



MEMO

TO: Mayor and City Council
FROM: Jamie Lee Case, Director of Parks and Recreation
DATE: July 18, 2025
RE: **Lease of Parks Premises with San Marcos Lions Club**

This memo is intended to provide the history of the Lease of Parks Premises between the City of San Marcos ("City") and the San Marcos Lions Club ("Lions Club"), and the background of the recommendations that are being provided to City Council.

HISTORICAL TIMELINE OF COUNCIL ACTION:

November 23, 1981 – City Council considered an Ordinance to call a Special Election that would have been held on January 16, 1982 for the qualified voters of the city to consider a proposition approving or rejecting the terms and conditions of a lease of land in said city dedicated for park purposes to the Lions Club. The Council ultimately decided to place this on the same ballot as the General Election that was held April 3, 1982. Included as **Exhibit A**.

February 22, 1982 – City Council called the April 3, 1982 General and Special Election, which included a proposition for the purpose of approving or rejecting the terms and conditions of a lease of the outdoor storage/bathroom portion of San Marcos Rec Hall ("Rec Hall") in City Park, together with access to the parking lot adjacent thereto, to the Lions Club. The ballot language is included as **Exhibit B**.

April 3, 1982 – Special Election was held on the proposition mentioned within **Exhibit B**. The ballot proposition was approved.

July 10, 1989 – The City and the Lions Club entered into a service and use agreement where the Lions Club agreed to construct improvements at the Rec Hall which would provide additional storage space at said facility and donate time and services to maintenance and upkeep of said facility. Included as **Exhibit C**.

May 5, 1990 – The terms and conditions of a lease between the City and the Lions Club was placed before the voters for a second time with another proposition for the purposes of approving or rejecting the lease to the Lions Club of the outdoor storage/bathroom portion of the Rec Hall in City Park, together with access through the adjacent parking lot, for the purpose of conducting an inner tube rental operation subject to the terms and

conditions included as **Exhibit D**.

February 22, 1993 – The new lease terms and conditions that were previously approved by the voters in 1990 is approved. The lease was executed with a five-year term, and three consecutive five-year renewable options. (April 11, 1991-April 10, 2011). Included as **Exhibit E**.

March 25, 1996 – The first option to renew was considered and approved following the May 5, 1990 election. Included as **Exhibit F**.

July 9, 2002 - The City executed the second five-year renewal as previously approved. Included as **Exhibit G**.

April 17, 2007 – The lease was amended during the third option to renew for another five-year term and an allowance of the operation of a concession stand in Rio Vista Park was added. Included as **Exhibit H**.

November 2, 2010 – The General and Special Election were held. The Special Election ballot included Proposition No. 1 which asked the voters to consider authorizing the San Marcos City Council to lease portions of the Rec Hall at City Park to Lions Club for inner tube rental operation for an initial term of five (5) years, commencing April 11, 2011 with options to renew for up to four (4) additional terms of five (5) years each, upon mutual agreement. Included as **Exhibit I**.

June 21, 2011 – The City Council approved the lease agreement that was authorized to be entered into by the voters between the City and Lions Club providing for a five-year lease of a portion of the Rec Hall located in City Park for an annual rent of \$10,800, with an option to renew for up to four additional five-year terms upon mutual agreement. Included as **Exhibit J**.

February 25, 2021 - The Parks and Recreation Board adopted Recommendation Resolution 2021-01R on February 25, 2021, included as **Exhibit K**, unanimously of the members that were present (6-0). Three members were absent due to conflicts following the date change from February 18 to February 25 because of the winter storm event.

March 16, 2021 – The City Council held a Work Session to discuss the renewal of the San Marcos Lions Club lease and provided direction to staff on what amendments they were wanting to see. Minutes of that meeting are included as **Exhibit L**.

Amendments included:

- Inclusion of funds donation from the concession stand at Rio Vista – This was previously done without contractual obligation. These funds are provided to the Parks and Recreation Department and provided to the City Marshal/Park Ranger Division to

purchase equipment used in the riverfront parks.

- Creation of the River Parks Improvement Fund with a guarantee of \$10,000 annually.
- Increased litter abatement responsibilities. Increased litter clean-up from 2 hours to 4 hours per day.
- Inclusion of a lease renewal deadline of October 1 of the preceding year of the expiration date.

April 6, 2021 – The City Council approved the first amended and restated lease agreement that was authorized to be entered into by the voters between the City and the Lions Club providing for a five-year lease of a portion of the City Recreation Building located at City Park for an annual rent of \$11,900 with an option to renew for up to two additional five year terms upon mutual agreement. Minutes of that meeting are included as **Exhibit M**.

CONSIDERATION OF LEASE TERM 2026 – 2031

There are no substantive proposed changes requested by the San Marcos Lion's Club or Parks and Recreation Staff.

The lease has been updated to reflect the change in the name of the City Recreation Hall to the Pauline Espinosa Community Hall and to reflect the restriction of selling single-use beverage containers in compliance with the Single-Use Beverage Ordinance in the no-zone area at Rio Vista at the concession stand.

April 17, 2025 – The Parks & Recreation Board approved Recommendation Resolution 2025-02RR recommending renewal of the San Marcos Lions Club Lease unanimously (7-0 with one recusing due to being a Lions Club member)

January 30-31, 2025 - During the City Council Visioning Workshop City Council requested that an Efficacy Matrix be provided. Parks and Recreation Staff developed the scored matrix for review. This matrix was developed based on lease obligations, previous conversations held by Council and citizen comments provided during the previous renewal period.

The scoring is on a **1–10 scale**, where:

- **1–3** = Needs Improvement
- **4–7** = Acceptable to Moderate
- **8–10** = Strong Performance

Scored Park Property Lease Efficacy Matrix

Category	Key Performance Indicator (KPI)	Score (1–10)	Notes/Comments
Mission Alignment	Aligns with non-profit's mission	9	Strong alignment with charitable mission; funding supports local non-profits in the community
	Supports park and community priorities	8	Supports funding one time park projects via Park Improvements donation of \$10,000 and additional percentage of funding from Rio Vista Concession Stand revenues; complies with litter abatement requirements within contract.
Financial Impact			
	Lease/rent payments made on time	10	All payments current
	Covers fair share of operational costs	9	Pays utilities and required river shuttle franchise fees
	Generates funding for community benefit	9	Proceeds support local non-profits and programs
Community Benefit			
	Number of community members/groups served	5	Info not provided; assume moderate reach via grants
	Public perception and feedback	5	Mixed: charitable impact vs. river strain concerns
	Offers community programs/events	6	Indirectly through grants; no direct programming
Environmental Impact			

	Responsible use of space	8	Responsive and cooperative with park rules and lease requirements
	Impact on natural features	5	Recreation adds strain on river; However overall tube rentals are down and more people are bringing their own from home which cannot be mitigated by lessee
	Environmental best practices	6	Compliant with litter abatement lease requirements. Management and staff do educate about park rules. Management recently reported intentional removal of wild rice by an individual in the river which led to the Game Warden arriving and issuing the person a citation.
Operational Success			
	Facility and grounds maintenance	9	Meeting standards
	Responsiveness to city/park staff	10	Highly responsive
	Compliance with lease terms	10	Fully compliant
Legal & Ethical			
	Legal compliance and permitting	10	No issues reported
	Transparency and accountability	7	Cooperative when asked for information
Stakeholder Satisfaction			
	City staff satisfaction	9	Generally satisfied

	Community/resident satisfaction	6	River-use concerns have been voiced in the past. Lions Club President regularly participates in monthly group River Collaboration meetings with Parks, SMRF, Eyes of the SM River and other outfitters.
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The following table illustrates the amount of funding provided to the City of San Marcos during the current lease term of 2021 – to date in 2025. This does not include utility payments which they are billed directly for as a utility customer:

Year	Lease Payment	Park Improvement Donation	Concession Stand Donation	River Shuttle Franchise Permit per Ordinance	Other Donations
2021	\$11,900	\$10,000	\$17,385	\$1,000	\$4,500 – Fireworks
2022	\$11,900	\$10,000	\$18,818	\$2,000	\$4,500 - Fireworks
2023	\$11,900	\$10,000	\$20,805	\$2,000	\$4,500 – Fireworks
2024	\$11,900	\$10,000	\$19,950	\$2,000	\$4,500 – Fireworks \$10,000 – Perry Weather Monitoring/Announcement System in City Park
2025	\$11,900	TBD - paid post 2025 season	TBD – paid post 2025 season	\$2,000	\$4,500 - Fireworks

The information below was provided by the San Marcos Lions Club regarding the number of scholarships, grants and total funds donated over the last five years.

Award Year	Scholarships Awarded	Grants Awarded	Total Funds
2020 – 2021	12	27	\$167,450
2021 – 2022	12	75	\$332,150
2022 – 2023	16	78	\$335,800
2023 – 2024	20	79	\$403,811
2024 – 2025	20	81	\$426,280

This is a complete list of all grants and sponsorships we have awarded over the past 5 years.

- A Night at Bethlehem
- Adopt-A-School
- Austin Habitat for Humanity
- Barrio Pescado Fitness Trail
- Blanco River Regional Recovery
- Books are the Beginning
- Boy Scout Troop 112
- Boy Scout Troop 18
- Burke Center for Youth
- Casa of Central Texas
- Cenikor/Hays Caldwell A&D
- C.F.P.O. Youth Sports
- Community Action Inc
- COSM Outdoor Weather System – City Park
- COSM Parks & Recreation - Fireworks
- Dunbar Heritage Association
- Edwards Aquifer R & D Center
- Family For Life
- For the Love of Go
- Freedom on the Fly
- Friends of Martindale Lib
- Friends of Scouting
- Giving Hope
- Great Springs Trail Race
- Greater San Marcos Youth Council
- Hays Co Brown Santa
- Hays Co Child Protection/Welfare Board
- Hays Co Crime Stoppers
- Hays Co ECI Homespun
- Hays Co Extension Svc
- Hays Co Food Bank
- Hays Co Honor Guard Found
- Hays Co Jr Deputy
- Hays Co Livestock Expo
- Hays Co Victim Services
- Hays Co Young Life
- Hays Caldwell Women's Center
- Hays County Crime Stoppers Gala
- Heritage Association of San Marcos
- Honor Flight Austin
- Indigenous Cultures Institute
- Jonnie T Rosales Memorial
- KT Pickle Ball Tournament
- KT Vendor Fair
- LBJ Museum of San Marcos
- Leadership San Marcos
- Lifelong Learning
- Martindale Comm Library
- Mathworks
- Meals On Wheels
- Medical Explorers
- Medical Explorers Leos
- Mermaid Society SMTX
- Mission Able
- Natl Assoc Of School Nurses
- Own Your Own Universe
- PALS
- Phoenix Stone Foundation
- Power 2 Prosper Comm Dev
- Red Arena
- Redwood Community Ctr, Inc
- Rotary Casino Night
- Salvation Army
- San Marcos Chamber of Commerce Business Expo
- San Marcos River Foundation
- San Marcos Youth Baseball/Softball Association
- San Marcos Youth Services Bureau
- San Marcos Youth Soccer Association
- Scheib Center
- School Fuel
- Sights & Sounds-Christmas
- SMA Bear Kitchen

- SM Academy Leos
- SM Bluebonnets 5k
- SM Citizen & Police Association - Blue Angels
- SM Ed Foundation-Teacher Grants
- SM Head To Toe
- SM Housing Authority Res Services
- SM Police Department - Blue Santa
- SMCISD Project Graduation
- SMCISD Rattler Closet
- SMCISD Youth Strings Program
- SMPAA Summer In Park
- Southside Community Center
- Sunshine Kids
- Teacher Reuse
- Texas State University Autism Summer Camp
- TruChoice Pregnancy Resource Center
- Tx Stream Team/Meadows Center
- VFW Post 3413

END

Exhibit A

MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF SAN MARCOS,
TEXAS, NOVEMBER 23, 1981

PRESENT: Mayor	* Emmie Craddock
Mayor Pro-Tem	Berry R. James
Council Members	Karl W. Brown Robert L. Cavazos John A. Kreczmer Elida A. Mendez Tess Norris
City Manager	A. C. Gonzalez
City Secretary	Janis K. Womack
City Attorney	Barbara Edwards
Director of Finance	Earl Williams
Director of Public Safety	Robert Minnie

Also Present: Dr. Joel Goldman, Jeff Watkins, Virginia Nicolaidis, Chris Bishop, Bill Pryatel, Nina Pryatel, Roger Jenkins, Jake Krauskopf, students from San Marcos High School government class, Kelley Kilber, Bobby Whiteside, members of Lions Club, Joe Dobie, Shirley Wickersham, Jim Gandy, Brenda Smith, Jane Wilson and others.

Mayor Pro-Tem Berry James called the meeting to order at 7:30 p.m.

Mr. James introduced for consideration approval of the minutes of the Regular Meeting held November 9, 1981. Mrs. Norris moved to approve the minutes and Mr. Kreczmer seconded the motion, which passed unanimously.

Mr. James introduced for consideration approval of the minutes of the Emergency Meeting held November 16, 1981. Mr. Brown moved to approve the minutes and Mrs. Mendez seconded the motion, which passed unanimously.

Mr. James introduced for consideration approval of an appointment to fill the unexpired term on the Central Texas Higher Education Authority of Mr. C. D. Marshal, whose term expires in February, 1983. The Council by memoranda to the City Secretary had placed in nomination prior to the meeting the names of John Morrisset and Bib Underwood. On roll call the following vote was recorded:

Brown:	Underwood
Cavazos:	Morrisset
James:	Morrisset
Kreczmer:	Underwood
Mendez:	Morrisset
Norris:	Morrisset.

Mr. Morrisset will complete the unexpired term of Mr. Marshal on the Central Texas Higher Education Authority, and the City Secretary was instructed to place Mr. Underwood's name in nomination on the next Board opening.

Mr. James introduced for consideration an appointment from the Planning and Zoning Commission to fill the vacancy of Stanley Sessom on the Belvin Street Historical District. Mr. Brown moved that Aart Millecam be appointed to replace Mr. Sessom and Mr. Kreczmer seconded the motion, which passed unanimously.

Mr. James introduced for consideration adoption of an Ordinance on emergency amending Chapter 27, entitled "Taxicabs" of the Code of Ordinances, the caption which was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, AMENDING CHAPTER 27, ENTITLED "TAXI-CABS" OF THE CODE OF ORDINANCES, CITY OF SAN MARCOS, TEXAS, TO DEFINE TERMS; TO REQUIRE A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR PERSONS WISHING TO OPERATE A TAXICAB BUSINESS IN SAID CITY; TO SET STANDARDS FOR THE ISSUANCE OF SAID CERTIFICATES; TO SET FEES; TO PROVIDE STANDARDS FOR THE SUSPENSION AND REVOCATION OF SAID CERTIFICATES; TO REQUIRE TAXI-CAB DRIVERS' PERMITS; TO REQUIRE DISPLAY OF SAID PERMIT; TO REQUIRE INSPECTION OF TAXICABS; TO REQUIRE FILING OF RATES OF FARE AND THE DISPLAY OF RATE CARDS; TO SET STANDARDS FOR THE PROVISION OF SAID SERVICE TO PASSENGERS; TO REQUIRE THE KEEPING OF MANIFESTS; TO REQUIRE THE KEEPING OF CERTAIN RECORDS AND REPORTS; TO DESIGNATE AN ENFORCEMENT BODY; TO SET A PENALTY; TO PROVIDE FOR SEPARABILITY; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES AND DECLARING AN EMERGENCY.

Mrs. Norris moved for the adoption of the Ordinance on emergency and Mr. Cavazos seconded the motion, which passed unanimously. Mrs. Norris requested the City Attorney make a determination as to the legality of the taxi which was in service on November 23, 1981, without permit.

Mr. James introduced for consideration adoption of an Ordinance on emergency calling for a Special Election to be held January 16, 1982 involving dedicated parkland, the caption which was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, CALLING A SPECIAL ELECTION ON JANUARY 16, 1982, TO BE HELD IN SAID CITY FOR THE PURPOSE OF APPROVING OR REJECTING THE TERMS AND CONDITIONS OF A LEASE OF LAND IN SAID CITY DEDICATED FOR PARK PURPOSES TO THE LIONS CLUB OF SAN MARCOS, TEXAS; MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION AND OTHER PROVISIONS INCIDENT AND RELATED TO THE PURPOSE OF THIS ORDINANCE; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS AND DECLARING AN EMERGENCY.

Mr. Brown moved for the adoption of the Ordinance to get it on the table for discussion and Mrs. Mendez seconded the motion. Mr. Bobby Whiteside reiterated the Lions Club's desire to lease part of City Park for the rental and storage of tubes and for the calling of the election January 16, 1982. During discussion the Council voiced objection to the proposition to be submitted to the electors of a ten-year lease and discussed with Mr. Whiteside a possible five-year lease and five-year option be placed on the proposition.* After further discussion Mr. James moved that the Ordinance be tabled until the December 14, 1981 Regular Council Meeting so that a committee could be formed of Mayor Craddock, City Manager A. C. Gonzalez and Council Member John Kreczmer and members of the Lions Club to amend the Ordinance to present to the Council again on December 14, 1981 and Mrs. Norris seconded the motion, which passed unanimously.

Mr. James introduced for consideration approval of an Ordinance on first reading amending the Ordinance of September 8, 1981, which adopted the 1981-1982 Budget, the caption which was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, AMENDING THAT ORDINANCE ADOPTED SEPTEMBER 8, 1981, WHICH SET FORTH AN ITEMIZED ESTIMATE OF THE EXPENSE OF CONDUCTING EACH ADMINISTRATIVE UNIT OF THE MUNICIPAL GOVERNMENT OF SAID CITY FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 1981, AND ENDING ON SEPTEMBER 30, 1982, AND APPROPRIATED MONEY FOR THE VARIOUS FUNDS AND PURPOSES OF SUCH ESTIMATE TO REVISE SAID ESTIMATES AND TO REAPPROPRIATE SAID FUNDS; ADOPTING SAID REVISIONS AND ESTIMATES AND DECLARING AN EFFECTIVE DATE.

Mrs. Norris moved for the approval of the Ordinance on first reading and Mrs. James seconded the motion, which passed unanimously.

*Mr. Cavazos left the meeting at this point at 8:00 p.m.

Mr. James introduced for consideration approval of an Ordinance on second reading establishing a program of emergency management, the caption which was read as follows:

AN ORDINANCE ESTABLISHING A PROGRAM OF COMPREHENSIVE EMERGENCY MANAGEMENT WHICH INCLUDES THE MITIGATION, PREPAREDNESS RESPONSE AND RECOVERY PHASES OF CIVIL PREPAREDNESS; CREATING THE OFFICE OF EMERGENCY MANAGEMENT DIRECTOR; CREATING THE POSITION OF EMERGENCY MANAGEMENT COORDINATOR; AUTHORIZING THE APPOINTMENT OF AN EMERGENCY MANAGEMENT COORDINATOR; PROVIDING THE DUTIES AND RESPONSIBILITIES OF SAID OFFICES; IDENTIFYING AN OPERATIONAL ORGANIZATION; GRANTING NECESSARY POWERS TO COPE WITH ALL PHASES OF EMERGENCY MANAGEMENT WHICH THREATEN LIFE AND PROPERTY IN THE CITY OF SAN MARCOS, TEXAS; AUTHORIZING COOPERATIVE AND MUTUAL AID AGREEMENTS FOR RELIEF WORK BETWEEN THIS AND OTHER CITIES OR COUNTIES AND FOR RELATED PURPOSES; PROHIBITING UNAUTHORIZED WARNING AND ALL-CLEAR SIGNALS; MAKING VIOLATIONS A MISDEMEANOR PUNISHABLE BY FINE NOT TO EXCEED \$200.00; PROVIDING FOR SEPARABILITY AND DECLARING AN EFFECTIVE DATE.

Mrs. Norris moved to approve the Ordinance on second reading and Mr. Kreczmer seconded the motion, which passed unanimously.

Mr. James introduced for consideration approval of an Ordinance on second reading amending Chapter 5 entitled "Buildings and Building Regulations", the caption which was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, AMENDING CHAPTER 5, ENTITLED "BUILDINGS AND BUILDING REGULATIONS" TO ADOPT THE STANDARD BUILDING CODE, 1979 EDITION, AND THE 1980-81 REVISIONS TO THE 1979 EDITION AND AMEND SAID CODE IN CERTAIN RESPECTS; TO SET A PENALTY AND DECLARING AN EFFECTIVE DATE.

Mrs. Norris moved to approve the Ordinance on second reading in order to get it on the table for discussion and Mrs. Mendez seconded the motion. City Manager A. C. Gonzalez reviewed with the Council the suggested changes that some of the local contractors had requested be considered by the Council. After discussion Mr. James moved that the Ordinance be amended to incorporate the fee structure as recommended by the local contractors and Staff, which would change Sec. 5-26. Section 106.2A. the annual license fee to \$150.00; and Sec. 5-28. Section 107.4. a. Permit Fees:

\$200.00 and less	No fee, unless inspection required in which case a \$5.00 fee for each inspection shall be charged.
\$201.00 to \$2000.00	\$25.00 flat fee.
\$2,001.00 to \$15,000.00	\$25.00 for the first \$2,000.00 plus \$3.00 for each additional thousand or fraction thereof to and including \$15,000.00.
\$15,001.00 to \$50,000.00	\$64.00 for the first \$15,000.00 plus \$3.50 for each additional thousand or fraction thereof to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$186.50 for the first \$50,000.00 plus \$4.00 for each additional thousand or fraction thereof to and including \$100,000.00.

\$100,001.00 to \$500,000.00	\$386.50 for the first \$100,000.00 plus \$3.00 for each additional thousand or fraction thereof to and including \$500,000.00.
\$500,001.00 to \$1,000,000.00	\$1,586.50 for the first \$500,000.00 plus \$2.00 for each additional thousand or fraction thereof to and including \$1,000,000.00.
\$1,000,001.00 and up	\$2,586.50 for the first \$1,000,000.00 plus \$0.75 for each additional thousand or fraction thereof.

and add a new section:

- b. For all construction valued at \$1,000,000.00 and up, only the base fee will be applied if all inspections are certified by an architect/engineer as to conformance with the adopted Building Code of the City of San Marcos.

and delete Section e. Plan-checking fees.

Mrs. Norris seconded the motion, which passed unanimously.

Mr. James introduced for consideration the adoption of a Zoning Ordinance on third and final reading, the caption which was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, AMENDING SECTION 3 OF THAT ORDINANCE WHICH REGULATES AND RESTRICTS THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND, DATED SEPTEMBER 29, 1980 (VOL. 54) BY ZONING LOT NO. SIX (6) IN BLOCK NO. TWO (2) OF THE C. L. MCGEHEE ADDITION, A/K/A 617 BURLESON STREET, FROM "R-1" (SINGLE-FAMILY DWELLING DISTRICT) TO "TH" (TOWNHOUSE RESIDENTIAL DISTRICT).

Mrs. Norris moved for the adoption of the Ordinance on third and final reading and Mrs. Mendez seconded the motion, which passed unanimously.

Mr. James introduced for consideration the adoption of a Zoning Ordinance on third and final reading, the caption which was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, AMENDING SECTION 3 OF THAT ORDINANCE WHICH REGULATES AND RESTRICTS THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND, DATED SEPTEMBER 29, 1980 (VOL. 54) BY ZONING THREE TRACTS OF LAND DESCRIBED AS FOLLOWS: (1) FIRST TRACT: 40.16 ACRES OF LAND, MORE OR LESS, OUT OF THE J. M. VERAMENDI LEAGUE NO. TWO AND BEING A PORTION OF LOT NO. 8 OF THE SHADRACH DIXON SUBDIVISION, FROM "AO" (AGRICULTURAL-OPEN SPACE DISTRICT) TO "C" (COMMERCIAL DISTRICT); (2) SECOND TRACT: 2.59 ACRES OF LAND, BEING A PORTION OF LOT NO. 8 OF THE SHADRACH DIXON SUBDIVISION, FROM "AO" (AGRICULTURAL-OPEN SPACE DISTRICT) TO "C" (COMMERCIAL DISTRICT); AND (3) THIRD TRACT: 19.32 ACRES OF LAND, MORE OR LESS, OUT OF THE J. M. VERAMENDI LEAGUE NO. TWO AND BEING A PORTION OF LOT NO. 8 OF THE SHADRACH DIXON SUBDIVISION, FROM "AO" (AGRICULTURAL-OPEN SPACE DISTRICT) TO "LI" (LIGHT INDUSTRIAL DISTRICT).

Mrs. Norris moved for the adoption of the Ordinance on third and final reading and Mr. Kreczmer seconded the motion. On roll call the following vote was recorded:

AYE: James, Kreczmer, Mendez and Norris.

NAY: None.

ABSTAIN: Brown.

Mr. James introduced for consideration the adoption of an Ordinance on third and final reading declaring a necessity for acquiring a portion of property located at the intersection of Guadalupe and Roosevelt Streets for public purpose, the caption which was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, DECLARING THE NECESSITY OF ACQUIRING A PORTION OF BLOCK TWO (2) OF THE HOME FARM BLOCKS SUBDIVISION IN THE CITY OF SAN MARCOS, TEXAS, SAID PORTION LOCATED AT THE INTERSECTION OF GUADALUPE STREET AND ROOSEVELT STREET, FOR A PUBLIC PURPOSE; DESCRIBING THE PROJECT FOR WHICH SAID PROPERTY IS TO BE ACQUIRED; DESCRIBING SAID PROPERTY; AUTHORIZING THE CITY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS AND DECLARING AN EFFECTIVE DATE.

Mrs. Norris moved for the adoption of the Ordinance on third and final reading and Mr. Kreczmer seconded the motion, which passed unanimously.

Mr. James introduced for consideration the adoption of an Ordinance on third and final reading amending Chapter 11 entitled "Food and Food Establishments" of the Code of Ordinances, the caption which was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, AMENDING CHAPTER 11, ENTITLED "FOOD AND FOOD ESTABLISHMENTS", OF THE CODE OF ORDINANCES OF SAID CITY TO ESTABLISH A PURPOSE; TO DEFINE TERMS; TO PROVIDE FOR THE SALE OF ONLY SOUND, PROPERLY LABELED FOOD; TO REGULATE THE SOURCE OF FOOD; TO ESTABLISH SANITATION STANDARDS FOR FOOD, FOOD PROTECTION, FOOD SERVICE PERSONNEL, FOOD SERVICE OPERATIONS, FOOD EQUIPMENT AND UTENSILS, SANITARY FACILITIES AND CONTROLS AND OTHER FACILITIES; TO REQUIRE PERMITS FOR THE OPERATION OF FOOD SERVICE ESTABLISHMENTS; TO REGULATE THE INSPECTION OF SUCH ESTABLISHMENTS; TO PROVIDE FOR THE EXAMINATION AND CONDEMNATION OF FOOD; TO PROVIDE FOR ENFORCEMENT AND TO SET PENALTIES AND DECLARING AN EFFECTIVE DATE.

Mr. Brown moved for the adoption of the Ordinance on third and final reading and Mrs. Norris seconded the motion, which passed unanimously.

Mr. James introduced for consideration the adoption of an Ordinance on third and final reading amending the Code of Ordinances to provide a standard for determining the charges to be levied for copies of the City Charter and/or Code of Ordinances and supplements thereto, the caption which was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, AMENDING THE CODE OF ORDINANCES, CITY OF SAN MARCOS, TEXAS, TO PROVIDE A STANDARD FOR DETERMINING CHARGES TO BE LEVIED BY CITY FOR COPIES OF CITY CHARTER AND/OR CODE OF ORDINANCES AND FOR SUPPLEMENTS TO SAID CHARTER AND CODE; TO DIRECT THE CITY SECRETARY TO MAINTAIN A SCHEDULE OF SAID CHARGES AND DECLARING AN EFFECTIVE DATE.

Mr. James introduced for consideration the adoption of a Resolution approving an agreement by the City of San Marcos Industrial Development Corporation to issue bonds for Esquire, Inc., the caption which was read as follows:

RESOLUTION APPROVING AGREEMENT BY CITY OF SAN MARCOS
INDUSTRIAL DEVELOPMENT CORPORATION TO ISSUE BONDS FOR
ESQUIRE, INC.

Mr. Brown moved for the adoption of the Resolution and Mrs. Norris seconded the motion. On roll call the following vote was recorded:

AYE: Brown, James, Mendez and Norris.

NAY: None.

ABSTAIN: Kreczmer.

Mr. James introduced for consideration the adoption of a Resolution approving final payment to Southwest Texas State University-Edwards Aquifer Research and Data Center for the provision of water quality analyses, the caption which was read as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN
MARCOS, TEXAS, APPROVING FINAL PAYMENT TO SOUTHWEST
TEXAS STATE UNIVERSITY-EDWARDS AQUIFER RESEARCH AND
DATA CENTER FOR THE PROVISION OF WATER QUALITY ANA-
LYSES DURING A TWENTY-FOUR WEEK PERIOD IN CONJUNCTION
WITH A UNITED STATES DEPARTMENT OF ENERGY WASTEWATER
TREATMENT PROJECT AND DECLARING AN EFFECTIVE DATE.

Mr. Brown moved for the adoption of the Resolution and Mrs. Norris seconded the motion, which passed unanimously.

Mr. James introduced for consideration approval of an award of bid to Red Simon Ford for six police cars. Mr. James moved the approval of the bid to get the matter on the table for discussion and Mr. Brown seconded the motion. During discussion Mrs. Norris voiced objection to the high bid and moved that rather than accept the bid of Red Simon Ford, rebid the six police cars. Mr. Minnie advised the Council that 20 dealers were requested to bid within a 75-mile radius of San Marcos and that the only two bids received were from Chuck Nash Chevrolet and Red Simon Ford, both of San Marcos. One San Antonio dealer advised he would not bid because of the requirement of a bid bond. Mrs. Norris withdrew her motion. Mr. James then returned to his original motion to approve the bid and to take additional funds from contingency to pay for the cars, which was seconded by Mr. Brown. On roll call the following vote was recorded:

AYE: Brown, James, Kreczmer and Mendez.

NAY: Norris.

ABSTAIN: None.

Mr. James introduced for consideration approval to bid on Victory Gardens' sidewalks. Mrs. Norris moved for approval to bid on the sidewalks and Mr. James seconded the motion. Mr. Kelley Kilber advised the Council this would be done in connection with the Victory Gardens Phase II project. On roll call the motion passed unanimously.

