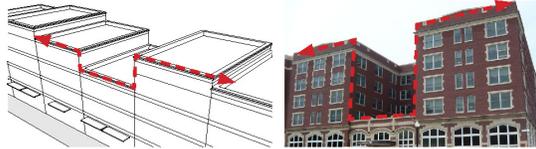
Figure 12: Façade Design Diagram

Applying Massing Variation Methods

Vary massing to reduce the perceived scale of a building while also helping to create an interesting building form. Stepping down the mass of a building adjacent to a pedestrian way or sensitive area will provide a smooth transition.

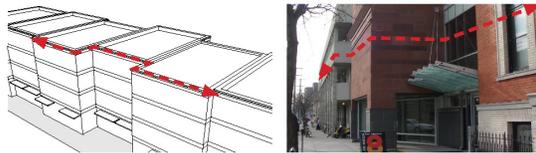
Height Variation

Vertical variation is an actual change in the height of a building of at least one floor.



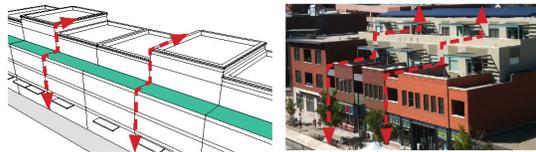
Increased Setbacks

A wall plane offset should extend the full height of the building and is most successful when combined with changes in roof form or building materials.



Upper Level Stepback

An upper level stepback adds visual interest and reduces the mass of a larger building.



B. STREET RELATIONSHIP AND EDGE CHARACTER



Figure 7: Street Relationship and Edge Character Diagram

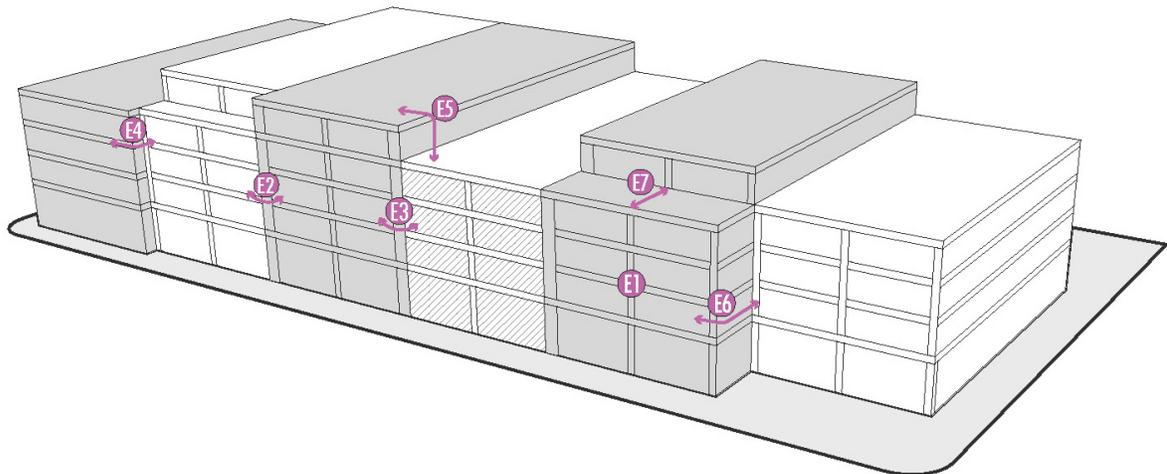


Figure 15: Combined Facade Articulation and Mass Variation Methods

DESIGN GUIDELINE SERVICES

PLANO, TEXAS



Downtown Plano has a vibrant future with an engaging atmosphere. The streetscape is pedestrian friendly, and has potential to generate a significant amount of income for the community.



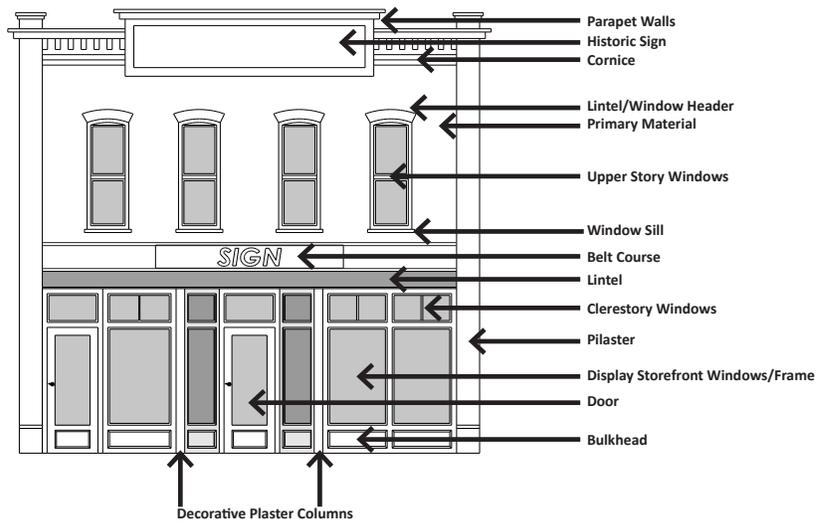
The historic presence of Downtown Plano is still strong throughout the character in each building. This character creates an exciting juxtaposition between the past and present, and is critical in preserving to increase the vitality of the Downtown Heritage District.

Downtown Heritage Resource District Design Standards

Downtown Plano is the heart of the community. It is rich with buildings that serve as links to the city's heritage. These properties symbolize the past and set the stage for a vibrant future.

Winter & Company was tasked with creating historic Design Standards in response to preservation issues the community was experiencing in its Downtown. Some of the topics addressed include additions, awnings, storefronts, review process, and conducting surveys. Winter & Company assisted the city in hosting a number of public engagement workshops. They then tailored the Design Standards to fit the unique design qualities of Downtown Plano.

The Downtown Heritage Resource District Design Standards promote rehabilitation and redevelopment that is sensitive to the surrounding historic context and helps maintain downtown as the center of the community. By preserving existing buildings and guiding compatible redevelopment, the standards also help promote cultural, environmental and economic sustainability. A key goal is to support a downtown that meets the needs of residents, business owners and visitors.



Diagrams and models throughout the document identify key-character defining features of historic buildings in the district. These are important to preserve whenever feasible to keep the charm of Downtown Plano intact.

DESIGN GUIDELINE SERVICES

PLANO, TEXAS

The standards, and the review process through which the standards are administered, promote preservation of historic, cultural and architectural heritage in the Downtown Heritage Resource District. The standards seek to maintain downtown as a cohesive, livable place and prevent the inappropriate alteration or demolition of historic properties.

The design standards provide a basis for making consistent decisions about the appropriateness of improvements that are subject to approval in the city’s design review process. In addition, the standards serve as educational and planning tools for property owners and design professionals.

SERVICES:

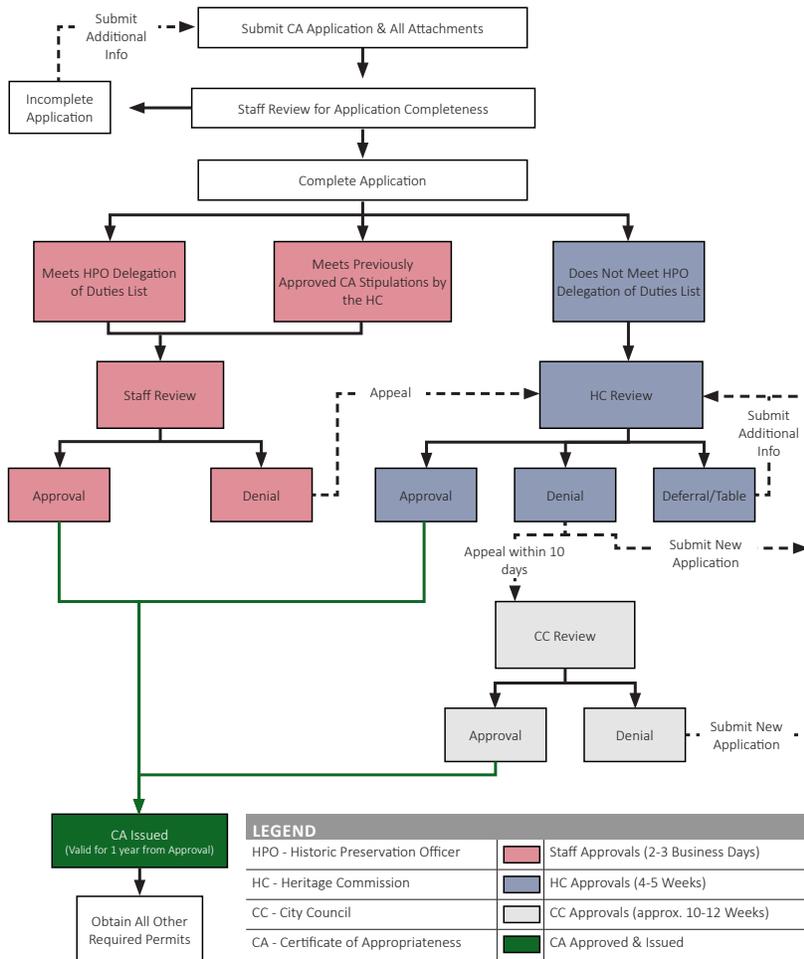
- » Design Standards
- » Preservation Policies
- » Design Review Development
- » Public Process and Community Engagement

CLIENT:

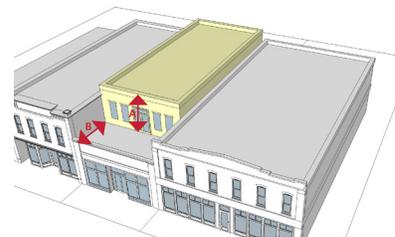
Doug McDonald, AICP
 Comprehensive Planning Manager
 City of Plano

DATE:

2015-2016



Concerns and issues from the community were identified in a number of public workshops. This helped shape the design standards to be tailored to the community’s needs.



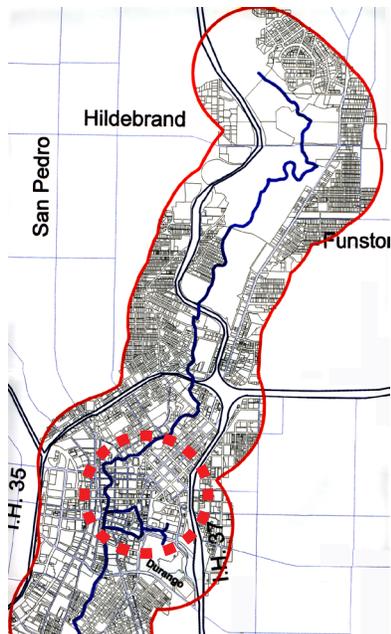
Several roof-top additions scenarios are modeled in the document, and a ratio is explained to define the appropriate height and setback of the addition.

The design review process for the City of Plano is complex. With this redevelopment diagram of the process, a property owner is able to better understand which path to follow for their project.

DESIGN GUIDELINES SERVICES

1

SAN ANTONIO, TEXAS



The policies for the San Antonio River corridor address the historic Riverwalk as well as twelve miles of other residential and commercial properties along the entire reach of the waterway.

River Corridor Development Plan and Guidelines

The San Antonio River Authority embarked on a project to improve flood control throughout the twelve-mile reach of the waterway as it courses through the city of San Antonio. Recreational trails, habitat improvements and in-channel landscaping are parts of the project.

The City, recognizing that this investment would stimulate redevelopment of properties that flank the river, identified the need for a plan and design guidelines to help assure that these private sector improvements will be compatible with broader urban design goals for the community at large.

Working in a series of community workshops, Winter & Company worked with property owners to produce an analysis of the design character of six different districts along the river corridor. They then produced development prototypes and design standards that focus on reinforcing the pedestrian experience along the edges of properties, providing views and overlooks to the river itself, and linking individual developments into their neighborhoods.

SERVICES:

- » Design guidelines
- » Computer-generated building height scenarios
- » Consensus-building workshops

CLIENT:

City of San Antonio

DATE:

2001



Policies for the Riverwalk area focus on maintaining the character of fine-grain details, changes in materials and outdoor spaces.

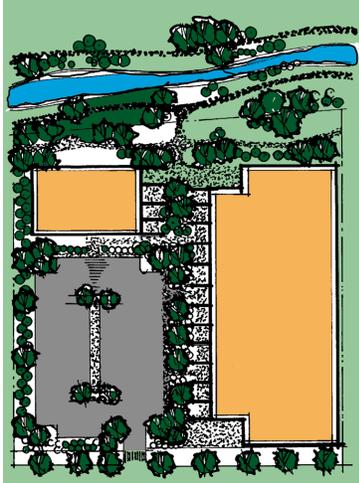


Winter & Company

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DESIGN GUIDELINES SERVICES

SAN ANTONIO, TEXAS



Guidelines for buffering parking areas are included.



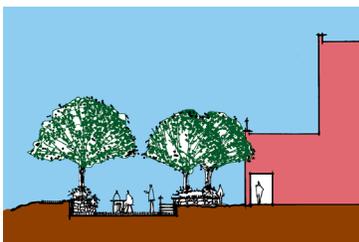
Some rows of older commercial buildings abut the river along the northern edge of the downtown. The guidelines address this building type.



The plan addresses a range of building types, including hotels. Connections to the river park are key considerations.



The Broadway corridor, which is in the project area, includes numerous auto-oriented businesses that back onto the river improvement area. Policies for this zone seek to enhance the pedestrian orientation in redevelopment.



Concepts for outdoor plazas and arcades are also provided.



The plan promotes a mix of uses, with buildings orienting to the river edge as well as the street.



Winter & Company

www.winterandcompany.net

NORÉ V. WINTER

WINTER & COMPANY



Education:

B. Architecture, Tulane University
M. Architecture and Urban Design, UCLA

Preservation, Urban Design and Community Planning services in:

- Alaska
- Arizona
- Arkansas
- California
- Colorado
- Connecticut
- Florida
- Georgia
- Hawai'i
- Idaho
- Illinois
- Indiana
- Iowa
- Kansas
- Nebraska
- Kentucky
- Maine
- Maryland
- Massachusetts
- Michigan
- Minnesota
- Mississippi
- Missouri
- Montana
- Nevada
- New York
- North Carolina
- North Dakota
- Ohio
- Oklahoma
- Rhode Island
- South Carolina
- South Dakota
- Tennessee
- Texas
- Utah
- Vermont
- Virginia
- Washington
- Wisconsin

Principal & Owner

Noré Winter is an urban designer and planner specializing in serving communities with special amenities, distinctive natural settings and historic places. He is inspired by communities whose residents value their past and look to a future with neighborhoods that enrich their lives. He helps citizens develop visions for their cities and towns and then crafts tools that will accomplish their goals for livability. He is recognized nationally for preparing context-sensitive guidelines and standards, and tailoring urban design plans to inspire action.

Many successful downtowns reflect improvements inspired by plans and guidelines directed by Noré. These include Estes Park, Colorado; Athens, Georgia; Bellingham, Washington; Boulder, Colorado; Canton, Ohio; Flagstaff, Arizona; Georgetown, Texas; Fort Collins, Colorado; Memphis, Tennessee; Minneapolis, Minnesota; Monterey, California and Walla Walla, Washington.

Corridor plan projects focus on building complete streets, promoting infill while respecting established edges and directing investment to catalyst sites. Recent projects include the Spenard Corridor Plan in Anchorage, Alaska; Bozeman, Montana 7th Avenue Connectivity Plan; Fort Collins, Colorado Midtown Corridor Plan; Newtown Pike Extension Corridor Plan, Lexington, KY; and the Mammoth Lakes, California Main Street Transportation and Corridor Plan.

Noré recently generated a neighborhood plan that builds on existing assets and promotes compatible investment in valued historic neighborhoods in Old Town San Diego, California. Other completed neighborhood projects include the Government Hill Neighborhood in Anchorage, Alaska; East Village Master Plan in Davenport, Iowa; and Compatible Neighborhood Transitions in Raleigh, North Carolina.

Noré promotes preservation systems that are strategically integrated into broader community planning, that incorporate emerging trends in theory and maximize best practices in the field. Recent projects include a statewide training program for preservation commissioners in Colorado, a strategic plan for a citywide survey of historic resources in Denver, and preservation plans for Tacoma, Galveston and Lakewood, Colorado. All preservation projects incorporate principles for sustainability.

Noré is frequently a featured speaker at national and state conferences and conventions, including the National Trust for Historic Preservation, the National Park Service and the American Planning Association. He is a former Chairman of the National Alliance of Preservation Commissions. Many of his projects have also garnered individual awards from state and local planning and preservation organizations.



Winter & Company

www.winterandcompany.net

JULIE HUSBAND

WINTER & COMPANY



Education:

B. Arch
Montana State University

Senior Planner/ Designer

Julie Husband offers twenty-five years of experience in architecture, urban design and related fields. She has worked for Winter & Company for the past twenty years on master plans, design guidelines/standards, urban design and historic preservation projects.

Currently, Julie is the project manager for the Main Street Master Plan in Deadwood, South Dakota; Municipal Code & Design Standards and Sign Code for Westminster, Colorado; and Historic Preservation Strategies for Jackson/Teton County, Wyoming.

Recently completed projects include Cultural Resource Plan and Placemaking Strategy for the Denver National Western Center; character analysis development scenarios for the Raleigh, North Carolina form-based code; Heritage Preservation Plan Update for Plano, Texas; an update to the Old Town Neighborhoods design guidelines in Fort Collins, Colorado; the Cedar Rapids, Iowa Historic Preservation Plan; East Village Master Plan for Davenport, Iowa; Dubuque, Iowa Design Guidelines Update; the Monterey, California Landmark Design Guidelines; Historic Preservation Plan for Corvallis, Oregon; and the Downtown Framework Plan, Form-Based Standards and Design Guidelines for Arvada, Colorado.

She was also instrumental in the following planning projects: Midtown Corridor Plan, Fort Collins, Colorado; Government Hill Neighborhood Plan for Anchorage, Alaska; Height and Density Study for Galveston, Texas; River Revitalization Plan for Truckee, California; Bellingham City Center Plan in Washington; the North 7th Avenue Design and Connectivity Plan for Bozeman, Montana; and St. Anthony Falls Historic District Design Guidelines in Minneapolis, Minnesota.

On many planning and design projects, Julie has generated computer and hand-drawn illustrations to model the effect that alternative development scenarios might have on an area. This modeling of the design implications of alternative development scenarios has helped communities make informed decisions about design guidelines and codes they may adopt.



MARCIA BOYLE

WINTER & COMPANY



Education:

Master of Urban Planning,
University of Illinois at
Urbana-Champaign

B.A. in Studio Art and Pre-
Architecture, with a Latino
Studies Concentration
St. Olaf College

Associate Planner/Designer

Marcia joined Winter & Company after completing her Master of Urban Planning in May 2016. Previously, she gained planning experience through work in the public and non-profit sectors. She has been involved with the research of historic downtowns and the history of a city's influence on planning future development for a variety of communities throughout the country. She has also been part of a variety of urban design projects including feasibility studies for active transportation planning, site analysis for green development, transportation planning for sprawl, and the design of a Main Street parklet. Marcia has written historic district design guidelines for local historic districts, resource books for historic district property owners, surveys regarding historic resources for property owners and updated historic preservation ordinances for local governments.

Marcia is currently working on the City of Westminster, Colorado's Harris Park Neighborhood Plan; Historic Preservation Program and Tools for Jackson/Teton County, Wyoming; Adaptive Reuse Studies for Colfax Avenue, Denver, Colorado; and Certificate of Appropriateness Application Review for State College, Pennsylvania;

Recently completed projects include Assessment of Historic Design Guidelines for Breckenridge, Colorado; Design Guidelines for the Old City Hall Historic District in Tacoma, Washington; a Heritage Preservation Plan Update for Plano, Texas; Historic District Design Guidelines for Benicia, California; a Design Guidelines Update for Healdsburg, California; a Preservation Plan for Corvallis, Oregon; Design Guidelines for the Lowertown Historic District and Central Station Block in Saint Paul, Minnesota; and Design Guidelines and Historic Preservation Update for State College, Pennsylvania.



Winter & Company

www.winterandcompany.net

CHRISTOPHER BALL

WINTER & COMPANY



Education:

B.A. in Environmental Design
University of Colorado, Boulder
Emphasis in Architecture

Junior Designer

Christopher Ball has worked at Winter & Company for six years and plays an integral role in the creation of graphic content for the company. He has a strong knowledge of 3D modeling, graphic software and architectural practices. His previous work experience in the field of construction allows for his designs to incorporate contextual and rational characteristics. Chris has a refined knowledge in the practice of architecture and urban planning.

Chris is currently assisting with Design Standards and a Code Update for Westminster, Colorado; a Strategic Plan for Spenard Corridor in Anchorage, Alaska; Neighborhood Development Code modeling for Covington, Kentucky; Historic Preservation Strategies for Jackson/Teton County, Wyoming; and Adaptive Reuse Studies for Colfax Avenue in Denver, Colorado.

He recently assisted with the National Western Center Placemaking Study for Denver, Colorado; a Downtown Plan for Estes Park, Colorado; the Code Update for Los Angeles, California; Code and Design Guidelines for the Fort Worth, Texas Stockyards; Blue Hill District Design Guidelines for Chapel Hill, North Carolina; Design Guidelines for Ross, California; Downtown Heritage District Design Guidelines for Plano, Texas; Design Guidelines and Code Update for Encinitas, California; Residential Typology Studies for the City of Houston, Texas Historic Preservation Design Guidelines project; and modeling for the Encinitas Housing Element Update.



(ID#19-851) Downtown Architectural Design Standards

Award a contract for professional services to
update downtown architectural design standards

Purpose

- Consider awarding contract for professional services to Winter and Company to update downtown architectural design standards.
- Focus on design variables that were addressed by Winter and Company in previous 2012 guidelines.
- Direction provided by City Council at the December 17, 2019 Work Session.



Background

- **2012:** City contracted with Nore Winters to develop architectural standards
- **Purpose:** “enhance the effectiveness of the Smartcode in downtown by adding context-sensitive design standards...”
- **Included code standards**
 - Expression tools
 - Upper-floor window design
 - Varied upper-floor massing
 - Step-downs in height
- **Included design guidelines**
 - Advisory information and intent statements
 - Design criteria for administrative review of plans
 - Design criteria for alternative compliance requests
- **2018 Development Code update**
 - Carried over all design standards and guidelines
 - Expanded upon to new districts
 - New architectural standards added

A APPENDIX

DESIGN GUIDELINES

DIVISION 2: EXAMPLES OF DESIGN PRINCIPLES APPLIED

The following photographs provide examples of improvements that illustrate how some of the design guidelines may apply in CD-5D and CD-5. Some specific design features are identified in the captions. Note that, in some cases, while a specific design feature is described as being an appropriate example, the overall building shown may not meet all of the city's other design standards and guidelines.



Vertical Expression Lines; Cornice; Balcony

Varied Upper Floor Massing; Wall Offset

Wall Offset; Horizontal Expression Line

Wall Notch; Horizontal Expression Line

Vertical Expression Lines; Awning / Canopy

Wall Offset; Horizontal Expression Line; Materials Change

A-10 San Marcos Design Manual

Winter and Company: Scope of Services

Key Topics

- Massing of larger building to promote compatibility
- Variety of articulation of facades
- Treatment of building materials
- Street level design to create a sense of place
- Transitions from higher density to sensitive edges

Outreach Levels

- Community Workshops / Open House
- Focus / Stakeholder Groups

Scope of Services

- Step 1: Set the Stage
- Step 2: Develop the Strategy
- Step 3: Develop the Design Standards and Guidelines
- Step 4: Adoption

Contract Cost: \$68,160

DESIGN GUIDELINE SERVICES

PLANO, TEXAS



Downtown Heritage Resource District Design Standards
Downtown Plano is the heart of the community. It is rich with buildings that serve as links to the city's heritage. These properties symbolize the past and set the stage for a vibrant future.



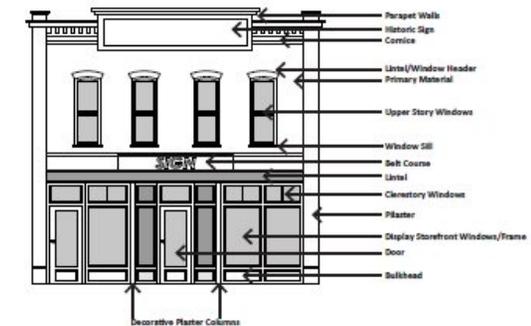
Winter & Company was tasked with creating historic Design Standards in response to preservation issues the community was experiencing in its Downtown. Some of the topics addressed include additions, awnings, storefronts, review process, and conducting surveys. Winter & Company assisted the city in hosting a number of public engagement workshops. They then tailored the Design Standards to fit the unique design qualities of Downtown Plano.

Downtown Plano has a vibrant future with an engaging atmosphere. The streetscape is pedestrian friendly, and has potential to generate a significant amount of income for the community.

The Downtown Heritage Resource District Design Standards promote rehabilitation and redevelopment that is sensitive to the surrounding historic context and helps maintain downtown as the center of the community. By preserving existing buildings and guiding compatible redevelopment, the standards also help promote cultural, environmental and economic sustainability. A key goal is to support a downtown that meets the needs of residents, business owners and visitors.



The historic presence of Downtown Plano is still strong throughout the character in each building. This character creates an exciting juxtaposition between the past and present, and is critical in preserving to increase the vitality of the Downtown Heritage District.



Diagrams and models throughout the document identify key-character defining features of historic buildings in the district. These are important to preserve whenever feasible to keep the charm of Downtown Plano intact.

Timeline



Council Direction



Legislation Text

File #: Res. 2020-14R, **Version:** 1

AGENDA CAPTION:

Consider approval of Resolution 2020-14R, adopting Guiding Principles for the City's 2020 Federal and State Legislative Action Program; and declaring an effective date.

Meeting date: January 21, 2020

Department: Communications & Intergovernmental Relations

Amount & Source of Funding

Funds Required: Click or tap here to enter text.

Account Number: Click or tap here to enter text.

Funds Available: Click or tap here to enter text.

Account Name: Click or tap here to enter text.

Fiscal Note:

Prior Council Action: Resolution 2019-51R Guiding Principles for the City's 2019 State and Federal Legislative Program Activities was adopted by Council on March 19, 2019; the State 2019 Guiding Principles document was amended by Resolution 2019-84R on May 7, 2019.

City Council Strategic Initiative: [Please select from the dropdown menu below]

Workforce Housing

Public Transit

Stormwater

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

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

Master Plan: *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

Background Information:

The City of San Marcos worked with the Normandy Group, the City's Federal Legislative consultants, and Bickerstaff Heath Delgado Acosta LLP, the City's State Legislative consultants, to identify the updated list of guiding principles for the City's 2020 Legislative program. These guiding principles aid City staff and elected officials in advancing the interests of the City, its residents, and businesses, with our federal and state Congressional delegations and with corresponding agencies involved in the funding and regulation of assets and services provided by the City of San Marcos to the people of our community.

These attached redlined Guiding Principles were adopted by resolution on March 19, 2019 with the State Guiding Principles being amended by resolution on May 7, 2019. The City's Guiding Principles are living documents that may be updated at the will of the Council.

At the last meeting of the Council's Legislative Committee on November 14, amendments were discussed to add additional language as a result of the Council's strategic initiatives, additional federal and state funding opportunities or legislative changes following the 86th Texas Legislative Session.

Council Committee, Board/Commission Action:

The Committee recommended amending the document to include these edits and they are noted by redline with corresponding detailed comments in the attached Guiding Principles documents. A clean copy of both the Federal & State documents are attached for the Council's perusal as well.

Alternatives:

Click or tap here to enter text.

Recommendation:

Staff and the Legislative Committee recommends adoption of the amended 2020 State Legislative Guiding Principles.

RESOLUTION NO. 2020- R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, ADOPTING GUIDING PRINCIPLES FOR THE CITY'S 2020 FEDERAL AND STATE LEGISLATIVE ACTION PROGRAM; AND DECLARING AN EFFECTIVE DATE

RECITALS:

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

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

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

PART 1. The attached Guiding Principles for the 2020 City of San Marcos Federal and State Legislative Action Program are hereby approved and adopted.

PART 2. This resolution is in full force and effect from and after the date of consideration.

ADOPTED on January 21, 2020.

Jane Hughson
Mayor

Attest

Tammy K. Cook
Interim City Clerk

Guiding Principles for the 2020~~19~~ City of San Marcos Federal Policy Program

Introduction:

The City of San Marcos recognizes the need for an active federal policy program to ensure that the interests of the City's residents and businesses are protected and enhanced. The City Council's federal outreach reflects the core values found in the City Charter's Statement of Goals and the City Council's Strategic Initiatives. As directed by the City Council, the City will participate in advancing the City's goals with the federal Congressional delegation and with federal agencies involved in the funding and regulation of assets and services provided by the City of San Marcos to the people of our community.

Guiding Principles:

Disaster Recovery Efforts

- Support disaster recovery efforts by working with members of the Congressional delegation, Federal Emergency Management Agency (FEMA) officials, and Housing and Urban Development (HUD) officials on administering already obtained disaster related assistance and vital information on how the city could pursue additional federal funding through various federal programs at FEMA, HUD, the Economic Development Administration, etc. Additionally, in case of properties that experience repeated flooding to pursue alternatives that provide permanent solutions for both families and property owners, to include but not be limited to the acquisition or trades for said property(ies).
- Support future flood mitigation strategies and regional drainage solutions by working with the U.S. Army Corps of Engineers to evaluate large scale river overflow project potential on Upper Blanco River.
- Support federal funding solutions to develop regional partnerships to maximize solutions for both current and future flood resiliency, to create a community resilient to regional and localized flooding events, to prevent future damages from upstream and downstream development, and to improve overall storm water quality. This will include ~~reengaging with~~ continuing to work with the Natural Resources Conservation Service (NRCS) about potential federal streams of funding related to watershed protection along the Blanco River.

Commented [SK1]: Updated Language

Transportation

- Support potential federal legislative action on infrastructure to provide necessary transportation funding, while protecting the environment and advancing the economic development goals of our community, for better connectivity and to better keep pace with the City's priority infrastructure needs for air, highway, transit, pedestrian, bicycle, and rail transportation.
- Support the continued development of the municipal airport including: seeking federal funding through Federal Aviation Administration's (FAA) Airport Improvement Program (AIP) Supplemental funding competition to help address the steadily deteriorating condition of concrete that comprises the taxiway and ramp at the airport; utilizing our Congressional delegation to advocate for higher prioritization of airport infrastructure needs amongst U.S. Department of Transportation (USDOT) and FAA leadership; promoting new private flight training activity at facility; maintaining adequate staffing of the control tower through federal legislation seeking to address such shortages; and protecting funding for the FAA's Federal Contract Tower (FCT) program through the Fiscal Year 2020 budget cycle.
- Support efforts for San Marcos as the new to become a Direct Recipient for federal and state transit funding allocated to the San Marcos urbanized area. This also includes engaging directly with the Federal Transit Administration's (FTA) National and Regional Offices to explore other potential federal funding opportunities. Work in conjunction with third party transit trade groups such as the Community Transportation Association of America (CTAA) to promote greater transit funding in the upcoming Surface Transportation reauthorization bill. Identify additional non-federal streams of funding for City's transit priorities which include, but are not limited to, an Intermodal Transit Facility.
- Support transportation infrastructure through identifying and advocating for policies in the reauthorization of federal surface transportation legislation, also known as the Federal Highway bill, which is slated to occur by must be reauthorized by September 30, 2020.
- Support efforts related to the further development of efficient and economical mass transit options in the Austin – San Antonio Corridor. This includes closely monitoring federal efforts to impact transit through broader infrastructure legislation.
- Support efforts related to regional commuter rail, such as: highlighting its importance to the region and the commitment of the City to commuter rail with the Administration, the Congressional delegation, and appropriate agencies; supporting rail development policies in the surface transportation bill; and advocating for project specific federal funding.

Commented [SK2]: Additional contact & support of our Congressional Delegation to assist with federal funding opportunities

Commented [SK3]: Addressing City's achievement of becoming the Direct Funding Recipient and notating potential additional transit funding streams

Commented [SK4]: Addition of reauthorization date

Education and Workforce Development

- Support educational initiatives, including Pre-K through 16 education (ages 3-25), including higher education and career readiness, and out-of-school-time programs promoting youth development. This will include identifying related opportunities and challenges as Congress moves forward with the reauthorization of the Higher Education Act (HEA).
- Support adult education initiatives including facilitating partnerships with the Gary Jobs Corps and other efforts to ensure that citizens have the skills necessary for the jobs of the future. This will include working with Gary Job Corps, the national Job Corps program, and our Congressional delegation to explore ways to expand the benefits of the Job Corps program to adults beyond the current program’s age parameters. This will also include identifying opportunities through the U.S. Department of Labor’s national apprenticeship initiative.
- Support City’s and greater community efforts to engage with U.S. Army Futures Command in Austin and seek to identify federal funding opportunities that may arise as a result.

Neighborhoods, Workforce Housing and Sustainable Development

- Support federal initiatives that promote diverse housing choices for the community’s local work force. This includes identifying best practices by engaging with Congressional offices, federal agencies, national associations, third-party groups and other municipalities.
- Support continued federal funding for the Community Development Block Grant Program; support workforce housing development assisting low to moderate income residents; housing rehabilitation, veterans’ housing and employment programs, and increase the availability of affordable housing.
- Support Sustainable Development through the continuation of grant programs such as CDBG, HOME, Livable Communities Act, Choice Neighborhoods and the Strong Cities, and Strong Communities Initiative, energy efficiency and water conservation initiatives, and other programs that promote innovative planning to further community development, while sustaining environmental, economic and cultural resources.
- Support federal programs seeking to address rising homelessness crises across the country. Identify related federal funds to address homelessness issues in Central Texas.

Commented [SK5]: Addition of potential third-party resources

Commented [SK6]: Removal of two grant programs that the current Administration has stopped awarding.

Commented [SK7]: Addition of language to support homeless initiatives & to identify funding opportunities.

River and Environmental Protection

- Support federal action to encourage the protection and preservation of spring flows and the rivers in San Marcos; to protect the community's rare environmental resources and assets; provide new sources of funding for water infrastructure and water conservation and wastewater treatment and reuse including the WaterSMART grant program through the U.S. Department of Interior; support reasonable groundwater district rules related to the length of groundwater permits and timeframes to develop related infrastructure; protect the City's investment in water infrastructure for current and future use; and promote and develop alternative energy sources.
- Support opportunities to address wastewater reuse issues at the federal level. This includes providing support for existing targeted grant opportunities and identifying other potential funding streams or policies that impact these activities.

Commented [SK8]: Include WaterSMART grant program

Economic Development

- Support Congressional action to promote economic development; identify and pursue related economic development funding opportunities through the U.S. Department of Commerce's Economic Development Administration (EDA); provide incentives to cities to attract and retain businesses; increase funding for workforce training and programs to employ veterans; strengthen Pre-K to 16 education; and increase funding for adult education and literacy.
- ~~Support broader community effort, in conjunction with the Greater San Marcos Partnership and Texas State University, to have the U.S. Department of Agriculture relocate the National Institute for Food and Agriculture (NIFA) and/or Economic Research Service (ERS) to STAR Park.~~
- Support City and broader community efforts related to the proposed San Marcos Air, Rail, and Truck (SMART) Terminal, an intermodal industrial park that will serve the needs of light industrial manufacturing, logistics/distribution, air cargo, and aviation support businesses. ~~This includes working with our Congressional delegation to support a current EDA grant application put forth by Caldwell County, as a another potential EDA grant to be submitted by the City.~~

Commented [SK9]: Remove language since USDA & NIFA offices will be relocating to Kansas City region

Commented [SK10]: Removal of EDA grant language

Public Safety

- Support federal grant programs that advance police and fire public safety programs and overall emergency management operations for assistance with equipment, training and personnel. This includes working with the Congressional delegation to help reduce inefficiencies in federal grant program solicitation and execution at the U.S. Department of Justice.

Commented [SK11]: Including language to work with our Congressional Delegation to help reduce inefficiencies

- Support efforts of Texas Aviation Partners to Explore “no fly-zone” process improvements during emergency situations.

Guiding Principles for the 2020 City of San Marcos Federal Policy Program

Introduction:

The City of San Marcos recognizes the need for an active federal policy program to ensure that the interests of the City's residents and businesses are protected and enhanced. The City Council's federal outreach reflects the core values found in the City Charter's Statement of Goals and the City Council's Strategic Initiatives. As directed by the City Council, the City will participate in advancing the City's goals with the federal Congressional delegation and with federal agencies involved in the funding and regulation of assets and services provided by the City of San Marcos to the people of our community.

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Transportation

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- Support adult education initiatives including facilitating partnerships with the Gary Jobs Corps and other efforts to ensure that citizens have the skills necessary for the jobs of the future. This will include working with Gary Job Corps, the national Job Corps program, and our Congressional delegation to explore ways to expand the benefits of the Job Corps program to adults beyond the current program's age parameters. This will also include identifying opportunities through the U.S. Department of Labor's national apprenticeship initiative.
- Support City's and greater community efforts to engage with U.S. Army Futures Command in Austin and seek to identify federal funding opportunities that may arise as a result.

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- Support Congressional action to promote economic development; identify and pursue related economic development funding opportunities through the U.S. Department of Commerce's Economic Development Administration (EDA); provide incentives to cities to attract and retain businesses; increase funding for workforce training and programs to employ veterans; strengthen Pre-K to 16 education; and increase funding for adult education and literacy.
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Public Safety

- Support federal grant programs that advance police and fire public safety programs and overall emergency management operations for assistance with equipment, training and personnel. This includes working with the Congressional delegation to help reduce inefficiencies in federal grant program solicitation and execution at the U.S. Department of Justice.
- Support efforts of Texas Aviation Partners to Explore "no fly-zone" process improvements during emergency situations.

City of San Marcos Guiding Principles for the 87th Texas Legislative Session

The City of San Marcos recognizes the need for an active state legislative program to ensure the interests of the City's residents and businesses are protected and enhanced. The City Council has created a focused legislative platform, which reflects the core values found in the City Charter's statement of Goals and the Comprehensive Plan Vision Statements. As directed by the City Council, the City will participate in the 87th Texas Legislative Session (2021) process through monitoring and actively advocating for or against legislation when appropriate to support or safeguard the interests of the City.

Commented [SK1]: Designates next TX Legislative Session

The following "Guiding Principles" serve as direction for staff and the City's legislative advocates on key issues.

Preemption & Local Control

- Oppose legislation that would erode municipal authority, impose unfunded mandates, or provide for state preemption of municipal authority in any way.
- Support legislation to amend Section 361.096 (a)(1) of the Texas Health and Safety Code to allow local regulation of the use of disposable packages and containers for the purposes of environmental protection, preservation of endangered species, flood prevention, and to promote the health and safety of wildlife and livestock.
- Oppose legislative action that interferes with the ability of the City to determine how best to effectively operate local programs, services and activities or negatively impacts a municipally owned electric utility's ability to provide low cost services to its communities.
- Support legislation to amend Section 3000.002 of the Texas Government Code to modify regulations regarding building products, materials or methods.
- Support legislation to amend Section 212.009 and subsequent sections of the Texas Government Code to modify the approval procedure for a plan or plat.

Commented [SK2]: Added language as a result of passage of HB2439

Commented [SK3]: Added language as a result of passage of HB3167

STATE AGENDA - Redline

Revenue and Finance

- Oppose legislation that would impose a revenue and/or tax cap of any type, negatively expand appraisal caps, erode the local sales tax base, impose additional state fees or costs on city services, amend current taxing authority without replacing lost revenue with a fixed revenue stream, or erode the ability of a city to issue debt.
- Support legislation that will exempt more costs from the newly imposed 3% revenue cap.
- Support legislation that would simplify the effective tax rate calculation for notice purposes only, ~~extend the sunset date for Chapter 312 tax abatement authority,~~ and make beneficial amendments to the equity appraisal statute.
- Support legislative action that broadens the use of state cable franchise PEG (public, educational, government) funds for municipal operations.
- Support legislative action that enables local officials to access resources to provide quality police, fire, emergency management and medical services, and community efforts.
- Support legislative action to allow utilization of revenue from the Hotel Occupancy Tax to maintain our unique and beautiful river basin.

Commented [SK4]: Added as a result of the passage of Senate Bill 2

Commented [SK5]: Removed Chapter 312 language

Land Use

- Oppose legislation that would erode municipal authority, including: annexation, eminent domain, zoning, regulatory takings, tree preservation, building codes, and short-term rentals.
- Support legislative to enhance cities' ability to protect historical, cultural and natural resources and property values by implementing development standards.
- Support legislative action to increase funding for workforce housing for workers who are the backbone of the City of San Marcos, strengthen and enhance veteran housing programs, and increase the availability of affordable housing for all.

Economic Development

- Support the San Marcos Air & Rail Terminal (SMART) project

STATE AGENDA - Redline

which will provide intermodal freight capacity and a key link to national transportation infrastructure as well as bring thousands of jobs to the area.

- Increase action to promote strategic economic development and provide incentives to attract and retain businesses.

Workforce Training

- Support legislative funding for workforce training and programs including skills development funding and customized training to employ veterans and civilians, including career transitioning and second career adults.
- Support legislative funding for programs pertaining to small business education and entrepreneurial ideas.

Water Resources & Environmental Protection

- Support legislative action to: protect the City's authority to utilize reclaimed water; encourage protection and preservation of spring flows supporting the pristine San Marcos River; protect the City's investment in water infrastructure for current and future use; sustain the goals of the Alliance Regional Water Authority (formally the Hays Caldwell Public Utility Agency); and promote and develop alternative energy sources.

Transportation

- Support legislative action to increase, while protecting the environment, funding for better connectivity and to better keep pace with the City's priority infrastructure repair, maintenance and construction needs for air, highway, transit, pedestrian, and rail transportation.
- Support legislative action that would allow for greater flexibility by cities to fund local transportation projects.
- Oppose state or federal legislation or rules that would erode the authority of a city to be adequately compensated for the use of its rights-of-ways.
- Support legislative action to fund projects at the San Marcos Regional Airport.

Electricity

- Support legislative action that allows municipally owned electric

Commented [SK6]: Additional language to support airport funding

STATE AGENDA - Redline

utilities to better provide reliable and safe electricity at reasonable prices while supporting local communities.

Commented [SK7]: Additional language to support our electric utility

Education

- Support legislative action to fully fund and strengthen P-16 education, including funding for Texas State University's five-year strategic plan and full day pre-k program.
- Support legislative action to fund youth health initiatives and Citywide Out-of-School Time programs.
- Support legislative action to increase funding for adult education and literacy.
- Support legislative funding for Texas Early Childhood Intervention (ECI) for babies and toddlers with developmental delays.
- Support legislative action to fund School Safety Action Plans and the continued emergency responder training provided by the Texas State Advanced Law Enforcement Rapid Response Training (ALERT) program.

Mental Health:

- Support legislative action to coordinate and expand the delivery of mental health care services. ~~through utilization of health-related institutions of higher education.~~

Commented [SK8]: Removed unnecessary language

Technology

- Support legislation relating to cybersecurity for information resources.
- ~~Support legislation for the State of Texas to create a cybersecurity degree program.~~

Commented [SK9]: Removed unnecessary language

Designations

- Support legislative action to designate the City as the "Mermaid Capital of Texas".

