



City Council Agenda 4/1/2019

Notice is hereby given of a regular meeting of the City Council of City of San Angelo to be held on April 1, 2019 at 8:30 AM at the McNease Convention Center – South Meeting Room, 501 Rio Concho Drive, San Angelo, Texas, for the purpose of considering the following agenda items.

1. Call to Order

2. Chaplain Prayer

3. Pledges

4. Proclamations/Recognitions

- a. Proclamation of April 2, 2019 as National Service Recognition Day
- b. Proclamation of April 14-20, 2019 as National Public Safety Telecommunicators Week
- c. Proclamation of April 2019 as Alcohol Awareness Month
- d. Proclamation of April 2019 as I Chose Angelo State Month

5. Public Comment

Issues or items that are not on the Regular Agenda may be raised by the public at this time. Citizens should speak from the podium, begin by stating their name and limit remarks to less than three minutes. Council members may request that a discussed item be placed on a future agenda. The Council takes public comment on all Regular Agenda items during the discussion of those items.

6. Consent Agenda

- a. Consider approving the March 19, 2019 City Council regular meeting minutes (Julia Antilley)
- b. Consider authorizing the City Manager to enter into a new Recreational and Agricultural Lease Agreement with Doug Mosley, Inc. for 19.96 acres out of H Hornburg Abstract 0350, Survey 0175 and being adjacent to Riverfalls Addition (Cindy Preas)
- c. Consider awarding a task order with Water Logistics, LLC under WU-01-19 Pivot and Irrigation Services for repairs of Pivot 7 at City Farm estimated to be \$56,371.76 budgeted in fiscal year 2019 and authorizing the City Manager to execute any related documents (Lance Overstreet)
- d. Consider awarding RFB FS-02-19 Stationary Generator Maintenance and Repair to Loftin Equipment (Irving, TX) in the amount of \$60,000, budgeted per fiscal year (Ryan Kramer)
- e. Consider approving Buyboard Contract #524-17 from Casco Industries in the amount of \$70,000 for the purchase of bunker gear (Brian Dunn)

- f. Consider ratifying a resolution by the COSADC Board authorizing the use of Sales and Use Tax funds in an amount not to exceed \$3,750,000 over a five year period, for infrastructure improvements to the Chadbourne Street Pedestrian Corridor, a project authorized under Chapter 505 of the Texas Local Government Code; and, authorizing the City Manager to execute a Memorandum of Understanding with the City of San Angelo Development Corporation (Robert Schneeman)
- g. Consider a resolution authorizing applicant to hold a special event downtown, "Simply Texas Blues Festival," permitting specified activities; imposing requirements on applicant; and granting variances relating to rules and regulations of ordinances (Carl White)
- h. Consider a resolution authorizing an aerial easement permitting encroachment of awning structures attached to the building facade located at 1102 N. Chadbourne St. (Jon James)
- i. Second reading of an ordinance approving case Z19-02, a rezoning from the Single Family Residential District (RS-1) to the General Commercial District (CG) on four lots located west of the intersection of La Follette St. and Lowrie Ave. (Jon James)
- j. Second reading of an ordinance approving case PD19-03, a rezoning from Single Family Residential District (RS-1) to a Planned Development (PD) Zoning District on an unaddressed tract located south of the intersection of Merrick St. and Canadian St. to allow for single-family homes to be built covering up to 50% of the lot instead of the normal limit of 40% (Jon James)
- k. Second reading of an ordinance granting to Atmos Energy Corporation, a Texas and Virginia corporation, a franchise to construct, maintain, and operate pipelines and equipment in the City of San Angelo, Tom Green County, Texas, for the transportation, delivery, sale, and distribution of gas in, out of, and through said City for all purposes (Russell Pehl)
- l. Second reading and adoption of an ordinance amending the budget for the fiscal year beginning October 1, 2018, and ending September 30, 2019 for capital items (Tina Dierschke)

7. Regular Agenda

- a. Discussion and possible action regarding the Lake Nasworthy Sewer Study (Presentation made by Allen Woelke, P.E., CDM Smith, Inc. and Water Utilities Director Allison Strube)
- b. First reading and public hearing of an ordinance approving the abandonment and vacation of all public alleys comprising 0.267 acres (12,030-sq ft) within Block 15 of the Millspaugh Addition; generally located north of W. Washington Dr.; west of S. Chadbourne St.; south of Santa Fe Depot; and east of S. Irving St. (Presentation made by Planning & Development Services Director Jon James)

8. Closed Session

Executive Session under the provision of Government Code, Title 5. Open Government; Ethics, Subtitle A. Open Government, Chapter 551. Open Meetings, Subchapter D. Exceptions to Requirement that Meetings be Open under the following sections:

9. Follow Up and Administrative Issues

- a. Consider items discussed in Closed Session, if needed

b. Consideration of approving various board nominations:

Design & Historic Review Commission: Lenny James (SMD3) to a first term ending September 2020

Economic Development Corporation: Erika Lara (SMD4) to a first term ending February 2021

Keep San Angelo Beautiful: Joe Spano (SMD2) to a first term ending September 2020 and John Bariou (SMD4) to a first term ending September 2020

c. Announcements and consideration of Future Agenda Items

10. Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board at the City Hall of the City of San Angelo, Texas, on the 28th day of March 2019, at 5:52 p.m.



Julia Antilley, City Clerk

All agenda items are subject to action. All contracts/agreements may be subject to further negotiation prior to execution. The City Council reserves the right to consider business out of posted order and/or meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

In compliance with the Americans with Disabilities Act, the City of San Angelo will provide for reasonable accommodations for persons attending City Council meetings. To better serve you, requests should be received 48 hours prior to the meetings. Please contact the City Clerk's Office at 325-657-4405.

City Council regular meetings are broadcast on Channel 17-Government Access at 10:30 a.m. and 7:00 p.m. every day for two weeks beginning on the Thursday after each meeting.

Proclamation

Service to others is a hallmark of the American character, and central to how we meet our challenges; and

The nation's elected leaders are increasingly turning to national service and volunteerism as a cost-effective strategy to meet their needs; and

AmeriCorps and Senior Corps participants address the most pressing challenges facing our communities; they educate students for 21st century jobs, fight the opioid epidemic, respond to natural disasters, and support veterans and military families; and

National service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and

AmeriCorps and Senior Corps participants serve in more than 50,000 locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and

National service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and

National service participants demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and

The Corporation for National and Community Service shares a priority with local leaders nationwide to engage citizens, improve lives, and strengthen communities; and is joining with the National League of Cities, the National Association of Counties, Cities of Service, and local leaders across the country for National Service Recognition Day on April 2nd, 2019.

Therefore, I, Brenda Gunter, Mayor of the City of San Angelo, Texas, on behalf of the City Council, do hereby proclaim April 2nd, 2019 as

NATIONAL SERVICE RECOGNITION DAY

in San Angelo, Texas and encourage residents to recognize the positive impact of national service in our community, to thank those who serve, and to find ways to give back to their communities.

In Witness Whereof, I have hereunto set my hand and have caused the Official Seal of the City of San Angelo to be affixed this 1st day of April, 2019.

Brenda Gunter
Mayor of the City of San Angelo

Proclamation

Emergencies can occur at anytime that require police, fire or emergency medical services; and,

When an emergency occurs the prompt response of police officers, firefighters and paramedics is critical to the protection of life and preservation of property; and,

The safety of our police officers and firefighters is dependent upon the quality and accuracy of information obtained from citizens who telephone the San Angelo emergency communications center; and,

Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services; and,

Public Safety Telecommunicators are the single vital link for our police officers and firefighters by monitoring their activities by radio, providing them information and ensuring their safety; and,

Public Safety Telecommunicators of the San Angelo Public Safety Communications Center have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients; and,

Each dispatcher has exhibited compassion, understanding and professionalism during the performance of their job in the past year;

Therefore, I, Brenda Gunter, Mayor of the City of San Angelo, Texas, on behalf of the City Council, do hereby proclaim April 14 through 20, 2019 as

NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK

in San Angelo, Texas and call this observance to the attention of all of our citizens in honor of the men and women whose diligence and professionalism keep our city and citizens safe.

In Witness Whereof, I have hereunto set my hand and have caused the Official Seal of the City of San Angelo to be affixed this 1st day of April, 2019.

Brenda Gunter
Mayor of the City of San Angelo

Proclamation

Alcohol is a primary factor in the four leading causes of death for youth ages 10-21; and,
Almost 100,000 persons die each year from alcohol-related causes: drinking and driving crashes, other accidents, falls, fires, alcohol-related homicides and suicide; and,

Approximately 15 million current drinkers in the United States are dependent on alcohol; and,

Adolescents use alcohol more than tobacco or illicit drugs, and young people begin drinking, on average, at 13 years of age; and,

Young people who begin drinking before age 15 are four times more likely to develop alcohol dependence than those who begin drinking at age 21; and,

Alcohol abuse is linked to as many as two-thirds of all sexual assaults and date rapes; and,

The typical American will see 100,000 alcohol related commercials before he or she turns 18;

For all these reasons, the Alcohol & Drug Abuse Council for the Concho Valley and the Concho Valley CARES Coalition are asking the residents of San Angelo to join in recognizing April as Alcohol Awareness Month;

Therefore, I, Brenda Gunter, Mayor of the City of San Angelo, Texas, on behalf of the City Council, do hereby proclaim April 2019, as

ALCOHOL AWARENESS MONTH

in San Angelo, Texas, and call upon all residents, parents, governmental agencies, public and private institutions, businesses, hospitals, schools and colleges in the city of San Angelo to support efforts that will increase community awareness and support for individuals and families coping with alcoholism in our community.

In Witness Whereof, I have hereunto set my hand and have caused the Official Seal of the City of San Angelo to be affixed this 1st day of April, 2019.

Brenda Gunter
Mayor of the City of San Angelo

Proclamation

Angelo State University and the community of San Angelo are partnering together in celebration of current students, future students, faculty, staff and alumni who have chosen to participate in the auspices of higher education at Angelo State University; and

Angelo State University, with an enrollment of 10,387 undergraduate and graduate students, is an integral part of the City of San Angelo and a citadel of higher learning in West Texas, and it employs 460 faculty members, 550 staff members and 750 student workers who are a vital part of this community; and

Angelo State University has graduated 47,930 students since its inception in 1965; and

Angelo State University educational opportunities have grown to include 1 doctoral degree in Physical Therapy, 21 master's degree programs, 42 undergraduate degree programs and over 100 majors and concentrations; and

Angelo State University is this year celebrating its 90th graduating class; and

The month of April 2019 will be celebrated as "I Chose Angelo State Month" at Angelo State University by current students, future students, faculty, staff and alumni through campus events, social media and local media outlets;

Therefore, I, Brenda Gunter, Mayor of the City of San Angelo, Texas, on behalf of the City Council, do hereby proclaim April 2019 as

I CHOSE ANGELO STATE MONTH

in San Angelo and call upon the citizens of our area to recognize this remarkable display of pride in our community and the comprehensive educational opportunities at Angelo State University.

In Witness Whereof, I have hereunto set my hand and have caused the Official Seal of the City of San Angelo to be affixed this 1st day of April, 2019.

Brenda Gunter
Mayor of the City of San Angelo

City of San Angelo, Texas
Regular City Council Meeting
Tuesday, March 19, 2019

Present:

Mayor Brenda Gunter
Mayor Pro tem Lane Carter, SMD 5
Council Member Tom Thompson, SMD 2
Council Member Harry Thomas, SMD 3
Council Member Lucy Gonzales, SMD 4
Council Member Billie F. DeWitt, SMD 6

1. Call to Order

With a quorum of the City Council Members present, Mayor Gunter called the regular session of the San Angelo City Council to order at 8:31 a.m. on Tuesday, March 19, 2019 in the San Angelo McNease Convention Center, 501 Rio Concho Drive, San Angelo, Texas 76903.

2. Legislative Prayer

An invocation was provided by San Angelo Police Department Chaplain Gary Jenkins.

3. Pledges

Pledges were led by Trinity Lutheran School National Junior Honor Society members.

4. Proclamations/Recognitions

March 20, 2019 was proclaimed as Texas Small Business Development Center Day.

5. Public Comment

Citizen Steve Hampton asked for items 6e, 6k, and 6m to be discussed separately.

6. Consent Agenda

- a. Approval of the March 5, 2019 City Council regular meeting minutes (Julia Antilley)
- b. Approval of declaring a small narrow strip of land (200-sq ft) out of acre Lots 6 and 7 in Miles Addition surplus and authorizing the City Manager to execute all documents necessary to convey the surface estate to the adjacent property owner (Cindy Preas)
- c. Approval of declaring a small narrow strip of land, being the remnant of Lot 5, Block 136, Angelo Heights Addition, surplus and authorizing the City Manager to execute all documents necessary to convey the surface estate to the adjacent property owner (Cindy Preas)
- d. Authorization of the sale of 1506 S. Concho Dr. to the current residential lot lease holder for the appraised value and authorizing the City Manager to execute all documents (\$117,939) (Cindy Preas)
- e. Authorization of the City Manager to accept and sign an airport ground lease at 9158 Hangar Rd. for Angelo Precision Aircraft, LLC, a Texas limited liability company, d/b/a/ Precision Aircraft Services (Jeremy Valgardson)
- f. Authorization of consent to an assignment of an airport jet bridge services agreement by Litlman Group, Inc. to Ameribridge, LLC (Jeremy Valgardson)
- g. Approval of restated bylaws adopted by the Design and Historic Review Commission (Jon James)
- h. Approval of restated bylaws adopted by the Planning Commission (Jon James)
- i. Consider approving restated bylaws adopted by the Zoning Board of Adjustment (Jon James)

- j. Approval of restated bylaws adopted by the Construction Board of Adjustments and Appeals (Charlie Kemp)
- k. Adoption of a resolution approving Engineering Services Policy relating to construction work in city's right-of-way and authorizing the City Engineer to revise the policy as necessary to accomplish the purposes of the policy (Russell Pehl) (Pg. 125, #2019-034)
- l. Second reading and adoption of an ordinance deleting Chapter 10 "Traffic Control", Article 10.01 "General Provisions", Section 10.01.019 "Commercial Vehicles Prohibited" and restricting the operation of certain Commercial Vehicles to Designated Truck Routes within the City of San Angelo (Patrick Frerich) (Pg. 126, #2019-035)
- m. Second reading and adoption of an ordinance amending the budget for the fiscal year beginning October 1, 2018, and ending September 30, 2019 for capital items and grants (Tina Dierschke) (Pg. 128, #2019-036)

Mayor Gunter announced that item 6i was struck from the consent agenda.

Motion: Council Member DeWitt made a motion, seconded by Council Member Carter, to approve the remaining items on the consent agenda excluding 6e, 6k, and 6m. The motion carried unanimously (6) ayes to (0) nays.

Motion: Council Member DeWitt made a motion, seconded by Council Member Carter, to approve item 6e, as presented by Jeremy Valgardson. The motion carried unanimously (6) ayes to (0) nays.

Citizen Steve Hampton expressed concern regarding the policy.

Motion: Council Member DeWitt made a motion, seconded by Council Member Gonzales, to approve item 6k, as presented by Russell Pehl. The motion carried unanimously (6) ayes to (0) nays.

Motion: Council Member DeWitt made a motion, seconded by Council Member Carter, to approve item 6m, as presented by Tina Dierschke. The motion carried unanimously (6) ayes to (0) nays.

7. Regular Agenda

- a. Adoption of a resolution supporting the Designation of an Extension of Interstate 27 as a Future Interstate in Texas (Presentation made by Mayor Brenda Gunter) (Pg. 131, #2019-037)

Motion: Council Member Carter made a motion, seconded by Council Member Gonzales, to approve the item, as presented. The motion carried unanimously (6) ayes to (0) nays.

- b. First reading and public hearing of an ordinance approving case PD19-03, a rezoning from Single Family Residential District (RS-1) to a Planned Development (PD) Zoning District on an unaddressed tract located south of the intersection of Merrick Street and Canadian Street to allow for single-family homes to be built covering up to 50% of the lot instead of the normal limit of 40% (Presentation made by Planning & Development Services Director Jon James)

Motion: Council Member Thomas made a motion, seconded by Council Member Carter, to approve the item, as presented. The motion carried unanimously (6) ayes to (0) nays.

- c. First reading and public hearing of an ordinance approving case Z19-02, a rezoning from the Single Family Residential District (RS-1) to the General Commercial District (CG) on four lots located west of the intersection of La Follette Street and Lowrie Ave (Presentation made by Planning & Development Services Director Jon James)

Motion: Council Member Gonzales made a motion, seconded by Council Member Carter, to approve the item, as presented. The motion carried unanimously (6) ayes to (0) nays.

- d. First reading and public hearing of an ordinance granting to Atmos Energy Corporation, a Texas and Virginia corporation, a franchise to construct, maintain, and operate pipelines and equipment in the City of San Angelo, Tom Green County, Texas, for the transportation, delivery, sale, and distribution of gas in, out of, and through said City for all purposes (Presentation made by City Engineer Russell Pehl)

Motion: Council Member Carter made a motion, seconded by Council Member Thomas, to approve the item, as presented. The motion carried unanimously (6) ayes to (0) nays.

- e. Adoption of resolutions supporting and authorizing City staff to submit preliminary grant applications to the Texas Department of Transportation's Safe Routes to Schools Program to enhance and improve safety in and around school areas and encourage bicycle and pedestrian activity by the construction of sidewalks along:
 - 1. Ricks Dr. near Holiman Elementary (Pg. 133, #2019-038)
 - 2. Southwest Blvd. near Lamar Elementary (Presentation made by City Engineer Russell Pehl) (Pg. 135, #2019-039)

Motion: Council Member Gonzales made a motion, seconded by Council Member Thomas, to approve the item, as presented. The motion carried unanimously (6) ayes to (0) nays.

- f. Adoption of a resolution supporting the City's preliminary application for a Texas Department of Transportation for Alternatives Set-Aside Program grant to improve mobility for non-motorized users to North Chadbourne Street from West Beauregard Avenue to Houston Harte (West Sixth Street) as part of the North Chadbourne Street Project (Presentation made by Assistant City Engineer Andy Vecellio) (Pg. 137, #2019-040)

Citizen Steve Hampton requested clarification regarding which year the funds become available.

Motion: Council Member Thomas made a motion, seconded by Council Member Gonzales, to approve the item, as presented. The motion carried unanimously (6) ayes to (0) nays.

- g. First public hearing and introduction of an ordinance amending the budget for the fiscal year beginning October 1, 2018, and ending September 30, 2019, for capital items (Presentation made by Finance Director Tina Dierschke)

Motion: Council Member DeWitt made a motion, seconded by Council Member Thomas, to approve the item, as presented. The motion carried unanimously (6) ayes to (0) nays.

- h. Update on Sales Tax revenue performance (Presentation made by Finance Director Tina Dierschke)

No action taken on this item.

8. Closed Session

Executive Session under the provision of Government Code, Title 5. Open Government; Ethics, Subtitle A. Open Government, Chapter 551. Open Meetings, Subchapter D. Exceptions to Requirement that Meetings be Open under the following sections:

9. Follow Up and Administrative Issues

- a. ~~Consider items discussed in Closed Session, if needed~~
- b. Approval of various board nominations:
 - Civil Service Commission: Raul Lopez to a ninth term ending January 2022
 - Construction Board of Adjustment & Appeals: John Rogers (SMD3) to a first term ending February 2021
 - Zoning Board of Adjustments: David Morales (SMD4) to a second term ending January 2021

Motion: Council Member Thomas made a motion, seconded by Council Member Gonzales, to approve the item, as presented. The motion carried unanimously (6) ayes to (0) nays.

~~c. Announcements and consideration of Future Agenda Items~~

10. Adjournment

Motion: Council Member Thomas made a motion, seconded by Council Member Thompson, to adjourn the meeting. The motion carried unanimously (6) ayes to (0) nays.

There being no further business, the meeting was adjourned at 9:20 a.m.

THE CITY OF SAN ANGELO, TEXAS:

ATTEST:

Brenda Gunter, Mayor

Julia Antilley, City Clerk

In accordance with Chapter 2, Article 2.300, of the Official Code of the City of San Angelo, the minutes of this meeting consist of the preceding Minute Record and the Supplemental Minute Record. Details on Council meetings may be obtained from the City Clerk's Office or a video of the entire meeting may be purchased from the Public Information Officer at 481-2727. (Portions of the Supplemental Minute Record video tape recording may be distorted due to equipment malfunction or other uncontrollable factors.)

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Cynthia Preas, Real Estate Manager, Real Estate, 325-657-4407

Meeting Date: April 1, 2019

Item type: Consent Item

Caption:

Consider authorizing the City Manager to enter into a new Recreational and Agricultural Lease Agreement with Doug Mosley, Inc. for 19.96 acres out of H Hornburg Abstract 0350, Survey 0175 and being adjacent to Riverfalls Addition (Cindy Preas)

Summary/History:

Doug Mosley requests to enter into a Recreational and Agricultural Lease Agreement for 19.96 acre of land out of H Hornburg Abstract 350, Survey 175 and being adjacent to the Riverfalls Addition. A recreational lease will allow the adjacent property owner, Doug Mosely to use and maintain the property.

Recreational and Agricultural leases are short term and they do not allow permanent structures on the leased premises.

Staff recommends the \$276 granting fee be reduced to \$166 with a lease term to end May 30, 2022, which coincides with the 75 recreational leases managed by the Real Estate Division.

The city-owned property was previously leased to the developer of the subdivision, but has been unleased for 3 years. The requestor accepts the leased property "as is" and per the lease agreement Tenant will be responsible for future maintenance of the leased property.

Operations and Water Utilities manage the property and are agreeable to the lease.

Financial Impact:

New yearly revenue.

The annual lease fee is governed by the City of San Angelo Code of Ordinances, Article A6.001(3):

\$14.00per acre

\$0.50.....per river/lake frontage

\$250.00.....recreation fee

Other Information/Recommendation:

Staff recommends approval of a Recreational and Agricultural Lease to the adjacent property owner, Doug Mosley, Inc.