Mr. James introduced for consideration approval to pay from contingency funds a statement from Charles Davis for painting the Cock House. Mr. Brown moved for approval to pay Mr. Davis' statement from contingency funds in the amount of \$700.00 and Mrs. Norris seconded the motion, then expressed that she thought it would be important in the future to request approval prior to the work being performed. On roll call the following vote was recorded:

AYE: Brown, Kreczmer, Mendez and Norris.

NAY: James.

ABSTAIN: None.

Mr. James introduced for consideration approval for a colored photograph to be used on the cover of the San Marcos Master Plan. After some discussion Mrs. Norris moved that a black and white photograph be used on the cover and Mrs. Mendez seconded the motion, which passed unanimously.

Mr. James introduced for consideration approval of two nominations of the City Council for the Board of Review of the Hays County Appraisal District, Pete Rodriguez and Bill West. Mr. Brown moved that these two names be submitted to the Hays County Appraisal District for consideration for the Board of Review and Mrs. Norris seconded the motion, which passed unanimously.

Mr. James introduced for consideration an Ordinance on emergency amending Section 29-123 of the Code of Ordinances to add additional No Parking places, the caption which was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, AMENDING SECTION 29-123 OF THE CODE OF ORDINANCES OF SAID CITY TO ADD THREE LOCATIONS WITHIN SAID CITY AT WHICH PARKING SHALL BE PROHIBITED AND DECLARING AN EMERGENCY.

Mrs. Norris moved for the adoption of the Ordinance on emergency and Mr. Kreczmer seconded the motion, which passed unanimously.

The meeting adjourned at 9:05 p.m. on motion of Mr. James and seconded by Mrs. Norris.

Karl W. Brown
Karl W. Brown
Council Member

John A. Kreczmer
John A. Kreczmer
Council Member

ATTEST:

Janis K. Womack
Janis K. Womack
City Secretary

Berry R. James
Berry R. James
Mayor Pro-Tem

Robert L. Cavazos
Robert L. Cavazos
Council Member

Elida A. Mendez
Elida A. Mendez
Council Member

Tess Norris
Tess Norris
Council Member

Exhibit B

FILED
At 1:22 o'clock PM

FEB 19 1982

CITY SECRETARY
City of San Marcos

ORDINANCE NO. 1982-4

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, ORDERING A REGULAR CITY ELECTION ON APRIL 3, 1982, TO ELECT A MAYOR, COUNCIL MEMBER, PLACE FIVE AND COUNCIL MEMBER, PLACE SIX AND TO APPROVE OR REJECT THE TERMS AND CONDITIONS OF A LEASE OF OUTDOOR STORAGE/BATHROOM PORTION OF THE RECREATIONAL BUILDING IN THE SAN MARCOS CITY PARK, TOGETHER WITH ACCESS TO THE PARKING LOT ADJACENT THERETO, TO THE LIONS CLUB OF SAN MARCOS, TEXAS; PROVIDING FOR POLLING PLACES; PROVIDING FOR THE FORM OF THE BALLOT; PROVIDING FOR HOURS OF ABSENTEE VOTING; PROVIDING FOR A SPECIAL CANVASSING BOARD; PROVIDING FOR THE USE OF AN ELECTRONIC VOTING SYSTEM; PROVIDING FOR PROPER NOTICE AND SUCH OTHER ASPECTS AS ARE INCIDENT AND RELATED TO THE PURPOSE OF THIS ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS AND DECLARING AN EMERGENCY.

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

SECTION 1. That, in accordance with the provisions of Article III and Article V of the Charter of the City of San Marcos and the laws of the State of Texas, so far as same may be applicable, a regular city election shall be held and the same is ordered and directed to be held, at the various polling places in the City of San Marcos, Texas, as hereinafter designated, on the 3rd day of April, 1982, from the hours of 7:00 a.m. to 7:00 p.m. at which election there shall be elected by the qualified voters of the City of San Marcos from the City at large, a mayor for a term of two years, and one Council Member for Place Five and one Council Member for Place Six for terms of three years and at which election there shall be approved or rejected the terms and conditions of a lease of outdoor storage/bathroom portion of the recreational building in the San Marcos City Park, together with access to the parking lot adjacent thereto, to the Lions Club of San Marcos, Texas.

SECTION 2. That the proposition for the purpose of approving or rejecting the terms and conditions of a lease of outdoor storage/bathroom portion of the recreational building in the San Marcos City Park, together with access to the parking lot adjacent thereto, to the Lions Club of San Marcos be set forth on the ballot as follows so as to permit the electors to vote "FOR" or "AGAINST" the proposition:

That the City Council of the City of San Marcos, Texas shall lease the outdoor storage/bathroom portion of the recreational building in the San Marcos City Park, together with access to the parking lot adjacent to that portion of said building, to the Lions Club of San Marcos, Texas, for the purpose of conducting an inner tube rental operation, said lease to be on the following terms and conditions:

- (1) The Lions Club shall renovate said portion of the recreational building into three storage rooms (one of which shall be usable as a meeting room) and two bathrooms.
- (2) The Lions Club shall have exclusive control and possession of the leased premises from May 1 to October 31 for a five (5) year period.

- (3) At the time of the initial renovation the Lions Club shall paint the exterior of said portion of the recreational building and the two restrooms, and, thereafter, shall paint said exterior every fifth year and the bathrooms every year.
- (4) The Lions Club shall pay all lighting and heating costs attributable to the leased premises and shall provide tables and chairs for the meeting room.
- (5) The Lions Club shall, during the periods of its exclusive control and possession, keep said storage rooms, meeting room and bathrooms in a clean condition, and shall also provide assistance to the City in the regular cleaning of the area adjacent to the recreational building, including the picnic area and parking lot during the periods of its exclusive control and possession.
- (6) The City of San Marcos shall continue to maintain those areas of City Park not specifically assigned to Lions Club for maintenance.
- (7) The Lions Club shall assist the City in future projects within the City's park system.
- (8) The Lions Club shall have the option to renew the lease for an additional five (5) year period.

SECTION 3. That the election precincts for said election shall be, in all respects, the same precincts as those Hays County Election Precincts which are within the incorporated city limits of the City of San Marcos.

SECTION 4. That the polling places and officers for said election shall be as follows:

<u>Precinct Number</u>	<u>Polling Place</u>	<u>Presiding Judge</u>	<u>Alternate Presiding Judge</u>
11	Dunbar Center Endicott Street	Nelvia Burleson	Deborah Dobie
12	Guadalupe Hall 218 Roosevelt Street	Joe Gonzales	Herminia Flores
13	San Marcos High School Auditorium 1/2 mile Seguin Highway	Rose Brooks	Frances Ybarra
14	Bugg Lane Fire Station Bugg Lane	Elizabeth Champagne	Frances Oussant
16	Westover Baptist Church Bishop & Advance	Janet Underwood	Robert J. Goss
20	County Jail 1307 Old Uhland Road	Margie Villalpando	Art Latta
30	Crockett School 1500 Girard	Ofelia Vasquez	Merry Fitzpatrick
34	San Marcos Public Library 310 West Hutchison	Mary Louise Thornton	Aart Millecam

36	First American Lutheran Church 130 West Holland Street	Susan Jarrett	Bill Liddle
44	Allen Wood Homes Auditorium Thorpe Lane	Walter Myers	Estella Lerma
45	San Marcos Department of Public Safety 401 East Hopkins	Allice S. Boleman	Karen B. Freeman
46	Travis Elementary School Old Austin Highway	Ann Brieger	Sheila Vaverek

SECTION 5. That JANIS K. WOMACK be, and she is hereby, appointed clerk for absentee voting and that JULIE VILLANUEVA be, and she is hereby, appointed deputy clerk for absentee voting.

SECTION 6. That absentee voting for said regular city election shall be held at City Hall, 630 East Hopkins Street within said City. Said absentee voting shall be conducted during normal working days in the City Hall from March 15, 1982, to March 30, 1982, and the hours for absentee voting shall be from 8:00 a.m. to 5:00 p.m. The above described place for absentee voting is also the absentee clerk's mailing address to which ballot applications and ballots voted by mail may be sent. Absentee votes shall be delivered to the San Marcos Public Library at 12:00 p.m. on April 3, 1982. Absentee votes shall be counted at the central counting station. A special canvassing board shall be appointed and perform in accordance with the provisions of Article 7.15, Texas Election Code.

SECTION 7. That an electronic system, as the term is defined in Article 7.15, Texas Election Code, shall be utilized in connection with said election. Said system shall be utilized for all absentee voting as well as for all precinct voting conducted on election day. Ample voting equipment shall be provided for absentee voting and in each of the various precincts on election day. The central counting station is established as the Conference Room, San Marcos City Hall, 630 East Hopkins.

SECTION 8. That said election shall be held under the provisions of and in accordance with the provisions of the Charter and Ordinances of the City of San Marcos, and so far as may be applicable, in accordance with the laws of the State of Texas.

SECTION 9. That a substantial copy of this ordinance shall serve as proper notice of said election. Said notice, including a Spanish translation thereof, shall be published on the same day in each of two successive weeks in a newspaper of general circulation in said City, published therein, the first of said publications to be made not less than fourteen (14) full days prior to the date set for said election.

SECTION 10. That the Counting Station Presiding Judge shall be Dr. Wilbon Davis and the Counting Station Supervisor shall be Ruth Ann Hoch.

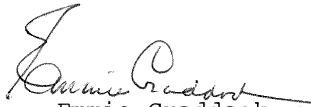
SECTION 11. That a copy of this ordinance shall be delivered to the presiding judge of each election precinct in which the election is ordered to be held, which copy shall serve as a writ of election notifying said official of the official's duty to hold said election, the location of the polling places and the hours during which the polls shall be kept open.

SECTION 12. That a test of the automatic tabulating equipment be performed pursuant to Article 7.15-20(f) of the Texas Election


Code prior to the start of the count of the ballots. Public notice of the time and place of the test shall be given at least 48 hours prior thereto by publication once in the San Marcos Daily Record. A like test shall be performed at the conclusion of the count before the election returns are approved as official.

SECTION 13. That the importance of this Ordinance creates an emergency and an imperative purpose necessary that the provisions of the charter requiring that ordinances shall be read at three separate meetings and that no ordinance shall become effective until the expiration of ten (10) days following the date of its final passage be suspended, and these provisions are hereby suspended, and this Ordinance shall take effect and be in full force and effect from and after its adoption and publication in a newspaper of general circulation within the City.


PASSED, APPROVED AND ADOPTED this 22nd day of February , 1982.


Emmie Craddock
Mayor

Attest:


Janis K. Womack
City Secretary

Approved:


Barbara Jean Edwards
City Attorney

Published in DAILY RECORD February 24, 1982.

Exhibit C

RESOLUTION 1989-63R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS APPROVING THE TERMS AND CONDITIONS OF A SERVICE AND USE AGREEMENT WITH THE SAN MARCOS LIONS CLUB, AUTHORIZING THE MAYOR TO EXECUTE SAME AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the San Marcos Lions Club is currently leasing space at the City Recreation Building pursuant to referendum of the voters on April 3, 1982 and that lease agreement of April 12, 1982 between the City of San Marcos and said Lions Club, which is used in connection with said Club's inner tube rental program; and,

WHEREAS, the City of San Marcos desires to obtain additional storage space at the City Recreation Building at City Park; and,

WHEREAS, the San Marcos Lions Club desires to enter into a non-exclusive agreement with said City for a license for the use of storage space at the City Recreation Building; and,

WHEREAS, the San Marcos Lions Club has agreed to construct improvements at the City Recreation Building which will provide additional storage space at said facility and donate time and services to maintain and upkeep said facility; now, therefore,

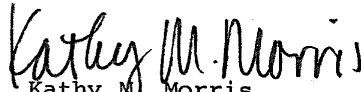
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

PART 1. That the terms and conditions of the service and use agreement with the San Marcos Lions Club, a copy of which is attached hereto as Exhibit A, are approved.


PART 2. That the Mayor, Kathy M. Morris, be, and she is, hereby authorized to execute said agreement on behalf of said City.

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

ADOPTED this the 10 day of July , 1989.


Kathy M. Morris
Mayor

Attest:


Janis K. Womack
City Secretary

THE STATE OF TEXAS

CITY RECREATION BUILDING
SERVICE AND USE CONTRACT

COUNTY OF HAYS

This Agreement by and between the City of San Marcos, Texas, 630 E. Hopkins, San Marcos, Texas, 78666, hereinafter referred to as "CITY" and the San Marcos Lions Club, P. O. Box 994, San Marcos, Texas, 78666, hereinafter referred to as "LIONS CLUB", is as follows:

ARTICLE I.

The parties hereby agree that in exchange for the construction by the Lions Club and final acceptance by the City of approximately \$6,000.00 worth of improvements, hereinafter referred to as "the Work," to the City Recreation Building located at City Park, such improvements described generally as the enclosure of the southwest breezeway and the performance by said Lions Club of certain maintenance and upkeep responsibilities of the Recreation Building and surrounding park area at the direction of the Director of the Parks and Recreation Department in addition to those provided for in that lease agreement of April 12, 1982 between said City and the Lions Club, the City does hereby grant a license to the Lions Club for its non-exclusive use of said improvements from and after the date of acceptance of said improvements by the City until termination or expiration of the April 12, 1982 lease agreement between said City and the Lions Club for the lease of said Recreational Building.

ARTICLE II.

As provided in Article I, the license to the said Lions Club by said City shall be for the non-exclusive use of the improvements constructed pursuant to this Agreement and, upon the authorization by the City of other uses thereof by other persons or entities, the Lions Club shall share with such other persons and/or entities the use of such improvements. After completion and acceptance of the Work, the Parks and Recreation Department of the City shall implement and maintain a schedule for the use of the improvements.

ARTICLE III.

The proposed design, plans, and other construction contract documents and Contractor (if any) for the construction of improvements are subject to the prior approval of the City.

The time for completion of construction of the improvements shall be not more than thirty (30) days from the date such construction is commenced, and the Lions Club shall, within ten (10) days after commencement of construction, notify the City in writing of the date such construction began.

The Lions Club shall obtain all construction permits and licenses necessary for the construction of the improvements except that the fees for such permits and licenses shall be waived.

The Lions Club shall be fully responsible for all its acts and omissions and those of its Contractors and of persons and organizations directly or indirectly employed by either of them and of persons and organizations for whose acts any of them may be liable to the same extent that it is responsible for the acts and omissions of persons directly employed by it. Nothing in this Agreement shall create any contractual relationship between the City and any contractor, subcontractor, or other person or organization having a direct contract with the Lions Club, nor shall it create any obligation on the part of the City to pay or to see to the payment of any monies due any contractor or

pg 1 OA

subcontractor or other person or organization, except as may otherwise be required by law.

The Lions Club and/or its Contractor shall supervise and direct the Work efficiently with its/his best skill and attention and shall be solely responsible for the means, methods, techniques, sequences, and procedures of construction and safety at the site. The Lions Club shall be solely responsible to see that the finished Work complies accurately with the approved design, plans, and construction contract documents.

The Lions Club and/or its Contractor shall provide competent, suitably qualified personnel to perform the Work and shall at all times maintain good discipline and order at the site.

The Lions Club and its Contractor shall comply with all laws, codes, ordinances, rules and regulations applicable to the Work. If the Lions Club or its Contractor performs any Work contrary to such laws, codes, ordinances, rules and regulations, it/he shall bear all costs arising therefrom.

The Lions Club and/or its Contractor shall confine its/his equipment, the storage of materials and equipment and the operations of workers to areas permitted by law, ordinances, permits, or the requirements of the construction contract and shall not unreasonably encumber the premises with materials or equipment. If the Lions Club or its Contractor damages property in the prosecution of the Work, the Lions Club shall assume responsibility therefor.

The Lions Club and/or its Contractor shall be responsible for initiating, maintaining and supervising all safety precautions and programs in connection with the Work and shall take all necessary precautions for the safety of, and shall provide the necessary protection to prevent damage, injury or loss to:

- a. all employees on the site and any other persons who may be affected thereby,
- b. all the work and all materials or equipment to be incorporated therein, whether in storage on or off the site, and
- c. other property at the site or adjacent thereto, including, but not limited to, trees, shrubs, lawns, walks, pavements, roadways, structures, and utilities not designated for removal, relocation or replacement in the course of construction.

The Lions Club and its Contractor shall comply with all applicable laws, ordinances, rules, regulations and orders of any public body having jurisdiction for the safety of persons or property or to protect them from damage, injury or loss and shall erect and maintain, as required by the conditions and progress of the Work, all necessary safeguards for its safety and protection. The Lions Club and/or its Contractor shall notify owners of adjacent utilities, property and underground facilities when prosecution of the Work may affect them and shall cooperate with them in the protection, removal and replacement of their property. All damage, injury or loss to any property referred to in subparagraphs a, b, or c above caused, directly or indirectly, in whole or in part, by the Lions Club, its Contractor, any Subcontractor or anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, shall be remedied by the Lions Club. The Lions Club's duties and responsibilities for the safety and protection of the Work shall continue until such time as all the work is completed and accepted by the City.

The Lions Club and/or its Contractor shall keep the site free from accumulations of waste materials, rubbish and other debris resulting from the Work, and at the completion of the Work shall remove all waste materials, rubbish and debris from and about the site as well as all tools, construction equipment and machinery, and surplus materials, and shall leave the site clean and ready for occupancy. The Lions Club and/or its Contractor shall restore to their original condition those portions of the site not authorized by the City to be altered.

The Lions Club hereby agrees to protect, defend, and indemnify the City and its employees, agents, officers, and servants, in proportion to the Lions Club's degree of responsibility, from any and all losses, costs, damages, or expenses of every kind claimed by anyone for personal injuries, death, or damages to property, and without limitation by enumeration, all other claims, demands, or causes of action of every character occurring, resulting, or arising from the Lions Club's, its Contractor's, or SubContractors' acts or omissions, defective, or unreasonably dangerous product, or other conduct or activity violative of the applicable legal standard, or by any combination of the foregoing, which is a cause of or contribution to the loss, cost, damage, or expense. This shall include, but not be limited to, the amounts of judgments, penalties, interests, court costs, legal fees, and all other expenses incurred by the City because of such act, omission, product, conduct, or activity. This indemnity provision shall not be limited by reason of the specification of any particular insurance coverage in this Agreement. The Lions Club further agrees to obtain from its Contractors, subContractors and consultants, if any, the same indemnification provision in writing of the City as stated hereinabove.

If the construction contract documents, laws, codes, ordinances, rules, regulations or orders of any public authority having jurisdiction require any Work to specifically be inspected, tested, or approved by some public body, the Lions Club and/or its Contractor shall arrange and pay for all tests, and furnish the City the required certificates of inspection, testing or approval. The City and/or its representatives shall at all times have access to the Work and the Lions Club and/or its Contractor shall provide proper and safe facilities for such access and observation of the Work and also for any inspection or testing thereof by others.

If any Work is defective, or if the Lions Club or its Contractor fails to supply sufficient skilled workers or suitable materials or equipment or to make prompt payments to SubContractors for labor, materials or equipment, the City may order the Lions Club and/or its Contractor to stop the Work, or any portion thereof, and/or correct or remove and replace defective work, and upon the failure of the Lions Club to correct or remove and replace such defective work, the City may have the same corrected or removed and replaced and all direct, indirect and consequential costs of and/or damages for such correction or removal and replacement, including but not limited to, compensation for additional professional services, shall be paid by the Lions Club to the City and upon failure of such payment by the Lions Club, the consideration due it pursuant to this Agreement may be equitably adjusted through the increase of the obligations of the Lions Club for upkeep and maintenance or the elimination or reduction of the license granted hereunder, or both. The right of the City to stop the Work shall not give rise to any duty on its part to exercise this right for the benefit of the Lions Club or its Contractor or any other party. "Defective Work" shall be defined as Work that is unsatisfactory to the City, faulty or defective, or does not conform to the requirements of the construction contract documents or does not meet the requirements of any inspection, test or approval as provided for in this Agreement or has been damaged prior to final payment. The City shall also have authority to require special inspection or testing of the Work,

whether or not the Work is fabricated, installed or completed. If, instead of requiring correction or removal and replacement of defective Work,

the City prefers to accept it, it may do so, and in such event, the consideration due the Lions Club for performance of the work under this Agreement shall be appropriately reduced or the City may, after seven (7) days written notice to the Lions Club, without prejudice to any other remedy it may have, make good such deficiencies and all direct, indirect and consequential costs and/or damages incurred as a result thereof (including, among others, compensation for additional professional services) shall be charged against the Lions Club. In such latter event, if the consideration then or thereafter due the Lions Club pursuant to the Agreement is not sufficient to cover such amount, as determined by the City, the Lions Club shall pay the difference to the City or the consideration due the Lions Club may be equitably adjusted through the increase of the obligations of the Lions Club for upkeep and maintenance constituting other good and valuable consideration under this Agreement or elimination or reduction of the license granted hereunder, or both.

If, within one (1) year after the acceptance of the Work, any Work is found to be defective, the Lions Club shall promptly, without cost to the City and in accordance with the City's written instructions, either correct such defective Work, or, if it is rejected by the City, remove it from the site and replace it with nondefective Work. If the Lions Club does not promptly comply with the terms of such instructions, the City may have the defective Work corrected or the rejected Work removed and replaced, and all direct, indirect and consequential costs of and/or damages for such correction or removal and replacement, including but not limited to, compensation for additional professional services, shall be paid by the Lions Club to the City and upon failure of such payment by the Lions Club, the consideration due the Lions Club pursuant to this Agreement may be equitably adjusted through the increase of the obligations of the Lions Club for upkeep and maintenance or elimination or reduction of the license granted hereunder, or both. This provision shall not have the effect of limiting any other obligations of the Lions Club under this Agreement nor shall it serve as an exclusive remedy of the City. Nothing in this paragraph concerning the correction period shall establish a period of limitation with respect to any other obligation which the Lions Club has under this Agreement. The establishment of time periods relates only to the specific obligations of the Lions Club to correct the Work, and has no relationship to the time within which its obligations under this Agreement may be sought to be enforced, nor to the time within which proceedings may be commenced to establish its liability with respect to its obligations other than to specifically correct the Work.

The duties and obligations imposed by this Agreement and the rights and remedies available hereunder, shall be in addition to, and shall not be construed in any way as a limitation of, any rights and remedies available to the parties which are otherwise imposed or available by law or by special guarantee or warranty.

The Lions Club warrants and guarantees to the City that all Work will be new, of merchantable quality, in fully operative condition, fit for the use intended unless otherwise specified, and will be of good quality and free from faults or defects and in accordance with the requirements of the construction contract documents and of any inspections, tests or approvals referred to herein. Further, the Lions Club shall be liable to the City for any and all direct, indirect and consequential damages resulting from the Lions Club's breach of any separate or specific warranties or guarantees required by this Agreement or the construction contract documents. This warranty is not limited by any other provisions of this Agreement.

The Lions Club and/or its Contractor shall purchase and maintain

- (a.) such insurance as will protect them from claims for damages because of bodily injury, personal injury, sickness, disease or death with minimum limits of liability of not less than \$500,000.00 each occurrence and \$500,000.00 aggregate;
- (b.) such insurance as will protect them from claims for damages for injury to or destruction of tangible property of others, including loss of use thereof. Such coverage shall include Broad Form Property Damage and removal of XCU exclusions where applicable. The minimum limits of liability shall be \$500,000.00 per occurrence and \$500,000.00 aggregate;
- (c.) such insurance as will protect them from claims for damages arising out of the maintenance, operation, or use of any owned, non-owned or hired vehicles. Minimum limits of liability for bodily injury and property damage combined shall be not less than \$500,000.00 each occurrence;
- (d.) Umbrella Form Excess Liability with minimum limits of \$1,000,000.00. Umbrella or Extended Coverage must follow form with the primary coverage;
- (e.) Property insurance upon the entire Work, including materials not in place at the site to the full insurable value thereof. All such property insurance shall be in an "all risk" form and shall include the interests of the City, the Lions Club and/or its Contractor, and subcontractors in the work and shall include, but not be limited to, the perils of fire, lightning, flood, collapse, windstorm, hail, explosion, riot, civil commotion, smoke, aircraft, land vehicles, vandalism and malicious mischief. The property insurance shall be endorsed to permit utilization and/or occupancy (as applicable) prior to completion of construction and prior to acceptance by the City.

The insurance required by the above paragraph shall be amended to afford coverage for:

Comprehensive General Liability, Products Liability and/or Completed Operations, and Blanket Broad Form Contractual Liability specifically covering the indemnification assumed by the Lions Club under this Agreement.

All insurance required herein shall be primary over any other insurance coverage the City may have and shall be written so that the City will be notified in writing in the event of cancellation, restrictive amendment or non-renewal at least thirty (30) days prior to such action. Certificates of Insurance shall be filed with the City prior to the commencement of the Work and are subject to the City's approval. Insurance carriers insuring the Lions Club and/or its Contractor in accordance with this Agreement which are not rated by the most recent edition of Best's Key Rating Guide, Property-Casualty, published by A.M. Best Company and insurance carriers having a rating lower than B+VII as shown in the most recent edition of said book, will not be approved by City unless a guaranty bond acceptable to City from a carrier rated B+VII or higher guaranteeing payment of any and all claims of the Lions Club and/or its Contractor is furnished to the City.

All insurance required herein shall be written with the City of San Marcos, Texas as an additional insured.

The stated limits of insurance required by this Agreement are MINIMUM ONLY and it shall be the Lions Club and/or its Contractor's responsibility to determine what limits are

adequate. These minimum limits may be basic policy limits or any combination of basic limits and umbrella limits. In any event, the Lions Club and/or its Contractor are/is fully responsible for all losses arising out of, resulting from or connected with operations under this Agreement whether or not said losses are covered by insurance. The City's acceptance of Certificates of Insurance that in any respect do not comply with the requirements of this Agreement does not release the Lions Club or its Contractor from compliance herewith.

ARTICLE IV.

This Agreement may be terminated at will by the City upon ten (10) days' prior written notice to the Lions Club.

ARTICLE V.

Any and all notices required to be given to the City or to the Lions Club shall be deemed properly given if mailed postage prepaid, certified mail, return receipt requested, to the following representatives at the following addresses of the parties, respectively:

City of San Marcos, Texas
Larry D. Gilley, City Manager
630 E. Hopkins
San Marcos, Texas 78666

San Marcos Lions Club
Attn.: President
P. O. Box 994
San Marcos, Texas 78666

ARTICLE VI.

This Agreement shall not be assigned or transferred by the Lions Club without the prior written approval by the City.

ARTICLE VII.

This Agreement shall be construed in accordance with the laws of the State of Texas and venue shall lie in Hays County, Texas.

In Witness Whereof, the parties hereto have executed this Agreement on this the 11 day of July, 1989.

CITY OF SAN MARCOS, TEXAS

BY: Kathy M. Morris
Kathy M. Morris, Mayor

ATTEST:

Janis K. Womack
Janis K. Womack
City Secretary

SAN MARCOS LIONS CLUB

BY: Donald R. Anders July 5, 1989
(signature)

DONALD R. ANDERS, Immediate Past President
(typed or printed name)
President

as directed by Pres. B.J. Hageman
for San Marcos Lions Club
Board of Directors

Exhibit D

ORDINANCE 1990- 30

FILED
MAY 3 1990
CITY SECRETARY
City of San Marcos

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, CANVASSING RETURNS AND DECLARING RESULTS OF THE SPECIAL AND GENERAL ELECTION HELD ON MAY 5, 1990 FOR THE PURPOSE OF ELECTING A MAYOR, A CITY COUNCIL MEMBER, PLACE THREE, AND A CITY COUNCIL MEMBER, PLACE FOUR, SUBMITTING TO THE VOTERS VARIOUS PROPOSITIONS INCLUDING PROPOSED AMENDMENTS TO THE CITY CHARTER, A PROPOSED RENEWAL OF A LEASE OF CITY PARK PROPERTY TO THE SAN MARCOS LIONS CLUB, AND A REFERENDUM ON ADOPTION OF AN ORDINANCE DESIGNATING REINVESTMENT ZONE NO. FIVE OF THE CITY OF SAN MARCOS, TEXAS; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of San Marcos, Texas, by ordinance duly enacted on February 12, 1990, and amended on February 26, 1990, ordered that a Special and General election be held on May 5, 1990 for the purpose of electing a Mayor, City Council member, place three and a City Council member, place four, and submitting to the voters various propositions including proposed amendments to the City Charter, a proposed renewal of a lease of city park property to the San Marcos Lions Club, and referendum on adoption of an ordinance designating Reinvestment Zone No. Five of the City of San Marcos, Texas; and,

WHEREAS, notice of this election was duly published in the San Marcos Daily Record on April 8, 1990, April 15, 1990; and,

WHEREAS, copies of this notice were duly posted at each city election precinct polling place prior to the election, and a copy of the notice was posted on the bulletin board at City Hall on or before March 21, 1990; and,

WHEREAS, this election was duly and legally held on the 5th day of May, 1990, in conformity with the election laws of the State of Texas, and the results of the election have been certified and returned by the proper judges and clerks thereof; and,

WHEREAS, the City Council of the City of San Marcos, Texas, with the following members present: Kathy M. Morris, Billy G. Moore, Rick Hernandez, Ronald K. Hart, Fred Guerra, and Betty Jane Kissler has today considered the returns of the Special and General election held on the 5th day of May, 1990; and,

WHEREAS, it appears to the Council, and the Council so finds, that the the election was in all respects lawfully held; and,

WHEREAS, it appears to the Council, and the Council so finds, that the tabulation of the results of the election is correct; now, therefore,

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

SECTION 1. That the Special and General City election of May 5, 1990 was duly called, that notice of the election was given in accordance with law, and that the election was held in accordance with law.

SECTION 2. That the tabulation of votes cast in the Special and General election held on May 5, 1990 for the purpose of electing a Mayor, City Council member, place three, and a City Council member, place four, and submitting to the voters various propositions including proposed amendments to the City Charter, a proposed renewal of a lease of city park property to the San Marcos Lions Club, and referendum on adoption of an ordinance designating Reinvestment Zone No. Five of the City of San Marcos, Texas, made and certified to by the City Secretary of the City of San Marcos, a copy of which is attached hereto and made a part

hereof is hereby adopted as the official tabulation of the votes cast at the election and that the tabulation be filed and recorded in the official records of the City of San Marcos as the official canvass of the election.