City of San Marcos Guiding Principles for the 87th Texas Legislative Session

The City of San Marcos recognizes the need for an active state legislative program to ensure the interests of the City’s residents and businesses are protected and enhanced. The City Council has created a focused legislative platform, which reflects the core values found in the City Charter’s statement of Goals and the Comprehensive Plan Vision Statements. As directed by the City Council, the City will participate in the 87th Texas Legislative Session (2021) process through monitoring and actively advocating for or against legislation when appropriate to support or safeguard the interests of the City.

The following “Guiding Principles” serve as direction for staff and the City’s legislative advocates on key issues.

Preemption & Local Control

- Oppose legislation that would erode municipal authority, impose unfunded mandates, or provide for state preemption of municipal authority in any way.
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- Oppose legislation that would impose a revenue and/or tax cap of any type, negatively expand appraisal caps, erode the local sales tax base, impose additional state fees or costs on city services, amend current taxing authority without replacing lost revenue with a fixed revenue stream, or erode the ability of a city to issue debt.
- Support legislation that will exempt more costs from the newly imposed 3% revenue cap.
- Support legislation that would simplify the effective tax rate calculation for notice purposes only, and make beneficial amendments to the equity appraisal statute.
- Support legislative action that broadens the use of state cable franchise PEG (public, educational, government) funds for municipal operations.
- Support legislative action that enables local officials to access resources to provide quality police, fire, emergency management and medical services, and community efforts.
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- Support the San Marcos Air & Rail Terminal (SMART) project which will provide intermodal freight capacity and a key link to national transportation infrastructure as well as bring thousands of jobs to the area.
- Increase action to promote strategic economic development and provide incentives to attract and retain businesses.

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- Support legislative action that would allow for greater flexibility by cities to fund local transportation projects.
- Oppose state or federal legislation or rules that would erode the authority of a city to be adequately compensated for the use of its rights-of-ways.
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Electricity

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- Support legislative action to fully fund and strengthen P-16 education, including funding for Texas State University’s five-year strategic plan and full day pre-k program.
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Mental Health:

- Support legislative action to coordinate and expand the delivery of mental health care services.

Technology

- Support legislation relating to cybersecurity for information resources.

Designations

- Support legislative action to designate the City as the “Mermaid Capital of Texas”.



Legislation Text

File #: Ord. 2020-03(b), **Version:** 1

AGENDA CAPTION:

Consider approval of Ordinance 2020-03, on the first of two readings, amending the Official Zoning Map of the City by rezoning approximately 4.96 acres out of the Cyrus Wickson Survey, Abstract No. 474, Hays County, generally located at the western corner of South Old Bastrop Highway and Rattler Road, from "FD" Future Development District to "CD-5" Character District 5; and including procedural provisions.

Meeting date: January 21, 2020

Department: Planning and Development Services

Amount & Source of Funding

Funds Required: n/a

Account Number: n/a

Funds Available: n/a

Account Name: n/a

Fiscal Note:

Prior Council Action: Postponed at January 7, 2020 City Council Meeting

City Council Strategic Initiative:

N/A

Comprehensive Plan Element (s):

- Economic Development - Choose an item.
- Environment & Resource Protection - Choose an item.
- Land Use - Direct Growth, Compatible with Surrounding Uses
- Neighborhoods & Housing - Diversified housing options to serve citizens with varying needs and interests
- Parks, Public Spaces & Facilities - Choose an item.
- Transportation - Choose an item.
- Not Applicable

Master Plan:

Vision San Marcos - A River Runs Through Us

Background Information:

The subject property is currently located outside the City Limits in the Extraterritorial Jurisdiction (ETJ). The property is currently vacant and is diagonally opposite from the San Marcos High School and adjacent to vacant and residential uses.

The purpose of this zoning change is to allow the development of retail corner uses allowed within CD-5 zoning. The applicant is also requesting a rezoning to CD-3 for 29.4 acres abutting the subject property. This request is being considered as part of a separate zoning request (ZC-19-10). Both zoning requests are being processed concurrently with an annexation request for the property.

The City of San Marcos will provide water and wastewater services at the site. The developer will be responsible for extending water and wastewater facilities through the site. Bluebonnet Electric Cooperative will provide electric service to this development.

In accordance with the discussion at the January 7, 2020 Council Meeting, the applicant has submitted a new exhibit which indicates a new zoning boundary of approximately 4.96 acres. This is a reduction from the original request of approximately 6 acres. The applicant has removed 1.04 acres from the original request. This 1.04 acres is no longer requested in the zoning change to CD-5 and will remain as Future Development "FD" zoning which is the default zoning applied to properties which are annexed. Council is considering approval of the annexation at the January 21st Council meeting.

The new boundary of approximately 4.96 acres includes approximately 35 feet of width between the neighboring residential property to the northwest. This 35 foot boundary replicates the width of the Type D Protective Yard Standard in Section 7.2.2.4 of the code. While the City cannot require that a fence or wall be constructed per the Protective Yard Standards, the 35 feet of width ensures that the CD-5 zoned property does not abut the neighboring residential property.

If Council approves the updated boundary on first reading, the applicant will be required to provide an updated metes and bounds of the revised boundary prior to second reading of the ordinance.

Council Committee, Board/Commission Action:

Planning and Zoning Commission Meeting: December 10, 2019

Speakers in favor or opposed:

1. Ed Theriot (in favor)
2. Rosanna Ramirez (did not state position)
3. Angela Pates (did not state position)
4. Robert Tijerina (did not state position)
5. Richard Ramirez (did not state position)

6. Mary Alice Gomez (did not state position)

Recommendation from the Planning and Zoning Commission meeting held December 10, 2019:

A motion was made by Commissioner Gleason, seconded by Commissioner Moore to approve ZC-19-11. The motion carried 7-1.

- **For:** (7) Chairperson Garber, Vice Chairperson Gleason, Commissioner McCarty, Commissioner Haverland, Commissioner Dillon, Commissioner Moore, and Commissioner Agnew
- **Against:** (1) Commissioner Rand
- **Absent:** (1) Commissioner Kelsey

City Council Discussion at January 7, 2020 Meeting:

At the January 7, 2020 meeting, council discussed concerns regarding the impacts of CD-5 zoning on the adjacent residential lots. Council postponed the item to the next available Council meeting to allow the applicant to provide a new zoning boundary exhibit.

Alternatives:

n/a

Recommendation:

Staff provides this request to the Commission for your consideration and recommends approval of the request for a zoning change from "FD" Future Development to "CD-5" Character District - 5.

If council approves the updated boundary on first reading, the applicant will be required to provide an updated metes and bounds of the revised boundary prior to second reading of the ordinance.

ORDINANCE NO. 2020-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING THE OFFICIAL ZONING MAP OF THE CITY BY REZONING APPROXIMATELY SIX ACRES OUT OF THE CYRUS WICKSON SURVEY, ABSTRACT NO. 474, HAYS COUNTY, GENERALLY LOCATED AT THE WESTERN CORNER OF SOUTH OLD BASTROP HIGHWAY AND RATTLER ROAD, FROM “FD” FUTURE DEVELOPMENT DISTRICT TO “CD-5” CHARACTER DISTRICT 5; AND INCLUDING PROCEDURAL PROVISIONS.

RECITALS:

1. On December 10, 2019, the Planning and Zoning Commission of the City of San Marcos held a public hearing regarding a request to change the zoning designation from “FD” Future Development District to “CD-5” Character District 5 for approximately six acres out of the Cyrus Wickson Survey, Abstract No. 474, Hays County, generally located at the western corner of South Old Bastrop Hwy and Rattler Road.

2. The Planning and Zoning Commission voted to recommend that the request be approved by the City Council.

3. The City Council held a public hearing on January 7, 2020 regarding the request.

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

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

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

SECTION 1. The Official Zoning Map of the City is amended to rezone the tract of land described in Exhibit A, attached hereto and made a part hereof, from “FD” Future Development District to “CD-5” Character District 5.

SECTION 2. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

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

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

PASSED AND APPROVED on first reading on January 7, 2020.

PASSED, APPROVED AND ADOPTED on second reading on January 21, 2020.

Jane Hughson
Mayor

Attest:

Tammy K. Cook
Interim City Clerk

Approved:

Michael Cosentino
City Attorney

EXHIBIT A



Exhibit “ — ”

7401B Highway 71 West, Suite 160
Austin, TX 78735
Office: 512.583.2600
Fax: 512.583.2601

Doucetengineers.com

McCarty Lane
Hays County, Texas

D&A Job No. 1787-001
September 06, 2019

METES & BOUNDS DESCRIPTION For 6.00 Acres [261,359 Square Feet]

BEING A 6.00 ACRE [261,359 SQUARE FEET] TRACT OF LAND OUT OF THE CYRUS WICKSON SURVEY, ABSTRACT NUMBER 474, BEING OUT OF A CALLED 35.40 ACRE TRACT OF LAND DESCRIBED IN VOLUME 4595, PAGE 398 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS [O.P.R.H.C.T.], SAID 6.00 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron rod, found for the east corner of the herein described tract and said 35.40 acres, same being the south corner of a called 0.12 acre tract described in Volume 3592, Page 145 [O.P.R.H.C.T.] same being at the intersection of the apparent southwest right-of-way line of McCarty Lane (County Road 233), no record information found, and the apparent northwest right-of-way line of Old Bastrop Road (County Road 266), no record information found;

THENCE, with the southeast line of said 35.40 acre and the apparent northwest right-of-way line of Old Bastrop Road, the following four (4) courses and distances;

- 1) S23°16'03" W, a distance of 91.74 to a 1/2 inch iron rod with “Byrn” cap, found at the start of a curve to the left,
- 2) With said curve to the left, having an arc length of 175.93 feet, a radius of 540.00 feet, a delta angle of 18°40'02”, and a chord which bears S18°11'01”W, 175.16 feet to a found 1/2 inch iron rod with “Byrn” cap,
- 3) S08°50'48”W, a distance of 131.10 feet to a 1/2 inch iron rod found at the start of a curve to the right,
- 4) With said curve to the right, having an arc length of 170.97 feet, a radius of 460.00 feet, a delta angle of 21°17'41”, and a chord which bears S19°50'40”W, 169.98 feet to a point for the south corner of the herein described tract,

THENCE, N45°45'12”W, over and across said 35.40 acres, a distance of 773.15 feet to a point for the west corner of the herein described tract, same being in a northwest line of the 35.40 acres, and also being in the southeast line of Lot 14 of A Hillside Village, Section 1, as recorded in Volume 8, Page 148 of the Plat Records of Hays County, Texas [P.R.H.C.T.],

(CONTINUED ON NEXT PAGE)

COMMITMENT YOU EXPECT.
EXPERIENCE YOU NEED.
PEOPLE YOU TRUST.



THENCE, N47°46'10"E, with a northwest line of said 35.40 acres and the southeast lines of Lots 14, 13, and 12 of said A Hillside Village, Section 1, passing at a distance of 18.95 feet a 1/2 inch iron rod, found for the common southerly corner of Lots 14 and 13, and passing at a distance of 136.72 feet a 1/2 inch iron rod, found for the common southerly corner of Lots 13 and 12, and continuing in all 174.76 feet to a 1/2 inch iron rod, found for an exterior corner of said 35.40 acres and the herein described tract, same being the west corner of the remainder of Lot 18 of said A Hillside Village, section 1, further described in Document Number 16037515 [O.P.R.H.C.T.]

THENCE, with the lines common to the remainder of Lot 18 and said 35.40 acre tract, the following two (2) courses and distances;

- 1) S46°08'50" E, a distance of 159.87 feet to a 1/2 inch iron rod, found for the south corner of Lot 18,
- 2) N47°47'46"E, a distance of 321.75 feet, to a 1/2 inch iron rod with "Byrn" cap, found for the easterly north corner of said 35.40 acres and the herein described tract, being the east corner of the remainder of Lot 18, same being the south corner of a called 0.03 acre tract described in Volume 3510, Page 283 [O.P.R.H.C.T.], and same being in the apparent southwest right-of-way line of said McCarty Lane,

THENCE, with the apparent southwest right-of-way line of McCarty Lane and the easterly northeast line of said 35.40 acre tract, the following three (3) courses and distances;

- 1) S48°23'27" E, a distance of 118.08 feet to a point at the start of a curve to the right,
- 2) With said curve to the right, having an arc length of 37.92 feet, a radius of 969.00 feet, a delta angle of 02°14'31", and a chord which bears S46°46'08"E, 37.91 feet to a found 1/2 inch iron rod,
- 3) S46°09'13"E, a distance of 169.20 feet back to the **POINT OF BEGINNING** of the herein described tract and containing 6.00 acres [261,359 square feet].

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

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

I, Garrett Cavaiuolo, Registered Professional Land Surveyor, hereby certify that this metes and bounds description represents an actual survey performed on the ground under my supervision.



Garrett Cavaiuolo
Registered Professional Land Surveyor
Texas Registration No. 6714
Doucet & Associates, Inc.
GCavaiuolo@DoucetEngineers.com
TBPLS Firm No. 10105800



Date



Zoning Request	Corner of Rattler Road and South Old Bastrop Highway
ZC-19-11	



Summary

Request:	Zoning change from “FD” Future Development to “CD-5” Character District – 5		
Applicant:	Ed Theriot Doucet and Associates 7401B Hwy 71 W, Ste 160 Austin, TX 78735	Property Owner:	Scott Snyder SHC Holdings, LLC P.O. Box 160523 Austin, TX 78716-0523

Notification

Application:	November 5, 2019	Neighborhood Meeting:	N/A
Published:	November 24, 2019	# of Participants	N/A
Posted:	November 20, 2019	Personal:	November 22, 2019
Response:	None as of Staff Report date		

Property Description

Legal Description:	+/- 4.96 acre tract out of the Cyrus Wickson Survey, Abstract 474, Hays County		
Location:	Corner of Rattler Road and Old Bastrop Highway		
Acreage:	6	PDD/DA/Other:	Pending Annexation
Existing Zoning:	“FD” Future Development	Proposed Zoning:	“CD-5” Character District – 5
Existing Use:	Vacant / Rural	Proposed Use:	Commercial
Preferred Scenario:	“Growth Area – Medium Intensity”.	Proposed Designation:	“Growth Area – Medium Intensity”.
CONA Neighborhood:	N/A	Sector:	N/A
Utility Capacity:	Developer is responsible for extended utilities.	Floodplain:	No
Historic District	N/A		

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	ETJ	Single Family / Vacant	Growth Area - Medium Intensity
South of Property:	ETJ	Vacant	Growth Area - Medium Intensity
East of Property:	ETJ; “P” Public and Institutional; “CC” Community Commercial	Single Family / Vacant / San Marcos High School	Growth Area - Medium Intensity
West of Property:	ETJ	Single Family	Growth Area - Medium Intensity

Zoning Request	Corner of Rattler Road and South Old Bastrop Highway
ZC-19-11	



Staff Recommendation

<input checked="" type="checkbox"/>	Approval as Submitted	<input type="checkbox"/>	Approval with Conditions / Alternate	<input type="checkbox"/>	Denial
Staff: Andrea Villalobos, CNU-A		Title : Senior Planner		Date: January 13, 2020	

Commission Recommendation

<input checked="" type="checkbox"/>	Approval as Submitted	<input type="checkbox"/>	Approval with Conditions / Alternate	<input type="checkbox"/>	Denial
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Planning and Zoning Commission Meeting: December 10, 2019

Speakers in favor or opposed:

1. Ed Theriot (in favor)
2. Rosanna Ramirez (did not state position)
3. Angela Pates (did not state position)
4. Robert Tijerina (did not state position)
5. Richard Ramirez (did not state position)
6. Mary Alice Gomez (did not state position)

Recommendation from the Planning and Zoning Commission meeting held December 10, 2019:

A motion was made by Commissioner Gleason, seconded by Commissioner Moore to approve ZC-19-11. The motion carried 7-1.

- **For:** (7) Chairperson Garber, Vice Chairperson Gleason, Commissioner McCarty, Commissioner Haverland, Commissioner Dillon, Commissioner Moore, and Commissioner Agnew
- **Against:** (1) Commissioner Rand
- **Absent:** (1) Commissioner Kelsey

City Council Discussion at January 7, 2020 Meeting

At the January 7, 2020 meeting, council discussed concerns regarding the impacts of CD-5 zoning on the adjacent residential lots. Council postponed the item to the next available Council meeting to allow the applicant to provide a new zoning boundary exhibit.

Zoning Request

ZC-19-11

Corner of Rattler Road and South Old Bastrop Highway



History

The subject property is currently located outside the City Limits in the Extraterritorial Jurisdiction (ETJ). The property is currently vacant and is diagonally opposite from the San Marcos High School and adjacent to vacant and residential uses.

The purpose of this zoning change is to allow the development of retail corner uses allowed within CD-5 zoning. The applicant is also requesting a rezoning to CD-3 for 29.4 acres abutting the subject property. This request is being considered as part of a separate zoning request (ZC-19-10). Both zoning requests are being processed concurrently with an annexation request for the property.

The City of San Marcos will provide water and wastewater services at the site. The developer will be responsible for extending water and wastewater facilities through the site. Bluebonnet Electric Cooperative will provide electric service to this development.

In accordance with the discussion at the January 7, 2020 Council Meeting, the applicant has submitted a new exhibit which indicates a new zoning boundary of approximately 4.96 acres. This is a reduction from the original request of approximately 6 acres. The applicant has removed 1.04 acres from the original request. This 1.04 acres is no longer requested in the zoning change to CD-5 and will remain as Future Development "FD" zoning which is the default zoning applied to properties which are annexed. Council is considering approval of the annexation at the January 21st Council meeting.

The new boundary of approximately 4.96 acres includes approximately 35 feet of width between the neighboring residential property to the northwest. This 35 foot boundary replicates the width of the Type D Protective Yard Standard in Section 7.2.2.4 of the code. While the City cannot require that a fence or wall be constructed per the Protective Yard Standards, the 35 feet of width ensures that the CD-5 zoned property does not abut the neighboring residential property.

Additional Analysis

Upon annexation, the property will be zoned "FD", the default classification for newly annexed land. The annexation request will be considered prior to the zoning change by City Council. See Comprehensive Plan Analysis Checklist and Criteria Checklists.

Comments from Other Departments

Police	No Comment
Fire	No Comment
Public Services	No Comment
Engineering	No Comment

Zoning Request	Corner of Rattler Road and South Old Bastrop Highway
ZC-19-11	



Evaluation			Compatibility of Uses & Density Criteria (Sec.4.1.2.5)
Consistent	Inconsistent	Neutral	
<u>X</u>			<p>Helps prevent the impacts of high density uses on low density areas <i>The subject property is located within a Medium Intensity - Growth Area on the Preferred Scenario Map. Character Districts, such as CD-5, are intended for new development within this designation on the Preferred Scenario Map. The property is also located at the corner of a major intersection.</i></p>
		<u>N/A</u>	<p>Limits changes in neighborhood density categories unless directed by a small area plan or neighborhood character study <i>Studies were not complete at the time of the request.</i></p>
<u>X</u>			<p>Encourages more opportunities for home ownership <i>CD-5 zoning allows for a variety of residential uses which include townhome, apartment, mixed use shopfront, and live/work. These building types may offer homeownership opportunities through legal lots or condo regime.</i></p>
<u>X</u>			<p>Ensures a diversity of housing to serve citizens with varying needs and interests <i>Allowable residential Building Types are Townhome, Apartment, Mixed Use Shopfront, and Live/Work.</i></p>

Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			<p>Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan and preferred scenario map <i>Vision San Marcos states that the East Village Medium Intensity Zone should include a mix of commercial, retail, and service oriented activity including a variety of residential options. It further states that as the site of San Marcos' only high school, this area has a high potential for growth. The proposed request will add commercial, office, or residential uses to East Village and will be near the high school. In addition, Character Districts, such as CD-5, are designated as "C" Considered on the Comprehensive Plan / District Translation Table within a Medium Intensity District.</i></p>
		<u>N/A</u>	<p>Whether the proposed zoning map amendment is consistent with any adopted small area plan or neighborhood character study for the area <i>Studies were not complete at time of request.</i></p>

Zoning Request

ZC-19-11

Corner of Rattler Road and
South Old Bastrop Highway

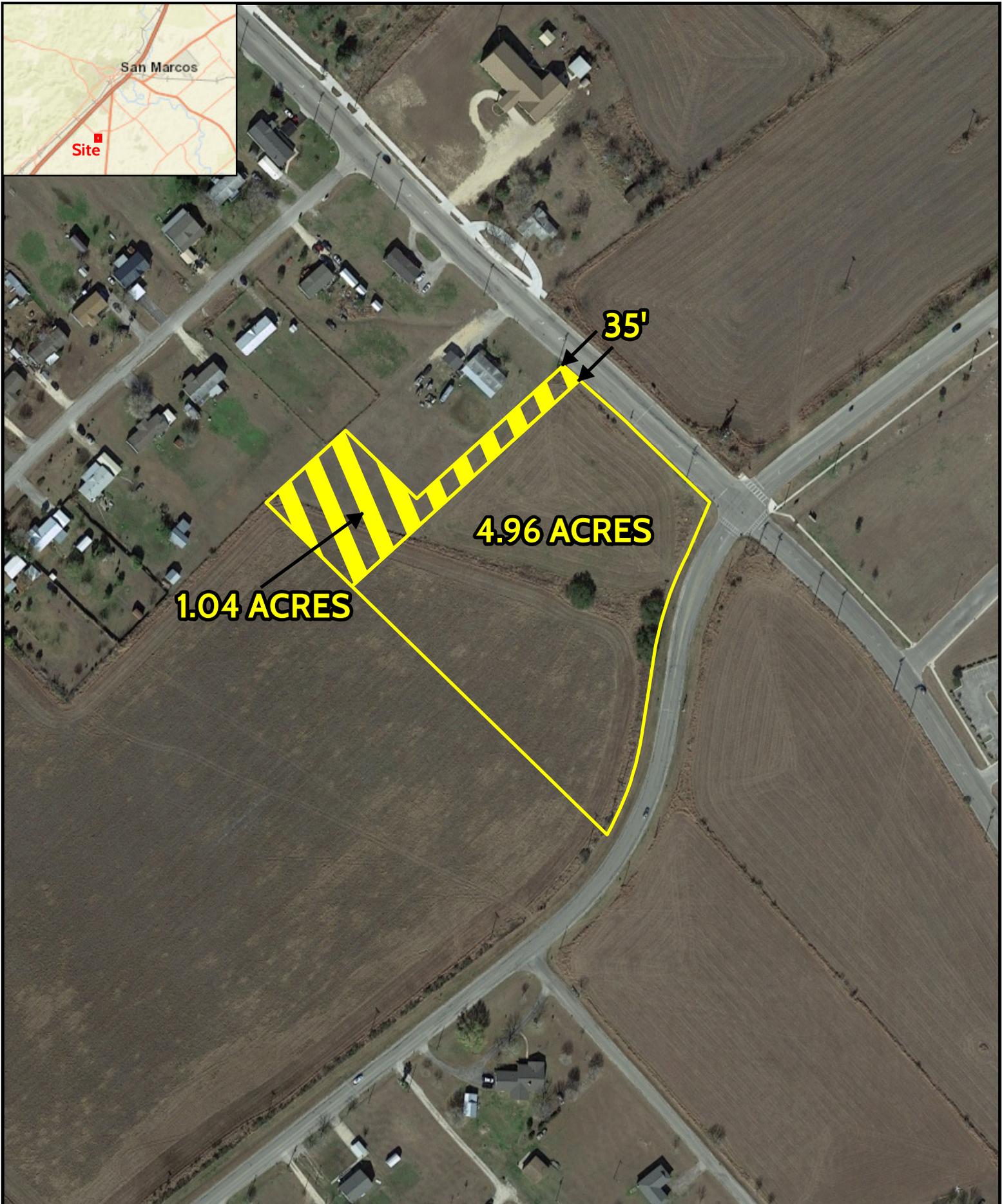


<u>X</u>			Whether the proposed zoning map amendment is consistent with any applicable development agreement in effect <i>A development agreement is not required because the property is being annexed.</i>
<u>X</u>			Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses shall be appropriate in the immediate area of the land to be reclassified <i>The property is surrounded by property that is outside the city limits and is not regulated with regards to zoning or use. However, the subject property is located across from the San Marcos High School and can serve the school and surrounding community. In addition, there is existing Community Commercial zoning across from the subject property.</i>
<u>X</u>			Whether the proposed zoning will reinforce the existing or planned character of the area <i>Approval of this zoning change would allow the property to develop according to the vision of the Comprehensive Plan, which states that the community needs diversified housing options (Neighborhood and Housing Goal 3) and directs growth in the East Village Medium Intensity Zone, which is planned for such growth. In addition, the subject property's proximity to the High School has the potential to provide convenient pedestrian and bike access between the property and the school.</i>
<u>X</u>			Whether the site is appropriate for the development allowed in the proposed district <i>The property is vacant and shown to be in a low constrained area. In addition, the subject property is near existing residential, commercial, and public uses.</i>
		<u>N/A</u>	Whether there are substantial reasons why the property cannot be used according to the existing zoning <i>The property is currently not zoned as it is located outside of the city limits.</i>
<u>X</u>			Whether there is a need for the proposed use at the proposed location <i>The rezoning does serve a public purpose as it furthers the goals and vision of the Comprehensive Plan.</i>
<u>X</u>			Whether the City and other service providers will be able to provide sufficient public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply and

Zoning Request	Corner of Rattler Road and South Old Bastrop Highway
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			<p>stormwater facilities, public safety, and emergency services, while maintaining sufficient levels of service to existing development</p> <p><i>The property is located within the City’s water service area and approximately 350 feet from the City’s wastewater service area. Once the property is annexed, the City’s wastewater service area boundary will be updated.</i></p>
<u>X</u>			<p>Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property</p> <p><i>The majority of the area surrounding the property is located within the East Village Medium Intensity Zone. Character districts are intended for new development in Medium Intensity Zone.</i></p>
		<u>N/A</u>	<p>For requests to a Neighborhood Density District, whether the proposed amendment complies with the compatibility of uses and density in Section 4.1.2.5</p> <p><i>This request is not for a Neighborhood Density District.</i></p>
<u>X</u>			<p>The impact the proposed amendment has with regard to the natural environment, including the quality and quantity of water and other natural resources, flooding, and wildlife management</p> <p><i>The property is located within a low constrained area according to the Land Use Suitability Map. In addition, there is no floodplain on the property.</i></p>
<u>X</u>			<p>Any other factors which shall substantially affect the public health, safety, morals, or general welfare</p> <p><i>None noted.</i></p>



Rattler Road

Revised 6 Acre Site

Date: 1/13/2020 • Aerial imagery acquired 2018 • To scale at 8.5x11 • Project Number: 1787-001



DOUCET & ASSOCIATES has generated this exhibit for informational purposes only. Data has been compiled from various sources and should not be assumed to be a legal description and should not be a substitute for a on-site ground survey. Data is believed to be accurate, but accuracy is not guaranteed. While DOUCET & ASSOCIATES has attempted to ensure that the information contained in these data layers is accurate, DOUCET & ASSOCIATES expressly disclaims all warranties of any type, expressed or implied. DOUCET & ASSOCIATES assumes no liability for any errors, omissions, or inaccuracies in the information provided regardless of the cause of such or for any decision made, action taken, or action not taken by the user. It is advised to verify any data provided herein.

Section 7.2.2.3 Use Protective Yard.

A use protective yard may also be required along perimeter lot lines for specific uses in accordance with Chapter 5.

Section 7.2.2.4 Protective Yard Installation Requirements

A. The tables below prescribe the minimum width, screening, and landscaping requirements for each protective yard type.

FIGURE 7.12 TYPE A AND B PROTECTIVE YARDS

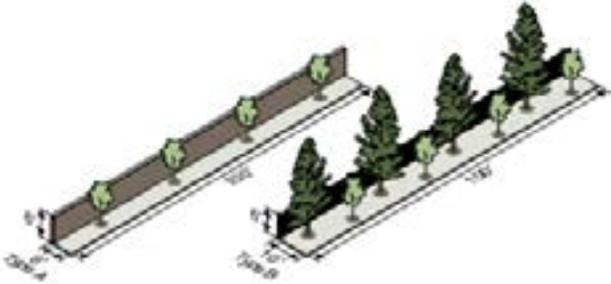


TABLE 7.7 TYPE A AND B PROTECTIVE YARD STANDARDS

	TYPE A	TYPE B
Depth (min)	6 ft.	10 ft.
Fence Height (min)	Not Allowed	6 ft.
Wall Height (min)	6 ft.	Not Required
Shade Trees (min per 100 ft.)	--	4
Understory Trees (min per 100 ft.)	4	4
Shrubs (min per 100 ft.)	--	--

FIGURE 7.13 TYPE C AND D PROTECTIVE YARDS

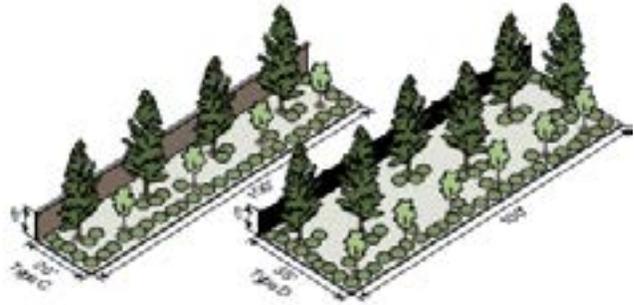


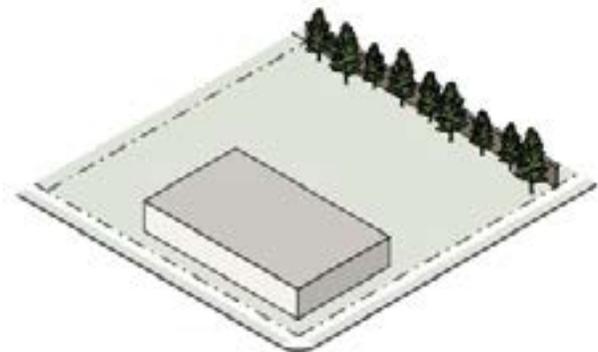
TABLE 7.8 TYPE C AND D PROTECTIVE YARD STANDARDS

	TYPE C	TYPE D
Depth (min)	20 ft.	35 ft.
Fence Height (min)	Not Allowed	6 ft.
Wall Height (min)	6 ft.	Not Required
Shade Trees (min per 100 ft.)	4	6
Understory Trees (min per 100 ft.)	4	6
Shrubs (min per 100 ft.)	40	60

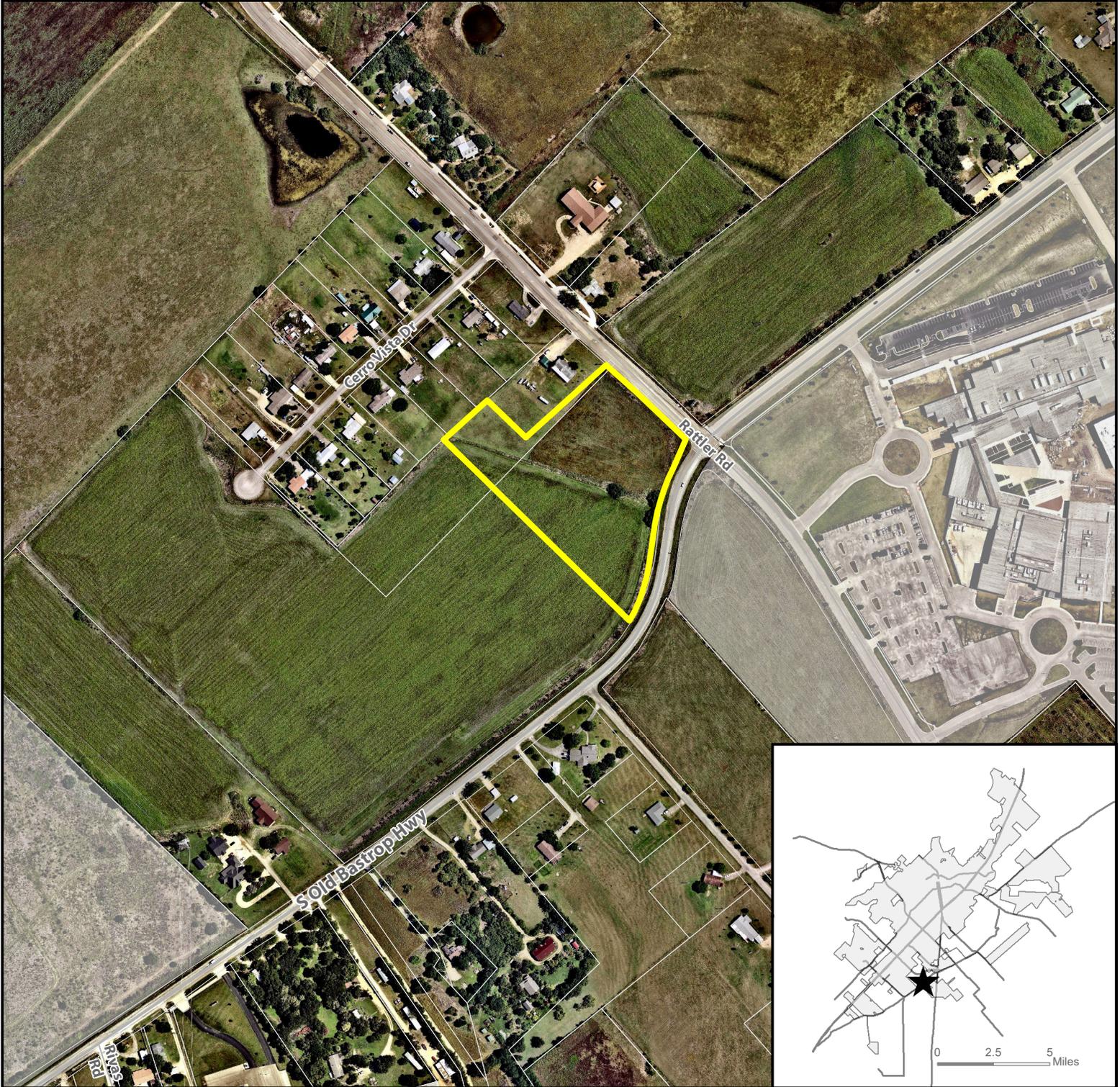
B. Location

1. A required protective yard must be located within the outer perimeter of the lot, parallel to and extending to the property boundary line. A required protective yard must be provided along the entire frontage immediately abutting the property line. Landscaping must be planted on the inside of the required protective yard.

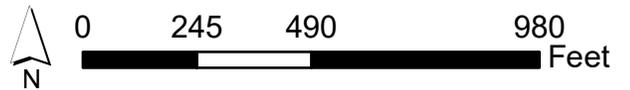
FIGURE 7.14 LOCATION OF PROTECTIVE YARD



ZC-19-11 Aerial View FD to CD-5 - Corner of Rattler Road and South Old Bastrop Hwy



- ★ Site Location
- ▭ Subject Property
- ▭ Parcel
- ▭ City Limit



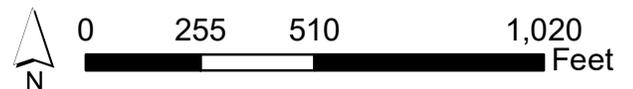
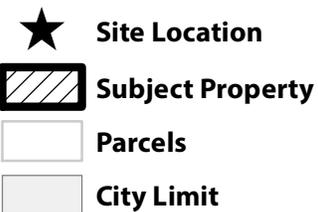
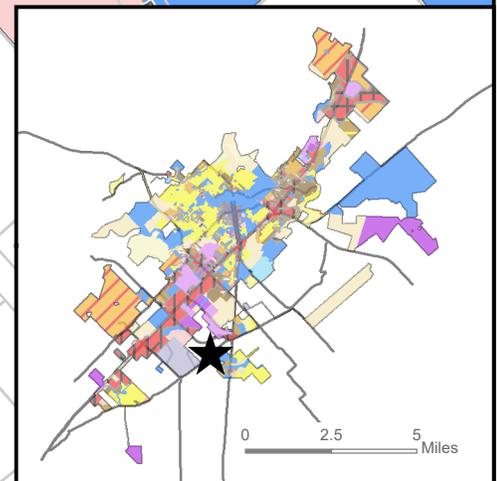
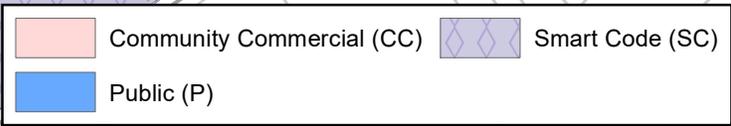
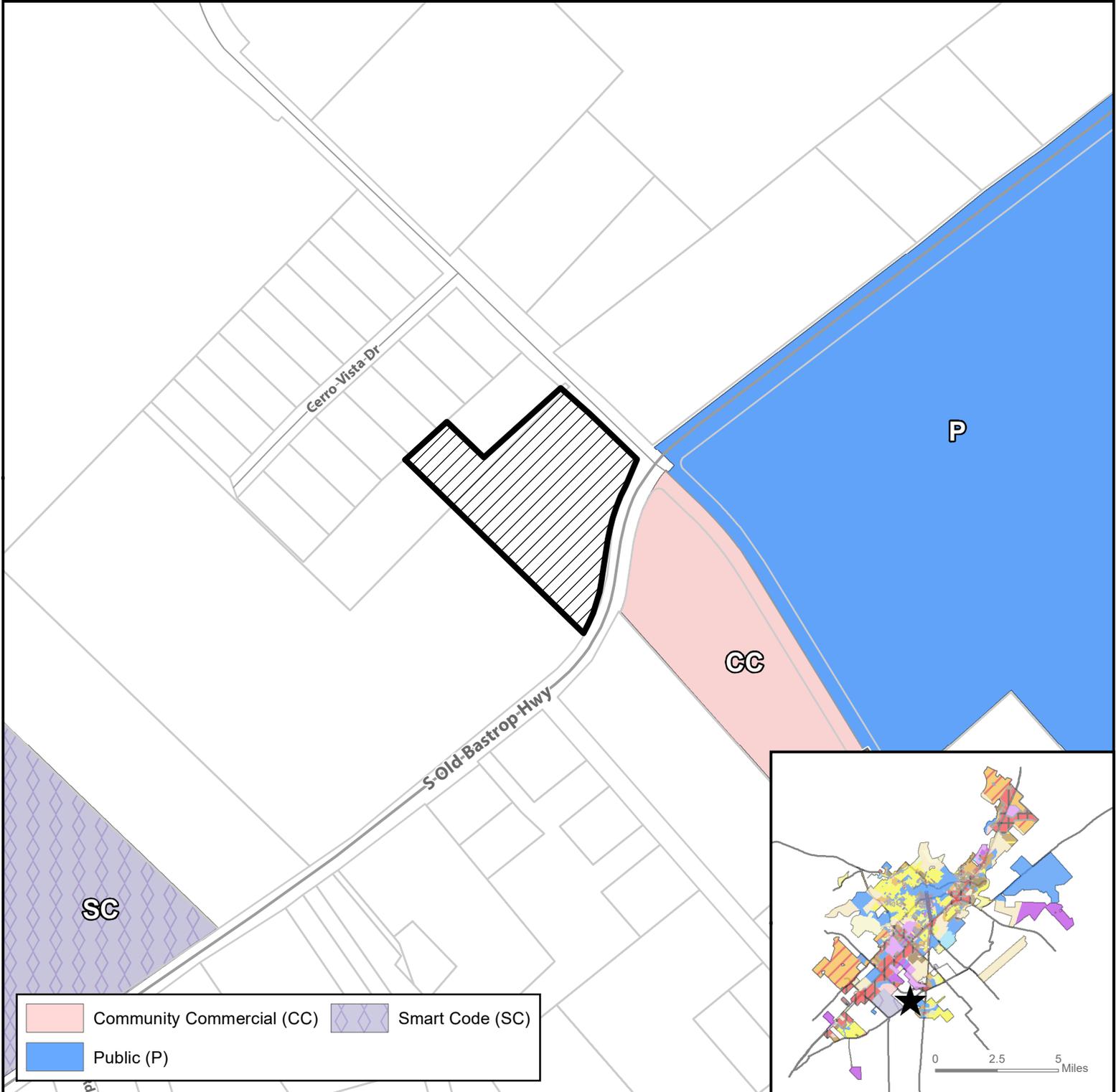
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Map Date: 11/27/2019

ZC-19-11

Existing Zoning Map

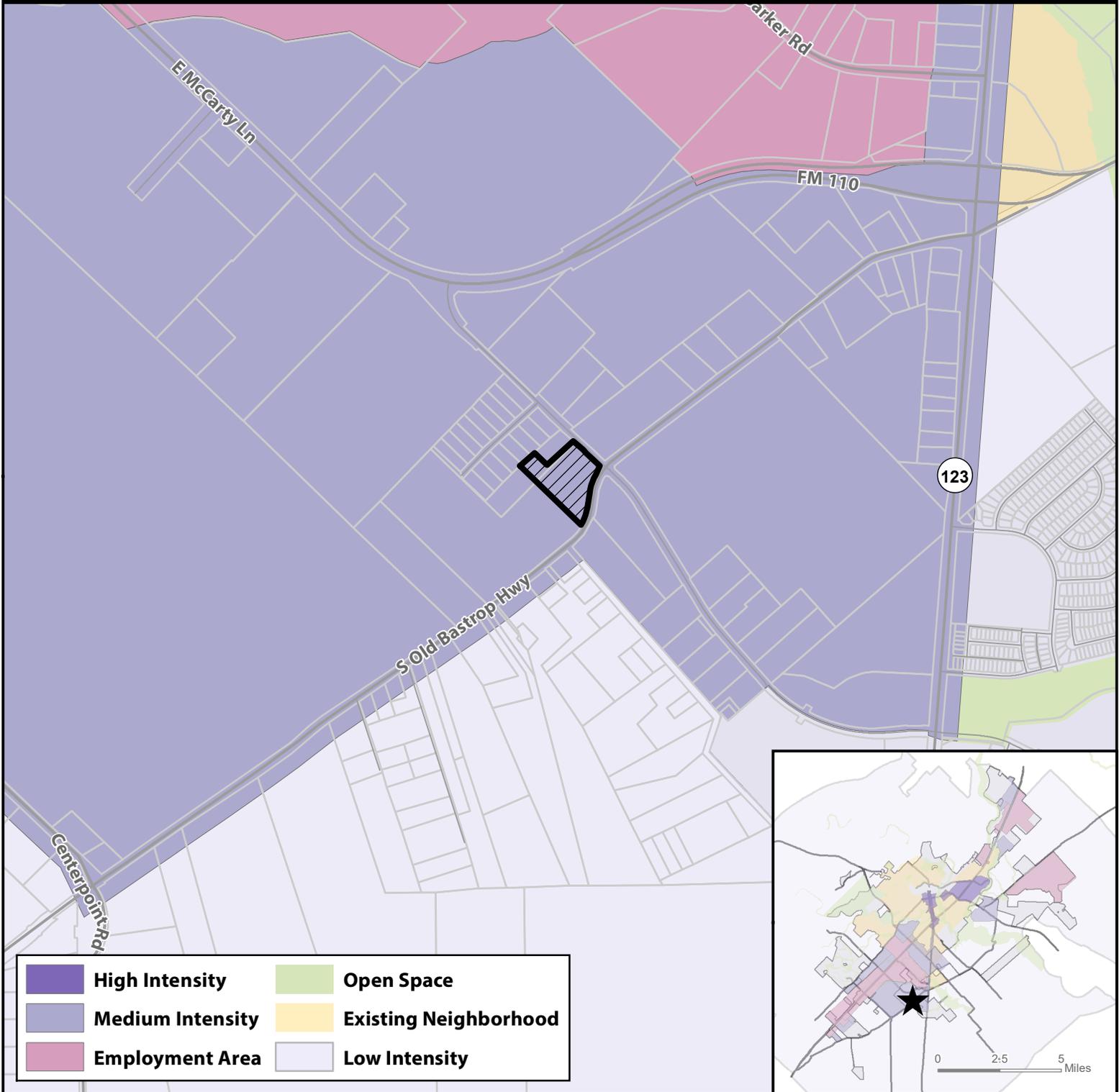
FD to CD-5 - Corner of Rattler Road and South Old Bastrop Hwy