Attachments:

1. Map 19.96 Acres Recreational Lease

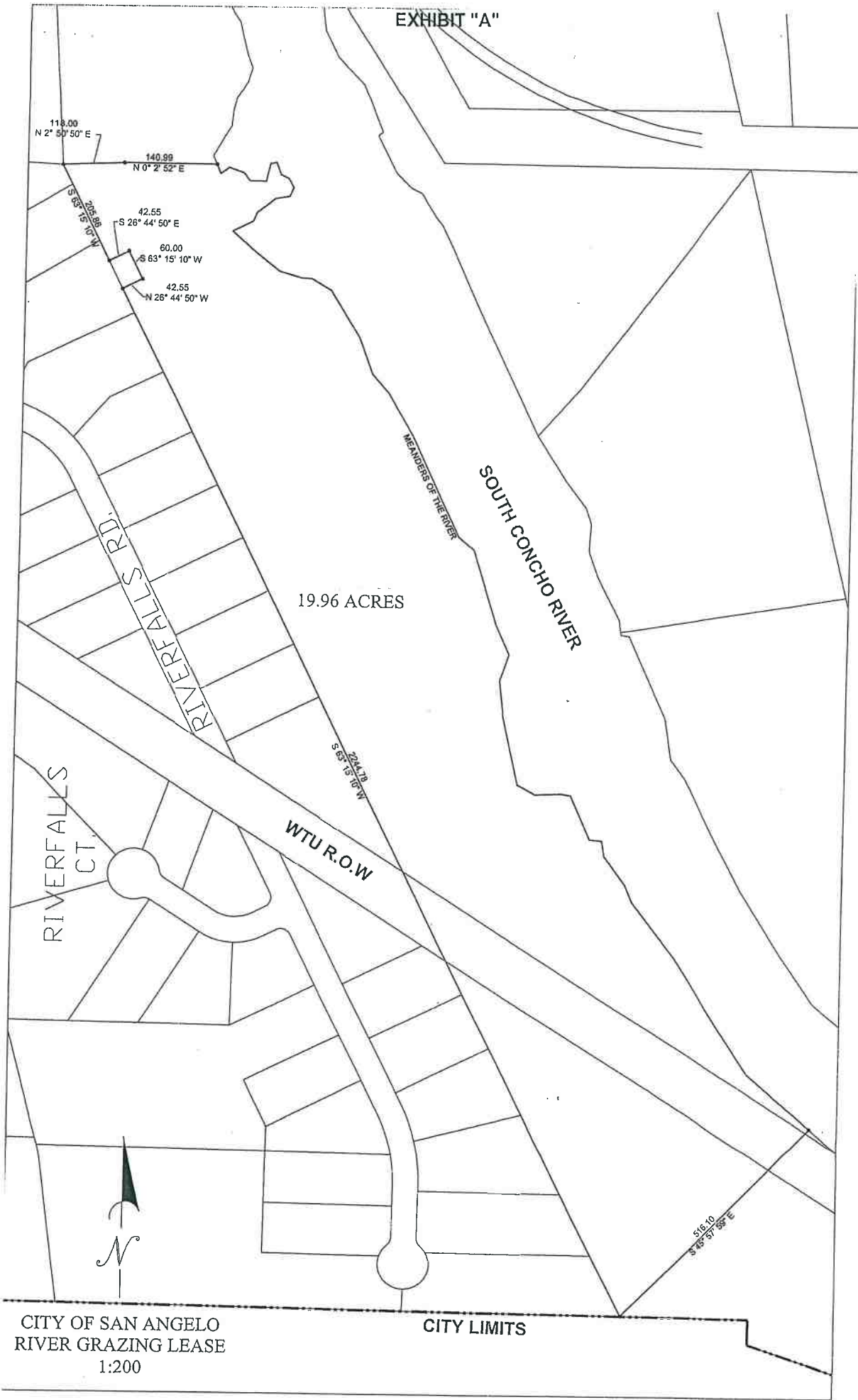
Map 19.96 Acres Recreational Lease.pdf

Presentation:

Approvals/Reviews:

Cynthia Preas	Created/Initiated
Cynthia Preas	Approved
Theresa James	Approved
Anthony Wilson	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Julia Antilley	Final Approval

EXHIBIT "A"



CITY OF SAN ANGELO
RIVER GRAZING LEASE
1:200

CITY LIMITS

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Lance Overstreet, Assistant Water Utilities Director, Water Utilities, 325-657-4201

Meeting Date: April 1, 2019

Item type: Consent Item

Caption:

Consider awarding a task order with Water Logistics, LLC under WU-01-19 Pivot and Irrigation Services for repairs of Pivot 7 at City Farm estimated to be \$56,371.76 budgeted in fiscal year 2019 and authorizing the City Manager to execute any related documents (Lance Overstreet)

Summary/History:

WU-01-19 Pivot and Irrigation Services was approved by City Council on November 20, 2018. Any task order under this contract exceeding \$50,000 requires City Council authorization.

Financial Impact:

Budgeted in Fiscal Year 2019 in the Wastewater Fund.

Other Information/Recommendation:

Several pivots have already been repaired to date.

Pivot 7 had damages in the storm that occurred last summer. Current estimates to repair damages and make this pivot functional will cost \$109,530.53. Insurance settlements, though they may change, will reimburse \$53,158.77 leaving a remainder of \$56,371.76. This amount is in excess of the City Manager's approval without council authorization. The amount the City may need to contribute may decrease once all invoices have been provided to insurance and the claims are finalized.

At this time none of the other immediately scheduled pivots being repaired fall into this level of expenditure approval.

Attachments:

Presentation:

Approvals/Reviews:

Lance Overstreet	Created/Initiated
Allison Strube	Approved
Theresa James	Approved
Anthony Wilson	Approved
Nolan Sosa	Approved
Tina Dierschke	Approved

Theresa James
Becky Dunn
Julia Antilley

Approved
Approved
Final Approval

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Ryan Kramer, Fleet Services Superintendent, Fleet Services, (325) 657-4329

Meeting Date: April 1, 2019

Item type: Consent Item

Caption:

Consider awarding RFB FS-02-19 Stationary Generator Maintenance and Repair to Loftin Equipment (Irving, TX) in the amount of \$60,000, budgeted per fiscal year (Ryan Kramer)

Summary/History:

Bids were requested for maintenance and repair of stationary generators positioned throughout the City. This RFB was intended to identify vendors who have experience and abilities in the repair of critical backup generators for divisions such as Police, Fire, Emergency Management, Water and Wastewater plants and more. Additionally, maintenance to these stationary units will be performed under this contract to include engine servicing and electrical switching device testing.

Request for Bid was sent to multiple local and out-of-town vendors, with two responses received.

Financial Impact:

Staff recommends awarding RFB FS-02-19 Stationary Generator Maintenance and Repair to Loftin Equipment (Irving, TX) in the amount of \$60,000, budgeted in FY19 and each additional term of the contract. Budgets span across various Funds.

Other Information/Recommendation:

Staff recommends awarding RFB FS-02-19 Stationary Generator Maintenance and Repair to Loftin Equipment (Irving, TX) for an initial one year term to include the option to renew for 4 additional years (5 year maximum).

Attachments:

- | | | |
|----|------------------|----------------------|
| 1. | FS-02-19 Bid Tab | FS-02-19 Bid Tab.pdf |
|----|------------------|----------------------|

Presentation:

None

Approvals/Reviews:

Ryan Kramer	Created/Initiated
Patrick Frerich	Approved
Shane Kelton	Approved
Theresa James	Approved
Anthony Wilson	Approved
Candice Blake	Approved

Tina Dierschke
Theresa James
Becky Dunn
Bryan Kendrick

Approved
Approved
Approved
Final Approval



CITY OF SAN ANGELO

RFB Bid Tabulation * FS-02-19/ Stationary Generator Maintenance and Repair

03/20/2019 at 2:00 p.m.

Description

Regular Labor Rate (per person)
After Hours Labor Rate (per person)
Maintenance Labor Rate
Travel Charges
Parts Mark-up (%)
Additional Charges

Loftin Equipment Co.

\$	80.00
\$	120.00
\$	80.00
\$	1.50
	25%
	N/A

per mile

Waukesha Pearce Industries LLC

\$	109.00
\$	163.50
\$	109.00
\$	109.00
	20%
	\$2.35 per mile

per hour

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Julia Antilley, City Clerk, Fire Department, 325-657-4405

Meeting Date: April 1, 2019

Item type: Consent Item

Caption:

Consider approving Buyboard Contract #524-17 from Casco Industries in the amount of \$70,000 for the purchase of bunker gear (Brian Dunn)

Summary/History:

The San Angelo Fire Department is coming to council for approval for purchasing one specific type of an item at a total cost of approximately \$70,000. We have purchased \$43,560 worth of bunker gear for this fiscal year and we are going to need to purchase another \$18,000 to \$22,000 worth of gear which will put us over the \$50,000 threshold for council approval. The gear is purchased off Buyboard, a cooperative purchasing entity. We have the funds in the normal account that this gear is paid from 101-9000-422.06-13. This is a normal occurrence for the department as we replace many sets of gear each year because of damage or expiration dates.

Financial Impact:

Funds are in normal operating budget account 101-9000-422.06-13

Other Information/Recommendation:

Attachments:

- | | | |
|----|-------------------|-----------------------|
| 1. | Bunker Gear Quote | Bunker Gear Quote.pdf |
|----|-------------------|-----------------------|

Presentation:

Approvals/Reviews:

Julia Antilley	Created/Initiated
Brian Dunn	Approved
Theresa James	Approved
Nolan Sosa	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Julia Antilley	Final Approval



HEADQUARTERS: SHREVEPORT, LA 71148-8007

SERVING NORTH TEXAS

SOLD TO: San Angelo Fire Department
306 W. First Street
San Angelo, TX 76903

SHIP TO: San Angelo Fire Department
3154 N. US Hwy 67
San Angelo, TX 76905

ATTN: Wade Millsap

ATTN: Wade Millsap

PHONE: 325-227-7001

PHONE: 325-227-7001

EMAIL: Wadem@safiredept.com

EMAIL: wadem@safiredpt.com

CREDIT CARD:		CUST PO NUMBER		SALES REP	SALES REP REF #
NAME/EXP DATE				175	JB21119-01
NUMBER/CODE/ZIP		TERMS	FREIGHT	DATE	FORM TYPE
TRANSACTION ID#		30	ALLOW	3/6/2019	QUOTE

[illegible]

ADDITIONAL COMMENTS BELOW	#REF!	Subtotal	\$ 2,025.00
Quote good for 30 days. Thanks!		Tax	\$ -

"PROVIDING PROTECTION FOR THOSE WHO PROTECT US"

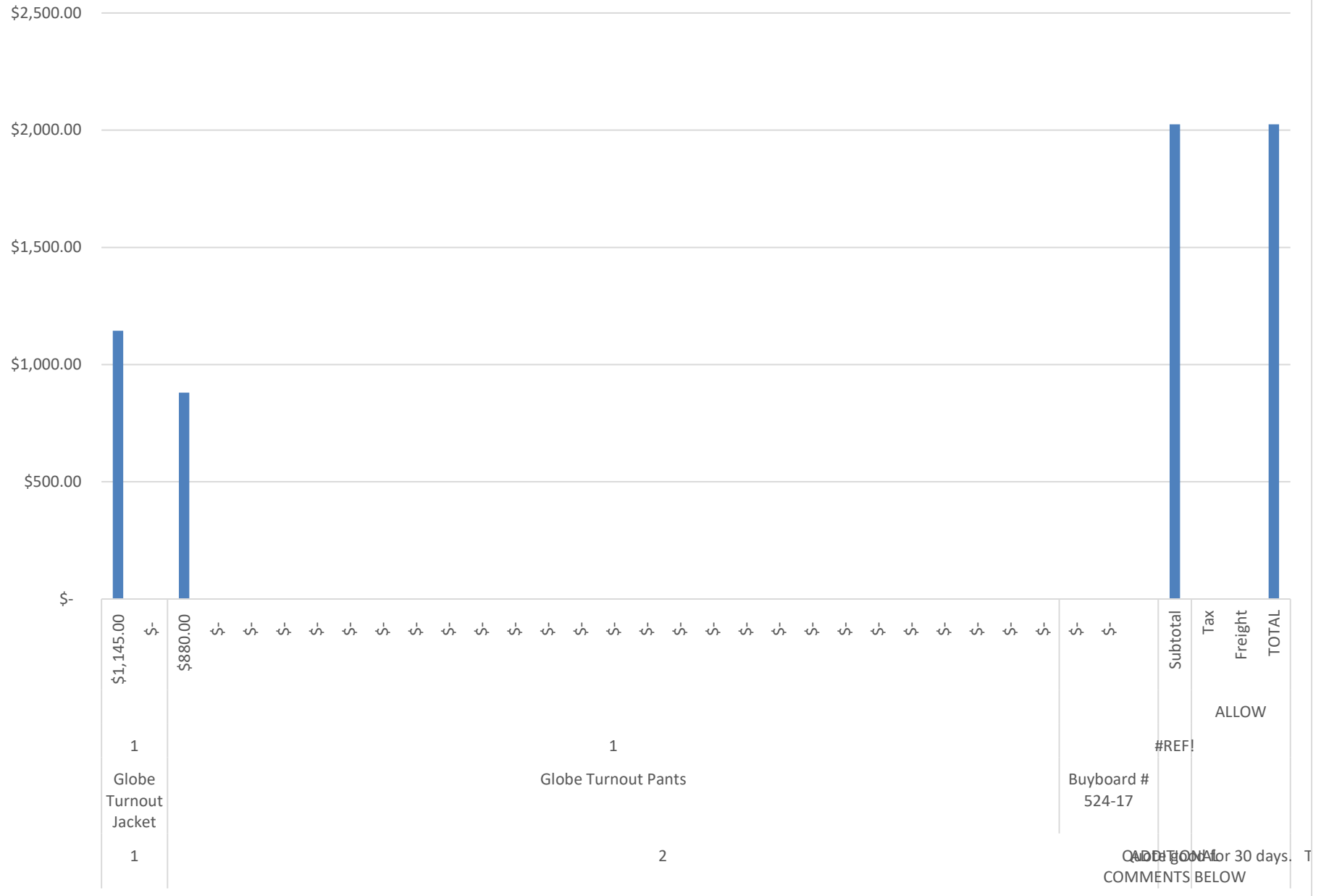
607 W. 62nd Street

(318) 865-5107

P.O. Box 8007

	ALLOW	Freight	\$ -
		TOTAL	\$ 2,025.00

AMOUNT



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Robert Schneeman, Economic Development Coordinator, Economic Development, 325.653.7197

Meeting Date: April 1, 2019

Item type: Regular Item

Caption:

Consider ratifying a resolution by the COSADC Board authorizing the use of Sales and Use Tax funds in an amount not to exceed \$3,750,000 over a five year period, for infrastructure improvements to the Chadbourne Street Pedestrian Corridor, a project authorized under Chapter 505 of the Texas Local Government Code; and, authorizing the City Manager to execute a Memorandum of Understanding with the City of San Angelo Development Corporation (Robert Schneeman)

Summary/History:

On February 22, 2017, the COSADC board of directors adopted a motion in support of the City of San Angelo's application to the Texas Department of Transportation for Alternatives Set-Aside (TA Set-Aside) funding for this Project.

The City of San Angelo submitted a transportation alternative project application to the Texas Department of Transportation under its Transportation Alternatives Set-Aside (TA Set-Aside) Program for a grant funding the Project and received a grant in the amount of \$1,960,335.

On April 26, 2017, the board of directors of the City of San Angelo Development Corporation (COSADC) authorized future funding of the Chadbourne Street pedestrian corridor project in an annual amount not to exceed \$750,000 per year for a total of 5 years, totaling \$3,750,000. On May 1, 2018, the City Council approved the final resolution and proposed funding plan (attached) including the allocation as stated from COSADC. The attached resolution creates a project as defined under Section 505 of the Local Government Code, authorizes the allocation of those funds and authorizes the Board President to negotiate and sign a Memorandum of Understanding with the City of San Angelo to oversee the spending of those funds. This resolution was approved by the COSADC board at its meeting on March 27, 2019.

Financial Impact:

\$750,000 per year for 5 years (\$1,500,000 thru 2019) Budget amendment required from Acct. No. 452-900 to a new project. Future annual allocations will be included in the original budgets for fiscal years 2020-2022.

Other Information/Recommendation:

Attachments:

- | | |
|---|---|
| 1. 2018-05-01 Res #2018-065 CHADBOURNE ST PROJECT | 2018-05-01 Res #2018-065 CHADBOURNE ST PROJECT.pdf |
| 2. 19-054X_COSADC_CHADBOURNE_5_YR | 19-054X_COSADC_CHADBOURNE_5_YR_PROJECT_RESO_FINAL (1).pdf |
| 3. 19-0054_COSADC_CITY_CHADBOURNE_PED_IMP_P_MOU | 19-0054_COSADC_CITY_CHADBOURNE_PED_IMP_P_MOU.pdf |

Presentation:

Approvals/Reviews:

Robert Schneeman

Guy Andrews

Theresa James

Anthony Wilson

Nolan Sosa

Tina Dierschke

Theresa James

Becky Dunn

Julia Antilley

Created/Initiated

Approved

Approved

Approved

Approved

Approved

Approved

Approved

Final Approval

Official Minute Record
May 1, 2018

Volume 2018
Page 203

RESOLUTION #2018-065

A RESOLUTION OF THE CITY OF SAN ANGELO CITY COUNCIL APPROVING AN AMENDED FUNDING PLAN FOR CITY OF SAN ANGELO CHADBOURNE STREET PEDESTRIAN CORRIDOR PROJECT; AUTHORIZING THAT THE PROJECT PROCEED IN PHASES; AND, AUTHORIZING A REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL SERVICES NECESSARY TO THE PROJECT

WHEREAS, the City of San Angelo five year Capital Improvement Plan (CIP) includes street improvements on Chadbourne Street, from Houston Hart to Washington streets; and,

WHEREAS, on May 16, 2017, the City Council adopted a resolution approving a Funding Plan for the Chadbourne Street Pedestrian Corridor Project that supplements funding from the Texas Department of Transportation (TxDOT), Transportation Alternatives Set-Aside Program; and,

WHEREAS, certain proposed funding sources have failed to materialize and the resulting shortfall requires amendment to the adopted Funding Plan; and,

WHEREAS, as a result of the funding limitations, City shall proceed with the Project in Phases, commencing with Phase "A", being from Concho River to Beauregard Avenue along South Chadbourne Street, plus an accessibility link designed to connect Chadbourne Street with the Concho River Trail; and,

WHEREAS, final plans for the Project Phase "A" must be submitted to TxDOT no later than February 2020, with contracts let on or before July 2020, which will require publication of a Request for Qualifications for engineering-architectural professional services; and,

WHEREAS, the City Council for the City of San Angelo supports this project through the allocation of grant and City funds.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

1. The City of San Angelo Chadbourne Street Pedestrian Corridor Project Funding Plan adopted on May 16, 2017 by City Council Resolution is hereby amended by restating the Funding Plan as set forth in **Exhibit "A" Revised**, attached to and made a part of this resolution, subject to future amendment for additional funding.

2. Staff is authorized to proceed with the Project in phases, commencing with Phase "A", being from Concho River to Beauregard Avenue along South Chadbourne Street, plus an accessibility link designed to connect Chadbourne Street with the Concho River Trail; and

3. Staff is authorized to issue a request for qualifications for engineering-architectural professional services for the Project, necessary to comply with TxDOT Transportation Alternatives Set-Aside Program grant deadlines for submission of final Project plans and for letting related construction contracts.

Official Minute Record
May 1, 2018

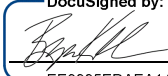
Volume 2018
Page 204

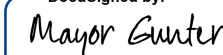
4. The Project shall include burial of utilities and historical lighting along the corridor and maintaining trees as presented not allowing for any additional design work.

PASSED, APPROVED, and ADOPTED on this the **1st day of May, 2018.**

THE CITY OF SAN ANGELO, TEXAS:

ATTEST:

DocuSigned by:

EE8995EDAEA1475...
Bryan Kendrick, City Clerk

DocuSigned by:

65CC121DADBB40F...
Brenda Gunter, Mayor

APPROVED AS TO FORM:

DocuSigned by:

E822428D610A4D4...
Theresa James, City Attorney

Official Minute Record
May 1, 2018

Volume 2018
Page 205

Exhibit "A" Revised

Anticipated Funding Resource Needs As Altered for Phase A Grant Application:

*** South TIRZ - 50% (First Year Commitment of 25%)

North TIRZ - 25%

	Original	Revised Phase A Funding	Remaining Funds B&C	
Streets:	\$2,500,000	\$2,500,000	\$0	
MPO:	\$4,000,000	\$0	\$0	(Change in Funding)
TIRZ North:	\$957,411	\$0	\$957,411	(8 year allocation of 25%) (Only Phase C)
TIRZ South:	\$1,125,101	\$1,125,101	\$0	(8 year allocation of 50%)
COSADC:	\$3,750,000	\$1,900,534	\$1,849,466	(\$750,000 for 5 years)
River:	\$200,000	\$0	\$0	(River Bridge Not Included)
Storm Water:	\$300,000	\$241,000	\$59,000	(Remains for Phase B&C)
Sewer Fund:	\$300,000	\$101,000	\$199,000	(Remains for Phases B&C)
Water Fund:	\$200,000	\$0	\$200,000	(Remains for Phases B&C)
HOT Fund:	\$50,000	\$0	\$50,000	(\$50,000 Remains for Phases B&C)
TXDOT Grant:	\$4,925,273	\$1,960,335	\$0	(Approved Grant Allocation)
<u>Other Grants:</u>	<u>\$35,000</u>	<u>\$0</u>	<u>\$0</u>	(No other grants anticipated at this time)
Est. Total:	\$18,342,785	\$7,827,970	\$3,314,877	

New Project Estimates:

Projected Funding	\$11,142,847
<u>Project Cost Phase A</u>	<u>\$7,827,970</u>
Balance Remaining	\$3,314,877

Phases B&C

A RESOLUTION OF THE CITY OF SAN ANGELO DEVELOPMENT CORPORATION BOARD OF DIRECTORS AUTHORIZING THE USE OF SALES AND USE TAX FUNDS IN AN AMOUNT NOT TO EXCEED \$3,750,000 OVER A FIVE YEAR PERIOD, FOR INFRASTRUCTURE IMPROVEMENTS TO THE CHADBOURNE STREET PEDESTRIAN CORRIDOR, A PROJECT AUTHORIZED UNDER CHAPTER 505 OF THE TEXAS LOCAL GOVERNMENT CODE FOR TYPE B DEVELOPMENT CORPORATION; AND, AUTHORIZING THE BOARD PRESIDENT TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF SAN ANGELO ESTABLISHING TERMS OF THE PROJECT GRANT AGREEMENT

WHEREAS, on November 2, 2010, voters of the City of San Angelo adopted a ballot proposition approving the use of sales and use tax proceed for the continued economic development projects authorized under Section 4B of the Texas Development Corporation Act (hereinafter the “Act”), and,

WHEREAS, the City of San Angelo has included within the scope of its Capital Improvement Plan (CIP), the City of San Angelo Chadbourne Street Pedestrian Corridor Project (the “Project”) providing for certain pedestrian infrastructure, including on and off-road pedestrian accommodations; and,

WHEREAS, on February 22, 2017, the board of directors for the City of San Angelo Development Corporation (COSADC) adopted a motion in support of the City of San Angelo’s application to the Texas Department of Transportation for Alternatives Set-Aside (TA Set-Aside) funding for the Project; and,

WHEREAS, the City of San Angelo submitted a transportation alternative project application to the Texas Department of Transportation under its Transportation Alternatives Set-Aside (TA Set-Aside) Program for areas of 200,000 or less population for a grant funding the Project; and received a grant in the amount of \$1,960,335 and,

WHEREAS, on April 26, 2017, the board of directors of the City of San Angelo Development Corporation COSADC authorized grant funding for fiscal years 2017-2018 through fiscal year 2021-2022, for the Chadbourne Street pedestrian corridor Project, a total of 5 years, at \$750,000 per fiscal year, with total grant funding authorized for the Project not to exceed \$3,750,000.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SAN ANGELO DEVELOPMENT CORPORATION THAT:

Section 1. The foregoing recitals are true and correct and are adopted as part of this Resolution.

Section 2. The City of San Angelo Development Corporation hereby authorizes the use of sales and use tax funds for grant funding of the Chadbourne Street pedestrian corridor Project for fiscal years 2017-2018 through fiscal year 2021-2022, a total of 5 years, at \$750,000 per fiscal year, with total grant funding

authorized for the Project not to exceed \$3,750,000.

Section 3. The Board president is hereby authorized and directed to negotiate and execute on behalf of COSADC a Memorandum of Understanding with the City of San Angelo Project in a form approved by the City Attorney, establishing terms of the Project grant agreement to include: (1) all engineering designs, plans, and specifications necessary for obtaining bids from qualified contractors to construct the project and select from those responding the lowest qualified bidder; (2) oversight of the construction project to ensure contractor compliance with the approved plans and specification and applicable building codes; and, (3) to insure compliance with the terms of the City's agreement with the Texas Department of Transportation (TXDOT) and the Alternatives Set-Aside (TA Set-Aside) grant agreement for the Project.

Section 4. Recommending City Council approval.

ADOPTED on this the 27th day of March, 2019.

CITY OF SAN ANGELO
DEVELOPMENT CORPORATION

ATTEST:

Todd Kolls, President

Nora Nevarez, Secretary

APPROVED AS TO FORM

APPROVED AS TO CONTENT

Dan Saluri, Deputy City Attorney

Guy Andrews, Director of
Economic Development

RATIFIED by City Council this _____ day of _____, 2019.

Brenda Gunter, Mayor

ATTEST:

Julia Antilley, City Clerk

MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE CITY OF SAN ANGELO DEVELOPMENT CORPORATION AND THE CITY OF SAN ANGELO IN SUPPORT OF CHADBOURNE STREET PEDESTRIAN CORRIDOR INFRASTRUCTURE IMPROVEMENTS, AN APPROVED PROJECT, IN AN AMOUNT NOT TO EXCEED \$3,750,000, OVER A FIVE YEAR PERIOD.