SECTION 3. That the the official canvass of the returns of the election reflects the following:

- A. That the official canvass of the returns of the election reflects that the following person was duly elected Mayor of the City of San Marcos:

Kathy M. Morris

- B. That the official canvass of the returns of the election reflects that the following person was duly elected City Council Member, Place Three of the City of San Marcos:

Rick Hernandez

- C. That the official canvass of the returns of the election reflects that the following person was duly elected City Council Member, Place Four, of the City of San Marcos:

Betty Jane Kissler

- D. That the official canvass of the returns of the election reflects the following votes cast for and against the following numbered propositions:

Proposition No. 1

The amendment of Section 3.06 of the City Charter to provide a chain of authority for the calling of elections to fill vacancies on the City Council.

Votes for Proposition No. 1:	<u>1779</u>
Votes against Proposition No. 1:	<u>247</u>

Proposition No. 2.

The amendment of Section 5.08 of the City Charter to conform the oath of office for city officials to that prescribed by the Texas Constitution for state officers.

Votes for Proposition No. 2:	<u>1819</u>
Votes against Proposition No. 2:	<u>160</u>

Proposition No. 3

The amendment of Section 7.01 of the City Charter to separate provisions pertaining to the composition of the Planning Commission from those pertaining to the Zoning Commission; to allow representation on the Planning Commission by residents of the City's extraterritorial jurisdiction; and to delete a provision allowing dual service on both the Planning and Zoning commissions by as many as two persons.

Votes for Proposition No. 3:	<u>1524</u>
Votes against Proposition No. 3:	<u>385</u>

Proposition No. 4

The amendment of Section 7.06 of the City Charter to more clearly define the duty of the Planning Commission to submit recommendations to the City Council on development proposals; to allow for review of the Master Plan once each three years instead of requiring an annual report to the City Council;

and to require that a public hearing on the subdivision ordinance be held at least once each three years rather than annually.

Votes for Proposition No. 4: 1372
Votes against Proposition No. 4: 536

Proposition No. 5

The amendment of Section 12.02 of the City Charter to allow service as city officers, other than city council members, by persons who do limited amounts of business with the city; and clarifying the prohibition against city council members and employees having interests in contracts with the City.

Votes for Proposition No. 5: 1375
Votes against Proposition No. 5: 612

Proposition No. 6

The lease to the San Marcos Lions Club of the storage and bathroom portions of the recreation building in the San Marcos City Park, together with access through the adjacent parking lot, for the purpose of conducting an inner tube rental operation subject to the following terms and conditions:

- (1) The Lions Club shall have possession of the Leased Premises and access through the parking lot adjacent to the leased premises, for the purpose of conducting an inner tube rental operation on the San Marcos River, from April 11, 1991, through April 10, 1996, together with three (3) consecutive five (5) year renewable options to continue this lease in favor of the Club, to commence, if exercised, on April 11, 1996, April 11, 2001, and April 11, 2006, respectively. The exercise of each of such options shall be subject to the approval of the City Council.
- (2) The Lions Club shall maintain the Leased Premises as four (4) storage rooms (one of which shall be usable for storage by the City Parks and Recreation Department as needed) and two bathrooms.
- (3) The Lions Club shall paint the exterior of the Leased Premises every two (2) years, and shall paint the interior of the storage portions of the building every fifth (5th) year, and shall paint the bathrooms every year. In the event the City paints the exterior of the remaining portions of the recreation building more often than every two (2) years, the Lions Club shall paint the exterior of its portions of the building at least as often as the City.
- (4) The Lions Club shall pay all lighting and heating costs attributable to the Leased Premises.
- (5) The Lions Club shall keep the Leased Premises in a clean condition, shall provide assistance to the City in the regular cleaning of the area adjacent to the recreation building, including the picnic area and parking lot, and will also assist in the cleanup of the San Marcos River in and around the park area.
- (6) The City shall continue to maintain those areas of City Park not specifically granted to the Lions Club for its sole or joint maintenance.

- (7) The Lions Club shall assist the City in future projects within the City's park system.
- (8) The Lions Club shall have the right to sell items related to the inner tube rental operation and to the City, including chips, candy, non-alcoholic beverages and T-shirts.
- (9) The Lions Club shall maintain public liability insurance covering personal injuries and property damage that may occur in connection with the inner tube rental operation.
- (10) The Lions Club shall not discriminate in its inner tube rental operations on the basis of race, creed, national origin or ancestry, sex, or handicap.

Votes for Proposition No. 6: 1741
Votes against Proposition No. 6: 216


Proposition No. 7

The approval of the ordinance adopted by the City Council on January 22, 1990 designating as City Reinvestment Zone No. Five an area of approximately 55.07 acres at the intersection of IH-35 and Center Point Road.

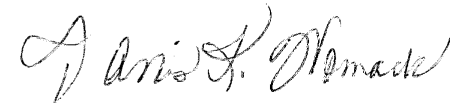
Votes for Proposition No. 7: 1666
Votes against Proposition No. 7: 484

SECTION 4. That the importance of this Ordinance creates an emergency and an imperative public necessity so that the provisions of the Charter requiring that ordinances shall be presented at three separate meetings and that no ordinance shall become effective until the expiration of ten (10) days following the date of its final passage be suspended, and these provisions are hereby suspended, and this Ordinance shall take effect and be in full force and effect from and after its adoption and after its publication in a newspaper of general circulation in the area as required by the Charter of the City of San Marcos.

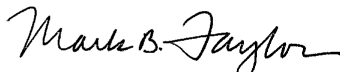
PASSED, APPROVED AND ADOPTED this 7th day of May, 1990.


KATHY M. MORRIS
MAYOR

Attest:


Janis K. Womack
City Secretary

Approved:


Mark B. Taylor
City Attorney

Published in the SAN MARCOS NEWS May 10, 1990.

SPECIAL AND
GENERAL ELECTION
CITY OF SAN MARCOS
TEXAS

MAY 5, 1990

	MAYOR	KATHY M. MORRIS	JANE WILSON	WRITE-INS COUNCIL, PL. 3	RICK HERNANDEZ	MICHAEL T. WAGNER	WRITE-INS COUNCIL, PL. 4	BETTY JANE KISSLER	WRITE-INS PROP. 1, SEC. 3.06	FOR	AGAINST PROP. 2, SEC. 5.08	FOR	AGAINST PROP. 3, SEC. 7.01	FOR	AGAINST PROP. 4, SEC. 7.06	FOR	AGAINST
PRECINCT NO.																	
11	174	73	4		154	78		172		164	38	170	26	138	53	124	72
12	102	36	2		121	26		70		66	10	67	8	58	10	48	16
13	162	43	4		181	31		119		122	15	111	12	101	18	87	28
14	64	19	1		57	20		59		63	9	66	3	56	13	44	24
16	65	63	1		56	61		102		95	22	98	16	80	29	66	44
20	106	36	4		100	32		104		96	19	96	10	74	29	66	35
30	138	67	3		90	84		154		158	22	167	15	136	32	122	51
34/45	103	39			77	52		112		126	10	127	8	109	22	110	25
36	257	106	4		215	126		276		305	40	319	20	272	56	243	88
44	81	33	1		51	52		74		75	17	81	7	61	20	52	28
46	143	52	2		90	79	1	148		167	14	174	8	150	27	141	32
ABS 11	33	10	4		22	16		36		35	5	36	4	33	8	27	14
ABS 12	9	6			8	6		9		8	0	7	0	8	0	4	3
ABS 13	31	6			29	6		26		22	1	20	2	16	4	17	2
ABS 14	9	9			10	9		10		12	1	13	2	13	2	10	5
ABS 16	9	4			10	3		9		8	1	9	0	9	1	8	2
ABS 20	10	6			10	6		11		13	1	13	1	11	3	12	2
ABS 30	53	13	1		42	18		45	1	47	4	51	3	38	12	38	14
ABS 34/45	25	3			14	9	1	18		22	2	23	2	18	5	17	6
ABS 36	47	21			41	25		56		61	5	62	4	50	16	46	19
ABS 44	22	4	1		18	8		24		24	1	21	1	19	4	18	4
ABS 46	72	17	1		48	37		67		78	9	78	7	64	20	62	21
ABS MAIL	36	14	1		37	12		33		12	1	10	1	10	1	10	1
TOTALS	1751	680	34		1481	796	2	1734	1	1779	247	1819	160	1524	385	1372	536

SPECIAL AND
GENERAL ELECTION
CITY OF SAN
MARCOS, TEXAS

MAY 5, 1990

Page 2

	PROP. 5, SEC. 12.02								
	FOR	AGAINST	PROP. 6, LIONS CLUB	FOR	AGAINST	PROP. 7, REIN. ZONE 5	FOR	AGAINST	TOTALS
PRECINCT NO.									
11	125	76	175	31	168	55	261		
12	49	26	51	16	107	12	162		
13	97	33	96	14	150	21	227		
14	46	26	58	12	64	14	86		
16	59	50	96	16	67	51	132		
20	77	33	97	15	98	25	149		
30	118	68	155	21	128	52	208		
34/45	97	35	128	7	115	22	146		
36	244	94	320	21	270	77	379		
44	64	22	76	10	67	28	119		
46	135	43	173	7	141	43	202		
ABS 11	30	12	36	5	34	8	47		
ABS 12	8	0	7	1	8	0	15		
ABS 13	18	3	18	3	18	1	37		
ABS 14	10	5	11	3	11	4	20		
ABS 16	6	4	8	3	8	4	13		
ABS 20	9	5	11	3	10	4	18		
ABS 30	35	18	46	7	39	10	67		
ABS 34/45	18	5	20	3	19	3	28		
ABS 36	41	23	54	10	39	19	68		
ABS 44	20	2	21	1	21	1	27		
ABS 46	60	23	73	6	66	17	90		
ABS MAIL	9	6	11	1	18	13	51		
TOTALS	1375	612	1741	216	1666	484	2552		

RESOLUTION 1993 - 35 R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS APPROVING THE TERMS AND CONDITIONS OF A LEASE OF PARK LAND TO THE SAN MARCOS LIONS CLUB, AUTHORIZING THE CITY MANAGER TO EXECUTE SAME AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the San Marcos Lions Club desires to enter into a new lease with the City for the continued use of space at the City Recreation Building for the club's inner tube rental program; and,

WHEREAS, the qualified voters voting in an election held by the City on May 5, 1990, approved the terms and conditions of the lease attached to this Resolution; and,

WHEREAS, the San Marcos Lions Club has agreed to the conditions of the lease which provides for an initial term of five (5) years with three (3) consecutive five (5) year renewable options to continue the operation, maintenance, and upkeep of an inner tube rental facility within the Recreation Building located in City Park; now, therefore, *

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

PART 1. That the terms and conditions of the Lease with the San Marcos Lions Club, a copy of which is attached hereto as Exhibit A, are approved.


PART 2. That the City Manager, Larry D. Gilley be, and he is hereby authorized to execute the Lease on behalf of the City.

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

ADOPTED this the 22nd day of February , 1993.


Betty J. Kissler
Mayor Pro-Tem

Attest:


Janis K. Womack
City Secretary

LEASE OF PARK PREMISES

STATE OF TEXAS *

COUNTY OF HAYS *

This Lease Agreement is made and entered into and between the City of San Marcos, hereinafter referred to as "Lessor," a municipal corporation existing by and under the laws of the State of Texas, and acting through its City Manager, Larry D. Gilley, and the San Marcos Lions Club, acting through its President, Mr. Don Garrett, hereinafter referred to as "Lessee," hereby enter into this Lease, the terms, conditions and consideration for which are set out as follows:

1.

With the execution of the this Lease, all prior leases and/or agreements between the Lessor and the Lessee pertaining to the herein described premises are terminated.

2.

For and in consideration of the Lessee's provision of a recreational activity for the citizens of and visitors to the City of San Marcos, Texas, specifically the rental of inner tubes to persons wishing to float on the San Marcos River, Lessor hereby demises and leases to Lessee, and the Lessee hereby takes from the Lessor the storage and bathroom portions of the Recreation Building located in the City Park of San Marcos, together with access through the adjacent parking lot, hereinafter referred to as the "Leased Premises."

3.

The Lessee shall have possession of the leased premises from April 11, 1991 through April 10, 1996, together with three (3) consecutive five (5) year renewable options. The options, if exercised, shall commence on April 11, 1996, April 11, 2001 and April 11, 2006, respectively. The exercise of each option to renew this lease shall be subject to the approval of the City Council of San Marcos, Texas.

4.

Lessee shall maintain the leased premises as four (4) storage rooms (one of which shall be useable for storage by Lessor's Parks and Recreation Department as needed) and two bathrooms.

5.

Lessee shall paint the exterior of the leased premises every two (2) years and shall paint the interior of the storage portions of the leased premises every fifth (5th) year, and shall paint the bathrooms every year. In the event that the Lessor paints the exterior of the remaining portions of the Recreation Building more often than every two (2) years, the Lessee shall paint the exterior of its portions of the building at least as often as the Lessor.

6.

The Lessee shall keep the leased premises in a clean condition, shall provide assistance to the Lessor in the regular cleaning of the area adjacent to the Recreation Building including the picnic area and parking lot, and will also assist in the cleanup of the San Marcos River in and around the park area.

7.

Lessee shall pay all lighting and heating costs attributable to the leased premises.

8.

The Lessor shall continue to maintain those areas of City Park not specifically granted to the Lessee for its sole or joint maintenance.

9.

Lessee shall assist the Lessor in future projects within the Lessor's park system.

10.

Lessee shall have the right to sell items related to the inner tube rental operation including chips, candy, non-alcoholic beverages and T-shirts.

11.


Lessee shall maintain public liability insurance covering personal injuries and property damage that may occur in connection with the inner tube rental operation.

12.

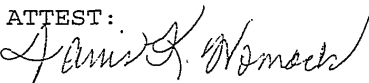
Lessee shall not discriminate in its inner tube rental operation on the basis of race, creed, national origin or ancestry, sex, or handicap.

LESSOR:

CITY OF SAN MARCOS

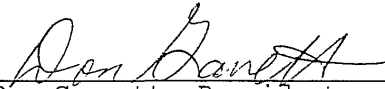

Larry D. Gilley, City Manager

ATTEST:


Janis K. Womack
City Secretary

LESSEE:

SAN MARCOS LIONS CLUB


Don Garrett, President

WITNESS:

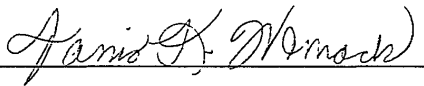


Exhibit F

RESOLUTION 1996 - 57R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS APPROVING THE RENEWAL OF THE LEASE OF A PORTION OF THE RECREATIONAL BUILDING IN CITY PARK TO THE SAN MARCOS LIONS CLUB; AUTHORIZING THE CITY MANAGER TO EXECUTE A LETTER OF AGREEMENT; AND DECLARING AN EFFECTIVE DATE.

RECITALS:

1. On February 22, 1993 the City entered into a lease with the San Marcos Lions Club for a portion of the Recreational Building located in City Park. The purpose of this lease was to facilitate the Lions Club rental of inner tubes to persons wishing to float down the San Marcos River. This lease will run out on April 10, 1996. Under the provisions of the original lease, the Lions Club has three 5 year renewal options, each subject to City Council approval.
2. The Parks and Recreation Board has considered the renewal request and has voted to recommend it to the City Council.

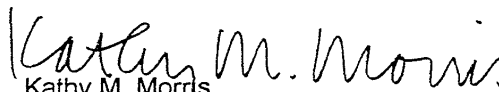
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

PART 1: That the renewal of the first five year option to lease the above described real property to the Lions Club is approved.

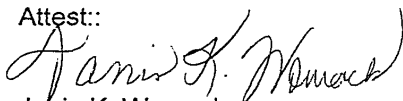
PART 2: That the City Manager, Larry D. Gilley, is hereby authorized to execute a Letter of Agreement renewing the lease of the above described property to the Lions Club until April 10, 2001.

PART 3: That this Resolution shall be in full force and effect from and after its passage.

ADOPTED this 25th day of March 1996.


Kathy M. Morris
Mayor

Attest:


Janis K. Womack
City Secretary



March 26, 1996

San Marcos Lions Club
P.O. Box 994
San Marcos, Texas 78667-0994

ATTN: Mr. William A. Taylor

RE: Agreement to Renew Five Year Option

Dear Mr. Taylor:

Please consider this letter an agreement between the City of San Marcos ("City") and the San Marcos Lions Club ("Club") to exercise the first five year option to renew the lease approved by the San Marcos City Council on February 22, 1993, from the City to the Club of the storage and bathroom portions of the Recreation Building located in the City Park of San Marcos, together with access through the adjacent parking lot, for the purpose of renting inner tubes to persons wishing to float on the San Marcos River.


The terms and conditions of the original Lease will remain in full force and effect for the duration of this agreement.

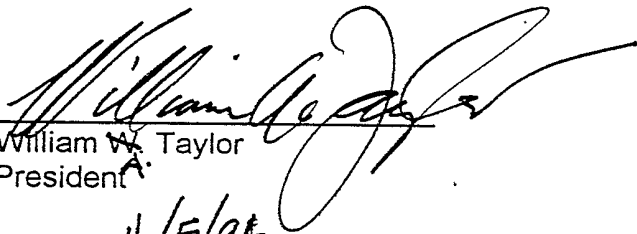
The renewal lease term is for the period from April 11, 1996 until April 10, 2001.

Please indicate your acceptance of this agreement by counter-signing below.

City of San Marcos

San Marcos Lions Club

By: 
Larry D. Gilley
City Manager

By: 
William A. Taylor
President

Date: 3/26/96

Date: 4/5/96



March 26, 1996

San Marcos Lions Club
P.O. Box 994
San Marcos, Texas 78667-0994

ATTN: Mr. William A. Taylor

RE: Agreement to Renew Five Year Option

Dear Mr. Taylor:

Please consider this letter an agreement between the City of San Marcos ("City") and the San Marcos Lions Club ("Club") to exercise the first five year option to renew the lease approved by the San Marcos City Council on February 22, 1993, from the City to the Club of the storage and bathroom portions of the Recreation Building located in the City Park of San Marcos, together with access through the adjacent parking lot, for the purpose of renting inner tubes to persons wishing to float on the San Marcos River.

The terms and conditions of the original Lease will remain in full force and effect for the duration of this agreement.

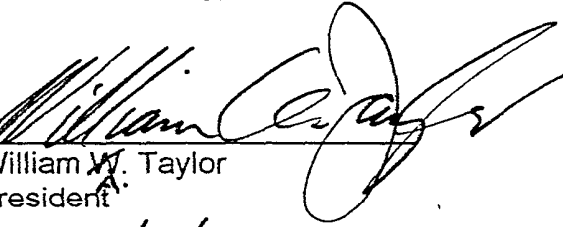
The renewal lease term is for the period from April 11, 1996 until April 10, 2001.

Please indicate your acceptance of this agreement by counter-signing below.

City of San Marcos

San Marcos Lions Club

By: 
Larry D. Gilley
City Manager

By: 
William W. Taylor
President

Date: 3/26/96

Date: 4/5/96

Exhibit G

RESOLUTION NO. 2002- 134 R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, APPROVING A LETTER AGREEMENT BETWEEN THE CITY AND THE SAN MARCOS NOON LIONS CLUB TO RENEW A LEASE OF PORTIONS OF THE RECREATION BUILDING IN CITY PARK; AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE THE AGREEMENT; AND DECLARING AN EFFECTIVE DATE.

RECITALS:

1. On April 11, 1991, the City executed a Lease of Park Premises (the "Lease") with the San Marcos Noon Lions Club for portions of the Recreation Building in City Park. The Lease, which was approved by voters at the May 5, 1990 City election, provided for an initial five-year term, and for up to three five-year options to renew.

2. On March 26, 1996, the City executed a renewal of the Lease for a five-year period.

3. The San Marcos Noon Lions Club has requested a second five-year renewal of the Lease, and the Parks and Recreation Board has recommended that the request be approved by the City Council.

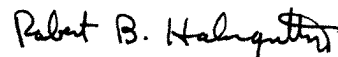
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

PART 1. The attached letter agreement between the City and the San Marcos Noon Lions Club for a second five-year renewal of the Lease is approved.

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

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

ADOPTED on July 8, 2002.



Robert B. Habingreither
Mayor

Attest:



Janis K. Womack
City Clerk



Office of the City Manager

June 25, 2002

Dr. Tom House, President
San Marcos Noon Lions Club
P.O. Box 994
San Marcos, TX 78667

Re: Renewal of Lease of Park Premises

Dear Dr. House:

Please consider this letter an agreement between the City of San Marcos (the "City") and the San Marcos Noon Lions Club to renew the Lease of Park Premises (the "Lease") related to portions of the Recreation Building at City Park, as provided in Section 3 of the Lease. This constitutes the second renewal out of a total of three renewals authorized in the Lease.

The second renewal lease term is from April 10, 2001 to April 9, 2006.

All remaining terms and conditions of the Lease shall remain in full force and effect for the duration of this agreement.

Please indicate your acceptance of this agreement by countersigning below, and return one fully executed copy to my office.

City of San Marcos

San Marcos Noon Lions Club

By: [Signature]
Dan O'Leary,
Interim City Manager

By: [Signature]
Signature
JOHN HANSEN, PRESIDENT
Printed name, title

Date: July 9, 2002

Date: 7-27-02

Exhibit H

RESOLUTION NUMBER. 2007- 76 R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, APPROVING AN AMENDED LEASE AGREEMENT BETWEEN THE CITY AND THE SAN MARCOS LIONS CLUB FOR THE LEASE OF PORTIONS OF THE RECREATION BUILDING IN CITY PARK, AND TO ALLOW OPERATION OF A CONCESSION STAND IN RIO VISTA PARK; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND DECLARING AN EFFECTIVE DATE.

RECITALS:

1. On April 11, 1991, the City executed a Lease of Park Premises (the "Lease") with the San Marcos Lions Club for portions of the Recreation Building in City Park. The Lease, which was approved by the voters at the May 5, 1990, City election, provided for an initial five-year term, and for up to three five-year options to renew.

2. On March 26, 1996, the City executed a renewal of the Lease for a five-year period; and, on July 9, 2002, the City executed the second five-year renewal for this Lease.

3. The San Marcos Lions Club has requested a third five-year renewal of the Lease, and the Parks and Recreation Advisory Board has recommended that the request be approved by the City Council.

4. The San Marcos Lion's Club also requested permission to operate a concession stand in Rio Vista Park. In exchange the exclusive right to sell concessions in City Park and Rio Vista Park, the Lion's Club has offered to pay to the City 75% of the net profits from the proceeds of their concession operations. These funds will be deposited in the same fund that is being created for the franchising of river shuttles.

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


PART 1. The attached lease agreement between the City and the San Marcos Lions Club for a third five-year renewal of the Lease is approved.

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

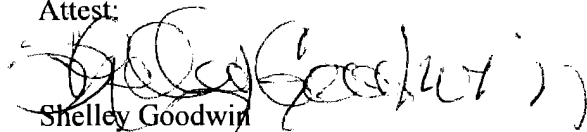
PART 3. The funds received from the operation of the Lion's Club concession shall be deposited in a fund established for use by the Park Department. The use of these funds shall be restricted to litter control, park ranger enforcement, parking and street repair for the areas bordering the San Marcos River, and other bona fide San Marcos River Projects.

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

ADOPTED on 17th day of April 2007.


Susan Narvaiz
Mayor

Attest:


Shelley Goodwin
Interim City Clerk

LEASE OF PARK PREMISES

STATE OF TEXAS §
 §
COUNTY OF HAYS §

This Lease Agreement is made and entered into between the City of San Marcos, Texas ("Lessor") and the San Marcos Lions Club ("Lessee"). This Lease Agreement relates to the final term of a lease agreement first entered into by these parties in 1991, and contains the following terms, conditions, and consideration, as such were outlined in Proposition 6 as approved by the San Marcos voters in 1990:

1. This lease will supersede all other agreement between the Lessee and Lessor, except for the franchise requirements that Lessee herein acknowledges are required to operate a River Shuttle in conjunction with Lessee's tube rental business.
2. For and in consideration of the Lessee's provision of recreational activity for the citizens and visitors to the City of San Marcos, Texas, most particularly the rental of inner tubes to persons wishing to use the San Marcos River, and for the provision of certain consumable concessions delineated herein, Lessor leases to Lessee the storage and bathroom portions of the Recreation Building located in the City Park of San Marcos, together with access through the adjacent parking lot, and the concrete slab in Rio Vista Park (that was once the park building headquarters), collectively herein the "Leased Premises."
3. The Lessee shall have possession of the leased premises from April 11, 2006 through April 10, 201~~0~~¹. *40*
4. Lessee's customers may use parking spaces in City Park, and such spaces will satisfy the parking requirements contained in Section 90.312 of the San Marcos City Code.
5. Lessee shall maintain the leased premises located at City Park as four (4) storage rooms (one of which shall be useable for storage by Lessor's Park and Recreation Department as needed) and two bathrooms. During the term of this lease, Lessee shall paint the exterior of the leased premises twice, and paint the interior of the storage portions of the leased premises once. The bathrooms must be painted once each year.
6. Lessee is granted permission to construct a temporary concession stand on the concrete slab located in Rio Vista Park. The concession stand may not be constructed prior to May 1 of each year and must be completely removed by October 1 of each year. All construction shall be contained within the confined space of the present concrete slab.

7. Lessee shall keep the leased premises in a clean condition. Lessee shall be responsible for all litter clean up in the concession stand area. Further, the Lessee shall provide assistance to the Lessor in the regular cleaning of the area adjacent to the Recreation building including the picnic area and parking lot, and will assist in the cleanup of the San Marcos River in and around the park area.

8. Lessee shall pay all lighting, heating, and electrical costs kind attributable to the operation of the Leased Premises.

9. Lessee shall obtain all necessary permits for the construction and operation of the concession stand, and shall operate the concession stand in compliance with all federal, state, and City laws and regulations.

10. Lessee may sell, at Lessee's discretion, soft drinks, pre packaged foods, snow cones, T-shirts, and river related merchandise, at the concession stand and within the confines of the leased portions of the Recreation Center building. Lessee shall not sell alcoholic beverages on the leased premises.

11. Lessee agrees to pay to the City 75% of the net profits derived from the sale of concession items sold by the Lessee at Rio Vista Park. Net profits is not to include any sums derived from the renting of river tubes or the operation of a franchised river shuttle service. Lessee grants to Lessor the right to inspect and audit the books of Lessee's operations on the Leased Premises.

12. Lessee shall maintain commercial general liability insurance with a minimal combined single limit of \$500,000 for each occurrence and \$500,000 in the aggregate, and worker's compensation insurance in accordance with the provisions of the Workers' Compensation Act of the State of Texas.

13. In operating its businesses on the leased premises Lessee shall not discriminate on the basis race, creed, national origin, sex, or disability.

Lessor:


City of San Marcos



Dan O'Leary, City Manager

Lessee:

San Marcos Lions Club



Cordy Dingley, President

Attest:



Shelley Goodwin
Interim City Clerk

Exhibit I

ORDINANCE 2010-66

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, CANVASSING RETURNS AND DECLARING RESULTS OF THE GENERAL AND SPECIAL ELECTION, HELD ON NOVEMBER 2, 2010, FOR THE PURPOSE OF ELECTING A MAYOR, CITY COUNCIL MEMBER, PLACE 1, CITY COUNCIL MEMBER, PLACE 2, AND TO FILL A VACANCY FOR THE REMAINDER OF THE TERM OF OFFICE OF CITY COUNCIL MEMBER PLACE 6; SUBMITTING A PROPOSED AMENDMENT TO THE CITY CHARTER PERTAINING TO THE APPOINTMENT OF A CITY INTERNAL CITY AUDITOR AND A PROPOSITION TO LEASE CITY PARK PROPERTY TO THE SAN MARCOS NOON LIONS CLUB TO THE VOTERS; AND DECLARING AN EMERGENCY.

RECITALS:

1. On August 17, 2010 the City Council ordered that a General and Special Election be held on November 2, 2010 for the purpose of electing a Mayor, a City Council Member, Place 1, a City Council Member, Place 2, and to fill a vacancy for the remainder of the term of office of City Council Member Place 6; submitting a proposition regarding an amendment to the City Charter permitting the City Council to appoint a city internal auditor, and a proposition to authorize the lease of a portion of City Park property to the San Marcos Noon Lions Club for a tube rental operation to the voters.
2. The election was duly and legally held on November 2, 2010, in conformity with the election laws of the State of Texas, and the results of the election have been certified and returned by the proper judges and clerks.
3. The City Council of the City of San Marcos, Texas convened to consider the returns of the General and Special election held on November 2, 2010 with the following members present: Susan Narvaiz, Kim Porterfield, Gaylord Bose, Ryan Thomason, Fred Terry, and Chris Jones.
4. It appears to the Council, and the Council finds, that the election was in all respects lawfully held.
5. It appears to the Council, and Council finds, that the tabulation of the results of the election is correct.

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

SECTION 1. The General and Special Election of November 2, 2010 was duly called, notice of the election was given in accordance with law, and the election was held in accordance with law.

SECTION 2. The tabulation of votes cast in the General and Special election held on November 2, 2010, for the purposes stated in Recital 1 above, a copy of which is attached to and made a part of this ordinance, is adopted as the official tabulation of the votes cast at the election, and the tabulation will be filed and recorded in the official records of the City of San Marcos as the official canvass of the election.

SECTION 3. The official canvass of the returns of the election reflects the following:

A. For the position of Mayor the following votes were cast:

John Thomaides	3,420
Daniel Guerrero	3,462

B. For the City Council Place 1:

David (Dave) Newman	2,911
Kim Porterfield	3,251

C. For City Council Place 2:

Toby Hooper	2,784
Jude Prather	3,009

D. For City Council Place 6 – Remainder of Unexpired Term (Expires in November 2012)

Shane Scott	3,205
Rodney van Oudekerke	2,667

E. The following votes were cast for and against the following numbered propositions:

Proposition No. 1 - Lease of City Park Property

Authorizing the San Marcos City Council to lease portions of recreation building at San Marcos City Park to San Marcos Noon Lions Club for inner tube rental operation for an initial term of five (5) years commencing April 11, 2011 with options to renew for up to four (4) additional terms of five (5) years each upon mutual agreement.