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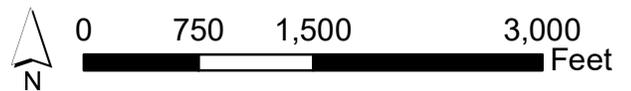
Map Date: 11/27/2019

ZC-19-11 Preferred Scenario FD to CD-5 - Corner of Rattler Road and South Old Bastrop Hwy



	High Intensity		Open Space
	Medium Intensity		Existing Neighborhood
	Employment Area		Low Intensity

-  **Site Location**
-  **Subject Property**
-  **Parcels**
-  **City Limit**



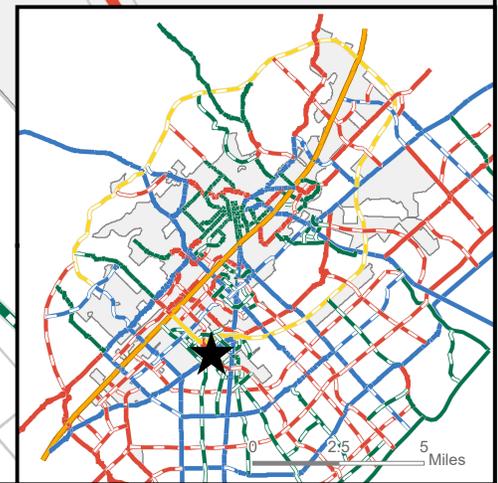
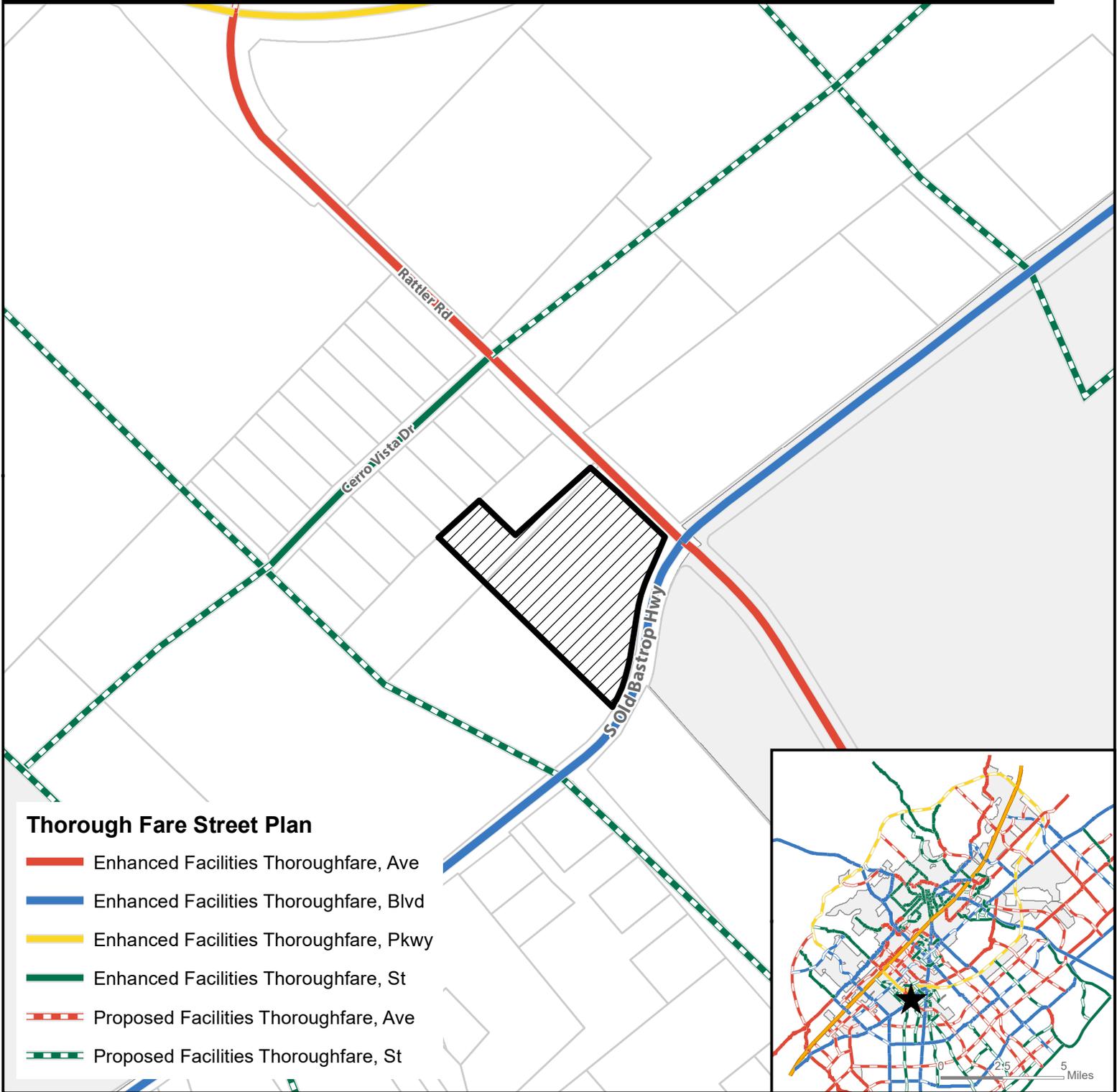
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Map Date: 11/27/2019

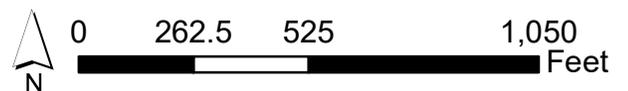
ZC-19-11

Transportation Master Plan

FD to CD-5 - Corner of Rattler Road and Old Bastrop Hwy



- ★ Site Location
- ▨ Subject Property
- Parcels
- City Limit



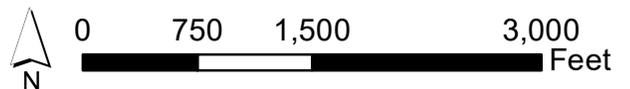
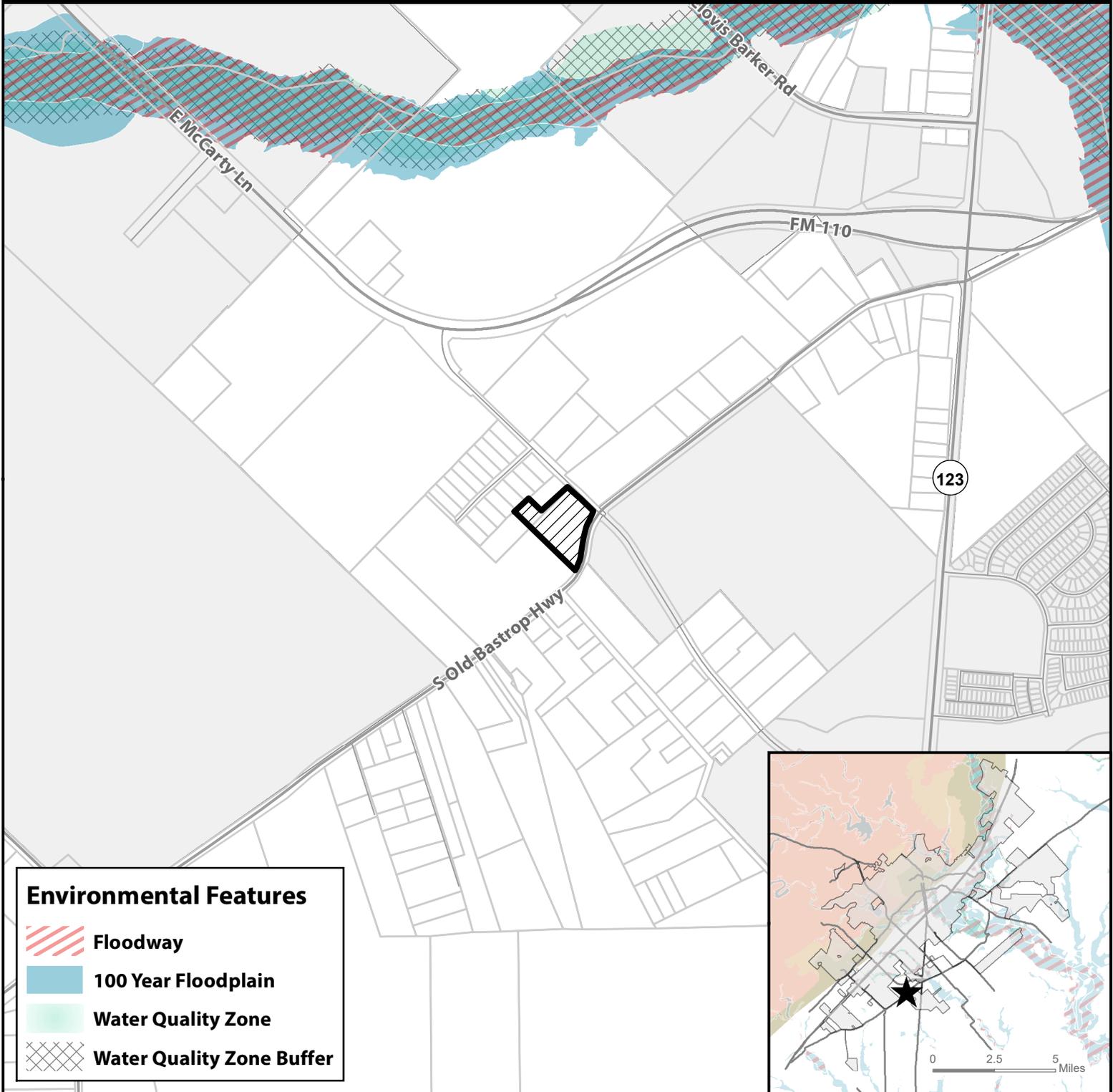
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Map Date: 11/27/2019

ZC-19-11

Environmental Features

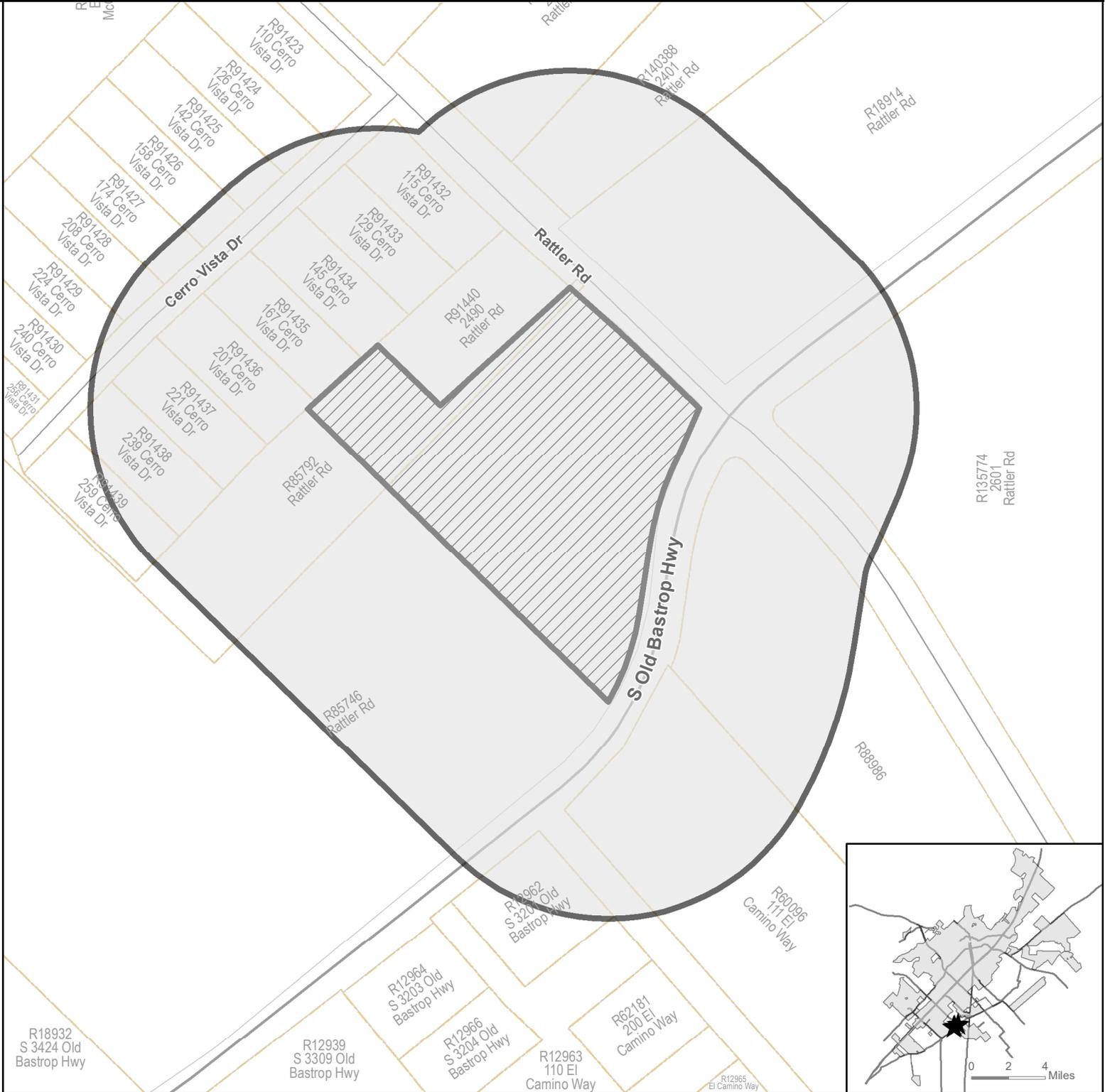
FD to CD-5 - Corner of Rattler Road and South Old Bastrop Hwy



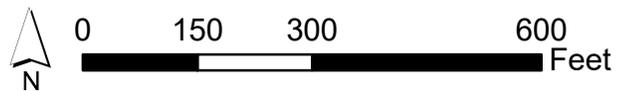
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Map Date: 11/27/2019

ZC-19-11 400' Notification Buffer FD to CD-5 — Corner of Rattler Rd and S Old Bastrop Hwy



- ★ Site Location
-  Subject Property
-  400' Buffer
-  Parcel
-  City Limit



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

Map Date: 11/19/2019

Notification List

Property ID	Site Address	Owner Name	Owner Address	Address 2	Owner City	Owner State	Owner Zip
R91434	145 CERRO VISTA DR	BAILEY JESSE H & JESSICA L	754 BRIARBEND DR		NEW BRAUNFELS	TX	78130-2323
R91435	167 CERRO VISTA DR	PEREZ, DOMINGO	167 CERRO VISTA DR		SAN MARCOS	TX	78666-1065
R91436	201 CERRO VISTA DR	FLORES, GUADALUPE, JR	201 CERRA VISTA DR		SAN MARCOS	TX	78666
R91437	221 CERRO VISTA DR	SANCHEZ THEODORA & SALAS ALFONSO	221 CERRO VISTA DR		SAN MARCOS	TX	78666
R91438	239 CERRO VISTA DR	GONZALEZ PABLO & ANGELICA	239 CERRO VISTA DR		SAN MARCOS	TX	78666-1067
R91439	259 CERRO VISTA DR	PATES DIGNA E	1612 MOCKINGBIRD DR		SAN MARCOS	TX	78666-7513
R140388	2401 RATTLER RD	SALINAS ELIAS F & MARY C FAMILY TRUST	2704 S OLD BASTROP HWY		SAN MARCOS	TX	78666
R85792	RATTLER RD	SHC HOLDINGS LLC	ATTN: SCOTT SNYDER	PO BOX 160523	AUSTIN	TX	78716-0523
R60096	111 EL CAMINO WAY	ISLAS PEDRO T & JOSEFA G REVOCABLE LIVING TRUST	726 WILLOW CREEK CIR		SAN MARCOS	TX	78666-5058
R12963	110 EL CAMINO WAY	SELVERA, ALEX	3201 S OLD BASTROP HWY		SAN MARCOS	TX	78666
R140387	2377 RATTLER RD	SEGUNDA IGLESIA BAUTISTA	2377 RATTLER RD		SAN MARCOS	TX	78666-6400
R135774	2601 RATTLER RD	SAN MARCOS CISD	P O BOX 1087		SAN MARCOS	TX	78667-1087
R91440	2486 RATTLER RD	PALACIOS LUIS	2486 E MCCARTY LN		SAN MARCOS	TX	78666-5029
R91429	224 CERRO VISTA DR	MATA RAMON & RUTH	224 CERRO VISTA DR		SAN MARCOS	TX	78666
R12962	3201 S OLD BASTROP HWY	SELVERA ALEX & CARMEN	3201 S OLD BASTROP RD		SAN MARCOS	TX	78666
R88986		FRAYEZUR PROPERTIES LP	PO BOX 629		SAN MARCOS	TX	78667
R91423	110 CERRO VISTA DR	MURAD ROSSANA Y PINILLA	110 CERRO VISTA DR		SAN MARCOS	TX	78666-1065
R91424	126 CERRO VISTA DR	MAYHEW MARK & BARBARA	PO BOX 2695		WIMBERLEY	TX	78676-7595
R91425	142 CERRO VISTA DR	CHAVEZ ALBERTO & IRENE	142 CERRO DR		SAN MARCOS	TX	78666
R91426	158 CERRO VISTA DR	VILLANUEVA NANCY G & JOHN M	158 CERRO VISTA DR		SAN MARCOS	TX	78666
R91427	174 CERRO VISTA DR	ANGEL AUDELINO B & HERNANDEZ BLANCA E	174 CERRO VISTA DR	# 5	SAN MARCOS	TX	78666-1065
R91428	208 CERRO VISTA DR	MAYHEW MARK P & BARBARA	P O BOX 2695		WIMBERLEY	TX	78676-2695
R91432	115 CERRO VISTA DR	TIJERINA, ROBERT, Jr	115 CERRO VISTA DR		SAN MARCOS	TX	78666
R91433	129 CERRO VISTA DR	COY MARY & GOMEZ MANUEL	129 CERRO VISTA DR		SAN MARCOS	TX	78666
		SARA LEE UNDERWOOD-MYERS	1415 HARPER DR				
		LIZBETH DOBBINS	2705 LESLIE LN				
		BARNUM GEORGE ESTATE LINDA BARNUM HURT ETAL	26125 MESA OAK DR		SAN ANTONIO	TX	78255-3534

Section 5.1.1.2 Land Use Matrix Future Development (FD) VS. Character District (CD-5)

TABLE 5.1 LAND USE MATRIX

TYPES OF LAND USES	CONVENTIONAL RESIDENTIAL				NEIGHBORHOOD DENSITY DISTRICTS				CHARACTER DISTRICTS					SPECIAL DISTRICTS					DEFINITION USE STANDARDS	
	FD	SF-R	SF-6	SF-4.5	ND-3	ND-3.5	ND-4	N-MS	CD-1	CD-2	CD-3	CD-4	CD-5	CD-5D	HC	LI	HI	MH		EC
AGRICULTURAL USES																				
Barns or agricultural buildings	P	L	--	--	--	--	--	--	P	P	L	--	--	--	P	--	--	--	--	Section 5.1.2.1
Stables	P	L	--	--	--	--	--	--	--	P	L	--	--	--	P	--	--	--	--	Section 5.1.2.2
Community Garden	P	P	L	L	L	L	L	--	P	P	L	L	L	L	P	P	P	P	P	Section 5.1.2.3
Urban Farm	P	C	C	C	C	L	L	C	P	P	L	L	C	C	P	P	--	P	C	Section 5.1.2.4
Plant Nursery	L	--	--	--	--	--	--	P	--	L	--	--	P	P	P	P	P	--	P	Section 5.1.2.5
ACCESSORY USES AND STRUCTURES																				
Accessory Building/Structure	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 5.1.3.1
Accessory Dwelling Unit	L	L	L	L	L	L	P	P	--	P	L	P	P	P	--	--	--	--	--	Section 5.1.3.1
Accessory Use, except as listed below:	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 5.1.3.2
Outdoor Storage	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	L	P	--	L	Section 5.1.3.2
Outdoor Display	--	--	--	--	--	--	--	L	--	--	--	--	L	L	P	--	--	--	L	Section 5.1.3.2
Food Truck	--	--	--	--	--	--	--	P	--	--	--	--	P	P	P	P	P	--	P	Section 5.1.3.1
Drive-thru or Drive-in	--	--	--	--	--	--	--	C	--	--	--	--	C	C	P	--	--	--	P	Section 5.1.3.2
Home Occupation	L	L	L	L	L	L	L	--	--	L	L	L	--	--	--	--	--	--	--	Section 5.1.3.4
Family Home Care	P	P	P	P	P	P	P	--	--	P	P	P	--	--	--	--	--	--	--	Section 5.1.3.5
Short Term Rental	L	L	L	L	L	L	L	P	--	L	L	P	P	P	--	--	--	L	P	Section 5.1.3.6
RESIDENTIAL USES																				
Single Family Detached	P	L	L	L	L	L	L	--	--	P	P	P	--	--	--	--	--	--	--	Section 5.1.4.1
Cottage Court	--	--	--	--	--	L	L	--	--	--	P	P	--	--	--	--	--	--	--	Section 5.1.4.1
Two Family	--	--	--	--	--	L	L	--	--	--	P	P	--	--	--	--	--	--	--	Section 5.1.4.1
Single Family Attached	--	--	--	--	L	L	L	L	--	--	P	P	P	P	--	--	--	--	--	Section 5.1.4.1
Small Multi-Family (up to 9 units)	--	--	--	--	--	L	L	L	--	--	--	P	P	P	--	--	--	--	--	Section 5.1.4.1
Courtyard Housing (up to 24 units)	--	--	--	--	--	--	L	L	--	--	--	P	P	P	--	--	--	--	--	Section 5.1.4.1
Multi-family (10 or more units)	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	--	--	--	--	Section 5.1.4.1
Purpose Built Student Housing	--	--	--	--	--	--	--	--	--	--	--	--	C	C	--	--	--	--	--	Section 5.1.4.1
Manufactured Home	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	Section 5.1.4.1
Mobile Home Community	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	Section 5.1.4.1

TABLE 5.1 LAND USE MATRIX

TYPES OF LAND USES	CONVENTIONAL RESIDENTIAL				NEIGHBORHOOD DENSITY DISTRICTS				CHARACTER DISTRICTS						SPECIAL DISTRICTS					DEFINITION USE STANDARDS
	FD	SF-R	SF-6	SF-4.5	ND-3	ND-3.5	ND-4	N-MS	CD-1	CD-2	CD-3	CD-4	CD-5	CD-5D	HC	LI	HI	MH	EC	
Community Home	L	L	L	L	L	L	P	P	--	P	P	P	P	P	--	--	--	L	--	Section 5.1.4.12
Fraternity or Sorority Building	--	--	--	--	--	--	C	C	--	--	--	C	P	P	--	--	--	--	--	Section 5.1.4.12
COMMERCIAL USES																				
Professional Office	--	--	--	--	--	--	L	P	--	--	--	L	P	P	P	P	--	--	P	Section 5.1.5.1
Medical, except as listed below:	--	--	--	--	--	--	L	P	--	--	--	L	P	P	P	--	--	--	P	Section 5.1.5.2
Urgent care, emergency clinic, or hospital	--	--	--	--	--	--	--	P	--	--	--	--	P	P	P	P	--	--	P	Section 5.1.5.2
Nursing/ retirement home	--	--	--	--	--	--	P	P	--	--	--	P	P	P	P	--	--	--	P	Section 5.1.5.2
Personal Services, except as listed below:	--	--	--	--	--	--	L	P	--	--	--	L	P	P	P	--	--	--	P	Section 5.1.5.3
Animal care (indoor)	C	--	--	--	--	--	--	P	--	--	--	--	P	P	P	--	--	--	P	Section 5.1.5.3
Animal care (outdoor)	C	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	--	C	Section 5.1.5.3
Funeral Home	--	--	--	--	--	--	--	C	--	--	--	--	C	C	P	--	--	--	P	Section 5.1.5.3
Adult Oriented Businesses	See Section 18, Article 6 of the City Code																			
All Retail Sales, except as listed below:	--	--	--	--	--	--	L	P	--	--	--	L	P	P	P	--	--	--	P	Section 5.1.5.4
Gasoline Sales	--	--	--	--	--	--	--	L	--	--	--	--	C	C	P	--	--	--	P	Section 5.1.5.4
Truck stop	--	--	--	--	--	--	--	--	--	--	--	--	--	--	L	--	--	--	L	Section 5.1.5.4
Tattoo, body piercing	--	--	--	--	--	--	C	C	--	--	--	C	P	P	P	--	--	--	P	Section 5.1.5.4
Building material sales	--	--	--	--	--	--	--	C	--	--	--	--	C	C	P	P	P	--	P	Section 5.1.5.4
Vehicle Sales/ Rental	--	--	--	--	--	--	--	C	--	--	--	--	C	C	P	--	--	--	P	Section 5.1.5.4
Pawnshop	--	--	--	--	--	--	--	C	--	--	--	C	P	P	P	--	--	--	P	Section 5.1.5.4
Restaurant/ Bar, as listed below:																				
Eating Establishment	--	--	--	--	--	--	L	P	--	--	--	L	P	P	P	--	--	--	P	Section 5.1.5.5
Bar	--	--	--	--	--	--	--	C	--	--	--	--	C	C	C	--	--	--	C	Section 5.1.5.5
Mobile Food Court	--	--	--	--	--	--	--	C	--	--	--	--	P	P	--	--	--	--	--	Section 5.1.5.5
Sale of Alcohol for on premise consumption	--	--	--	--	--	--	C	C	--	--	--	C	C	C	C	--	--	--	C	Section 5.1.5.5
Overnight Lodging, as listed below:																				
Bed and Breakfast (up to 8 rooms)	L	C	C	C	C	L	L	P	--	P	C	P	P	P	--	--	--	--	P	Section 5.1.5.6
Boutique Hotel (9 - 30 rooms)	--	--	--	--	--	--	C	P	--	--	--	P	P	P	--	--	--	--	P	Section 5.1.5.6

TABLE 5.1 LAND USE MATRIX

TYPES OF LAND USES	CONVENTIONAL RESIDENTIAL				NEIGHBORHOOD DENSITY DISTRICTS				CHARACTER DISTRICTS						SPECIAL DISTRICTS					DEFINITION USE STANDARDS
	FD	SF-R	SF-6	SF-4.5	ND-3	ND-3.5	ND-4	N-MS	CD-1	CD-2	CD-3	CD-4	CD-5	CD-5D	HC	LI	HI	MH	EC	
Hotel/ Motel (more than 30 rooms)	--	--	--	--	--	--	--	P	--	--	--	--	P	P	--	--	--	--	P	Section 5.1.5.6
Outdoor Recreation, except as listed below:	--	--	--	--	--	--	--	C	--	--	--	--	P	C	P	--	--	--	P	Section 5.1.5.7
Golf Course	C	C	C	C	C	C	C	C	C	C	C	C	C	C	--	--	--	C	C	Section 5.1.5.7
Traveler Trailers/ RVs Short Term stays	P	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	P	--	Section 5.1.5.7
Shooting Range	C	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	--	C	Section 5.1.5.7
Indoor Recreation, except as listed below:	--	--	--	--	--	--	--	P	--	--	--	--	P	P	P	P	P	--	P	Section 5.1.5.8
Gym/ Health club	--	--	--	--	--	--	L	P	--	--	--	L	P	P	P	P	P	--	P	Section 5.1.5.8
Smoking Lounge	--	--	--	--	--	--	--	C	--	--	--	--	P	C	--	--	--	--	P	Section 5.1.5.8
Charitable Gaming Facility	--	--	--	--	--	--	--	--	--	--	--	--	C	--	C	--	--	--	C	Section 5.1.5.8
PUBLIC & INSTITUTIONAL																				
Civic, except as listed below:	P	L	L	L	L	L	P	P	L	L	L	P	P	P	P	P	P	P	P	Section 5.1.6.1
Day Care Center	C	--	--	--	C	C	L	P	--	C	C	L	P	P	P	--	--	--	P	Section 5.1.6.1
Parks, Open Space, and Greenways	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 5.1.6.2
Minor Utilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 5.1.6.3
Major Utilities	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	C	--	--	Section 5.1.6.3
Antenna	See Section 5.1.6.3D																			
INDUSTRIAL																				
Light Industrial	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	P	P	--	C	Section 5.1.7.1
Light Manufacturing	--	--	--	--	--	--	--	C	--	--	--	--	P	P	P	P	P	--	P	Section 5.1.7.2
Vehicle Service, as listed below:																				Section 5.1.7.3
Car Wash	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	C	Section 5.1.7.3
Vehicle repair (minor)	--	--	--	--	--	--	--	C	--	--	--	--	P	P	P	P	P	--	C	Section 5.1.7.3
Vehicle repair (major)	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	C	Section 5.1.7.3
Warehouse & Distribution	--	--	--	--	--	--	--	--	--	--	--	--	C	--	P	P	P	--	P	Section 5.1.7.4
Waste-Related service	--	--	--	--	--	--	--	--	--	--	--	--	C	--	P	P	P	--	--	Section 5.1.7.5
Wholesale trade	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	P	Section 5.1.7.6
Self Storage	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	C	Section 5.1.7.7
Research and Development	--	--	--	--	--	--	--	--	--	--	--	--	C	C	P	P	P	--	C	Section 5.1.7.8
Wrecking/Junk Yard	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	Section 5.1.7.9

Zoning District Comparison Chart

Topic	<i>Existing Zoning:</i> Future Development (FD)	<i>Proposed Zoning:</i> Character District – 5 (CD-5)
Zoning Description	The Future Development (FD) District is intended to serve as a temporary zoning district for properties that shall develop in the future, but have been newly annexed and/or are not yet ready to be zoned for a particular Use. Characterized by primarily agricultural use with woodlands and wetlands and scattered buildings.	The CD-5 district is primarily intended to provide a variety of residential, retail, service, and commercial uses. To promote walkability and compatibility, auto-oriented uses are restricted. CD-5 promotes mixed use and pedestrian-oriented activity.
Uses	Residential / Agricultural (<i>See Land Use Matrix</i>)	Residential, Commercial, Office, etc. (<i>See Land Use Matrix</i>)
Parking Location	No location standards	No parking in the 1st layer; Parking allowed in 2 nd layer along secondary street only
Parking Standards	Dependent upon use	Dependent upon use
Max Residential Units per acre	0.4 units per acre (max)	N/A
Occupancy Restrictions	N/A	N/A
Landscaping	Tree and shrub requirements	Tree and shrub requirements
Building Height (max)	2 stories	2 stories (min), 5 stories (max)
Setbacks	Based on Zoning District	Based on Zoning District
Impervious Cover (max)	30%	100%
Lot Sizes	Allows a variety of lot sizes depending on Building Type.	Allows a variety of lot sizes depending on Building Type.
Streetscapes	Residential Street: 5' sidewalk for lots smaller than 1 acre, street trees every 40' on center average, 7' planting area between sidewalk and street required.	Main Street: 10' sidewalk, street trees every 35' on center average, 7' planting area between sidewalk and street required.
Blocks	No Block Perimeter Required	2,000 ft. Block Perimeter max

ZC-19-11 (3200 Block of South Old Bastrop Hwy) Zoning Change Review (By Comp Plan Element)

LAND USE – Preferred Scenario Map / Land Use Intensity Matrix

	YES	NO (map amendment required)
Does the request meet the intent of the Preferred Scenario Map and the Land Use Intensity Matrix?	X – East Village Medium Intensity Zone	

ECONOMIC DEVELOPMENT – Furthering the goal of the Core 4 through the three strategies

STRATEGY	SUMMARY	Supports	Contradicts	Neutral
Preparing the 21 st Century Workforce	Provides / Encourages educational opportunities			X
Competitive Infrastructure & Entrepreneurial Regulation	Provides / Encourages land, utilities and infrastructure for business			X
The Community of Choice	Provides / Encourages safe & stable neighborhoods, quality schools, fair wage jobs, community amenities, distinctive identity			X

ENVIRONMENT & RESOURCE PROTECTION – Land Use Suitability & Development Constraints

	1 (least)	2	3 (moderate)	4	5 (most)
Level of Overall Constraint	X				
Constraint by Class					
Cultural	X				
Edwards Aquifer	X				
Endangered Species	X				
Floodplains	X				
Geological	X				
Slope	X				
Soils	X				
Vegetation	X				
Watersheds	X				
Water Quality Zone	X				

ENVIRONMENT & RESOURCE PROTECTION – Water Quality Model Results

Located in Subwatershed:	Cottonwood Creek Watershed				
	0-25%	25-50%	50-75%	75-100%	100%+
Modeled Impervious Cover Increase Anticipated for watershed					X
Notes: The property is located within the Cottonwood Creek Watershed. Most of the area that is located within this watershed is primarily rural, undeveloped, and used for agriculture. The Comprehensive Plan states that the rise in impervious cover can be attributed to multiple intensity zones located within the watershed.					

NEIGHBORHOODS – Where is the property located

CONA Neighborhood(s):	N/A – Outside City Limits
Neighborhood Commission Area(s):	N/A – Outside City Limits
Neighborhood Character Study Area(s):	N/A

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

				YES	NO
Will Parks and / or Open Space be Provided? Parkland dedication or fee-in-lieu will be required at time of plat. In addition, the San Marcos Development Code requires a \$400/unit Parkland Development Fee to be paid prior to development for residential uses.				X	
Will Trails and / or Green Space Connections be Provided?					X
Maintenance / Repair Density	Low (maintenance)		Medium		High (maintenance)
Wastewater Infrastructure	X				
Water Infrastructure	X				
Public Facility Availability				YES	NO
Parks / Open Space within ¼ mile (walking distance)? The development will be required to dedicate required parkland at the time of plat. The nearest park is the Cottonwood Creek Park.					X
Wastewater service available? Wastewater lines will also be required throughout the development to service the property.				X	
Water service available? Water lines will be also required throughout the development to service the property.				X	

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

		A	B	C	D	F
Existing Daily LOS	South Old Bastrop Highway Rattler Road	X X				
Existing Peak LOS	South Old Bastrop Highway Rattler Road	X X				
Preferred Scenario Daily LOS	South Old Bastrop Highway Rattler Road	X X				
Preferred Scenario Peak LOS	South Old Bastrop Highway Rattler Road	X		X		
Note: The property will be required to meet the Transportation Master Plan and construct required streets per the Block Standards in the Development Code.						
			N/A	Good	Fair	Poor
Sidewalk Availability (Required to build.)			X			
Sidewalks will be required to be constructed at the time of development.						
			YES	NO		
Adjacent to existing bicycle lane? The development will be responsible for constructing required bike infrastructure within new proposed streets.				X		
Adjacent to existing public transportation route?				X		

ZONING CHANGE, OVERLAY OR ESTABLISHMENT OF A HISTORIC DISTRICT/LANDMARK APPLICATION



Updated: October, 2018

Case # ZC-____-____

CONTACT INFORMATION

Applicant's Name	Doucet & Associates (Ed Theriot)	Property Owner	SHC Holdings (Scott Snyder)
Applicant's Mailing Address	7401B Hwy. 71 W., Ste. 180 Austin, TX 78735	Owner's Mailing Address	P.O. Box 160523 Austin, TX 78716-0523
Applicant's Phone #	512-583-2600 o / 512-618-2865 c	Owner's Phone #	512-347-7320
Applicant's Email	etheriot@doucetengineers.com	Owner's Email	ssnyder@rstaxcpa.com

PROPERTY INFORMATION

Subject Property Address(es): E. McCarty & S. Old Bastrop Hwy, San Marcos, TX 78666

Legal Description: Lot _____ Block _____ Subdivision 6 ac out of Cyrus Wickson Survey, Abstract #474

Total Acreage: 6 acres

Tax ID #: R 85746, R85792

Preferred Scenario Designation: Dev. Zone: East Village

Existing Zoning: ETJ

Existing Land Use(s): Vacant

DESCRIPTION OF REQUEST

Proposed Zoning District(s): CD-5

Proposed Land Uses / Reason for Change: _____

Commercial / Property is being annexed and therefore zoning must be assigned for development of the tract

AUTHORIZATION

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

Filing Fee* \$1,030 plus \$100 per acre Technology Fee \$12 MAXIMUM COST \$3,012

**Existing Neighborhood Regulating Plan Included.*

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

APPLY ONLINE – WWW.MYGOVERNMENTONLINE.ORG/



CHECKLIST FOR ZONING CHANGE, ZONING OVERLAY OR HISTORIC DISTRICT

The following items are requested for consideration of this application. These and additional items may be required at the request of the Department		Comments
<input checked="" type="checkbox"/>	Pre-application conference with staff is recommended Please call 512-393-8230 to schedule	
<input checked="" type="checkbox"/>	Completed Application for Zoning Change, Overlay, or Establishment of Historic District/Landmark	
<input checked="" type="checkbox"/>	Copy of Subdivision Plat or Metes & Bounds	
<input type="checkbox"/>	CAD file in grid for GIS integration. Projection: NAD 1983 StatePlane Texas South Central FIPS 4204 Feet	
<input checked="" type="checkbox"/>	Certificate of no tax delinquency	Copies of current Account Summary & Tax Receipts are attached
<input checked="" type="checkbox"/>	Proof of Ownership	
<input checked="" type="checkbox"/>	Lien Holder(s) Name and Mailing Address(es)	Trustee: Rex G. Baker, III, P.O. Box 718, Dripping Springs, TX 78620
<input type="checkbox"/>	Agreement to the placement of notification signs and acknowledgement of notification requirements	
<input checked="" type="checkbox"/>	Property Owner Authorization	Signed Agent Authorization Letter is attached
<input checked="" type="checkbox"/>	Filing Fee \$1,030 + \$100 per acre (\$3,000 max) Technology Fee \$12	

****San Marcos Development Code Section 2.3.1.1(C): "Every application accepted by the responsible official for filing shall be subject to a determination of completeness...the responsible official is not required to review an application unless it is complete..."**

September 6, 2019

Authority Having Jurisdiction (AHJ)

RE: Agent Authorization for an approximately 36 tract located at the intersection of Rattler Road and CR 266 in Hays County, Texas

Doucet & Associates, Inc. is authorized to act as Agents for SHC, Holdings, LLC, owner of the property, locally known as ABS 474, being a 31.456 AC tract and a 3.944 acre tract located in the Cyrus Wickson Survey, with regard to coordinating, submitting and processing all necessary development related permits, zoning requests and plats with the various Authorities Having Jurisdiction.

If you should have any questions, please contact me.

SHC Holdings, LLC

By:



Scott Snyder
ssnyder@rstaxcpa.com
512-347-7320

**AGREEMENT TO THE PLACEMENT OF NOTIFICATION SIGNS
AND ACKNOWLEDGEMENT OF NOTIFICATION REQUIREMENTS**

The City of San Marcos Development Code requires public notification in the form of notification signs on the subject property, published notice, and / or personal notice based on the type of application presented to the Planning Commission and / or City Council.

- Notification Signs: if required by code, staff shall place notification signs on each street adjacent to the subject property and must be placed in a visible, unobstructed location near the property line. It is unlawful for a person to alter any notification sign, or to remove it while the request is pending. However, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements. ***It shall be the responsibility of the applicant to periodically check sign locations to verify that the signs remain in place had have not been vandalized or removed. The applicant shall immediately notify the responsible official of any missing or defective signs. It is unlawful for a person to alter any notification sign, or to remove it while the case is pending; however, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements.***
- Published Notice: if required by code, staff shall publish a notice in a newspaper of general circulation in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be published it may be at the expense of the applicant. The renotification fee shall be \$88 plus an \$12 technology fee.***
- Personal Notice: if required by code, staff shall mail personal notice in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be mailed it may be at the expense of the applicant. The renotification fee shall be \$88 plus a \$12 technology fee.***

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

Signature:  _____

Date: 9/30/2019 _____

Print Name: Ed Theriot _____



McCarty Lane
Hays County, Texas

D&A Job No. 1787-001
September 06, 2019

**METES & BOUNDS DESCRIPTION
For 6.00 Acres [261,359 Square Feet]**

BEING A 6.00 ACRE [261,359 SQUARE FEET] TRACT OF LAND OUT OF THE CYRUS WICKSON SURVEY, ABSTRACT NUMBER 474, BEING OUT OF A CALLED 35.40 ACRE TRACT OF LAND DESCRIBED IN VOLUME 4595, PAGE 398 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS [O.P.R.H.C.T.], SAID 6.00 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron rod, found for the east corner of the herein described tract and said 35.40 acres, same being the south corner of a called 0.12 acre tract described in Volume 3592, Page 145 [O.P.R.H.C.T.] same being at the intersection of the apparent southwest right-of-way line of McCarty Lane (County Road 233), no record information found, and the apparent northwest right-of-way line of Old Bastrop Road (County Road 266), no record information found;

THENCE, with the southeast line of said 35.40 acre and the apparent northwest right-of-way line of Old Bastrop Road, the following four (4) courses and distances;

- 1) S23°16'03" W, a distance of 91.74 to a 1/2 inch iron rod with “Byrn” cap, found at the start of a curve to the left,
- 2) With said curve to the left, having an arc length of 175.93 feet, a radius of 540.00 feet, a delta angle of 18°40'02”, and a chord which bears S18°11'01”W, 175.16 feet to a found 1/2 inch iron rod with “Byrn” cap,
- 3) S08°50'48”W, a distance of 131.10 feet to a 1/2 inch iron rod found at the start of a curve to the right,
- 4) With said curve to the right, having an arc length of 170.97 feet, a radius of 460.00 feet, a delta angle of 21°17'41”, and a chord which bears S19°50'40”W, 169.98 feet to a point for the south corner of the herein described tract,

THENCE, N45°45'12”W, over and across said 35.40 acres, a distance of 773.15 feet to a point for the west corner of the herein described tract, same being in a northwest line of the 35.40 acres, and also being in the southeast line of Lot 14 of A Hillside Village, Section 1, as recorded in Volume 8, Page 148 of the Plat Records of Hays County, Texas [P.R.H.C.T.],

(CONTINUED ON NEXT PAGE)



THENCE, N47°46'10"E, with a northwest line of said 35.40 acres and the southeast lines of Lots 14, 13, and 12 of said A Hillside Village, Section 1, passing at a distance of 18.95 feet a 1/2 inch iron rod, found for the common southerly corner of Lots 14 and 13, and passing at a distance of 136.72 feet a 1/2 inch iron rod, found for the common southerly corner of Lots 13 and 12, and continuing in all 174.76 feet to a 1/2 inch iron rod, found for an exterior corner of said 35.40 acres and the herein described tract, same being the west corner of the remainder of Lot 18 of said A Hillside Village, section 1, further described in Document Number 16037515 [O.P.R.H.C.T.]