This Memorandum of Understanding ("MOU") entered into by and between the CITY OF SAN ANGELO DEVELOPMENT CORPORATION ("COSADC"), a State of Texas non-profit Type B development corporation ("COSADC") and the CITY OF SAN ANGELO, TEXAS, a home rule municipal corporation ("CITY"), effective September 1 2017 ("Effective Date"), relates to COSADC awarding funding for an approved Project for construction of Chadbourne Street pedestrian corridor infrastructure.

RECITALS

WHEREAS, the City of San Angelo Capital Improvement Plan (CIP) includes the Chadbourne Street Corridor Pedestrian Infrastructure Improvements Corridor Project (the "Project") providing for certain pedestrian infrastructure, including on and off-road pedestrian accommodations; and,

WHEREAS, on March 27, 2019, the board of directors for the City of San Angelo Development Corporation (COSADC) adopted a resolution authorizing the use of sales and use tax funds in an amount not to exceed \$3,750,000, in support of the Project and authorized the Board President to negotiate and enter into this Memorandum of Understanding (the "Project Resolution").

WHEREAS, on March 27, 2019, the board of directors for the City of San Angelo Development Corporation (COSADC) held a public hearing regarding the use of sales and use tax funds in an amount not to exceed \$3,750,000, in support of the Project; and,

WHEREAS, on April 1, 2019, the City Council for the City of San Angelo ratified the Project Resolution and authorized the City Manager to negotiate and execute this MOU;

NOW THEREFORE, the Parties hereto cause this MOU to be executed by their duly authorized representatives for the purpose of memorializing the terms expressed herein.

1. **Recitals:** The foregoing recitals are true and correct and are adopted by the parties as part of this MOU.
2. **Term:** This MOU shall become enforceable upon its Effective Date first hereinabove provided; and, except as may be otherwise agreed to between the Parties, shall automatically terminate on the expiration of fiscal year 2021-2022.

3. **Funding Obligation of COSADC:** COSADC shall be responsible for funding the Project as provided for herein in a sum which shall not exceed THREE MILLION SEVEN HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$3,750,000) allocated as follows: \$1,500,000, for fiscal years 2017-2018 and 2018-2019 combined; 750,000 for each of fiscal years 2019-2020, 2020-2021, and 2021-2022. COSADC shall deposit said sums with the City of San Angelo through its Finance Department for draws as needed for timely payment of Project expenses incurred by CITY under contracts with third parties necessary for performance of City's Obligations under this MOU.
4. **City's Obligations:**
- A. CITY shall provide all engineering designs, plans, and specifications necessary for construction of pedestrian infrastructure improvements for the Project.
- B. CITY shall contract for the construction of the pedestrian infrastructure improvements pursuant to the approved engineering designs, plans and specifications.
- C. CITY shall provide periodic reports to the COSADC Board relating to the engineering designs, plans and specifications; and construction contracts, schedules and progress.
- D. CITY shall provide COSADC with periodic accountings, at least annually, of the expenditure of Project funds made pursuant to this MOU.
- E. CITY shall reimburse COSADC for any funds distributed to CITY pursuant to this MOU and not utilized for Project construction expenses.
5. **Assignment:** This MOU shall not be assigned by any of the Parties to it, in whole or in part, without the prior written consent of each of the other Parties, which consent may be arbitrarily withheld or conditioned.
6. **Notices:** All notices required under this MOU shall be in writing and shall be given by hand-delivery or by certified U.S. Mail, return receipt requested, addressed to the other Party at the address indicated herein or to such other address as a Party may designate by notice given as herein provided. Notice shall be deemed given on the day on which personally delivered; or, if by mail, on the third day after being deposited with the U.S. Mail or the date of actual receipt, whichever is earlier.

CITY OF SAN ANGELO DEVELOPMENT CORPORATION
Attention: Director of Economic Development
69 N. Chadbourne Street
San Angelo, Texas 76903

CITY OF SAN ANGELO
Attention: City Manager
72 W. College Avenue
San Angelo, Texas 76903

7. **Contingency Clause:** The funding obligation of each of the parties under this MOU is contingent on the availability of funds and continued authorization for project activities for each party. This MOU is subject to amendment due to lack of funds, reduction of funds and/or change in regulations for either party, upon thirty (30) days' written notice thereof to the other party.

8. **No Joint Venture:** It is acknowledged and agreed by the Parties hereto that the terms of this MOU are not intended to and shall not be deemed to create any partnership or joint venture between the Parties. COSADC, its past and future officers, employees and agents do not assume responsibilities or liabilities of any third Party in connection with CITY's operations, employees or contractors.

9. **Miscellaneous Provisions:**

A. This MOU shall be construed and enforced according to the laws of the State of Texas. The Parties acknowledge that this MOU can be performed in Tom Green County, Texas, and that venue for the resolution of any dispute between the Parties relating to this MOU shall be in Tom Green County, Texas.

B. Title and paragraph headings are for convenient reference and are not a part of this MOU.

C. The meaning of capitalized terms shall be as defined under this MOU.

D. Should any provision, paragraph, sentence, word or phrase contained in this MOU be determined by a court of competent jurisdiction to be invalid, illegal or otherwise unenforceable under the laws of the State of Texas or the City of San Angelo, such provision, paragraph, sentence, word or phrase shall be deemed modified to the extent necessary in order to conform with such laws, or if not modifiable, then same shall be deemed severable, and in either event, the remaining terms and provisions of this MOU shall remain unmodified and in full force and effect or limitation of its use.

E. This MOU constitutes the sole and entire agreement between the Parties hereto relating to the subject matter of this MOU. No modification or amendment hereto shall be valid unless in writing and executed by properly authorized representatives of the Parties hereto.

F. Any delay or failure in the performance by either Party hereunder shall be excused if and to the extent caused by the occurrence of a Force Majeure. For purposes of this MOU, Force Majeure shall mean a cause or event that is not reasonably foreseeable or otherwise caused by or under the control of the Party claiming Force Majeure, including acts of God, fires, floods, explosions, riots, wars, hurricane, sabotage terrorism, vandalism, accident, restraint of government, governmental acts, injunctions, labor strikes that prevent a Party from performing, and other like events that are beyond the reasonable anticipation and control of the Party affected thereby, despite such Party's reasonable efforts to prevent, avoid, delay, or mitigate the effect of such acts, events or occurrences, and which events or the effects thereof are not attributable to a Party's failure to perform its obligations under this MOU.

G. This MOU shall be binding upon the Parties hereto, their legal representatives, successors or permitted assigns.

H. This MOU may be executed in multiple counterparts, each of which shall be deemed an original, and all of which, taken together, shall constitute but one and the same instrument, which may be sufficiently evidenced by one counterpart.

I. No waiver or breach of any provision of this MOU shall constitute a waiver of any subsequent breach of the same or any other provision hereof, and no waiver shall be effective unless made in writing. Failure by a Party on one or more occasions to exercise one or more of its rights under this MOU shall not be construed as waiver of such right or rights, and rights granted hereunder are in addition to those available under law and equity.

J. The provisions of this MOU, which by their nature extend beyond the expiration or termination of this MOU, will survive expiration or termination of this MOU.

K. This MOU has been officially authorized by the governing body of each Party hereto and each signatory to this MOU guarantees and warrants that the signatory has full authority to execute this MOU and to legally bind the respective Party to it.

IN WITNESS WHEREOF, the Parties hereto have caused this instrument to be executed by their respective officials thereunto duly authorized, on the dates indicated below.

ATTEST:

**CITY OF SAN ANGELO
DEVELOPMENT CORPORATION**

Julia Antilley, Secretary, City Clerk

Todd Kolls, President

Date: _____, 2019

CITY OF SAN ANGELO

Daniel Valenzuela, CITY Manager

APPROVED AS TO CONTENT

APPROVED AS TO FORM

Guy Andrews, Director of
Economic Development

Theresa James, City Attorney

Dan T. Saluri, Deputy City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Carl White, Parks and Recreation Director, Parks and Recreation, 325-657-4450

Meeting Date: April 1, 2019

Item type: Regular Item

Caption:

Consider a resolution authorizing applicant to hold a special event downtown, "Simply Texas Blues Festival," permitting specified activities; imposing requirements on applicant; and granting variances relating to rules and regulations of ordinances (Carl White)

Summary/History:

The variances sought are related to permits for tents and signs, the placements of signs and banners, and to the City's noise ordinance which prohibits loud or prolonged noises that disturb the public. The noise ordinance states that if such noise occurs after 10:30 p.m., that is clear proof the noise is disturbing the public. The 10th annual Simply Texas Blues Festival, hosted by the San Angelo Blues Society, will occur on Oakes Street between Concho and Twohig avenues on May 19, 2018. Live, amplified music is scheduled to be performed from 10:00 a.m. until 11:30 p.m. The event is expected to draw about 10,000 people.

The City Council on April 17, 2012 unanimously approved by a 5-0 vote a proposed ordinance allowing for temporary variances from City ordinances for special events held on City property other than Lake Nasworthy and Twin Buttes Reservoir.

This will be the 10th year the Blues Festival has occurred, and the eighth year it has sought variances.

The noise ordinance reads as follows:

Sec. 8.114 Noises Prohibited

(a) It shall be unlawful for any person to make, create, continue or cause to be made, created or continued any unnecessary, loud, unusual or prolonged noise which disturbs, or is calculated to disturb the persons in the immediate vicinity thereof.

(b) In determining whether any such noise is sufficient to constitute a disturbance hereunder, the Court shall consider whether such noise is of such character, intensity and duration as to disturb a person of ordinary sensibilities, taking into consideration the nature of the neighborhood in which such noise occurs.

(c) Proof that any such noise occurred between the hours of ten thirty o'clock (10:30) P.M. and seven o'clock (7:00) A.M., or that such noise occurred three (3) or more times in any ten-day period shall be prima facie proof that persons in the immediate vicinity thereof were disturbed.

The area surrounding the Blues Fest is a mix of residential and commercial properties.

The remaining variances for tent and sign permits, and for the placement of signs and banners related to the event are identical in nature to variances granted the annual drag boat races and wakeboard tournament at Lake Nasworthy.

Financial Impact:

There is negligible cost to the City to facilitate the event. In fact, with thousands of participants, many from out of town, there is a notable and beneficial economic impact by allowing this event.

Other Information/Recommendation:**Attachments:**

- | | | |
|----|---|---|
| 1. | 11th Annual Simply Texas Blues Festival application | 11th Annual Simply Texas Blues Festival application.pdf |
| 2. | Blues Fest Variance Supplemental Exhibit A 2019 | Blues Fest Variance Supplemental Exhibit A 2019.doc |
| 3. | Blues Fest Variance Resolution 2019 | Blues Fest Variance Resolution 2019.doc |

Presentation:**Approvals/Reviews:**

Carl White	Created/Initiated
Theresa James	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Bryan Kendrick	Final Approval

City of San Angelo
Street Closure/Use/Special Event Applications
Simply Texas Blues Festival
May 17-19, 2019

Email:	Stephen Conley	Street & Bridge
	Jose Mata	Street & Bridge
	Joe Lee Ynojosa	Street & Bridge
	Tracy Fincher	Police Dept.
	Ken Solsbery	Police Dept.
	Martin Stuart	Police Dept.
	Brian Dunn	Fire Chief
	Operations	Fire Dept.
	Patrick Frerich	Operations
	Shane Kelton	Operations
	Carl White	Parks
	Roger Havlak	Parks
	Ina Gray	Parks
	Brent Casey	Recreation
	Sidney Walker	Civic Events
	Sandra Villarreal	Health
	Charles Hagen	Risk
	Shandi McWright	Risk
	Ryan Herrera	CVTD
	Randy Schneider	CVTD
	Jeff York	CVTD
	Staff	GIS
	Staff	MPO/Transit

From: Debbie McCleery – Permits Department
657-4210 x1384

Today's Date: March 6, 2018

Applicant: Alexandra Cunningham
Phone No.: 408-348-5744

Where: SEE MAP.

Date & Times: May 17, 2019, 5:00 p.m. – May 19, 2019, 12:00 p.m.

Attached you will find the street closure/use/special event applications, insurance and map(s) submitted with this request. If you have any questions, please do not hesitate to call. Thank you for your assistance.



Permits & Inspections
72 W. College Ave.
San Angelo TX 76902
(325) 657-4420 ph.
(325) 657-4435 fx.
www.sanangelotexas.us

PERMITS & INSPECTIONS

TEMPORARY STREET CLOSURE PERMIT

Organization/Applicant Name: San Angelo Blues Society

Applicant's Address: PO Box 2779, San Angelo, TX 76902

Contact Person Alexandra Cunningham Daytime Phone No. 325-703-1850

Date(s) Street Closure is requested: May 17, 2019 - Friday thru May 19, 2019 - Sunday
1700 hrs 1200 hrs AC 2/28/19

Times of Closure: Friday, May 17, 5:00pm open noon on Sunday, May 19, 2019

Location of Street/Alley Closure (provide a map): 200 Blk of S. Oakes, 150 - 199 S. Oakes
50 to 99 blk of Twohig, 100 blk of Twohig

Generally describe the event: Music Festival with stage, food and craft booths, car show, rib cook-off

How many barricade locations are you requesting? (All barricades provided will consist of barrels only) 4 locations with 20 barrels at each location

What type of security will you provide? SAPD

Is alcohol involved? Not provided by event sponsors but may be brought by attendees and sold by surrounding establishments

Is this event sponsored or co-sponsored by the City of San Angelo? No

Regulations

- 1) All street closure permits require two *4 AC 2/28/19* (2) weeks notice.
- 2) No permit shall be issued for a period longer than (10) days.
- 3) You must provide a drawing of the entire area showing all houses/buildings and placement of barrel barricades.
- 4) You must provide a letter from all occupants who will be affected by this street closure stating that they are aware of the proposed event and are not opposed.
- 5) *AC 2/28/19* A ~~\$25.00~~ *35.00* non-refundable permit fee will be required.
- 6) Unless sponsored or co-sponsored by the City of San Angelo, a \$25.00 fee per barricade location will also be required. Applicants are responsible for contacting the Street and Bridge Department at 657-4430 for delivery and pick-up of barricades.
- 7) Unless sponsored or co-sponsored by the City of San Angelo, a \$100.00 deposit is required for damage/destruction of City barricades. ~~Your deposit may be picked up 3 working days after the event.~~ *AC 2/28/19*



Permits & Inspections
72 W. College Ave.
San Angelo TX 76902
(325) 657-4420 ph.
(325) 657-4435 fx.
www.sanangelotexas.us

PERMITS & INSPECTIONS

- 8) Notification of all street closures will be given to Police, Fire and Public Works Personnel. Any permit may be revoked at any time by the Chief of Police or his designee when the public safety, health and welfare make such revocation necessary.
- 9) Compliance with all other applicable laws and regulations will be enforced. Contact the Police Department for regulations related to loud music and crowd control.
- 10) Any denied permit applications may be appealed to the City Council. Written request for appeal must be received no later than ten (10) days from the denial of application for permit.
- 11) A Certificate of Insurance showing the City of San Angelo as a certificate holder and as an additional insured will be required for all Street Closure events.

I, Alexandra Cunningham, serving as representative for the San Angelo Blues Society organization, have read, understand and agree to the rules and regulations listed above.

Alexandra Cunningham
Signature

2/7/19
Date

(Below Information to be completed by Office Personnel)

Total number of barricade locations: _____

Verification of City Sponsorship? Yes _____ No _____

Location of barricades: _____

Total number of barricades: _____

Public Works Approval By: _____

Permit Fee: \$25.00

Barricade Fee: (Exempt if City Sponsored) \$_____

Deposit: (Exempt if City Sponsored) \$_____

Total Fees: \$_____

I, _____, acknowledge that I have received my \$100 deposit back.

Signature

Date

City of San Angelo – Special Event Application (ver. April 19, 2013)

Complete and return this application to the City of San Angelo Parks and Recreation Department Office at 702 South Chadbourne St. at least **30 days** prior to the event for events not requesting City Support. **Events Requesting City Services** (paid by the applicant) **must submit a finalized Special Event application based on the schedule:** by Jan. 31st for events in May, Jun., or Jul.; by Apr. 30th for events in Aug., Sept., or Oct.; by Jul. 31st for events in Nov., Dec., or Jan.; and by Oct. 31st for events in Feb., Mar., or Apr..

Event Information	
Event Name: 11th Annual Simply Texas Blues Festival	
Event Date(s) and Hours: May 18, 2019	Event Purpose & Description: Promote Blues music and provide free, family friendly Blues concert to the public
Event Location(s): 200 blk S. Oakes	
Attendance, Estimated Daily/Overall: 1 10,000	
Type of Event (Check one – see Special Events Policy for additional information) ☐ Non-Profit Event ☐ For-Profit Event * for private events contact Parks & Rec. Admin. at 325-657-4279 for reservations ☐ City Operated/Sponsored Event ☐ City Co-Sponsored Event ☐ Political or Ballot Issue Event ☐ Parade, Block Party, Road Run/Walk/Etc – Specify: _____ ☐ other (describe): _____	
Event Sponsor Information	
Legal Business Name: San Angelo Blues Society	
Address: PO Box 2779, San Angelo, TX 76902	
Mailing Address:	
Telephone: 325-703-1850	Email Address: sanangelobluesociety@gmail.com
Contact Name: Alexandra Cunningham	Title: President
Contact Number: 408-348-5744	Email Address: backbeatmusic@earthlink.net
Event Information (continued)	
Estimated date/time for set up: Friday, 5/17/19 5:00 pm	Describe set up and clean up procedures: Street closures on Friday to set up stage, vendors, car show and cook off. Volunteers and hired personnel will police a three block radius to clean up on Sunday morning.
Estimated date/time for clean up: Sunday, 5/19/19 finished by noon	
Will street closure and/or use be necessary? ☒ YES ☐ NO If yes, complete the street closure/use form. <u>If yes, show proposed road uses, emergency vehicle access, and barricade locations on your event map.</u> Note that the City of San Angelo does not have authority to close County and State roads.	
Describe crowd and parking control and security plans for this event: Sponsors of an event must have certified police officers present, if required. This requirement, as well as the number of officers needed, will depend on the type of event (including activities), number of anticipated attendees at the event, whether or not alcohol will be consumed at the event, as well as other factors. Off duty SAPD will be used for security. The number of officers TBD by SAPD	

Event Information (continued)

Will music be provided/included during the event? ☒ YES ☐ NO

Describe type of music proposed: ☒ Live ☒ Amplification ☐ Recorded ☒ Loudspeakers

Proposed time music will begin: 5/18/19 10:00AM Proposed time music will end: 5/18/19 11:30 PM

Describe noise control: Asking for variance from noise ordinance until 11:30 PM on 5/18/19

Show proposed location of live band/disc jockey/loudspeakers/equipment on your attached event map

Do you plan to have special event signs and banners? ☒ YES ☐ NO Signs must conform to City Ordinances

Describe the general nature of signage used for the event:

Banners on the Stage & on poles on the street

Show locations for proposed placement of banners and signs on your attached event map.

Will the event have activities such as inflatables, amusement rides, climbing walls, live animals, etc?

☐ YES ☒ NO If yes, the vendor or provider of the inflatable, amusement ride, etc. will be required to provide proof of insurance naming the City of San Angelo as an additional insured on all policies, except workers' compensation, and providing a waiver of subrogation in favor of the City on all policies.

If yes, describe in detail the types of attractions and activities proposed:

Show locations for all proposed activities on your attached event map.

Will the event have food, beverage, or concessions? ☒ YES ☐ NO

See Section H of the Special Events Policy for health department approvals and temporary food license requirements.

Describe the general nature and scope of food, beverage, and concessions vendors:

Various food vendors set up in a food court area. All will be required to obtain health permits & insurance & will be notified of such

Show locations for proposed placement of food, beverage, and concessions vendors on your attached event map.

Do you plan to have alcohol served at this event? ☐ YES ☒ NO

Public events which sell alcohol must use the services of the City's Concessionaire. The Parks & Recreation Staff can provide you with the contact information for the Concessionaire.

If alcohol is present at the event, describe measures to be taken to prohibit the sale and distribution of alcohol to minors:

Alcohol will not be provided or sold by the event sponsors but it may be brought in by attendees & area vendors may sell from their establishments

Will the following be placed or located in the event area?

No stakes of any kind allowed on any walkway, roadway, or other hard surface.

Item	Quantity	Item	Quantity
☒ Booths:	unknown	☒ Tables:	unknown
☒ Tents*:	unknown	☐ Rides:	
☐ Awnings:		☒ Portable Toilets:	30
☒ Canopies:	canopies	(may be required depending on event)	
☐ Rides:		☐ other (describe):	

* Tents that exceed 120 square feet of area will require special permit. Contact Permits Office at 657-4421/2.

You must attach a plan of the proposed event map and layout. Include the proposed location of booths, tents, tables, portable toilets, rides, routes, etc.

Event Information (continued)**Will the event require the use of any of the following municipal materials?**

Sponsoring organization will be charged for use, delivery, placement, and pickup of these items. See the Special Events Policy for additional information and schedule of rates. City staff will deliver the materials at the date, time, and location as specified on the event application. Due to other obligations, materials may not be available. Private vendors are available in San Angelo to provide materials below for the event.

- | | | | |
|---|-----------------|--|--------------------|
| ☐ Trash Receptacles* | Quantity: _____ | ☐ Benches (8') | Quantity: _____ |
| ☐ Barricades | Quantity: _____ | ☐ Chairs | Quantity: _____ |
| ☐ Traffic Cones | Quantity: _____ | ☐ Tables (8') | Quantity: _____ |
| ☐ Stage Sections (4' x 8') | Quantity: _____ | ☐ Fencing, Temporary | Linear Feet: _____ |
| ☐ Water Connection | Quantity: _____ | ☐ Electrical Connection | Quantity: _____ |

☒ other (describe): 2 Electrical panels from the Parks Dept.

**Sponsoring Organization may be required to supply a dumpster and portable restrooms.*

Application Check List (failure to provide necessary documentation will delay application review and approval)**I have attached the following items:**

- 35.00
- ☒ Completed Application ☒ Application Non-Refundable Permit Fee of ~~\$25.00~~ ☐ Deposit
- ☐ Certificate of Insurance (submit to the Risk Mgmt. Office at City Hall, 10 business days prior to first day of event)
- ☒ Detailed Event Map (showing road uses, signage, vending, tent, and activity locations, etc.)

If any document is missing, please explain:**The applicant and sponsoring organization understands and agrees to:**

- provide a certificate of insurance with all coverage deemed necessary for the event, name the City of San Angelo as an additional insured on all applicable policies, and submit the certificate to the City Risk Management Office no later than 10 business days prior to the event (contact the Risk Management Office at 325-657-4359);
- comply with all City and County ordinances and applicable state laws, comply with City policies, and acknowledge that the special events permit does not relieve the applicant or sponsoring organization from meeting any application requirements of law or other public bodies or agencies; and
- promptly pay any billing for City services rendered or deemed necessary as part of the event and event approval.

Applicant and sponsoring organization further understands the approval of this special event may include additional requirements and/or limitations based on the City's review of this application, in accordance with the City's Special Events Policy. The applicant and sponsoring organization understand that it may be necessary to meet with City staff during the review of this application and that City Council approval may be necessary. The applicant agrees the sponsoring organization will operate the event in conformance with the written approval.

Sponsors of events, in which food and/or beverage vendors will be present, should contact the City of San Angelo Health Department **90 days** prior to the event date. **Contact the City of San Angelo Health Department at 325-657-4493.**

As the duly authorized agent of the sponsoring organization, I hereby apply for approval of the Special Event and affirm the above understandings. The information provided on this application is true and complete to the best of my knowledge.