FOR	5,990
AGAINST	1,195

Proposition No. 2 – Internal Auditor

The amendment of the San Marcos City Charter to add a new section 4.05 to authorize the San Marcos City Council to appoint an officer of the city to be the city internal auditor to serve at the pleasure of the City Council and perform the duties set by city ordinance or enter into a contract for the duties of city internal auditor to be carried out by an outside firm if the Council chooses to do so.

FOR	4,041
AGAINST	2,657

SECTION 4. That Daniel Guerrero received a majority of the votes and is elected Mayor of the City of San Marcos.

SECTION 5. That Kim Porterfield received a majority of votes and is elected to serve as City Council Member Place 1.

SECTION 6. That Jude Prather received a majority of votes and is elected to serve as City Council Member Place 2.


SECTION 7. That Shane Scott received a majority of votes and is elected to serve as City Council Member Place 6 for the remainder of the unexpired term of that office (until filled by the general election to be conducted in November 2012).

SECTION 8. Proposition 1 – authorizing the City Council to enter in to a lease of a portion of City Park Property with the San Marcos Noon Lions Club received a majority of votes cast and is hereby adopted.


SECTION 9. Proposition 2, amending the City Charter to authorize the City Council to hire a city internal auditor received a majority of votes cast and is hereby adopted. The San Marcos City Charter is hereby amended as of the effective date of this ordinance to include a new Section 4.05 as set forth, verbatim, in Section 3 of Ordinance No. 2010-44.

SECTION 10. The importance of this Ordinance creates an emergency and an imperative public necessity, and the provisions of the Charter requiring that ordinances be presented at two separate meetings be waived and, this Ordinance will take effect upon its adoption.


PASSED, APPROVED AND ADOPTED this the 15th day of November 2010


Susan Narvaiz
Mayor

Attest:


Shelley Goodwin
Interim City Clerk

Approved


Michael J. Cosentino
City Attorney

CANVASS OF GENERAL ELECTION

I, Susan Narvaiz, Mayor of City of San Marcos, Texas, met with the City of San Marcos City sitting as the canvassing board to canvass the general and special election of Mayor, Council Member, Place 1, Council Member, Place 2, Council Member, Place 6 (unexpired term), Proposition No. 1 – Lease of City Park Property and Proposition No. 2 - Internal Auditor, on November 15, 2010 at 5:00p.m. at San Marcos City Council Chambers in San Marcos, Texas.

I certify that the figures on the tally sheets correspond with the figures on the returns.

Witness my hand this 15th day of November, 2010.

A handwritten signature in black ink, appearing to read "Susan Narvaiz", written over a horizontal line.

Susan Narvaiz, Mayor
Presiding Officer of Canvassing
Authority

Originals filed with Election Admin. Office.

San Marcos Nov 2 2010 canvas — Total Voters — Official
HAYS COUNTY — GENERAL ELECTION — November 02, 2010

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Total Number of Voters : 40,083 of 95,527 = 41.96%
Number of District Voters: 8,310 of 29,336 = 28.33%

Precincts Reporting 38 of 38 = 100.00%
District Precincts Reporting 15 of 15 = 100.00%

MAYOR San Marcos

Precinct	Early Voting Ballots Cast	Election Day Ballots Cast	Total Ballots Cast	Registered Voters	Percent Turnout	John Thomaides	Daniel Guerrero	Totals
110	15	10	25	80	31.25%	7	15	22
111	165	152	317	871	36.39%	155	116	271
112	185	157	342	1,098	31.15%	60	206	266
113	827	376	1,203	3,768	31.93%	350	628	978
114	292	155	447	1,622	27.56%	166	187	353
116	331	208	539	1,496	36.03%	249	216	465
120	547	360	907	4,378	20.72%	273	447	720
127	18	27	45	168	26.79%	24	16	40
315	332	152	484	688	70.35%	231	219	450
330	546	341	887	2,998	29.59%	435	331	766
332	497	308	805	2,409	33.42%	423	273	696
334	643	274	917	4,557	20.12%	378	314	692
336	669	345	1,014	3,036	33.40%	536	328	864
446	235	133	368	2,146	17.15%	129	162	291
447	10	0	10	21	47.62%	4	4	8
Totals:	5,312	2,898	8,310	29,336		3,420	3,462	6,882

Mayor Nancy Hagan

By a Joint

Kim Little

Haywood Bone

**San Marcos Nov 2 2010 canvas — Total Voters — Official
HAYS COUNTY — GENERAL ELECTION — November 02, 2010**

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Total Number of Voters : 40,083 of 95,527 = 41.96%

Precincts Reporting 38 of 38 = 100.00%

Number of District Voters: 8,310 of 29,336 = 28.33%

District Precincts Reporting 15 of 15 = 100.00%

COUNCIL MEMBER, PLACE 1 San Marcos

Precinct	Early Voting Ballots Cast	Election Day Ballots Cast	Total Ballots Cast	Registered Voters	Percent Turnout	David (Dave) Newman	Kim Porterfield	Totals
110	15	10	25	80	31.25%	5	14	19
111	165	152	317	871	36.39%	127	122	249
112	185	157	342	1,098	31.15%	70	134	204
113	827	376	1,203	3,768	31.93%	277	509	786
114	292	155	447	1,622	27.56%	170	154	324
116	331	208	539	1,496	36.03%	207	210	417
120	547	360	907	4,378	20.72%	284	359	623
127	18	27	45	168	26.79%	22	14	36
315	332	152	484	688	70.35%	161	269	430
330	546	341	887	2,998	29.59%	371	344	715
332	497	308	805	2,409	33.42%	338	311	649
334	643	274	917	4,557	20.12%	356	273	629
336	669	345	1,014	3,036	33.40%	415	392	807
446	235	133	368	2,146	17.15%	124	142	266
447	10	0	10	21	47.62%	4	4	8
Totals:	5,312	2,998	8,310	29,336		2,911	3,251	6,162

Susan May Naran

Kim Porterfield

*by a Shuman
Daymond Box*

**San Marcos Nov 2 2010 canvas — Total Voters — Official
HAYS COUNTY — GENERAL ELECTION — November 02, 2010**

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Total Number of Voters : 40,083 of 95,527 = 41.96%

Precincts Reporting 38 of 38 = 100.00%

Number of District Voters: 8,310 of 29,336 = 28.33%

District Precincts Reporting 15 of 15 = 100.00%

COUNCIL MEMBER, PLACE 2 San Marcos

Precinct	Early Voting Ballots Cast	Election Day Ballots Cast	Total Ballots Cast	Registered Voters	Percent Turnout	Toby Hooper	Jude Prather	Totals
110	15	10	25	80	31.25%	14	5	19
111	165	152	317	871	36.39%	112	122	234
112	185	157	342	1,098	31.15%	88	92	180
113	827	376	1,203	3,768	31.93%	302	411	713
114	292	155	447	1,622	27.56%	138	158	296
116	331	208	539	1,496	36.03%	213	181	394
120	547	360	907	4,378	20.72%	257	342	599
127	18	27	45	168	26.79%	14	23	37
315	332	152	484	688	70.35%	177	224	401
330	546	341	887	2,998	29.59%	335	330	665
332	497	308	805	2,409	33.42%	324	288	612
334	643	274	917	4,557	20.12%	274	323	597
336	669	345	1,014	3,036	33.40%	416	364	780
446	235	133	368	2,146	17.15%	116	143	259
447	10	0	10	21	47.62%	4	3	7
Totals:	5,312	2,998	8,310	29,336		2,784	3,009	5,793

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**San Marcos Nov 2 2010 canvas — Total Voters — Official
HAYS COUNTY — GENERAL ELECTION — November 02, 2010**

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Total Number of Voters : 40,083 of 95,527 = 41.96%
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District Precincts Reporting 15 of 15 = 100.00%

COUNCIL MEMBER, PLACE 6, UNEXPIRED TERM San Marcos

Precinct	Early Voting Ballots Cast	Election Day Ballots Cast	Total Ballots Cast	Registered Voters	Percent Turnout	Shane Scott	Rodney van Oudekerke	Totals
110	15	10	25	80	31.25%	14	5	19
111	165	152	317	871	36.39%	95	137	232
112	185	157	342	1,098	31.15%	107	81	188
113	827	376	1,203	3,768	31.93%	506	260	766
114	292	155	447	1,622	27.56%	186	119	305
116	331	208	539	1,496	36.03%	215	193	408
120	547	360	907	4,378	20.72%	403	207	610
127	18	27	45	168	26.79%	16	17	33
315	332	152	484	688	70.35%	207	193	400
330	546	341	887	2,998	29.59%	265	411	676
332	497	308	805	2,409	33.42%	273	324	597
334	643	274	917	4,557	20.12%	400	199	599
336	669	345	1,014	3,036	33.40%	352	431	783
446	235	133	368	2,146	17.15%	163	87	250
447	10	0	10	21	47.62%	3	3	6
Totals:	5,312	2,998	8,310	29,336		3,205	2,667	5,872

Susan Day Hays

Kim Foster

Lyca Shuman

Daymond Bose

**San Marcos Nov 2 2010 canvas — Total Voters — Official
HAYS COUNTY — GENERAL ELECTION — November 02, 2010**

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Total Number of Voters : 40,083 of 95,527 = 41.96%
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Precincts Reporting 38 of 38 = 100.00%
District Precincts Reporting 15 of 15 = 100.00%

PROPOSITION NO. 1 - Lease of City Park Property

Precinct	Early Voting Ballots Cast	Election Day Ballots Cast	Total Ballots Cast	Registered Voters	Percent Turnout	For	Against	Totals
110	15	10	25	80	31.25%	17	7	24
111	165	152	317	871	36.39%	231	49	280
112	185	157	342	1,098	31.15%	172	83	255
113	827	376	1,203	3,768	31.93%	753	211	964
114	292	155	447	1,622	27.56%	298	65	363
116	331	208	539	1,496	36.03%	385	78	463
120	547	360	907	4,378	20.72%	634	134	768
127	18	27	45	168	26.79%	32	9	41
315	332	152	484	688	70.35%	401	54	455
330	546	341	887	2,998	29.59%	692	110	802
332	497	308	805	2,409	33.42%	634	100	734
334	643	274	917	4,557	20.12%	656	132	788
336	669	345	1,014	3,036	33.40%	800	117	917
446	235	133	368	2,146	17.15%	279	43	322
447	10	0	10	21	47.62%	6	3	9
Totals	5,312	2,998	8,310	29,336		5,990	1,195	7,185

Susan Mary, Mayor

Jim [Signature]

Rya Thomas

Raymond Bore

[Signature]

San Marcos Nov 2 2010 canvas — Total Voters — Official
HAYS COUNTY — GENERAL ELECTION — November 02, 2010

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Total Number of Voters : 40,083 of 95,527 = 41.96%
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Precincts Reporting 38 of 38 = 100.00%
District Precincts Reporting 15 of 15 = 100.00%

PROPOSITION NO. 2 - Internal Auditor

Precinct	Early Voting Ballots Cast	Election Day Ballots Cast	Total Ballots Cast	Registered Voters	Percent Turnout	For	Against	Totals
110	15	10	25	80	31.25%	17	7	24
111	165	152	317	871	36.39%	160	94	254
112	185	157	342	1,098	31.15%	119	121	240
113	827	376	1,203	3,768	31.93%	530	372	902
114	292	155	447	1,622	27.56%	195	142	337
116	331	208	539	1,496	36.03%	251	191	442
120	547	360	907	4,378	20.72%	428	275	703
127	18	27	45	168	26.79%	26	10	36
315	332	152	484	688	70.35%	251	181	432
330	546	341	887	2,998	29.59%	451	288	739
332	497	308	805	2,409	33.42%	405	279	684
334	643	274	917	4,557	20.12%	497	227	724
336	669	345	1,014	3,036	33.40%	518	354	872
446	235	133	368	2,146	17.15%	188	112	300
447	10	0	10	21	47.62%	5	4	9
Totals:	5,312	2,988	8,310	29,336		4,041	2,657	6,698

Susan Hays, Mayor




Aya Ghuman
Raymond Bose

City of San Marcos Precincts — Official HAYS COUNTY — GENERAL ELECTION — November 02, 2010

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Total Number of Voters : 40,083 of 95,527 = 41.96%
 Number of District Voters: 8,310 of 29,336 = 28.33%
 Precincts Reporting 38 of 38 = 100.00%
 District Precincts Reporting 15 of 15 = 100.00%

Party	Candidate	Absentee	Early	Election	Total
Precinct 110 (Ballots Cast: 25)					
MAYOR San Marcos, Vote For 1					
	John Thomaides	4 66.67%	2 28.57%	1 11.11%	7 31.82%
	Daniel Guerrero	2 33.33%	5 71.43%	8 88.89%	15 68.18%
	Cast Votes:	6 100.00%	7 77.78%	9 90.00%	22 88.00%
	Over Votes:	0 0.00%	0 0.00%	0 0.00%	0 0.00%
	Under Votes:	0 0.00%	2 22.22%	1 10.00%	3 12.00%
COUNCIL MEMBER, PLACE 1 San Marcos, Vote For 1					
	David (Dave) Newman	2 50.00%	2 33.33%	1 11.11%	5 26.32%
	Kim Porterfield	2 50.00%	4 66.67%	8 88.89%	14 73.68%
	Cast Votes:	4 66.67%	6 66.67%	9 90.00%	19 76.00%
	Over Votes:	0 0.00%	0 0.00%	0 0.00%	0 0.00%
	Under Votes:	2 33.33%	3 33.33%	1 10.00%	6 24.00%
COUNCIL MEMBER, PLACE 2 San Marcos, Vote For 1					
	Toby Hooper	3 75.00%	4 66.67%	7 77.78%	14 73.68%
	Jude Prather	1 25.00%	2 33.33%	2 22.22%	5 26.32%
	Cast Votes:	4 66.67%	6 66.67%	9 90.00%	19 76.00%
	Over Votes:	0 0.00%	0 0.00%	0 0.00%	0 0.00%
	Under Votes:	2 33.33%	3 33.33%	1 10.00%	6 24.00%
COUNCIL MEMBER, PLACE 6, UNEXPIRED TERM San Marcos, Vote For 1					
	Shane Scott	2 50.00%	5 83.33%	7 77.78%	14 73.68%
	Rodney van Oudekerke	2 50.00%	1 16.67%	2 22.22%	5 26.32%
	Cast Votes:	4 66.67%	6 66.67%	9 90.00%	19 76.00%
	Over Votes:	0 0.00%	0 0.00%	0 0.00%	0 0.00%
	Under Votes:	2 33.33%	3 33.33%	1 10.00%	6 24.00%
PROPOSITION NO. 1 - Lease of City Park Property, Vote For 1					
	For	5 83.33%	5 62.50%	7 70.00%	17 70.83%
	Against	1 16.67%	3 37.50%	3 30.00%	7 29.17%
	Cast Votes:	6 100.00%	8 88.89%	10 100.00%	24 96.00%
	Over Votes:	0 0.00%	0 0.00%	0 0.00%	0 0.00%
	Under Votes:	0 0.00%	1 11.11%	0 0.00%	1 4.00%
PROPOSITION NO. 2 - Internal Auditor, Vote For 1					
	For	4 66.67%	7 87.50%	6 60.00%	17 70.83%
	Against	2 33.33%	1 12.50%	4 40.00%	7 29.17%
	Cast Votes:	6 100.00%	8 88.89%	10 100.00%	24 96.00%
	Over Votes:	0 0.00%	0 0.00%	0 0.00%	0 0.00%
	Under Votes:	0 0.00%	1 11.11%	0 0.00%	1 4.00%

City of San Marcos Precincts — Official HAYS COUNTY — GENERAL ELECTION — November 02, 2010

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Total Number of Voters : 40,083 of 95,527 = 41.96%
 Number of District Voters: 8,310 of 29,336 = 28.33%
 Precincts Reporting 38 of 38 = 100.00%
 District Precincts Reporting 15 of 15 = 100.00%

Party	Candidate	Absentee	Early	Election	Total
Precinct 111 (Ballots Cast: 317)					
MAYOR San Marcos, Vote For 1					
	John Thomaldes	15 62.50%	73 60.33%	67 53.17%	155 57.20%
	Daniel Guerrero	9 37.50%	48 39.67%	59 46.83%	116 42.80%
		24 75.00%	121 90.98%	126 82.89%	271 85.49%
	Cast Votes:				
	Over Votes:	0 0.00%	0 0.00%	0 0.00%	0 0.00%
	Under Votes:	8 25.00%	12 9.02%	26 17.11%	46 14.51%
COUNCIL MEMBER, PLACE 1 San Marcos, Vote For 1					
	David (Dave) Newman	8 40.00%	64 57.14%	55 47.01%	127 51.00%
	Kim Porterfield	12 60.00%	48 42.86%	62 52.99%	122 49.00%
		20 62.50%	112 84.21%	117 76.97%	249 78.55%
	Cast Votes:				
	Over Votes:	0 0.00%	0 0.00%	0 0.00%	0 0.00%
	Under Votes:	12 37.50%	21 15.79%	35 23.03%	68 21.45%
COUNCIL MEMBER, PLACE 2 San Marcos, Vote For 1					
	Toby Hooper	9 50.00%	54 47.79%	49 47.57%	112 47.86%
	Jude Prather	9 50.00%	59 52.21%	54 52.43%	122 52.14%
		18 56.25%	113 84.96%	103 67.76%	234 73.82%
	Cast Votes:				
	Over Votes:	0 0.00%	0 0.00%	0 0.00%	0 0.00%
	Under Votes:	14 43.75%	20 15.04%	49 32.24%	83 26.18%
COUNCIL MEMBER, PLACE 6, UNEXPIRED TERM San Marcos, Vote For 1					
	Shane Scott	8 40.00%	41 39.81%	46 42.20%	95 40.95%
	Rodney van Oudekerke	12 60.00%	62 60.19%	63 57.80%	137 59.05%
		20 62.50%	103 77.44%	109 71.71%	232 73.19%
	Cast Votes:				
	Over Votes:	0 0.00%	0 0.00%	0 0.00%	0 0.00%
	Under Votes:	12 37.50%	30 22.56%	43 28.29%	85 26.81%
PROPOSITION NO. 1 - Lease of City Park Property, Vote For 1					
	For	19 79.17%	94 77.89%	118 87.41%	231 82.50%
	Against	5 20.83%	27 22.31%	17 12.59%	49 17.50%
		24 75.00%	121 90.98%	135 88.82%	280 88.33%
	Cast Votes:				
	Over Votes:	0 0.00%	0 0.00%	0 0.00%	0 0.00%
	Under Votes:	8 25.00%	12 9.02%	17 11.18%	37 11.67%
PROPOSITION NO. 2 - Internal Auditor, Vote For 1					
	For	17 77.27%	72 65.45%	71 58.20%	160 62.99%
	Against	5 22.73%	38 34.55%	51 41.80%	94 37.01%
		22 68.75%	110 82.71%	122 80.26%	254 80.13%
	Cast Votes:				
	Over Votes:	0 0.00%	0 0.00%	0 0.00%	0 0.00%
	Under Votes:	10 31.25%	23 17.29%	30 19.74%	63 19.87%

City of San Marcos Precincts — Official

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Total Number of Voters : 40,083 of 95,527 = 41.96%
Number of District Voters: 8,310 of 29,336 = 28.33%

Precincts Reporting 38 of 38 = 100.00%

District Precincts Reporting 15 of 15 = 100.00%

Party	Candidate	Absentee	Early	Election	Total
Precinct 112 (Ballots Cast: 342)					
MAYOR San Marcos, Vote For 1					
	John Thormaides	13 26.00%	25 26.60%	22 18.03%	60 22.56%
	Daniel Guerrero	37 74.00%	69 73.40%	100 81.97%	206 77.44%
Cast Votes: 50 70.42%					
Over Votes: 0 0.00%					
Under Votes: 21 29.58%					
COUNCIL MEMBER, PLACE 1 San Marcos, Vote For 1					
	David (Dave) Newman	6 16.67%	36 45.57%	28 31.46%	70 34.31%
	Kim Porterfield	30 83.33%	43 54.43%	61 68.54%	134 65.69%
Cast Votes: 36 50.70%					
Over Votes: 0 0.00%					
Under Votes: 35 49.30%					
COUNCIL MEMBER, PLACE 2 San Marcos, Vote For 1					
	Toby Hooper	12 46.15%	37 50.00%	39 48.75%	88 48.89%
	Jude Prather	14 53.85%	37 50.00%	41 51.25%	92 51.11%
Cast Votes: 26 36.62%					
Over Votes: 0 0.00%					
Under Votes: 45 63.38%					
COUNCIL MEMBER, PLACE 6, UNEXPIRED TERM San Marcos, Vote For 1					
	Shane Scott	16 51.61%	45 59.21%	46 56.79%	107 56.91%
	Rodney van Oudekerke	15 48.39%	31 40.79%	35 43.21%	81 43.09%
Cast Votes: 31 43.66%					
Over Votes: 0 0.00%					
Under Votes: 40 56.34%					
PROPOSITION NO. 1 - Lease of City Park Property, Vote For 1					
	For	22 51.16%	62 65.96%	88 74.58%	172 67.45%
	Against	21 48.84%	32 34.04%	30 25.42%	83 32.55%
Cast Votes: 43 60.56%					
Over Votes: 0 0.00%					
Under Votes: 28 39.44%					
PROPOSITION NO. 2 - Internal Auditor, Vote For 1					
	For	12 31.58%	44 48.89%	63 56.25%	119 49.58%
	Against	26 68.42%	46 51.11%	49 43.75%	121 50.42%
Cast Votes: 38 53.52%					
Over Votes: 0 0.00%					
Under Votes: 33 46.48%					

City of San Marcos Precincts — Official HAYS COUNTY — GENERAL ELECTION — November 02, 2010

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Total Number of Voters : 40,083 of 95,527 = 41.96%
 Number of District Voters: 8,310 of 29,336 = 28.33%
 Precincts Reporting 38 of 38 = 100.00%
 District Precincts Reporting 15 of 15 = 100.00%

Party	Candidate	Absentee	Early	Election	Total
Precinct 113 (Ballots Cast: 1,203)					
MAYOR San Marcos, Vote For 1					
	John Thomaides	59 34.10%	198 40.91%	93 28.97%	350 35.79%
	Daniel Guerrero	114 65.90%	286 59.09%	228 71.03%	628 64.21%
Council Votes:					
Over Votes:					
Under Votes:					
COUNCIL MEMBER, PLACE 1 San Marcos, Vote For 1					
	David (Dave) Newman	24 22.43%	173 41.19%	80 30.89%	277 35.24%
	Kim Porterfield	83 77.57%	247 58.81%	179 69.11%	509 64.76%
Council Votes:					
Over Votes:					
Under Votes:					
COUNCIL MEMBER, PLACE 2 San Marcos, Vote For 1					
	Toby Hooper	35 40.23%	165 41.56%	102 44.54%	302 42.36%
	Jude Prather	52 59.77%	232 58.44%	127 55.46%	411 57.64%
Council Votes:					
Over Votes:					
Under Votes:					
COUNCIL MEMBER, PLACE 6, UNEXPIRED TERM San Marcos, Vote For 1					
	Shane Scott	57 57.00%	279 66.59%	170 68.83%	506 66.06%
	Rodney van Oudekerke	43 43.00%	140 33.41%	77 31.17%	260 33.94%
Council Votes:					
Over Votes:					
Under Votes:					
PROPOSITION NO. 1 - Lease of City Park Property, Vote For 1					
	For	78 57.35%	409 80.20%	266 83.65%	753 78.11%
	Against	58 42.65%	101 19.80%	52 16.35%	211 21.89%
Council Votes:					
Over Votes:					
Under Votes:					
PROPOSITION NO. 2 - Internal Auditor, Vote For 1					
	For	136 55.97%	510 87.33%	318 84.57%	964 80.13%
	Against	0 0.00%	0 0.00%	0 0.00%	0 0.00%
Council Votes:					
Over Votes:					
Under Votes:					
PROPOSITION NO. 2 - Internal Auditor, Vote For 1					
	For	66 53.23%	296 60.04%	168 58.95%	530 58.76%
	Against	58 46.77%	197 39.96%	117 41.05%	372 41.24%
Council Votes:					
Over Votes:					
Under Votes:					

City of San Marcos Precincts — Official HAYS COUNTY — GENERAL ELECTION — November 02, 2010

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Total Number of Voters : 40,083 of 95,527 = 41.96%
Number of District Voters: 8,310 of 29,336 = 28.33%

Precincts Reporting 38 of 38 = 100.00%
District Precincts Reporting 15 of 15 = 100.00%

Party	Candidate	Absentee	Early	Election	Total
Precinct 114 (Ballots Cast: 447)					
MAYOR San Marcos, Vote For 1					
	John Thomaides	14 46.67%	96 51.06%	56 41.48%	166 47.03%
	Daniel Guerrero	16 53.33%	92 48.94%	79 58.52%	187 52.97%
Cast Votes: 30 46.15%					
Over Votes: 0 0.00%					
Under Votes: 35 53.85%					
COUNCIL MEMBER, PLACE 1 San Marcos, Vote For 1					
	David (Dave) Newman	13 54.17%	95 54.60%	62 49.21%	170 52.47%
	Kim Porterfield	11 45.83%	79 45.40%	64 50.79%	154 47.53%
Cast Votes: 24 36.92%					
Over Votes: 0 0.00%					
Under Votes: 41 63.08%					
COUNCIL MEMBER, PLACE 2 San Marcos, Vote For 1					
	Toby Hooper	11 50.00%	75 47.47%	52 44.83%	138 46.62%
	Jude Prather	11 50.00%	83 52.53%	64 55.17%	158 53.38%
Cast Votes: 22 33.85%					
Over Votes: 0 0.00%					
Under Votes: 43 66.15%					
COUNCIL MEMBER, PLACE 6, UNEXPIRED TERM San Marcos, Vote For 1					
	Shane Scott	18 64.29%	96 59.63%	72 62.07%	186 60.98%
	Rodney van Oudekerke	10 35.71%	65 40.37%	44 37.93%	119 39.02%
Cast Votes: 28 43.08%					
Over Votes: 0 0.00%					
Under Votes: 37 56.92%					
PROPOSITION NO. 1 - Lease of City Park Property, Vote For 1					
	For	23 79.31%	161 82.14%	114 82.61%	298 82.09%
	Against	6 20.69%	35 17.86%	24 17.39%	65 17.91%
Cast Votes: 29 44.62%					
Over Votes: 0 0.00%					
Under Votes: 36 55.38%					
PROPOSITION NO. 2 - Internal Auditor, Vote For 1					
	For	15 57.69%	101 55.80%	79 60.77%	195 57.86%
	Against	11 42.31%	80 44.20%	51 39.23%	142 42.14%
Cast Votes: 26 40.00%					
Over Votes: 0 0.00%					
Under Votes: 39 60.00%					

City of San Marcos Precincts — Official HAYS COUNTY — GENERAL ELECTION — November 02, 2010

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Total Number of Voters : 40,083 of 95,527 = 41.96%
Number of District Voters: 8,310 of 29,336 = 28.33%

Precincts Reporting 38 of 38 = 100.00%
District Precincts Reporting 15 of 15 = 100.00%

Party	Candidate	Absentee	Early	Election	Total				
Precinct 116 (Ballots Cast: 539)									
MAYOR	San Marcos, Vote For 1								
	John Thomaides	27	64.29%	124	52.10%	98	52.97%	249	53.55%
	Daniel Guerrero	15	35.71%	114	47.90%	87	47.03%	216	46.45%
	Cast Votes:	42	82.35%	238	85.00%	185	88.94%	465	86.27%
	Over Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Under Votes:	9	17.65%	42	15.00%	23	11.06%	74	13.73%	
COUNCIL MEMBER, PLACE 1	San Marcos, Vote For 1								
	David (Dave) Newman	27	72.97%	105	48.84%	75	45.45%	207	49.64%
	Kim Porterfield	10	27.03%	110	51.16%	90	54.55%	210	50.36%
	Cast Votes:	37	72.55%	215	76.79%	165	79.33%	417	77.37%
	Over Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Under Votes:	14	27.45%	65	23.21%	43	20.67%	122	22.63%	
COUNCIL MEMBER, PLACE 2	San Marcos, Vote For 1								
	Toby Hooper	21	56.76%	116	56.86%	76	49.67%	213	54.06%
	Jude Prather	16	43.24%	88	43.14%	77	50.33%	181	45.94%
	Cast Votes:	37	72.55%	204	72.86%	153	73.56%	394	73.10%
	Over Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Under Votes:	14	27.45%	76	27.14%	55	26.44%	145	26.90%	
COUNCIL MEMBER, PLACE 6, UNEXPIRED TERM	San Marcos, Vote For 1								
	Shane Scott	22	61.11%	106	49.53%	87	55.06%	215	52.70%
	Rodney van Oudekerke	14	38.89%	108	50.47%	71	44.94%	193	47.30%
	Cast Votes:	36	70.59%	214	76.43%	158	75.96%	408	75.70%
	Over Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Under Votes:	15	29.41%	66	23.57%	50	24.04%	131	24.30%	
PROPOSITION NO. 1 - Lease of City Park Property, Vote For 1	For	33	80.49%	201	83.75%	151	82.97%	385	83.15%
	Against	8	19.51%	39	16.25%	31	17.03%	78	16.85%
	Cast Votes:	41	80.39%	240	85.71%	182	87.50%	463	85.90%
	Over Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Under Votes:	10	19.61%	40	14.29%	26	12.50%	76	14.10%
PROPOSITION NO. 2 - Internal Auditor, Vote For 1	For	27	71.05%	133	56.60%	91	53.85%	251	56.79%
	Against	11	28.95%	102	43.40%	78	46.15%	191	43.21%
	Cast Votes:	38	74.51%	235	83.93%	169	81.25%	442	82.00%
	Over Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Under Votes:	13	25.49%	45	16.07%	39	18.75%	97	18.00%

City of San Marcos Precincts — Official HAYS COUNTY — GENERAL ELECTION — November 02, 2010

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Total Number of Voters : 40,083 of 95,527 = 41.96%
Number of District Voters: 8,310 of 29,336 = 28.33%