THENCE, with the lines common to the remainder of Lot 18 and said 35.40 acre tract, the following two (2) courses and distances;

- 1) S46°08'50" E, a distance of 159.87 feet to a 1/2 inch iron rod, found for the south corner of Lot 18,
- 2) N47°47'46"E, a distance of 321.75 feet, to a 1/2 inch iron rod with "Byrn" cap, found for the easterly north corner of said 35.40 acres and the herein described tract, being the east corner of the remainder of Lot 18, same being the south corner of a called 0.03 acre tract described in Volume 3510, Page 283 [O.P.R.H.C.T.], and same being in the apparent southwest right-of-way line of said McCarty Lane,

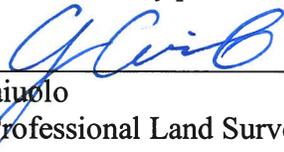
THENCE, with the apparent southwest right-of-way line of McCarty Lane and the easterly northeast line of said 35.40 acre tract, the following three (3) courses and distances;

- 1) S48°23'27" E, a distance of 118.08 feet to a point at the start of a curve to the right,
- 2) With said curve to the right, having an arc length of 37.92 feet, a radius of 969.00 feet, a delta angle of 02°14'31", and a chord which bears S46°46'08"E, 37.91 feet to a found 1/2 inch iron rod,
- 3) S46°09'13"E, a distance of 169.20 feet back to the **POINT OF BEGINNING** of the herein described tract and containing 6.00 acres [261,359 square feet].

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

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

I, Garrett Cavaiuolo, Registered Professional Land Surveyor, hereby certify that this metes and bounds description represents an actual survey performed on the ground under my supervision.



 Garrett Cavaiuolo
 Registered Professional Land Surveyor
 Texas Registration No. 6714
 Doucet & Associates, Inc.
 GCavaiuolo@DoucetEngineers.com
 TBPLS Firm No. 10105800

9/6/19
Date



Ordinances 2020-XX

Rattler Road / Old Bastrop Highway Zoning Change

Consider approval of Ordinance 2020-03, on the first of two readings, amending the Official Zoning Map of the City by rezoning approximately 4.96 acres out of the Cyrus Wickson Survey, Abstract No. 474, Hays County, generally located at the western corner of South Old Bastrop Highway and Rattler Road, from “FD” Future Development District to “CD-5” Character District 5; and including procedural provisions.

January 7, 2020 City Council Discussion

- Council discussed concerns with the proposed CD-5 rezoning adjacent to a residential use.
- Applicant discussed that a new boundary could be proposed to address council concerns.
- Council postponed the request to a future meeting to allow the applicant to consider a new boundary.
- Council would provide direction regarding proposed boundary and new metes and bounds would be required at 2nd Reading.

Proposed Boundary

- Revised boundary from 6 acres to approximately 4.96 acres.
- The removed 1.04 acres would remain Future Development “FD” which is the default zoning for newly annexed property.
- Formal metes and bounds would be required prior to the second reading of the ordinance



Proposed Boundary Cont.

- 35 foot buffer between the northwestern residential lot and the CD-5 zoning boundary.
- Replicates the Type D Protective Yard Standard width. (Section 7.2.2.4)
- Fence, wall, and landscaping requirements do not apply, however, the 35' width ensures the CD-5 zoned property does not abut the neighboring residential property.

FIGURE 7.13 TYPE C AND D PROTECTIVE YARDS



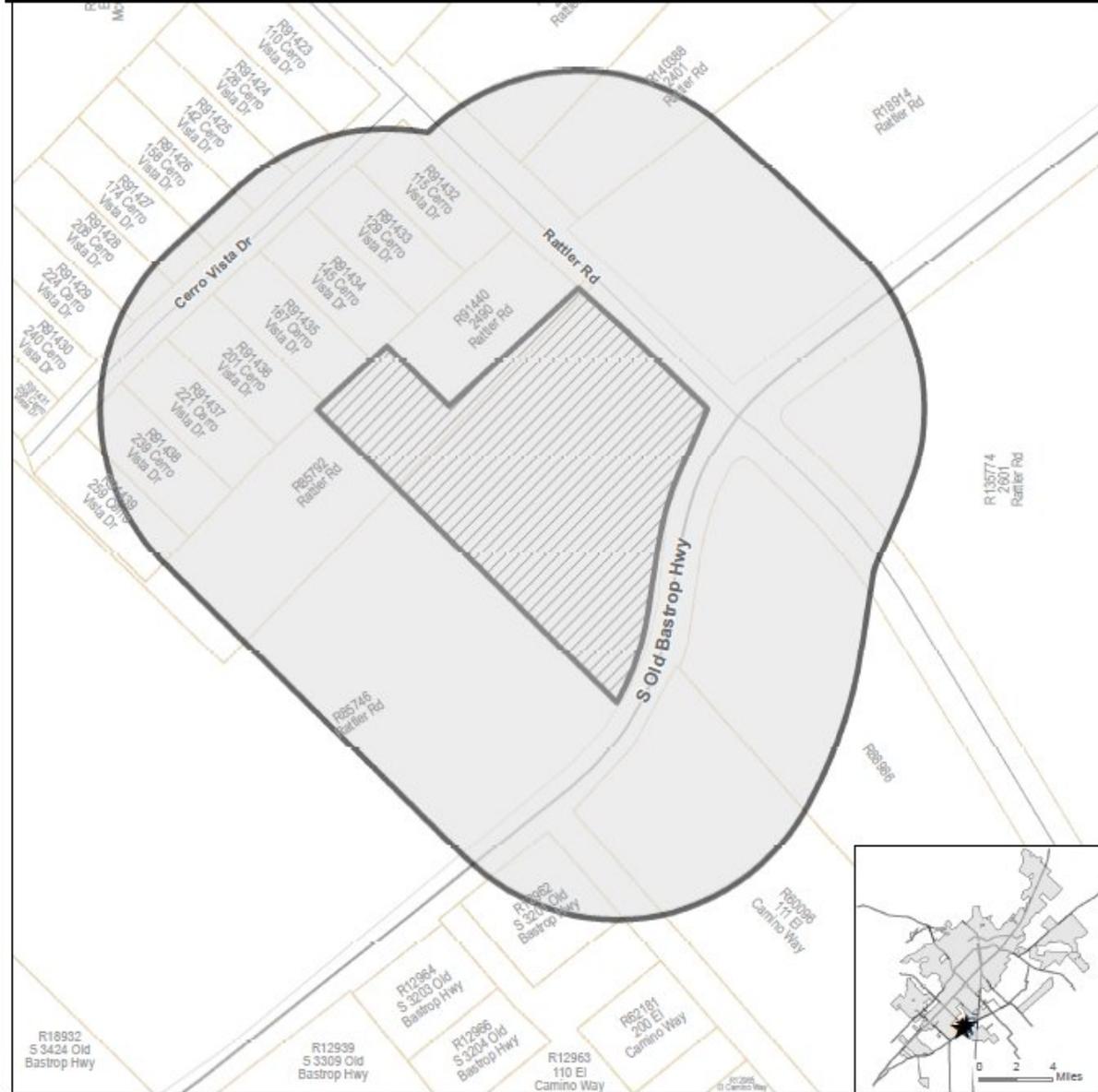
TABLE 7.8 TYPE C AND D PROTECTIVE YARD STANDARDS

	TYPE C	TYPE D
Depth (min)	20 ft.	35 ft.
Fence Height (min)	Not Allowed	6 ft.
Wall Height (min)	6 ft.	Not Required
Shade Trees (min per 100 ft.)	4	6
Understory Trees (min per 100 ft.)	4	6
Shrubs (min per 100 ft.)	40	60

ZC-19-11
400' Notification Buffer
FD to CD-5 — Corner of Rattler Rd and S Old Bastrop Hwy

Location:

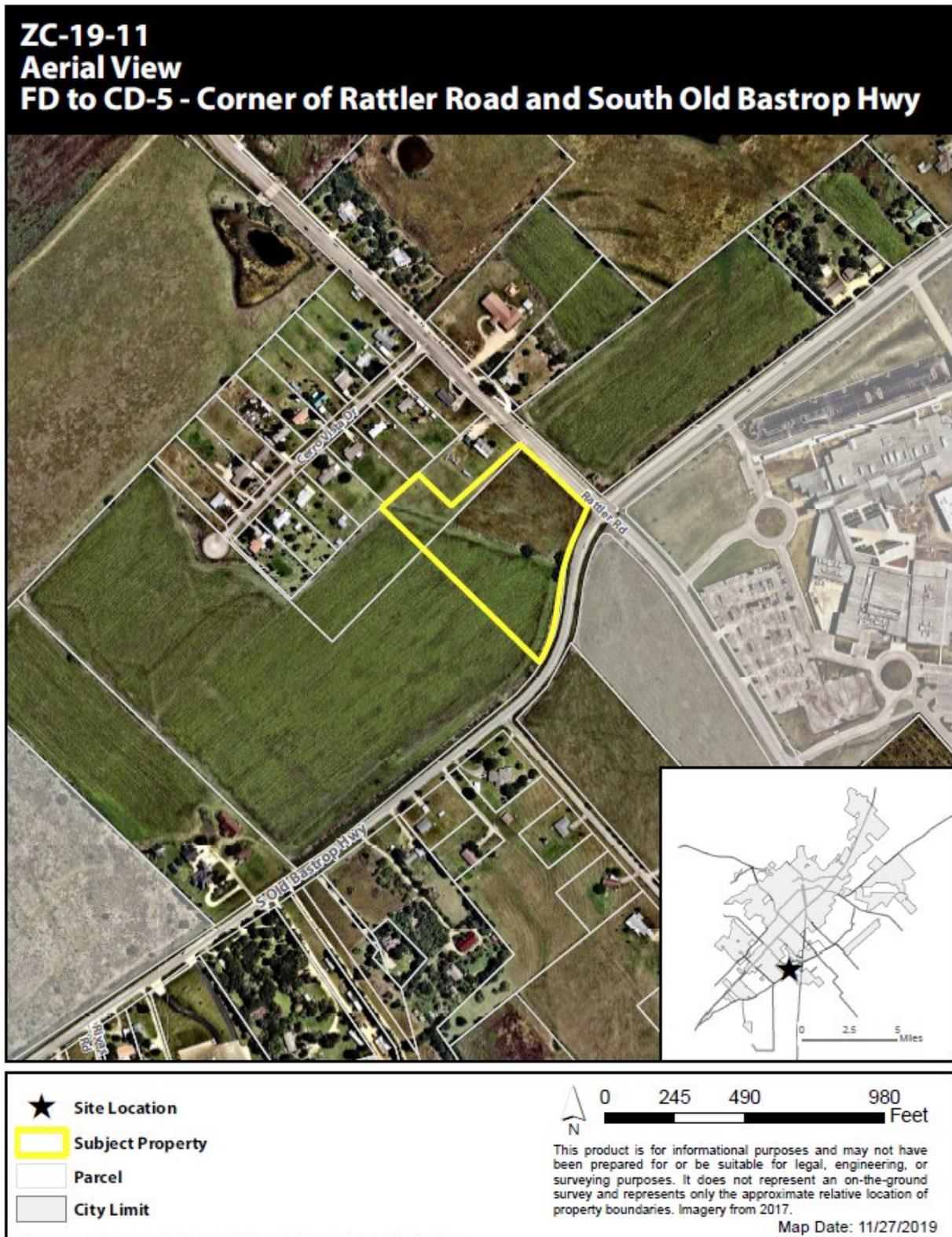
- Approximately six acres
- **Current Configuration:**
Vacant / Agricultural land
- Surrounding uses include:
 - Single-family (ETJ)
 - San Marcos High School
 - Vacant / rural
- Located outside the City Limits (Extraterritorial Jurisdiction)



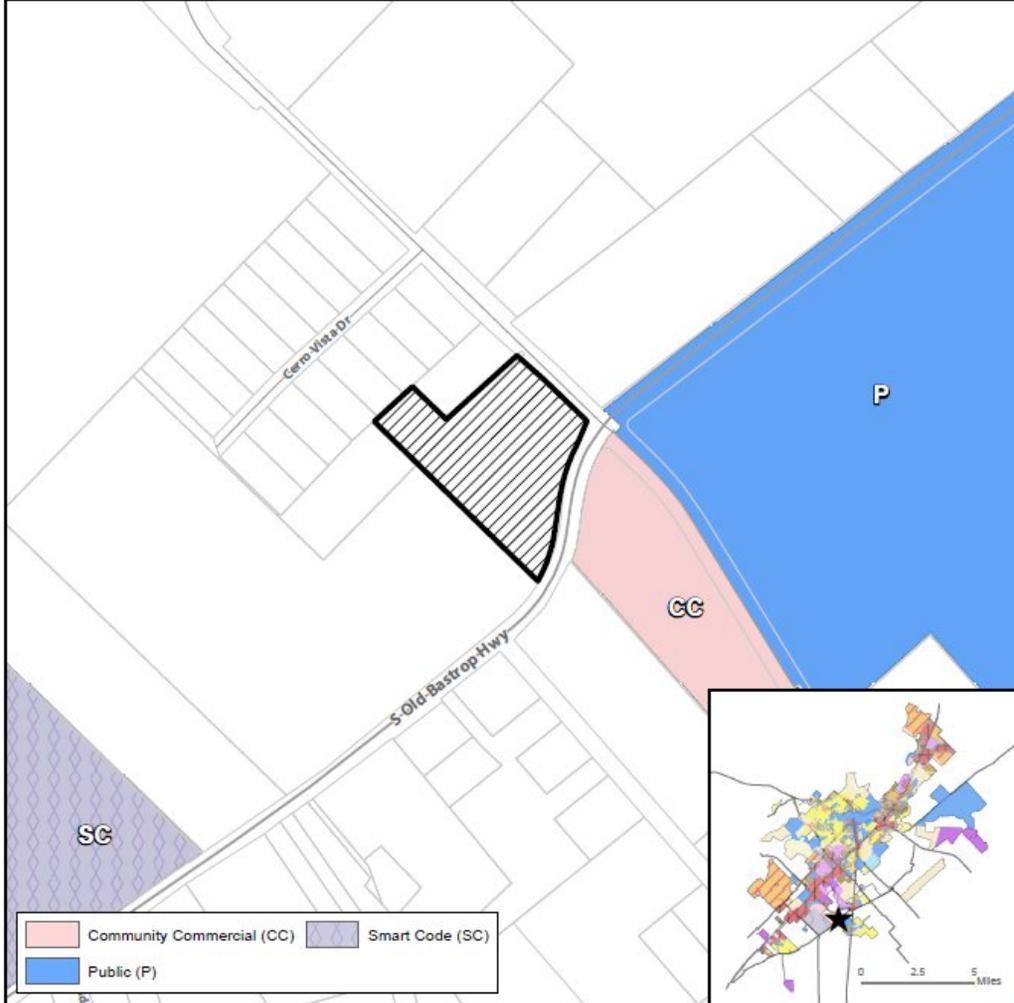
★	Site Location	<p>0 150 300 600 Feet</p> <p>This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.</p> <p>Map Date: 11/19/2019</p>
	Subject Property	
	400' Buffer	
	Parcel	
	City Limit	

Context & History

- **Existing Zoning:** Outside City Limits (ETJ)
- **Proposed Zoning:** Character District - 5 (CD-5)
- Proposed CD-5 zoning allows for residential, commercial, and office uses and Building Types.
- Annexation request is being processed concurrently for property located outside City Limits
 - FD zoning is default classification for newly annexed land.



**ZC-19-11
Existing Zoning Map
FD to CD-5 - Corner of Rattler Road and South Old Bastrop Hwy**



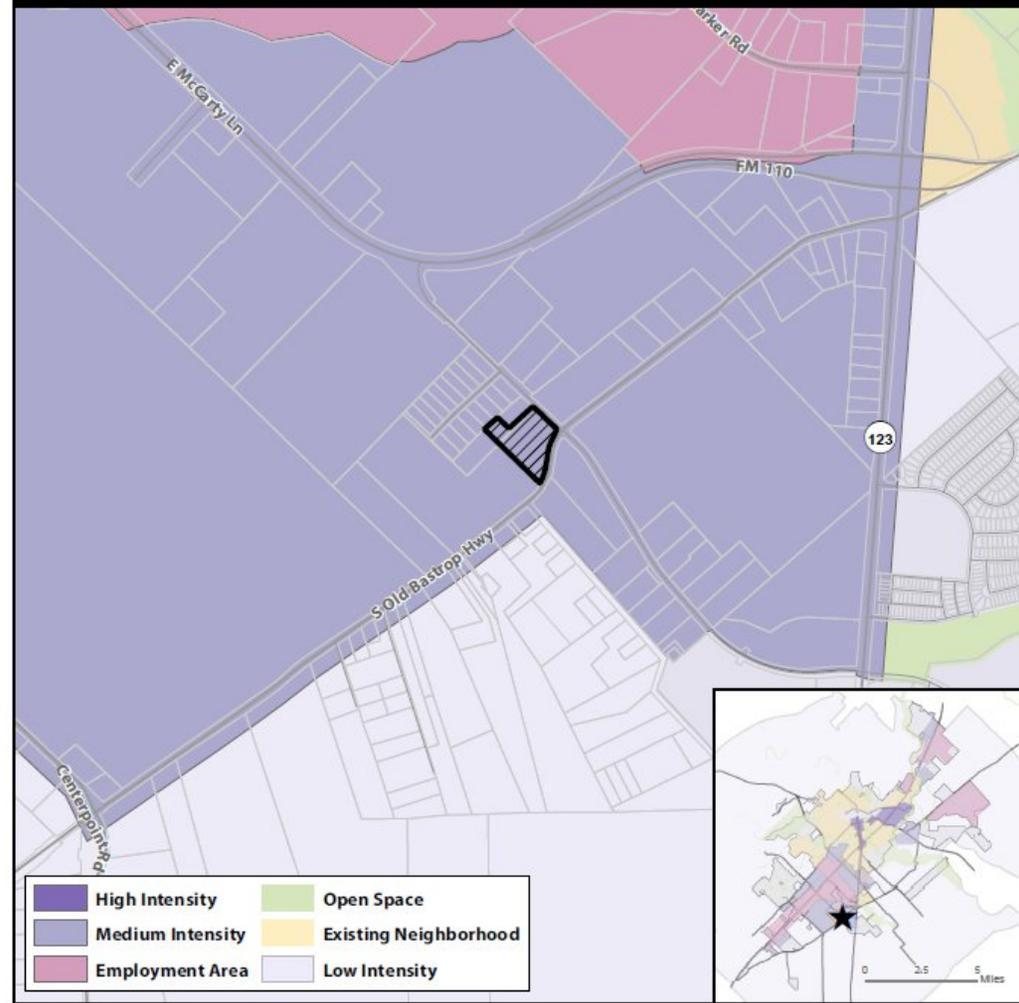
★ Site Location
 ▨ Subject Property
 □ Parcels
 □ City Limit

0 255 510 1,020 Feet

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

Map Date: 11/27/2019

**ZC-19-11
Preferred Scenario
FD to CD-5 - Corner of Rattler Road and South Old Bastrop Hwy**

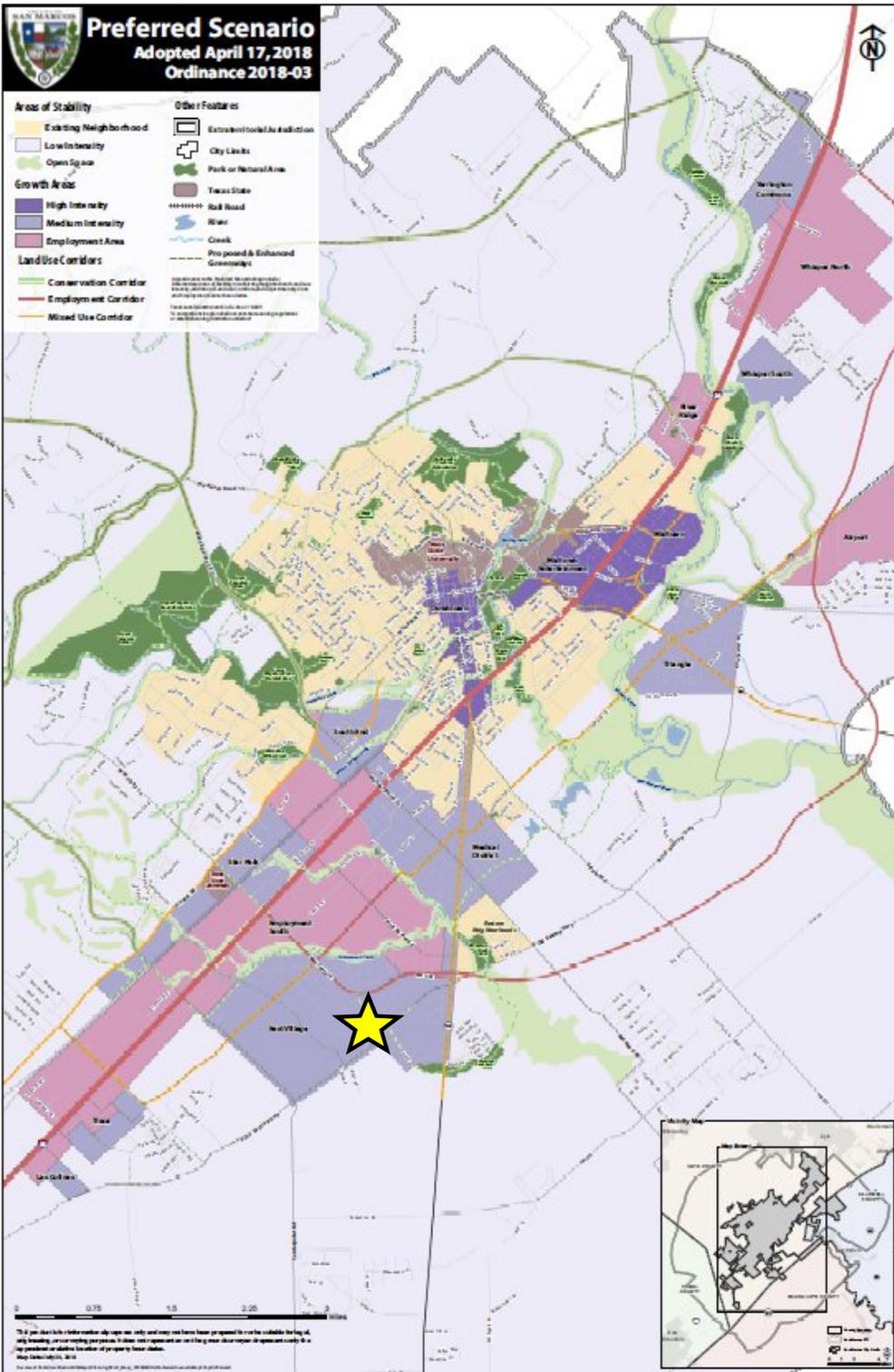


★ Site Location
 ▨ Subject Property
 □ Parcels
 □ City Limit

0 750 1,500 3,000 Feet

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

Map Date: 11/27/2019



Comprehensive Plan Analysis

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

Located in a Medium Intensity Zone

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

Comprehensive Plan Analysis

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

Applicant is requesting a “Character District” (CD-5) within a Medium Intensity Zone.

TABLE 4.1 COMPREHENSIVE PLAN / DISTRICT TRANSLATION

DISTRICT CLASSIFICATION	COMPREHENSIVE PLAN DESIGNATIONS					
	OPEN SPACE/ AGRICULTURAL	LOW INTENSITY	EXISTING NEIGHBORHOOD	MEDIUM OR HIGH INTENSITY ZONE	EMPLOYMENT CENTER	CORRIDOR
Conventional Residential	NP	NP	C	--	--	--
Neighborhood Density Districts	NP	NP	See Section 4.1.2.4 - 4.1.2.5	NP	NP	C
Character Districts	NP	C	--	C	NP	C
Special Districts	--	NP	NP	NP	C	C
Legend	-- = Not Allowed (PSA Required)		NP=Not Preferred		C = Consider	

CD-5 Zoning Analysis:

- CD-5 zoning is intended to provide a variety of residential, retail, and commercial uses. To promote walkability and compatibility, auto-oriented uses are restricted. CD-5 promotes mixed use and pedestrian-oriented activity.
- **Allowable Building Types:** *Accessory Dwelling, Townhouse, Apartment, Live/Work, Mixed Use Shopfront, Civic Building*
- Proposed rezoning aligns with vision of the Comprehensive Plan, which states that the community needs diversified housing options and to direct growth to Intensity Zones.
- The property is vacant and shown to be in a low constrained area. There is no floodplain on the property.



SECTION 4.4.3.5 CHARACTER DISTRICT - 5



GENERAL DESCRIPTION

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

DENSITY

Impervious Cover 100% max.

TRANSPORTATION

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

BUILDING TYPES ALLOWED

Accessory Dwelling	Section 4.4.6.1
Townhouse	Section 4.4.6.7
Apartment	Section 4.4.6.10
Live/ Work	Section 4.4.6.11
Mixed Use Shopfront	Section 4.4.6.14
Civic Building	Section 4.4.6.15

Infrastructure

• Street Requirements

- Block perimeter requirements
- Bike facility requirements
- Sidewalk connections
- Traffic Impact Analysis (TIA)

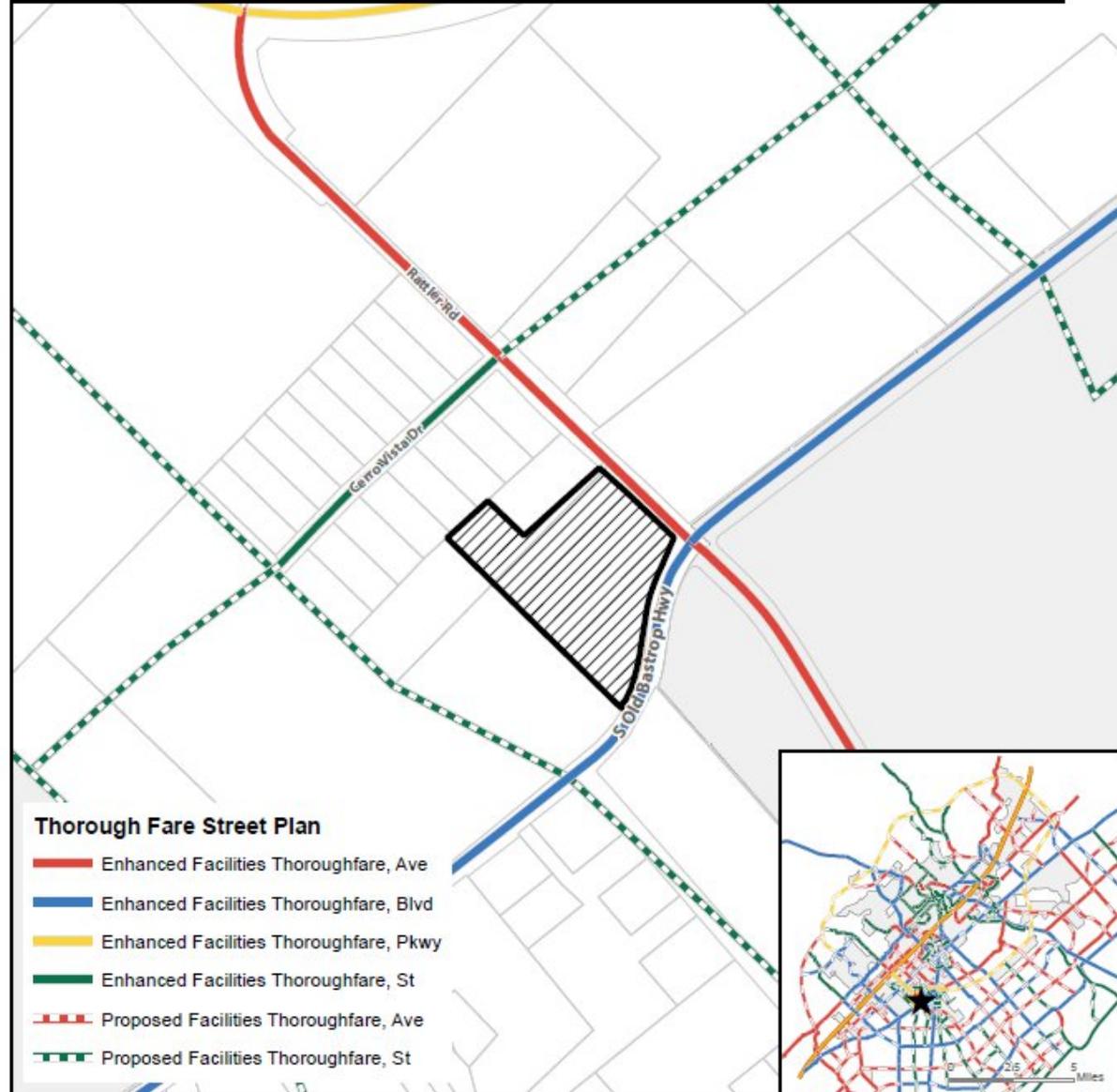
• Parkland Dedication + Development

- Land dedication and development of infrastructure required for residential uses
- Fee-in-lieu may be requested

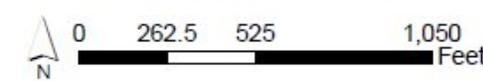
• Environmental Requirements

- Watershed Protection Plan
- Lot and street landscaping

ZC-19-11 Transportation Master Plan FD to CD-5 - Corner of Rattler Road and Old Bastrop Hwy



- ★ Site Location
- ▨ Subject Property
- Parcels
- City Limit



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

Map Date: 11/27/2019





Staff Recommendation:

At their December 10, 2019 Meeting, the Planning and Zoning Commission recommended **approval** of the zoning change with a 7-1 vote.

Staff provides this request to the Commission for your consideration and recommends **approval** of the request for a zoning change from “FD” Future Development to “CD-5” Character District – 5

*****If Council approves the updated boundary on first reading, the applicant will be required to provide an updated metes and bounds of the revised boundary prior to second reading of the ordinance.**

Zoning District Comparison Chart

Topic	Existing Zoning: Future Development (FD)	Proposed Zoning: Character District – 5 (CD-5)
Zoning Description	The Future Development (FD) District is intended to serve as a temporary zoning district for properties that shall develop in the future, but have been newly annexed and/or are not yet ready to be zoned for a particular Use. Characterized by primarily agricultural use with woodlands and wetlands and scattered buildings.	The CD-5 district is primarily intended to provide a variety of residential, retail, service, and commercial uses. To promote walkability and compatibility, auto-oriented uses are restricted. CD-5 promotes mixed use and pedestrian-oriented activity.
Uses	Residential / Agricultural (See Land Use Matrix)	Residential, Commercial, Office, etc. (See Land Use Matrix)
Parking Location	No location standards	No parking in the 1st layer; Parking allowed in 2 nd layer along secondary street only
Parking Standards	Dependent upon use	Dependent upon use
Max Residential Units per acre	0.4 units per acre (max)	N/A
Occupancy Restrictions	N/A	N/A
Landscaping	Tree and shrub requirements	Tree and shrub requirements
Building Height (max)	2 stories	2 stories (min), 5 stories (max)
Setbacks	Based on Zoning District	Based on Zoning District
Impervious Cover (max)	30%	100%
Lot Sizes	Allows a variety of lot sizes depending on Building Type.	Allows a variety of lot sizes depending on Building Type.
Streetscapes	Residential Street: 5' sidewalk for lots smaller than 1 acre, street trees every 40' on center average, 7' planting area between sidewalk and street required.	Main Street: 10' sidewalk, street trees every 35' on center average, 7' planting area between sidewalk and street required.
Blocks	No Block Perimeter Required	2,000 ft. Block Perimeter max



Legislation Text

File #: Ord. 2020-04, **Version:** 1

AGENDA CAPTION:

Consider approval of Ordinance 2020-04, on the first of two readings, amending the City's 2018-2019 Fiscal Year budget to allocate a total amount not to exceed \$573,000 to increase the General Fund budget to \$548,000 for economic development incentives and to increase the Resource Recovery Fund budget \$25,000 for trash and recycling services; and providing an effective date.

Meeting date: January 21, 2020

Department: Finance-Heather Hurlbert, Finance Director

Amount & Source of Funding

Funds Required: Click or tap here to enter text.

Account Number: Click or tap here to enter text.

Funds Available: Click or tap here to enter text.

Account Name:

Fiscal Note:

Prior Council Action:

City Council Strategic Initiative: [Please select from the dropdown menu below]

N/A

Choose an item.

Choose an item.

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

Economic Development - Choose an item.

Environment & Resource Protection - Choose an item.

Land Use - Choose an item.

Neighborhoods & Housing - Choose an item.

Parks, Public Spaces & Facilities - Funding and staffing to ensure quality public safety and community services

Transportation - Choose an item.

Not Applicable

Master Plan: *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

Background Information:

As a part of end of year procedures, actual expense to budget variances by department and accounts are analyzed. Some of these variances are covered by savings from other line items within the department or with savings from another department. Some of the expense variances are directly related to a revenue component and require a budget amendment. For FY19 there are two budget line items that need to be amended.

The first is for the Best Buy economic development incentive. Revenues from the sales tax collections came in higher than budgeted and as a result the incentive owed to Best Buy was higher. The General Fund budget will be amended \$548,000 to increase the economic development incentives budget.

The second is for the trash and recycling service contracted services. Total customers served during FY19 was higher than budgeted and as a result there was higher revenue and higher cost of service. The Resource Recovery Fund budget will be amended \$25,000 to increase trash and recycling service contracted services budget.

This amendment and the departmental adjustments were presented to the Finance and Audit Committee on January 3, 2020. A complete analysis of budget savings and overages is included for reference.

Council Committee, Board/Commission Action:

N/A

Alternatives:

Recommendation:

Click or tap here to enter text.

ORDINANCE NO. 2020-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING THE CITY'S 2018-2019 FISCAL YEAR BUDGET TO ALLOCATE A TOTAL AMOUNT NOT TO EXCEED \$573,000 TO INCREASE THE GENERAL FUND BUDGET \$548,000 FOR ECONOMIC DEVELOPMENT INCENTIVES AND TO INCREASE THE RESOURCE RECOVERY FUND BUDGET \$25,000 FOR TRASH AND RECYCLING SERVICES; AND PROVIDING AN EFFECTIVE DATE.

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 2018-2019 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 2018-2019 Fiscal Year is amended as set forth in the attached Exhibit A, to allocate a total amount not to exceed \$573,000 to increase the General Fund budget \$548,000 for economic development incentives and to increase the Resource Recovery Fund budget \$25,000 for trash and recycling services.

SECTION 2. These revisions will be incorporated into the 2018-2019 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 January 21, 2020.

PASSED, APPROVED AND ADOPTED on second reading on February 4, 2020.

Jane Hughson
Mayor

Attest:

Approved:

Tammy K. Cook
Interim City Clerk

Michael J. Cosentino
City Attorney

EXHIBIT A



Budget Amendment Approved by Ordinance No.

Fund/ Account	Account Name	Current Budget/Balance	Total Amendment	Amended Budget/Balance
10001280.54435	Economic Development Incentive Payment	\$ 7,166,216.00	\$ 548,000.00	\$ 7,714,216.00
10000000.35015	Use of Fund Balance	\$ -	\$ (548,000.00)	\$ (548,000.00)
24006350.52285	Garbage Contract- Residential	\$ 3,383,162.00	\$ 25,000.00	\$ 3,408,162.00
24000000.35015	Use of Fund Balance	\$ -	\$ (25,000.00)	\$ (25,000.00)

Description

Adjust ED Incentive for excess Best Buy collections

Adjust Garbage contract for excess customers

Department/Division	Original Budget	Operational Savings	Operational Overrun	Area of Overrun	Justification
General Fund					
Activity Center	\$1,016,000	\$121,400			
Animal Services	\$1,467,600		\$32,000 \$66,000 \$9,500	Contracted Svs-Vet Medical Supplies Supplies Other	Costs incurred due to large scale animal seizure and testing, treatment, personal protective equipment, cleaning supplies and specific disinfectants due to outbreaks of Histoplasmosis, Panleukopenia, and Calicivirus, which are highly contagious.
City Clerk	\$675,100	\$56,000			
City Council	\$335,400	\$57,600			
City Manager	\$1,224,000		\$95,000	Personnel	Retirement payout of long term employee totaled \$84,000 Personnel salary and benefits variances from budget
Code Compliance	\$852,000	\$212,400			
Communications	\$517,500	\$53,300			
Community Enhancement	\$772,700	\$103,400			
Community Svs Admin	\$910,000	\$150,100			
Development Services	\$2,541,000	\$205,500			
Economic Development Incentive	\$7,166,200		\$548,000 Amendment \$330,680 Adjustment	Incentive Payments	Best Buy \$548,000 over budgeted amount due to higher sales tax generated Amazon \$473,000 over budget amount due to higher property value Tanger and Epic Piping Payments \$70K below budget
Emergency Management	\$337,500	\$66,000			
Engineering/Real Estate	\$2,428,000		\$119,700	Personnel	Need to hire new staff at higher rates than budgeted due to market competition Hours worked by DR staff on projects not related to the DR projects
Facility and Ground Maintenance	\$1,689,000		\$229,400	Facility Repairs	Continued facility repairs
Finance	\$1,998,500	\$15,800			
Fire	\$10,363,000	\$281,000			
Fleet	\$1,044,400		\$131,000	Vehicle Repairs and Maintenance	Fire and police vehicles repairs accounted for \$315K of the total \$468K repair expense incurred.
GIS	\$260,000	\$158,400			
Human Resources	\$1,284,000	\$61,400			
Information Technology	\$2,110,000	\$193,600			
Legal	\$922,009	\$93,000			
Library	\$1,830,000	\$49,500			
Municipal Court	\$902,000	\$2,500			
Neighborhood Enhancement	\$434,700	\$84,000			
Outdoor Pool	\$145,900	\$59,000			
PARD	\$3,515,100	\$7,500	\$109,000	Parks Maintenance	Parks Maintenance line overrun by \$109K, Offset by savings in mowing and other contracted svcs
Park Rangers	\$475,600	\$57,100			

Department/Division	Original Budget	Operational Savings	Operational Overrun	Area of Overrun	Justification
Police	\$16,772,000		\$1,260,000	Personnel	Vacancies/cadets caused greatly increased overtime by officers to cover minimum staffing levels. Retirement payouts of long term employees totaled \$343,000
Special Services	\$11,273,640	\$1,484,700			
Transportation	\$5,502,000	\$210,000			
Transfer to Airport			\$25,000		Transfer from GF to make fund whole due to actual revenue collections below budgeted collections
Total General Fund	\$80,764,849	\$3,783,200	\$2,930,280		
Other Funds					
Water Distribution			\$132,000	Vehicle Repairs & Supplies	Supplies for repairs and vehicle maintenance higher than budgeted
Resource Recovery			\$25,000 Amendment	Garbage Contract	Increased contract cost due to higher than budgeted customer count. This is offset by revenue collected.



**Budget Amendment
Approved by Ordinance No.**

Fund/ Account	Account Name	Current Budget/Balance	Total Amendment	Amended Budget/Balance
10001280.54435	Economic Development Incentive Payment	\$ 7,166,216.00	\$ 548,000.00	\$ 7,714,216.00
10000000.40025	Sales Tax Revenue	\$ (35,719,111.00)	\$ (548,000.00)	\$ (36,267,111.00)
24006350.52285	Garbage Contract-Residential	\$ 3,383,162.00	\$ 25,000.00	\$ 3,408,162.00
24000000.44455	Garbage Collection Revenue	\$ (2,969,223.00)	\$ (25,000.00)	\$ (2,994,223.00)

Description

Adjust ED Incentive and Sales Tax Revenue for excess Best Buy collections
Adjust Garbage contract and Garbage Collection Revenue for excess customers



Legislation Text

File #: Res. 2020-15R, **Version:** 1

AGENDA CAPTION:

Consider approval of Resolution 2020-15R, approving an agreement for the provision of services in connection with the proposed owner requested annexation of approximately 56.923 acres of land generally located west of the intersection of Old Ranch Road 12 and Wonder World Drive; authorizing the City Manager, or his designee, to execute said agreement on behalf of the City; setting a date for a Public Hearing concerning the proposed annexation of said tract of land; and declaring an effective date.

Meeting date: January 21, 2020

Department: Planning and Development Services

Amount & Source of Funding

Funds Required: n/a

Account Number: n/a

Funds Available: n/a

Account Name: n/a

Fiscal Note:

Prior Council Action: n/a

City Council Strategic Initiative: n/a

Comprehensive Plan Element (s):

- Economic Development
- Environment & Resource Protection
- Land Use - Direct Growth, Compatible with Surrounding Uses
- Neighborhoods & Housing
- Parks, Public Spaces & Facilities
- Transportation
- Core Services
- Not Applicable

Master Plan: n/a

Background Information:

As regulated by the La Cima Development Agreement (Resolution 2018-75R), this is a request for voluntary annexation submitted by Natural Development Austin, LLC, on behalf of LCSM Ph. 1-2, LLC, for approximately 56.923 acres, more or less, out of the John Williams Survey, Abstract 490, Hays County, generally located west of the intersection of Old Ranch Road 12 and Wonder World Drive.

The City of San Marcos will provide water and wastewater services at the site. The developer has extended water and wastewater through the site. Pedernales Electric Cooperative will provide electric service for this development.

The City of San Marcos will provide Police, Fire, and EMS services to the site.

Below is a proposed schedule for this annexation, which complies with the Texas Local Government Code requirements:

City Council Resolution (Approval of Service Agreement and set a public hearing date):

January 21, 2010 (today)

City Council Ordinance 1st Reading (Public Hearing): February 18, 2020

City Council Ordinance 2nd Reading: March 3, 2020

Council Committee, Board/Commission Action:

n/a

Alternatives:

n/a

Recommendation:

n/a

RESOLUTION NO. 2020- R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS APPROVING AN AGREEMENT FOR THE PROVISION OF SERVICES IN CONNECTION WITH THE PROPOSED OWNER REQUESTED ANNEXATION OF APPROXIMATELY 56.923 ACRES OF LAND GENERALLY LOCATED WEST OF THE INTERSECTION OF OLD RANCH ROAD 12 AND WONDER WORLD DRIVE; AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE SAID AGREEMENT ON BEHALF OF THE CITY; SETTING A DATE FOR A PUBLIC HEARING CONCERNING THE PROPOSED ANNEXATION OF SAID TRACT OF LAND; AND DECLARING AN EFFECTIVE DATE.

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

PART 1. The attached Agreement for the Provision of Services is hereby approved.

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

PART 3. The date for the public hearing concerning the proposed annexation of the land described in said Agreement shall be February 18, 2020.