Applicant Signature:Alexandra Cunningham**Date:**2/7/19

Complete and return this application to the City of San Angelo Parks and Recreation Department Office at 702 South Chadbourne St. at least **30 days** prior to the event for events not requesting City Support. **Events Requesting City Services** (paid by the applicant) **must submit a finalized Special Event application based on the schedule: by Jan. 31st for events in May, Jun., or Jul.; by Apr. 30th for events in Aug., Sept., or Oct.; by Jul. 31st for events in Nov., Dec., or Jan.; and by Oct. 31st for events in Feb., Mar., or Apr..** Contact the Parks & Recreation Department at 657-4279/4450 if you have any questions about this application, this policy, or your event.

**Final
Approval:****Date:****Application
Receipt Date & Time:**



CERTIFICATE OF LIABILITY INSURANCE

DATE(MM/DD/YYYY)
2/27/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER MONTGOMERY INSURANCE AGENCY 1350 E Arapaho Ste 226 Richardson, TX 75081		CONTACT NAME: PHONE (A/C, No, Ext): (972) 671-7039 FAX (A/C, No): (972) 669-1482 E-MAIL ADDRESS: cmontgomery@farmersagent.com	
		INSURER(S) AFFORDING COVERAGE	NAIC#
		INSURER A: ESSEX INSURANCE COMPANY	39020
		INSURER B:	
		INSURER C:	
		INSURER D:	
		INSURER E:	
		INSURER F:	

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

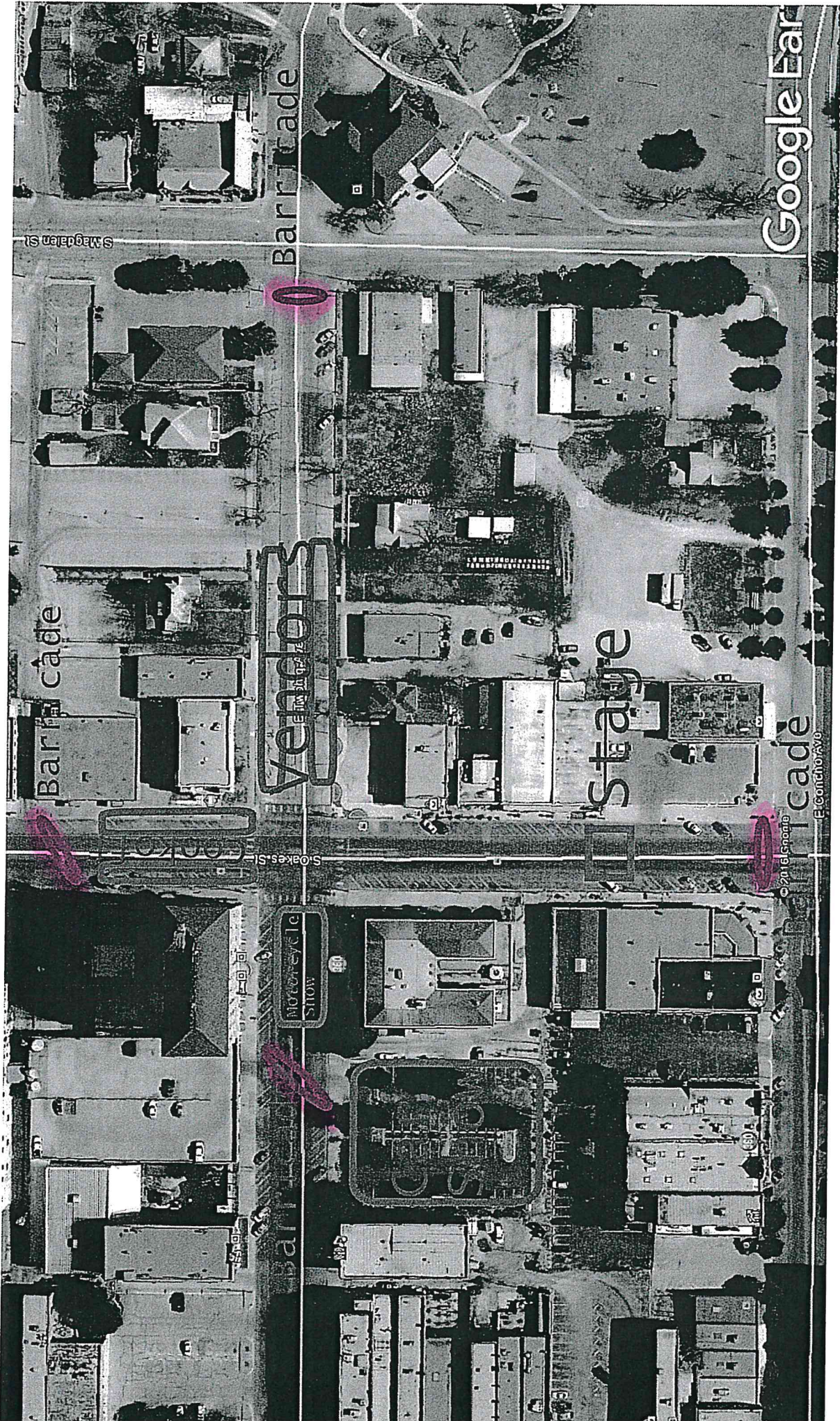
INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY	X	Y	3DT5495	05/17/19	05/19/19	EACH OCCURRENCE \$ 1,000,000
	☐ CLAIMS-MADE ☒ OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000
							MED EXP (Any one person) \$ 5,000
							PERSONAL & ADV INJURY \$ 1,000,000
							GENERAL AGGREGATE \$ 2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC						PRODUCTS - COMPI/OP AGG \$ INCLUDED
	OTHER:						\$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident) \$
	ANYAUTO						BODILY INJURY (Per person) \$
	ALL OWNED AUTOS						BODILY INJURY (Per accident) \$
	HIRED AUTOS						PROPERTY DAMAGE (Per accident) \$
							\$
	UMBRELLA LIAB						EACH OCCURRENCE \$
	EXCESS LIAB						AGGREGATE \$
	DED RETENTION \$						\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						PER STATUTE OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)						E.L. EACH ACCIDENT \$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE \$
							E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER INCLUDED AS ADDITIONAL INSURED

CERTIFICATE HOLDER CITY OF SAN ANGELO 72 WEST COLLEGE AVENUE SAN ANGELO, TX 76902	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
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Barricades

11TH ANNUAL
Simply
TEXAS
Blues
FESTIVAL

Saturday May 18, 2019

Starts at 10 am

IN HISTORIC DOWNTOWN SAN ANGELO ON OAKES & TWOHIG

SAN ANGELO TEXAS

www.sanangelobluesociety.com

After winning the City of San Angelo's 2010 Community Spirit Award for the San Angelo Blues Society's 2nd Annual Simply Texas Blues Festival, our third festival grew to over 7,000, our fifth had over 10,000 in attendance and it was off to the races for the San Angelo Blues Society! Not only is it now one of the largest annual events in the Concho Valley but it has also become a favorite of people from all over the U.S. and beyond. The Simply Texas Blues Festival has even become a destination event for many travelers.

Festival activities get started at 10:00 AM Saturday morning and the Blues Band Competition will start at noon. The eleventh Annual Simply Texas Blues Festival will have both a car show and a motorcycle show. There will also be a variety of vendors, the Simply Texas Rib-fest rib cook-off as well as the traditional concert and street dance. As always, this event is family-oriented and free to the public. Based on last year's growth, we are expecting well over 12,000 local and area residents to attend.

Thanks to our generous sponsors the Simply Texas Blues Festival allows the San Angelo Blues Society to help raise funds to provide college scholarships, assist music programs in our local schools and raise cultural awareness. Last year the San Angelo Blues Society awarded \$15,750 in scholarships to deserving area high schools, Howard College and ASU students, primarily as a result of the Simply Blues Festival.

Please look through the available sponsorship opportunities and select the one that best works for you and your organization

Diamond Sponsorship \$5000 - \$7500

"The Jeff Strahan"

Stage Sponsor (\$7,500)*

Community Sponsor (\$5,000) *

**Limited Availability*

- Honorary Sponsorship of one Blues Society Scholarship (Fall 2019)
- Sponsor's choice of marketing/advertising in Concert Area
- Use of "Simply Texas Blues Festival" logo in sponsor's own advertising
- Sponsor banner hung in prominent location
- Sponsor credit on all available event materials and advertisements
- Logo placement on banner and website
- Liberal P.A. announcements (level 4) from stage during event
- Complimentary business membership in San Angelo Blues Society
- 6 Complimentary individual membership in San Angelo Blues Society
- 6 Blues Society member T-shirts for new Platinum Sponsors
- VIP Dinner Concert for 6 Friday
- Specially marked (sponsor logo) reserved table at Friday night VIP Dinner Concert
- VIP Hospitality Room access during Saturday Festival at the Cactus Hotel
- 6 Event T-Shirts
- Electronic mail database/Blues Society Newsletter
- Inclusion in \$20,000 of Media Advertising



The Cure For The Blues Is The Blues!

Platinum Sponsorship

\$2500 - \$3000

"The Ray Charles"

- Cook-off Sponsor (\$2,500) *
- Car Show Sponsor (\$2,500) *
- Motorcycle Show Sponsor (\$2,500)*
- VIP Dinner Concert Sponsor (\$2,500)*

**Limited Availability*

- Honorary Sponsorship of one Blues Society Scholarship (Fall 2019)
- Sponsor's choice of marketing/advertising in Sponsor's entire event area
- Use of "Simply Texas Blues Festival" logo in sponsor's own advertising
- Sponsor logo at prominent location on front of stage banner
- Sponsor credit on all available event materials and advertisements
- Logo placement on banner and website
- Liberal P.A. announcements (level 4) from stage during event
- Complimentary business membership in San Angelo Blues Society
- 4 Complimentary individual membership in San Angelo Blues Society
- 4 Blues Society member T-shirts for new Platinum Sponsors
- VIP Dinner Concert for 4 Friday
- Specially marked (sponsor logo) reserved table at Friday night VIP Dinner Concert
- VIP Hospitality Room access during Saturday Festival at the Cactus Hotel
- 4 Event T-Shirts
- Electronic mail database/Blues Society Newsletter
- Inclusion in \$20,000 of Media Advertising

Gold Sponsorship

\$2000

"The B.B. King"

- Sponsor credit on all available event materials and advertisements
- Logo placement on stage banner and website
- P.A. announcements (level 3) from stage during event
- Complimentary business membership in San Angelo Blues Society
- 4 Complimentary individual membership in San Angelo Blues Society
- 4 Blues Society member T-shirts for new Gold sponsors
- VIP Dinner Concert for 4 Friday
- Specially marked (sponsor logo) reserved table at Friday night VIP Dinner Concert at the House of Fifi Dubois
- VIP Hospitality Room access during Saturday Festival at the Cactus Hotel
- 4 Event T-Shirts
- Electronic mail database/Blues Society Newsletter

Silver Sponsorship

\$1500

"The Eric Clapton"

- Sponsor credit on all available event materials and advertisements
- Logo placement on event banner and website
- P.A. announcements (level 2) from stage during event
- Complimentary business membership in San Angelo Blues Society
- 4 Complimentary individual memberships in San Angelo Blues Society
- 4 Blues Society member T-shirts for new Silver Sponsors
- VIP Hospitality Room access during Saturday Festival at the Cactus Hotel
- 4 Event T-Shirts
- Electronic mail database/Blues Society Newsletter

Bronze Sponsorship

\$1000

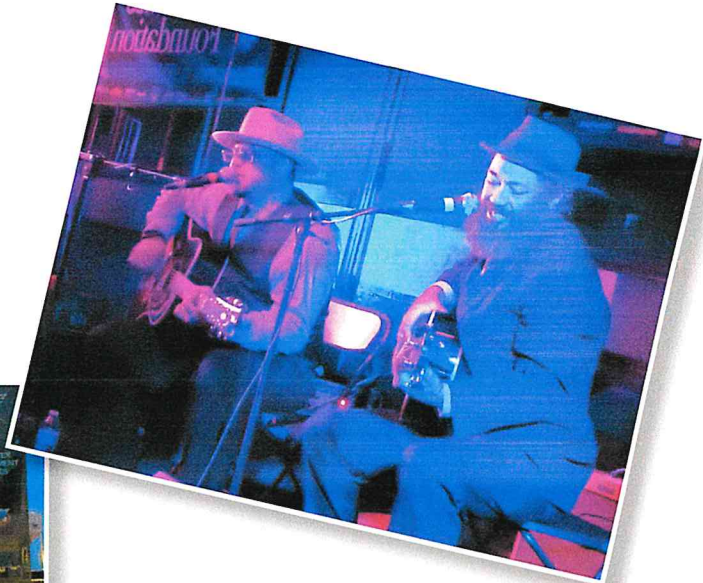
"The Grady Champion"

- Logo placement on event banner and website
- Complimentary business membership in San Angelo Blues Society
- 2 Complimentary individual membership, in San Angelo Blues Society
- P.A. announcements (level 1) from stage during event
- 2 Event T-Shirts
- Electronic mail database/Blues Society Newsletter

All donations of any sort are appreciated and will be duly noted on our Blues Society Weekly Newsletter. Donations of \$100 or more qualify for 2 event t-shirts.



Henry Benedict @ 325.703.4487
Alex Cunningham @ 325.703.1850



PO Box 2779
San Angelo, TX 76902

EXHIBIT A
SUPPLEMENT TO SPECIAL EVENTS PERMIT
Simply Texas Blues Festival
May 17-19, 2019

Permit Holder: San Angelo Blues Society (hereinafter "SABS"),
2437 S. College Hills Blvd., San Angelo, TX 76904

Contact Person: Name Phone
 Alexandra Cunningham (325) 703-1850

Location of Event: South Oakes Street between Concho and Twohig avenues;
downtown San Angelo

Name of Event: Simply Texas Blues Festival (hereinafter "Event")

Date of Event: May 17-19, 2019
Set up: May 17, 2019, 12:00 p.m. through 11:30 p.m.
Clean up: May 19, 2019, finished by 12:00 p.m.

Anticipated
Attendance: 10,000

Hours of 12:00 p.m. through 11:30 p.m., May 17, 2019 (setup)
Operation: 10:00 a.m. through 11:30 p.m., May 19, 2019 (event)

This supplement to the special event permit is issued to the San Angelo Blues Society by the City of San Angelo (hereinafter "City") subject to the conditions and requirements set forth below.

Permitted Activities

1. SABS may conduct a blues music festival during the date set out above.
2. SABS may close Oakes Street between Beauregard Street and Concho Avenue, and Twohig Avenue between Chadbourne and Magdalen Streets during the Event, its set-up and its clean-up.
3. SABS may set up tents and signs and allow vendors in the Area subject to any regulations set out in this Permit.

Requirements for Permit Holder ("SABS")

1. Sanitation.
 - a. SABS shall provide a total of twenty (20) Port-A-Potties.
 - b. SABS will clean up Area at the conclusion of the Event.
2. Insurance and Indemnification.
 - a. SABS shall provide insurance as required by the City of San Angelo's Risk Manager and shall provide proof of such insurance.
3. Vendors.
 - a. Vendors shall obtain all necessary health permits and shall have appropriate liability insurance and an active Sales and Use Tax Permit.

The City Manager or his designee shall have authority to require SABS to comply with the above-listed requirements and to correct any deficiencies. In case of a threat to the public health or safety, the City Manager or his designee may suspend operations of the Event until deficiencies are corrected.

Variances: See Attachment 1 to this Exhibit.

Authority of City to Regulate Event

The City Manager or his designee shall have the authority to interpret this Permit and/or adopt new rules during the Event to ensure public health and safety and proper use of all public rights-of-way.

EVENT SPONSOR

Carl White Date
Parks & Recreation Director

**Attachment 1 to Exhibit A
TO THE 2018 SIMPLY TEXAS BLUES FESTIVAL**

Exhibit 1 to Event Resolution

Variances

- 1) Conduct of this Event shall not constitute a violation of the City's noise ordinances.
- 2) Notwithstanding City ordinances to the contrary, event Sponsor shall not be required to obtain permits for tents and signs.
- 3) Notwithstanding City ordinances to the contrary, flags, banners, and information signs shall be allowed for the Event. Placement shall be coordinated with and approved by the City Manager or his designee.

**A RESOLUTION OF THE CITY OF SAN ANGELO
AUTHORIZING APPLICANT, SAN ANGELO BLUES SOCIETY,
TO HOLD A SPECIAL EVENT DOWNTOWN KNOWN AS
“SIMPLY TEXAS BLUES FESTIVAL” AND GRANTING
VARIANCES FROM CITY ORDINANCES, INCLUDING NOISE
ORDINANCE**

WHEREAS, the City Council for the City of San Angelo has approved a Special Event Application process through which individuals or groups may seek authorization to hold special events on public property; and,

WHEREAS, Chapter 9, Article 9.02.009 of the Code of Ordinances for the City of San Angelo provides that the City Council may authorize temporary variances from the prohibitions and requirements of City ordinances for such events; and,

WHEREAS, the “SIMPLY TEXAS BLUES FESTIVAL” has for nine years been an annual entertainment event in downtown San Angelo; and,

WHEREAS, the City Council has taken into account those factors as applicable pursuant to the ordinance providing for the granting of variances.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF
THE CITY OF SAN ANGELO, TEXAS THAT:**

Part 1: San Angelo Blues Society (hereinafter Applicant), is hereby authorized to hold a special event in downtown San Angelo, known as “Simply Texas Blues Festival”. The event, including set up and clean up, will take place from 12:00 PM Friday, May 17, 201~~9~~⁸ through 12:00 PM May 19, 2019.

Part 2: The event may include those activities as described on that certain “City of San Angelo-Special Event Application” and attachments thereto (hereinafter collectively referred to as “Application”) submitted by Applicant, a copy of which is attached to this Resolution as **Exhibit A**, and made a part hereof for all purposes.

Part 3: The variance referred to in the Application relating to Section 8.01.005 “Noises prohibited” of the City Code of Ordinances, is hereby granted from 10:00 AM through 11:30 PM on May 18, 2019.

Part 4: A variance related to permitting of tent structures and signage for the event is hereby granted from 12:00 PM Friday, May 17, 201~~9~~⁸ through 12:00 PM May 19, 2019.

Part 5: Oakes Street between Beauregard Street and Concho Avenue and Twohig Avenue between Chadbourne and Magdalen Streets may be closed from 12:00 P.M. Friday, May 17, 2019 through 12:00 P.M. Sunday, May 19, 2019.

PASSED and APPROVED THIS _____ DAY OF _____, 2019.

ATTEST:

CITY OF SAN ANGELO, TEXAS

Bryan Kendrick, City Clerk

Brenda Gunter, Mayor

APPROVED AS TO CONTENT

APPROVED AS TO FORM

Carl White, Parks & Recreation Director

Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Hillary Bueker, Senior Planner, Planning and Development Services, 325-657-4210

Meeting Date: April 1, 2019

Item type: Consent Item

Caption:

Consider a resolution authorizing an aerial easement permitting encroachment of awning structures attached to the building facade located at 1102 N. Chadbourne St. (Jon James)

Summary/History:

On August 28th, 2018, the TIRZ Board approved to fund \$51,996.59 in incentives for both paving and façade work, on 1102 North Chadbourne Street. The new metal canopy 4 feet wide by 40 feet long and painted to match the building. The encroachment are will be 5 foot x 50 foot for a total of 250 square feet. The canopy will also be setback approximately 8 foot from the back of street curb and will allow sufficient pedestrian access along the sidewalk.

The applicant seeks to obtain a building permit from the Permits and Inspections Division for a proposed canopy. Permits and final inspections for improvements will be required, but cannot be obtained unless and until Council approves this request and the associated nonexclusive aerial easement appurtenances for the encroachment.

Financial Impact:

N/A

Other Information/Recommendation:

On August 28th, 2018, the TIRZ Board approved to fund \$51,996.59 in incentives for both paving and façade work

Attachments:

- | | |
|-------------------------------|---|
| 1. Staff Report (RE) | Memo Easement (1102 N Chadbourne).pdf |
| 2. Resolution (RE) | AWNING_EASEMENT_RESO.docx |
| 3. Draft Aerial Easement (RE) | 19-XXX_PL_1102_N_CHADB_AWNING_EASEMENT.docx |

Presentation:

Jon James

Approvals/Reviews:

Hillary Bueker	Created/Initiated
Jon James	Approved
Theresa James	Approved
Anthony Wilson	Approved
Jon James	Approved
Tina Dierschke	Approved
Theresa James	Approved

Becky Dunn
Bryan Kendrick

Approved
Final Approval

MEMO

**Meeting**

Date: April 1, 2019

To: City Council

From: Jon C. James, AICP
Planning & Development Services Director

Request: Consideration of a resolution authorizing the City Manager, or his designee, to execute an aerial easement for proposed new awnings on an existing building to encroach upon rights-of-way along the east side of North Chadbourne Street, at 1102 North Chadbourne Street, generally located north of the intersection of East 11th Street and North Chadbourne Street as follows: a 250-square foot Aerial Easement

Summary/History:

The applicant, Danny McCrea, is proposing to construct a new awning for the building at 1102 North Chadbourne Street. These improvements encroach into the public right-of-way on the west side of the buildings as follows:

- New metal awning structures, above the west facade of the Building, projecting 4' into the right-of-way along North Chadbourne Street;

The applicant has provided a description for the encroachment, construction details, and photos of the existing building with the previous awning. The Permits & Inspections Division, along with the Fire Marshal's Office, have reviewed the proposed structure and have no objections to the planned construction. The International Building Code (IBC), under Section 3202.2, requires that the "vertical clearance from the public right-of-way to the lowest part of any awning, including valances, shall be 7 feet minimum."

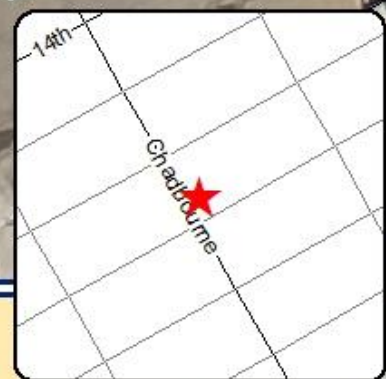
The applicant was approved for TIRZ funding in August 2018 for the proposed improvements.

Other Information/Recommendation:

Staff recommends **APPROVAL**

Attachments:

Aerial
Improvement Plans
Letter of Intent
Photos of Previous Canopy



ROW Encroachment

1102 North Chadbourne Street

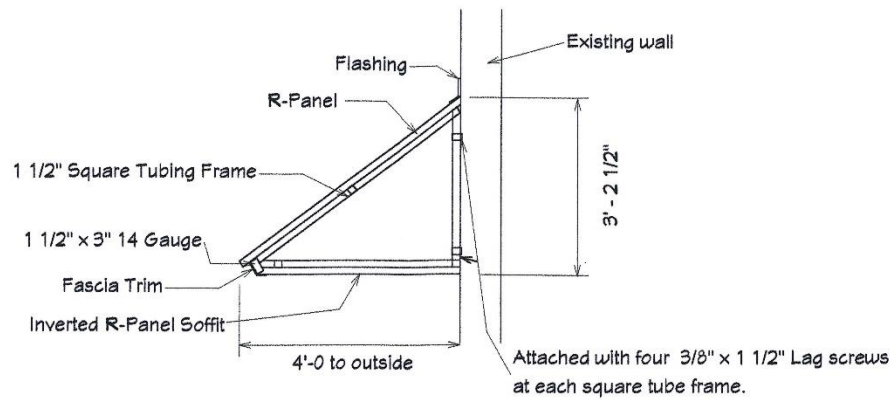
Council District: SMD #3 - Harry Thomas
 Neighborhood: Reagan
 Scale: 1" approx. = 25 ft

Legend

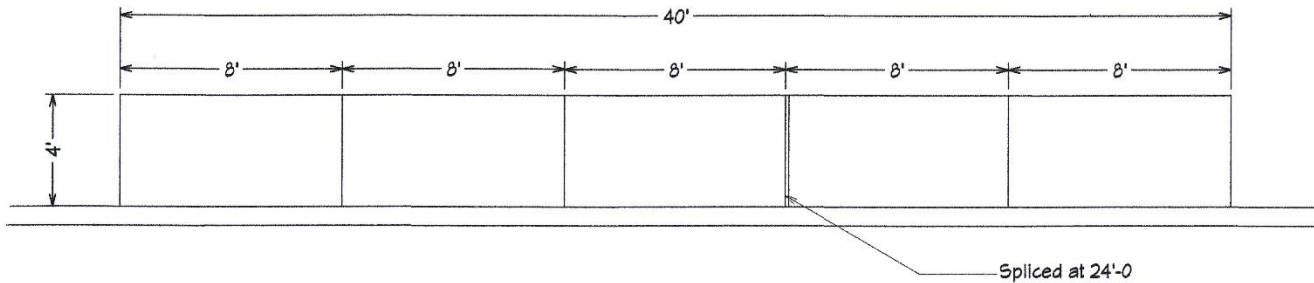
Subject Properties:
 Current Zoning: CG/CH
 Requested Zoning Change: N/A
 Vision: Commercial



IMPROVEMENT PLANS



Awning Section



Awning Plan

Awning for San Angelo Insurance
1102 North Chadbourne

McCrea Company

MCCREA COMPANY

4601 Arden Road ° San Angelo, Texas 76901 ° (325) 949-5800

P.O. Box 62302 San Angelo, Texas 76906

February 27, 2019

To whom it may concern,

Here is a letter of intent and request concerning the business at 1102 N. Chadbourne. Our intention is to install an awning on the front of the building as approved in our T.I.R.Z. application. The awning is an upgrade in place of the pre-existing one that has already been removed. Included is a drawing of our proposed design.