Precincts Reporting 38 of 38 = 100.00%
District Precincts Reporting 15 of 15 = 100.00%

Party	Candidate	Absentee	Early	Election	Total
Precinct 120 (Ballots Cast: 907)					
MAYOR San Marcos, Vote For 1					
	John Thomaides	28 43.08%	147 40.16%	98 33.91%	273 37.92%
	Daniel Guerrero	37 56.92%	219 59.84%	191 66.09%	447 62.08%
	Cast Votes:	65 74.71%	366 79.57%	289 80.28%	720 79.38%
	Over Votes:	0 0.00%	0 0.00%	0 0.00%	0 0.00%
	Under Votes:	22 25.29%	94 20.43%	71 19.72%	187 20.62%
COUNCIL MEMBER, PLACE 1 San Marcos, Vote For 1					
	David (Dave) Newman	16 34.78%	148 44.18%	100 41.32%	264 42.38%
	Kim Porterfield	30 65.22%	187 55.82%	142 58.68%	359 57.62%
	Cast Votes:	46 52.87%	335 72.83%	242 67.22%	623 68.69%
	Over Votes:	0 0.00%	0 0.00%	0 0.00%	0 0.00%
	Under Votes:	41 47.13%	125 27.17%	118 32.78%	284 31.31%
COUNCIL MEMBER, PLACE 2 San Marcos, Vote For 1					
	Toby Hooper	17 37.78%	138 43.53%	102 43.04%	257 42.90%
	Jude Prather	28 62.22%	179 56.47%	135 56.96%	342 57.10%
	Cast Votes:	45 51.72%	317 68.91%	237 65.83%	599 66.04%
	Over Votes:	0 0.00%	0 0.00%	0 0.00%	0 0.00%
	Under Votes:	42 48.28%	143 31.09%	123 34.17%	308 33.96%
COUNCIL MEMBER, PLACE 6, UNEXPIRED TERM San Marcos, Vote For 1					
	Shane Scott	28 62.22%	216 66.67%	159 65.98%	403 66.07%
	Rodney van Oudekerke	17 37.78%	108 33.33%	82 34.02%	207 33.93%
	Cast Votes:	45 51.72%	324 70.43%	241 66.94%	610 67.25%
	Over Votes:	0 0.00%	0 0.00%	0 0.00%	0 0.00%
	Under Votes:	42 48.28%	136 29.57%	119 33.06%	297 32.75%
PROPOSITION NO. 1 - Lease of City Park Property, Vote For 1					
	For	53 84.13%	316 80.61%	265 84.66%	634 82.55%
	Against	10 15.87%	76 19.39%	48 15.34%	134 17.45%
	Cast Votes:	63 72.41%	392 85.22%	313 86.94%	768 84.67%
	Over Votes:	0 0.00%	0 0.00%	0 0.00%	0 0.00%
	Under Votes:	24 27.59%	68 14.78%	47 13.06%	139 15.33%
PROPOSITION NO. 2 - Internal Auditor, Vote For 1					
	For	37 71.15%	218 59.73%	173 60.49%	428 60.88%
	Against	15 28.85%	147 40.27%	113 39.51%	275 39.12%
	Cast Votes:	52 59.77%	365 79.35%	286 79.44%	703 77.51%
	Over Votes:	0 0.00%	0 0.00%	0 0.00%	0 0.00%
	Under Votes:	35 40.23%	95 20.65%	74 20.56%	204 22.49%

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Total Number of Voters : 40,083 of 95,527 = 41.96%
Number of District Voters: 8,310 of 29,336 = 28.33%

Precincts Reporting 38 of 38 = 100.00%

Party	Candidate	Absentee	Early	Election	Total
Precinct 127 (Ballots Cast: 45)					
MAYOR San Marcos, Vote For 1					
	John Thomaides	1 33.33%	7 50.00%	16 69.57%	24 60.00%
	Daniel Guerrero	2 66.67%	7 50.00%	7 30.43%	16 40.00%
	Cast Votes:	3 100.00%	14 93.33%	23 85.19%	40 88.89%
	Over Votes:	0 0.00%	0 0.00%	0 0.00%	0 0.00%
	Under Votes:	0 0.00%	1 6.67%	4 14.81%	5 11.11%
COUNCIL MEMBER, PLACE 1 San Marcos, Vote For 1					
	David (Dave) Newman	0 0.00%	8 66.67%	14 63.64%	22 61.11%
	Kim Porterfield	2 100.00%	4 33.33%	8 36.36%	14 38.89%
	Cast Votes:	2 66.67%	12 80.00%	22 81.48%	36 80.00%
	Over Votes:	0 0.00%	0 0.00%	0 0.00%	0 0.00%
	Under Votes:	1 33.33%	3 20.00%	5 18.52%	9 20.00%
COUNCIL MEMBER, PLACE 2 San Marcos, Vote For 1					
	Toby Hooper	0 0.00%	9 64.29%	5 22.73%	14 37.84%
	Jude Prather	1 100.00%	5 35.71%	17 77.27%	23 62.16%
	Cast Votes:	1 33.33%	14 93.33%	22 81.48%	37 82.22%
	Over Votes:	0 0.00%	0 0.00%	0 0.00%	0 0.00%
	Under Votes:	2 66.67%	1 6.67%	5 18.52%	8 17.78%
COUNCIL MEMBER, PLACE 6, UNEXPIRED TERM San Marcos, Vote For 1					
	Shane Scott	0 0.00%	4 33.33%	12 60.00%	16 48.48%
	Rodney van Oudekerke	1 100.00%	8 66.67%	8 40.00%	17 51.52%
	Cast Votes:	1 33.33%	12 80.00%	20 74.07%	33 73.33%
	Over Votes:	0 0.00%	0 0.00%	0 0.00%	0 0.00%
	Under Votes:	2 66.67%	3 20.00%	7 25.93%	12 26.67%
PROPOSITION NO. 1 - Lease of City Park Property, Vote For 1					
	For	3 100.00%	10 71.43%	19 79.17%	32 78.05%
	Against	0 0.00%	4 28.57%	5 20.83%	9 21.95%
	Cast Votes:	3 100.00%	14 93.33%	24 88.89%	41 91.11%
	Over Votes:	0 0.00%	0 0.00%	0 0.00%	0 0.00%
	Under Votes:	0 0.00%	1 6.67%	3 11.11%	4 8.89%
PROPOSITION NO. 2 - Internal Auditor, Vote For 1					
	For	2 100.00%	6 54.55%	18 78.26%	26 72.22%
	Against	0 0.00%	5 45.45%	5 21.74%	10 27.78%
	Cast Votes:	2 66.67%	11 73.33%	23 85.19%	36 80.00%
	Over Votes:	0 0.00%	0 0.00%	0 0.00%	0 0.00%
	Under Votes:	1 33.33%	4 26.67%	4 14.81%	9 20.00%

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Total Number of Voters : 40,083 of 95,527 = 41.96%
 Number of District Voters: 8,310 of 29,336 = 28.33%
 Precincts Reporting 38 of 38 = 100.00%
 District Precincts Reporting 15 of 15 = 100.00%

Party	Candidate	Absentee	Early	Election	Total
Precinct 315 (Ballots Cast: 484)					
MAYOR San Marcos, Vote For 1					
	John Thomaides	11 61.11%	147 50.52%	73 51.77%	231 51.33%
	Daniel Guerrero	7 38.89%	144 49.48%	68 48.23%	219 48.67%
Cast Votes:					
		18 78.26%	291 94.17%	141 92.76%	450 92.98%
Over Votes:					
		0 0.00%	0 0.00%	0 0.00%	0 0.00%
Under Votes:					
		5 21.74%	18 5.83%	11 7.24%	34 7.02%
COUNCIL MEMBER, PLACE 1 San Marcos, Vote For 1					
	David (Dave) Newman	7 41.18%	118 42.91%	36 26.09%	161 37.44%
	Kim Porterfield	10 58.82%	157 57.09%	102 73.91%	269 62.56%
Cast Votes:					
		17 73.91%	275 89.00%	138 90.79%	430 88.84%
Over Votes:					
		0 0.00%	0 0.00%	0 0.00%	0 0.00%
Under Votes:					
		6 26.09%	34 11.00%	14 9.21%	54 11.16%
COUNCIL MEMBER, PLACE 2 San Marcos, Vote For 1					
	Toby Hooper	4 25.00%	107 41.31%	66 52.38%	177 44.14%
	Jude Prather	12 75.00%	152 58.69%	60 47.62%	224 55.86%
Cast Votes:					
		16 69.57%	259 83.82%	126 82.89%	401 82.85%
Over Votes:					
		0 0.00%	0 0.00%	0 0.00%	0 0.00%
Under Votes:					
		7 30.43%	50 16.18%	26 17.11%	83 17.15%
COUNCIL MEMBER, PLACE 6, UNEXPIRED TERM San Marcos, Vote For 1					
	Shane Scott	9 60.00%	133 52.16%	65 50.00%	207 51.75%
	Rodney van Oudekerke	6 40.00%	122 47.84%	65 50.00%	193 48.25%
Cast Votes:					
		15 65.22%	255 82.52%	130 85.53%	400 82.64%
Over Votes:					
		0 0.00%	0 0.00%	0 0.00%	0 0.00%
Under Votes:					
		8 34.78%	54 17.48%	22 14.47%	84 17.36%
PROPOSITION NO. 1 - Lease of City Park Property, Vote For 1					
	For	18 90.00%	252 87.20%	131 89.73%	401 88.13%
	Against	2 10.00%	37 12.80%	15 10.27%	54 11.87%
Cast Votes:					
		20 86.96%	289 93.53%	146 96.05%	455 94.01%
Over Votes:					
		0 0.00%	0 0.00%	0 0.00%	0 0.00%
Under Votes:					
		3 13.04%	20 6.47%	6 3.95%	29 5.99%
PROPOSITION NO. 2 - Internal Auditor, Vote For 1					
	For	11 57.89%	145 51.97%	95 70.90%	251 58.10%
	Against	8 42.11%	134 48.03%	39 29.10%	181 41.90%
Cast Votes:					
		19 82.61%	279 90.29%	134 88.16%	432 89.26%
Over Votes:					
		0 0.00%	0 0.00%	0 0.00%	0 0.00%
Under Votes:					
		4 17.39%	30 9.71%	18 11.84%	52 10.74%

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Total Number of Voters : 40,083 of 95,527 = 41.96%
Number of District Voters: 8,310 of 29,336 = 28.33%

Precincts Reporting 38 of 38 = 100.00%
District Precincts Reporting 15 of 15 = 100.00%

Party	Candidate	Absentee	Early	Election	Total
Precinct 330 (Ballots Cast: 887)					
MAYOR San Marcos, Vote For 1					
	John Thomaides	17 65.38%	250 55.19%	168 58.54%	435 56.79%
	Daniel Guerrero	9 34.62%	203 44.81%	119 41.46%	331 43.21%
Cast Votes:					
		26 86.67%	453 87.79%	287 84.16%	766 86.36%
Over Votes:					
		0 0.00%	0 0.00%	0 0.00%	0 0.00%
Under Votes:					
		4 13.33%	63 12.21%	54 15.84%	121 13.64%
COUNCIL MEMBER, PLACE 1 San Marcos, Vote For 1					
	David (Dave) Newman	13 52.00%	219 51.53%	139 52.45%	371 51.89%
	Kim Porterfield	12 48.00%	206 48.47%	126 47.55%	344 48.11%
Cast Votes:					
		25 83.33%	425 82.36%	265 77.71%	715 80.61%
Over Votes:					
		0 0.00%	0 0.00%	0 0.00%	0 0.00%
Under Votes:					
		5 16.67%	91 17.64%	76 22.29%	172 19.39%
COUNCIL MEMBER, PLACE 2 San Marcos, Vote For 1					
	Toby Hooper	11 44.00%	194 49.87%	130 51.79%	335 50.38%
	Jude Prather	14 56.00%	195 50.13%	121 48.21%	330 49.62%
Cast Votes:					
		25 83.33%	389 75.39%	251 73.61%	665 74.97%
Over Votes:					
		0 0.00%	0 0.00%	0 0.00%	0 0.00%
Under Votes:					
		5 16.67%	127 24.61%	90 26.39%	222 25.03%
COUNCIL MEMBER, PLACE 6, UNEXPIRED TERM San Marcos, Vote For 1					
	Shane Scott	8 32.00%	159 39.55%	98 39.36%	265 39.20%
	Rodney van Oudekerke	17 68.00%	243 60.45%	151 60.64%	411 60.80%
Cast Votes:					
		25 83.33%	402 77.91%	249 73.02%	676 76.21%
Over Votes:					
		0 0.00%	0 0.00%	0 0.00%	0 0.00%
Under Votes:					
		5 16.67%	114 22.09%	92 26.98%	211 23.79%
PROPOSITION NO. 1 - Lease of City Park Property, Vote For 1					
	For	23 88.46%	401 85.87%	268 86.73%	692 86.28%
	Against	3 11.54%	66 14.13%	41 13.27%	110 13.72%
Cast Votes:					
		26 86.67%	467 90.50%	309 90.62%	802 90.42%
Over Votes:					
		0 0.00%	0 0.00%	0 0.00%	0 0.00%
Under Votes:					
		4 13.33%	49 9.50%	32 9.38%	85 9.58%
PROPOSITION NO. 2 - Internal Auditor, Vote For 1					
	For	13 54.17%	271 62.59%	167 59.22%	451 61.03%
	Against	11 45.83%	162 37.41%	115 40.78%	288 38.97%
Cast Votes:					
		24 80.00%	433 83.91%	282 82.70%	739 83.31%
Over Votes:					
		0 0.00%	0 0.00%	0 0.00%	0 0.00%
Under Votes:					
		6 20.00%	83 16.09%	59 17.30%	148 16.69%

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Total Number of Voters : 40,083 of 95,527 = 41.96%
 Number of District Voters: 8,310 of 29,336 = 28.33%
 Precincts Reporting 38 of 38 = 100.00%
 District Precincts Reporting 15 of 15 = 100.00%

Party	Candidate	Absentee	Early	Election	Total				
Precinct 332 (Ballots Cast: 805)									
MAYOR	San Marcos, Vote For 1								
	John Thomaides	23	62.16%	251	62.75%				
	Daniel Guerrero	14	37.84%	149	37.25%				
	Cast Votes:	37	97.37%	400	87.15%				
	Over Votes:	0	0.00%	0	0.00%				
Under Votes:	1	2.63%	59	12.85%	49	15.91%	109	13.54%	
COUNCIL MEMBER, PLACE 1 San Marcos, Vote For 1									
	David (Dave) Newman	21	56.76%	196	52.97%	121	50.00%	338	52.08%
	Kim Porterfield	16	43.24%	174	47.03%	121	50.00%	311	47.92%
Cast Votes:		37	97.37%	370	80.61%	242	78.57%	649	80.62%
Over Votes:		0	0.00%	0	0.00%	0	0.00%	0	0.00%
Under Votes:		1	2.63%	89	19.39%	66	21.43%	156	19.38%
COUNCIL MEMBER, PLACE 2 San Marcos, Vote For 1									
	Toby Hooper	14	41.18%	184	52.12%	126	56.00%	324	52.94%
	Jude Prather	20	58.82%	169	47.88%	99	44.00%	288	47.06%
Cast Votes:		34	89.47%	353	76.91%	225	73.05%	612	76.02%
Over Votes:		0	0.00%	0	0.00%	0	0.00%	0	0.00%
Under Votes:		4	10.53%	106	23.09%	83	26.95%	193	23.98%
COUNCIL MEMBER, PLACE 6, UNEXPIRED TERM San Marcos, Vote For 1									
	Shane Scott	14	38.89%	145	41.55%	114	53.77%	273	45.73%
	Rodney van Oudekerke	22	61.11%	204	58.45%	98	46.23%	324	54.27%
Cast Votes:		36	94.74%	349	76.03%	212	68.83%	597	74.16%
Over Votes:		0	0.00%	0	0.00%	0	0.00%	0	0.00%
Under Votes:		2	5.26%	110	23.97%	96	31.17%	208	25.84%
PROPOSITION NO. 1 - Lease of City Park Property, Vote For 1									
	For	33	91.67%	350	84.13%	251	89.01%	634	86.38%
	Against	3	8.33%	66	15.87%	31	10.99%	100	13.62%
Cast Votes:		36	94.74%	416	90.63%	282	91.56%	734	91.18%
Over Votes:		0	0.00%	0	0.00%	0	0.00%	0	0.00%
Under Votes:		2	5.26%	43	9.37%	26	8.44%	71	8.82%
PROPOSITION NO. 2 - Internal Auditor, Vote For 1									
	For	24	63.16%	226	57.65%	155	61.02%	405	59.21%
	Against	14	36.84%	166	42.35%	99	38.98%	279	40.79%
Cast Votes:		38	100.00%	392	85.40%	254	82.47%	684	84.97%
Over Votes:		0	0.00%	0	0.00%	0	0.00%	0	0.00%
Under Votes:		0	0.00%	67	14.60%	54	17.53%	121	15.03%

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 District Precincts Reporting 15 of 15 = 100.00%

Party	Candidate	Absentee	Early	Election	Total
Precinct 334 (Ballots Cast: 917)					
MAYOR San Marcos, Vote For 1					
	John Thomaides	3 75.00%	248 51.56%	127 61.35%	378 54.62%
	Daniel Guerrero	1 25.00%	233 48.44%	80 38.65%	314 45.38%
Cast Votes:					
		4 66.67%	481 75.51%	207 75.55%	692 75.46%
Over Votes:					
		0 0.00%	0 0.00%	0 0.00%	0 0.00%
Under Votes:					
		2 33.33%	156 24.49%	67 24.45%	225 24.54%
COUNCIL MEMBER, PLACE 1 San Marcos, Vote For 1					
	David (Dave) Newman	2 66.67%	239 52.88%	115 66.09%	356 56.60%
	Kim Porterfield	1 33.33%	213 47.12%	59 33.91%	273 43.40%
Cast Votes:					
		3 50.00%	452 70.96%	174 63.50%	629 68.59%
Over Votes:					
		0 0.00%	0 0.00%	0 0.00%	0 0.00%
Under Votes:					
		3 50.00%	185 29.04%	100 36.50%	288 31.41%
COUNCIL MEMBER, PLACE 2 San Marcos, Vote For 1					
	Toby Hooper	4 100.00%	183 42.66%	87 53.05%	274 45.90%
	Jude Prather	0 0.00%	246 57.34%	77 46.95%	323 54.10%
Cast Votes:					
		4 66.67%	429 67.35%	164 59.85%	597 65.10%
Over Votes:					
		0 0.00%	0 0.00%	0 0.00%	0 0.00%
Under Votes:					
		2 33.33%	208 32.65%	110 40.15%	320 34.90%
COUNCIL MEMBER, PLACE 6, UNEXPIRED TERM San Marcos, Vote For 1					
	Shane Scott	0 0.00%	289 67.68%	111 66.07%	400 66.78%
	Rodney van Oudekerke	4 100.00%	138 32.32%	57 33.93%	199 33.22%
Cast Votes:					
		4 66.67%	427 67.03%	168 61.31%	599 65.32%
Over Votes:					
		0 0.00%	0 0.00%	0 0.00%	0 0.00%
Under Votes:					
		2 33.33%	210 32.97%	106 38.69%	318 34.68%
PROPOSITION NO. 1 - Lease of City Park Property, Vote For 1					
	For	5 83.33%	454 81.95%	197 86.40%	656 83.25%
	Against	1 16.67%	100 18.05%	31 13.60%	132 16.75%
Cast Votes:					
		6 100.00%	554 86.97%	228 83.21%	788 85.93%
Over Votes:					
		0 0.00%	0 0.00%	0 0.00%	0 0.00%
Under Votes:					
		0 0.00%	83 13.03%	46 16.79%	129 14.07%
PROPOSITION NO. 2 - Internal Auditor, Vote For 1					
	For	2 40.00%	352 68.22%	143 70.44%	497 68.65%
	Against	3 60.00%	164 31.78%	60 29.56%	227 31.35%
Cast Votes:					
		5 83.33%	516 81.00%	203 74.09%	724 78.95%
Over Votes:					
		0 0.00%	0 0.00%	0 0.00%	0 0.00%
Under Votes:					
		1 16.67%	121 19.00%	71 25.91%	193 21.05%

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District Precincts Reporting 15 of 15 = 100.00%

Party	Candidate	Absentee	Early	Election	Total
Precinct 336 (Ballots Cast: 1,014)					
MAYOR San Marcos, Vote For 1					
	John Thomaides	24	72.73%	332	61.25%
	Daniel Guerrero	9	27.27%	210	38.75%
		33	89.19%	542	85.76%
	Cast Votes:				864
	Over Votes:	0	0.00%	0	0.00%
	Under Votes:	4	10.81%	90	14.24%
COUNCIL MEMBER, PLACE 1 San Marcos, Vote For 1					
	David (Dave) Newman	14	46.87%	255	50.10%
	Kim Porterfield	16	53.33%	254	49.90%
		30	81.08%	509	80.54%
	Cast Votes:				807
	Over Votes:	0	0.00%	0	0.00%
	Under Votes:	7	18.92%	123	19.46%
COUNCIL MEMBER, PLACE 2 San Marcos, Vote For 1					
	Toby Hooper	18	64.29%	262	53.58%
	Jude Prather	10	35.71%	227	46.42%
		28	75.88%	489	77.37%
	Cast Votes:				780
	Over Votes:	0	0.00%	0	0.00%
	Under Votes:	9	24.32%	143	22.63%
COUNCIL MEMBER, PLACE 6, UNEXPIRED TERM San Marcos, Vote For 1					
	Shane Scott	11	36.67%	213	43.56%
	Rodney van Oudekerke	19	63.33%	276	56.44%
		30	81.08%	489	77.37%
	Cast Votes:				783
	Over Votes:	0	0.00%	0	0.00%
	Under Votes:	7	18.92%	143	22.63%
PROPOSITION NO. 1 - Lease of City Park Property, Vote For 1					
	For	31	93.94%	496	86.87%
	Against	2	6.06%	75	13.13%
		33	89.19%	571	90.35%
	Cast Votes:				917
	Over Votes:	0	0.00%	0	0.00%
	Under Votes:	4	10.81%	61	9.65%
PROPOSITION NO. 2 - Internal Auditor, Vote For 1					
	For	21	67.74%	326	60.04%
	Against	10	32.26%	217	39.96%
		31	83.78%	543	85.92%
	Cast Votes:				872
	Over Votes:	0	0.00%	0	0.00%
	Under Votes:	6	16.22%	89	14.08%

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District Precincts Reporting 15 of 15 = 100.00%

Party	Candidate	Absentee	Early	Election	Total
Precinct 446 (Ballots Cast: 368)					
MAYOR San Marcos, Vote For 1					
	John Thomaides	4	33.33%	71	42.01%
	Daniel Guerrero	8	66.67%	98	57.99%
		12	92.31%	169	76.13%
	Cast Votes:				291
	Over Votes:	0	0.00%	0	0.00%
	Under Votes:	1	7.69%	53	23.87%
COUNCIL MEMBER, PLACE 1 San Marcos, Vote For 1					
	David (Dave) Newman	6	60.00%	75	47.77%
	Kim Porterfield	4	40.00%	82	52.23%
		10	76.92%	157	70.72%
	Cast Votes:				266
	Over Votes:	0	0.00%	0	0.00%
	Under Votes:	3	23.08%	65	29.28%
COUNCIL MEMBER, PLACE 2 San Marcos, Vote For 1					
	Toby Hooper	6	66.67%	63	41.18%
	Jude Prather	3	33.33%	90	58.82%
		9	69.23%	153	68.92%
	Cast Votes:				259
	Over Votes:	0	0.00%	0	0.00%
	Under Votes:	4	30.77%	69	31.08%
COUNCIL MEMBER, PLACE 6, UNEXPIRED TERM San Marcos, Vote For 1					
	Shane Scott	5	41.67%	100	68.03%
	Rodney van Oudekerke	7	58.33%	47	31.97%
		12	92.31%	147	66.22%
	Cast Votes:				250
	Over Votes:	0	0.00%	0	0.00%
	Under Votes:	1	7.69%	75	33.78%
PROPOSITION NO. 1 - Lease of City Park Property, Vote For 1					
	For	7	63.64%	160	83.77%
	Against	4	36.36%	31	16.23%
		11	84.62%	191	86.04%
	Cast Votes:				322
	Over Votes:	0	0.00%	0	0.00%
	Under Votes:	2	15.38%	31	13.96%
PROPOSITION NO. 2 - Internal Auditor, Vote For 1					
	For	6	60.00%	107	59.44%
	Against	4	40.00%	73	40.56%
		10	76.92%	180	81.08%
	Cast Votes:				300
	Over Votes:	0	0.00%	0	0.00%
	Under Votes:	3	23.08%	42	18.92%

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Precincts Reporting 38 of 38 = 100.00%
District Precincts Reporting 15 of 15 = 100.00%

Party	Candidate	Absentee	Early	Election	Total
Precinct 447 (Ballots Cast: 10)					
MAYOR San Marcos, Vote For 1					
	John Thomaides	0	0.00%	4	50.00%
	Daniel Guerrero	0	0.00%	4	50.00%
	Cast Votes:	0	0.00%	8	80.00%
	Over Votes:	0	0.00%	0	0.00%
	Under Votes:	0	0.00%	2	20.00%
COUNCIL MEMBER, PLACE 1 San Marcos, Vote For 1					
	David (Dave) Newman	0	0.00%	4	50.00%
	Kim Porterfield	0	0.00%	4	50.00%
	Cast Votes:	0	0.00%	8	80.00%
	Over Votes:	0	0.00%	0	0.00%
	Under Votes:	0	0.00%	2	20.00%
COUNCIL MEMBER, PLACE 2 San Marcos, Vote For 1					
	Toby Hooper	0	0.00%	4	57.14%
	Jude Prather	0	0.00%	3	42.86%
	Cast Votes:	0	0.00%	7	70.00%
	Over Votes:	0	0.00%	0	0.00%
	Under Votes:	0	0.00%	3	30.00%
COUNCIL MEMBER, PLACE 6, UNEXPIRED TERM San Marcos, Vote For 1					
	Shane Scott	0	0.00%	3	50.00%
	Rodney van Oudekerke	0	0.00%	3	50.00%
	Cast Votes:	0	0.00%	6	60.00%
	Over Votes:	0	0.00%	0	0.00%
	Under Votes:	0	0.00%	4	40.00%
PROPOSITION NO. 1 - Lease of City Park Property, Vote For 1					
	For	0	0.00%	6	66.67%
	Against	0	0.00%	3	33.33%
	Cast Votes:	0	0.00%	9	90.00%
	Over Votes:	0	0.00%	0	0.00%
	Under Votes:	0	0.00%	1	10.00%
PROPOSITION NO. 2 - Internal Auditor, Vote For 1					
	For	0	0.00%	5	55.56%
	Against	0	0.00%	4	44.44%
	Cast Votes:	0	0.00%	9	90.00%
	Over Votes:	0	0.00%	0	0.00%
	Under Votes:	0	0.00%	1	10.00%

Exhibit J

RESOLUTION 2011 -75 R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF SAN MARCOS AND SAN MARCOS LIONS CLUB PROVIDING FOR A FIVE YEAR LEASE OF A PORTION OF THE CITY RECREATION BUILDING LOCATED IN CITY PARK FOR AN ANNUAL RENT OF \$10,800.00 WITH AN OPTION TO RENEW FOR UP TO FOUR ADDITIONAL FIVE YEAR TERMS UPON MUTUAL AGREEMENT; AUTHORIZING THE CITY MANAGER TO EXECUTE SAID LEASE 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 Lease Agreement between the City of San Marcos and San Marcos Lions Club (the "Agreement") is hereby approved.


PART 2. The City Manager is hereby authorized to execute the Lease on behalf of the City.

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

ADOPTED on June 21, 2011.


Daniel Guerrero
Mayor

Attest:


Jamie Lee Pettijohn
City Clerk

LEASE OF SAN MARCOS PARK PREMISES

This lease agreement (this "Lease") is made between the City of San Marcos, Texas, a municipal corporation (the "Lessor") and San Marcos Lions Club (the "Lessee").

Article 1. Lease of Premises; Acceptance of Existing Conditions; Compliance with Regulations

1.01. Leased Premises: In consideration of the obligation of the Lessee to pay rent and in consideration of the other terms, covenants and conditions of this Lease, the Lessor leases to the Lessee, and the Lessee leases from the Lessor that approximately 4720 square foot portion (indicated by shading) of the City Recreation Building and adjacent sidewalks (indicated by dashed lines) as shown in Exhibit "A", attached hereto and made a part hereof for all purposes (the "Leased Premises") in Hays County, Texas. The Lessor agrees that the Lessee shall also have access to and shared use of the public parking lot adjacent to the leased Premises and the public restrooms in the City Recreation Building, all as shown in Exhibit "A", subject to Lessor's exclusive control and management of said public facilities.

1.02. No Warranty: The Lessee acknowledges that 1) the Lessor makes no representations or warranties regarding the suitability of the Leased Premises for the Lessee's intended purposes, or the presence of environmental, geologic, or other site conditions that may affect the Lessee's use of the Leased Premises; 2) the Lessee accepts full responsibility for determining the suitability of the Leased Premises for its intended purposes; and 3) the Lessee has inspected the Leased Premises to satisfy itself as to the suitability of the Leased Premises for its intended purposes.

1.03. Compliance With Rules: In addition to other requirements in this Lease, Lessee agrees to comply with all ordinances, rules and regulations governing City Park within which the Leased Premises are located.

Article 2. Term and Rent

2.01. Term: The term of this Lease shall commence effective as of April 11, 2011 and shall expire on April 10, 2016. This Lease may be renewed for up to four additional terms of five years, each upon mutual agreement of Lessee and Lessor.

2.02. Rent: The Lessee agrees to pay to the Lessor a fixed rental in the sum of \$10,800.00 per year. Rent for the first year shall be due on or before September 30, 2011 and, thereafter, shall be paid annually by September 30 at the place designated for notices below. Unless otherwise agreed at the time of any renewal under paragraph 2.01, the annual rent during any renewal period shall be as follows:

April 11, 2016 through April 10, 2021	\$11,350.00
April 11, 2021 through April 10, 2026	\$11,900.00
April 11, 2026 through April 10, 2031	\$12,500.00

April 11, 2031 through April 10, 2036

\$13,150.00

2.03. Lessee shall collect on behalf of and remit to the City any fees, assessments or charges arising by virtue of or related to its activities under this Lease as may be required by any ordinance, law, order or regulation. Additionally, the City may submit an invoice or invoices to Lessee for the above mentioned or other fees, assessments or charges due and payable to the City. Such invoice or invoices must be paid by the Lessee with the next annual rent payment, except when earlier payment may be due under applicable ordinance, law, order or regulation.