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

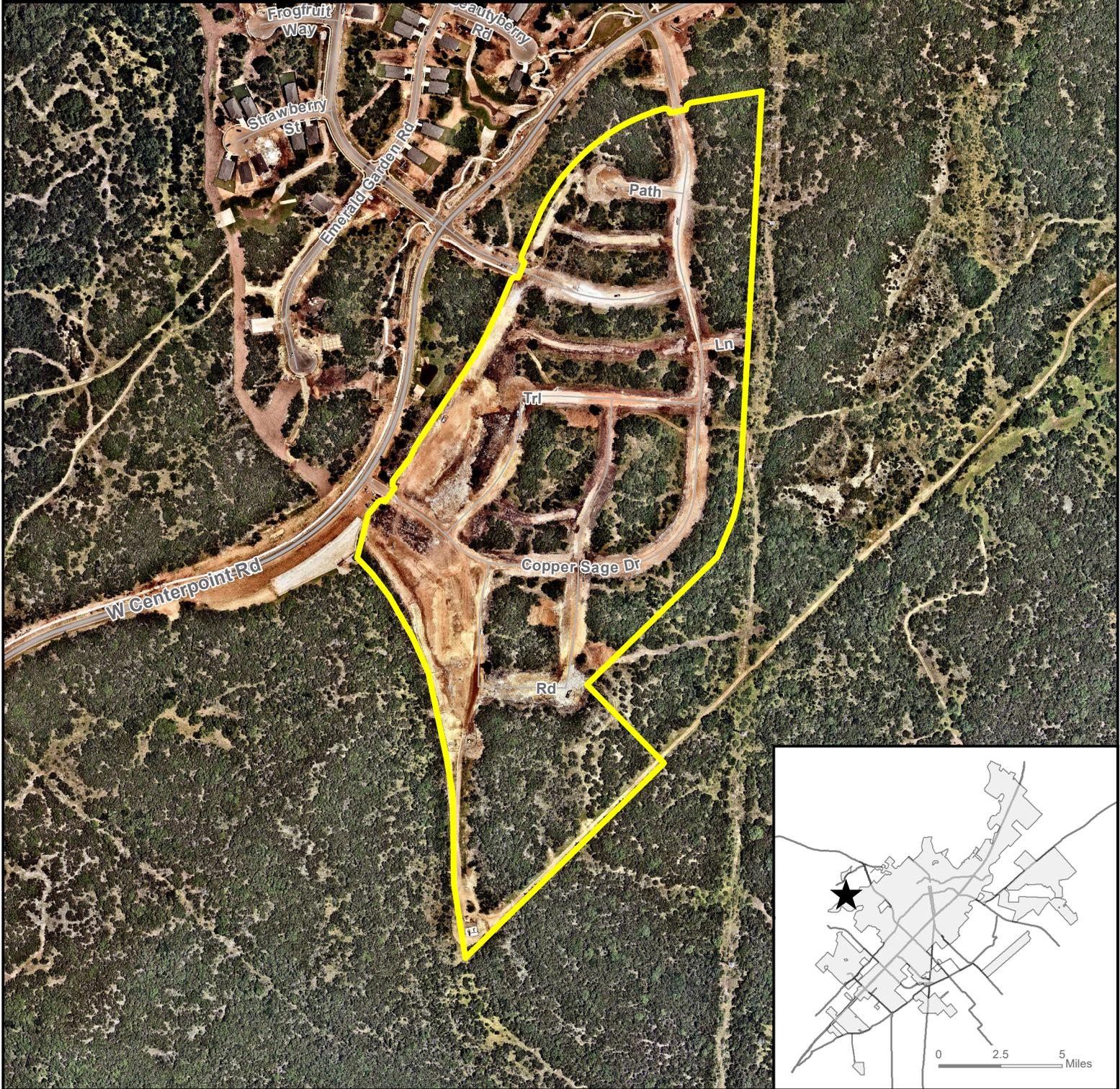
ADOPTED on January 21, 2020.

Jane Hughson
Mayor

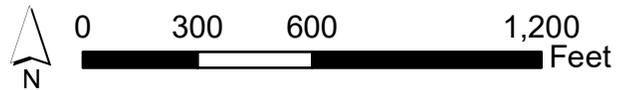
Attest:

Tammy K. Cook
Interim City Clerk

AN-20-01 Aerial View Annexation - La Cima Phase 1, Section 2



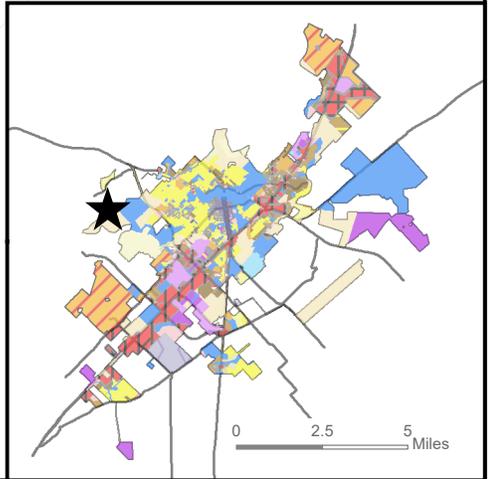
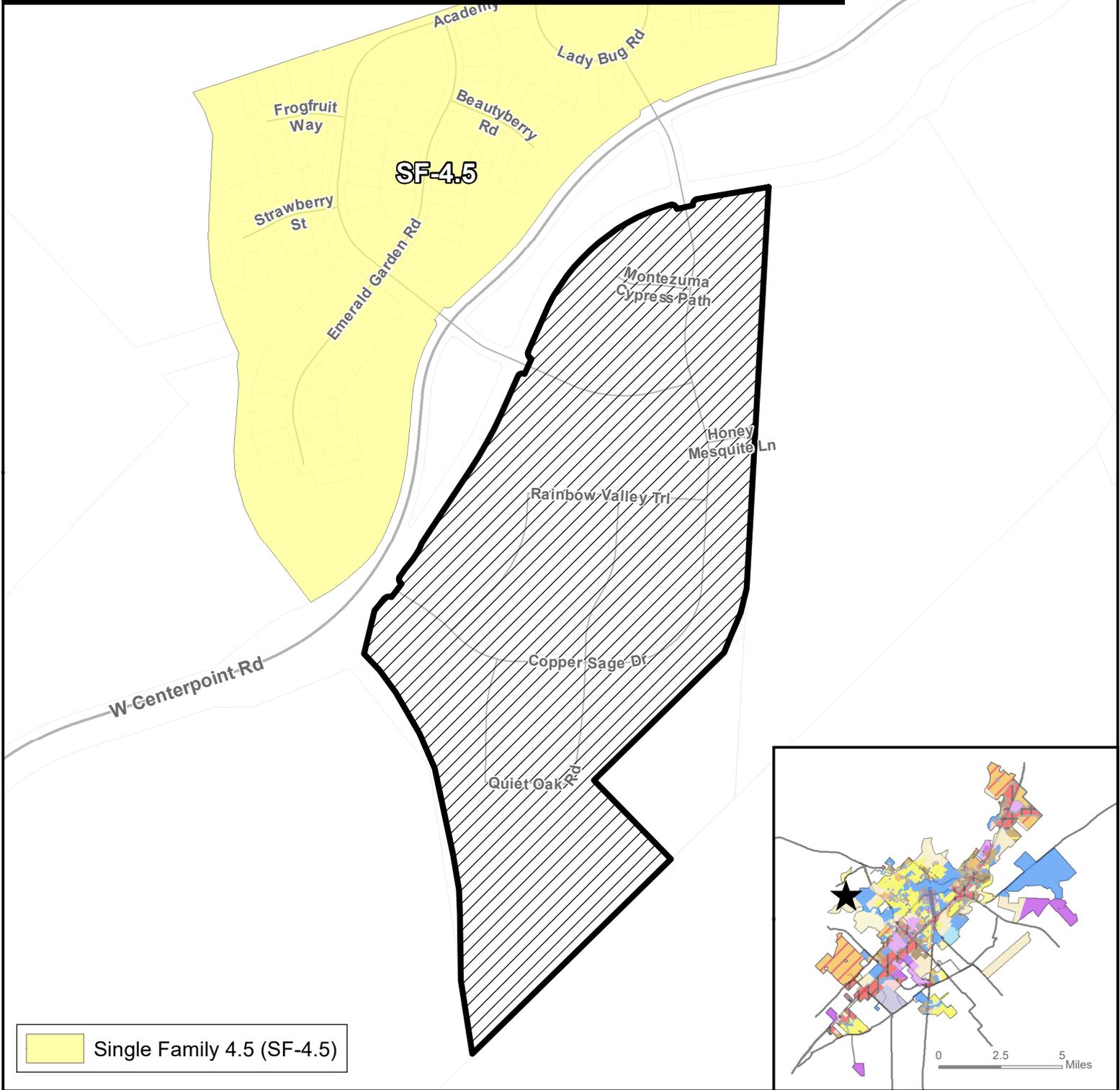
- ★ Site Location
- ▭ Subject Property
- ▭ Parcel
- ▭ City Limit



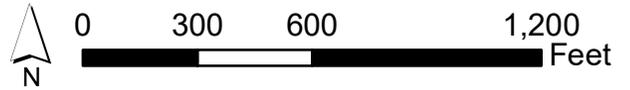
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Imagery from 2017.

Map Date: 12/31/2019

AN-20-01 Existing Zoning Map Annexation - La Cima Phase 1, Section 2



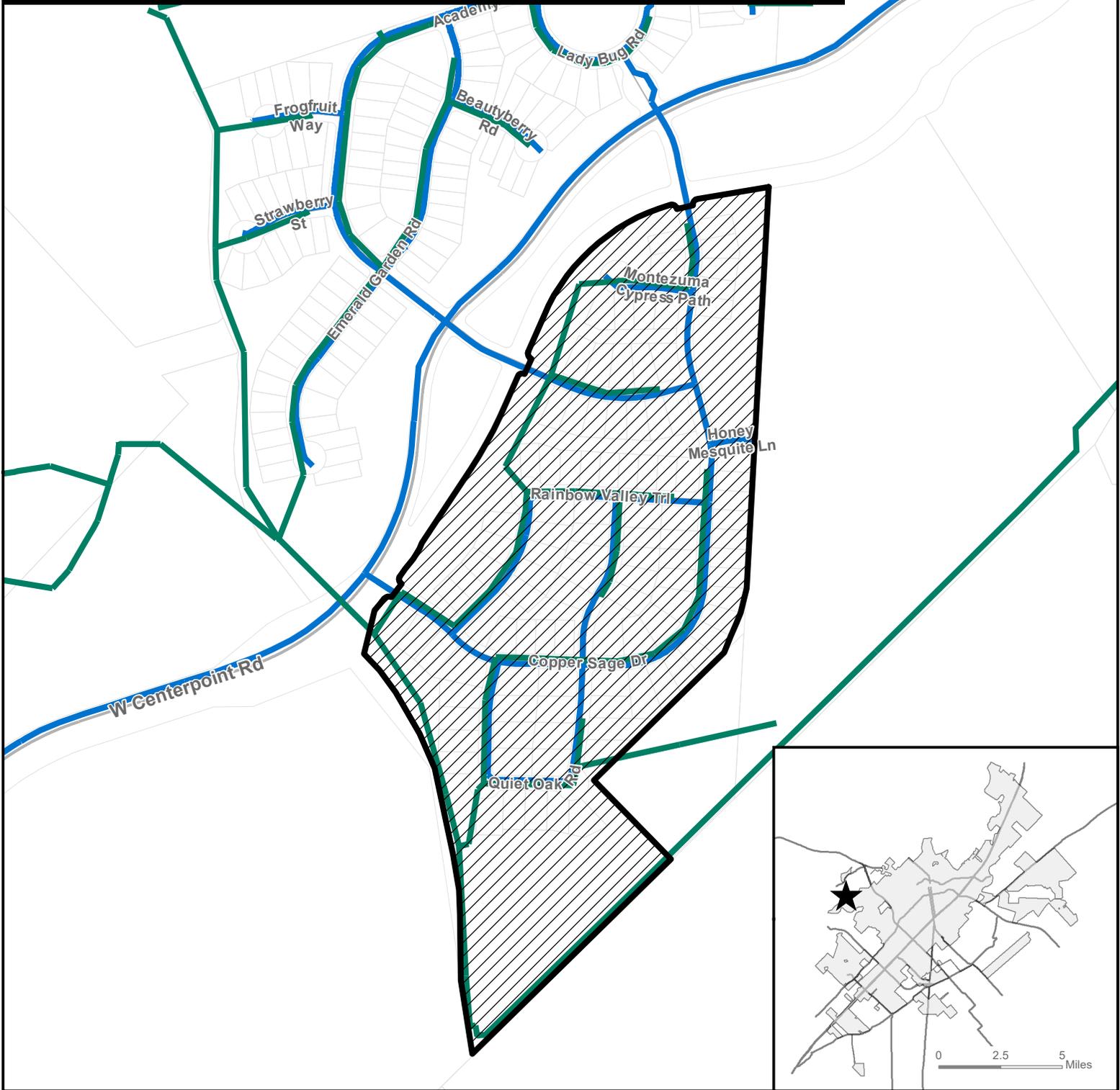
-  **Site Location**
-  **Subject Property**
-  **Parcel**



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Imagery from 2017.

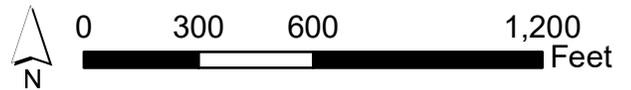
Map Date: 1/8/2020

AN-20-01 Water/Wastewater Lines Annexation - La Cima Phase 1, Section 2



- ★ Site Location
- ▨ Subject Property
- Parcel
- City Limit

- Sanitary Main
- Water Main



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Imagery from 2017.

Map Date: 1/8/2020

AGREEMENT FOR THE PROVISION OF SERVICES
(Pursuant to Tex. Local Gov't Code §43.0672)

Date: January 21, 2020

Owner: LCSM Ph. 1-2, LLC, 303 Colorado Street, Suite 2300, Austin, TX 78701

City: City of San Marcos, Texas, a home rule municipal corporation, 630, East Hopkins Street, San Marcos, Texas 78666

Property: As described in Exhibit A.

1. The Owner has petitioned the City and the City has elected to annex the Property into the corporate limits of the City. Pursuant to Tex. Local Gov't Code §43.0672, the Owner and the City enter this agreement (the "Agreement") for the provision of services to the Property when annexed.

2. By this Agreement, the Owner affirms its consent to such annexation of the Property by the City and that Owner does not wish to enter into and has declined the offer from the City of a development agreement under Sections 43.016 and 212.172 of the Texas Local Government Code

3. In consideration of the mutual benefits to the Owner and the City arising from the annexation of the Property, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Owner and the City enter into this Agreement and agree that services to the Property will be provided as described in Exhibit B.

4. This Agreement is made, and shall be construed and interpreted under the laws of the State of Texas. Venue for any legal proceedings shall lie in state courts located in Hays County, Texas. Venue for any matters in federal court will be in the United States District Court for the Western District of Texas.

5. If any word, phrase, clause, sentence, or paragraph of this Agreement is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this Agreement will continue in force if they can be given effect without the invalid portion.

6. This Agreement shall be binding upon Owner, and Owner's heirs, successors and assigns, and all future owners of all or any portion of the Property.

7. This Agreement will become effective as of the date an ordinance annexing the Property is finally passed, approved and adopted by the City's city council (the Effective Date).

[SIGNATURES ON NEXT PAGE]

CITY:

By: _____

Name: _____

Title: _____

ACKNOWLEDGMENT

STATE OF TEXAS §

§

COUNTY OF HAYS §

This instrument was acknowledged before me on _____, 20____, by
_____, _____ of the City of San Marcos, in such capacity, on
behalf of said municipality.

Notary Public, State of Texas

OWNER LCSM PH. 1-2, LLC, a Texas Limited Liability Company:

By: _____

Name: _____

Title: _____

ACKNOWLEDGMENT

STATE OF _____ §

§

COUNTY OF _____ §

This instrument was acknowledged before me on _____, 20__ by _____, _____ of _____ in such capacity on behalf of said entity.

Notary Public, State of _____

EXHIBIT A



100 0 100
 SCALED 1" = 100'
 MARCH, 2019
 HAYS COUNTY, TEXAS

- LEGEND**
- 1/2" IRON ROD W/ PLASTIC CAP STAMPED "TOP" (STAKE) - SET
 - 1/2" IRON ROD W/ PLASTIC CAP STAMPED "BOTTOM" (NO STAKE) - FOUND
 - 1/2" IRON ROD W/ PLASTIC CAP STAMPED "TOP" (NO STAKE) - FOUND
 - △ SPLIT-GATE ROBOT
 - △ BENCHMARK
 - () RECORD INFORMATION
 - EASEMENT BY HAYS COUNTY, TEXAS
 - P.R.H.C.T.X. 1/4" SUCCESSION OF HAYS COUNTY, TEXAS
 - R.P.H.C.T.X. REAL PROPERTY RECORDS OF HAYS COUNTY, TEXAS
 - O.P.H.C.T.X. OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS
 - 1/4" CHAIN LINE
 - P.U.E. PUBLIC UTILITY EASEMENT
 - PREPARED SURVEY LOCATION
 - PLAT BOUNDARY LINE
 - SHOWN BY EXHIBIT
 - D.E. DEED EASEMENT
- NOTE: SEE SHEET 4 OF 4 FOR LINE AND CURVE TABLES.

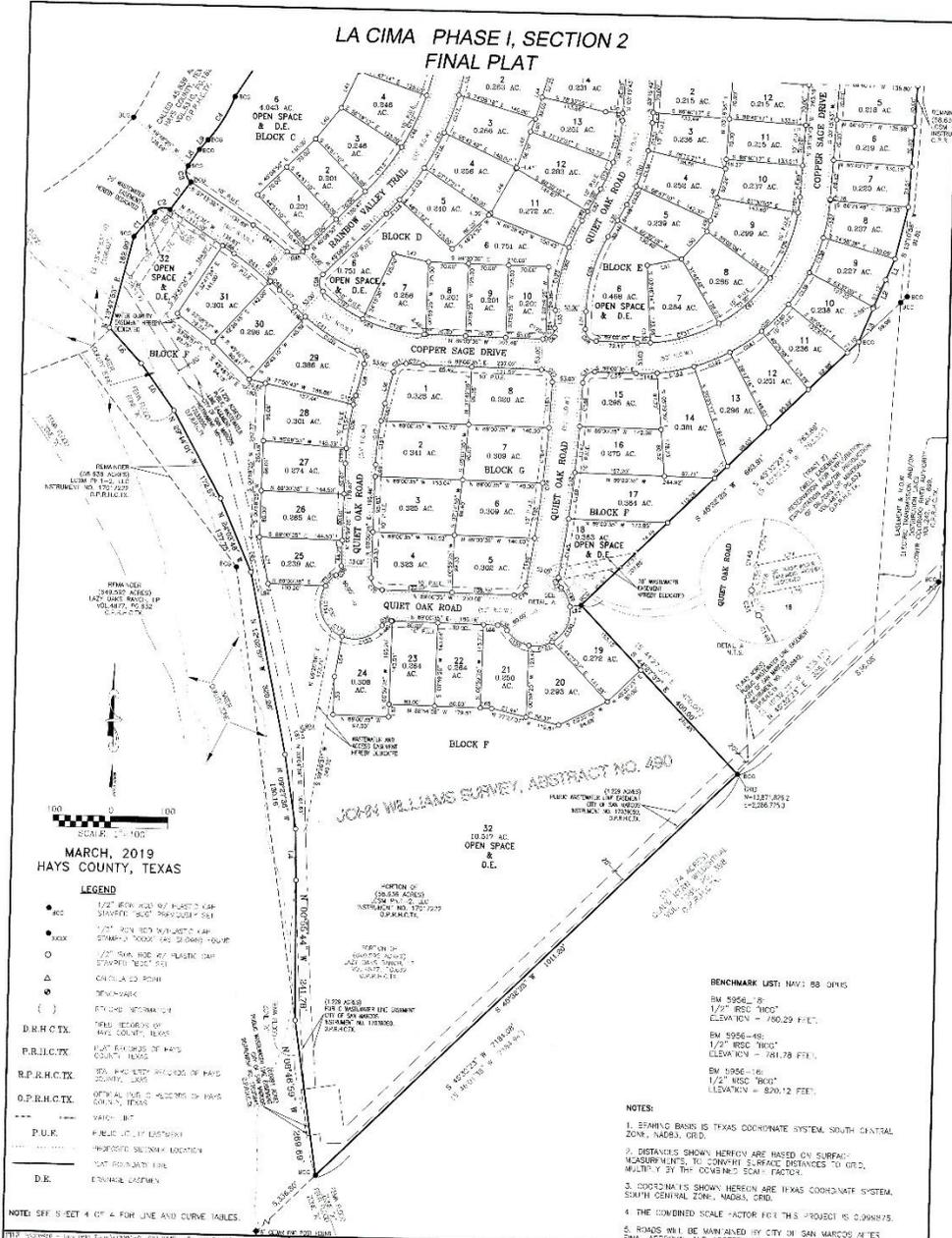
FILE NO.	17-12	PLAT NO.	1207
DATE	03/19/19	CREATED BY	JK
ORDER NO.	17-12	ORDERED BY	JK
DRAWING NO.	17-12	DATE	03/19/19
NO.	REV 0000	BY	JK

Bowman CONSULTING

Bowman Consulting Group, Ltd.
 10216 Cedar Trail, Suite 300, Austin, TX 78758
 Phone: 512.577.1400 Fax: 512.577.4900
 www.bowmanconsulting.com | Bowman Consulting Group, Ltd.
 TSPS Firm No. F-14309 | TSPS Firm No. 101206-00

FINAL PLAT
 LA CIMA
 PHASE I, SECTION 2
 JOHN WILLIAMS SURVEY, ABSTRACT 490
 HAYS COUNTY, TEXAS
 SHEET 2 OF 4
 PLAN # 1207

LA CIMA PHASE I, SECTION 2
FINAL PLAT



MARCH, 2019
HAYS COUNTY, TEXAS

LEGEND

- 1/2" BENCH MARK BY PLASTER CAR SHAVING "S&W" REFERENCE 581
- 1/2" BENCH MARK BY PLASTER CAR STAMPED "XXXX" (43) (3466) "XXXX"
- 1/2" BENCH MARK BY PLASTER CAR STAMPED "XXXX" (43) (3466) "XXXX"
- △ CONCRETE PILE
- BENCHMARK
- () OTHER INFORMATION
- D.H.C.T.X. FIELD RECORDS OF HAYS COUNTY, TEXAS
- P.H.C.T.X. PLAT RECORDS OF HAYS COUNTY, TEXAS
- R.P.H.C.T.X. REAL PROPERTY RECORDS OF HAYS COUNTY, TEXAS
- O.P.H.C.T.X. OFFICIAL RECORD RECORDS OF HAYS COUNTY, TEXAS
- VARIOUS LOT
- P.U.K. PUBLIC UTILITY ESTABLISHMENT
- PROPOSED SURVEYOR LOCATION
- LOT BOUNDARY LINE
- D.E. Easement Location

NOTE: SEE SHEET 4 OF 4 FOR LINE AND CURVE TABLES.

DATE	BY	CHK'D	DATE
03/15/19	J. B. BOWMAN	J. B. BOWMAN	03/15/19
03/15/19	J. B. BOWMAN	J. B. BOWMAN	03/15/19
03/15/19	J. B. BOWMAN	J. B. BOWMAN	03/15/19

Bowman
CONSULTING

Bowman Consulting Group, L.P.
11000 Capital of Texas Hwy, Suite 200, Austin, TX 78748
Phone: (512) 331-1100
www.bowmanconsulting.com
TSPS Firm No. F-14304 | TSPS Firm No. 101008-00

BENCHMARK USTI: BMV: 88 DAVIS
 BM 5956-16
 1/2" BENCH MARK
 ELEVATION = 750.29 FEET
 BM 5956-48
 1/2" BENCH MARK
 ELEVATION = 761.78 FEET
 BM 5956-16
 1/2" BENCH MARK
 ELEVATION = 826.12 FEET

- NOTES:
1. BENCHMARK BASIS IS TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83, UTM.
 2. DISTANCES SHOWN HEREIN ARE BASED ON SUBSTRUMENT MEASUREMENTS, TO CORRECT SURFACE DISTANCES TO GRID, MULTIPLY BY THE CORRECTION SCALE FACTOR.
 3. COORDINATES SHOWN HEREIN ARE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83, UTM.
 4. THE COMBINED SCALE FACTOR FOR THIS PROJECT IS 0.999975.
 5. ROADS WILL BE MAINTAINED BY CITY OF SAN MARCOS AFTER FINAL APPROVAL AND ACCEPTANCE.

FINAL PLAT
LA CIMA
PHASE I, SECTION 2
JOHN WILLIAMS SURVEY, ABSTRACT 490
HAYS COUNTY, TEXAS

LINE TABLE	LINE TABLE
LINE # BEARING DISTANCE	LINE # BEARING DISTANCE
11 3 2726.907' E 59.87'	42 1/2 S 82°08'37" E 96.33'
12 5 52'14.54" W 53.71'	44 1/2 N 12°01'11" E 31.50'
13 5 4250.592' W 83.16'	45 1/2 S 70°54'39" W 80.97'
14 1/2 N 01°42'07" E 86.35'	46 1/2 N 22°24'05" E 90.57'
15 1/2 N 37°19'57" W 90.77'	47 1/2 N 77°45'53" E 92.20'
16 1/2 N 47°14'52" W 82.50'	48 1/2 N 33°09'11" E 92.00'
17 1/2 N 36°21'21" E 80.12'	49 1/2 N 33°09'41" E 92.07'
18 1/2 S 47°07'07" E 84.70'	50 1/2 N 41°52'06" E 65.30'
19 1/2 N 41°28'13" E 25.85'	51 1/2 N 78° 7'52" E 61.00'
20 1/2 S 27°18'07" E 108.92'	52 1/2 S 81°01'43" W 196.61'
21 1/2 S 27°18'07" E 62.00'	53 1/2 S 81°01'43" W 85.67'
22 1/2 S 77°02'52" E 62.00'	54 1/2 S 81°01'43" W 70.21'
23 1/2 S 77°19'44" E 71.56'	55 1/2 S 86°40' 7" E 30.00'
24 1/2 S 07°44'31" E 72.25'	56 1/2 S 07°44'31" W 20.30'
25 1/2 N 82°11'29" W 50.60'	57 1/2 N 07°48'31" E 54.76'
26 1/2 S 86°12'32" W 61.37'	58 1/2 S 144°01'54" E 20.68'
27 1/2 N 89°37'07" E 14.47'	59 1/2 S 89°42'17" E 13.94'
28 1/2 S 82°12'25" E 50.60'	60 1/2 N 02°04'20" E 23.89'
29 1/2 N 07°48'31" E 29.47'	61 1/2 S 03°18'41" W 12.97'
30 1/2 S 89°42'07" W 59.67'	62 1/2 S 28°26'41" W 15.96'
31 1/2 N 89°41'38" E 24.81'	63 1/2 S 03°18'43" E 17.97'
32 1/2 S 86°12'32" W 21.85'	64 1/2 N 03°18'43" E 19.21'
33 1/2 N 79°14'52" E 20.84'	65 1/2 S 89°00'07" E 3.81'
34 1/2 S 03°18'43" W 80.71'	66 1/2 S 19°00'07" E 24.71'
35 1/2 S 03°18'43" W 22.94'	67 1/2 S 00°59'22" E 74.30'
36 1/2 S 08°44'17" E 3.80'	68 1/2 N 00°59'22" E 21.88'
37 1/2 S 13°58'27" W 36.23'	69 1/2 S 01°17'08" E 34.32'
38 1/2 S 41°31'10" E 38.88'	70 1/2 N 00°59'19" E 53.30'
39 1/2 S 47°36'47" E 1.00'	71 1/2 S 03°11'10" W 53.07'
40 1/2 N 79°14'52" E 79.58'	72 1/2 S 11°58'11" E 62.12'
41 1/2 S 03°18'43" W 22.94'	73 1/2 S 14°48'20" E 74.30'
42 1/2 S 08°44'17" E 3.80'	74 1/2 S 14°48'20" E 74.30'
43 1/2 S 13°58'27" W 36.23'	75 1/2 S 14°48'20" E 74.30'
44 1/2 S 41°31'10" E 38.88'	76 1/2 N 00°59'19" E 53.30'
45 1/2 S 47°36'47" E 1.00'	77 1/2 S 03°11'10" W 53.07'
46 1/2 N 79°14'52" E 79.58'	78 1/2 S 11°58'11" E 62.12'
47 1/2 S 03°18'43" W 22.94'	79 1/2 S 14°48'20" E 74.30'
48 1/2 S 08°44'17" E 3.80'	80 1/2 S 14°48'20" E 74.30'
49 1/2 S 13°58'27" W 36.23'	81 1/2 S 14°48'20" E 74.30'
50 1/2 S 41°31'10" E 38.88'	82 1/2 N 00°59'19" E 53.30'
51 1/2 S 47°36'47" E 1.00'	83 1/2 S 03°11'10" W 53.07'
52 1/2 N 79°14'52" E 79.58'	84 1/2 S 11°58'11" E 62.12'
53 1/2 S 03°18'43" W 22.94'	85 1/2 S 14°48'20" E 74.30'
54 1/2 S 08°44'17" E 3.80'	86 1/2 S 14°48'20" E 74.30'
55 1/2 S 13°58'27" W 36.23'	87 1/2 S 14°48'20" E 74.30'
56 1/2 S 41°31'10" E 38.88'	88 1/2 N 00°59'19" E 53.30'
57 1/2 S 47°36'47" E 1.00'	89 1/2 S 03°11'10" W 53.07'
58 1/2 N 79°14'52" E 79.58'	90 1/2 S 11°58'11" E 62.12'
59 1/2 S 03°18'43" W 22.94'	91 1/2 S 14°48'20" E 74.30'
60 1/2 S 08°44'17" E 3.80'	92 1/2 S 14°48'20" E 74.30'
61 1/2 S 13°58'27" W 36.23'	93 1/2 S 14°48'20" E 74.30'
62 1/2 S 41°31'10" E 38.88'	94 1/2 N 00°59'19" E 53.30'
63 1/2 S 47°36'47" E 1.00'	95 1/2 S 03°11'10" W 53.07'
64 1/2 N 79°14'52" E 79.58'	96 1/2 S 11°58'11" E 62.12'
65 1/2 S 03°18'43" W 22.94'	97 1/2 S 14°48'20" E 74.30'
66 1/2 S 08°44'17" E 3.80'	98 1/2 S 14°48'20" E 74.30'
67 1/2 S 13°58'27" W 36.23'	99 1/2 S 14°48'20" E 74.30'
68 1/2 S 41°31'10" E 38.88'	100 1/2 N 00°59'19" E 53.30'
69 1/2 S 47°36'47" E 1.00'	101 1/2 S 03°11'10" W 53.07'
70 1/2 N 79°14'52" E 79.58'	102 1/2 S 11°58'11" E 62.12'
71 1/2 S 03°18'43" W 22.94'	103 1/2 S 14°48'20" E 74.30'
72 1/2 S 08°44'17" E 3.80'	104 1/2 S 14°48'20" E 74.30'
73 1/2 S 13°58'27" W 36.23'	105 1/2 S 14°48'20" E 74.30'
74 1/2 S 41°31'10" E 38.88'	106 1/2 N 00°59'19" E 53.30'
75 1/2 S 47°36'47" E 1.00'	107 1/2 S 03°11'10" W 53.07'
76 1/2 N 79°14'52" E 79.58'	108 1/2 S 11°58'11" E 62.12'
77 1/2 S 03°18'43" W 22.94'	109 1/2 S 14°48'20" E 74.30'
78 1/2 S 08°44'17" E 3.80'	110 1/2 S 14°48'20" E 74.30'
79 1/2 S 13°58'27" W 36.23'	111 1/2 S 14°48'20" E 74.30'
80 1/2 S 41°31'10" E 38.88'	112 1/2 N 00°59'19" E 53.30'
81 1/2 S 47°36'47" E 1.00'	113 1/2 S 03°11'10" W 53.07'
82 1/2 N 79°14'52" E 79.58'	114 1/2 S 11°58'11" E 62.12'
83 1/2 S 03°18'43" W 22.94'	115 1/2 S 14°48'20" E 74.30'
84 1/2 S 08°44'17" E 3.80'	116 1/2 S 14°48'20" E 74.30'
85 1/2 S 13°58'27" W 36.23'	117 1/2 S 14°48'20" E 74.30'
86 1/2 S 41°31'10" E 38.88'	118 1/2 N 00°59'19" E 53.30'
87 1/2 S 47°36'47" E 1.00'	119 1/2 S 03°11'10" W 53.07'
88 1/2 N 79°14'52" E 79.58'	120 1/2 S 11°58'11" E 62.12'
89 1/2 S 03°18'43" W 22.94'	121 1/2 S 14°48'20" E 74.30'
90 1/2 S 08°44'17" E 3.80'	122 1/2 S 14°48'20" E 74.30'
91 1/2 S 13°58'27" W 36.23'	123 1/2 S 14°48'20" E 74.30'
92 1/2 S 41°31'10" E 38.88'	124 1/2 N 00°59'19" E 53.30'
93 1/2 S 47°36'47" E 1.00'	125 1/2 S 03°11'10" W 53.07'
94 1/2 N 79°14'52" E 79.58'	126 1/2 S 11°58'11" E 62.12'
95 1/2 S 03°18'43" W 22.94'	127 1/2 S 14°48'20" E 74.30'
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98 1/2 S 41°31'10" E 38.88'	130 1/2 N 00°59'19" E 53.30'
99 1/2 S 47°36'47" E 1.00'	131 1/2 S 03°11'10" W 53.07'
100 1/2 N 79°14'52" E 79.58'	132 1/2 S 11°58'11" E 62.12'
101 1/2 S 03°18'43" W 22.94'	133 1/2 S 14°48'20" E 74.30'
102 1/2 S 08°44'17" E 3.80'	134 1/2 S 14°48'20" E 74.30'
103 1/2 S 13°58'27" W 36.23'	135 1/2 S 14°48'20" E 74.30'
104 1/2 S 41°31'10" E 38.88'	136 1/2 N 00°59'19" E 53.30'
105 1/2 S 47°36'47" E 1.00'	137 1/2 S 03°11'10" W 53.07'
106 1/2 N 79°14'52" E 79.58'	138 1/2 S 11°58'11" E 62.12'
107 1/2 S 03°18'43" W 22.94'	139 1/2 S 14°48'20" E 74.30'
108 1/2 S 08°44'17" E 3.80'	140 1/2 S 14°48'20" E 74.30'
109 1/2 S 13°58'27" W 36.23'	141 1/2 S 14°48'20" E 74.30'
110 1/2 S 41°31'10" E 38.88'	142 1/2 N 00°59'19" E 53.30'
111 1/2 S 47°36'47" E 1.00'	143 1/2 S 03°11'10" W 53.07'
112 1/2 N 79°14'52" E 79.58'	144 1/2 S 11°58'11" E 62.12'
113 1/2 S 03°18'43" W 22.94'	145 1/2 S 14°48'20" E 74.30'
114 1/2 S 08°44'17" E 3.80'	146 1/2 S 14°48'20" E 74.30'
115 1/2 S 13°58'27" W 36.23'	147 1/2 S 14°48'20" E 74.30'
116 1/2 S 41°31'10" E 38.88'	148 1/2 N 00°59'19" E 53.30'
117 1/2 S 47°36'47" E 1.00'	149 1/2 S 03°11'10" W 53.07'
118 1/2 N 79°14'52" E 79.58'	150 1/2 S 11°58'11" E 62.12'
119 1/2 S 03°18'43" W 22.94'	151 1/2 S 14°48'20" E 74.30'
120 1/2 S 08°44'17" E 3.80'	152 1/2 S 14°48'20" E 74.30'
121 1/2 S 13°58'27" W 36.23'	153 1/2 S 14°48'20" E 74.30'
122 1/2 S 41°31'10" E 38.88'	154 1/2 N 00°59'19" E 53.30'
123 1/2 S 47°36'47" E 1.00'	155 1/2 S 03°11'10" W 53.07'
124 1/2 N 79°14'52" E 79.58'	156 1/2 S 11°58'11" E 62.12'
125 1/2 S 03°18'43" W 22.94'	157 1/2 S 14°48'20" E 74.30'
126 1/2 S 08°44'17" E 3.80'	158 1/2 S 14°48'20" E 74.30'
127 1/2 S 13°58'27" W 36.23'	159 1/2 S 14°48'20" E 74.30'
128 1/2 S 41°31'10" E 38.88'	160 1/2 N 00°59'19" E 53.30'
129 1/2 S 47°36'47" E 1.00'	161 1/2 S 03°11'10" W 53.07'
130 1/2 N 79°14'52" E 79.58'	162 1/2 S 11°58'11" E 62.12'
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134 1/2 S 41°31'10" E 38.88'	166 1/2 N 00°59'19" E 53.30'
135 1/2 S 47°36'47" E 1.00'	167 1/2 S 03°11'10" W 53.07'
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139 1/2 S 13°58'27" W 36.23'	171 1/2 S 14°48'20" E 74.30'
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143 1/2 S 03°18'43" W 22.94'	175 1/2 S 14°48'20" E 74.30'
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146 1/2 S 41°31'10" E 38.88'	178 1/2 N 00°59'19" E 53.30'
147 1/2 S 47°36'47" E 1.00'	179 1/2 S 03°11'10" W 53.07'
148 1/2 N 79°14'52" E 79.58'	180 1/2 S 11°58'11" E 62.12'
149 1/2 S 03°18'43" W 22.94'	181 1/2 S 14°48'20" E 74.30'
150 1/2 S 08°44'17" E 3.80'	182 1/2 S 14°48'20" E 74.30'
151 1/2 S 13°58'27" W 36.23'	183 1/2 S 14°48'20" E 74.30'
152 1/2 S 41°31'10" E 38.88'	184 1/2 N 00°59'19" E 53.30'
153 1/2 S 47°36'47" E 1.00'	185 1/2 S 03°11'10" W 53.07'
154 1/2 N 79°14'52" E 79.58'	186 1/2 S 11°58'11" E 62.12'
155 1/2 S 03°18'43" W 22.94'	187 1/2 S 14°48'20" E 74.30'
156 1/2 S 08°44'17" E 3.80'	188 1/2 S 14°48'20" E 74.30'
157 1/2 S 13°58'27" W 36.23'	189 1/2 S 14°48'20" E 74.30'
158 1/2 S 41°31'10" E 38.88'	190 1/2 N 00°59'19" E 53.30'
159 1/2 S 47°36'47" E 1.00'	191 1/2 S 03°11'10" W 53.07'
160 1/2 N 79°14'52" E 79.58'	192 1/2 S 11°58'11" E 62.12'
161 1/2 S 03°18'43" W 22.94'	193 1/2 S 14°48'20" E 74.30'
162 1/2 S 08°44'17" E 3.80'	194 1/2 S 14°48'20" E 74.30'
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167 1/2 S 03°18'43" W 22.94'	199 1/2 S 14°48'20" E 74.30'
168 1/2 S 08°44'17" E 3.80'	200 1/2 S 14°48'20" E 74.30'

CURVE TABLE					
CURVE #	RADIUS	ARC DISTANCE	CHORD BEARING	CHORD DISTANCE	
01	1015.00'	50.50'	N 272°04' 7" E	55.94'	
02	30.00'	19.76'	N 59°10'00" E	27.00'	
03	20.00'	31.81'	N 11°56'15" W	26.42'	
04	250.00'	89.32'	N 31°13'45" E	88.88'	
05	1036.00'	769.37'	N 26°18'09" E	269.02'	
06	75.00'	31.42'	N 88°18'00" E	26.28'	
07	22.00'	31.42'	N 21°24'12" E	26.28'	
08	715.00'	832.32'	N 48°20'58" E	611.31'	
09	22.00'	22.85'	S 16°00'22" E	26.28'	
10	75.00'	31.42'	N 34°20'37" E	26.92'	
11	750.00'	41.48'	S 81°58'12" E	41.43'	
12	472.00'	31.861'	S 89°17'51" E	302.38'	
13	20.00'	21.41'	N 37°50'29" E	26.28'	
14	480.00'	385.94'	S 07°25'34" E	167.04'	
15	20.00'	3.38'	N 37°11'28" W	46.28'	
16	473.00'	71.22'	N 86°29'47" W	25.96'	
17	300.00'	51.20'	S 20°16'16" W	14.51'	
18	30.00'	168.74'	S 27°46'18" W	51.68'	
19	30.00'	27.00'	S 22°28'47" E	23.90'	
20	528.50'	27.86'	N 88°28'18" W	78.60'	
21	20.00'	31.42'	N 55°48'31" E	28.38'	
22	170.00'	63.12'	N 02°04'16" W	62.65'	
23	331.74'	113.68'	S 20°16'16" W	112.20'	
24	400.00'	164.78'	S 02°20'29" E	62.13'	
25	50.00'	29.66'	S 37°39'58" E	27.18'	
26	418.50'	78.72'	S 50°21' 3" W	78.81'	
27	373.50'	68.84'	S 89°21' 3" W	68.84'	
28	23.00'	29.29'	S 38°24' 39" W	76.36'	
29	200.00'	20.88'	N 20°20'00" E	47.86'	
30	220.00'	400.54'	N 47°03'34" E	402.32'	
31	50.00'	5.26'	S 46°50'49" W	26.60'	
32	2228.87'	329.09'	N 05°52'54" E	338.84'	
33	20.00'	16.20'	S 77°08'11" E	16.03'	

EXHIBIT B

When the Property is annexed, services will be provided to the Property as follows:

1. Police Protection

Police services, including patrolling, response to calls and other routine services, will begin on the Effective Date of the annexation using existing personnel and equipment.

2. Fire Protection

Fire protection services, including emergency response calls, will begin on the Effective Date of the annexation using existing personnel and equipment and within the limitations of the available water supply.

3. Emergency Medical Services

Emergency medical services, including emergency response calls, will continue at the same level of service after the annexation. The City of San Marcos contracts for emergency medical services through the San Marcos – Hays County EMS, which already provides service to the area being annexed.

4. Solid Waste Collection

Solid waste collection services, provided under contract with a private company, will be made available to all properties on the Effective Date of the annexation. Residents of the Property may elect to continue using the services of a private solid waste hauler for a period of two years after the Effective Date of the annexation. Businesses and institutions must make arrangements with private solid waste haulers.

5. Operation and Maintenance of Water and Wastewater Facilities

a. Water. The Property is located within an area over which the City of San Marcos holds a Certificate of Convenience and Necessity (CCN) for water service. The City will make water service available to the Property on the Effective Date of the annexation on the same basis as available to other owners of property in the City, i.e., the Owner is solely responsible for the cost to construct and extend all infrastructure, facilities, and lines necessary to serve the Property.

b. Wastewater. The Property is not covered by a CCN for wastewater service, however, the City of San Marcos has wastewater lines adjacent to the Property and agrees to make wastewater service available to the Property on the Effective Date of the annexation on the same basis as available to other owners of property in the City, i.e., the Owner is solely responsible for the cost to construct and extend all infrastructure, facilities, and lines necessary to serve the Property. In addition, the City is in the process of adding the Property as an area covered by the City's CCN for wastewater service.

6. Construction, Operation and Maintenance of Roads and Streets

As new development occurs within the Property, the Owner(s) of Property will be required to construct streets at the Owner's sole expense in accordance with applicable ordinances of the City.

7. Electric Service

The Property is located in the Pedernales Electric Cooperative service area. Thus, the City will not provide electric service to the Property.

8. Operation and Maintenance of Parks, Playgrounds, and/or Swimming Pools

No parks, playgrounds, and/or swimming pools currently exist within the Property. The same standards and policies now established and in force within the city limits will be followed in maintaining and expanding recreational facilities to serve the Property. Upon annexation, the owners and residents of property located within the Property shall be entitled to the use of all municipal parks and recreational facilities, subject to the same restrictions, fees, and availability that pertains to the use of those facilities by other citizens of the city.

9. Operation and Maintenance of Other Public Facilities, Buildings, and Services

No other public facilities, buildings, or services currently exist within the Property. The same standards and policies now established and in force within the city limits will be followed in maintaining and expanding other public facilities, building, and services. Upon annexation, the owners and residents of property located within the Property shall be entitled to the use of all municipal facilities, buildings, and services, subject to the same restrictions, fees, and availability that pertains to the use of those facilities and services by other citizens of the city.