Thank you for consideration,

Danny McCrea



A RESOLUTION OF THE CITY OF SAN ANGELO AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AN AERIAL EASEMENT FOR AWNINGS ON AN EXISTING BUILDING FACADE TO ENCROACH UPON THE EAST SIDE OF RIGHT-OF-WAY AT 1102 NORTH CHADBOURNE STREET

WHEREAS, Danny McCrea, the applicant for easement, is the representative of the owner of certain real property commonly known as 1102 North Chadbourne Street, San Angelo, Tom Green County, Texas; and,

WHEREAS, applicant would like to utilize a designated portion of the right-of-way along the east side of North Chadbourne Street for purposes of constructing new awnings that projects over a portion of said right-of-way; and,

WHEREAS, the pavement width of North Chadbourne Street, an urban minor arterial street, measure 55 feet, and there are no plans to widen this street; and,

WHEREAS, the encroaching improvements will serve as architectural elements to the existing building façade, and will be beneficial to revitalization and development of that block of North Chadbourne Street; and,

WHEREAS, the City Council has determined that the granting an aerial easement for purposes of new awning structures that project over a portion of the right-of-way as described will be in the public interest and benefit:

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANGELO, TEXAS THAT:

1. All of the foregoing recitals are found to be true and correct, and are incorporated herein and made a part of this resolution.

2. The City Council of the City of San Angelo, Texas, hereby determines that there is a public necessity for, and the public welfare and convenience will be served by granting of the application made by Danny McCrea, for nonexclusive aerial easement appurtenant for encroachment of awning and related improvements to building facade at 1102 North Chadbourne Street, within the North Chadbourne Street public rights-of-way, as more particularly described and depicted in **Exhibits "A"**.

The City Manager or his designee is hereby authorized to negotiate and execute on behalf of the City of San Angelo a nonexclusive aerial easement appurtenant for encroachment of awnings, lighting fixtures and related improvements at 1102 North Chadbourne Street, within the North Chadbourne Street public right-of-way as depicted in **Exhibit "A,"** attached hereto; and to execute such other legal instruments as may be necessary or convenient for carrying out such purposes.

PASSED and APPROVED THIS _____ DAY OF _____, 2019.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

Attest:

Bryan Kendrick, City Clerk

Approved As to Form:

Theresa James, City Attorney

Approved As to Content:

Jon James, AICP, Director of Planning and
Development Services

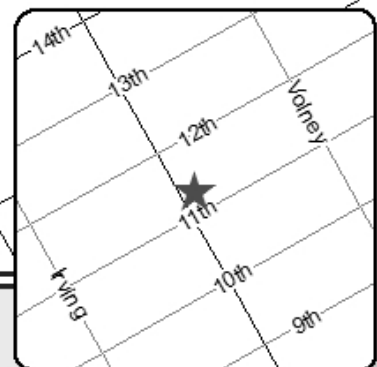
Exhibit A

5 ft x 50 ft - 250 sq ft aerial easment

N Chadbourne St = MNA

LOCAL E 11th St

LOCAL



ROW Encroachment

1102 North Chadbourne Street

Council District: SMD #3 - Harry Thomas

Neighborhood: Reagan

Scale: 1" approx. = 25 ft

Legend

Subject Properties: 
Current Zoning: CG/CH
Requested Zoning Change: N/A
Vision: Commercial



Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your Social Security number or your driver's

**NONEXCLUSIVE AERIAL EASEMENT APPURTENANT
FOR ENCROACHMENT OF AWNING STRUCTURES AND LIGHTING**

Date: _____, 2019

Grantor: CITY OF SAN ANGELO, a Texas home rule municipal corporation

Grantor's Mailing Address: 72 W College Avenue, San Angelo, Tom Green County, Texas
76903

Grantee: RICKY VILLARREAL, owner of the property located at 1102 North Chadbourne Street, San Angelo, Texas.

Grantee's Mailing Address: 1102 North Chadbourne Street, San Angelo, Tom Green County, Texas 76903

Dominant Estate Property: West 40 feet of Lot 11, Block 54, Miles Addition, Tom Green County, Texas.

Subservient Property: Being a strip of land 5 feet wide and 50 feet long, +/-250 square feet, located within North Chadbourne Street public street right-of-way adjacent to and parallel lengthwise with the westerly boundary line of Lot 11, Block 54, Miles Addition, Tom Green County, Texas, as more particularly depicted in **Exhibit "A"** attached hereto and incorporated herein by reference for all purposes (hereinafter referred to as the "Easement Property").

Aerial Easement: That certain vertical air space having a bottom plane to be **seven feet** above the surface of the Subservient Property and continuing upward and encompassing all the airspace above the Subservient Property to a top plane of **20 feet** above the surface of the Subservient Property.

Easement Purpose: For the nonexclusive, sole, limited purpose of constructing, maintaining, repairing, replacing and removing awnings and related structures and appurtenances within said Aerial Easement to provide shade and weather shelter for business patrons as well as the general public and serve as a favorable architectural element for a commercial building façade attached to the façade of the building located on the Dominant Estate Property and containing multiple storefronts. Upon abandonment of the physical use for the Easement Purpose for a period of twenty-four (24) consecutive months or more of any structure built within the Aerial Easement, said Aerial Easement shall automatically expire and revert to Grantor, in which case Grantee shall proceed with due diligence to remove any improvements constructed within the Aerial Easement and restore the Aerial Easement

area to its original state that existed on the date of this Easement.

Reservations from Conveyance: Grantor reserves all property rights to the Subservient Property and public street right-of-way not specifically granted to Grantee under this Aerial Easement and reserves the reversionary interest set forth hereinabove under "Easement Purpose".

Consideration: Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are acknowledged by Grantor.

Grant of Easement: Grantor, for the Consideration and subject to the Reservations from Conveyance, grants, sells, and conveys to Grantee and Grantee's successors and assigns for the Easement Purpose and no other, and for the benefit of the Dominant Estate Property, together with all and singular the rights and appurtenances thereto in any way belonging (collectively the "nonexclusive, appurtenant Aerial Easement") to have and to hold the Aerial Easement to Grantee and Grantee's successors and assigns forever. Grantor binds Grantor and Grantor's successors and assigns against every person whomsoever lawfully claiming or to claim the Easement over or any part thereof, to the extent that such claim arises by, through or under Grantor but not otherwise.

IN WITNESS WHEREOF, this instrument is executed this ____ day of _____, 2019.

GRANTOR:
CITY OF SAN ANGELO

ATTEST:

By: _____
Daniel Valenzuela, City Manager

Julia Antilley, City Clerk

STATE OF TEXAS §
COUNTY OF TOM GREEN §

This instrument was acknowledged before me on the ____ day of _____, 2018, by **DANIEL VALENZUELA**, City Manager of the City of San Angelo, a Texas home rule municipal corporation, on behalf of said corporation by authority of its governing body.

Notary Public, State of Texas

ACCEPTED:

GRANTEE:
RICKY VILLARREAL

BY: _____
RICKY VILLARREAL

STATE OF TEXAS §
COUNTY OF TOM GREEN §

This instrument was acknowledged before me this _____ day of _____
2018, by RICKY VILLARREAL, personally known to me (or proved to me on the basis of
satisfactory evidence), to be the persons whose names are subscribed to the foregoing instrument
and each acknowledged to me that he/she executed the same for the purposes and considerations
therein expressed.

Notary Public, State of Texas



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Sherry Bailey, Sr. Planner, Planning and Development Services,

Meeting Date: April 1, 2019

Item type: Regular Item

Caption:

Second reading of an ordinance approving case Z19-02, a rezoning from the Single Family Residential District (RS-1) to the General Commercial District (CG) on four lots located west of the intersection of La Follette St. and Lowrie Ave. (Jon James)

Summary/History:

The applicant, Mr. Vasquez, has applied for a rezoning from Single-Family Residential (RS-1) to General Commercial (CG). The existing four lots are 25 ft. by 130 ft. The applicant wants to build a large personal storage building for his cars and RV. These lots front on La Follette and beyond that the Houston Harte Expressway. The Vision Plan has this entire half block area fronting on La Follette as commercial with the second half of the blocks as Transitional buffering the Residential Single Family (RS-1) to the north.

Financial Impact:

N/A

Other Information/Recommendation:

The Planning Commission voted 6 - 0 to recommend that the City Council approve the rezoning request in Z19-02 from Single Family-1 (RS-1) to General Commercial (CG).

Attachments:

- | | | |
|----|------------------------|-----------------------------|
| 1. | Z19-02 Staff Report CC | Z19-02 Staff Report CC.docx |
| 2. | Ordinance (Z19-02) | Ordinance (Z19-02).docx |

Presentation:

Jon James

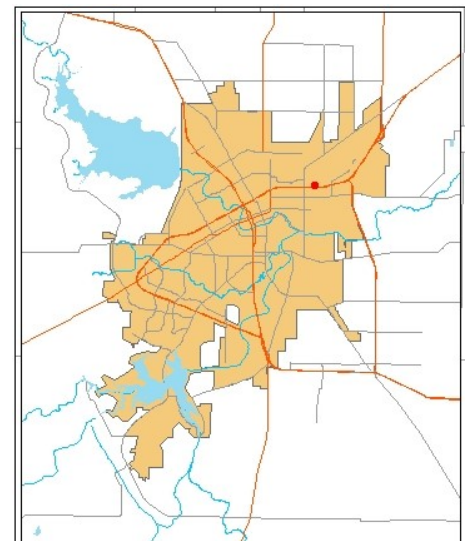
Approvals/Reviews:

Sherry Bailey	Created/Initiated
Jon James	Approved
Theresa James	Approved
Anthony Wilson	Approved
Jon James	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Julia Antilley	Final Approval

CITY COUNCIL – March 19, 2019
STAFF REPORT



APPLICATION TYPE:		CASE:	
Rezoning		Z19-02: Vasquez	
SYNOPSIS:			
The applicant has applied for a rezoning from Single-Family Residential (RS-1) to General Commercial (CG). The existing four lots are 25 ft. by 130 ft. The applicant wants to build a large personal storage building for his cars and RV. These lots front on LaFollette and beyond that the Houston Harte Expressway. The Vision Plan has this entire half block area fronting on LaFollette as commercial with the second half of the blocks as Transitional buffering the Residential Single Family (RS-1) to the north.			
LOCATION:		LEGAL DESCRIPTION:	
Four lots located west of the intersection of La Follette Street and Lowrie Ave.		Being .03 acres, lots 37, 38, 39 and 40; Block 13, Avondale Addition, City of San Angelo, Tom Green County, Texas.	
SM DISTRICT / NEIGHBORHOOD:		ZONING:	FUTURE LAND USE:
SMD District #4 – Lucy Gonzales Neighborhood: Paulann		RS-1 Single Family Residential	C - Commercial
			SIZE:
			13,000 sq. ft.
THOROUGHFARE PLAN:			
La Follette Street Urban Local Street Provided: 50' right-of-way, 40' pavement or 36' pavement with no sidewalk Lowrie Ave. Urban Local Street Provided: 50' right-of-way, 40' pavement or 36' pavement with no sidewalk			
NOTIFICATIONS:			
11 notifications mailed within 200-foot radius on February 4, 2019. One received in opposition			
STAFF RECOMMENDATION:			
The Planning Commission recommended Approval of the requested rezoning from RS-1 to GC at their February 18, 2019 meeting with a 6 – 0 vote.			
PROPERTY OWNER/PETITIONER:			
Victor Vasquez – Property Owner			
STAFF CONTACT:			
Sherry Bailey Principal Planner (325) 657-4210, Extension 1546 sherry.bailey@cosatx.us			



Additional Information: The applicant wants to build a large storage building for his personal storage of vehicles and a RV. He will also have a personal office area within the building and a restroom. In the future he may sell the building for a General Commercial use.

Rezoning: Section 212(G) of the Zoning Ordinance requires that the Planning Commission and City Council consider, at minimum, seven (7) factors in determining the appropriateness of any rezoning request:

1. **Compatible with Plans and Policies.** **Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.** The subject property has a Future Land Use of Commercial. The request is in keeping with the Vision Plan for San Angelo.
2. **Consistent with Zoning Ordinance.** **Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.** Immediately north of this property the zoning is Manufactured Housing Subdivision (MHS). Single Family Residential (RS-1) zoning exists on the blocks to the east and west. However, most of the property along La Follette which is adjacent to the Houston Harte Expressway is not developed. Generally single family homes do not choose to build along a major freeway area. Providing Commercial zoning as called for in the Vision Plan provides a buffer for the residential property behind this area and allows the land to be used for its highest and best use.
3. **Compatible with Surrounding Area.** **Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.** As you look at the zoning to the east and west of this small area that is still zoned residential, commercial, mobile home, office, multiple family and heavy commercial zoning has already been designated along Houston Harte.
4. **Changed Conditions.** **Whether and the extent to which there are changed conditions that require an amendment.** This area is sparsely developed and until the zoning is changed to match the Future Land Use it will likely remain undeveloped.
5. **Effect on Natural Environment.** **Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.** There is no anticipated environmental impacts as a result of this zone change.
6. **Community Need.** **Whether and the extent to which the proposed amendment addresses a demonstrated community need.** The applicant is building for his own use.
7. **Development Patterns.** **Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.** The requested zone change is anticipated to have no impact on the pattern of urban development in this area.

Planning Commission minutes 2-18-2019

Z19-02: Vasquez

Public hearing and consideration of a request for approval of a rezoning from the Single-Family Residential (RS-1) Zoning District to the General Commercial (CG) Zoning District, located northwest of Lowrie Avenue and La Follette Street, being Lots 37, 38, 39, and 40 in Block 13 of the Avondale Addition.

Sherry Bailey, Senior Planner, presented the proposed Rezoning. She explained that the applicant is requesting General Commercial (CG) zoning to allow him to build a storage unit for personal use, and in future retail uses.

Ms. Bailey outlined Staff's rationale to approve the Rezoning on the grounds that the CG zone would be compatible with the Commercial Future Land Use designation; that the combined square footage will meet the CG zone requirements; that the commercial zoning will act as a buffer for residences to the north; and that development patterns will be handled by direct access to the frontage road to the expressway.

Chair Stribling opened the meeting for public comment.

Ms. Sherian Urena, a property owner within the notification area, expressed opposition to the request. She cited the possibility of crime and traffic congestion as the properties abut a one-way street, requiring commercial traffic to drive through the residential area to get to the site.

Commissioner Brooks asked where the curb cut would be for the new development.

Ms. Bailey responded that the curb cut would be on the side street, Lowrie Avenue.

Victor Vasquez, the applicant, explained his intent to build a storage unit on the property. He indicated that he does not anticipate crime and as a former police officer, expressed that he would ensure the site would be patrolled.

Chair Stribling closed public comment.

Commissioner Jackson asked if the CG zoning was required for storage.

Ms. Bailey confirmed that storage units are allowed in the CG zone.

Commissioner Brooks asked Ms. Urena if she was comfortable with the rezoning now that she understood what will be built.

Ms. Urena responded she was not.

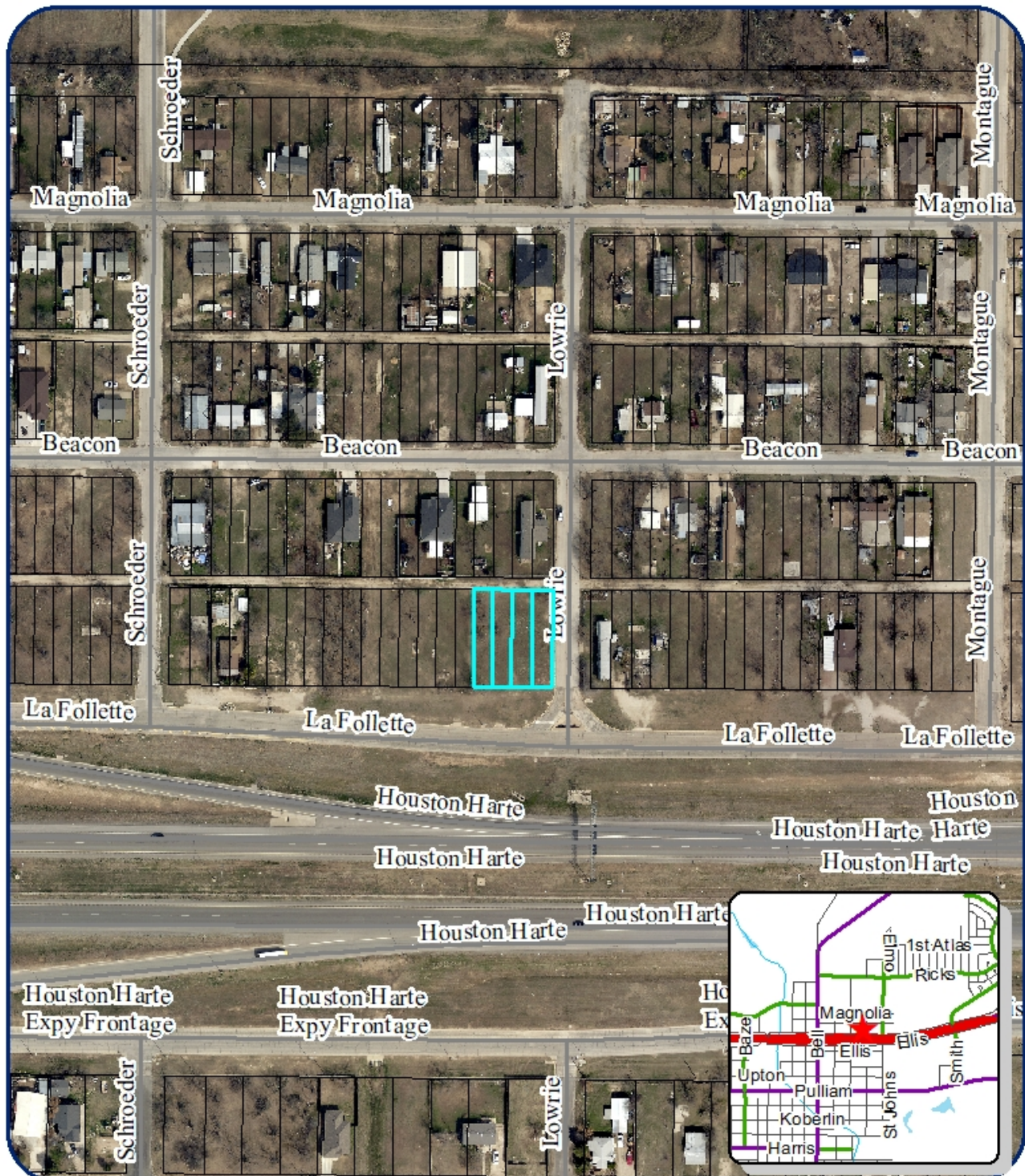
Commissioner Jackson made a Motion to recommend APPROVAL of a Rezoning from the Single-Family Residential (RS-1) Zoning District to the General Commercial (CG) Zoning District on the subject properties. Commissioner Smith seconded the motion. The motion PASSED unanimously 6-0.

Recommendation:

The Planning Commission recommends the City Council **APPROVE** the proposed rezoning from Single-Family Residential (RS-1) Zoning District to General Commercial (CG).

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Photographs
Notification Map
Application
Applicant's Response to Zoning Criteria



Aerial Map

ZC 19 - 02 Vasquez

Council District: Lucy Gonzales District 4

Neighborhood: Paulann

Scale: 1" approx. = 170 ft

Lots 37, 38, 39, 40 Blk. 13 Avondale Add.

Legend

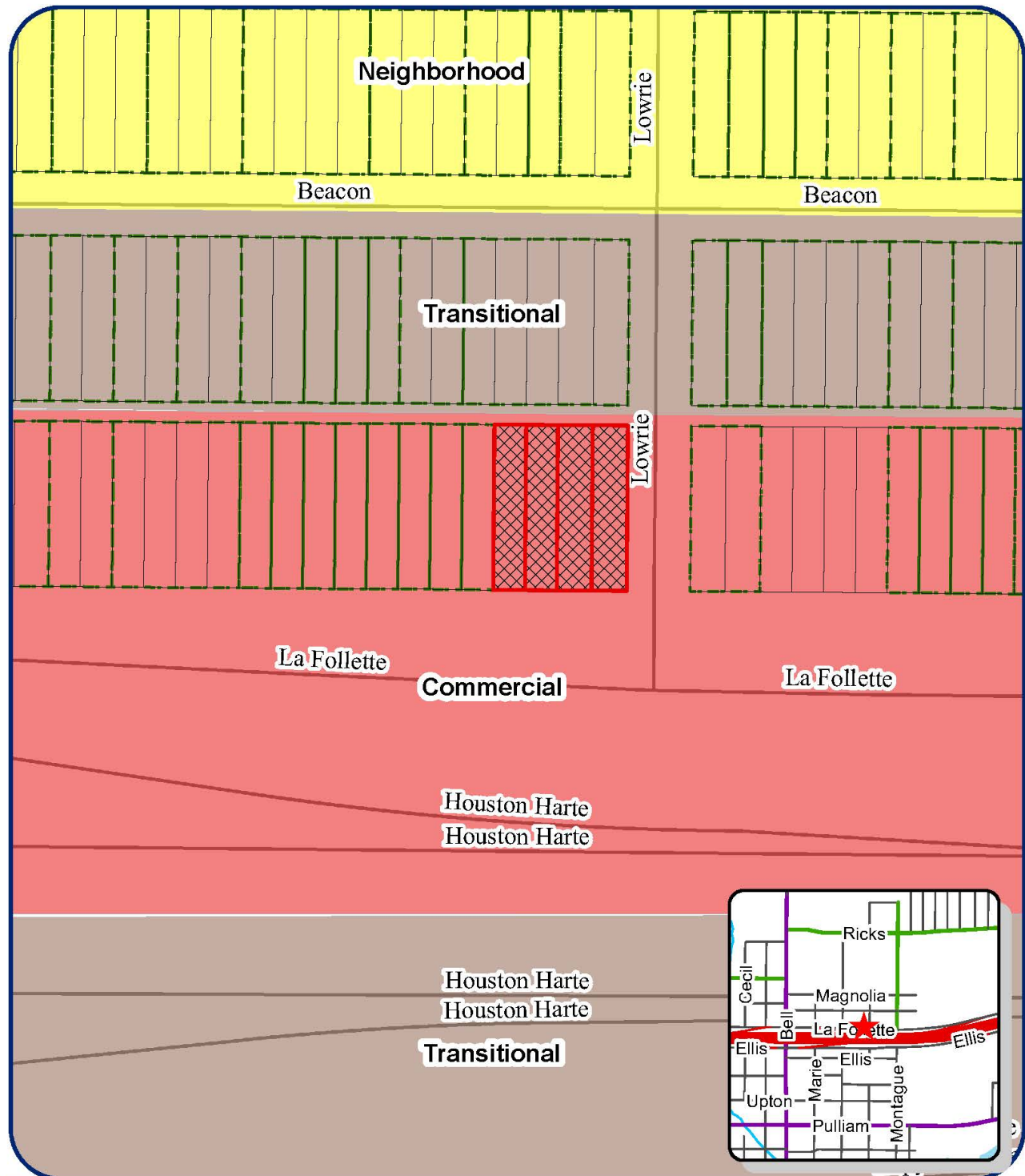
Subject Properties:

Current Zoning: Single-Family Residence District (RS-1)

Requested Zoning Change: General Commercial (CG)

Vision: Commercial





Future Land Use Map

ZC 19 - 02 Vasquez

Council District: Lucy Gonzales District 4

Neighborhood: Paulann

Scale: 1 " approx. = 100 ft

Lots 37, 38, 39, 40 Blk. 13 Avondale Add.