2.04. Late Payment: If the Lessee fails to pay any rent or any other sum payable to the Lessor under the terms of this Lease when due, then interest at the rate of five percent per annum shall accrue from the date on which the sum became due and payable.

2.05. Termination: Lessee shall surrender and vacate the Leased premises on the last day of the term of this Lease. Upon termination of the lease, Lessee shall also remove all personal property, equipment from the Leased premises within 14 days. Lessor may retain, destroy, or dispose of any property left in the Leased Premises at the end of the Term.

Article 3. Use and Care of Premises

3.01. The use of the Leased Premises by the Lessee shall be restricted to conducting an inner tube rental operation, together with the activities of selling snacks, non-alcoholic beverages, T-shirts and other items related to river recreation. Use of the Leased Premises for any purpose other than permitted by this Lease without prior written consent of the Lessor shall constitute a default.

3.02. The Lessee shall not place or keep anything on the Leased Premises or use the Leased Premises for any purpose which increases the insurance premium cost or invalidates any insurance policy carried on the Leased Premises without the Lessor's prior written consent. The Lessee agrees that the risk of loss and damage for all property kept, stored or maintained by it within the Leased Premises shall be the Lessee's.

3.03. The Lessee shall not use or permit the use of the Leased Premises in any manner that results in waste of the Leased Premises, or constitutes a nuisance, or violates any statute, ordinance, rule or regulation that applies to the Leased Premises.

3.04. The Lessee shall keep the Leased Premises used by Lessee, neat, clean, and free from dirt and trash at all times.

3.05. The Lessor shall be responsible for cleaning and maintaining the public restrooms in the City Recreation Building to be used by Lessee in connection with its authorized activities according to Lessor's usual and customary cleaning schedules and standards, as determined by Lessor in its sole discretion. Although Lessor has primary responsibility to clean and maintain the restrooms, Lessee agrees to and will clean the restrooms on an as needed basis between the Lessor's regular cleanings. The Lessor shall provide trash bin liners, paper towels, and toilet

paper to the Lessee, and the Lessee shall replace these items in the public restrooms as necessary.

3.06. The Lessee shall store all equipment, materials and supplies within the confines of the Leased Premises. Outside storage is specifically prohibited without the advance written consent of the Lessor.

3.07. Failure to use the Leased Premises for any purpose other than permitted by this Lease shall constitute a default.

3.08. The Lessee shall give prompt notice to the Lessor of any accident on the Leased Premises, and of defects in the Leased Premises of which the Lessee is aware.

3.09. Lessee agrees to allow Lessor to enter the Leased Premises to perform Lessor's obligations, inspect the Leased Premises. When the Premises are not in use by Lessee, the Lessor may conduct activities in the Premises that do not interfere with the Permitted Uses with prior written consent from the Lessee.

Article 4. Maintenance and Repair of Premises

4.01. The Lessee shall keep the Leased Premises in good, clean condition and will maintain the personal property, removable fixtures, and equipment owned or controlled by Lessee in good repair and condition. The Lessee shall comply with all governmental laws, ordinances and regulations that apply to the Leased Premises, at its sole cost and expense. At the expiration of this Lease, the Lessee shall surrender the Leased Premises in good condition, reasonable wear and tear excepted.

4.02. Lessee shall submit in writing to Lessor any request for repairs, replacement, and maintenance that are the obligations of Lessor.

Article 5. Alterations and Fixtures

5.01. The Lessee shall not make any alterations, modifications, additions, or improvements, (including, but not limited to, structural, electrical, plumbing and painting) to the Leased Premises without the prior written consent of Lessor.

5.02. The Lessee shall ensure that no lien or similar obligation is imposed upon the Leased Premises for any alteration, repair, labor performed or materials furnished to the Leased Premises, and the Lessee shall immediately discharge any lien or charge after the lien occurs or charges become due and payable. *The Lessee shall hold harmless, indemnify and defend the Lessor, its officers, agents and employees from and against any claims, demands or suits related to such liens or obligations.*

5.03. The Lessee shall not install any exterior lighting, shades or awnings, or any exterior decorations or paintings on the Leased Premises or erect, install or change any signs, window or door lettering, placards, decorations, or advertising media of any type without the

prior written approval of the Lessor.

Article 6. Utilities/Taxes

6.01. The Lessee shall promptly pay all charges for electricity, telephone service, and other utilities furnished to the Leased Premises. No such utilities shall be connected or installed until the Lessor approves the location and specifications for such connections and installations. The Lessor will provide water and wastewater utilities at no charge to Lessee.

6.02. The Lessor shall not be liable for any interruption or impairment whatsoever in utility services to the Leased Premises.

6.03. The Lessee shall pay when due all taxes and assessments, if any, against the Leased Premises or underlying real property attributable to the Lessee's use of the Leased Premises under this Lease. The Lessee shall pay when due all sales, excise, income and other taxes, if any, levied upon its business operations on the Leased Premises.

Article 7. Insurance and Indemnity

7.01. Insurance: The Lessee will purchase and maintain in full force and effect during the term of the lease insurance as provided below, proof of which will be in a form acceptable to the Lessor:

A. Commercial general liability insurance with minimum limits of liability of not less than \$500,000 per occurrence;

B. Business automobile/motor vehicle liability insurance with minimum limits of liability for bodily injury and property damage combined of not less than \$500,000 per occurrence shall be in full force and effect during periods of authorized business activities; and

C. Workers compensation insurance within statutory limits, if applicable.

All of this insurance shall be primary over any other insurance coverage the Lessor may have and shall be written so that the Lessee and the Lessor will be notified in writing at least 30 calendar days in advance in the event of cancellation, restrictive amendment or non-renewal. **Commercial general liability and business automobile insurance coverage will be written with the City of San Marcos, Texas as an additional insured and will be endorsed to provide a waiver of the carrier's right of subrogation against the City of San Marcos.**

7.02. Approval Before Occupancy: The Lessee will submit certificates of insurance to the Lessor for approval prior to taking occupancy of the Premises.

7.03. Continuing Responsibility: In any event, the Lessee is fully responsible for all losses arising out of, resulting from or connected with operations under this Lease whether or not

the losses are covered by insurance. The Lessor's acceptance of insurance certificates that do not comply with these requirements will not release the Lessee from compliance with these provisions.

7.04. Indemnity and Hold Harmless:

A. The Lessee agrees to hold harmless, indemnify and defend the Lessor and its officers, agents and employees from and against all claims, suits and actions by third parties for loss of life, personal injury or property damage arising in connection with the use of the Leased Premises by the Lessee, its agents, contractors, employees, servants, invitees or licensees.

B. The Lessee shall use the Leased Premises and use, occupy and store property on the Leased Premises at its own risk, and the Lessee agrees to hold harmless and release the Lessor, and its officers, agents and employees from all claims, suits and actions by the Lessee for loss of life, personal injury or property damage resulting therefrom.

C. In case the Lessor is made a party to any litigation commenced by or against the Lessee that is covered by this paragraph, then the Lessee shall hold the Lessor harmless from and pay all costs and expenses of the Lessor related to the litigation, including the fees of attorneys and expert witnesses.

Article 8. Hotel Occupancy Data

Lessee agrees to record at the point of tube rental, in a method and on a form approved by the City Manager of the Lessor: a) the number of tube renters staying in San Marcos hotels, motels, tourist homes, tourist houses, tourist courts, lodging houses, inns, rooming houses, or bed and breakfasts (collectively, "Hotels"); and b) the number of room nights such tube renters are staying in such Hotels.

Article 9. River Clean Up

The Lessee shall assist in the cleanup of the San Marcos River in and around the area of the City recreation building during City of San Marcos designated river cleanup events.

Article 10. Condemnation

10.01. Total: If the whole of the Leased Premises is taken by eminent domain, then this Lease shall terminate as of the date the title vests in the proceeding.

10.02 Partial: If a portion of the Leased Premises is taken by eminent domain, and the partial taking renders the remaining portion unsuitable for the business of the Lessee, then this Lease shall terminate. If the partial taking is not extensive enough to render the premises unsuitable for the business of the Lessee, then this Lease shall continue in effect, except that the

fixed annual rental shall be reduced and adjusted in an appropriate manner.

10.03 Rent Payments: If this Lease is terminated as provided in this section, rent shall be paid up to the date that possession is taken by the condemning authority, and the Lessor shall make an equitable refund of any rent paid by the Lessee in advance.

10.04 Division of Award: The Lessor and the Lessee shall each be entitled to receive and retain separate awards, or portions of lump sum awards, as are allocated to their respective interests in the condemnation proceeding. The termination of this Lease under this Paragraph shall not affect the rights of the respective parties to such awards.

Article 11. Damage by Casualty

11.01. The Lessee shall give immediate verbal notice, and prompt written notice to the Lessor of any damage caused to the Leased Premises by fire or other casualty.

11.02. If the Leased Premises are damaged by casualty and can be restored within 30 days, Lessor will, at its expense, restore the Leased Premises to substantially the same condition that existed before the casualty and Lessee will, at its expense, replace any of its damaged furniture, fixtures, and personal property and restore any authorized leasehold improvements installed by Lessee. If Lessor fails or is unable to complete the portion of the restoration for which Lessor is responsible within 30 days from the date of written notification by Lessee to Lessor of the casualty, Lessee may terminate this lease by written notice delivered to Lessor before Lessor completes Lessor's restoration obligations.

11.03. To the extent the Premises are untenantable after the casualty, the Rent will be prorated for the period of time that the premises cannot be used by Lessee.

11.04. Any insurance or risk pool coverage against casualty loss which may be carried by either the Lessor or the Lessee shall be under the sole control of the party carrying the insurance or risk pool coverage, and the other party shall have no interest in any proceeds thereof. Lessor and Lessee expressly waive any cause of action or right of recovery which either of them may have against the other for any loss or damage to the Leased Premises or to the contents caused by fire, explosion, or other risk covered by the casualty insurance or risk pool coverage.

Article 12. Assignment and Subletting

Lessee may not assign this Lease or sublet the Leased Premises without prior written consent of the Lessor. Any such unauthorized assignment or subletting shall constitute a default.

Article 13. Events of Default and Remedies

13.01. Default: The following events shall be events of default by the Lessee under this Lease:

A. The Lessee fails to pay when due any rental or any other sums or charges due under this Lease.

B. The Lessee fails to comply with any other term, provision, or covenant of this Lease, and does not cure the failure within 30 days after written notice to the Lessee. For any subsequent default by the Lessee for the same or any other reason, the Lessor may terminate the Lease if that subsequent default continues for more than three days after notice of the subsequent default.

C. The Lessee commences, or another party commences against the Lessee, proceedings in bankruptcy, for reorganization, or for the readjustment or arrangement of its debts under the bankruptcy laws of the United States or under any other law. The acceptance by the Lessor of the Lessee's monthly payments subsequent to the occurrence of this event of default, or that set forth in subparagraph E below, shall be as compensation for use and occupancy of the Leased Premises, and shall in no way constitute a waiver by the Lessor of its right to exercise any remedy provided for any event of default.

D. A receiver or trustee is appointed for all or substantially all of the assets of the Lessee.

E. The Lessee abandons or vacates all or any substantial portion of the Leased Premises for more than 30 consecutive days during the periods of conducting its authorized activities under paragraph 3.01.

13.02. Remedies: Upon the occurrence of any of the events of default, the Lessor shall have the option to pursue any one or more of the following remedies without any notice or demand whatsoever:

A. Terminate this Lease. In this event the Lessee shall immediately surrender the Leased Premises to the Lessor, and if the Lessee fails to do so, the Lessor may enter and take possession of the Leased Premises and remove the Lessee and any other person occupying the premises, without prejudice to any other remedy it may have for possession or arrearages in rent, and without being liable for any resulting damages. The Lessee agrees to pay to the Lessor the amount of all resulting costs, losses and damages incurred by the Lessor within 30 days of the Lessor's issuance of a statement to the Lessee.

B. Relet the Leased Premises to any lawfully approved tenant and receive the rent. The Lessee agrees to pay to the Lessor any resulting costs, and any deficiency that may arise by reason of reletting, within 30 days of the Lessor's issuance of a statement to the Lessee.

C. The Lessor's pursuit of any of these remedies will not preclude pursuit of any

other remedies provided under this Lease or by law, nor will pursuit of any remedy constitute a waiver of any rent due to the Lessor or of any damages caused to the Lessor by any violation of this Lease by the Lessee. Any failure by the Lessor to enforce a remedy upon an event of default shall not be deemed to constitute a waiver of the default or of the Lessor's right to insist on strict compliance with this Lease.

13.03. Attorney Fees: If it becomes necessary for the Lessor to employ an attorney to enforce or defend any of the Lessor's rights or remedies because of any breach or default by the Lessee under this Lease, the Lessee agrees to pay all reasonable attorney's fees incurred by the Lessor, within 30 days of the Lessor's issuance of a statement for the fees to the Lessee.

Article 14. Landlord's Lien

The Lessee grants to the Lessor a valid first security interest upon all of the Lessee's goods, chattels, furniture, trade fixtures, inventory and other property upon the Leased Premises to secure all rents and other sums due or to become due to the Lessor. The Lessee expressly waives all exemption laws in favor of this security interest; and it is agreed that this express security interest shall be in addition to, and not as a waiver of or substitute for any statutory or other liens of the Lessor. In connection with this security interest, it is agreed that in the event of a breach or default by the Lessee, the Lessor may exercise all rights and remedies provided to a secured party after default under the Uniform Commercial Code ("UCC"), as adopted and amended in Texas, with respect to all such property, including, without limitation, the right to take and retain possession of the property and to sell it at public or private sale, or to use it in any other manner authorized or provided in the UCC. Upon request by the Lessor, the Lessee agrees to execute and deliver UCC Financing Statements to the Lessor from time to time as the Lessor deems necessary to perfect the Lessor's security interest in the property, and proceeds thereof under the provisions of the UCC.

Article 15. Holding Over

If Lessee does not vacate the Leased Premises following termination of this Lease, Lessee will become a tenant at will and must vacate the Premises on receipt of notice from Lessor. No holding over by Lessee, whether with or without the consent of Lessor, will extend the Term. During the period of holding over the Lessee shall be liable for the payment of rent on a prorated basis equal to two times the annual rent in effect as of the last lease term before the lease termination date.

Article 16. Miscellaneous

16.01. Words and Phrases: When the singular number is used in this Lease, it will include the plural when appropriate, and the neuter gender will include the feminine and masculine genders when appropriate.

16.02. Invalidity: If any clause or provision of this Lease is illegal, invalid or unenforceable under present or future laws, this Lease will remain in effect, and the remaining

provisions will continue in force if they can be given effect without the invalid portion.

16.03. Amendment: This Lease may be amended only by an instrument in writing signed by both parties.

16.04. Captions: The captions used in this Lease are for convenience only and do not in any way limit or amplify the terms and provisions of this Lease.

16.05. Waiver: One or more waivers of any covenant, term or condition of this Lease by either party shall not be deemed as a waiver by that party as to any subsequent similar act or omission.

16.06. Force Majeure: Whenever a period of time is prescribed for action to be taken by the Lessor, any delays due to strikes, riots, acts of God, shortages of labor or materials, war, governmental laws, regulations or restrictions or any other causes beyond the reasonable control of the Lessor shall be excluded from the computation of any such period of time.

16.07. No Joint Venture: This Lease shall not be construed as creating the relationship of principal and agent or of partnership or of joint venture between the parties. The only relationship between the parties is only that of Lessor and Lessee.

16.08. Law and Venue: The parties agree that the laws of the State of Texas shall govern this Lease and that exclusive venue for enforcement of this Lease shall lie in Hays County, Texas.

16.09. Notice: Wherever any notice is required or permitted under this Lease, the notice shall be in writing and sent by certified mail, return receipt requested, addressed to the respective party at the following addresses. The Lessee shall provide the Lessor with advance written notice of any change in its address.

Lessor:

City of San Marcos
Attention: City Manager
630 East Hopkins Street
San Marcos, Texas 78666

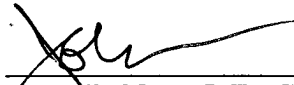
Lessee:

San Marcos Lions Club
Attention: President
P.O. Box 994
San Marcos, Texas 78666

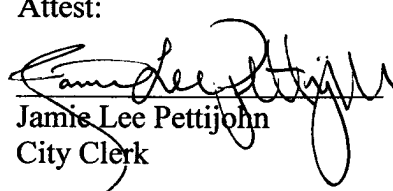
EXECUTED to be effective as of April 11, 2011.

[SIGNATURES ON FOLLOWING PAGE]

LESSOR:
City of San Marcos

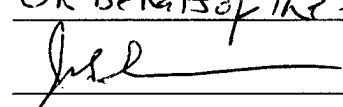
By: 
James R. Nuse, P.E., City Manager

Attest:


Jamie Lee Pettijohn
City Clerk

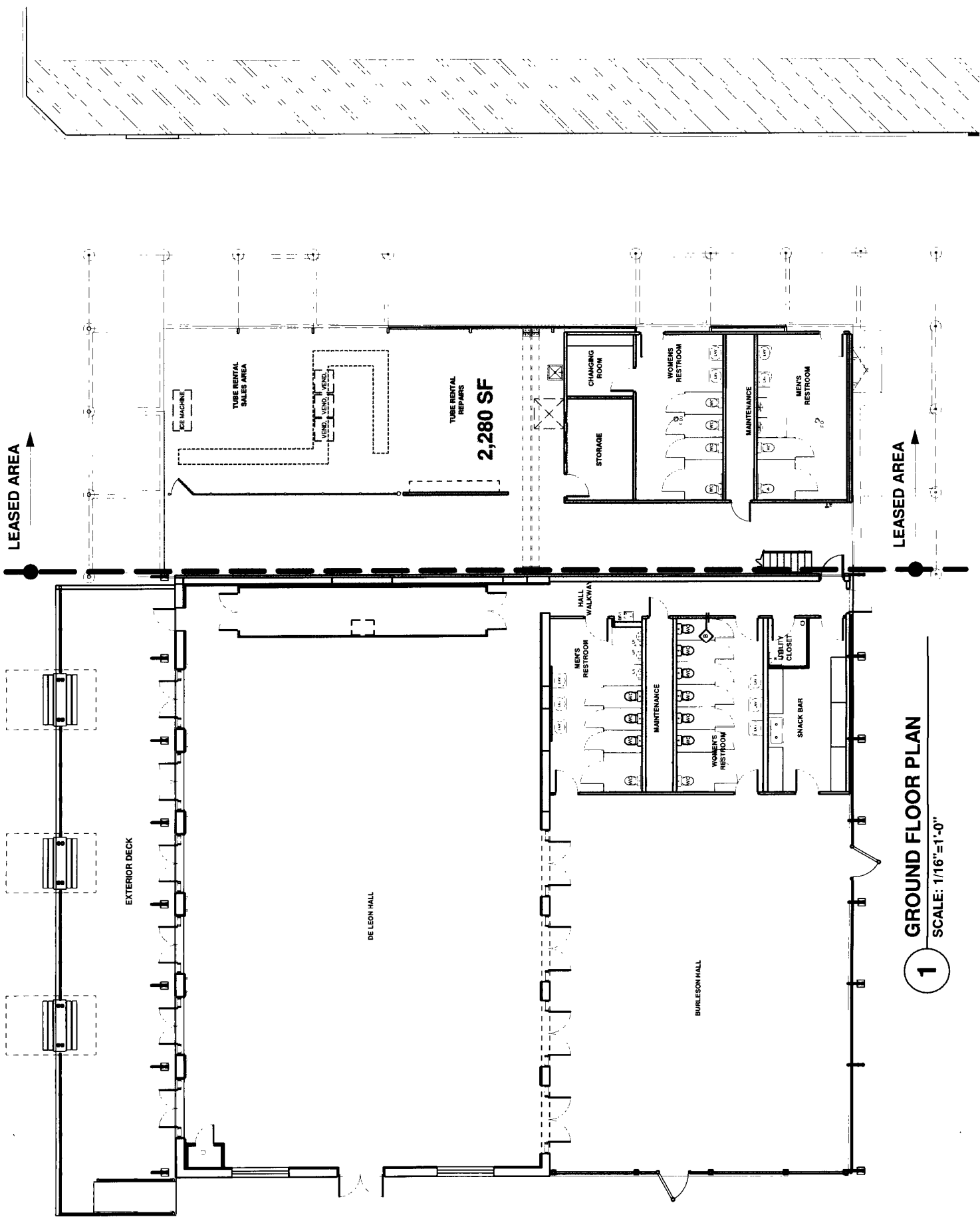
LESSEE:
San Marcos Lions Club.

By: On Behalf of the San Marcos Lions Club

Name: 

Title: President

EXHIBIT "A"
Leased Premises Description
(following pages)



1 GROUND FLOOR PLAN

SCALE: 1/16"=1'-0"

LEASED AREA

LEASED AREA

TUBE RENTAL
STORAGE

2,440 SF

TUBE RENTAL
STORAGE

TUBE RENTAL
COMPRESSOR ROOM

OPEN
STORAGE

ELECTRICAL
ROOM

STORAGE
ROOM

OPEN TO BELOW

STORAGE LEVEL PLAN

SCALE: 1/16"=1'-0"

2

Exhibit K

RECOMMENDATION RESOLUTION NO. 2021-04RR

A RECOMMENDATION RESOLUTION OF THE PARKS AND RECREATION BOARD OF THE CITY OF SAN MARCOS, TEXAS SUPPORTING THE CHANGE TO THE LIONS CLUB TUBE RENTAL AND VENDING LEASE.

RECITALS:

1. The City of San Marcos has an upcoming lease renewal with the Lions Club. As the City of San Marcos faces budget constraints, both the Parks and Recreation Department and Parks and Recreation Board have explored various ways of enhancing revenue to support management of the river parks. To this effect the City Council adopted the increase of facility rental for both non-profit and private uses, activity center membership and program fees; this did not extend to facilities that were currently under long-term lease.
2. The current monthly lease is substantially less than the market value of a commercial riverfront rental property along with near vending exclusivity in the river parks.
3. The Parks and Recreation Board recognizes the need to: provide a variety of recreational opportunities for the citizens of San Marcos and visitors; manage the flow and volume of users; control litter from entering the river; balance recreation with ecological function; supplement and retain revenue streams; and to ensure accessibility for users across all demographics and economic backgrounds.

BE IT RESOLVED BY THE PARKS AND RECREATION BOARD OF THE CITY OF SAN MARCOS, TEXAS:

PART 1. Limit the days of operation for the lessee to offer commercial tubing and/or like recreation (rental and/or shuttles) to; 3 days out of Monday, Tuesday, Wednesday, Thursday, and Friday, and 1 day out of Saturday and Sunday. This will provide the river a period of rest from the commercial tubing operation and allow citizens to utilize the river for active recreation, which is often restrictive during the commercial tubing operation.

PART 2. Council should direct City Staff to determine fair market value for lease of the property based on local commercial real estate rates and similar municipal leases in other municipalities. Additionally, a surcharge of \$2.00 per tube rental and shuttle service must be added and provided to the City of San Marcos Parks and Recreation Department to support operations and improvements within the parks.

PART 3. The lessee must provide an employee to clean litter from the river channel, much of which is contributed by tubers. We recommend at least 2 hours of cleanup per operating day.

PART 4. Change the lease renewal from 5 years to 2 years. This will provide the City better flexibility in making changes if future changes need to occur.

ADOPTED on February 25, 2021.

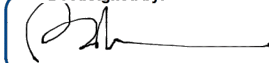
Attest:

DocuSigned by:

E91A72A5ABBC40A...

Christie Murillo
Staff Liaison

Board Chair:

DocuSigned by:

1C797A87BAD2441...

Diane Phalen
Parks & Recreation Board Chair

Exhibit L



City of San Marcos

Work Session Meeting Minutes City Council

Tuesday, March 16, 2021

3:00 PM

Virtual Meeting

This meeting was held using conferencing software due to COVID-19 rules.

I. Call To Order

With a quorum present, the work session of the San Marcos City Council was called to order by Mayor Hughson at 3:00 p.m. Tuesday, March 16, 2021. The meeting was held online.

II. Roll Call

Present: 7 - Mayor Pro Tem Melissa Derrick, Mayor Jane Hughson, Council Member Maxfield Baker, Council Member Saul Gonzales, Deputy Mayor Pro Tem Shane Scott, Council Member Alyssa Garza and Council Member Mark Gleason

PRESENTATIONS

1. Receive a Staff presentation and hold discussion on the Scooter Pilot Program, and provide direction to Staff.

Bert Lumbreras, City Manager, provided a brief introduction regarding the scooter pilot program. Mr. Lumbreras introduced Pete Binion, Transit Manager to provide the presentation.

Mr. Binion provided the background on the scooter pilot program. In May 2020, Council prohibited "for profit" scooters due to concern for public safety and lack of suitable infrastructure. With the impact of Covid-19 on transit bus capacity, Texas State University began discussions about scooters with Spin, the micro-transit wholly owned subsidiary of the Form Motor Company. City staff joined them and looked at this socially distanced option. In August 2020 agreements were reached and the program began in September 2020.

Mr. Binion spoke on how this program is currently being monitored. The project team uses real time GPS software to provide detailed scooter location and "dwell" time. City staff time spent 75 hours monitoring, Field audits were held twice weekly at random times, and weekly meetings were held.

Mr. Binion provided the performance metrics including number of riders, trips

completed, miles traveled, and hours of service.

The two main concerns that were expressed with the passage of the ordinance was public safety and infrastructure.

The pilot findings regarding Public Safety include:

- Three (3) non-critical injuries reported (no hospital visits)
- Provided socially distant form of travel during Pandemic
- Zero (0) COVID-19 cases reported by Spin employees

The pilot findings regarding Infrastructure Limitations include:

- Audits suggest less than one (1) mis-parked scooter per day
- Downtown businesses provided minimal negative feedback
- No scooters in the river (effective “geo fencing”)

There have been various Community Engagement events such as:

- Spin partners with Community organizations
- Main Street
- Greater San Marcos Partnership
- Spin provided “Spin to Vote” – free rides for Nov. 3 elections
- Spin provides “Access” – discounted rides to qualified riders

The challenges include:

- Theft & Vandalism
- Occurs in all scooter markets
- Occurs to all scooter companies
- Impacts minimized - new scooter model
- Travel Demand
- COVID-19
- Downtown parking availability
- University students remote learning

Summary

- Successful program monitoring
- Demand exists for this form of transportation
- Appears to be a safe form of transportation
- Vendor has worked closely with the community
- Staff Recommendation: Continue the scooter pilot program through the summer and solicit a full time provider

Mr. Binion provided the recommended next steps:

- Continue Pilot program through Summer 2021

- Make needed changes to the Ordinance
- City and University complete RFP solicitation
- Both dockless bicycles & scooters required
- Council approval of selected vendor
- Full program roll-out for Fall 2021 semester

Council Direction Needed

Is Council interested in moving beyond a pilot program?

If yes, is the preference for a single provider or multiple providers?

Mayor Pro Tem Derrick inquired about going out for a Request For Proposal (RFP) and if asked if Spin would be interested in dockless bike rentals as some prefer to bike over riding a scooter. Mr. Binion stated Spin will provide dockless bikes and scooters.

Council Member Baker asked if these are will be electric? Mr. Binion stated they are electric/pedal assist.

Council Member Baker inquired about a reduced rate. Mr. Binion stated the company does offer reduced rates but proof of eligibility must be sent to Spin.

Council Member Baker asked if this causes a conflict with the proposed e-cab program. Mr. Binion stated this should not create much competition (if any) with e-cabs.

Deputy Mayor Pro Tem Scott expressed his interest in the program. He inquired into how many providers have the ability to provide both services. He asked about going out for a RFP with the University. Mr. Binion stated the RFP will come from the University, but there will be two separate license agreements, one for the City and one for the University. Mr. Binion stated this ordinance does not prohibit individuals from using their own personal scooters.

Mayor Pro Tem Derrick asked if we will have geo fencing for bikes like we do for scooters. Mr. Binion confirmed there will be geofencing.

Mayor expressed her appreciation to Staff for their work on this program.

Mr. Binion expressed his appreciation to the university, Spin management staff, other city departments including Main Street, Communications, Planning and Development Services, Electric Utility. He also thanked Mr. Lee

Hitchcock, former Director of General Services.

Mr. Lumbreras noted the process worked well, including ensuring there is one provider for the university and the city. This program has been a success and he thanked Mr. Binion.

Council provided unanimous consent to move beyond the pilot program and seek a single provider. Council want to see bikes as well as scooters.

- 2. Receive a Staff presentation and hold discussion regarding the renewal of the San Marcos Parks Premises lease between the City of San Marcos and the San Marcos Lions Club, and provide direction to Staff.**

Bert Lumbreras, City Manager, provided a brief introduction regarding the lease agreement with the Lions Club. Mr. Lumbreras introduced Drew Wells, Director of Parks and Recreation to provide the presentation.

The purpose of the presentation is to provide information regarding the Lease of Parks Premises between the City of San Marcos and the San Marcos Lions Club that will expire on April 10, 2021, and receive Council direction.

Mr. Wells provided information regarding the Lease agreement that will expire on April 10, 2021. Mr. Well provided the history and background including the following:

- City Charter Section 3.07 requires that the City Council place a ballot proposition before the qualified voters of the city before entering into a lease of dedicated parkland for a term of more than 3 years.**
- City Records first mention the Terms & conditions of a Lease between the City and the San Marcos Lions Club being placed before the qualified voters of the City during a Regular City Council meeting on November 23, 1981.**
- April 3, 1982 – First time lease agreement between the City and the San Marcos Lions Club was adopted by a majority of the qualified voters. The lease was executed with a 5 year term and an option to renew for an additional 5 years.**
- May 5, 1990 – Second time lease agreement between the City and the San Marcos Lions Club was adopted by a majority of the qualified voters. The lease was executed with a 5 year term, and three consecutive 5 year renewable options, (April 11, 1991 – April 10, 2011)**
- April 17, 2007 – Lease amended during the third option to renew for another 5 year term. The San Marcos Lion's Club was provided permission to operate a concession stand in Rio Vista Park. In exchange, the exclusive right to sell concessions in City park and Rio Vista park, the Lion's Club offered to pay to the City 75% of the net profits from the proceeds of their concession**

operations. These funds were to be deposited into the same fund created for the franchising of river shuttles.