LA CIMA PHASE 1, SECTION 2 FINAL PLAT

LA CIMA PHASE 1, WEST
CENTERPOINT ROAD
DOC. NO. 17036340
O.P.R.H.C.T.X.

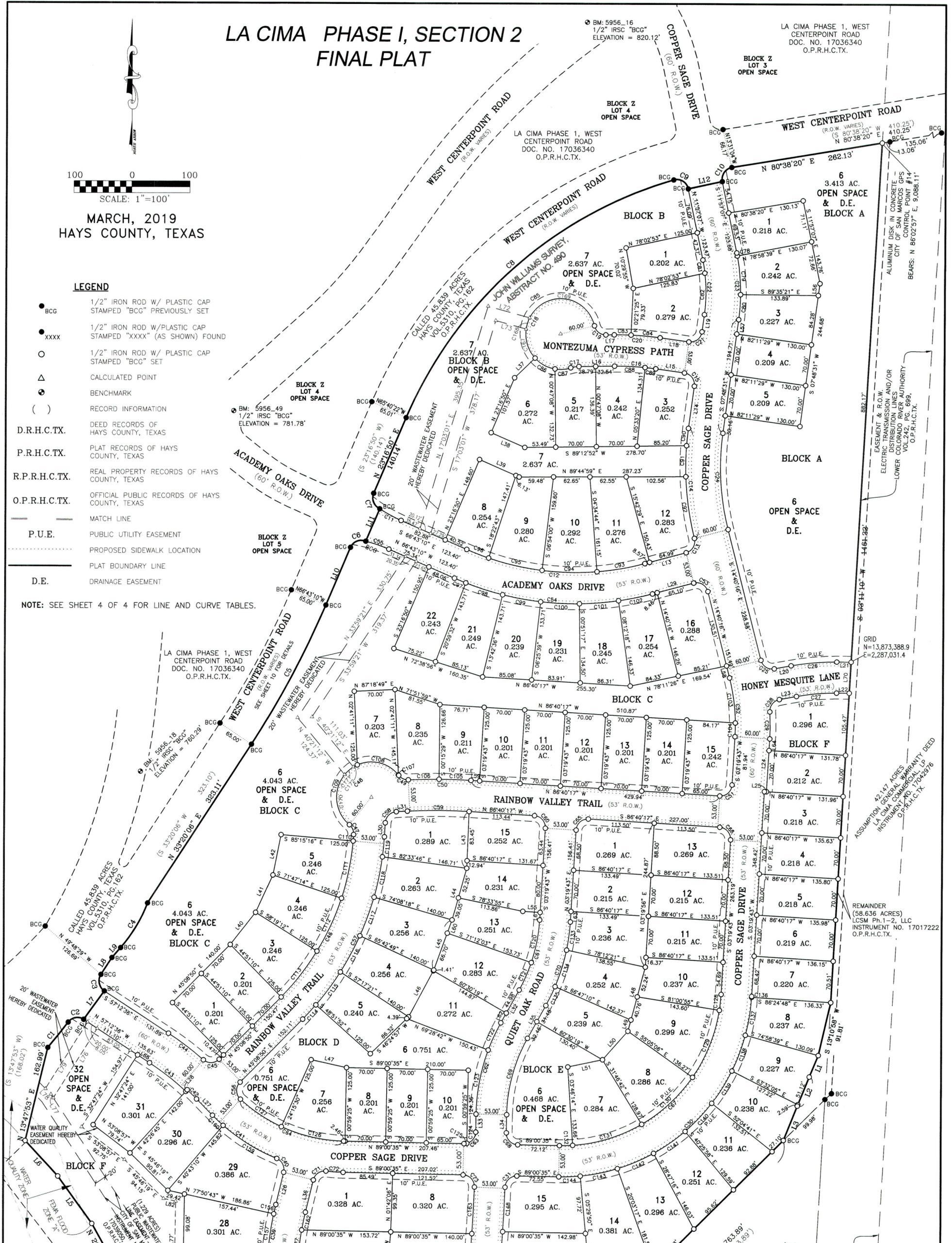


MARCH, 2019
HAYS COUNTY, TEXAS

LEGEND

- BCG 1/2" IRON ROD W/ PLASTIC CAP STAMPED "BCG" PREVIOUSLY SET
- xxxx 1/2" IRON ROD W/ PLASTIC CAP STAMPED "XXXX" (AS SHOWN) FOUND
- 1/2" IRON ROD W/ PLASTIC CAP STAMPED "BCG" SET
- △ CALCULATED POINT
- ⊙ BENCHMARK
- () RECORD INFORMATION
- D.R.H.C.T.X. DEED RECORDS OF HAYS COUNTY, TEXAS
- P.R.H.C.T.X. PLAT RECORDS OF HAYS COUNTY, TEXAS
- R.P.R.H.C.T.X. REAL PROPERTY RECORDS OF HAYS COUNTY, TEXAS
- O.P.R.H.C.T.X. OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS
- MATCH LINE
- P.U.E. PUBLIC UTILITY EASEMENT
- PROPOSED SIDEWALK LOCATION
- PLAT BOUNDARY LINE
- D.E. DRAINAGE EASEMENT

NOTE: SEE SHEET 4 OF 4 FOR LINE AND CURVE TABLES.



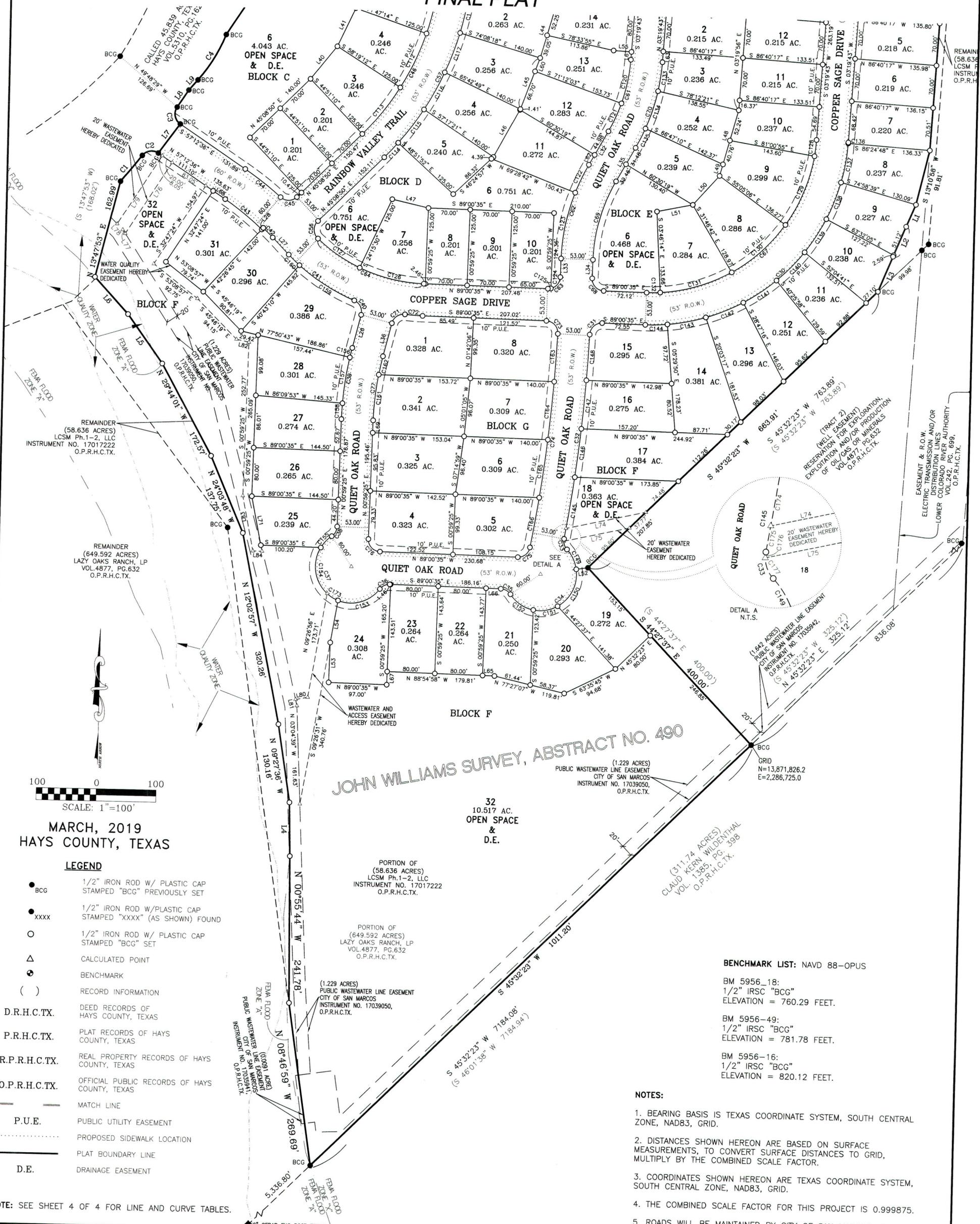
FILE: P:\005956 - Lazy Oaks Ranch\005956-01-002 (SUR) - Freeman Tract\Survey\Working\Final Plat\005956-La Cima Phase 1, Section 2 Final Plat.dwg			
DATE: 04-13-18	DRAWN BY: EN	CREW: CAF, MK	
SCALE: 1"=100'	CHECKED BY: J.D.B.	FB #:	
JOB #: 005956	DRAWING #: PLAT	PLAN #: 1207	
NO.	REVISION	BY	DATE



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TBPE Firm No. F-14309 | TBPLS Firm No. 101206-00

FINAL PLAT
LA CIMA
PHASE 1, SECTION 2
JOHN WILLIAMS SURVEY, ABSTRACT 490
HAYS COUNTY, TEXAS

LA CIMA PHASE I, SECTION 2 FINAL PLAT



100 0 100
SCALE: 1"=100'

MARCH, 2019
HAYS COUNTY, TEXAS

LEGEND

- BCG 1/2" IRON ROD W/ PLASTIC CAP STAMPED "BCG" PREVIOUSLY SET
- xxxx 1/2" IRON ROD W/ PLASTIC CAP STAMPED "xxxx" (AS SHOWN) FOUND
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- D.R.H.C.TX. DEED RECORDS OF HAYS COUNTY, TEXAS
- P.R.H.C.TX. PLAT RECORDS OF HAYS COUNTY, TEXAS
- R.P.R.H.C.TX. REAL PROPERTY RECORDS OF HAYS COUNTY, TEXAS
- O.P.R.H.C.TX. OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS
- MATCH LINE
- P.U.E. PUBLIC UTILITY EASEMENT
- PROPOSED SIDEWALK LOCATION
- PLAT BOUNDARY LINE
- D.E. DRAINAGE EASEMENT

NOTE: SEE SHEET 4 OF 4 FOR LINE AND CURVE TABLES.

JOHN WILLIAMS SURVEY, ABSTRACT NO. 490

PORTION OF (58.636 ACRES)
LCSM Ph.1-2, LLC
INSTRUMENT NO. 17017222
O.P.R.H.C.TX.

PORTION OF (649.592 ACRES)
LAZY OAKS RANCH, LP
VOL. 4877, PG. 632
O.P.R.H.C.TX.

(1.229 ACRES)
PUBLIC WASTEWATER LINE EASEMENT
CITY OF SAN MARCOS
INSTRUMENT NO. 17039050,
O.P.R.H.C.TX.

(311.74 ACRES)
CLAUD KERN WILDENTHAL
VOL. 1385, PG. 398
O.P.R.H.C.TX.

- BENCHMARK LIST: NAVD 88-OPUS**
- BM 5956-18:
1/2" IRSC "BCG"
ELEVATION = 760.29 FEET.
 - BM 5956-49:
1/2" IRSC "BCG"
ELEVATION = 781.78 FEET.
 - BM 5956-16:
1/2" IRSC "BCG"
ELEVATION = 820.12 FEET.

- NOTES:**
1. BEARING BASIS IS TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83, GRID.
 2. DISTANCES SHOWN HEREON ARE BASED ON SURFACE MEASUREMENTS, TO CONVERT SURFACE DISTANCES TO GRID, MULTIPLY BY THE COMBINED SCALE FACTOR.
 3. COORDINATES SHOWN HEREON ARE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83, GRID.
 4. THE COMBINED SCALE FACTOR FOR THIS PROJECT IS 0.999875.
 5. ROADS WILL BE MAINTAINED BY CITY OF SAN MARCOS AFTER FINAL APPROVAL AND ACCEPTANCE.

FILE: P:\005956 - Lazy Oaks Ranch\005956-01-002 (SUR) - Freeman Tract\Survey\Working\Final Plat\005956_La Cima Phase 1, Section 2 Final Plat.dwg		
DATE: 04-13-18	DRAWN BY: EN	CREW: CAF, MK
SCALE: 1"=100'	CHECKED BY: J.D.B.	FB #:
JOB #: 005956	DRAWING #: PLAT	PLAN #: 1207
NO.	REVISION	BY DATE



Bowman Consulting Group, Ltd.
1120 S. Capital of Texas Hwy, Building 3, Suite 220, Austin, TX 78746
Phone: (512) 327-1180 Fax: (512) 327-4062
www.bowmanconsulting.com Bowman Consulting Group, Ltd.
TBPE Firm No. F-14309 | TBPLS Firm No. 101206-00

FINAL PLAT
LA CIMA
PHASE 1, SECTION 2
JOHN WILLIAMS SURVEY, ABSTRACT 490
HAYS COUNTY, TEXAS

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	S 22°56'08" W	39.67'
L2	S 22°14'34" W	53.71'
L3	S 22°05'52" W	63.16'
L4	N 01°43'52" W	88.35'
L5	N 36°16'25" W	99.57'
L6	N 43°14'53" W	82.50'
L7	N 36°21'31" E	60.12'
L8	N 33°20'06" E	34.25'
L9	N 41°29'53" E	22.85'
L10	N 23°16'50" E	106.62'
L11	N 23°16'50" E	60.00'
L12	N 77°50'53" E	60.00'
L13	N 75°19'44" E	73.56'
L14	N 07°48'31" E	72.25'
L15	N 82°11'29" W	50.00'
L16	S 89°12'52" W	61.33'
L17	N 89°12'52" E	14.43'
L18	S 82°11'29" E	50.00'
L19	N 07°48'31" E	29.46'
L20	S 79°44'03" W	29.62'
L21	N 89°41'26" W	24.61'
L22	S 89°41'26" E	21.95'
L23	N 79°44'03" E	29.94'
L24	N 03°19'43" E	89.71'
L25	S 86°40'17" E	3.50'
L26	S 13°54'37" W	56.33'
L27	S 44°51'10" E	38.88'
L28	N 42°26'45" E	3.50'
L29	N 75°19'44" E	73.56'
L30	S 03°19'43" W	23.94'
L31	S 87°04'19" W	19.26'
L32	N 29°29'41" E	63.94'
L33	N 00°59'25" E	30.73'
L34	S 00°59'25" W	30.73'
L35	S 29°29'41" W	63.94'
L36	N 13°54'37" E	56.33'
L37	N 46°44'42" E	48.52'
L38	S 66°43'10" E	63.44'
L39	S 66°43'10" E	74.51'
L40	N 38°24'49" E	70.00'
L41	N 24°56'47" E	70.00'
L42	N 11°28'45" E	70.00'

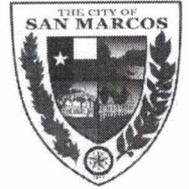
LINE TABLE		
LINE #	BEARING	DISTANCE
L43	N 02°06'57" E	96.39'
L44	N 15°51'01" E	91.30'
L45	S 20°04'26" W	90.57'
L46	N 28°29'55" E	90.57'
L47	N 77°49'53" W	62.30'
L48	N 15°09'41" E	93.00'
L49	N 15°09'41" E	19.60'
L50	N 41°52'56" E	65.30'
L51	N 78°17'53" E	61.00'
L52	S 81°04'33" W	19.61'
L53	S 00°59'25" W	65.67'
L54	S 09°26'09" W	70.27'
L55	S 86°40'17" E	30.00'
L56	S 07°48'31" W	20.39'
L57	N 07°48'31" E	24.56'
L58	S 14°40'16" E	20.98'
L59	S 86°40'17" E	14.94'
L60	N 20°04'26" E	23.87'
L61	S 03°19'43" W	12.97'
L62	S 29°29'41" W	18.96'
L63	N 03°19'43" E	17.91'
L64	N 03°19'43" E	19.71'
L65	S 89°00'35" E	19.81'
L66	S 89°00'35" E	24.71'
L67	N 00°59'25" E	21.69'
L68	S 57°12'36" E	24.53'
L69	N 00°59'25" E	20.30'
L70	S 03°11'10" W	53.07'
L71	S 11°59'11" E	82.10'
L72	S 74°48'52" E	74.39'
L73	S 74°48'52" E	54.29'
L74	N 77°30'42" E	136.32'
L75	N 77°30'42" E	111.97'
L76	N 32°32'24" E	140.36'
L77	N 33°54'26" W	7.53'
L78	N 45°05'40" W	13.41'
L79	N 32°32'24" E	134.57'
L80	N 78°23'21" E	20.53'
L81	N 13°35'15" W	10.58'
L82	S 77°50'43" E	21.40'
L83	S 11°46'24" E	92.36'
L84	S 89°06'45" E	15.37'

CURVE TABLE				
CURVE #	RADIUS	ARC DISTANCE	CHORD BEARING	CHORD DISTANCE
C1	1015.00'	55.59'	N 39°06'44" E	55.58'
C2	20.00'	29.76'	N 80°10'00" E	27.09'
C3	20.00'	31.61'	N 11°56'15" W	28.42'
C4	250.00'	89.33'	N 31°15'40" E	88.86'
C5	1535.00'	269.37'	N 28°18'28" E	269.02'
C6	20.00'	31.42'	N 68°16'50" E	28.28'
C7	20.00'	31.42'	N 21°43'10" W	28.28'
C8	715.00'	632.32'	N 48°36'56" E	611.91'
C9	20.00'	32.85'	S 59°00'02" E	29.28'
C10	20.00'	32.32'	N 34°20'37" E	28.92'
C11	250.00'	41.88'	S 61°55'12" E	41.83'
C12	473.50'	313.64'	S 85°41'43" E	307.93'
C13	20.00'	31.41'	N 30°20'02" E	28.28'
C14	480.00'	188.24'	S 03°25'34" E	187.04'
C15	20.09'	31.38'	N 37°11'29" W	28.28'
C16	473.50'	71.02'	N 86°29'18" W	70.96'
C17	50.00'	14.36'	S 80°59'16" W	14.31'
C18	60.00'	286.74'	S 29°40'06" W	81.98'
C19	20.00'	27.00'	S 52°06'18" E	25.00'
C20	526.50'	78.98'	N 86°29'18" W	78.90'
C21	20.00'	31.42'	N 52°48'31" E	28.28'
C22	270.00'	93.12'	N 02°04'18" W	92.66'
C23	332.34'	113.81'	N 02°04'18" W	113.25'
C24	420.00'	164.79'	S 03°25'52" E	163.73'
C25	20.00'	29.88'	S 57°28'06" E	27.18'
C26	426.50'	78.72'	S 85°01'19" W	78.61'
C27	373.50'	68.94'	S 85°01'19" W	68.84'
C28	20.00'	29.09'	S 38°04'19" W	26.59'
C29	380.00'	45.89'	N 00°07'51" W	45.86'
C30	326.50'	499.54'	N 47°09'34" E	452.22'
C31	20.00'	31.05'	S 46°30'49" W	28.02'
C32	2528.87'	339.09'	N 05°52'54" E	338.84'
C33	20.00'	18.75'	S 17°08'11" E	18.07'
C34	60.00'	198.39'	N 50°43'35" E	119.59'
C35	20.00'	19.01'	N 61°46'44" W	18.30'
C36	20.00'	19.01'	S 63°45'35" W	18.30'
C37	60.00'	208.31'	S 44°00'35" E	118.37'
C38	20.00'	19.01'	N 28°13'16" E	18.30'
C39	526.50'	118.72'	S 07°27'01" W	118.47'
C40	20.00'	28.72'	N 27°14'01" W	26.32'
C41	326.50'	134.05'	S 56°36'55" E	133.11'
C42	473.50'	22.32'	N 46°12'12" W	22.32'
C43	470.00'	79.21'	N 52°22'55" W	79.12'
C44	530.00'	75.24'	N 53°08'35" W	75.18'
C45	20.00'	29.94'	N 88°02'08" E	27.22'
C46	423.50'	309.65'	N 24°12'03" E	302.80'
C47	20.00'	18.98'	N 23°56'21" W	18.28'
C48	60.00'	201.77'	S 45°12'14" W	119.27'
C49	20.00'	18.93'	S 65°34'48" E	18.23'
C50	1026.50'	108.01'	N 89°41'09" W	107.96'
C51	20.00'	31.42'	N 48°19'43" E	28.28'
C52	320.00'	100.53'	N 05°40'16" W	100.12'
C53	20.00'	31.42'	N 59°40'16" W	28.28'
C54	526.50'	348.74'	S 85°41'43" E	342.40'
C55	250.00'	41.88'	N 71°31'08" W	41.83'
C56	20.00'	32.49'	S 01°23'37" E	29.03'
C57	476.50'	347.78'	N 24°14'16" E	340.12'
C58	20.00'	29.23'	S 45°12'01" W	26.70'
C59	973.50'	106.31'	N 89°47'59" W	106.25'
C60	20.00'	31.42'	N 41°40'17" W	28.28'
C61	273.50'	124.90'	N 16°24'42" E	123.82'
C62	326.50'	162.43'	S 15°14'33" W	160.76'
C63	20.00'	31.42'	N 45°59'25" E	28.28'
C64	273.50'	196.08'	S 68°28'18" E	191.90'
C65	20.00'	31.42'	S 48°19'43" W	28.28'
C66	20.00'	31.42'	N 41°40'17" W	28.28'
C67	273.50'	418.45'	N 47°09'34" E	378.82'
C68	20.00'	31.42'	S 44°00'35" E	28.28'
C69	273.50'	136.06'	S 15°14'33" W	134.67'
C70	326.50'	149.11'	N 16°24'42" E	147.82'
C71	20.00'	28.72'	S 55°03'15" W	26.32'
C72	326.50'	29.68'	S 86°24'21" E	29.67'
C73	20.00'	31.79'	N 43°28'00" W	28.55'
C74	2471.06'	354.95'	N 06°11'14" E	354.65'
C75	20.00'	28.17'	N 50°38'40" E	25.90'
C76	20.00'	31.42'	S 44°00'35" E	28.28'
C77	473.50'	106.77'	S 07°27'01" W	106.55'
C78	332.34'	5.35'	N 11°25'13" W	5.35'
C79	332.34'	65.85'	N 05°16'59" W	65.74'
C80	332.34'	42.61'	N 04°03'57" E	42.58'
C81	270.00'	22.65'	N 09°32'54" W	22.65'
C82	270.00'	70.47'	N 00°19'55" E	70.27'
C83	526.50'	28.88'	N 89°12'52" W	28.87'
C84	526.50'	50.10'	N 84°55'02" W	50.08'
C85	60.00'	219.73'	S 61°39'37" W	115.96'
C86	60.00'	39.68'	S 62°11'57" E	38.96'
C87	60.00'	27.33'	N 85°48'32" E	27.09'
C88	473.50'	52.41'	N 87°36'54" W	52.38'
C89	473.50'	18.62'	N 83°19'04" W	18.62'

CURVE TABLE				
CURVE #	RADIUS	ARC DISTANCE	CHORD BEARING	CHORD DISTANCE
C90	480.00'	29.61'	S 06°02'30" W	29.60'
C91	480.00'	52.91'	S 01°07'01" W	52.88'
C92	480.00'	105.73'	S 08°21'04" E	105.51'
C93	473.50'	83.40'	N 80°22'30" E	83.29'
C94	473.50'	94.86'	S 88°50'22" E	94.70'
C95	473.50'	94.86'	S 77°21'39" E	94.70'
C96	473.50'	40.51'	S 69°10'14" E	40.50'
C97	526.50'	21.03'	S 67°51'49" E	21.03'
C98	526.50'	66.92'	S 72°38'56" E	66.87'
C99	526.50'	66.92'	S 79°55'53" E	66.87'
C100	526.50'	66.92'	S 87°12'49" E	66.87'
C101	526.50'	67.54'	N 85°28'12" E	67.50'
C102	526.50'	59.42'	N 78°33'43" E	59.39'
C103	320.00'	77.45'	N 07°44'15" W	77.26'
C104	320.00'	23.08'	N 01°15'44" E	23.08'
C105	1026.50'	55.01'	N 88°12'24" W	55.01'
C106	1026.50'	53.00'	S 88°46'44" W	53.00'
C107	60.00'	0.87'	N 38°52'28" W	0.87'
C108	60.00'	78.26'	N 76°39'26" W	72.83'
C109	60.00'	122.63'	S 07°25'16" W	102.38'
C110	423.50'	11.02'	N 04°00'00" E	11.02'
C111	423.50'	99.54'	N 11°28'45" E	99.31'
C112	423.50'	99.54'	N 24°56'47" E	99.31'
C113	423.50'	99.54'	N 38°24'49" E	99.31'
C114	476.50'	33.36'	N 43°08'29" E	33.36'
C115	476.50'	70.06'	N 36°55'23" E	70.00'
C116	476.50'	70.06'	N 28°29'55" E	70.00'
C117	476.50'	70.06'	N 20°04'26" E	70.00'
C118	476.50'	70.06'	N 11°38'58" E	70.00'
C119	476.50'	34.17'	N 05°22'58" E	34.16'
C120	273.50'	73.85'	N 11°03'50" E	73.62'
C121	273.50'	51.05'	N 24°08'49" E	50.98'
C122	326.50'	51.13'	S 25°00'30" W	51.08'
C123	326.50'	111.30'	S 10°45'22" W	110.76'
C124	20.00'	26.36'	N 38°45'06" E	24.49'
C125	20.00'	5.05'	N 83°45'06" E	5.04'
C126	273.50'	111.07'	S 77°22'32" E	110.31'
C127	273.50'	85.01'	S 56°50'16" E	84.66'
C128	273.50'	27.00'	N 06°09'24" E	26.99'
C129	273.50'	123.78'	N 21°57'00" E	122.72'
C130	273.50'	119.63'	N 47°26'44" E	118.68'
C131	273.50'	125.32'	N 73°06'10" E	124.23'
C132	273.50'	22.73'	N 88°36'36" E	22.72'
C133	326.50'	48.24'	N 07°33'41" E	48.20'
C134	326.50'	65.08'	N 17°30'14" E	64.97'
C135	326.50'	35.79'	N 26°21'15" E	35.77'
C136	326.50'	1.47'	N 03°27'28" E	1.47'
C137	326.50'	65.17'	N 09°18'17" E	65.06'
C138	326.50'	65.21'	N 20°44'38" E	65.10'
C139	326.50'	65.29'	N 32°11'37" E	65.18'
C140	326.50'	66.36'	N 43°44'40" E	66.25'
C141	326.50'	66.36'	N 55°23'23" E	66.25'
C142	326.50'	67.30'	N 67°07'03" E	67.18'
C143	326.50'	65.42'	N 78°45'46" E	65.31'
C144	326.50'	36.97'	N 87°44'48" E	36.95'
C145	2528.87'	103.14'	N 08°33'16" E	103.14'
C146	2528.87'	80.37'	N 06°28'32" E	80.37'
C147	2528.87'	80.17'	N 04°39'25" E	80.16'
C148				

ANNEXATION APPLICATION

Updated: October, 2019



CONTACT INFORMATION

Applicant's Name	Doug Goss	Property Owner	LCSM Ph 1-2, LLC
Company	Natural Development	Company	LCSM Ph 1-2 LLC
Applicant's Mailing Address	11612 FM 2244,	Owner's Mailing Address	303 Colorado, Ste
Applicant's Phone #	512-402-1790	Owner's Phone #	512-457-8000
Applicant's Email	dougg@nd-austin.com	Owner's Email	ericw@nd-austin.com

PROPERTY INFORMATION

Is the property adjacent to city limits YES NO

Is the property less than 1/2 mile in width YES NO

Are there less than 3 qualified voters living on the property YES NO

Proposed Use: single family Proposed Zoning: SF 4.5

Reason for Annexation / Other Considerations: Development agreement allows City annexation upon final platting

AUTHORIZATION

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

Filing Fee \$1,181 Technology Fee \$13 TOTAL COST \$1,194

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

APPLY ONLINE – WWW.MYGOVERNMENTONLINE.ORG/

PROPERTY OWNER AUTHORIZATION

I, Bryan Lee, Manager (owner name) on behalf of
LCSM Ph 1-2, LLC (company, if applicable) acknowledge that I/we
am/are the rightful owner of the property located at
W. CenterPoint Road at Copper Sage (address).

I hereby authorize Doug Goss (agent name) on behalf of
Natural Development (agent company) to file this application for
Annexation (application type), and, if necessary, to work with
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner:  Date: 12-5-19

Printed Name, Title: Bryan Lee, Manager

Signature of Agent:  Date: 11/5/2019

Printed Name, Title: Doug Goss, Project Manager



CHECKLIST FOR ANNEXATION APPLICATION

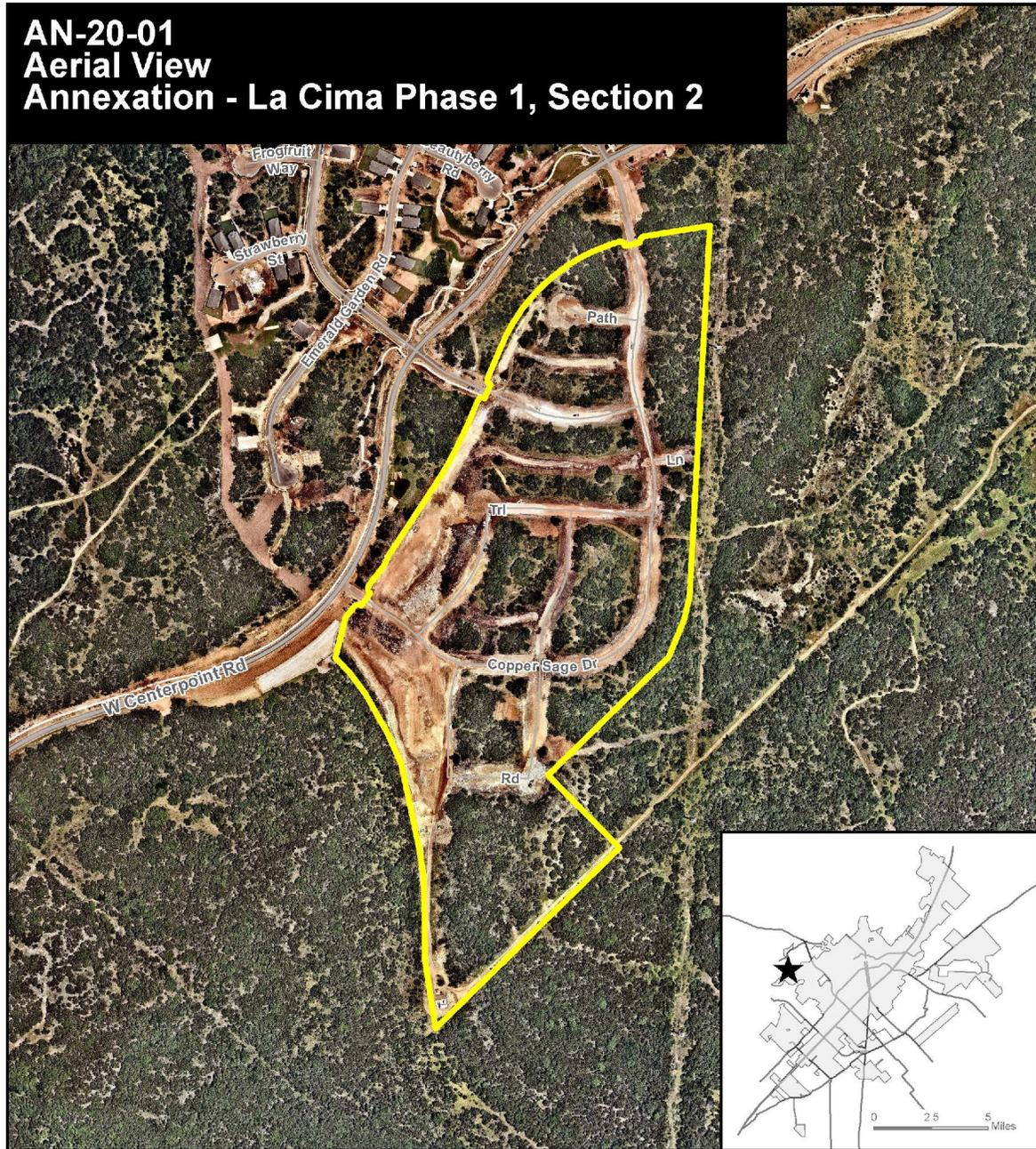
The following items are requested for consideration of this application. These and additional items may be required at the request of the Department	Comments
<input type="checkbox"/> Pre-development meeting with staff is recommended <ul style="list-style-type: none"> • Please visit http://sanmarcostx.gov/1123/Pre-Development-Meetings to schedule 	
<input type="checkbox"/> Completed Application for Annexation	
<input type="checkbox"/> Metes & Bounds description of the area to be annexed	
<input type="checkbox"/> CAD file in grid for GIS integration. Projection: NAD 1983 StatePlane Texas South Central FIPS 4204 Feet	
<input type="checkbox"/> Authorization to represent the property owner, if the applicant is not the owner	
<input type="checkbox"/> Written request to waive the timing requirements for processing annexation under Chapter 43 of the Texas Local Government Code, if the applicant wishes for concurrent consideration of a Zoning Change	
<input type="checkbox"/> Application Filing Fee \$1,181 <input type="checkbox"/> Technology Fee \$13	
**San Marcos Development Code Section 2.3.1.1(C): "Every application accepted by the responsible official for filing shall be subject to a determination of completeness...the responsible official is not required to review an application unless it is complete..."	

AN-20-01 (La Cima, Phase 1, Section 2 – Annexation)

Receive a Staff Presentation and consider approval of a written service agreement by Natural Development Austin, LLC, on behalf of LCSM Ph. 1-2, LLC, for approximately 56.923 acres, more or less, out of the John Williams Survey, Abstract 490, Hays County, generally located west of the intersection of Old Ranch Road 12 and Wonder World Drive, and set a public hearing date.

Context:

- West of Old Ranch Road 12 and Wonder World Drive
- 56.923 acres
- Regulated by La Cima Development Agreement (Res. 2018-75R)
- Applicant proposes to develop property for single-family development (SF-4.5)
- Service Plan (Attachment)



<ul style="list-style-type: none"> ★ Site Location ▭ Subject Property ▭ Parcel ▭ City Limit 	<p>0 300 600 1,200 Feet</p> <p>N</p> <p>This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Imagery from 2017.</p> <p>Map Date: 12/31/2019</p>
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Annexation & Zoning Schedules:

*This schedule reflects the new annexation schedule per Texas House Bill 347

Annexation Schedule

- **City Council Resolution (Approval of Service Agreement and set a public hearing date):** January 21, 2020 (*Today*)
 - **City Council Ordinance 1st Reading (Public Hearing):** February 18, 2020
 - **City Council Ordinance 2nd Reading:** March 3, 2020
-

Zoning Schedule

- **Planning and Zoning Commission (Public Hearing):** January 28, 2020
- **City Council Ordinance 1st Reading (Public Hearing):** February 18, 2020
- **City Council Ordinance 2nd Reading:** March 3, 2020



Legislation Text

File #: Res. 2020-16R, **Version:** 1

AGENDA CAPTION:

Consider approval of Resolution 2020-16R, approving the appointment of the Law Firm of Davidson Troilo Ream & Garza, PC as special counsel to advise the Ethics Review Commission as it considers Ethics Complaint No. 2019-2; and declaring an effective date.

Meeting date: January 21, 2020

Department: City Attorney

Amount & Source of Funding

Funds Required: Not to exceed \$5,000

Account Number: 10001108-52270

Funds Available: \$64,000

Account Name: Special Counsel

Fiscal Note:

Prior Council Action: None

City Council Strategic Initiative: [Please select from the dropdown menu below]

N/A

Choose an item.

Choose an item.

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

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

Master Plan: *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

Background Information:

Section 2.445 of the San Marcos City Code requires the city council to approve appointment of an independent outside attorney to serve as special counsel to the Ethics Review Commission (ERC) when a complaint is filed alleging that a member of the city council or a council appointee has violated the San Marcos Code of Ethics or a state conflict of interest law.

Complaint No. 2019-2, filed on December 12, 2019, requires the appointment of special counsel to represent the ERC.

Staff recommends the appointment of the firm of Davidson Troilo Ream & Garza, PC to represent the ERC with regard to the pending complaint. As stated in the attached resolution and in the fee proposal, the total to be paid to the firm for fees and expenses shall not exceed \$5,000 without city council approval.

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Click or tap here to enter text.

Recommendation:

Staff recommends approval.

RESOLUTION NO. 2020- R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS APPROVING THE APPOINTMENT OF THE LAW FIRM OF DAVIDSON TROILO REAM & GARZA, P.C. AS SPECIAL COUNSEL TO ADVISE THE ETHICS REVIEW COMMISSION AS IT CONSIDERS ETHICS COMPLAINT NO. 2019-2; AND DECLARING AN EFFECTIVE DATE.

RECITALS:

1. Section 2.445 of the San Marcos City Code requires the city council to approve the appointment an independent outside attorney to serve as special counsel to the Ethics Review Commission when a complaint is filed alleging that a member of the city council or a council appointee violated the San Marcos Code of Ethics or a state conflict of interest law.

2. A complaint was filed that requires the appointment of special counsel to represent the Ethics Review Commission. The complaint is referred to herein as Complaint No. 2019-2.

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

PART 1. Mr. Frank Garza, with the firm of Davidson Troilo Ream & Garza, P.C. is hereby approved as special counsel to the Ethics Review Commission regarding Complaint No. 2019-2. The total amount of the firm's fees and expenses for this service shall not exceed \$5,000 without city council approval.

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

ADOPTED on January 21, 2020.

Jane Hughson
Mayor

Attest:

Tammy K. Cook
Interim City Clerk



DAVIDSON
TROILO
REAM &
GARZA PC
ATTORNEYS AT LAW

JOHN W. DAVIDSON ARTHUR TROILO CHEREE TULL KINZIE R. GAINES GRIFFIN RICHARD E. HETTINGER
PATRICK W. LINDNER RICHARD D. O'NEIL LEA A. REAM FRANK J. GARZA JAMES C. WOO DAVID R. RANGEL
R. JO RESER PAUL M. GONZÁLEZ STEVEN M. PEÑA SCOTT J. SMYTH JESSIE LOPEZ RICHARD E. LINDNER
BRYAN M. KORRI AUSTIN R. BECK JUSTIN J. NAIL MOLLY SOLIS ITZEL MARTINEZ NIKKI CHARGOIS-ALLEN
OF COUNSEL TERRY TOPHAM BETSY J. JOHNSON

Frank J. Garza
fgarza@dtrglaw.com

January 8, 2020

Mr. Michael J. Cosentino
City Attorney
City of San Marcos
630 East Hopkins
San Marcos, Texas 78666

Email to: MCosentino@sanmarcostx.gov

**RE: Proposal for Legal Services
City of San Marcos**

Dear Michael:

I am pleased to have this opportunity to submit this proposal on behalf of Davidson Troilo Ream & Garza, a Professional Corporation, to provide legal services to the City of San Marcos regarding Ethics Complaint No. 2019-2 filed on December 12, 2019. Davidson Troilo Ream & Garza has focused primarily on the public sector and our firm has a long history of successful collaborative effort in the representation of municipalities. As such, we are well qualified to provide legal services to the City of San Marcos.

Davidson Troilo Ream & Garza is prepared with extensive experience in handling legal issues associated with an ethics complaint and the preparation of an advisory opinion, if necessary. Our firm clearly understands the needs of cities to have effective legal assistance while also keeping those costs down. Our firm has assisted the following cities with ethics matters, including opinions for the following cities: Balcones Heights, Bulverde, Helotes, Karnes City, Kyle, Live Oak, Olmos Park, Poteet, San Antonio and San Marcos.

I propose to have the City's team led by Lea Ream and myself. Our fees for professional services are charged at hourly rates ranging from \$210.00 to \$350.00. Services that I and Lea Ream will perform will be at the reduced rate of \$210.00 per hour and our associate Molly Solis at \$175.00 per hour. The services for our paralegal personnel, who assist our attorneys by performing many technical services under their supervision, are charged at \$90.00 an hour. **The firm's fees shall not exceed \$5,000.00 without City approval.**

If selected, our firm will bill the City monthly for services rendered and for any support expenses (copying, special mailing, out of town travel, etc.) incurred in its behalf. Our statements are payable within thirty (30) days upon receipt. Since I am familiar with

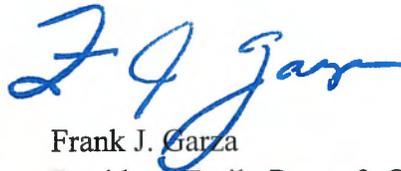
Mr. Michael J. Cosentino
City Attorney
January 8, 2020
Page 2

the requirements of most cities, our statements will include a description and a breakdown of each of my entries for each day, the amount of time expended and the dollar figure charged for each entry. There is no expectation for any billable hours per attorney and only anticipate payment for actual services provided.

To the best of our knowledge, our firm does not represent any person, company or entity that would create a conflict of interest with the City of San Marcos. It is our firm's policy not to represent any client against any of our governmental entity clients. If we represent any entity that seeks services from the City of San Marcos, our firm will represent the City and not the private entity.

If you have any questions regarding this submission, please contact me at (210) 349-6484. Thank you for your consideration and I look forward to hearing from you.

Sincerely,



Frank J. Garza
Davidson Troilo Ream & Garza
A Professional Corporation

FJG/am



Legislation Text

File #: Res. 2020-17R, **Version:** 1

AGENDA CAPTION:

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

Meeting date: January 21, 2020

Department: Legal Department/CMO

Amount & Source of Funding

Funds Required: [Click or tap here to enter text.](#)

Account Number: [Click or tap here to enter text.](#)

Funds Available: [Click or tap here to enter text.](#)

Account Name: [Click or tap here to enter text.](#)

Fiscal Note:

Prior Council Action: [Click or tap here to enter text.](#)

City Council Strategic Initiative: [Please select from the dropdown menu below]

[Choose an item.](#)

[Choose an item.](#)

[Choose an item.](#)

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

- Economic Development - [Choose an item.](#)
- Environment & Resource Protection - [Choose an item.](#)
- Land Use - [Choose an item.](#)
- Neighborhoods & Housing - [Choose an item.](#)
- Parks, Public Spaces & Facilities - [Choose an item.](#)
- Transportation - [Choose an item.](#)
- Core Services
- Not Applicable

Master Plan: *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

Background Information:

Representatives of the City of San Marcos and the City of Martindale have been engaged in negotiations regarding the extraterritorial jurisdiction (ETJ) boundaries of the two cities. The agreement specifies areas to be released by each city from its previously claimed ETJ and provides for payments to be made by the City of San Marcos to the City of Martindale over the next 30 years from tax revenues derived from 161 acres of land within the S.M.A.R.T. terminal project that Martindale is releasing from its ETJ under this agreement to allow annexation by San Marcos.