Legend

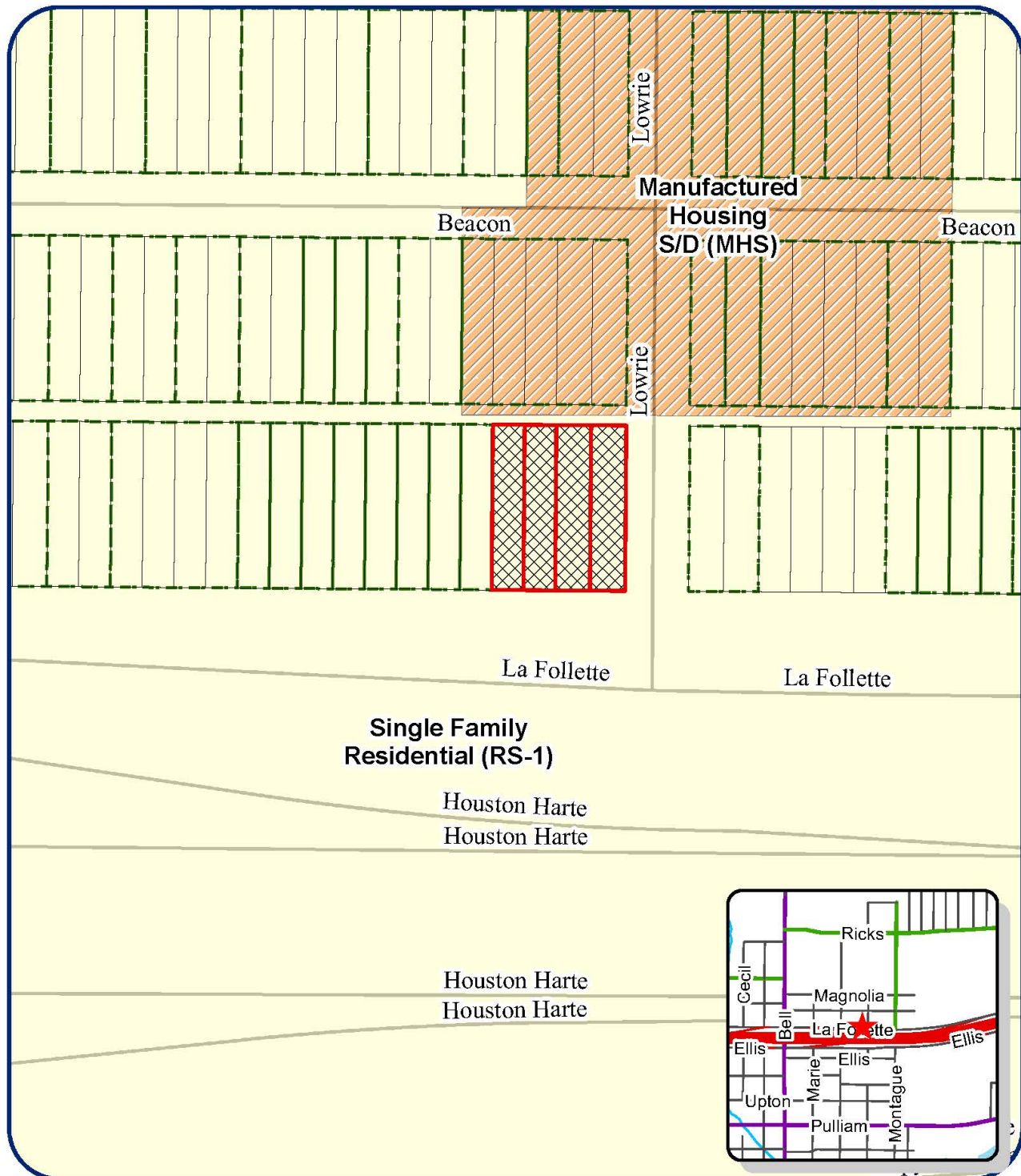
Subject Properties: —

Current Zoning: **Single-Family Residence District (RS-1)**

Requested Zoning Change: **General Commercial (CG)**

Vision: **Commercial**





Future Land Use Map

ZC 19 - 02 Vasquez

Council District: Lucy Gonzales District 4

Neighborhood: Paulann

Scale: 1" approx. = 100 ft

Lots 37, 38, 39, 40 Blk. 13 Avondale Add.

Legend

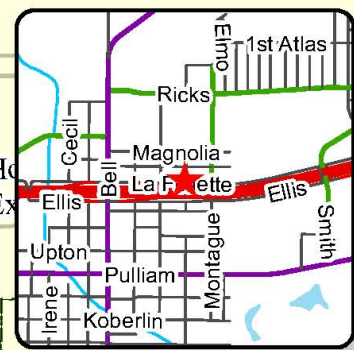
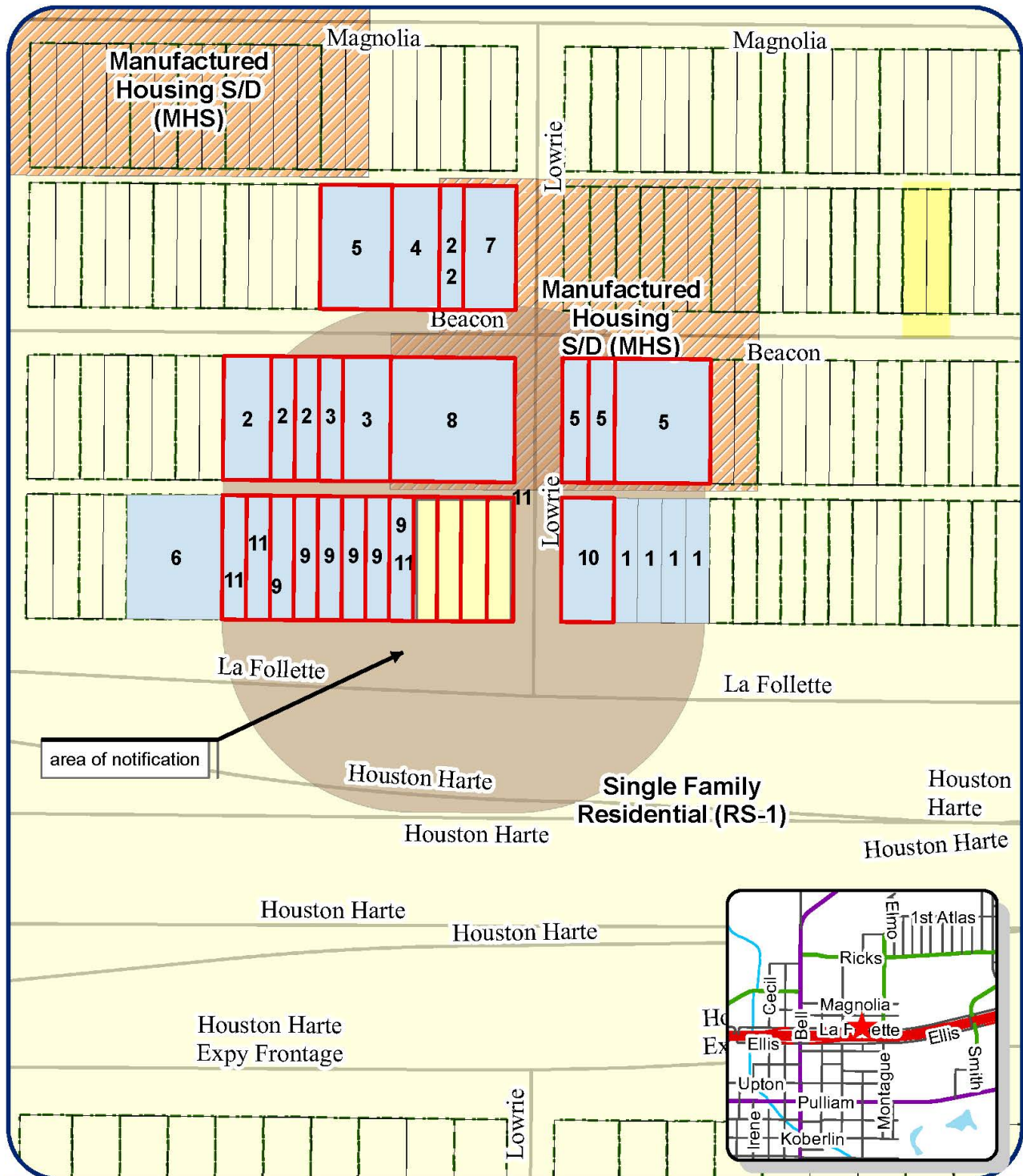
Subject Properties: —

Current Zoning: **Single-Family Residence District (RS-1)**

Requested Zoning Change: **General Commercial (CG)**

Vision: **Commercial**





Notification map

ZC 19 - 02 Vasquez

Council District: Lucy Gonzales District 4
 Neighborhood: Paulann
 Scale: 1" approx. = 133 ft

Lots 37, 38, 39, 40 Blk. 13 Avondale Add.

Legend

Subject Properties:
 Current Zoning: **Single-Family Residence District (RS-1)**
 Requested Zoning Change: **General Commercial (CG)**
 Vision: **Commercial**





Looking west at the corner property to be rezoned



The four lots listed in the rezoning request



Posted Zoning Request notice sign.



Looking east across Lowrie Ave.



Looking south at Houston Harte Expressway across La Follette St.

City of San Angelo, Texas
Planning Division

Application for Approval of a ZONE CHANGE

Name of Applicant(s): Victor Vasquez

XX Owner – Authorized Representative (Affidavit required)

Mailing Address: PO Box 5883 Telephone: 325.939.1098

City/State/Zip: San Angelo Tx 76902 Fax/other: _____

Subject Property Address and/or Location*: _____

Legal Description*:

Lot 37, 38, 39,40; Blk 13; Avondale addition.

Lot Size: 25'x130' Zoning: RS1

Existing Use of Property: Empty Lot

Proposed Use of Property: Add Building to conform to new Zoning

Requested Zone Change: CG

* use attachment, if necessary

I/We the undersigned acknowledge that the information provided above is true and correct.

Signature [Signature] Date 1-18-19

NOTE: Please also read information and sign on back of page.

OFFICE USE ONLY

Case no.: Z 19 - 02 L R M Date of application: 1-18-19

Received by: _____ -walk-in - by mail

Nonrefundable application fee: \$ 625 Date paid: 1-18-19

Sign deposit: \$ _____ Date paid: _____

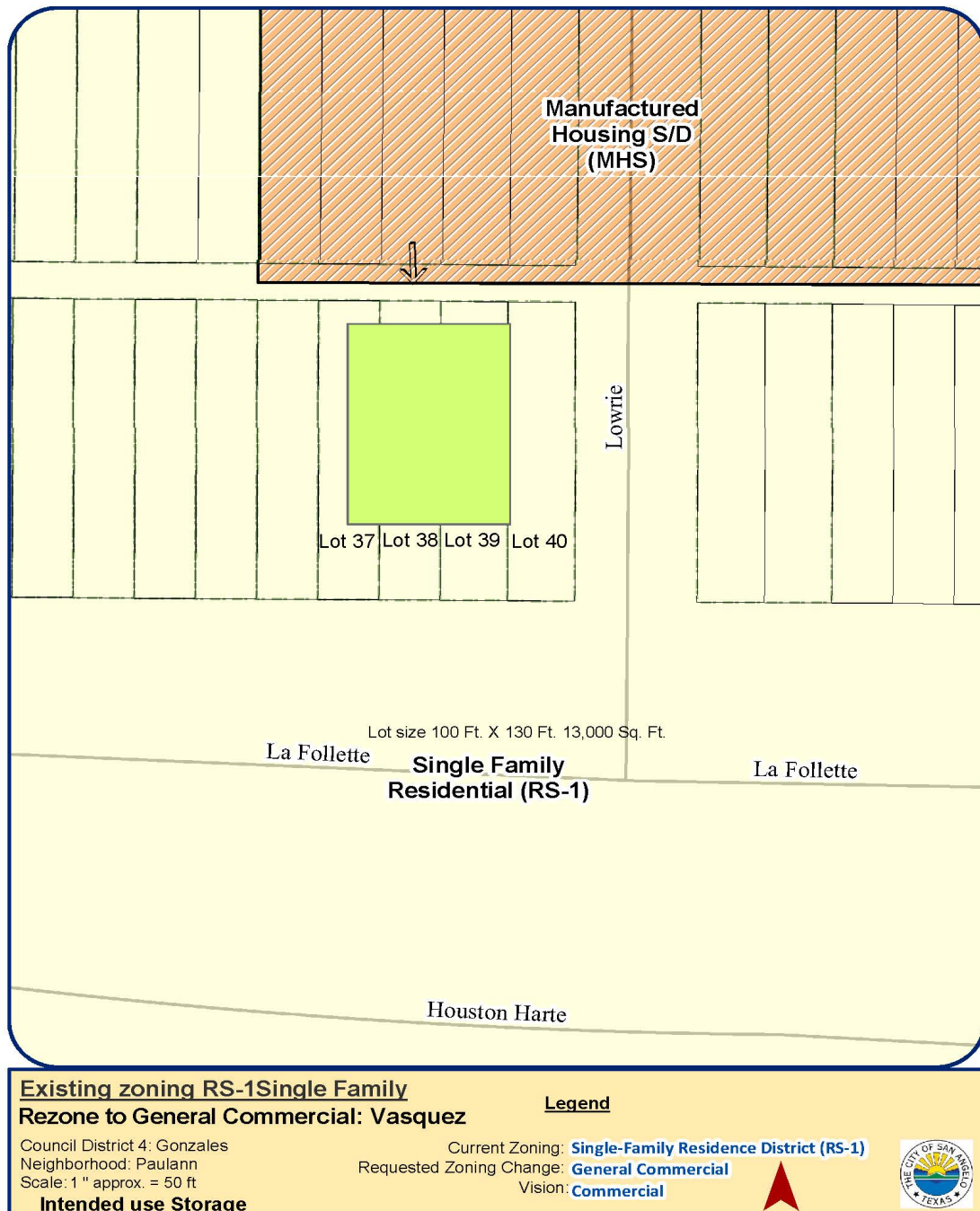
Affidavit attached? – yes – no – N/A Applicant's signature on information sheet? –

Previous Zone Change Inquiry? – yes – no If yes, ZCI case no.: _____

River Corridor Commission? – yes – no If yes, RCC meeting date: _____

Planning Commission hearing date: 2/18/19 Date notifications due: 2/3/19

City Council hearing date: 3/19/19 Packets due date: _____ Publication date: _____



AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO, TEXAS, WHICH ADOPTS ZONING REGULATIONS, USE DISTRICTS AND A ZONING MAP, IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING PROPERTY, **.03 acres in the NW quadrant of the LaFollette Street and Lowrie Avenue intersection**; FROM THE SINGLE FAMILY 1 RESIDENTIAL (RS-1) ZONING DISTRICT TO THE GENERAL COMMERCIAL (CG) ZONING DISTRICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE

RE: Z19-02: Vasquez

WHEREAS, the Planning Commission for the City of San Angelo in compliance with the City Charter, City ordinance and state law, and after holding a public hearing thereon, caused to be prepared and delivered a report and recommendation to City Council to approve the proposed General Commercial (CG) Zoning District and,

WHEREAS, on the 19th day of March, 2019, City Council held a public hearing on Z19-02, pursuant to published notice, and has considered the application, comments, reports and recommendations of the Planning Commission and staff, public testimony, and other relevant support materials;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SAN ANGELO:

SECTION 1: The basic zoning ordinance for the City of San Angelo, as enacted by the governing body for the City of San Angelo effective January 4, 2000, and included within Exhibit "A" of Chapter 12 of the Code of Ordinances of the City of San Angelo, and zoning map be and the same are hereby amended to designate the following described property permanently zoned GENERAL COMMERCIAL (CG) ZONING DISTRICT;

The real property generally located at NW of the intersection of LaFollette Street and Lowrie Ave., being Lots 37, 38, 39 and 40, in Block 13 in the Avondale Addition, City of

San Angelo, Tom Green County, Texas, comprising 0.03 acres, shall henceforth be permanently zoned as follows: General Commercial (CG) Zoning District.

SECTION 2: The Director of the Planning & Development Department, or his/her designee, is hereby directed to correct zoning district maps in the office of the Planning & Development Department, to implement the zoning provision adopted herein, as further depicted on **Exhibit “A”** of this Ordinance (“CG” Boundary Map).

SECTION 3: In all other respects, the use of the hereinabove described property shall be subject to all applicable regulations contained in Chapter 12 of the Code of Ordinances for the City of San Angelo, as amended.

SECTION 4. The remaining provisions of Chapter 12 of the Code of Ordinances of the City of San Angelo, Texas, not amended under Sections 1 and 2 of this Ordinance shall remain in full force and effect.

SECTION 5 The terms and provisions of this Ordinance shall be deemed to be severable in that, if any portion of this Ordinance shall be declared to be invalid, the same shall not affect the validity of the other provisions of this Ordinance.

SECTION 6: This Ordinance shall be effective on, from and after the date of adoption.

INTRODUCED with public hearing on the **19th day of March, 2019**, and finally
PASSED this the **1st day of April, 2019**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

ATTEST:

APPROVED AS TO FORM:

Julia Antilley, City Clerk

Theresa James, City Attorney

Exhibit "A" (CG Boundary Map)



Zoning Case

Z19-02: Vasquez

Council District: Lucy Gonzales (SMD#4)

Neighborhood: Paulann

Scale: 1" approx. = 186 ft

Subject Property: La Follette St. and Lowrie Ave.

Legend:

Subject Properties:

Current Zoning:

Requested Zoning:

Vision:

RS-1

CG

Commercial



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Sherry Bailey, Sr. Planner, Planning and Development Services,

Meeting Date: April 1, 2019

Item type: Regular Item

Caption:

Second reading of an ordinance approving case PD19-03, a rezoning from Single Family Residential District (RS-1) to a Planned Development (PD) Zoning District on an unaddressed tract located south of the intersection of Merrick St. and Canadian St. to allow for single-family homes to be built covering up to 50% of the lot instead of the normal limit of 40% (Jon James)

Summary/History:

The applicant, Mr. Aguero, is requesting a Planned Development Zoning District with the underlying zoning being Residential Single Family (RS-1) with the Floor Area Ratio being set at 0.50. This allows the applicant to build larger single family homes on individual lots that can cover up to 50% of the lot, compared to the normal limitation of 40%.

Financial Impact:

N/A

Other Information/Recommendation:

At their February 18, 2019 meeting the Planning Commission voted 6 - 0 to recommend that the City Council approve the Z19-02 rezoning.

Attachments:

- | | |
|----------------------------|------------------------------|
| 1. CC staff report PD19-03 | CC staff report PD19-03.docx |
| 2. Ordinance (PD19-03) | Ordinance (PD19-03).docx |

Presentation:

Jon James

Approvals/Reviews:

Sherry Bailey	Created/Initiated
Jon James	Approved
Theresa James	Approved
Anthony Wilson	Approved
Jon James	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Julia Antilley	Final Approval

CITY COUNCIL – MARCH 19, 2019
STAFF REPORT



APPLICATION TYPE:	CASE:		
Rezoning	PD19-03: Aguero		
SYNOPSIS:			
The applicant has applied for a rezoning request from the Single-Family Residential (RS-1) to Two Family Residential District (RS-2). At the Planning Commission meeting on January 28, 2019 a compromise was reached between the applicant, the Planning Commission and the neighbors. The applicant is now requesting a Planned Development with the underlying zoning being Residential Single Family (RS-1) with the Floor Area Ratio being set at .50. This allows the applicant to build larger single family homes on individual lots and to utilize the greater floor area ratio standards of 0.50 while still only allowing single-family homes.			
LOCATION:		LEGAL DESCRIPTION:	
An unaddressed tract located south of the intersection of Merrick Street and Canadian Street.		Being 3.353 acres out of and part of that certain 10.872-acre tract described and recorded by deed and recorded as Instrument No. 616893. (Trinity West Section Three)	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #2 – Tommy Hiebert Neighborhood: Country Club	RS-1 Single Family Residential	N - Neighborhood	3.353 acres
THOROUGHFARE PLAN:			
Twin Mountain Drive – Urban Arterial Street Required: 80' right-of-way, 64' pavement Provided: 100' right-of-way, 64' pavement Merrick Street (Proposed Extension)– Urban Local Street Required: 50' right-of-way, 40' pavement or 36' pavement with a 4-foot sidewalk Provided: 50' right-of-way, 40' pavement or 36' pavement with a 4-foot sidewalk required			
NOTIFICATIONS:			
45 notifications mailed within 200-foot radius on February 4, 2019. Zero received in support at this time.			
STAFF RECOMMENDATION:			
The Planning Commission recommended APPROVAL of the rezoning from Single-Family Resentence (RS-1) Zoning District to Planned Development with the underlying zoning remaining Residential Single Family (RS-1) but a greater 0.50 Floor Area Ratio being allowed with a 6 – 0 unanimous vote.			
PROPERTY OWNER/PETITIONER:			
Danny Aguero Sierra Vista Construction			
STAFF CONTACT:			
Sherry Bailey Principal Planner (325) 657-4210, Extension 1546 sherry.bailey@cosatx.us			



Additional Information: At the January 28, 2019 Planning Commission meeting a consensus was reached between the Planning Commission, the neighbors, the applicant to apply for Planned Development with the underlying zoning to be RS-1 but the allowable Floor Area Ratio to be revised to the greater .50 of lot coverage. This was the reason for the original request and addresses the protections the neighbors were requesting.

Rezoning: Section 212(G) of the Zoning Ordinance requires that the Planning Commission and City Council consider, at minimum, seven (7) factors in determining the appropriateness of any rezoning request:

1. **Compatible with Plans and Policies.** **Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.** The subject property has a Future Land Use Neighborhood designation. The primary factor in the description of a quality neighborhood is a stable diverse housing area that attracts and retains long-term residents that ensure the City's residential quality and economic vitality. This area has a good balance of single family, low profile multiple family, a school, commercial and open space area. This area is already has an approved plat with lot sizes which only allow single family structures.
2. **Consistent with Zoning Ordinance.** **Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.** The RS-1 Single Family Residential District with the .50 lot coverage is compatible with the existing residential district. The basic difference is the floor area ratio with lot coverage in RS-1 being .40 and allowing the .50 FAR which is slightly more dense.
3. **Compatible with Surrounding Area.** **Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.** As stated above, this area is zoned RS-1 with the proposed Planned Development allowing slightly different density within this area. The intended use, lot size requirements and setbacks remain the same. The only difference in this case being the denser lot coverage.
4. **Changed Conditions.** **Whether and the extent to which there are changed conditions that require an amendment.** The only changed condition is the request by the applicant to be allowed to build larger single family homes on the same size lot which requires a higher Floor Area Ratio.
5. **Effect on Natural Environment.** **Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.** There is no anticipated environmental impacts as a result of this zone change. The use is essentially the same and all of the original environmental/drainage plans are only minimally affected by the larger home construction.
6. **Community Need.** **Whether and the extent to which the proposed amendment addresses a**

demonstrated community need. The applicant believes there is a demonstrated need for the larger homes based on the requests he has received and the interest from prospective buyers.