- April 27, 2009 – The Lion's Club tube rental concession area, restrooms and kitchen areas were destroyed by a fire.
- November 2, 2010 – Third time lease agreement between the City and the San Marcos Lions Club was adopted by a majority of the qualified voters. The lease was executed with a 5 year term, and four consecutive 5 year renewable options.

Mr. Wells provided the current key components of the lease:

- Leased Premises include approximately 4,720 square foot portion of the City Recreation Building, adjacent sidewalks, access to and shared use of public parking and public restrooms in the City Recreation Building.
- Term: 5 year lease with four additional terms of five years, each upon mutual agreement of Lessee and Lessor. This will be the second renewal option
- Rent: This was the first lease since 1982 to require rent payments. Rent payments were determined based on the total cost of the reconstruction of the portion of the building Lion's Club leased from the City that was destroyed by fire in April 2009. Rental payments will reimburse the City \$298,500 over the terms of the lease. Total rent collected to date is \$110,750.
- Rent: The current annual rent that San Marcos Lion's Club pays to the City is \$11,350 per year (April 2016-April 2021). Rent is paid annually on or before September 30 of each year. Unless otherwise agreed at the time of any renewal under paragraph 2.01, the annual rent during any renewal period shall be as follows:
 - o April 11, 2021 through April 10, 2026 - \$11,900
 - o April 11, 2026 through April 10, 2031 - \$12,500
 - o April 11, 2031 through April 10, 2036 - \$13,150
- River Clean Up: The Lessee shall assist in the cleanup of the San Marcos River in and around the area of the City recreation building during city of San Marcos designated river cleanup events.
- Amendment: This Lease may be amended only by an instrument in writing signed by both parties.

The Parks & Recreation Board provided the following recommendations:

- Limit Days of Operation: Limit the days of operation for the lessee to offer commercial tubing and/or like recreation (rental and/or shuttles) to; 3 days out of Monday, Tuesday, Wednesday, Thursday and Friday, and 1 day out of Saturday and Sunday. This will provide the river a period of rest from the commercial tubing operation and allow citizens to utilize the river for active recreation, which is often restrictive during the commercial tubing operation.

- **Rent Increase:** Council should direct City Staff to determine fair market value for lease of the property based on local commercial real estate rates and similar municipal leases in other municipalities. Additionally, a surcharge of \$2.00 per tube rental and shuttle service must be added and provided to the City of San Marcos Parks and Recreation Department to support operations and improvements within the parks.
- **Litter Pick-up:** The lessee must provide an employee to clean litter from the river channel, much of which is contributed by tubers. The Board recommends at least 2 hours of cleanup per operating day.
- **Lease Term:** Change the lease renewal from 5 years to 2 years. This will provide the City better flexibility in making changes if future changes need to occur.

The San Marcos Lion's Club provided the following response to the Parks and Recreation Board recommendations:

- **Limit Days of Operation:** Lions Club disagrees with this stipulation and is adamantly against closing any days of the week. They are willing to agree to only be open on weekends prior to Memorial and after Labor day. They feel that limiting the days of operation will only cause confusion to our customer base and will not allow us to have any staff to help with litter control and educate park patrons of park rules.
- **Rent Increase:** Lion's Club disagrees with the drastic increase in rent. The rental agreement was mutually agreed upon by both parties with staggered rent increases built into the contract. They have strived to keep the Lion's Tube rental an affordable friendly event for all. The 78666 area code is the most popular zip code from all their customers. Increasing rent will not allow the Lion's Club to keep it affordable for local families and will cause a drastic reduction in donations to local charities. In 2019 they increased the tube rentals by \$2 a tube; and that caused an 11 percent decrease of tube rentals. They would like to start a "River park Improvements" donation fund to be utilized by the parks. They would start by having a donation page on their website and will add it to their Point of Sale asking every customer for donations to help keep the river and parks beautiful.
- **Litter Pick-up:** Agrees to add 2 additional hours for the weekends. They would also cover the parking lot to the river and up to the pedestrian bridges in City Park. We will also cover across the river at the Dog Park. In addition,

they would cover part of Rio Vista where our concession stands to the riverbank to Cheatham Street.

- **Lease Term:** Lion's Club disagrees with the changing the lease to fewer years than the citizens of San Marcos voted and originally approved.

City Staff provided the following responses to the recommendations:

- **Limit Days of Operation:** Staff believes that the intent will not be met. Staff saw a great deal of river use by out of town visitors and residents last year following the Governor's order to shut down tube rental operations, and prior to our park re-closure. Most of the daily phone calls that Parks & Rec Staff received during the summer months were from out of town visitors asking about river park use.

- **Rent Increase:** Staff remains supportive of the terms that were negotiated and approved in the 2011 lease agreement.

- **Litter Pick-up:** City Staff currently has the following litter abatement programs in place, along with a contract with Easter Seals for additional litter collection during the busy season, and supports the Lion's Clubs recommendation for additional hours being provided by them on the weekends.

- **Leave No Trace:** Tents with two interns are stationed in the busy river parks on weekends during the summer. The interns play educational games, pass out trash bags for visitors, and pick up litter and micro-litter in the parks. An educational video about litter (created by city staff) is played all day at the local tube rental facility.

- **Conservation Crew:** Texas State students are hired each summer to walk and kayak the heavily used recreation areas of the river. These students talk to river users about the impact of litter, hand out trash bags, clean out three litter boats in the river, and pick up litter along the river. The Kayakers talk with people on the river.

- **River Clean up Events:** Twice a year, volunteers cleanup the San Marcos River watershed within City limits. The cleanup has expanded from a small localized event to include all creeks, tributaries, drainage ditches and downtown streets that feed the San Marcos River.

- **Lease Term:** Staff remains supportive of the lease term as previously approved by the qualified voters of the City.

City Staff provided the following Recommendations:

- Approving the renewal of the lease with the amendments that have been agreed to by the San Marcos Lion's Club.
- Creation of a "River Park Improvements" donation fund to be utilized by the parks.
- Adding an additional 2 hours for litter control on the weekends for a total of 4 hours on weekend days and 2 hours on weekday operation.

Council Member Baker inquired how much money goes to actual Non-profit organizations. Mr. Wells stated the agreement does not require disclosure of this information, but as a non profit they must provide their 990 tax documents and this has been included to demonstrate who they provided money to in the excess of \$5,000 per organization. Mr. Wells stated the Lions Club actively sponsors over 100+ organizations and they feel that going public with this information may cause some concern. Council Member Baker would like to see amounts especially those donated to the City of San Marcos, Hays County and the San Marcos Consolidated Independent School District (SMCISD). Mr. Wells noted that the amount given to the SMCISD is shown on the 990 tax form which had been provided. The amount given to the city, in various ways, is in the packet.

Council Member Baker asked how much is spent for river clean up. Staff stated that \$15,000 year comes from eco-tourism funds (Leave no Trace - HOT Tax), The Conservation Crew is \$33,000 per year from the Habitat Conservation Plan Budget, which comes from the habitat conservation plan fund, and Easter Seals Contract, which includes mowing, is \$97,000 for this year from the City's general fund. The Lions Club provides \$2,500 annually to the river clean-up that is held every year.

Mayor Pro Tem Derrick stated the Lions Club does a lot within our community, but due to budget constraints which she understands was necessary this year she is concerned about assistant in funding for our parks. Specifically, she spoke on the need for Park Rangers and spoke of all the responsibilities they have in all of the parks in our city. She would like to see an increase in rent or an agreement that helps with the expense of park rangers or some surcharge from tube rentals. Park Rangers are needed for the protection of our citizens and the river.

Mayor noted the amounts that were donated to the City by the Lions Club for the last few years.

Mayor Pro Tem Derrick inquired about exclusive concessions. Mr. Wells said

the conversation has not been made with the Lions club about allowing other concessions at this time.

Mayor inquired about the sale of concession funds and where they go? Mr. Wells said 75% of sales go back to the City. Staff will provide additional clarity on concessions.

Council Member Gonzales wanted to confirm that the Parks Board intention was not to throw them out, he wanted confirmation of this. Mr. Wells said there was discussion at the Parks Board to put the lease agreement out for a competitive process, but they were not recommending that at this time. Council Member Gonzales does not recommend contracting this out, he believe the Lions Club is doing a great job.

Council Member Gleason inquired about the need for reconstruction to the Rec Hall after the fire. He asked if we have seen a financial increase related to the rental of the other side of the Rec Hall. Mr. Wells stated that we do rent this space out, but he does not have the numbers at this time. Council Member Gleason stated that due to these renovations, the City has been able to benefit as a community due to this facility. He also asked if we have studied the economic impact that the Lions Club has on the entire community? Mr. Wells stated this has not been done. Mr. Gleason wants to look at the overall picture because there is an affect to our sales tax revenue because of the Lions club. He would like to see if the \$15,000-18,000 we receive for rangers comes from the franchise fee or if this comes from rent.

Mayor Hughson would like to know how much was received by insurance due to the fire.

(1:32:00) Council Member Garza inquired about the documentation or financial disclosures that are required from a nonprofit required when applying for city funding such as Community Development Block Grant (CDBG), Human Services Advisory Board (HSAB), or any other city funding? Mr. Wells stated it depends on what funding is being requested dictates what has to be submitted. The Lions Club does not receive any funds from the City but rather they have entered into a Lease agreement with the City and are paying us. We are not entitled to that information like we would be for an entity that would receive funds from the City. Council Member Garza thinks we have a financial responsibility to understand where money is going as the Lions Club does utilize a tax payer funded facility.

Mr. Lumbreras stated we should look at the agreement and what it requires and determine what we want to include moving forward. Mr. Wells stated the agreement is silent on what financial information is required to be provided by the Lions Club. There is only general lease agreement language, nothing that states they must provide financial accounting of funds spent.

Deputy Mayor Pro Tem Scott asked what happens if one party of the agreement does not renew? If the taxpayers approved this, why are we trying to change this? Mr. Wells stated the initial 5 year term was approved by voters, then staff, working with the Lions Club to work on renewing for additional terms. Both the City and Lions Club would have to agree, in writing, to amend the agreement. Mr. Cosentino confirmed that the decision to renew for additional terms is by mutual agreement of the parties and without this agreement, the agreement would terminate. The rent amount was not on the ballot or even negotiated until after voters approved the lease agreement.

Council Member Baker inquired about the cause of the fire to this facility. Mr. Stapp stated arson was the cause and an arrest was made in 2009.

Council Member Baker inquired about any conflicts of interest and if any staff or Council Members are current (or former) members of the Lions Club. He also inquired about anyone that may be related to any recipient organizations.

Council Member Garza has asked if the City can require a financial report or a list of organizations to whom they donate and the amount.

Council Member Gleason stated if we require this if one organization then we need to require of all nonprofits. He expressed his concern with supporting this because the Lions Club has federal and state guidelines to follow.

Mayor Hughson has requested the application for CDBG, Human Services Funding, and Arts Funding to see what is asked of applicants for that funding.

Mayor Pro Tem Derrick likes the recommendation presented regarding the new donations fund. However, she expressed concern that this fund may not receive too much as most people don't carry cash and those who know about the tube rental don't use the website. Council Member Gleason stated there is potential to receive a good amount as it can be as easy as rounding up and adding this to the point of sale and including this to their donation page. Mayor Hughson noted that

cash would not be required, that this can be an addition to the tube rental fee via credit card.

Council Member Baker inquired about fair market value of this facility. He also inquired about the concessions if there is consensus to require all items that are sold to be biodegradable or environmentally sensitive.

Mr. Lumbreras indicated that staff has stated that market value can be researched if Council provides consensus to provide that information.

Council Member Gonzales inquired how much is A/C and Heating livable space within the facility.

Council Member Gleason spoke about revenue and he stated the Lions Club may take in \$1M but that is not all profits. Mr. Gleason also spoke of the recommendations made by the Parks Board and how some are in conflict with one another. One recommendation is to increase rent in order to increase revenue, but another recommendation is to limit their number of operating days per week. He wants us to be mindful of what other revenue is brought into our city by the tube rental business.

Council Member inquired about tube rental increase of \$2.00 in 2019 and the 11% decrease. Mayor Hughson would like to see the amount of money that was received from tube rentals due to this tube rental increase.

Mayor Hughson asked the following questions that were posed by Council:

1. Does the City want to increase the net income? Council provided consensus to increase the amount of funds that the city receives from the Lions Club tube rental lease.
2. Instead of an exclusive on concessions that we consider allowing food trucks, with the exact arrangements including fees to be charged to be determined at a later date. Council provided consensus to look into this further.
3. Are any City Council members current or former members of the Lions Club. Deputy Mayor Pro Tem Scott and Council Member Gleason found this question irrelevant and all others confirmed they are not members of the Lions Club.

4. Are any City Council members a current or former board member with any organization that receives funds from the Lions Club? Deputy Mayor Pro Tem Scott and Council Member Gleason found this question irrelevant all others confirmed they are not members. Mayor Hughson stated she was on the Food Bank Board in the early 2000s.

5. Should the lease agreement include the donation amount and financials? Council provided consensus that this is not required in the lease agreement.

6. Should concessions that are offered be more environmentally friendly as they are near the river? Council provided consensus to require items be environmentally friendly.

7. Do we want to seek the commercial value of this property? Council provided consensus that this is not required.

8. Staff recommends approval of the renewal of the lease with the following amendments that have been agreed to by the San Marcos Lions Club:

- Creation of a "River Park Improvements" donation fund to be utilized by the parks.
 - Adding an additional 2 hours for litter control on the weekends for a total of 4 hours on weekend days and 2 hours on weekday operation.
- Council provided consensus to ask for both of these.

Mayor Hughson stated there are still some responses that are needed and staff will work on providing this information.

EXECUTIVE SESSION

3. Executive Session in accordance with:
- A. Sec. §551.071 of the Texas Government Code: Consultation with Attorney: To receive advice of legal counsel regarding the Purchase and Sale Agreement with Pursuant Ventures Development, LLC for the San Marcos Sportsplex Project
 - B. Sec. §551.074 of the Texas Government Code: Personnel Matters: to discuss the duties and responsibilities of a Public Officer - to wit City Council Members

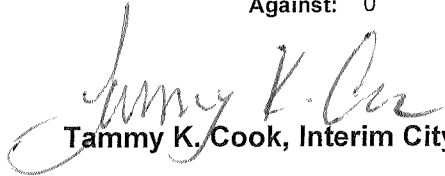
Mayor Hughson stated the Executive Session items will not be considered at this meeting.

III. Adjournment.

A motion was made by Deputy Mayor Pro Tem Scott, seconded by Council Member Gonzales, to adjourn the work session of the City Council at 5:33 p.m. The motion carried by the following vote:

For: 7 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

Against: 0


Tammy K. Cook, Interim City Clerk


Jane Hughson, Mayor

Exhibit M



City of San Marcos

Regular Meeting Minutes City Council

Tuesday, April 6, 2021

6:00 PM

Virtual

This meeting was held using conferencing software due to COVID-19 rules.

I. Call To Order

With a quorum present, the regular meeting of the San Marcos City Council was called to order by Mayor Hughson at 6:04 p.m. Tuesday, April 6, 2021. This meeting was held online.

II. Roll Call

Present: 7 - Mayor Pro Tem Melissa Derrick, Mayor Jane Hughson, Council Member Maxfield Baker, Council Member Saul Gonzales, Deputy Mayor Pro Tem Shane Scott, Council Member Alyssa Garza and Council Member Mark Gleason

III. Invocation

Reverend Krista Weber Huang, with San Marcos Unitarian Universalist Fellowship provided this evening's invocation.

IV. Pledges of Allegiance - United States and Texas

Council Member Gleason led the assembly in the Pledges of Allegiance.

V. 30 Minute Citizen Comment Period

Mike Schlimgen, spoke in support of the Lions Club for their efforts to serve the disabled military veterans in the community. Mr. Schlimgen stated Lions Club is a main source of donations for the fly fishing activities as a form of recreation therapy with no cost to the veteran participants. Mr. Schlimgen would like for Council to support the Lion's Club since they are a vital partner to the community and non-profit service organizations.

Dennis Gutierrez, President of the Lion's Club stated this process has been difficult. Mr. Gutierrez stated the Lion's Club was formed in 1941 and has helped the community and organizations financially and came forth with the tube rental concept as a way to raise funds. Mr. Gutierrez stated it is family affordable and a way to return money back into the community. Mr. Gutierrez stated the proposal is in the best interest of and funds the parks. However, this

can't be only the responsibility of the Lion's Club.

John Schramm, thanked Council and spoke on the Lion's Club lease. Mr. Schramm stated in 1970 a fundraiser was needed and thought of the river tube rental business. He stated a fire destroyed the building in 2009 and the building was rebuilt on the old site. Parks staff and the Lion's Club worked on a new lease for a 25 year term and the sum of the lease payments will equal to the cost of the portion of the building. The Lions Club will lease to operate the tube rental. The lease was mutually agreed upon and signed in 2011. They value the relationship with the city and community. They value the river and work to protect it. Over the last 3 years the Lions Club averaged returned \$375,000 in grants each year to help the community. Mr. Schramm mentioned it helps with jobs, tourism and would like Council to approve the lease tonight.

Tricia Schneider, spoke in support of the Lions Club and would like to keep their overhead costs low. Ms. Schneider stated the Lions Club Tube Rental is an iconic venture that brings together and benefits many people in the community. Ms. Schneider mentioned with supportive financial gifts from the Lions Club, Court Appointed Special Advocate (CASA) is able to serve more than 120 San Marcos children and youth and also empowers and trains community volunteers to advocate for children. Ms. Schenider expressed concern with the reduction of the Lions Club profit will have an impact to the organization and already facing many challenges due to COVID.

Melissa Rodriguez, spoke in support of the renewal lease of the Lions Club. Ms. Rodriguez stated the Lions Club has donated \$125,000 to the Hays County Women's Shelter and the funding goes directly to the community who has suffered family violence and child abuse. The Lions Club has donated \$45,000 and is going to the ongoing construction of the transitional project, the new facility will provide 18 units to women and children. We rely on the support of the Lion's Club and the pandemic has caused many victims to stay home with their abusers. Ms. Rodriguez stated she would like for Council to support and approve the lease.

Ellie Stewart, spoke in support of the Lion's Club and has witnessed first hand the difference these organizations make in the city by their financial support to so many non-profit organizations that help people in need. When the building at City Park had a devastating fire, the San Marcos Lions Club made a huge contribution toward rebuilding it. They continue to contribute to our city and schools in other ways. The San Marcos Lion's Club Tube Rental has been extremely successful. Every penny of the profit they take in, after expenses, is

used to make San Marcos a better place to live for many people. Ms. Stewart would like City Council allow the San Marcos Lions Club to continue to serve the people of San Marcos.

Larkin Smith, spoke in support of the Lion's Club and would like for Council to approve the lease for continuing operation of the Lions Club tube rental. Mr. Smith stated the Lions Club should have done a better job of educating the citizens of this community of what the organizations does and why we are proud to be a Lion. Mr. Smith mentioned that it needs to promote the services it provides to the students, veterans and abused women and children. Would like for Council to educate themselves in what all the service clubs are doing in the community.

Michelle Harper, spoke as the President of United Way of San Marcos and Hays County. Ms. Harper stated she works with most of the organizations and most of the organizations receive funding from United Way and Lions Club. A funding decrease to non-profit organizations could happen if there is a strain placed within the lease amendment with the Lion's Club. Ms. Harper stated the money is made coming from community, tourism from those that float the river and not making a charity donation. Ms. Harper would like for Council to work with the Lion's Club in an effort to continue serving the community.

PRESENTATIONS

1. Receive status reports and updates on response to COVID-19 pandemic; and provide direction to Staff.

Chase Stapp, Director of Public Safety provided the presentation on the COVID-19 update.

County Vaccination Update

- For week of April 5, approx. 13,150 doses sent to providers in Hays (1st and 2nd doses)
- 60,808 total Hays residents vaccinated with at least one dose.
Approximately 34,717 fully vaccinated.
- 26 providers including County health department and private providers, 11 in San Marcos
- Hays County and volunteers are working hard to provide vaccines to as many people as possible. Wait time is much shorter now once an appointment is requested.
- Vaccination pre-registration available at www.haysinformed.com
- All persons age 16 and older now eligible

Known Cases – as of April 1, 2021 • Approx. 2.4 million total cases (93k active) cases in Texas with 47,746 fatalities

***source: Texas Department of State Health Services**

• 17,187 total cases in Hays County (400 active and 16,551 recovered) with 236 fatalities

• 764 cases have required hospitalization, 9 current

• 6,112 total cases in San Marcos (152 active and 5,866 recovered) with 94 fatalities

***source: Hays County Health Department**

• 2,485 total cases at TX State (103 active)

• 2,232 students, 253 faculty/staff

***source: Texas State University Student Health Services**

Mr. Stapp stated there was almost four weeks with no positive cases among city employees and currently there is one positive employee case.

Mr. Stapp provided the comparative information

• Texas – About 25k fewer active cases since the last update 3 weeks ago and 2,272 new fatalities

• Hays – 46 fewer active cases since the last update and 4 new fatalities

• San Marcos – 20 more active cases since last update and 7 new fatalities

• Employee test results – 1 fewer employee currently positive

Testing Overview

• 161,266 tests administered county wide (including pending)

– 133,151 negative (82.6%)

– 17,187 confirmed (10.7%)

• Testing by Curative

– Goodnight Jr. High (near old ACC building off of Hwy 123)

– SM Public Library

– Various additional locations throughout the region

• Abbott Labs BinaxNow Rapid Testing

– City Employees (Fire and Police)

– San Marcos CISD (employees and students)

– Chamber of Commerce (can be used by businesses to test employees)

Updates to Governor Abbott's Actions

• March 25: Governor Announces Outreach Partnership To Increase COVID-19 Vaccinations Among Seniors

– Partnership to enhance the state's Save Our Seniors program

- Includes Texas Health and Human Services Commission (HHSC) and the Texas Employee Retirement System, the Texas Teachers Retirement System, AARP, and participating Medicare health plans
 - Outreach effort through email, phone calls, and direct mail to two million seniors
 - **March 26: Governor Announces Ten Million COVID-19 Vaccines Administered In Texas**
 - Over 30% of eligible Texans have received a vaccine
 - **March 30: Governor, TDEM Announce COVID-19 Rapid Testing Program For Texas Youth Summer Camps**
 - Will help summer camps that are licensed by the Texas Department of State Health Services (DSHS) to conduct rapid tests of staff and campers during the summer months
 - TDEM will provide participating summer camps with COVID-19 rapid antigen tests that will be administered to staff and campers who volunteer to participate.
- Issued prohibited with vaccinations passport to not show proof that vaccine was taken before entering establishments.

Deputy Mayor Pro Tem Scott would like to have the presentation in Spanish and posted online. Mr. Stapp stated the presentation is part of the agenda packet and is online but not in Spanish. Mr. Stapp stated the dashboard is also online that provides information. Mayor Hughson stated Hays County has a dashboard with information as well. Deputy Mayor Pro Tem Scott would like to have the report rather than a presentation at each meeting. Mr. Stapp would do a report as requested.

Council Member Garza asked if data exists of vaccines by demographics and inquired about equitable vaccination to all populations. She noted this is a national issue, not just San Marcos. Mr. Stapp stated that information is available on the Department of State Health Services website which has demographic data on each county as to who has been vaccinated. The County is vaccinating anyone who arrives for a vaccine. Mr. Stapp stated the City is not involved with the vaccine distribution process, only Hays County. We do provide some personnel to administer the vaccine once a station has been set up. Council Member Garza stated she has been unsuccessful in receiving information from Hays County. Council Member Garza stated her concern about a lack of equitable distribution through demographics. Mr. Stapp stated Hays County has setup vaccination hubs in Kyle, Wimberley, Dripping Springs and San Marcos. Mr. Stapp mentioned they have also taken the vaccinations and setup in Stone Brook and Springtown Center. Council Member Garza

suggested education against vaccine bias and reluctance by the city and county. She noted the good job our Communications Department has done regarding information offered. Mr. Stapp said he can't comment from the County level. He noted they are working to get as many vaccines out as possible and have only one person dedicated to Communications.

Council Member Baker expressed concern with the additional questions asked before taking the vaccine not being translated in Spanish and asked what the city can do to help.

Council Member Baker and Garza would like for the Chamber help promote requiring masks and encourage businesses to follow CDC guidelines. He is concerned about a fourth wave of illness coming. Mayor Hughson stated the Governor's Orders do not require mask anymore and the Chamber does not control this the operations of businesses. The City is including mask wearing in all of our communications. Council is the one to make suggestions and will send a letter.

Mayor Pro Tem Derrick inquired about meeting with non-profits such as Community Action because they have senior programs, Centro Cultural Hispano de San Marcos, Veteran Affairs, Price Center, and find individuals who have technology difficulties and possibility don't have connection to the internet and find the population that have needs.

Mayor Hughson asked of hours for vaccinations. Mr. Stapp stated some stations and hubs are open until 7:00 a.m. - 8:00 p.m.

Council Member Baker would like extended hours for citizens to get vaccinated. Mr. Stapp stated he has only been told weekdays, not weekends.

Deputy Mayor Pro Scott inquired about a mobile system to get more vaccines out. Mr. Stapp will be reaching out to Hays County with concerns and to have a Spanish translator, after hours and one day on the weekend.

Mayor Hughson noted the importance of taking the vaccines to the people.

Council Member Gonzales wants to make sure employers allow workers the time off needed to get vaccinated.

2. Receive an update on the Charter Review Commission Interim report, and provide direction to staff

Michael Cosentino, City Attorney provided a brief presentation on the interim report and topics the Charter Review Commission has discussed. The Commission has reviewed all Sections of the Charter and has some recommendations prepared. They are still working.

Mr. Cosentino reminded the Council of the items they charged the Commission to review and stated they have all been considered. Mr. Cosentino stated the items presented in the interim report are preliminary and are subject to change before the final report that will be provided to Council before the Memorial Day holiday and those approved by Council will be placed on the ballot for voters.

Summary of preliminary votes taken by the Charter Review Commission through March 16, 2021 as reflected in the meeting minutes

- 1. Amending Section 1.03 – Statement of Goals to read as attached at the end of this Summary.**
- 2. Changing the term of office for the position of mayor from 2 years to 4 years, effective at the regular election in November of 2024**
- 3. Placing a limit of two consecutive terms for the position of mayor.**
- 4. Retaining the three year term of office for council members but imposing a limit of three consecutive terms**
- 5. Amending Section 4.01(b) of the City Charter to allow removal of the city manager with 4 votes instead of 5 (Explanation: In 2015 the charter was changed by the voters to 5, but it was only changed in one place. Council placed this inconsistency on the list of items to consider. The Charter Review Commission determined that their preference is to have only 4 votes required instead.)**
- 6. Eliminate the requirement to obtain city council approval of appointments to the following positions: assistant city clerks (Section 4.02); assistant city managers (Section 4.01); municipal court clerk and assistants (Section 4.03); and assistant city attorneys (Section 4.04).**
- 7. Amending Section 4.02 to eliminate residency in the city limits as a requirement for City Clerk; allowing City Clerk to reside in the city's extraterritorial jurisdiction or within Hays County**
- 8. Amending Section 4.03 to eliminate the residency requirement for the presiding judge of the municipal court.**
- 9. Recommending against the following amendments pertaining to the appointment of members to the Planning and Zoning Commission**
 - a. Do not add a prohibition against appointment of a business partner of a council member to the P & Z Commission because this is already covered and prohibited by Section 12.03(b) of the City Charter**

b. Do not add a prohibition against appointment of more than one real estate professional to the Commission

10. Amending Section 7,04, Item 1, to require at least 5 votes in the affirmative for the Planning and Zoning Commission to adopt any motion

11. Amend Section 8.02 – pertaining to the process for adoption of the city budget, to eliminate the following specific deadlines: January 31st – for conducting the visioning session; February 27th – for conducting the budget policy workshop; and March 31st for approval of the budget policy statement
There will also be a revised statement of goals proposed provided with the final report.

Mayor Hughson stated if the Commission wanted to discuss other items then that would have been brought to Council to address. Mr. Cosentino stated this presentation was only to provide an update to council on what the commission has done.

Mayor Hughson thanked the Charter Review Commission and the Legal Staff for their work and progress.

- 3. Receive the Annual Audit Report and highlights from the City of San Marcos' Comprehensive Annual Financial Report for the Fiscal Year ended September 30, 2020 from the City's audit firm ABIP, P.C.**

Marie Kalka, Finance Director provided an introduction of the Comprehensive Annual Financial Report (CAFR). She stated there were no audit findings and thanked Ismael Garcia, Accounting Manager for the hard work in completing the report. She introduced Jeremy Barbatto with ABIP, P.C. who presented the audit report and stated that they did not find any issues during their review.

Mr. Barbatto stated the City has received forty one consecutive awards for the highly regarded Certificate of Achievement for financial reporting. He presented the report and there were no findings. There were no questions. Mayor Hughson noted that the Finance and Audit committee reviewed the report last Friday.

Mayor Hughson thanked all presenters for the audit report.

- 4. Receive a Staff presentation of the Quarterly Investment Reports, and provide direction to City Manager.**

Marie Kalka, Finance Director, provided the presentation on the Quarterly Investment Report. Finance and Audit Committee members include the Mayor, Mayor Pro Tem and Deputy Mayor Pro Tem, City Manager, Assistant City Managers, Finance Director and Finance Manager.

Ms. Kalka presented the reports that covered the 1st quarter of Fiscal Year 2020-2021 reflecting investment activity and balances as of December 31, 2020.

5. Receive a Staff presentation of the Quarter end December 31, 2020 Financial Report, and provide direction to City Manager.

Marie Kalka, Finance Director provided the presentation regarding the Quarterly Financial Report.