It is anticipated that the agreement will be approved by Martindale on January 21, 2020. A final copy of the agreement was not available at the time of posting the San Marcos City Council agenda for its regular meeting on that same date.

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Click or tap here to enter text.

Recommendation:

Click or tap here to enter text.

RESOLUTION NO. 2020-17R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS APPROVING AN AGREEMENT BETWEEN THE CITY AND THE CITY OF MARTINDALE RELATING TO THE EXTRA-TERRITORIAL BOUNDARIES OF THE CITIES; AUTHORIZING THE MAYOR OR CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY; AND DECLARING AN EFFECTIVE DATE.

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

PART 1. The attached Agreement between the City and the City of Martindale relating to the extra-territorial boundaries of the cities is hereby approved.

PART 2. The Mayor or the City Manager is authorized to execute the Agreement on behalf of the city in substantially the form attached.

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

ADOPTED on January 21, 2020.

Jane Hughson
Mayor

Attest:

Tammy K. Cook
Interim City Clerk

AGREEMENT BETWEEN SAN MARCOS AND MARTINDALE

This Agreement between San Marcos and Martindale (“the Agreement” and/or “this Agreement”) is entered into by and The City of Martindale, Texas, a Class “A” General Law Municipality, under the Laws of the State of Texas (“Martindale”) and The City of San Marcos, Texas, a Home Rule Municipality, under the Laws of the State of Texas (“San Marcos”) (collectively “the parties”), who state, represent, and agree as follows.

I. Background

1. What follows is background of factual matters relevant to this Agreement beginning with the Incorporation of Martindale in 1980 and ending with Martindale taking action to bring certain properties into its ETJ in 2007.

A. Incorporation and 1980 ETJ.

2. On or about August 14, 1982, Martindale incorporated. The municipal boundaries of Martindale following the incorporation are shown in “dark grey” on the document attached hereto as “Exhibit A,” with Martindale’s extraterritorial jurisdiction (“ETJ”) extending one-half mile beyond Martindale’s municipal boundaries (“the Incorporation”).

3. At the time of the Incorporation, San Marcos’s ETJ extended one (1) mile beyond its municipal boundaries. The line delineating San Marcos’s ETJ at this time is shown in “light blue” and is labeled “ETJ 1980 (1mile)” on the document attached hereto as “Exhibit A” (“the 1980 ETJ”).

4. Martindale and San Marcos do not dispute the validity of the Incorporation and the 1980 ETJ and agree that no ETJ dispute(s) existed between Martindale and San Marcos at the time of the Incorporation.

B. The 1983 Resolution & the Ohnheiser Dispute.

5. On or about March 1, 1983, Martindale passed a resolution purporting to expand its ETJ to include the “Ohnheiser Property” as shown in “light yellow” on the document attached hereto as “Exhibit A” (“the 1983 resolution¹”).

6. San Marcos disputes the validity of the 1983 resolution and asserts that no part of the Ohnheiser property has ever been in Martindale’s ETJ, save and except the area labeled as “NOT DISPUTED”.

7. In support of this dispute, San Marcos asserts that, in 1983, all owners of the Ohnheiser property did not request the Ohnheiser property be included in Martindale’s ETJ, and therefore, the 1983 resolution failed to meet the requirements of Texas law (at that time) and was void *ab initio*.

8. Martindale disputes San Marcos’ assertions and alleges the 1983 resolution met the requirements of Texas law (at that time), and if it did not, any deficiencies in the 1983 resolution are not subject to challenge as a result of “*validation acts*” passed by the Texas legislature up through 1995 (“the Ohnheiser dispute”).

C. 1984 ETJ.

9. In 1984, San Marcos’s ETJ was expanded to two (2) miles beyond its municipal boundaries². The line delineating San Marcos’s ETJ at this time is shown in “light green” and is labeled “ETJ 1984 (2 mile)” on the document attached hereto as “Exhibit A” (“the 1984 ETJ”).

10. Martindale does not dispute the validity of the 1984 ETJ.

¹ See Exhibit B

² *Local Government Code* § 42.021(a)(3)

D. 2007 ETJ Disputes.

11. In 2007, San Marcos passed Resolution 2007-132R (“R132³”) by and through which San Marcos purported to declare it had at least fifty-thousand (50,000) inhabitants, thereby purportedly establishing a three and a half (3.5) mile ETJ beyond its municipal boundaries⁴. The line delineating San Marcos’s alleged ETJ at this time is shown in “pink” and is labeled “ETJ 2007 (3.5 mile)” on the document attached hereto as “Exhibit A” (“the 2007 ETJ – San Marcos”).

12. Martindale disputes the validity of the 2007 ETJ. In support of this dispute, Martindale asserts R132, as passed, and for reasons previously communicated to San Marcos, is void. San Marcos disputes Martindale’s assertions and maintains that the 2007 ETJ met the requirements of Texas law (at that time) and is valid (“the 2007 ETJ Dispute – San Marcos”).

13. In 2007 and 2008, Martindale passed a series of ordinances: Ordinances 2007-717, 2007-718, 2007-221, 07-223, 2007-224, 2007-225, 2007-229, 2007-233, 2007-236, 2007-238, and 2008-359 (“the 2007 Ordinances⁵”), hereafter referred to as “the 2007 ETJ – Martindale.”

14. The 2007 Ordinances were adopted at the request of the owners of the properties referenced in the 2007 Ordinances by and through which the properties referenced therein purportedly became part of Martindale’s ETJ.

15. San Marcos disputes, in relevant part, the validity of the 2007 Ordinances and the 2007 ETJ – Martindale. In support of this dispute, San Marcos asserts the 2007 Ordinances attempted to incorporate into Martindale’s ETJ properties that were already in San Marcos’s ETJ.

³ See Exhibit C

⁴ *Local Government Code* § 42.021(a)(3)

⁵ See Exhibits D-N

16. Martindale disputes San Marcos's assertions and alleges the 2007 Ordinances met the requirements of Texas law (at that time) and are valid ("the 2007 ETJ Dispute – San Marcos").

E. Hillert Dispute.

17. Presently the Parties are engaged in active litigation regarding property known as the Hillert Tract, and more thoroughly described on the document attached hereto as "Exhibit O" ("the Hillert Tract").: *The Mayan at San Marcos, LLC & The City of Martindale v. The City of San Marcos*, Cause No. 18-0958-CV-A; in the District Court, 25th Judicial District, Guadalupe County, Texas ("the Litigation"). In so far as Martindale and San Marcos are concerned, the Litigation centers around a dispute as to whether (1) relevant portions of the Hillert Tract remain in Martindale's ETJ; and (2) San Marcos's annexation of the Hillert Tract ordinance is void *ab initio*? Presently, the Litigation is on appeal: Cause No. 04-19-00018-CV, IN the 4th Court of Appeals, San Antonio, Texas ("the Appeal").

II. Recitals

18. **WHEREAS**, in early 2019, San Marcos contacted Martindale to request a meeting regarding problems with areas of alleged overlapping ETJ between Martindale and San Marcos, namely the Ohnheiser dispute, the 2007 ETJ dispute, and the 2007 Resolution dispute; and

19. **WHEREAS**, following the Parties' initial meeting in early 2019, the Parties have engaged in lengthy negotiations regarding the Ohnheiser dispute, the 2007 ETJ dispute, and the 2007 Resolution dispute; and

20. **WHEREAS**, to avoid the costs, inconvenience, and burdens associated with contentious litigation, including appeals, the parties have agreed to compromise and settle all disputes between them by entering into this Agreement.

III. Agreements and Releases

21. In consideration of the covenants, agreements, and releases contained herein, including the recitals set forth above, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Parties, the Parties agree as follows:

A. Ohnheiser Dispute – Agreement.

22. San Marcos states, represents, and agrees that the 1983 resolution is valid, and that San Marcos has no legitimate basis to challenge the same. Furthermore, San Marcos and all its predecessors, successors, assigns, representatives, attorneys, employees, officers, and agents, elective and appointive council members, council boards, commissions, and commissioners jointly and severally release, acquit and forever discharge Martindale from any and all claims related to the Ohnheiser Dispute, and upon execution of this Agreement, San Marcos will be barred from bringing suit against Martindale that relates, in any manner, to the Ohnheiser Dispute.

23. In the event San Marcos does bring suit against Martindale that relates, in any manner, to the Ohnheiser Dispute, San Marcos shall indemnify and defend and hold Martindale and its elected and appointed officials, boards, commissions, officers, agents, attorneys, representative, and employees, harmless from any and all liability, loss, expense, damage, or claims which may arise directly or indirectly from or in connection with the Ohnheiser Dispute.

24. As a condition of the foregoing, and pursuant to *Local Government Code* § 42.023, Martindale, upon final execution of this Agreement by the Parties, will execute the Resolution attached hereto as “Exhibit P” (“the Martindale Resolution”) to effectuate the release of one-hundred and sixty one point five nine (161.59) acres that are part of the “Ohnheiser Property” and more clearly identified on the document attached hereto as “Exhibit Q” (“the Released property”).

25. The Parties agree that, following the execution of this Agreement and the Martindale Resolution, all portions of “Ohnheiser Property” as shown in “light yellow” on the document attached hereto as “Exhibit A,” save and except the Released property, will remain in Martindale’s ETJ.

26. Following execution of this Agreement and the Martindale Resolution, Martindale and San Marcos state, represent, agree, and acknowledge that the Released property will become part of San Marcos’s ETJ by operation of law (under *Local Government Code* § 42.021(a)(4)), and that no further action by San Marcos will be necessary to bring the Released property into San Marcos’s ETJ.

27. The foregoing, as well as the mutual releases set forth herein below, fully and finally settle the Ohnheiser Dispute.

B. The 2007 ETJ Dispute – Agreement.

28. Martindale states, represents, and agrees that R132 is valid, and that Martindale has no legitimate basis to challenge the same. Furthermore, Martindale and all its predecessors, successors, assigns, representatives, attorneys, employees, officers, and agents, elective and appointive council members, council boards, commissions, and commissioners jointly and severally release, acquit and forever discharge San Marcos from any and all claims related to R132, and upon execution of this Agreement, Martindale will be barred from bringing suit against San Marcos that relates, in any manner, to R132.

29. In the event Martindale does bring suit against San Marcos that relates, in any manner, to R132, Martindale shall indemnify and defend and hold San Marcos and its elected and appointed officials, boards, commissions, officers, agents, attorneys, representative, and employees,

harmless from any and all liability, loss, expense, damage, or claims which may arise directly or indirectly from or in connection with the R132.

30. **Caveat as to the Litigation, the Appeal, and the Hillert Tract:** Presently as part of the Appeal, Martindale has raised legal arguments challenging R132. The Parties state, represent, and agree that Martindale may challenge R132 for the following limited purposes, and that what is stated in paragraphs 28 and 29 herein is wholly inapplicable to the following: (1) the Appeal; (2) the Litigation; and (3) any and all subsequent legal proceedings regarding the Hillert Tract that involve (i) Martindale and The Mayan at San Marcos, LLC (or any successors in interest, in part or in whole to the Hillert Tract) on the one-hand; and San Marcos on the other.

31. San Marcos states, represents, and agrees that the 2007 Ordinances described in Exhibits D through N are valid, the properties described therein are located within Martindale's ETJ, and that San Marcos has no legitimate basis to challenge the same. Furthermore, San Marcos and all its predecessors, successors, assigns, representatives, attorneys, employees, officers, and agents, elective and appointive council members, council boards, commissions, and commissioners jointly and severally release, acquit and forever discharge Martindale from any and all claims related to the 2007 Ordinances, and upon execution of this Agreement, San Marcos will be barred from bringing suit against Martindale that relates, in any manner, to the 2007 Ordinances.

32. In the event San Marcos does bring suit against Martindale that relates, in any manner, to the 2007 Ordinances, San Marcos shall indemnify and defend and hold Martindale and its elected and appointed officials, boards, commissions, officers, agents, attorneys, representative, and employees, harmless from any and all liability, loss, expense, damage, or claims which may arise directly or indirectly from or in connection with the 2007 Ordinances.

33. The foregoing, as well as the mutual releases set forth herein below, fully and finally settle the 2007 ETJ Dispute.

C. Revised Maps.

34. Martindale and San Marcos state, represent, agree, and acknowledge the map attached hereto as Exhibit “R” accurately represents the ETJ boundary between Martindale and San Marcos as envisioned by this Agreement, following the execution of this Agreement.

D. Hillert Tract Agreement.

35. As stated above herein, the Parties are presently engaged in the Litigation and the Appeal. Depending on the decision that results from the Appeal, one or both Parties may seek appropriate relief from the Supreme Court of Texas, or the Litigation may resume. Insofar as the Litigation, the Appeal, or any legal action in a court of competent jurisdiction resulting from the Litigation and/or the Appeal persists, the Parties agree to the following:

- (a) Any and all releases contained herein (whether in favor of Martindale or San Marcos) are null, void, and of no force and effect, but only insofar as the Hillert Dispute is concerned. More clearly, Martindale and San Marcos reserve the right to assert any and all claims, and make any and all arguments (legal and factual) that are otherwise waived, released, and settled herein, but only insofar as such claims and arguments are made in relation to, and only in relation to the Litigation, the Appeal, or any legal action in a court of competent jurisdiction resulting from the Litigation and/or the Appeal.

TO THE EXTENT IT IS DETERMINED THERE IS A CONFLICT WITH SECTION III(D)(35)(a) ABOVE, AND ANY OTHER PROVISION OF THIS AGREEMENT, SECTION III(D)(35)(a) SHALL CONTROL. IT IS THE PARTIES EXPRESS INTENT THAT THE PARTIES HERETO ARE FREE TO MAKE ANY ALL CLAIMS AND ARGUMENTS IN THE LITIGATION AND THE APPEAL, AS IF THIS AGREEMENT DID NOT EXIST. THIS APPLIES TO CLAIMS THAT HAVE NOT YET BEEN MADE AS PART OF THE LITIGATION AND THE APPEAL, BUT THAT EITHER PARTY MAY HEREAFTER BRING.

- (b) If, following final adjudication of the Litigation, the Appeal, or any legal action in a court of competent jurisdiction resulting from the Litigation and/or the Appeal, San Marcos is successful, and it is determined (1) San Marcos’s annexation of the

Hillert Tract ordinance is valid; and (2) no portions of the Hillert Tract remain in Martindale's ETJ, the Parties state, represent, agree, and acknowledge the map attached hereto as Exhibit "R" accurately represents the ETJ boundary between Martindale and San Marcos.

- (c) If, following final adjudication of the Litigation, the Appeal, or any legal action in a court of competent jurisdiction resulting from the Litigation and/or the Appeal, Martindale is successful, and it is determined (1) San Marcos's annexation of the Hillert Tract ordinance is void *ab initio*; and (2) relevant portions of the Hillert Tract remain in Martindale's ETJ, the Parties state, represent, agree, and acknowledge a new map that accurately represents the ETJ boundary between Martindale and San Marcos will be produced by San Marcos, subject to the agreement of Martindale.

E. Payments from the 161-Acre Tract.

36. Beginning in 2021, and ending in 2051, San Marcos will pay Martindale thirty percent (30%) of the annual tax revenue San Marcos collects on the Released property, save and except tax rebates given for each year in question. For purposes of this Section 36, "tax revenue" shall include taxes, rollback taxes, and interest but shall not include collection fees or penalties. In furtherance of the foregoing, the Parties will do the following. The steps set forth below will be followed annually beginning in 2021, and ending in 2051

- (a) On or before February 28th, San Marcos will provide Martindale written notice of the amount San Marcos proposes it remit to Martindale, that amount being thirty percent (30%) of the tax revenue San Marcos collected on the Released property in the prior year, save and except tax rebates given in the prior year.
- (b) In support of this written notice, San Marcos, at the same time it provides written notice, will also provide Martindale all documentation supporting the amount San Marcos proposes it remit to Martindale.
- (c) Martindale will have until March 31st to object to the amount San Marcos proposes it remit to Martindale and/or request additional documentation supporting the amount San Marcos proposes it remit to Martindale. If Martindale wishes to object and/or request additional documentation, it must do so by giving San Marcos written notice on or before March 31st. Requested additional documentation shall not be unreasonably requested and shall not be unreasonably withheld.
- (d) If Martindale does not object and/or request additional documentation by written notice, and by the above stated deadline, San Marcos will remit the proposed

amount to Martindale no later than ten (days) following March 31st, that amount being in full satisfaction of the thirty percent (30%) of the tax revenue San Marcos collected on the Released property in the prior year owed to Martindale, save and except tax rebates given in the prior year.

- (e) If Martindale does object and/or request additional documentation by written notice, and by the above stated deadline, San Marcos will remit the proposed amount to Martindale no later than ten (days) following March 31st, that amount being in partial satisfaction of the thirty percent (30%) of the tax revenue San Marcos collected on the Released property in the prior year owed to Martindale, save and except tax rebates given in the prior year.
- (f) Following any partial payment, the Parties shall meet in an effort to resolve any dispute on or before April 30th. If this initial meeting is unsuccessful, the parties will then mediate with an agreed upon mediator in an effort to resolve any dispute on or before May 31st. If mediation is unsuccessful, then either party may file suit. A suit filed against Martindale shall be filed in Caldwell County, Texas. A suit filed against San Marcos shall be filed in Hays County, Texas.
- (g) Martindale's rights to receive payments under this Section 36 are not assignable to any organization or entity.
- (h) San Marcos' obligations to make payments under this Section 36 and Martindale's rights to receive such payments shall immediately terminate upon the occurrence of any of the following events:
 - i) Martindale files suit to challenge the validity of the Martindale Resolution (in the form attached as Exhibit P) or to challenge the validity of San Marcos' annexation of all or any portion of the Released Property (described in Exhibit Q);
 - ii) Martindale attempts to assign or pledge its right to receive one or more payments under this Section 36; or
 - iii) Martindale abolishes its corporate existence in accordance with the process provided in the Texas Local Government Code or other applicable law.

37. In the event the Parties have failed to reach resolution on the amount owed from the tax revenue San Marcos collected on the Released property in any given year (save and except tax rebates), on or before January 31 of the following year, such failure shall have no impact the Parties course of dealings in the following year.

F. Notice

I. Applicable Law, Venue, Causes of Action, and Attorney's Fees:

40. This Agreement, together with the exhibits hereto, and any Claim, controversy, dispute or Proceeding arising out of or related to this Agreement will be governed by and construed in accordance with the laws of the State of Texas. Any Proceeding brought with respect to, arising out of or relating to this Agreement must be brought in the District Courts of Caldwell County, Texas, if San Marcos files suit, and in Hays County, Texas if Martindale files suit, and, by execution and delivery of this Agreement, each party (i) accepts, generally and unconditionally, and irrevocably submits to, the exclusive jurisdiction of such courts and any related appellate courts and irrevocably agrees to be bound by any final and non-appealable judgment rendered thereby in connection with this Agreement and (ii) fully, irrevocably and unconditionally waives any objection or defense it may now or hereafter have as to the venue of any such Proceeding brought in such a court or that such court is an inconvenient forum. Each of the parties further agrees that service of any notice, process, summons or other document to such party's respective address listed herein will be deemed in every respect effective service of process in any such Proceeding. Nothing herein will affect the right of any party to serve process in any other manner permitted by applicable Law.

41. Martindale and San Marcos state, represent, agree, and acknowledge that, in the event either party violates any of the provisions set forth in this Agreement, the other will suffer immediate and irreparable harm, for which there is no adequate remedy at law, which cannot be accurately calculated in monetary damages. Consequently, the non-breaching party may seek immediate temporary injunctive relief to prevent such a violation, and any other legal or equitable relief to which it may be entitled. The Parties agree no party shall be required to post bond in an amount to exceed \$1,000.00, such amount being reasonable, just, and sufficient to

protect the Parties' interests. The Parties acknowledge that the pursuit of one remedy at any time will not be deemed an election of remedies or waiver of the right to pursue any other remedy.

J. Severability

42. Any provision of this Agreement that is found to be illegal, invalid or unenforceable will be ineffective to the extent of such illegality, invalidity or unenforceability, without affecting in any way the remaining provisions hereof or rendering that or any other provision of this Agreement illegal, invalid or unenforceable. Upon any such determination that any provision is illegal, invalid or unenforceable, such provision will be interpreted so as to best accomplish the intent of the parties within the limits of applicable Law.

I. Releases

43. In further consideration of the agreements recited above and in consideration of the other agreements described below, the Parties agree as follows:

(a) Releases:

- (1) San Marcos, for itself and its present and former officers, council members, managers, directors, employees, servants, parents, subsidiaries and other affiliated companies, predecessors and successors, general partners, attorneys, heirs, executors, and assigns jointly and severally release, acquit and forever discharge Martindale and their present and former officers, council members, managers, directors, employees, servants, parents, subsidiaries and other affiliated companies, predecessors and successors, general partners, attorneys, heirs, executors, and assigns jointly and severally, of and from all claims for damages, whether known or unknown, arising, in any way, out of this Settlement Agreement.
- (2) Martindale, for itself and its present and former officers, council members, managers, directors, employees, servants, parents, subsidiaries and other affiliated companies, predecessors and successors, general partners, attorneys, heirs, executors, and assigns jointly and severally release, acquit and forever discharge San Marcos and their present and former officers, council members, managers, directors, employees, servants, parents, subsidiaries and other affiliated companies, predecessors and successors,

general partners, attorneys, heirs, executors, and assigns jointly and severally, of and from all claims for damages, whether known or unknown, arising, in any way, out of this Settlement Agreement.

- (3) The releases contained in this section are to be construed in the most broad and general manner possible. It is the parties intention that the parties, upon execution of this Agreement will be barred from bringing suit against the other parties to this agreement that relates, in any manner, to this Settlement Agreement.
- (4) The foregoing releases are not intended to apply to any claims arising out of any breach of this Agreement by any party.

H. Representations.

44. The parties represent that:

- (a) they are legally competent to execute this Agreement;
- (b) in choosing to enter into this Agreement, they have made their own investigation of the facts and are relying upon their own knowledge and upon the advice of counsel of their choosing;
- (c) they have not sold, assigned, or otherwise transferred their rights in or to any of the claims they are releasing or forgoing by way of this Agreement;
- (d) they have not been influenced to enter into this Agreement by any oral or written representations or statements made about this matter by any attorney, agent, adjuster, employee or representative of any opposing party;
- (e) they have no expectation that the other party will disclose facts material to this settlement;
- (f) they knowingly waive (i) any claim that this settlement was induced by any misrepresentation or nondisclosure, and (ii) any right to rescind or avoid this settlement based on presently existing facts, known or unknown;
- (g) their representatives have read carefully this Agreement and understand and have advised that this settlement is final and conclusive; and
- (h) they understand and acknowledge that the other party does not warrant or represent any tax consequences of this Agreement, and they agree that they are relying on their own legal and/or tax advisors and not on each other with respect to any tax aspects of this Agreement. The parties agree that any tax or costs, attorneys' fees, penalties, or interest incurred or assessed to them are their sole responsibility.

I. Other Matters

45. The parties agree that:

- (a) the Agreement is made and should be construed under the laws of the State of Texas;
- (b) the Agreement is the complete and final agreement between the parties in regards to the matters referenced herein, and may be modified only by a written agreement, signed by the parties which expressly refers to and purports to modify the Agreement;
- (c) all prior agreements, discussions, and negotiations between the parties or their attorneys are hereby merged into the Agreement;
- (d) in the event that an arbitrator or a court of competent jurisdiction should hold any provision of the Agreement to be void or unenforceable for any reason, the express intent of all parties is that all remaining provisions are severable and should remain in force to the greatest possible degree;
- (e) the terms of the Agreement are contractual and are not mere recitals;
- (f) the Agreement shall become effective immediately upon its execution; and
- (g) The parties agree that a faxed or scanned and emailed copy of the signatures required below shall be treated as if they are originals.

J. Dispute Resoution

46. The Parties agree that:

- (a) They desire to resolve any disputes arising under this Agreement without litigation. Accordingly, if a dispute arises, San Marcos and Martindale agree to attempt in good faith to resolve the dispute between themselves and agree not to sue one another until they have exhausted the procedures set forth in this Section 46.
- (b) At the written request of either party, each party shall promptly appoint one non-lawyer representative to negotiate informally and in good faith to resolute any dispute arising under this Agreement. The representatives appointed shall promptly determine the location, format, frequency, and duration of the negotiations.
- (c) If the representatives cannot resolve the dispute within 30 calendar days after the first negotiation meeting, the parties agree to refer the dispute to a mutually agreed upon mediator. Each party agrees to pay half of the mediator's fee.

- (d) . If mediation does not resolve the parties' dispute, the parties may pursue their legal and equitable remedies.
- (e) A party's participation in or the results of any mediation or other non-binding dispute resolution process under this Section 46 shall not be construed as a waiver by party of any rights, privileges, defenses, remedies, or immunities available to a party.
- (f) Nothing shall prevent either party from resorting to judicial proceedings if (a) good faith efforts to resolve a dispute under these procedures have been unsuccessful, or (b) interim resort to a court is necessary to prevent serious and irreparable injury to a party or to others.

(Signature Pages Follow)

APPROVED AS TO FORM & SUBSTANCE:

The City of Martindale.

By: _____

Date: _____

Title: _____

By: _____

Date: _____

Title: _____

Subscribed and sworn to before me by _____ and
_____ on the ____ day of _____,
2019.

Notary Public, State of Texas

The City of San Marcos

By: _____

Date: _____

Title: _____

By: _____

Date: _____

Title: _____

Subscribed and sworn to before me by _____ and
_____ on the _____ day of _____,
2019.

Notary Public, State of Texas

APPROVED AS TO FORM ONLY:

THE WYMORE LAW FIRM, PLLC

/s./ Kent E. Wymore IV

Kent E. Wymore IV

State Bar No. 24075315

1250 Capital of Texas Highway South

Building Three, Suite 400

Austin, Texas 78746

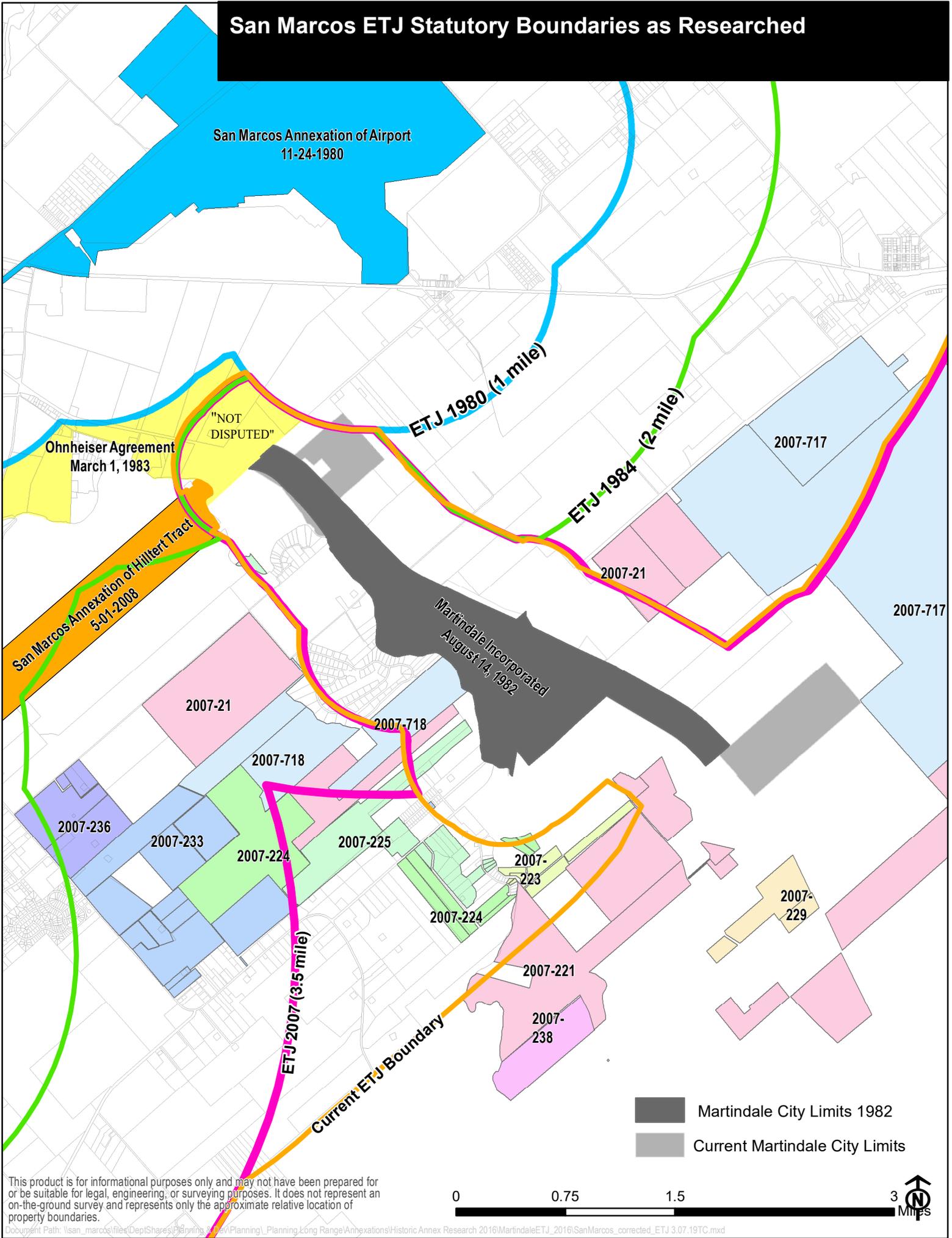
Tel: (512) 346-3600

Fax: (866) 211-4235

kent@thewymorelawfirm.com

ATTORNEY FOR MARTINDALE

San Marcos ETJ Statutory Boundaries as Researched



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

EXHIBIT "C"

RESOLUTION 2007 - 132 R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS DECLARING THE CITY OF SAN MARCOS, TEXAS TO HAVE A POPULATION OVER 50,000 PERSONS; AND DECLARING AN EFFECTIVE DATE.

RECITALS:

1. The City of San Marcos, Texas has been experiencing a growth rate averaging nearly 5% per year since 2000.
2. Planning and Development services has been tracking the City's population by using the 2000 census as a base rate and adjusting that rate based on issuance of certificates of occupancy, demolition permits, and occupancy rates for multi-family residences.
3. At the end of June 2007, the population of the City of San Marcos stood at 50,016 persons.

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

PART 1. The City Council for the City of San Marcos, Texas declares the City to have a population in excess of 50,000, an expanded Extraterritorial Jurisdiction to three and one-half (3 ½) miles, and all the responsibilities and benefits thereof.

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

ADOPTED on the 17th day of July, 2007.


Susan Narvaiz
Mayor

Attest:


Shelley Goodwin
Interim City Clerk

EXHIBIT "D"

CHAPTER 102 ARTICLE 4
NO. 2007-717

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARTINDALE, TEXAS EXPANDING THE CITY'S EXTRATERRITORIAL JURISDICTION PURSUANT TO THE REQUEST OF THE OWNERS OF TURNERCREST VILLAGE.

WHEREAS, a request has been made by the owners of Turnercrest Village, a subdivision partially located within the City of Martindale's extraterritorial jurisdiction, for the inclusion of the remainder of such subdivision in the extraterritorial jurisdiction of the City; and

WHEREAS, it is appropriate and proper for such expansion of the City's extraterritorial jurisdiction to be made pursuant to such request in accordance with §42.022 of the Local Government Code; and

WHEREAS, it would be in the best interest of the City of Martindale and its citizens for such expansion to be enacted;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARTINDALE, TEXAS:

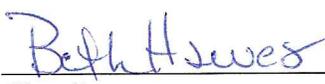
That, pursuant to §42.022 of the Texas Local Government Code, the area described in Exhibit "A," which is attached hereto and incorporated herein by reference, that is not presently within the extraterritorial jurisdiction of the City of Martindale is hereby incorporated into the extraterritorial jurisdiction of the City of Martindale pursuant to a request by the owners of Turnercrest Village subdivision.

PASSED AND APPROVED this 17th day of July, 2007.

CITY OF MARTINDALE, TEXAS

By: 
Mayor

ATTEST:


City Secretary



APPROVED AS TO FORM:

A handwritten signature in cursive script, appearing to read "W. W. McNeal", written over a horizontal line.

W. W. McNeal, City Attorney

**AGREEMENT FOR EXPANSION
OF
EXTRA-TERRITORIAL JURISDICTION**

THIS AGREEMENT FOR EXPANSION OF EXTRA-TERRITORIAL JURISDICTION ("the Agreement"), is made effective as of this 17th day of July, 2007 by and between **COOPER LAND DEVELOPMENT, INC.**, an Arkansas corporation duly qualified to do business in the State of Texas, (hereinafter "CLD"), **TURNER CREST VILLAGE WASTE WATER COMPANY, LLC**, a Texas limited liability company in good standing ("TCV LLC"), **ROBERT A. RICHARDS and JEANNIE C. RICHARDS**, (collectively hereinafter "RICHARDS"), and the City of **MARTINDALE**, a municipality incorporated under the laws of the State of Texas (hereinafter "MARTINDALE").

WHEREAS, CLD is a nationally known developer of planned unit developments; and

WHEREAS, CLD and TCV LLC are the sole owners of certain real property consisting of approximately 3,228 acres located in Caldwell County, Texas, that CLD intends to develop into a planned unit development to be known as as Turner Crest Village ("the Property"); and

WHEREAS, approximately 171 acres of the Property fall within the current Extra Territorial Jurisdiction ("the Current ETJ") of MARTINDALE pursuant to the provisions of Title 2 of the Texas Local Government Code, Chapters 41, 42 and 43; and

WHEREAS, THE PARTIES HERETO HAVE DETERMINED THAT IT IS IN THE BEST INTERESTS OF EVERYONE FOR THE CURRENT ETJ OF MARTINDALE TO BE EXPANDED SO THAT IT ENCOMPASSES THE ENTIRE 3,228 ACRES OF TURNER CREST VILLAGE,

NOW, THEREFORE, THE PARTIES DO HEREBY AGREE AS FOLLOWS:

1. CLD, TCV LLC, and RICHARDS have previously petitioned MARTINDALE to expand its ETJ to include the entire Property as it is presently defined in Exhibit "A" attached hereto, and MARTINDALE granted that petition on July 17, 2007.
2. In return for said voluntary petition, MARTINDALE hereby agrees that it will take no steps to involuntarily annex any portion of Turner Crest Village into the City limits of MARTINDALE for a period of fifteen (15) years from the date of approval of the petition for voluntary expansion by MARTINDALE'S City Council.
3. MARTINDALE will strictly abide by all Texas statutes, as might then be in place, governing the annexation of surrounding areas by municipalities the size of MARTINDALE.
4. MARTINDALE shall enter into an Agreement with Caldwell County allowing Caldwell County to govern the development of Turner Crest Village pursuant to §242.001 of the Texas Local Government Code.

5. If MARTINDALE fails to perform any of the conditions specifically set forth herein, this Agreement shall be of no further force or effect.

6. At any time within fifteen (15) years from the date of approval of the petition for voluntary expansion by MARTINDALE'S City Council, if CLD purchases any real property adjacent and not presently included in Turner Crest Village in a size less than two hundred fifty (250) acres, CLD will promptly file a petition to voluntarily extend MARTINDALE'S ETJ to include the acquired real property.

WHEREFORE, the parties hereto have agreed to the terms contained herein as of the date first indicated above.

COOPER LAND DEVELOPMENT, INC.

CITY OF MARTINDALE

By: *Randy Brucker*
RANDY BRUCKER,
President

By: *Patricia Petersen*
MAYOR OF MARTINDALE



TURNER CREST VILLAGE WASTE
WATER COMPANY, LLC, a Texas limited
liability company

By: *Randy Brucker*
Randy Brucker, President of
Managing Partner Cooper Land
Development, Inc.

Robert A. Richards
ROBERT A. RICHARDS

Jeannie C. Richards
JEANNIE C. RICHARDS

EXHIBIT "E"

CHAPTER 109 ARTICLE 4
NO. 2007-718

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARTINDALE, TEXAS EXPANDING THE CITY'S EXTRATERRITORIAL JURISDICTION AT THE REQUEST OF THE OWNERS OF SAN MARCOS RIVER RANCH SUBDIVISION.

WHEREAS, a request has been made by the owners of San Marcos River Ranch, a subdivision partially located within the City of Martindale's extraterritorial jurisdiction, for the inclusion of the remainder of such subdivision in the extraterritorial jurisdiction of the City; and

WHEREAS, it is appropriate and proper for such expansion of the City's extraterritorial jurisdiction to be made pursuant to such request in accordance with §42.022 of the Local Government Code; and

WHEREAS, it would be in the best interest of the City of Martindale and its citizens for such expansion to be enacted;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARTINDALE, TEXAS:

That, pursuant to §42.022 of the Texas Local Government Code, that portion of the area described in Exhibit "A," which is attached hereto and incorporated herein by reference, that is not presently within the extraterritorial jurisdiction of the City of Martindale is hereby incorporated into the extraterritorial jurisdiction of the City of Martindale pursuant to a request by the owners of San Marcos River Ranch subdivision.

PASSED AND APPROVED this 17th day of July, 2007.

CITY OF MARTINDALE, TEXAS

By: Patricia Peterson
Mayor

ATTEST:

Beth Hester
City Secretary



APPROVED AS TO FORM:



W. W. McNeal, City Attorney

REQUESTS FOR ADMISSION INTO MARTINDALE ETJ JULY 17,2007 6:30 PM

Name	TAX ID #	ACREAGE
San Marcos River Ranch	G 56618	180.56
	G56570	308.2
	G56566	144.214
Cooper Land Development	C11780	330.95
	C11857	410.
	C28355	2385.49

EXHIBIT "F"

Ordinance 102 Article 7
NO. 2007-221

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARTINDALE, TEXAS EXPANDING THE CITY'S EXTRATERRITORIAL JURISDICTION PURSUANT TO THE REQUEST OF CERTAIN LANDOWNERS.

WHEREAS, a request has been made by certain landowners who own land outside the City of Martindale's extraterritorial jurisdiction for the inclusion of their property in the extraterritorial jurisdiction of the City; and

WHEREAS, it is appropriate and proper for such expansion of the City's extraterritorial jurisdiction to be made pursuant to such request in accordance with §42.022 of the Local Government Code; and

WHEREAS, it would be in the best interest of the City of Martindale and its citizens for such expansion to be enacted;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARTINDALE, TEXAS:

That, pursuant to §42.022 of the Texas Local Government Code, the area described in the various documents comprising Exhibit "A," which is attached hereto and incorporated herein by reference, that is not presently within the extraterritorial jurisdiction of the City of Martindale is hereby incorporated into the extraterritorial jurisdiction of the City of Martindale pursuant to the request by the owners of such area as referred to in said Exhibit.

PASSED AND APPROVED this 7th day of August, 2007.

CITY OF MARTINDALE, TEXAS

By: *Patricia Petersen*
Mayor

ATTEST:

Beth Hsuwe
City Secretary

APPROVED AS TO FORM:

W. W. McNeal
W. W. McNeal, City Attorney

REQUEST FOR EXPANSION

The undersigned owner(s) of land situated near the City of Martindale, Texas, hereby request(s) that the City of Martindale include such land in the Extraterritorial Jurisdiction of the City of Martindale, pursuant to Section 42.022 of the Texas Local Government Code.

A true and correct description of the property is attached hereto.

Dated this 19 day of JULY, 2007


Owner (208 Goussard)

P.O. Box 152
Martindale, Tx. 78655
(512) 468-1505
(Address and telephone number)

City of Martindale

407 Main Street P.O. Box 365 Martindale, Texas 78655 (512) 357-6700 Fax (512) 357-9017

The Request for Expansion form for voluntary inclusion in the Extraterritorial Jurisdiction of Martindale, Texas must be accompanied by the legal description of the property. This cannot consist simply of a description from the Appraisal District, but must include a field note description.

The Request for Expansion form may be adapted for single or multiple owners.

See Exhibit A 2 of 2,

REQUEST FOR EXPANSION

The undersigned owner of land situated near the City of Martindale, Texas, hereby request that the City of Martindale include such land in the Extraterritorial Jurisdiction of the City of Martindale, pursuant to Section 42.022 of the Texas Local Government Code.

A true and correct description of the property is attached hereto.

Dated this 30 day of July, 2007

Sara P Moesker
Owner

795110 River Road
Martindale Tex 74655

512 357 6325
(Address and telephone number)

REQUEST FOR EXPANSION

The undersigned owner~~(s)~~ of land situated near the City of Martindale, Texas, hereby request~~s~~ that the City of Martindale include such land in the Extraterritorial Jurisdiction of the City of Martindale, pursuant to Section 42.022 of the Texas Local Government Code.

A true and correct description of the property is attached hereto.

Dated this 30 day of July, 2007.


Owner

705 NW River Road
Martindale Tex 78655

512 357 6385
(Address and telephone number)

REQUEST FOR EXPANSION

The undersigned owner(s) of land situated near the City of Martindale, Texas, hereby request(s) that the City of Martindale include such land in the Extraterritorial Jurisdiction of the City of Martindale, pursuant to Section 42.022 of the Texas Local Government Code.

A true and correct description of the property is attached hereto.

Dated this 9 day of August, 2007


Owner

103 CHA La VISTA

SAN MARCOS, TEX 78666

512-392-3541

(Address and telephone number)

REQUEST FOR EXPANSION

The undersigned owner(s) of land situated near the City of Martindale, Texas, hereby request(s) that the City of Martindale include such land in the Extraterritorial Jurisdiction of the City of Martindale, pursuant to Section 42.022 of the Texas Local Government Code.

A true and correct description of the property is attached hereto.

Dated this 2 day of August, 2007


Owner

103 CHULA VISTA

SAN MARCOS, TEX 78666

512-392-3541

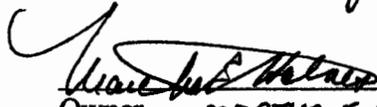
(Address and telephone number)

REQUEST FOR EXPANSION

The undersigned owner(s) of land situated near the City of Martindale, Texas, hereby request(s) that the City of Martindale include such land in the Extraterritorial Jurisdiction of the City of Martindale, pursuant to Section 42.022 of the Texas Local Government Code.

A true and correct description of the property is attached hereto.

Dated this ____ day of August, 2007.


Owner MARTHA & HOLMES

1311 Amberst

San Marcos, TX 78666

(512) 396-7323 Home; (812) 393-9869 mobile
(Address and telephone number)

REQUEST FOR EXPANSION

The undersigned owner(s) of land situated near the City of Martindale, Texas, hereby request(s) that the City of Martindale include such land in the Extraterritorial Jurisdiction of the City of Martindale, pursuant to Section 42.022 of the Texas Local Government Code.

A true and correct description of the property is attached hereto.

Dated this 6 day of AUGUST, 2007.

Kenneth C. Drimm
Owner

2912 FM 1101

NEW BRAUNFELS, TEXAS 78130-2619

(830) 625-2058
(Address and telephone number)

REQUEST FOR EXPANSION

The undersigned owner(s) of land situated near the City of Martindale, Texas, hereby request(s) that the City of Martindale include such land in the Extraterritorial Jurisdiction of the City of Martindale, pursuant to Section 42.022 of the Texas Local Government Code.

A true and correct description of the property is attached hereto.

Dated this 1 day of AUGUST, 2007.

HERBERT CONRADS INC.

Owner

By Richard Conrads pres.