7. **Development Patterns.** **Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.** The requested zone change is anticipated to have no impact on the pattern of urban development in this area.

Planning Commission minutes 2-18-2019

Z19-01 (PD19-03): Aguero

Public hearing and consideration of a request for approval of a rezoning from the Single-Family Residential (RS-1) Zoning District to the Planned Development (PD19-03) Zoning District with an underlying Single-Family Residential (RS-1) Zoning with a maximum floor area ratio of 50% to allow larger single-family homes on individual lots, located west of Tarin Street and north of Twin Mountain Drive on a 3.353-acre unaddressed tract described by deed and recorded as Instrument No. 616893, O.P.R., Tom Green County, Texas.

Sherry Bailey, Senior Planner, presented the proposed Rezoning. She explained that this case was reviewed last month as Z19-01 and tabled to allow the request to be brought forward as a Planned Development (PD) rezoning instead of RS-2. Ms. Bailey explained that the PD would allow the increased floor area ratio (FAR) of 50% without having to rezone the properties to RS-2. She explained that 45 notices were mailed and there was only one response received in opposition expressing concerns about a two-story home. Ms. Bailey explained however, that a two-story home is already allowed in the RS-1 Zoning District. Ms. Bailey reiterated Staff's recommendation of approval has not changed since the previous month, and supports the increased floor area ratio (FAR) through a PD Rezoning.

Chair Stribling opened the meeting for public comment.

One of the owners and applicants, Mr. Austin Aguero, explained he has no intention to build two-story homes on the properties. He indicated that he did not believe there would be any negative impacts on surrounding properties.

Commissioner Brooks asked Mr. Aguero for specifics on what he plans to build on the properties.

Mr. Aguero responded that he plans to build larger single-family homes but have no intent to make these two-story homes.

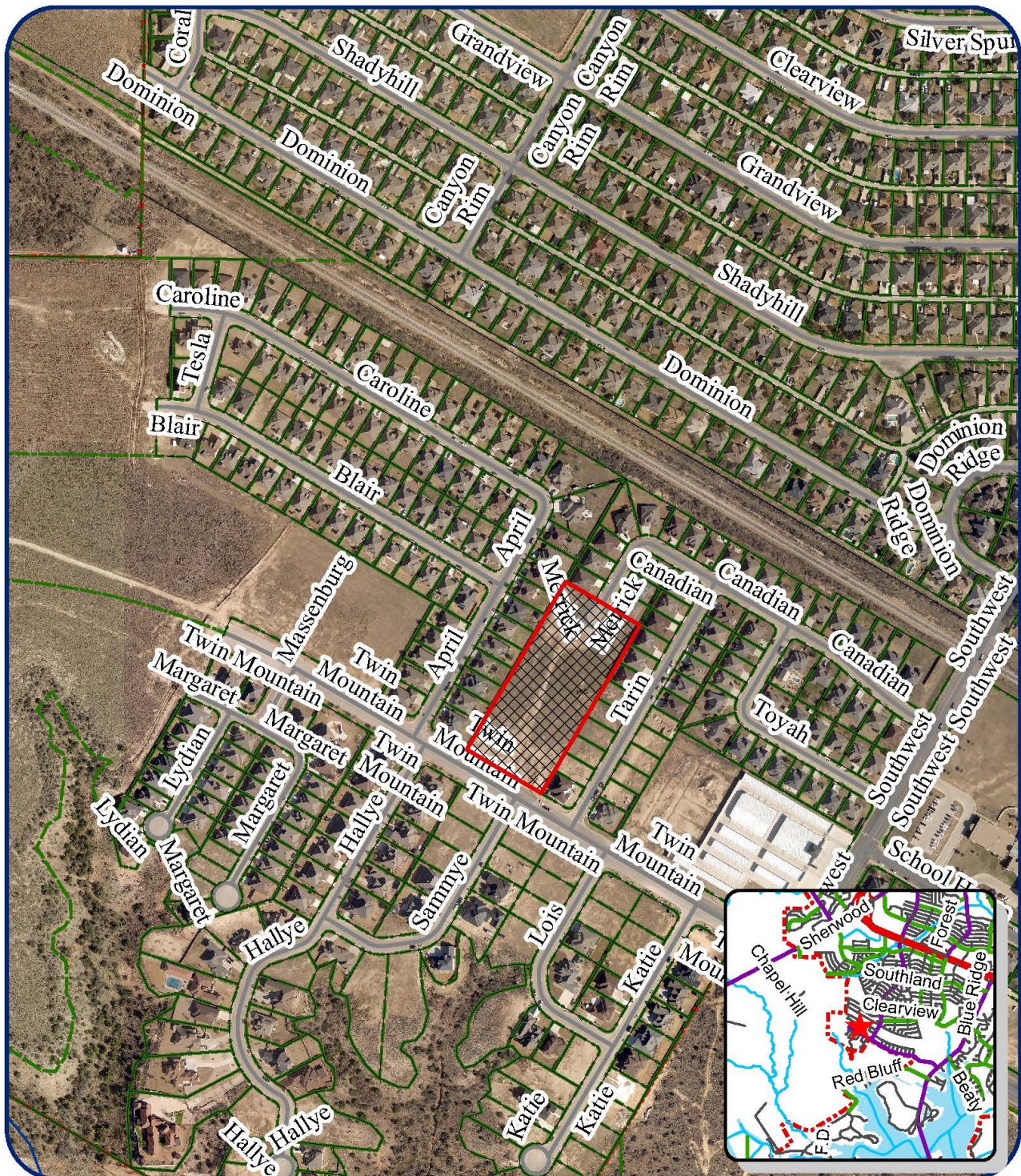
Commissioner Jackson made a Motion to recommend APPROVAL of a Rezoning from the Single-Family Residential (RS-1) Zoning District to the Planned Development (PD19-03) Zoning District with an underlying Single-Family Residential (RS-1) Zoning with a maximum floor area ratio of 50% to allow larger single-family homes on individual lots. Commissioner Smith seconded the motion. The motion PASSED unanimously 6-0.

Recommendation:

The Planning Commission recommended that City Council **APPROVE** the proposed rezoning from the Single-Family Residential (RS-1) Zoning District to the Planned Development Zoning District (PD), on the subject property with the underlying zoning being the RS-1 and the only change being the greater Floor Area Ratio of .50 with a 6 – 0 vote.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Existing Approved Administrative Variances for FAR
Photographs
Notification Map
Resident Letters
Application
Applicant's Response to Zoning Criteria



Aerial Map

Z19-01: Aguero

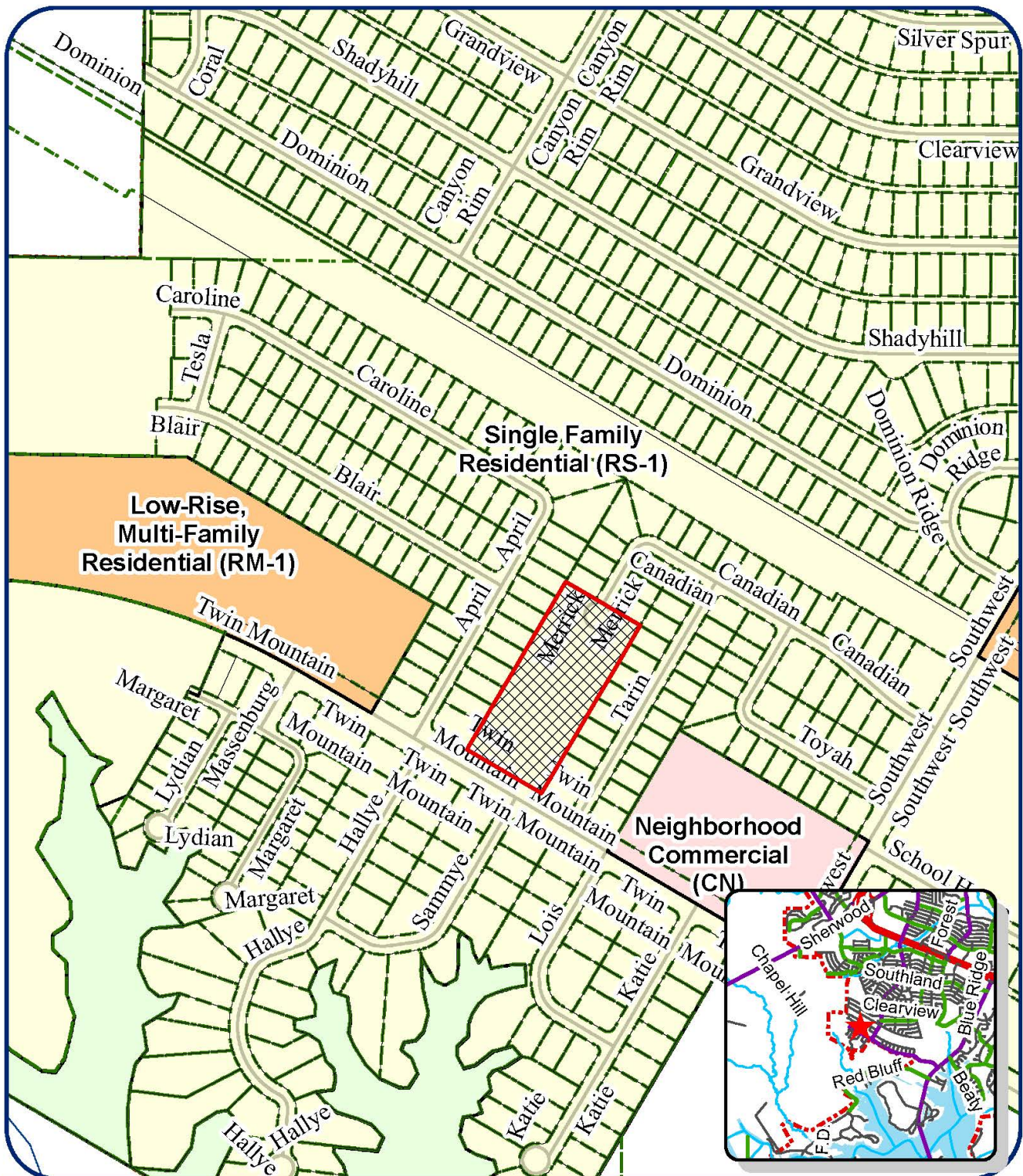
Council District: Tommy Hiebert District 1
Neighborhood: Country Club
Scale: 1" approx. = 375 ft

South Canadian St. & Merrick Ave.

Legend

Subject Properties:
Current Zoning: **Single-Family Residence District (RS-1)**
Requested Zoning Change: **Two Family Residential (RS-2)**
Vision: **Neighborhood**





Existing Zoning

Z19-01: Aguero

Council District: Tommy Hiebert District 1
 Neighborhood: Country Club
 Scale: 1" approx. = 375 ft

South Canadian St. & Merrick Ave.

Legend

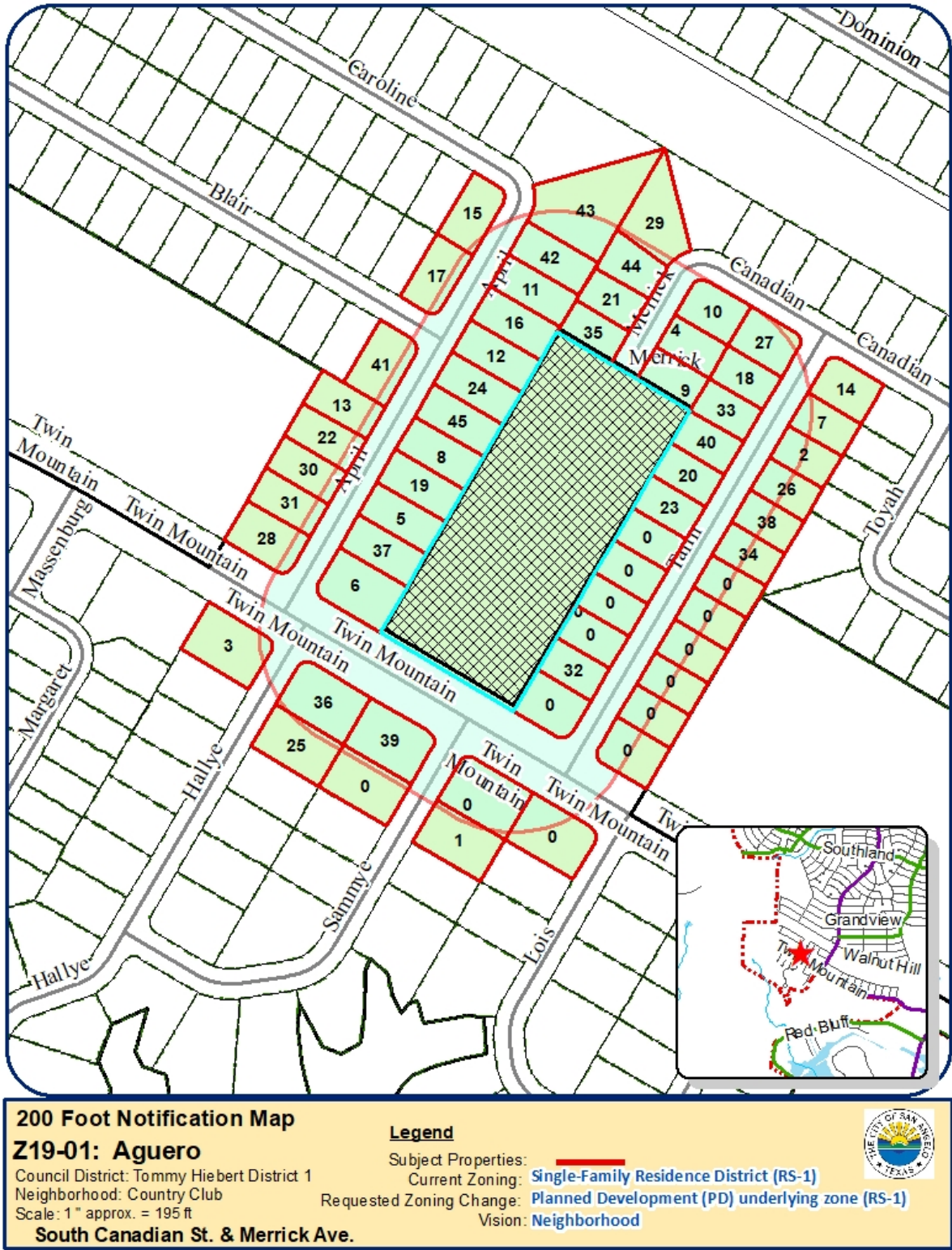
Subject Properties:
 Current Zoning: **Single-Family Residence District (RS-1)**
 Requested Zoning Change: **Two Family Residential (RS-2)**
 Vision: **Neighborhood**



Existing Approved Administrative Variances for FAR



Notification Map of Property



Effective January 3, 2017

City of San Angelo, Texas – Planning Division 52 West College Avenue Application for Approval of a Zone Change	
Section 1: Basic Information	
Name of Applicant(s): <u>Denny Agüero</u>	
☒ Owner ☐ Representative (Notarized Affidavit Required)	
Mailing Address: <u>8946 Terin St.</u>	City: <u>San Angelo</u> State: <u>TX</u> Zip Code: <u>76904</u>
Contact Phone Number: <u>(325) 212-9257</u>	Contact E-mail Address: <u>sternvistacontraction@live.com</u>
Subject Property Address: <u>Trinity West Subdivision Sections 3</u>	City: <u>San Angelo</u> State: <u>TX</u> Zip Code: <u>76904</u>
Legal Description (can be found on property tax statement or at www.tamarencad.com)	
Existing Zoning: <u>RS-1</u> Proposed Zoning: <u>RS-2</u> Lot size: <u>62X102 - 78.73X102</u>	
(Zoning Map available on City Maps)	
Section 2: Site Specific Details	
Existing Use of Property: <u>Single Family</u>	
*Proposed Use of Property: <u>Single Family</u>	
*Use separate attachment if necessary	
Section 3: Applicant(s) Acknowledgement (By checking the boxes you indicate that you understand below rules and regulations for the Planning Commissions case.)	
☒ An application for a zone change on a property may only be made by the owner of that property, an authorized representative of the property owner, the Planning Director, the Planning Commission or City Council. An authorized representative shall present a notarized affidavit from the property owner;	
☒ No application will be processed if a zoning violation exists on the property, unless such processing is authorized by City Council. Use of the subject property for any new activity (not allowed by present zoning) cannot occur before City Council's approval of the requested zone change. Any such unauthorized use of the subject property is subject to prosecution in Municipal Court.	
☒ If approved, a zone change is applied to the property, not the property owner.	
☒ The Planning Commission makes recommendations to City Council. If the Planning Commission recommends approval of a zone change request, the case must still go before City Council for final action.	
☒ If a zone change request is granted by City Council, permits for building construction and/or utility connection may be obtained from the City's Permits and Inspections Department.	
☒ Certain minimum building setbacks from some or all property lines must be maintained, and room for a minimum number of off-street parking spaces must be reserved on a subject property, based on that property's zoning classification and the nature of its proposed use. A privacy fence may also be required between more restrictive and less restrictive zoning districts. These requirements are outlined in San Angelo's Zoning Ordinance. It is to the applicant's benefit to make sure that any proposed development will fit onto the subject property, in compliance with these and other applicable requirements of the City's Code of Ordinances.	
☒ One or more notice sign(s) will be placed on the subject property by the Planning Department. However, it is the applicant's responsibility to ensure that the notice sign(s) has/have been posted at least ten (10) days prior to the Planning Commission meeting. If notice sign(s) is/are not posted accordingly, City Council may delay a request. The Planning Department will also notify, in writing, owners of property within 200-feet of the subject property of the zone change request.	
☒ If the Planning Commission recommends denial of a request, the applicant will have ten (10) days to appeal this decision, in writing, to the City Council. If an appeal is made within three (3) days from the Planning Commission meeting, no re-notification fee will be required. Otherwise, there will be a nonrefundable \$35 fee to re-notify owners of nearby property of City Council's public hearing date. If Planning Commission's recommendation of denial is not appealed, it will be the final action on a request.	

Effective January 3, 2017

Section 3 continued : Applicant(s) Acknowledgement

☒ The applicant or an authorized representative should attend public hearing(s) pertaining to his/her request, prepared to present his/her case and to answer any relevant questions from Planning Commission or City Council members.

I/We the undersigned acknowledge that the information provided above is true and correct.

Danny Agüero

Signature

Serra Vista Construction Inc.

Company/Organization (If Applicable)

12/20/2018

Date

Representative Name (Print)

Signature

Company/Organization

Date

FOR OFFICE USE ONLY:

☐ Verified Complete ☐ Verified Incomplete

Date of Application: ____/____/____

Case No.: Z ____-____

Fully-dimensioned site plan: ☐

Nonrefundable fee: \$ ____

Receipt #: ____ Date paid: ____/____/____

Sign Deposit \$37.50

Receipt #: ____ Date paid: ____/____/____

Affidavit attached? ☐ Yes ☐ No ☐ N/A Applicant's signature on information sheet? ☐ Yes ☐ No

Previous Zone Change Inquiry? ☐ Yes ☐ No If yes, ZCI case no.: ____-____

River Corridor Commission? ☐ Yes ☐ No If yes, RCC meeting date: ____/____/____

Planning Commission hearing date: ____/____/____ Date notifications due: ____/____/____

City Council hearing date: ____/____/____ Packets due date: ____/____/____

Publication date: ____/____/____

Reviewed/Accepted by: _____ Date: ____/____/____

Sec. 212. Amendments to Text or Official Zoning Map

G. Amendment Criteria. The wisdom of amending the text of this Zoning Ordinance or the Official Zoning Map is a matter committed to the sound legislative discretion of the City Council and is not controlled by any one factor. In determining whether to adopt, adopt with modifications or deny the proposed amendment, the City Council shall at a minimum consider the following factors.

1. Compatible with Plans and Policies. Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.

Neighborhood Designation allows for diversity of housing and both the proposed and existing properties are created for low density housing.

2. Consistent with Zoning Ordinance. Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.

Existing zoning will be consistent w/ the RS-2 zoning type as proposed.

3. Compatible with Surrounding Area. Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.

All proposed single family homes will be consistent w/ existing homes in the area under the RS-2 zoning rules.

4. Changed Conditions. Whether and the extent to which there are changed conditions that require an amendment.

Proposed homes will allow up to 50% FAR.

5. Effect on Natural Environment. Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, stormwater management, wildlife, vegetation, wetlands and the practical functioning of the natural environment

N/A

6. Community Need. Whether and the extent to which the proposed amendment addresses a demonstrated community need.

Demand for slightly larger homes in the subdivision.

7. Development Patterns. Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.

Lots will not be changed. The proposed zone change is a minimal, logical means to resolve FAR for the lots in the area.

AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO, TEXAS, WHICH ADOPTS ZONING REGULATIONS, USE DISTRICTS AND A ZONING MAP, IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING PROPERTY: **Being 3.353 UNADDRESSED ACRES LOCATED SOUTH OF MERRICK STREET AND NORTH OF TWIN MOUNTAIN DRIVE.;;** FROM SINGLE FAMILY RESIDENTIAL (RS-1) ZONING DISTRICT TO PLANNED DEVELOPMENT (PD) ZONING DISTRICT WITH AN UNDERLYING SINGLE FAMILY-1 ZONE AND A .50 FLOOR AREA RATIO; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE

RE: PD19-03: Agüero

WHEREAS, the Planning Commission for the City of San Angelo in compliance with the City Charter, City ordinance and state law, and after holding a public hearing thereon, caused to be prepared and delivered a report and recommendation to City Council to approve the proposed Planned Development Zoning District with an underlying RS-1 Zone and .50 Floor Area Ratio and,

WHEREAS, on the 19th day of March, 2019, City Council held a public hearing on PD19-03, pursuant to published notice, and has considered the application, comments, reports and recommendations of the Planning Commission and staff, public testimony, and other relevant support materials;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SAN ANGELO:

SECTION 1: The basic zoning ordinance for the City of San Angelo, as enacted by the governing body for the City of San Angelo effective January 4, 2000, and included within Exhibit "A" of Chapter 12 of the Code of Ordinances of the City of San Angelo, and zoning map be and the same are hereby amended to designate the following described property permanently zoned PLANNED DEVELOPMENT (PD) ZONING DISTRICT WITH AN UNDERLYING RS-1 ZONE AND .50 FLOOR AREA RATIO;

The real property generally located south of Merrick St. and north of Twin Mountain Dr., Being 3.353 acres out of and part of that certain 10.872-acre tract described by deed recorded as Instrument No. 616893. (Trinity West Section Three City of San Angelo, Tom Green County, Texas, , shall henceforth be permanently zoned as follows: Planned Development (PD) Zoning District with an underlying RS-1 Zone and .50 Floor Area Ratio.

SECTION 2: The Director of the Planning & Development Department, or his/her designee, is hereby directed to correct zoning district maps in the office of the Planning & Development Department, to implement the zoning provision adopted herein, as further depicted on **Exhibit “A”** of this Ordinance (“PD” Boundary Map).

SECTION 3: Except as otherwise specified or limited herein, the use and development of the subject property shall generally conform to the **Single Family Residential District (RS-1)**,

SECTION 4: In all other respects, the use of the hereinabove described property shall be subject to all applicable regulations contained in Chapter 12 of the Code of Ordinances for the City of San Angelo, as amended.

SECTION 5. The remaining provisions of Chapter 12 of the Code of Ordinances of the City of San Angelo, Texas, not amended under Sections 1 and 2 of this Ordinance shall remain in full force and effect.

SECTION 6 The terms and provisions of this Ordinance shall be deemed to be severable in that, if any portion of this Ordinance shall be declared to be invalid, the same shall not affect the validity of the other provisions of this Ordinance.

SECTION 6: This Ordinance shall be effective on, from and after the date of adoption.