Council Member Baker inquired about the stormwater revenues and if we are finding ways to collect fees for businesses that are vacant? He asked if there are charges for lots that are vacant. Ms. Kalka stated staff will compile information and will send to Council.

Council Member Baker stated the airport revenue had a shortage of \$40,000 and asked why this was not provided. Ms. Kalka stated this is in discussion, there are credits for improvements by the tenants and she wants to report it correctly.

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

A motion was made by Mayor Hughson, seconded by Deputy Mayor Pro Tem Scott, to postpone this item to the April 20th work session meeting. The motion carried by the following vote:

For: 7 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

Against: 0

CONSENT AGENDA

A motion was made by Deputy Mayor Pro Tem Scott, seconded by Council Member Baker, to approve items 7, 9, 10, 11, 13 and 14. Items 8,11, 12, and 15 were pulled and considered separately. The motion carried by the following vote:

For: 7 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

Against: 0

PUBLIC HEARINGS

16. Receive a staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2021-24, authorizing the conveyance, at no cost, of City-owned lots located at 404 Broadway (also addressed as 501-503 Parkdale Drive), 300 Herndon, 318 Shady Lane and 207 South Comanche (also addressed as 213 South Comanche) to qualified buyers under applicable Community Development Block Grant (CDBG) and Home Grant Programs for the purpose of constructing affordable single-family homes using Grant Funds under such programs; authorizing the City Manager or his designee, to execute contracts, deeds and associated closing document necessary for the conveyance of these lots under terms as allowed under said Grant programs on behalf of the City; including procedural provisions; and providing an effective date; and consider approval of Ordinance 2021-24 on the first reading.

Carol Griffith, Housing and Community Development Manager, provided the presentation regarding five City-owned lots for grant-funded housing construction. Ms. Griffith outlined the proposed steps which include:

- 1. April 6, 2021 - Request City Council approval to convey the lots**
- 2. Research title and constructability**
- 3. Rezone and replat as necessary**
- 4. Use grant funds* to construct houses for low-to-moderate income owners to replace flood damaged homes on lots they did not own**
- 5. Convey homes and lots to owners with 20 year affordability period**

Ms. Griffith noted that the first preference is CDBG-DR but HOME funds may also be used.

Ms. Griffith stated that staff identified five City-owned lots and during the January 25, 2021 Workforce Housing Committee meeting these lots were reviewed. The committee concurred with staff's recommendation to bring these lots forward to City Council. General consensus was that the City does not want to construct housing in the flood plain due to the cost of construction, ongoing cost to home owners for flood insurance, and the need to raise the homes above base flood elevation.

Council Member Baker recused himself to avoid the appearance of impropriety due to his residence near two of these lots.

Mayor Hughson asked when the re-zoning for the former fire station come to Council. Ms. Griffith stated this will come forward in a couple of months.

Council Member Gleason asked if the lot on Broadway has to be re-platted? Ms. Griffith stated it will require re-platting.

Mayor Hughson asked what the Cephas House is zoned? Amanda Hernandez,

Assistant Director of Planning and Development Services, stated this is zoned Public.

Mayor Pro Tem Derrick expressed her appreciation to staff for including committee notes into the packet and for locating properties.

Mayor Hughson opened the Public Hearing at 8:28 p.m.

There being no speakers, Mayor Hughson closed the Public Hearing at 8:28pm

A motion was made by Mayor Pro Tem Derrick, seconded by Deputy Mayor Pro Tem Scott, to approve Ordinance 2021-24, on the first of two readings.

The motion carried by the following vote:

For: 6 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

Against: 0

Recused: 1 - Council Member Baker

- 17. Receive a staff presentation and hold a Public Hearing to receive comments for or against Resolution 2021-64R approving Substantial Amendment No. 10 to the Community Development Block Grant-Disaster Recovery (CDBG-DR) Action Plan re-allocating project funding and revising a cap on housing cost.**

Carol Griffith, provided the presentation. Ms. Griffith stated that in response to the Memorial Day and All Saints Floods of 2015, San Marcos received a \$33M allocation from the U.S. Department of Housing (HUD). The CDBG-DR Action plan includes summaries of the impacts of the floods in 2015, the subsequent analysis, and descriptions of the projects and funding allocation decisions made related to the \$33,794,000 grant received from HUD. Ms. Griffith stated as projects move forward, it is necessary to make amendments to adjust funding amounts or project descriptions that have been previously approved. Amendments moving \$1 million or more in funding from one project to another must have a 14-day review period and a public hearing.

Amendment No. 10 proposes to accomplish the following:

- 1) Move Clarewood/Barbara Infrastructure Project expenditure of \$177,887.13 to CDBG-DR Administration**

After more detailed design was completed for the Clarewood/Barbara Infrastructure project, it was determined that it would not accomplish its goals for stormwater control, and the project was discontinued. By HUD rules, expenses spent on a project that is discontinued must be moved to the Administration category.

- 2) Move approximately \$1 million from Planning Projects to the Blanco Gardens Infrastructure Project Funding held for planning purposes will not be needed, and will be put into action on infrastructure projects instead.
- 3) Remove and replace references to a \$196,000 cap on hard construction expenses for housing. Remove and replace references to a \$196,000 cap on hard construction expenses for housing.

The goal of this amendment is to be able to pay market price as necessary to obtain lots for this program, and then construct the homes at reasonable costs compared to current rates.

Mayor Hughson opened the Public Hearing at 8:37 p.m.

There being no speakers, Mayor Hughson closed the Public Hearing at 8:37 p.m

A motion was made by Mayor Pro Tem Derrick, seconded by Council Member Baker, to approve Resolution 2021-64R.

The motion carried by the following vote:

For: 7 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

Against: 0

CONSENT AGENDA

7. Consider approval, by motion, of the February 2, 2021 Regular Meeting Minutes.
8. Consider approval of Ordinance 2021-19, on the second of two readings, annexing into the City approximately 3.62 acres of land generally located on Rattler Road, between Old Bastrop Highway and Highway 123, including procedural provisions; and providing an effective date.

A motion was made by Council Member Baker, seconded by Mayor Pro Tem Derrick, to approve Ordinance 2021-19, on the second of two readings.

Mayor Hughson confirmed this item is on the agenda for second reading and wanted to ensure the Ordinance reflects the correct approval date.

The motion carried by the following vote:

For: 7 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

Against: 0

9. Consider approval of Ordinance 2021-20, on the second of two readings, amending the Official Zoning Map of the City in Case No. ZC-20-16 by rezoning approximately 3.62 acres of land, generally located at 2835 Rattler Road, from Future Development (FD) to Light Industrial (LI), or subject to consent of the owner, another less intense zoning district classification; including procedural provisions.
10. Consider approval of Ordinance 2021-23, on the second of two readings, amending Sections 14.006(c) and 14.372(a)(2) of the San Marcos City Code to continue the residential home improvement exemption from fees and to enable one to perform construction work on the home of an immediate family member without a contractor's license, unless a license is required by State Law; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.
11. Consider approval of Ordinance 2021-21, on the second of two readings, extending the delayed effective date of Ordinance 2020-08 that provided for the Annexation into the City of Approximately 62.48 acres of land generally located at the intersection of Gregson's Bend and Commercial Loop; including procedural provisions; and providing an effective date.

A motion was made by Mayor Hughson, seconded by Council Member Baker, to postpone Ordinance 2021-21, to the next regular City Council meeting. The motion carried by the following vote:

For: 7 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

Against: 0

12. Consider approval of Ordinance 2021-22, on the second of two readings, extending the delayed effective date of Ordinance 2020-09 that provided for the rezoning of approximately 62.48 acres of land generally located at the intersection of Commercial Loop and Gregson's Bend from "FD" Future Development District and "GC" General Commercial District to "PA" Planning Area District; and including procedural provisions.

A motion was made by Mayor Hughson, seconded by Council Member Gonzales, to postpone Ordinance 2021-22, to the next regular City Council meeting. The motion carried by the following vote:

For: 7 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

Against: 0

13. Consider approval of Resolution 2021-61R, authorizing the sale of eleven surplus police vehicles to the City of Oak Ridge and Brazoria County in the amount of \$76,500 and the donation of three surplus police vehicles to the Town of Staples and Brazos Port College; finding that such conveyances serve the public purpose of fiscal responsibility for each of the entities; authorizing the City Manager to execute all documents necessary to transfer title and convey the police vehicles; and declaring an effective date.
14. Consider approval of Resolution 2021-62R, approving a release of easements in connection with the Development of the Millbrook Park Phase 1A subdivision; authorizing the City Manager, or his designee, to execute the release of easements on behalf of the City; and declaring an effective date.
15. Consider approval of Resolution 2021-63R, awarding an Indefinite Delivery Indefinite Quantity contract to Haulbrooke, Inc. for Demolition Services to be funded through the Community Development Block Grant program in a not-to-exceed amount of \$125,000 and authorizing two additional annual renewals; authorizing the City Manager or his designee to execute the contract on behalf of the city; and declaring an effective date.

A Motion was made by Council Member Baker, seconded by Deputy Mayor Pro Tem Scott to approve Resolution 2021-63R.

Council Member Baker expressed concern with the demolition process. The stated goal is increase to the property values of the neighbors. He would like to see some type of development agreement that would allow the City to utilize these funds and possibly recover materials on the property.

Mr. Lumbreras will work with staff to identify a way to recover materials and will work on a development agreement.

Shannon Mattingly, Director of Planning and Development Services, suggested postponement of the contract to allow staff time to include language related to the removal of materials.

Mayor Hughson asked what qualifications are required to receive the assistance. Ms. Griffith stated applicants must meet the 80% of medium income and they will work with Code Compliance to ensure the homeowners need this assistance.

Council Member Gleason stated this is a good thing and this is a public good. He would like to ensure this remains a single-family lot.

Deputy Mayor Scott inquired about property owners having a lien put in place if Code Compliance comes in and demolishes. Ms. Griffith stated the City does

not have the funding to demolish and this helps with that funding.

Mr. Cosentino stated this is assistance to the property owner, and consent must be given by the property owner. Ms. Griffith stated the property owner will fill out an application to demolish. However, it is within the law for Code Compliance to demolish the property and place a lien on the property. However, this agreement pertains to property owners that have already been in contact with Code.

Mayor Pro Tem Derrick asked if we can offer the option if the property owner wants to enter into a development agreement and we can waive the cost, if they chose not to do this, then a lien could be placed on the property.

Council Member Gonzales asked how many homes this project would cover. He also inquired about asbestos or lead that may be in these properties. Ms. Griffith stated it should cover 10-12 demolitions and there will be a fee associated with asbestos removal.

Mr. Lumbreras recommended postponement at this time and allow staff to look at this contract and view other options.

A motion was made by Mayor Hughson, seconded by Council Member Baker, to postpone Resolution 2021-63R. The motion carried by the following vote:

For: 7 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

Against: 0

NON-CONSENT AGENDA

- 18. Consider approval of Ordinance 2021-25, on the first of three readings, granting to Maxwell Special Utility District, formerly Maxwell Water Supply Corporation, the right, privilege and franchise to construct, install, extend, remove, replace, abandon, operate and maintain its facilities within the Public Rights-of-Way of the City of San Marcos, Texas for the transportation, delivery, sale and distribution of potable water; containing other provisions relating to the foregoing subject; providing for severability; including procedural provisions; providing for approval on three readings of the ordinance; and providing an effective date.**

A motion was made by Council Member Baker, seconded by Deputy Mayor Pro Tem Scott, to approve Ordinance 2021-25, on the first of three readings.

Tom Taggart, Director of Public Services, stated this is patterned like other franchise agreements with those that operate within City rights-of-way.

The motion to approve carried by the following vote:

For: 7 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

Against: 0

19. Consider approval of Resolution 2021-68R, approving an agreement with Lazy Oaks Ranch, LP for the provision of services in connection with the proposed owner requested annexation in Case Number AN-21-01 of approximately 7.024 acres of land, more or less, being Lot 1 and Lot 2, La Cima Fire Station, generally located at the intersection of West Centerpoint Road and Flint Ridge Road; 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.

A motion was made by Council Member Baker, seconded by Deputy Mayor Pro Tem Scott, to approve Resolution 2021-68R.

Shannon Mattingly, Director of Planning and Development Services, stated this is to approve the setting of the Public Hearing. This a request for voluntary annexation for approximately 7.024 acres of land in the La Cima Subdivision located at the intersection of West Centerpoint Road and Flint Ridge Road. The City will provide water and wastewater services at the site. Pedernales Electric Cooperative will provide electric service for this development.

The motion to approve carried by the following vote:

For: 7 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

Against: 0

20. Consider approval of Resolution 2021-65R, approving the First Amended and Restated Lease Agreement between the City of San Marcos and the San Marcos Lions Club providing for a five year lease of a portion of the City Recreation Building located in City Park for an annual rent of \$11,900.00 with an option to renew for up to two additional five year terms upon mutual agreement; authorizing the City Manager or his designee to execute the lease agreement on behalf of the City; and declaring an effective date.

MAIN MOTION: a motion was made by Deputy Mayor Pro Tem Scott, seconded by Mayor Pro Tem Derrick, to approve Resolution 2021-65R.

Drew Wells, Parks and Recreation Director, provided a brief presentation on

the lease agreement with the Lions Club.

The initial agreement with the Lions Club was approved on June 21, 2011 for an initial term of five years, with up to four additional terms of five years each, upon mutual agreement. This is the third renewal of this agreement.

Mr. Wells reminded Council that a work session was held on March 16, 2021.

At this meeting Council received a presentation from staff providing a recommendation from the Parks and Recreation Board, the Lions Club's response to the Park and

Recreation Board's recommendation and a recommendation from staff. City Council requested additional information during the work session. The following changes are reflected within the amended lease agreement:

- Inclusion of funds from the concession stand at Rio Vista that will generate about \$20,000 per year.**
- Creation of the River Parks Improvement Fund at a minimum to the city of \$10,000 per year.**
- Increased litter abatement responsibilities of more hours per week, now 18 hours per week and expands the area to be covered.**
- Inclusion of a lease renewal deadline of October 1 of the preceding year of the expiration date.**

Council Member Baker noted the need for more funding for the park rangers which is a safety issue. He inquired about transparency of donations made by the Lion's Club and he expressed his concern with this lack of transparency. He would like to know why it would be more economically feasible to donate money instead of making it part of their rent?

Mr. Wells stated it is important to honor the rent arrangements that was agreed upon in 2011. The Lion's Club was receptive to assisting the City in securing additional funding. The Lion's Club has offered to guarantee \$10,000 over the next five years in donation funds. This will still allow them to provide the maximum amount of funds to non profits organizations in the community.

Council Member Baker inquired about the decrease in tube rentals and the health of our river. Mr. Wells stated the Lion's Club goal is to make this a cost effective experience. The City does not dictate how much they charge for their shuttle, tube rentals or concessions. Council Member Baker asked about the 2017 activity that was reported and that only 8% of tube rentals were local Residents according to a study provided to the council while the Lions Club claims that a majority of their business is local. Mr. Wells stated data for the

report was likely taken on a weekend and this was a very small sampling. The Lions Club surveys daily.

Mayor Pro Tem Derrick wants to let the Lion's Club to know the City is not targeting them. She stated this has been discussed for many years and this goes back to funding for trash removal and Park Ranger. She also noted that paid parking in a way to supplement to get more Rangers. She would like to see the \$10,000 that is guaranteed for 5 years be permanent. This could be utilized in general fund expenditures for personnel. She asked why this is only for five years? Mayor Hughson stated this is only a five year lease.

Mr. Wells stated this lease agreement expires in 5 years. It would come back before Council and this would give us a history on what the donation amount was and to make any necessary changes.

MOTION TO AMEND: a motion was made by Mayor Pro Tem Derrick, seconded by Council Member Baker, to amend Resolution 2021-65R, by adding the following language under section 3.02:

The lessee will sell city purchased and designed reusable containers to promote less trash and other anti-litter, pro-river products, with all funds going to Parks and Recreation Department at any time during the lease. This would be the Lions Club selling items for which the proceeds go directly to the City. The Lions Club expressed interest but concern was expressed about the logistics with their point-of-sale system with the lease going into effect in just a few days. This can be discussed at a later date.

The motion failed by the following vote:

For: 3 - Mayor Pro Tem Derrick, Council Member Baker and Council Member Garza

Against: 4 - Mayor Hughson, Council Member Gonzales, Deputy Mayor Pro Tem Scott and Council Member Gleason

Deputy Mayor Pro Tem Scott expressed his concern with how the Lion's Club was treated through this process. This is an entity that provides service to so many in the community. He also inquired about the number of park rangers we currently have in the City along with types of criminal activity we are seeing at the river.

Mr. Lumbreras provided some perspective on the responsibilities of the Park Rangers. He stated this will be considered and discussed during the budget process as this will be a high need area and the information will be presented to Council.

Council Member Gleason stated the Lion's Club is a good steward of the Community running a family friendly business and he apologized to the Lion's Club the process took this long. He thanked the Lions Club and our staff for their work on the lease.

Council Member Garza appreciates the work and likes to obtain information in order to better understand the process.

Mayor Pro Tem Derrick expressed her appreciation to the Lion's Club and to Staff for working on this agreement.

Council Member Gonzales has been a life long resident of San Marcos and appreciates the work that the Lion's Club does for the community.

Mayor Hughson expressed her appreciation to the Lion's Club and to Staff for working on this agreement.

MAIN MOTION: to approve Resolution 2021-65R. The motion carried by the following vote:

For: 6 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

Against: 1 - Council Member Baker

- 21. Consider approval of Resolution 2021-66R, adopting revised Investment Policies for Operating Funds and Reserve Funds; and declaring an effective date.**

A motion was made by Council Member Baker, seconded by Mayor Hughson, to approve Resolution 2021-66R.

Marie Kalka, Finance Director, stated that the Public Funds Investment Act (PFIA) requires the Investment Officer present the City's investment policy to City Council for approval on an annual basis. The following changes were proposed by Staff:

- Addition of the Assistant Finance Director to the Investment Officers list under Delegation of Authority**
- Minor wording changes throughout**

These changes were presented to the Finance and Audit Committee on April 2, 2021.

The motion to approve carried by the following vote:

For: 7 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

Against: 0

- 22.** Consider approval of Resolution 2021-67R, designating categories and criteria for the use of General Fund dollars made available due to the Award to the City of CARES Act Coronavirus Relief Funds; partially allocating such funds; authorizing the City Manager to act as the Official Representative of the City in matters related to said funds on behalf of the City, and declaring an effective date.

A motion was made by Mayor Hughson, seconded by Council Member Gleason, to postpone Resolution 2021-67R.

Carol Griffith, Housing and Community Development Manager, stated the budget amendment is scheduled for April 20th. Staff is awaiting for the award of funds. The budget amendment will make available the use of funds, and this item will create the programs that utilize the funds.

The motion to postpone carried by the following vote:

For: 7 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

Against: 0

- 23.** Receive a staff update and hold discussion on the Revive SMTX small business grant program and consider direction to staff on revising the contract to add a requirement that funded businesses must follow CDC COVID-19 pandemic guidelines.

Carol Griffith, Housing and Community Development Manager, provided the presentation and update the criteria for the Revive SMTX Small Business Grant Program requiring mask requirements and follow CDC guidelines.

Ms. Griffith mentioned the purpose of the program is to provide up to \$5,000 for COVID-19 pandemic expenses for businesses that meet the following:

- Businesses <50 employees**
- 51% of employees low to moderate income**
- Expenses must be directly related to protecting customers and employees from COVID-19**

Ms. Griffith stated the criteria change process is to add a requirement to the existing program, to include:

- 1. The City would amend the executed agreement with the Chamber and require it to be re-signed.**

2. A procedure would be added whereby:
 - a. The Chamber contacts all 66 remaining applicants to inform of the new requirement
 - b. The Chamber amends all agreements with businesses, including those already executed
3. The Chamber-Business agreement would be modified to require dated picture documentation of a sign posted at the business requiring employees and customers to wear masks as part of the final documentation provided six months after the first payment.
4. The Business Certifications would be modified to include a certification that the business will follow CDC guidelines and all funded businesses would have to re-sign the Certifications.

Ms. Griffith mentioned changing requirements could cause unintended negative consequences for City Council and staff and could damage trust between the City and our working partners and businesses. We would be changing program requirements and there are businesses that are actively protecting their customers and employees. There would also be a requirement to re execute contracts without a legal or pressing need.

Staff recommends against changing the program requirements.

Council Member Garza stated these changes are due to health concerns and that is the only reason there are recommendations to change and she feels this is an important reason to implement change.

Council Member Baker stated there is a pressing legal need when a business considers their liability to keep their customers and employees safe.

Deputy Mayor Pro Tem Scott agrees with safety needs, but we need to focus on getting these businesses back on their feet.

Council Member Gleason expressed his concern with changing requirements and noted what is still required. He does not support changes to this program. He stated the process has been simplified to assist citizens when applying for assistance, but we should not be trying to create challenges for businesses. He is also concerned about unintended consequences.

Council Member Baker noted that a number of businesses are highly regulated already and this would not be too much more to require. He inquired if this could be considered part of a health code.

Mayor Pro Tem Derrick expressed her concern with changing the requirements at this time. She expressed her appreciation for the partnerships we have and does not want to make changes at this time.

Council Member Gonzales does not want to make changes to those that have already applied for or received funding, but change requirements for those that have not yet received funding.

Ms. Griffith stated direction will need to be provided at what point these changes would be applied. She asked if Council is asking for people to resign contracts or just apply these changes to those that have yet to sign the contract?

Mayor Hughson asked if it too late to change requirements given HUD guidelines? Ms. Griffith stated it comes down to business contracting regarding the program rules. Changes can be made based on the wording in the contract.

Council Member Gleason stated this program was set up with certain requirements and noted what is still required and changing it is not fair. He does not support changes to this program. He stated the process has been simplified to assist citizens when applying for assistance, but we should not be trying to create challenges for businesses. He is also concerned about unintended consequences.

Council Member Baker noted that a number of businesses are highly regulated already and this would not be too much more to require. He inquired if this could be considered part of a health code.

Ms. Griffith stated wording could be included, that states businesses must follow CDC guidelines.

Mayor Hughson asked if Council would want to require CDC guidelines and distancing be followed, if contract has not been signed.

Mr. Lumbreras noted concerns if there are expectations that the City will be expected to do strict enforcement.

Mayor Pro Tem Derrick suggested the changes only apply to those who have not yet received funding or for future applicants.

Mayor Hughson noted that since the businesses are applying for government

funding, some regulation should not be an issue. The city would not be forcing any requirements on anyone who is not applying for funding. She is concerned about changing the rules, but the Governor changed the rules during the application time period. It is a quandary for her. She suggested that the CDC mask requirement be applied to those who have not yet signed a contract. Ms. Griffith suggested that the term CDC guidelines be used, without specific mentions of masks and social distancing.

Council consensus is for any business that have not signed a contract will be required to follow CDC guidelines.

Ms. Griffith stated the wording can be added to the agreement that business would have to sign and this would be added to the certification. In order to prove compliance, staff could require businesses submit pictures that shows they have signs stating masks are required.

Mayor Pro Tem Derrick suggested health inspectors look for implementation of wearing masks. Mayor Hughson suggested one surprise visit within a six month period. Mayor Pro Tem Derrick wants to ensure this is only to address the mask requirement, nothing else. Mr. Lumbreras stated the City only has two sanitarians and will determine how best to handle this and asked for some flexibility on this.

Council Member Gleason expressed his concern with taking staff time, in addition, to their normal duties and believes this is an undue burden to staff and the community. Mayor Hughson confirmed this would only apply to those that have not yet signed their contracts.

- 24. Consider approval, by motion, authorizing negotiations of a Development Agreement for Whisper South requested by R.W. McDonald IV, on behalf of Harris Hill Residential Land Holdings, Ltd., for approximately 379.84 acres out of the J. Miner Survey, Abstract 321, the Thomas G. McGehee Survey, Abstract 11, and the J. Veramendi Survey, Abstract 17, Hays County, Texas, generally located between Harris Hill Road and future FM 110 north of Harris Hill Road, and consider the appointment of a Council Committee to review aforementioned Development Agreement, if desired.**

A motion was made by Mayor Pro Tem Derrick, seconded by Deputy Mayor Pro Tem Scott, to authorize negotiations of a Development Agreement for Whisper South and send to the Whisper Committee.

Shannon Mattingly, Director of Planning and Development Services, provided a presentation regarding this development agreement.

The current members include Mayor Hughson, Council Member Gonzales and Deputy Mayor Pro Tem Scott.

Council Member Baker would like the maps that were outlined in the risk assessment survey that shows police and fire response time in these areas to be included. Ms. Mattingly stated that Whisper East may be a better location for a Fire Station as opposed to Whisper South.

The motion to refer to the existing Whisper Committee carried by the following vote:

For: 7 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

Against: 0

- 25. Hold Discussion on Council Committee Rules of Procedure and provide direction to the City Manager.**

Mayor Hughson introduced this item and stated the document attached was a collaboration by several staff members.

Council Member Baker expressed concern with the transparency of Council committee meetings. He would like to see all meetings open to the public, open for participation by all citizens and recorded.

Council Member Garza expressed concern with the wording in the section related to community engagement. She wants to ensure inclusion and allow an easy process for citizens to be engaged during these meetings.

Mayor Hughson stated there is no intent to hide anything or exclude the public with the creation of these committee policies. She noted that different committees have different purposes.

Tammy Cook, Interim City Clerk addressed the concern with recording these committee meetings. She noted the current suspended provisions of the Texas Open Meetings Act, which allows for videoconferencing of public meetings. If the Governor and Attorney General reinstate in person meetings, then recording of meetings may become a challenge due to staffing and available resources. Not all boards and commission meetings are recorded currently.

Council Member Garza noted she has done research of processes of other cities and noted additional engagement can be gained.

Mayor Hughson asked Ms. Garza to share the information she complied during her research.

Mayor Pro Tem Derrick stated the concerns with the logistics and personnel to record meetings in the future. She is in support of the committees that are of high importance or high profile to be open to the public.

Mr. Lumbreras appreciates the discussion on staffing and resources and he will work with Staff and provide feedback. There are many individualistic approaches on how these committees are to be run. He would like Council to provide direction on these committees as a whole. There needs to be a defined set of rules for these committees. Council has not provided direction, as a whole, up to this point. Staff and Council will need to look at all these ideas and how we can build on transparency and public participation, but this will need to be directed by Council as a whole.

Council Member Gleason stated logistics will be difficult with recording all meetings. He does agree with having a standard policy, and he does not want the committee driving agendas.

Council Member Gonzales expressed concern with simultaneous meeting and the logistics if we include options for dialogue with others.

Mr. Cosentino stated committee meeting does not have to be posted, open to the public or recorded. The Attorney General has stated where committees are concerned, they do not have to comply with the Texas Open Meetings Act (TOMA), unless recommendations are routinely rubber stamped and approved then these meetings should be posted. Mayor Hughson noted routine rubber stamping doesn't happen with our committees. Recommendations that come from committees for action are posted on the agenda and discussed by our council.

Council Member Baker wants to strive to have digital access to increase transparency. He noted that he could use his cell phone to provide access to the meeting to the public since TOMA rules do not apply to these committees.

Mayor Hughson noted issues with recording a meeting in that manner. Not everyone is likely to be heard on the recording/transmission and misunderstandings are likely to happen.

Deputy Mayor Pro Tem Scott would like to see transparency but a standard set of procedures should be created, and he believes the transcription or minutes would suffice.

Mayor Hughson suggested going through each section of the proposed procedures. However, due to the late hour of the meeting a motion was made by Council Member Gleason, seconded by Deputy Mayor Pro Tem Scott to postpone this item to a future date.

The motion to postpone carried by the following vote:

For: 6 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

Against: 1 - Council Member Baker

- 26.** Hold discussion on Historic Preservation Commission Recommendation Resolution 2021-01RR, Recommending that specific guidelines for accessory dwelling units and other such outbuildings be added to the Historic District Design Guidelines in Appendix C of the San Marcos Design Manual, and provide direction to Staff.

Shannon Mattingly, Director of Development Services, stated the Historic Preservation Commission (HPC) recommended that specific guidelines for accessory dwelling units and other outbuildings be added to the Historic District Design Guidelines in Appendix C of the San Marcos Design Manual. Staff will work with HPC and a recommendation will come forward for Council approval at a later date.

Council provided consensus to move forward with this recommendation.

EXECUTIVE SESSION

- 27.** Executive Session in accordance with:
- A. Sec. §551.087 of the Texas Government Code: Economic Development: to receive a staff briefing and deliberate regarding economic incentives for Project Outlook.
 - B. Sec. §551.071 of the Texas Government Code: Consultation with Attorney: To receive advice of legal counsel regarding the Purchase and Sale Agreement with Pursuant Ventures Development, LLC for the San Marcos Sportsplex Project
 - C. Sec. §551.074 of the Texas Government Code: Personnel Matters: to discuss the duties and responsibilities of a Public Official, to wit: City Council Members

A motion was made by Council Member Gleason, seconded by Mayor Pro Tem Derrick, to enter Executive Session at 12:14 a.m. The motion carried by the following vote:

For: 7 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

Against: 0

ACTION/DIRECTION FROM EXECUTIVE SESSION

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

Executive Session in accordance with:

A. Sec. §551.087 of the Texas Government Code: Economic Development: to receive a staff briefing and deliberate regarding economic incentives for Project Outlook.

B. Sec. §551.071 of the Texas Government Code: Consultation with Attorney: To receive advice of legal counsel regarding the Purchase and Sale Agreement with Pursuant Ventures Development, LLC for the San Marcos Sportsplex Project

C. Sec. §551.074 of the Texas Government Code: Personnel Matters: to discuss the duties and responsibilities of a Public Official - to wit City Council Members

Mayor Hughson stated Executive Session concluded at 2:09 a.m.

Mayor Hughson stated direction was provided to Staff on Items A and B in Executive Session. Item C will be discussed at a later date.

VI. Adjournment.

A motion was made by Mayor Pro Tem Derrick, seconded by Deputy Mayor Pro Tem Scott to adjourn the regular meeting of the City council on Tuesday, April 7, 2021 at 2:12 a.m. The motion carried by the following vote

For: 7 - Mayor Pro Tem Derrick, Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Scott, Council Member Garza and Council Member Gleason

Against: 0

Tammy K. Cook, Interim City Clerk

Jane Hughson, Mayor