P.O. BOX 628 , San Marcos, Texas 78667

512- [REDACTED] 357-6319

(Address and telephone number)

REQUEST FOR EXPANSION

The undersigned owner(s) of land situated near the City of Martindale, Texas, hereby request(s) that the City of Martindale include such land in the Extraterritorial Jurisdiction of the City of Martindale, pursuant to Section 42.022 of the Texas Local Government Code.

A true and correct description of the property is attached hereto.

Dated this 3rd day of August, 2007

Mary Dorniney Eck - Mary Dorniney Eck
Leroy Eck - Leroy Eck
Owner

13205 George Road

San Antonio, Texas 78230-138

210-492-1322

(Address and telephone number)

REQUEST FOR EXPANSION

The undersigned owner(s) of land situated near the City of Martindale, Texas, hereby request(s) that the City of Martindale include such land in the Extraterritorial Jurisdiction of the City of Martindale, pursuant to Section 42.022 of the Texas Local Government Code.

A true and correct description of the property is attached hereto.

Dated this 2 day of August, 2007

Lloyd Hansen

HARRIET HANSEN

Owner

Property ID 51918, A019 MORRISON, STEPHEN B., 11.32 AC

51917, " " " "

625 Stage Coach Tr. San Marcos TX
(Address and telephone number) 78666

EXHIBIT "G"

CHAPTER 102 ARTICLE 4
NO. 07-223

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARTINDALE, TEXAS EXPANDING THE CITY'S EXTRATERRITORIAL JURISDICTION PURSUANT TO THE REQUEST OF CERTAIN LANDOWNERS.

WHEREAS, a request has been made by certain landowners who own land outside the City of Martindale's extraterritorial jurisdiction for the inclusion of their property in the extraterritorial jurisdiction of the City; and

WHEREAS, it is appropriate and proper for such expansion of the City's extraterritorial jurisdiction to be made pursuant to such request in accordance with §42.022 of the Local Government Code; and

WHEREAS, it would be in the best interest of the City of Martindale and its citizens for such expansion to be enacted;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARTINDALE, TEXAS:

That, pursuant to §42.022 of the Texas Local Government Code, the area described in the various documents comprising Exhibit "A," which is attached hereto and incorporated herein by reference, that is not presently within the extraterritorial jurisdiction of the City of Martindale is hereby incorporated into the extraterritorial jurisdiction of the City of Martindale pursuant to the request by the owners of such area as referred to in said Exhibit.

PASSED AND APPROVED this 21st day of August, 2007.

CITY OF MARTINDALE, TEXAS

By: Patricia Petersen
Mayor

ATTEST:

Beth Howes
City Secretary

APPROVED AS TO FORM:

W. W. McNeal
W. W. McNeal, City Attorney

EXHIBIT A

REQUESTS FOR ETJ CONSIDERATION 8/21/07

NAME	TAX PID#	ACRES
Maebeth Bagley	C 27672,27673,27674	43.574
Walter A. Bagley	C27677,27678	19.134
Michael Sloan	G22217 (L7)	0.59
Alfred Seeliger	G22216 (L6)	0.719
Robert Booker	G22273,22274,22275	20.382
Sara Jane King Latham	G22237,22261,22263,120992 (L18-22, L105D,L106B)	17.324

EXHIBIT "H"

CHAPTER 102 ARTICLE 4

NO. 2007-224

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARTINDALE, TEXAS EXPANDING THE CITY'S EXTRATERRITORIAL JURISDICTION PURSUANT TO THE REQUEST OF CERTAIN LANDOWNERS.

WHEREAS, a request has been made by certain landowners who own land outside the City of Martindale's extraterritorial jurisdiction for the inclusion of their property in the extraterritorial jurisdiction of the City; and

WHEREAS, it is appropriate and proper for such expansion of the City's extraterritorial jurisdiction to be made pursuant to such request in accordance with §42.022 of the Local Government Code; and

WHEREAS, it would be in the best interest of the City of Martindale and its citizens for such expansion to be enacted;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARTINDALE, TEXAS:

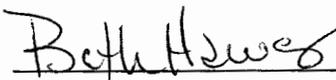
That, pursuant to §42.022 of the Texas Local Government Code, the area described in the various documents comprising Exhibit "A," which is attached hereto and incorporated herein by reference, that is not presently within the extraterritorial jurisdiction of the City of Martindale is hereby incorporated into the extraterritorial jurisdiction of the City of Martindale pursuant to the request by the owners of such area as referred to in said Exhibit.

PASSED AND APPROVED this 4th day of September, 2007.

CITY OF MARTINDALE, TEXAS

By: 
Mayor

ATTEST:


City Secretary

APPROVED AS TO FORM:


W. W. McNeal, City Attorney

REQUEST FOR EXPANSION

The undersigned owner(s) of land situated near the City of Martindale, Texas, hereby request(s) that the City of Martindale include such land in the Extraterritorial Jurisdiction of the City of Martindale, pursuant to Section 42.022 of the Texas Local Government Code.

A true and correct description of the property is attached hereto.

Dated this 14 day of AUGUST, 2007

Walter A. Bagley
Owner

209 JOHNSON

MARTINDALE, TEXAS 78655

357-6677

(Address and telephone number)



August 28, 2007

Detail Report

[Search Form](#)

[Search Results](#)

[Search Tips](#)

[Download Results](#)

Guadalupe County Property Information PIDN: 56569 GEO: 2G0021-0000-03330-0-00

Owner Name	B A HARPER FAMILY PARTNERSHIP LTD	Entity Code	Entity Name	Tax Rate 2006
Mailing Address	6413 BILLY BOONEY PASS AUSTIN, TX 78749-	GCO	Guadalupe County	0.348100
Location	DEVINEY RD	LTR		
Legal	ABS: 21 SUR: B & G FULCHER 300.9230 AC.	CAD		
		SMS		
			Total	0.3481

Data up to date as of Jul 27, 2007 including 2007 Certified values.

***Total Estimated Taxes \$2,036.56**

The Total Estimated Taxes are provided as a courtesy and should not be relied upon in making financial or other decisions. *Tax amount does not include any exemptions.

Links to Common Forms

- Agricultural (1-D-1) Appointment of Agent Form Homestead Exemption Form
- Protest Form Religious Exemption Form Freeport Exemption

Property Details

Deed Date	10/21/2004
Deed Volume	2123
Deed Page	0469
Docket No.	
Exemptions	
Freeze Exempt	F
ARB Protest	F
Agent Code	0
Land Acres	300.9230
Block	
Tract or Lot	
Abstract Code	G_A0021
Neighborhood Code	

Value Information

2007 Certified

Land Value	\$0.00
Improvement Value	\$0.00
AG Value	\$585,050.00
AG Productivity Value	\$40,730.00
Timber Value	\$0.00
Timber Productivity Value	\$0.00
Assessed Value	\$585,050.00
Total Value	\$585,050.00

Improvement Information

Improvement ID	State Category	Description
-----------------------	-----------------------	--------------------

Segment Information

Imp ID	Seg ID	Type Code	Description	Class	Effective Year Built	Area
						Total Living Area 0

2007 2200
REQUESTS FOR ADMISSION INTO ETJ SEPTEMBER 4,2007

NAME	TAX ID#	ACRES
Walter Bagley	51595,51596	33.802 +33.802
	27675	7.094
Nancy Bagley Freels	27679	6.3688
Patricia Long Fonville Hunt	L 1 & 101 Falls of Martindale	6.408
	22212,22251	
BA Harper Family Partnership	56569	300.923
Charles Olds	22252	14.619
	(L 102 Falls of Martindale)	

REQUEST FOR EXPANSION

The undersigned owner(s) of land situated near the City of Martindale, Texas, hereby request(s) that the City of Martindale include such land in the Extraterritorial Jurisdiction of the City of Martindale, pursuant to Section 42.022 of the Texas Local Government Code.

A true and correct description of the property is attached hereto.

Dated this 14 day of AUGUST, 2007

Walter A. Bagley

Owner

209 JOHNSON

MARTINDALE, TEXAS 78655

357-6677

(Address and telephone number)

33.802
33.802
67.604 a

*Guadalupe Co.
approx. 66 Acres off 1979*

REQUEST FOR EXPANSION

The undersigned owner(s) of land situated near the City of Martindale, Texas, hereby request(s) that the City of Martindale include such land in the Extraterritorial Jurisdiction of the City of Martindale, pursuant to Section 42.022 of the Texas Local Government Code.

A true and correct description of the property is attached hereto.

Dated this 23 day of AUGUST, 2007

Charles Mills
Owner

1167 MARTINDALE FALLS RD

MARTINDALE, TX 79655

512-558-2468

(Address and telephone number)

DESCRIPTION OF PROPERTY:

LOT 102, THE FALLS AT MARTINDALE, GUADALUPE COUNTY, TEXAS AS SHOWN ON PLAT RECORDED IN VOLUME 5, PAGE 162A AND VOLUME 5, PAGE 172A OF THE PLAT RECORDS OF GUADALUPE COUNTY, TEXAS. LESS AND EXCEPT THE PORTION THEREOF INCLUDED IN THE RIGHT OF WAY DEED OF DEDICATION DATED JULY 15, 1993 RECORDED IN VOLUME 1064, PAGE 190 OF THE OFFICE OF RECORDS OF GUADALUPE COUNTY, TEXAS.

EXHIBIT "I"

CHAPTER 102 ARTICLE 4

NO. 2007-225

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARTINDALE, TEXAS EXPANDING THE CITY'S EXTRATERRITORIAL JURISDICTION PURSUANT TO THE REQUEST OF CERTAIN LANDOWNERS.

WHEREAS, a request has been made by certain landowners who own land outside the City of Martindale's extraterritorial jurisdiction for the inclusion of their property in the extraterritorial jurisdiction of the City; and

WHEREAS, it is appropriate and proper for such expansion of the City's extraterritorial jurisdiction to be made pursuant to such request in accordance with §42.022 of the Local Government Code; and

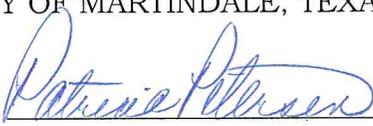
WHEREAS, it would be in the best interest of the City of Martindale and its citizens for such expansion to be enacted;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARTINDALE, TEXAS:

That, pursuant to §42.022 of the Texas Local Government Code, the area described in the various documents comprising Exhibit "A," which is attached hereto and incorporated herein by reference, that is not presently within the extraterritorial jurisdiction of the City of Martindale is hereby incorporated into the extraterritorial jurisdiction of the City of Martindale pursuant to the request by the owners of such area as referred to in said Exhibit.

PASSED AND APPROVED this 18th day of September, 2007.

CITY OF MARTINDALE, TEXAS

By: 

Mayor

ATTEST:



City Secretary

APPROVED AS TO FORM:



W. W. McNeal, City Attorney

REQUESTE FOR ADMISSION INTO ETJ SEPTEMBER 18,2007

NAME	PID#	ACRES
DEVINEY FAMILY TRUST	G56534	178.53
GARY & DANA BORREMANS	G22235 (lot 17)	1.308
KENNETH & PAM EWALD	G22234 (lot 16)	1.34
TED & BETTY WATKINS	G22233 (lot 15)	1.302
DENNIS & RUTH PHILLIPS	G51587,51586,56509,56510	28.98
MARK & JOY JUNGERS	C28467	6.92
HERMAN & MARCIA ADAMS	G22258,22260,22276,22262, 22255,22256,22259,22264, 22265,22266,22267,22268, 22269,22270	67.698

7-acres

23-parcels

EXHIBIT "J"

CHAPTER 102 ARTICLE 4

NO. 2007-229

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARTINDALE, TEXAS EXPANDING THE CITY'S EXTRATERRITORIAL JURISDICTION PURSUANT TO THE REQUEST OF CERTAIN LANDOWNERS.

WHEREAS, a request has been made by certain landowners who own land outside the City of Martindale's extraterritorial jurisdiction for the inclusion of their property in the extraterritorial jurisdiction of the City; and

WHEREAS, it is appropriate and proper for such expansion of the City's extraterritorial jurisdiction to be made pursuant to such request in accordance with §42.022 of the Local Government Code; and

WHEREAS, it would be in the best interest of the City of Martindale and its citizens for such expansion to be enacted;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARTINDALE, TEXAS:

That, pursuant to §42.022 of the Texas Local Government Code, the area described in the various documents comprising Exhibit "A," which is attached hereto and incorporated herein by reference, that is not presently within the extraterritorial jurisdiction of the City of Martindale is hereby incorporated into the extraterritorial jurisdiction of the City of Martindale pursuant to the request by the owners of such area as referred to in said Exhibit.

PASSED AND APPROVED this 16th day of October, 2007.

CITY OF MARTINDALE, TEXAS

By: Leslie D. Johnson

Mayor FR JEN

ATTEST:

Beth Hester

City Secretary

APPROVED AS TO FORM:

W. W. McNeal

W. W. McNeal, City Attorney



"EXHIBIT A"

REQUESTS FOR ADMISSION INTO ETJ

OCTOBER 16, 2007

NAME	PID#	ACRES
Brett & Peggy Taylor	C27717	83.24
Alisin Genfan	C35204, 35205	11.6716
Ron Cauble	C43924	20.

EXHIBIT "K"

Chapter 102

NO. 2007-233

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARTINDALE, TEXAS EXPANDING THE CITY'S EXTRATERRITORIAL JURISDICTION PURSUANT TO THE REQUEST OF CERTAIN LANDOWNERS.

WHEREAS, a request has been made by certain landowners who own land outside the City of Martindale's extraterritorial jurisdiction for the inclusion of their property in the extraterritorial jurisdiction of the City; and

WHEREAS, it is appropriate and proper for such expansion of the City's extraterritorial jurisdiction to be made pursuant to such request in accordance with §42.022 of the Local Government Code; and

WHEREAS, it would be in the best interest of the City of Martindale and its citizens for such expansion to be enacted;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARTINDALE, TEXAS:

That, pursuant to §42.022 of the Texas Local Government Code, the area described in the various documents comprising Exhibit "A," which is attached hereto and incorporated herein by reference, that is not presently within the extraterritorial jurisdiction of the City of Martindale is hereby incorporated into the extraterritorial jurisdiction of the City of Martindale pursuant to the request by the owners of such area as referred to in said Exhibit.

PASSED AND APPROVED this 6th day of November, 2007.

CITY OF MARTINDALE, TEXAS

By: 
Mayor

ATTEST:


City Secretary

APPROVED AS TO FORM:


W. W. McNeal, City Attorney

EXHIBIT A

REQUESTS FOR ADMISSION INTO ETJ November 6,2007

NAME	TAX ID#	ACRES
Ed Salinas, Salinas Properties	G56608	111.806
Gail Kirk	G14055, 14056	0.915
Jenny & Ryan Couch	G56582	16.03
Jill & Brian Minnix	G121532	16.93
Moeller Family Limited Partership	G56588,56589,56590, 56591,56594,56595	397.43
Leonard Moeller	G56592,56593	5.89
Jack & Ann Carson	G56525,56526	33.86

REQUEST FOR EXPANSION

The undersigned owner(s) of land situated near the City of Martindale, Texas, hereby request(s) that the City of Martindale include such land in the Extraterritorial Jurisdiction of the City of Martindale, pursuant to Section 42.022 of the Texas Local Government Code.

A true and correct description of the property is attached hereto.

Dated this 22 day of October, 2000.

Ed Salinas for Salinas Properties
Owner

4209 FM 621

San Marcos Tx 78666

NM 3534849 or cell 787-4849
(Address and telephone number)



REQUEST FOR EXPANSION

The undersigned owner(s) of land situated near the City of Martindale, Texas, hereby request(s) that the City of Martindale include such land in the Extraterritorial Jurisdiction of the City of Martindale, pursuant to Section 42.022 of the Texas Local Government Code.

A true and correct description of the property is attached hereto.

Dated this 12 day of September, 2007.

GAIL KIRK

Owner

601 Anderson Ln.

Martindale, Tx. 78655

512 357 2413

(Address and telephone number)

REQUEST FOR EXPANSION

The undersigned owner(s) of land situated near the City of Martindale, Texas, hereby request(s) that the City of Martindale include such land in the Extraterritorial Jurisdiction of the City of Martindale, pursuant to Section 42.022 of the Texas Local Government Code.

A true and correct description of the property is attached hereto.

Dated this 30 day of October, 2007

Ryan & Jenny Couch
Owner

111 Rugeu Lane
College Station, TX. 77845

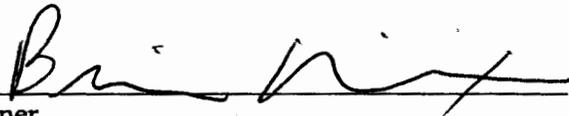
512-557-3871
(Address and telephone number)

REQUEST FOR EXPANSION

The undersigned owner(s) of land situated near the City of Martindale, Texas, hereby request(s) that the City of Martindale include such land in the Extraterritorial Jurisdiction of the City of Martindale, pursuant to Section 42.022 of the Texas Local Government Code.

A true and correct description of the property is attached hereto.

Dated this 30 day of October, 2007.



Owner

Brian Minnix

4821 Fm 621 San Marcos Tx 7866

512-557-4602

(Address and telephone number)

REQUEST FOR EXPANSION

The undersigned owner(s) of land situated near the City of Martindale, Texas, hereby request(s) that the City of Martindale include such land in the Extraterritorial Jurisdiction of the City of Martindale, pursuant to Section 42.022 of the Texas Local Government Code.

A true and correct description of the property is attached hereto.

Dated this 30 day of October, 2007.

Corinda C. Moeller, Leonard O. Moeller
Owner

Moeller Family LTD. Partnership
5401 Hwy. 621 San Marcos, TX 78666
512/353-8770 or 8#7-7375
(Address and telephone number)

REQUEST FOR EXPANSION

The undersigned owner(s) of land situated near the City of Martindale, Texas, hereby request(s) that the City of Martindale include such land in the Extraterritorial Jurisdiction of the City of Martindale, pursuant to Section 42.022 of the Texas Local Government Code.

A true and correct description of the property is attached hereto.

Dated this 30 day of October, 2007.

Corinda C. Moller, Leonard G. Moller
Owner

5401 Hwy. 621

San Marcos, TX 78666

512/353-8770 or 847-7375

(Address and telephone number)

EXHIBIT "L"

Chapter 102 Article 4

NO. 2007-236

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF MARTINDALE, TEXAS EXPANDING THE CITY'S
EXTRATERRITORIAL JURISDICTION PURSUANT TO
THE REQUEST OF CERTAIN LANDOWNERS.**

WHEREAS, a request has been made by certain landowners who own land outside the City of Martindale's extraterritorial jurisdiction for the inclusion of their property in the extraterritorial jurisdiction of the City; and

WHEREAS, it is appropriate and proper for such expansion of the City's extraterritorial jurisdiction to be made pursuant to such request in accordance with §42.022 of the Local Government Code; and

WHEREAS, it would be in the best interest of the City of Martindale and its citizens for such expansion to be enacted;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
OF MARTINDALE, TEXAS:**

That, pursuant to §42.022 of the Texas Local Government Code, the area described in the various documents comprising Exhibit "A," which is attached hereto and incorporated herein by reference, that is not presently within the extraterritorial jurisdiction of the City of Martindale is hereby incorporated into the extraterritorial jurisdiction of the City of Martindale pursuant to the request by the owners of such area as referred to in said Exhibit.

PASSED AND APPROVED this 4th day of December, 2007.

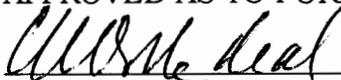
CITY OF MARTINDALE, TEXAS

By: 
Mayor

ATTEST:


City Secretary

APPROVED AS TO FORM:


W. W. McNeal, City Attorney

REQUESTS FOR ADMISSION INTO MARTINDALE ETJ DECEMBER 4, 2007

NAME	TAX ID #	ACREAGE
Celinda Dail Sams	G56518	96.044
	G119535	4.0
	G56519	1.0
Sidney & Ramona Decker	G56517	91.26
	G121634	0.25
Ray L. Ender	G56573	9.32
	G56574	0.75
	G56555	1.0
	G56556	8.9

REQUEST FOR EXPANSION

The undersigned owner(s) of land situated near the City of Martindale, Texas, hereby request(s) that the City of Martindale include such land in the Extraterritorial Jurisdiction of the City of Martindale, pursuant to Section 42.022 of the Texas Local Government Code.

A true and correct description of the property is attached hereto.

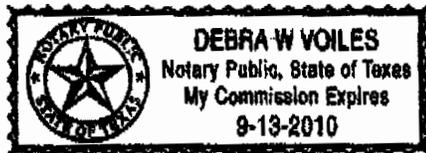
Dated this 12 day of November, 2007.

Celinda Dale Sims
Owner

508 Mourning Dove Ln
Lorena, TX 76655

254-420-1125
(Address and telephone number)

Debra W. Voiles
11-12-07

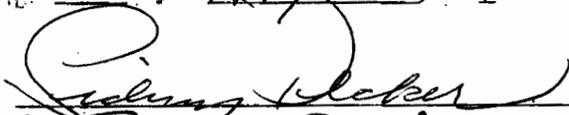


REQUEST FOR EXPANSION

The undersigned owner(s) of land situated near the City of Martindale, Texas, hereby request(s) that the City of Martindale include such land in the Extraterritorial Jurisdiction of the City of Martindale, pursuant to Section 42.022 of the Texas Local Government Code.

A true and correct description of the property is attached hereto.

Dated this 27 day of Aug, 2007.


Owner

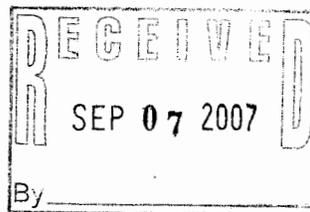
Ramona Decker

403 Scull Rd

San Marcos, TX 78666

(512) 353-1335

(Address and telephone number)



REQUEST FOR EXPANSION

The undersigned owner(s) of land situated near the City of Martindale, Texas, hereby request(s) that the City of Martindale include such land in the Extraterritorial Jurisdiction of the City of Martindale, pursuant to Section 42.022 of the Texas Local Government Code.

A true and correct description of the property is attached hereto.

Dated this 10 day of OCT, 2007.

Ray L. Ender
Owner

Ray L. Ender

725 Scull Rd San Marcos TX. 78666

512) 396 0765

(Address and telephone number)

EXHIBIT "M"

Chapter 102
Article 4

NO. 2007-238

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF MARTINDALE, TEXAS EXPANDING THE CITY'S
EXTRATERRITORIAL JURISDICTION PURSUANT TO
THE REQUEST OF CERTAIN LANDOWNERS.**

WHEREAS, a request has been made by certain landowners who own land outside the City of Martindale's extraterritorial jurisdiction for the inclusion of their property in the extraterritorial jurisdiction of the City; and

WHEREAS, it is appropriate and proper for such expansion of the City's extraterritorial jurisdiction to be made pursuant to such request in accordance with §42.022 of the Local Government Code; and

WHEREAS, it would be in the best interest of the City of Martindale and its citizens for such expansion to be enacted;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
OF MARTINDALE, TEXAS:**

That, pursuant to §42.022 of the Texas Local Government Code, the area described in the various documents comprising Exhibit "A," which is attached hereto and incorporated herein by reference, that is not presently within the extraterritorial jurisdiction of the City of Martindale is hereby incorporated into the extraterritorial jurisdiction of the City of Martindale pursuant to the request by the owners of such area as referred to in said Exhibit.

PASSED AND APPROVED this 18th day of December, 2007.

CITY OF MARTINDALE, TEXAS

By: 
Mayor

ATTEST:



City Secretary

APPROVED AS TO FORM:

W. W. McNeal, City Attorney

REQUESTS FOR ADMISSION INTO MARTINDALE ETJ December 18, 2007

Name	Tax ID#	Acres
Rivran Asset Mgmt LLC (John Zimmerman)	C38185	121.915

EXHIBIT "N"

Chapter 102 Article 4

NO. 2008-359

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARTINDALE, TEXAS EXPANDING THE CITY'S EXTRATERRITORIAL JURISDICTION PURSUANT TO THE REQUEST OF CERTAIN LANDOWNERS.

WHEREAS, a request has been made by certain landowners who own land outside the City of Martindale's extraterritorial jurisdiction for the inclusion of their property in the extraterritorial jurisdiction of the City; and

WHEREAS, it is appropriate and proper for such expansion of the City's extraterritorial jurisdiction to be made pursuant to such request in accordance with §42.022 of the Local Government Code; and

WHEREAS, it would be in the best interest of the City of Martindale and its citizens for such expansion to be enacted;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARTINDALE, TEXAS:

That, pursuant to §42.022 of the Texas Local Government Code, the area described in the various documents comprising Exhibit "A," which is attached hereto and incorporated herein by reference, that is not presently within the extraterritorial jurisdiction of the City of Martindale is hereby incorporated into the extraterritorial jurisdiction of the City of Martindale pursuant to the request by the owners of such area as referred to in said Exhibit.

PASSED AND APPROVED this 18th day of November, 2008.

CITY OF MARTINDALE, TEXAS

By: Sergio Amor
Mayor
Pro-Tem

ATTEST:

Beth Aweas
City Secretary

APPROVED AS TO FORM:

W. W. McNeal, City Attorney

Guadalupe CAD

Property Search Results > 56512 BAILES ALLEEN M for Year 2008

Property

Account

Property ID: 56512

Legal Description: ABS: 21 SUR: B & G
FULCHER 2.0000 AC.

Geographic ID: 2G0021-0000-00310-0-00

Agent Code:

Type: Real

Location

Address: 4811 FM 621
TX

Mapsco:

Neighborhood:

Map ID: C-13

Neighborhood CD:

Owner

Name: BAILES ALLEEN M

Owner ID: 45521

Mailing Address: C/O ERLENE PRY/IND. GUARDIAN & TRUSTEE % Ownership: 100.0000000000%
802 PALM GROVE CIRCLE
SUGAR LAND, TX 77478

Exemptions:

Values

(+) Improvement Homesite Value:	+	\$0	
(+) Improvement Non-Homesite Value:	+	\$38,073	
(+) Land Homesite Value:	+	\$0	
(+) Land Non-Homesite Value:	+	\$35,940	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$0	\$0
(+) Timber Market Valuation:	+	\$0	\$0
		<hr/>	
(=) Market Value:	=	\$74,013	
(-) Ag or Timber Use Value Reduction:	-	\$0	
		<hr/>	
(=) Appraised Value:	=	\$74,013	
(-) HS Cap:	-	\$0	
		<hr/>	
(=) Assessed Value:	=	\$74,013	

Taxing Jurisdiction

Owner: BAILES ALLEEN M
% Ownership: 100.0000000000%
Total Value: \$74,013

Entity Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD APPRAISAL DISTRICT	0.000000	\$74,013	\$74,013	\$0.00
GCO GUADALUPE COUNTY	0.329500	\$74,013	\$74,013	\$243.87
LTR LATERAL ROAD	0.060000	\$74,013	\$74,013	\$44.41
SMS SAN MARCOS ISD	1.370000	\$74,013	\$74,013	\$1,013.98
Total Tax Rate:	1.759500			

Taxes w/Current Exemptions: \$1,302.26
Taxes w/o Exemptions: \$1,302.26

Improvement / Building

Improvement #1: RESIDENTIAL **State Code:** E1 **Living Area:** 1413.0 sqft **Value:** \$38,073

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
RES1	MAIN FLR	5	AB	0	1413.0
CP	COV PORCH	*	AB	0	207.0

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	ACRE	ACRE	2.0000	87120.00	0.00	0.00	\$30,940	\$0
2	UTIL	UTILITY	0.0000	0.00	0.00	0.00	\$5,000	\$0

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2009		N/A	N/A	N/A	N/A	N/A
2008		\$38,073	\$35,940	0	74,013	\$0 \$74,013
2007		\$36,120	\$5,070	0	41,190	\$0 \$41,190
2006		\$34,210	\$5,070	0	39,280	\$0 \$39,280
2005		\$32,570	\$3,720	0	36,290	\$0 \$36,290

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page
1	2/28/1984 12:00:00 AM	OT	OTHER		BAILES ALLEEN M	700	43

Questions Please Call (830) 303-3313

Website version: 1.2.1.50

Database last updated on: 10/13/2008 1:02 PM

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This site only supports Internet Explorer 6+, Netscape 7+ and Firefox 1.5+.

Guadalupe CAD

Property Search Results > 56511 BAILES ALLEEN M for Year 2008

Property

Account

Property ID: 56511 Legal Description: ABS: 21 SUR: B & G
 FULCHER 47.6100 AC.
 Geographic ID: 2G0021-0000-00300-0-00 Agent Code:
 Type: Real

Location

Address: FM 621 Mapsco:
 TX
 Neighborhood: Map ID: C-13
 Neighborhood CD:

Owner

Name: BAILES ALLEEN M Owner ID: 45521
 Mailing Address: C/O ERLENE PRY/IND. GUARDIAN & TRUSTEE % Ownership: 100.0000000000%
 802 PALM GROVE CIRCLE
 SUGAR LAND, TX 77478

Exemptions:

Values

(+) Improvement Homesite Value:	+	\$0	
(+) Improvement Non-Homesite Value:	+	\$650	
(+) Land Homesite Value:	+	\$0	
(+) Land Non-Homesite Value:	+	\$0	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$184,910	\$7,427
(+) Timber Market Valuation:	+	\$0	\$0
<hr/>			
(=) Market Value:	=	\$185,560	
(-) Ag or Timber Use Value Reduction:	-	\$177,483	
<hr/>			
(=) Appraised Value:	=	\$8,077	
(-) HS Cap:	-	\$0	
<hr/>			
(=) Assessed Value:	=	\$8,077	

Taxing Jurisdiction

Owner: BAILES ALLEEN M
 % Ownership: 100.0000000000%
 Total Value: \$185,560

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	APPRAISAL DISTRICT	0.000000	\$8,077	\$8,077	\$0.00
GCO	GUADALUPE COUNTY	0.329500	\$8,077	\$8,077	\$26.61
LTR	LATERAL ROAD	0.060000	\$8,077	\$8,077	\$4.85
SMS	SAN MARCOS ISD	1.370000	\$8,077	\$8,077	\$110.65
Total Tax Rate:		1.759500			

Taxes w/Current Exemptions: \$142.11
 Taxes w/o Exemptions: \$142.11

Improvement / Building

Improvement #1: RESIDENTIAL **State Code:** E3 **Living Area:** 1036.0 sqft **Value:** \$650

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
MH	MOBILE HOME	UNK			1036.0
FV	FLAT VALUE	FV			1800.0

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	D3G	TILLABLE GOOD	47.6100	2047320.00	0.00	0.00	\$184,910	\$7,427

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2009		N/A	N/A	N/A	N/A	N/A
2008		\$650	\$184,910	7,427	8,077	\$8,077
2007		\$0	\$120,770	9,630	9,630	\$9,630
2006		\$0	\$120,770	9,490	9,490	\$9,490
2005		\$0	\$88,670	9,370	9,370	\$9,370

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page
1	2/28/1984 12:00:00 AM	OT	OTHER		BAILES ALLEEN M	700	43

Questions Please Call (830) 303-3313

Website version: 1.2.1.50

Database last updated on: 10/13/2008 1:02 PM

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This site only supports Internet Explorer 6+, Netscape 7+ and Firefox 1.5+.

REQUEST FOR EXPANSION

The undersigned owner(s) of land situated near the City of Martindale, Texas, hereby request(s) that the City of Martindale include such land in the Extraterritorial Jurisdiction of the City of Martindale, pursuant to Section 42.022 of the Texas Local Government Code.

A true and correct description of the property is attached hereto.

Dated this 21st day of October, 2008

Clene Pry / Individually and as
Guardian + Trustee
Owner

281-242-0622

802 Palm Grove Circle

Sugar Land, Texas 77498
(Address and telephone number)

EXHIBIT "O"

EXHIBIT "A"

Legal description of land: BEING 563.797 ACRES OF LAND, MORE OR LESS, OUT OF THE WILLIAM A. MATTHEWS SURVEY, THE WILLIAM BURNET SURVEY AND THE B & G FULCHER LEAGUE IN HAYS COUNTY AND GUADALUPE COUNTY, TEXAS, AND BEING THE SAME PROPERTY CONVEYED TO STEPHEN R. SMITH, ET AL IN A DEED RECORDED IN VOLUME 2650 PAGE 431 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS AS MORE FULLY DESCRIBED ON EXHIBIT A ATTACHED HERETO.

BEING 563.797 ACRES OF LAND LYING IN AND SITUATED OUT OF THE WILLIAM BURNET SURVEY AND THE WILLIAM A. MATTHEWS SURVEY IN HAYS COUNTY, TEXAS AND THE B & G FULCHER LEAGUE IN GUADALUPE COUNTY, TEXAS, BEING THE REMAINDER PORTION OF THAT CALLED 455 ACRE TRACT OF LAND AND 1.00 ACRE TRACT OF LAND CONVEYED TO HAH ANGUS FARM BY DEED RECORDED IN VOLUME 349, PAGE 843 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS; SAID 563.797 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS AND AS SURVEYED UNDER THE SUPERVISION OF JAMES E. GARON & ASSOCIATES IN SEPTEMBER, 1998:

BEGINNING AT AN IRON ROD FOUND ON THE NORTHEASTERLY RIGHT-OF-WAY (80') LINE OF STATE HIGHWAY 821 FOR THE WESTERLY CORNER HEREOF AND SAID 466 ACRE TRACT AND THE SOUTHERLY CORNER OF THAT CERTAIN 715 ACRE TRACT CONVEYED TO JOHN F. BAUGH BY DEED RECORDED IN VOLUME 165, PAGE 86 OF THE HAYS COUNTY DEED RECORDS;

THENCE NORTH 49°42' 38" EAST A DISTANCE OF 12452.90 FEET ALONG THE NORTHWESTERLY LINE HEREOF AND THE SOUTHEASTERLY LINE OF SAID 715 CORE TRACT AND THAT CERTAIN 164.883 ACRE TRACT CONVEYED TO BARBARA BAUGH MORRISON BY DEED RECORDED IN VOLUME 645, PAGE 678 OF THE HAYS COUNTY DEED RECORDS TO AN IRON ROD SET FOR CORNER ON THE SOUTHWEST LINE OF THE "MEXICAN" CEMETERY;

THENCE ALONG THE LIMITS OF SAID CEMETERY AND INCLUDING A CALLED 11 VARA LANE WITHIN THIS TRACT BEING DESCRIBED:

1. SOUTH 47°13'40" EAST A DISTANCE OF 115.53 FEET TO AN IRON ROD SET FOR CORNER;
2. NORTH 50°41'11" EAST A DISTANCE OF 394.83 FEET TO AN IRON ROD SET FOR CORNER;
3. NORTH 50°5'00" WEST A DISTANCE OF 93.87 FEET TO AN IRON ROD SET FOR CORNER;
4. NORTH 49°22'11" EAST A DISTANCE OF 110.28 FEET TO A POINT ON THE SOUTHWESTERLY BANK OF THE SAN MARCO RIVER;

THENCE ALONG THE BANK OF THE SAN MARCOS RIVER THE FOLLOWING CALLS:

1. SOUTH 47°14'45" EAST A DISTANCE OF 92.17 FEET;
2. SOUTH 74°56'22" EAST A DISTANCE OF 77.32 FEET;
3. SOUTH 58°2'15" EAST A DISTANCE OF 116.50 FEET;
4. SOUTH 39°27'01" EAST A DISTANCE OF 132.88 FEET;
5. SOUTH 29°21'49" EAST A DISTANCE OF 118.75 FEET;
6. SOUTH 18°36'57" WEST A DISTANCE OF 193.59 FEET;
7. SOUTH 59°27'46" WEST A DISTANCE OF 57.09 FEET;
8. SOUTH 9°55'20" WEST A DISTANCE OF 363.02 FEAST;
9. SOUTH 29°25'19" EAST A DISTANCE OF 380.96 FEET;
10. SOUTH 41°46'65" EAST A DISTANCE OF 177.83 FEET;
11. SOUTH 55°45'15" EAST A DISTANCE OF 311.95 FEET;
12. SOUTH 22°38'40" EAST A DISTANCE OF 27.91 FEET;

THENCE SOUTH 50°16'03" WEST A DISTANCE OF 359.69 FEET LEAVING SAID RIVER AND ALONG THE NORTHWEST LINE OF THAT CERTAIN 1.04 ACRE TRACT CONVEYED TO ROY J. HOIZ BY DEED



RECORDED IN VOLUME 414, PAGE 417 OF THE GUADALUPE COUNTY DEED RECORD'S TO AN IRON ROD FOUND FOR THE WEST CORNER OF SAID 1.04 ACRE TRACT:

THENCE SOUTH 33°48'59" EAST A DISTANCE OF 207.19 FEET ALONG THE SOUTHWEST LINE OF SAID TRACT TO AN IRON ROD SET FOR THE SOUTHERLY CORNER OF SAID 1.04 ACRE TRACT;

THENCE SOUTH 49°39'15" WEST A DISTANCE OF 12091.83 FEET ALONG THE SOUTHEAST LINE HEREOF AND SAID 455 AND 100 ACRE TRACTS AND THE NORTHWEST LINE OF THAT CERTAIN 365.86 ACRE TRACT CONVEYED TO FRED G. DUPUY BY DEED RECORDED IN VOLUME 1311, PAGE 676, THAT CERTAIN 8.85 ACRE TRACT CONVEYED TO RICHARD G. DAVIS BY DEED RECORDED IN VOLUME 731, PAGE 22 AND THAT CERTAIN 48.872 ACRE TRACT CONVEYED TO MALCOLM RAY SCOTT BY DEED RECORDED IN VOLUME 1048, PAGE 691, ALL GUADALUPE COUNTY DEED RECORDS, TO A CONCRETE MONUMENT FOUND ON THE NORTHEASTERLY R-O-W OF STATE HIGHWAY 621 FOR THE SOUTHERLY CORNER HEREOF AND WESTERLY CORNER OF SAID 49.872 ACRE TRACT;

THENCE ALONG SAID R-O-W LINE THE FOLLOWING CALLS:

1. NORTH 40°46'40" WEST A DISTANCE OF 1144.52 FEET TO A CONCRETE R-O-W MONUMENT FOUND FOR POINT OF CURVATURE OF A CURVE TO THE LEFT;
2. A LENGTH OF 352.53 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 6771.07 FEET AND A CHORD BEARING NORTH 42°31'40" WEST A DISTANCE OF 352.48 FEET TO A CONCRETE R-O-W MONUMENT FOUND;
3. NORTH 44°16'40" WEST A DISTANCE OF 463.45 FEET TO THE POINT OF BEGINNING AND CONTAINING 563.797 ACRES OF LAND, MORE OR LESS, AND AS SHOWN ON MAP OF SURVEY PREPARED HEREWITH.



EXHIBIT “P”

Resolution No. _____

CITY OF MARTINDALE RESOLUTION RELEASING 154 ACRES OF PROPERTY LOCATED WITHIN MARTINDALE’S ETJ

I. Recitals

WHEREAS, on or about January __, 2020, the City of Martindale and the City of San Marcos entered into a Settlement Agreement; and

WHEREAS, to ensure compliance with the Settlement Agreement, the City of Martindale is unanimously passing this resolution to effectuate the release of one-hundred and sixty-one point five nine (161.59) acres that are part of the “Ohnheiser Property.”

II. Resolution

NOW THEREFORE BE IT RESOLVED, the one-hundred and sixty-one point five nine (161.59) acres identified on Exhibits "A" and “Q” attached hereto (“the Property”), which falls within the ETJ of the City of Martindale, is hereby released from the City of Martindale's ETJ under authority of Section 42.023 of the *Texas Local Government Code*; it being understood that upon passage of this resolution, the Property shall immediately become part of San Marcos’s ETJ by operation of law (under Section 42.021(a)(4) of the *Texas Local Government Code*).

EXHIBIT “P”

UNANIMOUSLY PASSED & APPROVED THIS ____ DAY OF JANUARY 2020.

Robert Deviney, Mayor
City of Martindale

ATTESTATION:

Sylvia Gomez
City of Martindale, City Clerk

APPROVED AS TO FORM:

Kent E. Wymore IV
City of Martindale, City Attorney



Legislation Text

File #: ID#19-871, **Version:** 1

AGENDA CAPTION:

Hold discussion on non-discrimination policies within the City, including but not limited to, those with whom the City conducts business or solicits contracts, and provide direction to the City Manager.

Meeting date: January 21, 2020

Department: City Clerk's office for Council

Amount & Source of Funding

Funds Required: Click or tap here to enter text.

Account Number: Click or tap here to enter text.

Funds Available: Click or tap here to enter text.

Account Name: Click or tap here to enter text.

Fiscal Note:

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

City Council Strategic Initiative: [Please select from the dropdown menu below]

Choose an item.

Choose an item.

Choose an item.

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

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

Master Plan: *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

Background Information:

This discussion item was requested by Council Member Baker and Council Member Marquez.

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Click or tap here to enter text.

Recommendation:

Click or tap here to enter text.



Legislation Text

File #: ID#19-866, **Version:** 1

AGENDA CAPTION:

Executive Session in accordance with the following Government Code Sections:

- A. Section § 551.074 - Personnel Matters: to discuss duties and responsibilities of the City Manager.
- B. Section § 551.071 - Consultation with Attorney: to receive a staff briefing and deliberation regarding Martindale ETJ Matters.
- C. Section § 551.071 - Consultation with Attorney: to receive advice from Legal Counsel on Kinder Morgan Pipeline.

Meeting date: 1/21/2020

Department: City Clerk's Office on behalf of the City Council

Amount & Source of Funding

Funds Required: Click or tap here to enter text.

Account Number: Click or tap here to enter text.

Funds Available: Click or tap here to enter text.

Account Name: Click or tap here to enter text.

Fiscal Note:

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

City Council Goal: [Please select goal from dropdown menu below]

Choose an item.

Choose an item.

Choose an item.

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

Economic Development - Choose an item.

Environment & Resource Protection - Choose an item.

Land Use - Choose an item.

Neighborhoods & Housing - Choose an item.

File #: ID#19-866, **Version:** 1

Parks, Public Spaces & Facilities - Choose an item.

Transportation - Choose an item.

Not Applicable

Master Plan: *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

Background Information:

Click or tap here to enter text.

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Click or tap here to enter text.

Recommendation:

Click or tap here to enter text.



Legislation Text

File #: ID#19-867, **Version:** 1

AGENDA CAPTION:

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

- A. Section § 551.074 - Personnel Matters: to discuss duties and responsibilities of the City Manager
- B. Section § 551.071 - Consultation with Attorney: to receive a staff briefing and deliberation regarding Martindale ETJ Matters.
- C. Section § 551.071 - Consultation with Attorney: to receive advice from Legal Counsel on Kinder Morgan Pipeline.

Meeting date: 1/21/2020

Department: City Clerk's Office on behalf of the City Council

Amount & Source of Funding

Funds Required: Click or tap here to enter text.

Account Number: Click or tap here to enter text.

Funds Available: Click or tap here to enter text.

Account Name: Click or tap here to enter text.

Fiscal Note:

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

City Council Goal: [Please select goal from dropdown menu below]

Choose an item.

Choose an item.

Choose an item.

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

Economic Development - Choose an item.

Environment & Resource Protection - Choose an item.

Land Use - Choose an item.

Neighborhoods & Housing - Choose an item.

- Parks, Public Spaces & Facilities - Choose an item.
- Transportation - Choose an item.
- Not Applicable

Master Plan: *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

Background Information:

Click or tap here to enter text.

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Click or tap here to enter text.

Recommendation:

Click or tap here to enter text.