INTRODUCED with public hearing on the **19th day of March, 2019**, and finally
PASSED this the **1st day of April, 2019**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

ATTEST:

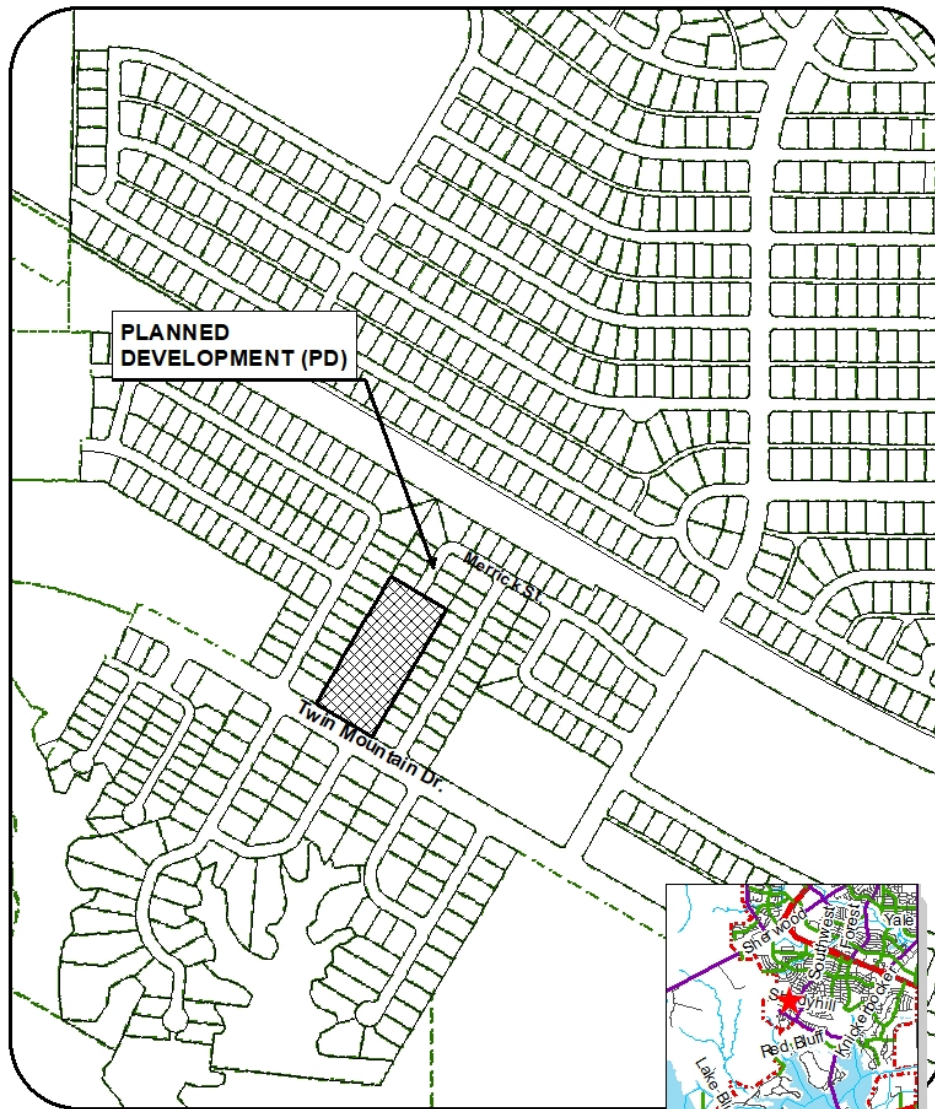
APPROVED AS TO FORM:

Julia Antilley, City Clerk

Theresa James, City Attorney

Exhibit "A" (PD Boundary Map)

Comment [SD1]: Please identify Merrick Street and Twin Mountain Drive on the plat.



Zoning Case

PD19-03: Aguero

Council District: Tommy Hiebert (SMD#1)

Neighborhood: Country Club

Scale: 1" approx. = 460 ft

Legend:

Subject Properties:

Current Zoning:

Requested Zoning:

Vision:

RS-1

PD

Neighborhood



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Russell Pehl, City Engineer, Engineering Services, 325-657-4201

Meeting Date: April 1, 2019

Item type: Consent Item

Caption:

Second reading of an ordinance granting to Atmos Energy Corporation, a Texas and Virginia corporation, a franchise to construct, maintain, and operate pipelines and equipment in the City of San Angelo, Tom Green County, Texas, for the transportation, delivery, sale, and distribution of gas in, out of, and through said City for all purposes (Russell Pehl)

Summary/History:

This is a renewal agreement between the City of San Angelo and Atmos Gas Company allowing Atmos Gas to construction and work within City right of way. The previous agreement between the City and Atmos has expired. This agreement establishes responsibilities for the City and Atmos regarding maintenance, fees for use of right of way and standard procedures in the event of an emergency or accident.

This is the agreement that was finalized in the summer of 2018. Atmos did not sign or finalize this agreement and it had a 60 day window to be recorded and that didn't happen. This item is to finalize this agreement.

Financial Impact:

The franchise fee will be increased from 4% of Atmos gross revenue to 5% of Atmos gross revenue. There is an expected impact to the General Fund Franchise Fee revenue of approximately \$200,000 per year.

Other Information/Recommendation:

Attachments:

- | | |
|---|--|
| 1. San Angelo Reciprocal Agreement Ltr 2018 | San Angelo Reciprocal Agreement Ltr 2018.doc |
| 2. 03082019 San Angelo - Atmos franchise agreement
FINAL | 03082019 San Angelo - Atmos franchise agreement
FINAL.doc |

Presentation:

Approvals/Reviews:

Russell Pehl	Created/Initiated
Russell Pehl	Approved
Theresa James	Approved
Anthony Wilson	Approved
Candice Blake	Approved
Tina Dierschke	Approved

Theresa James
Becky Dunn
Julia Antilley

Approved
Approved
Final Approval

June ___, 2018

Daniel Valenzuela
City Manager
City of San Angelo
72 W. College Ave.
San Angelo, TX 76903

Re: Reciprocal Agreement on Damage to Distribution Facilities

Dear Mr. Valenzuela:

As we have discussed, the City of San Angelo and Atmos Energy Corporation, Mid-Tex Division (Mid-Tex) both operate facilities within the public rights-of-way of San Angelo. On occasion, our respective employees damage those facilities during excavation activity. In order to avoid future misunderstandings concerning the responsibility for the cost of repairing facilities damaged during excavation activities, the City of San Angelo and Mid-Tex are entering into this reciprocal agreement concerning property damage claims.

If Mid-Tex employees damage the facilities owned by the City of San Angelo within the public rights-of-way of San Angelo, the City of San Angelo agrees to repair the damage to its facilities at no cost to Mid-Tex. Mid-Tex agrees to notify the appropriate official of the City of San Angelo as soon as reasonably possible after the occurrence of such damage.

If the City of San Angelo employees damage the distribution facilities owned by Mid-Tex within the public rights-of-way of the City of San Angelo, Mid-Tex agrees to repair the damage to its facilities at no cost to the City of San Angelo. The City of San Angelo agrees to notify the appropriate personnel of Mid-Tex as soon as reasonably possible after the occurrence of such damage.

This reciprocal agreement will remain in full force and effect until one party gives written notice to the other party of termination at least 30 days prior to the proposed termination date. Any such termination will not affect either party's obligation to pay for any damage that occurs prior to the termination date.

If this reciprocal agreement is acceptable to the City of San Angelo, please have both copies of this letter executed by the appropriate City of San Angelo official and return one fully executed copy to me.

Sincerely,

ATMOS ENERGY CORPORATION,
MID-TEX DIVISION

By: _____
Manager of Public Affairs

AGREED TO AND ACCEPTED
THIS ____ DAY OF _____, 2018

CITY OF SAN ANGELO

By: _____
Printed Name: Daniel Valenzuela
Title: City Manager

ORDINANCE NO: _____

AN ORDINANCE GRANTING TO ATMOS ENERGY CORPORATION, A TEXAS AND VIRGINIA CORPORATION, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE TO CONSTRUCT, MAINTAIN, AND OPERATE PIPELINES AND EQUIPMENT IN THE CITY OF SAN ANGELO, TOM GREEN COUNTY, TEXAS, FOR THE TRANSPORTATION, DELIVERY, SALE, AND DISTRIBUTION OF GAS IN, OUT OF, AND THROUGH SAID CITY FOR ALL PURPOSES; PROVIDING FOR THE PAYMENT OF A FEE OR CHARGE FOR THE USE OF THE PUBLIC RIGHTS-OF-WAYS; AND PROVIDING THAT SUCH FEE SHALL BE IN LIEU OF OTHER FEES AND CHARGES, EXCEPTING AD VALOREM TAXES; AND REPEALING ALL PREVIOUS GAS FRANCHISE ORDINANCES.

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

SECTION 1. GRANT OF AUTHORITY: The City of San Angelo, Texas, hereinafter called "City," hereby grants to Atmos Energy Corporation, Mid-Tex Division, hereinafter called "Atmos Energy," its successors and assigns, consent to use and occupy the present and future streets, alleys, highways, public utility easements, public ways and other public places ("Public Rights-of-Way"), for the purpose of laying, maintaining, constructing, protecting, operating, and replacing therein and thereon pipelines and all other appurtenant equipment (the "System") to deliver, transport, and distribute gas in, out of, and through City for persons, firms, and corporations, including all the general public, and to sell gas to persons, firms, and corporations, including all the general public, within the City corporate limits, as such limits may be amended from time to time during the term of this franchise, said consent being granted for a term ending December 31, 2037.

SECTION 2. CONSTRUCTION, MAINTENANCE, OPERATION & RELOCATION OF ATMOS ENERGY FACILITIES:

- A. Atmos Energy shall lay, maintain, construct, operate, and replace its pipes, mains, laterals, and other equipment so as to comply with the ordinances, rules, and regulations of the City that are not in conflict with this ordinance and so as to minimize interference with traffic, place or cause to be placed appropriate barriers to mark excavations or obstructions, and promptly clean up and restore to approximate original condition all Public Rights-of-Way that it may disturb at its cost. Atmos shall maintain any repairs related to its activity in the Public Rights-of-Way for a period of one year. Public Rights-of-Way shall not be encumbered longer than necessary to execute the work. In determining the location of the facilities of the City and other users of Public Right-of-Way within City, City shall minimize interference with then existing facilities of Atmos Energy and shall require other users of Public Rights-of-Way to minimize interference with existing facilities of Atmos Energy. The location of all mains, pipes, laterals and other appurtenant

equipment shall be fixed under the supervision of the City or an authorized representative of the City. In the event of a conflict between the location of the proposed facilities of Atmos Energy and the location of the existing facilities of City or other users of Public Rights-of-Way within Public Rights-of-Way that cannot otherwise be resolved, City or an authorized agent of City shall resolve the conflict and determine the location of the respective facilities within the Public Rights-of-Way. In granting this Franchise, the City does not in any manner surrender or waive its regulatory or other rights and powers under and by virtue of the Constitution and statutes of the State of Texas as the same may be amended, nor any of its rights and powers under or by virtue of present or future generally applicable ordinances of the City, including but not limited to, generally applicable ordinances regulating the use of Public Rights-of-Way. Atmos Energy, by its acceptance of this Franchise, agrees that all such lawful regulatory powers and rights as the same may be from time to time vested in the City shall be in full force and effect and subject to exercise thereof by the City at any time.

- B. Atmos Energy or contractors working on behalf of Atmos Energy shall not be required to pay for street cutting, street excavation or other special permits related to excavations in Public Rights-of-Way in connection with Atmos Energy's operations in Public Rights-of-Way. City shall provide Atmos Energy with its annual capital improvements plan as well as any updates or changes as soon as the plan, update, or change becomes available. City shall notify Atmos Energy as soon as reasonably possible of any projects that will affect Atmos Energy's facilities located in the Public Rights-of-Way. When required by City to remove or relocate its mains, laterals, and/or other facilities lying within Public Rights-of-Way, Atmos Energy shall do so as soon as practically possible with respect to the scope of the project. Such relocation shall be completed not later than the deadline set by the City's Public Works Director or his/her designee working in conjunction with Atmos Energy, or if no time frame can be agreed upon, not later than ninety (90) days after the day the notice was sent to Atmos Energy to make the alterations. In no event shall Atmos Energy be required to remove or relocate its facilities in less than thirty (30) days from the time notice is given to Atmos Energy by City. If Atmos Energy fails to remove or relocate its facilities within the time provided by this Section, Atmos Energy shall be subject to liability for actual damages incurred by the City as a result of Atmos Energy's delay, unless such delay is beyond Atmos Energy's control. Atmos Energy's failure to complete the removal or relocation of its facilities within the time provided by this Section may be excused at the City's discretion, if Atmos Energy has promptly notified the City of the circumstances that have caused the delay, and

has requested an extension of the removal/relocation period. City shall grant the extension unless withheld for good cause.

- C. Whenever by reason of street widening, straightening or changes in the grade or contours of a street, alley or other public way or in the location or manner of constructing a water pipe, gas pipe, sewer, communications projects, or any other City owned underground or aboveground structure for a governmental purpose, it is deemed that Atmos Energy's underground or aboveground facilities located in the Public Right-of-Way are in conflict and for this reason it is deemed necessary to remove, alter, change, adapt, or conform the underground or aboveground facilities of Atmos Energy, Atmos Energy shall make the alterations or changes within the time periods discussed in Section 2(B) above, without claim for reimbursement or damages against the City. Atmos Energy shall not be required to remove, alter, change, adapt, or conform its facilities without claim for reimbursement to accommodate a private developer, when such work is for the primary purpose of beautification, or if such facilities are not in conflict with construction performed for a governmental purpose as described above. Facilities are deemed to be in conflict to the extent that their location would be inconsistent with gas distribution industry standard safe operating practices. The City shall not require Atmos Energy to remove its facilities entirely from a street, alley, highway, or other public way unless suitable and safe alternatives are available for relocation at no additional cost to Atmos Energy. Atmos Energy shall not be required to relocate facilities to a depth of greater than four (4) feet below the ground's surface unless necessary to avoid conflict with existing facilities of other authorized users of the Right-of-Way or proposed placement of City's facilities in the Right-of-Way, or if prior agreement is obtained from Atmos Energy.
- D. When Atmos Energy is required by City to remove or relocate its mains, laterals, and other facilities lying within Public Rights-of-Way to accommodate a request by City, and costs of utility removals or relocations are eligible under federal, state, county, local or other programs for reimbursement of costs and expenses incurred by Atmos Energy as a result of such removal or relocation, and such reimbursement is required to be handled through City, Atmos Energy costs and expenses shall be included in any application by City for reimbursement if Atmos Energy submits its cost and expense documentation to City prior to the filing of the application. City shall provide reasonable written notice to Atmos Energy of the deadline for Atmos Energy to submit documentation of the costs and expenses of such relocation to City. Upon receipt of

reimbursement from a federal or state agency, the City shall remit to Atmos Energy, within thirty (30) days of receipt, its portion related to the relocation or removal of its facilities.

- E. When Atmos Energy is required to remove or relocate its mains, laterals or other facilities to accommodate construction by City without reimbursement from City, Atmos Energy shall have the right to seek recovery of relocation costs as provided for in applicable state and/or federal law. Nothing herein shall be construed to prohibit, alter, or modify in any way the right of Atmos Energy to seek or recover a surcharge from customers for the cost of relocation pursuant to applicable state and/or federal law. City shall not oppose recovery of relocation costs when Company is required by City to perform relocation. City shall not require that Company document request for reimbursement as a pre-condition to recovery of such relocation costs. Notwithstanding any provision of this agreement, the City shall have the right to participate and challenge any other capital costs or expenses of Atmos Energy and request full documentation to the full extent provided by state law.
- F. If City abandons any Public Rights-of-Way in which Atmos Energy has facilities, such abandonment shall be conditioned on Atmos Energy's right to maintain its use of the former Public Right-of-Way and on the obligation of the party to whom the Public Right-of-Way is abandoned to reimburse Atmos Energy for all removal or relocation expenses if Atmos Energy agrees to the removal or relocation of its facilities following abandonment of the Public Right-of-Way. If the party to whom the Public Right-of-Way is abandoned requests Atmos Energy to remove or relocate its facilities and Atmos Energy agrees to such removal or relocation, such removal or relocation shall be done within a reasonable time at the expense of the party requesting the removal or relocation. If relocation cannot practically be made to another Public Right-of-Way, the expense of any right-of-way acquisition shall be considered a relocation expense to be reimbursed by the party requesting the relocation.

SECTION 3. INDEMNITY & INSURANCE:

Atmos Energy shall fully indemnify and save harmless the City from any and all damage, loss, action or cause of action arising in whole or in part from Company's exercise of any of its rights, privileges, franchises and obligations hereunder, except to the extent arising out of the City's negligence or willful misconduct. In the event of joint and concurrent negligence or fault of both Atmos Energy and the City, responsibility and indemnity, if any, shall be apportioned comparatively in accordance with the laws of the State of Texas

without, however, waiving any governmental immunity available to the City under Texas law and without waiving any of the defenses of the parties under Texas law. It is understood that it is not the intention of the parties hereto to create liability for the benefit of third parties, but that this section shall be solely for the benefit of the parties hereto and shall not create or grant any rights, contractual or otherwise, to any person or entity.

Atmos Energy shall, at its sole cost and expense, obtain, maintain, and provide, throughout the term of this Franchise Agreement, insurance or provide self-insurance against all claims for injuries to person or damages to property that may arise from or in connection with the exercise of the rights, privileges and authority granted hereunder to Atmos, its agents, representatives or employees in accordance with the coverage limits set out below.

The procurement of insurance coverage by Atmos Energy shall not be construed to be a limitation upon Atmos Energy's liability or as a full performance on its part of Atmos Energy's indemnification requirements under this Franchise Agreement. Atmos Energy's obligations are, notwithstanding any policy of insurance, for the full and total amount of any damage, injury or loss caused by or attributable to the exercise of any of its rights, privileges, franchises and obligations hereunder. Failure of Atmos Energy to maintain adequate coverage shall not relieve Atmos Energy of any contractual responsibility or obligation.

A. COMMERCIAL GENERAL LIABILITY.

This policy shall be an occurrence-type policy and shall protect Atmos Energy and additional insureds against all claims arising from bodily injury, sickness, disease or death of any person (other than Atmos Energy's employees) and damage to property of the City or others arising out of the act or omission of Atmos Energy or its agents and employees. This policy shall also include protection against claims for the contractual liability assumed by Atmos Energy under the paragraph of this Franchise Agreement entitled "Indemnity and Insurance," including completed operations, products liability, contractual coverage, broad form property coverage, explosion, collapse, underground, premises/ operation (to remain in force for two years after expiration of the term hereunder). Coverage limits shall not be less than:

\$ 2,000,000.00	General Aggregate
\$ 1,000,000.00	Products - Completed Operations
\$ 1,000,000.00	Personal & Advertising Injury
\$ 1,000,000.00	Each Occurrence
\$100,000.00	Fire Damage (any one fire)

B. BUSINESS AUTOMOBILE LIABILITY.

This policy shall be written in comprehensive form and shall protect Atmos Energy and the additional insureds against all claims for injuries to members of the public and damage to property of others arising from the use of motor vehicles and shall cover operation on and off the premises of all motor vehicles licensed for highway use, whether they are owned, non-owned or hired. Coverage shall not be less than:

\$ 1,000,000.00	Combined Single Limit per Claim
------------------------	--

C. WORKERS' COMPENSATION AND EMPLOYER'S LIABILITY.

If Atmos Energy hires any employees, Atmos Energy shall maintain Workers' Compensation and Employer's Liability insurance, which shall protect Atmos Energy against all claims under applicable state workers' compensation laws and employer's liability. The insured shall also be protected against claim for injury, disease or death of employees which for any reason, may not fall within the provisions of a workers' compensation law. Coverage shall not be less than:

Statutory Amount	Workers' Compensation
\$ 500,000.00	Employer's Liability, Each Accident
\$ 500,000.00	Employer's Liability, Disease – Each Employee
\$ 500,000.00	Employer's Liability, Disease – Policy Limit

The foregoing requirement will not be applicable if, and so long as, Atmos Energy qualifies as a self-insurer under the rules and regulations of the commission or agency administering the workers' compensation program in Texas and furnishes evidence of such qualification to City in accordance with the notice provisions of this Agreement.

SECTION 4. NON-EXCLUSIVE FRANCHISE: The rights, privileges, and franchises granted by this ordinance are not to be considered exclusive, and City hereby expressly reserves the right to grant, at any time, like privileges, rights, and franchises as it may see fit to any other person or corporation for the purpose of transporting, delivering, distributing, or selling gas to and for City and the inhabitants thereof.

SECTION 5. PAYMENTS TO CITY:

- A. Atmos Energy, its successors and assigns, agrees to pay and City agrees to accept, on or before the 1st days of March, June, September and December, 2018, and on or before the same days of each succeeding year during the life of this franchise the last payment being made on the 1st day of December, 2037, a sum of money which shall be equivalent to five percent (5%) of the Gross Revenues, as defined in 5.B below, received by Atmos Energy during the preceding calendar quarter.
- B. "Gross Revenues" shall mean:
- (1) all revenues received by Atmos Energy from the sale of gas to all classes of customers (excluding gas sold to another gas utility in the City for resale to its customers within City) within the City;
 - (2) all revenues received by Atmos Energy from the transportation of gas through the System

of Atmos Energy within the City to customers located within the City (excluding any gas transported to another gas utility in City for resale to its customers within City);

(3) the value of gas transported by Atmos Energy for Transport Customers through the System of Atmos Energy within the City ("Third Party Sales")(excluding the value of any gas transported to another gas utility in City for resale to its customers within City), with the value of such gas to be established by utilizing Atmos Energy's monthly Weighted Average Cost of Gas charged to industrial customers in the Mid-Tex division, as reasonably near the time as the transportation service is performed; and

(4) "Gross Revenues" shall also include the following "miscellaneous charges": charges to connect, disconnect, or reconnect gas and charges to handle returned checks from consumers within the City.

(5) "Gross Revenues" shall not include:

- (a) revenues billed but not ultimately collected or received by Atmos Energy;
- (b) contributions in aid of construction;
- (c) the revenue of any affiliate or subsidiary of Atmos Energy;
- (d) sales tax and franchise fees paid to the City;
- (e) interest or investment income earned by Atmos Energy; and
- (f) monies received from the lease or sale of real or personal property, provided, however, that this exclusion does not apply to the lease of facilities within the City's right of way.

C. The initial payment made under this franchise for the rights and privileges herein provided shall be on March 1, 2018, and shall be for the period January 1 through March 31, 2018, and each succeeding payment shall be for the calendar quarter in which the payment is made as follows:

<u>Payment Due Date</u>	<u>Quarter Upon Which Payment is Based</u>	<u>Quarter for Which Payment is Made</u>
June 1 st	January 1 – March 31	April 1 – June 30
September 1 st	April 1 – June 30	July 1 – September 30

December 1st

July 1 – September 30

October 1 – December 31

March 1st

October 1 – December 31

January 1 – March 31

It is also expressly agreed that the aforesaid payments shall be in lieu of any and all other and additional occupation taxes, easement, franchise taxes or charges (whether levied as an ad valorem, special, or other character of tax or charge), municipal license, permit, and inspection fees, bonds, street taxes, and street or alley rentals or charges, and all other and additional municipal taxes, charges, levies, fees, and rentals of whatsoever kind and character that City may now impose or hereafter levy and collect from Atmos Energy or Atmos Energy's agents, excepting only the usual general or special ad valorem taxes that City is authorized to levy and impose upon real and personal property. If the City does not have the legal power to agree that the payment of the foregoing sums of money shall be in lieu of taxes, licenses, fees, street or alley rentals or charges, easement or franchise taxes or charges aforesaid, then City agrees that it will apply so much of said sums of money paid as may be necessary to satisfy Atmos Energy's obligations, if any, to pay any such taxes, licenses, charges, fees, rentals, easement or franchise taxes or charges aforesaid.

D. Effect of Other Municipal Franchise Ordinance Fees Accepted and Paid by Atmos Energy

If Atmos Energy should at any time after the effective date of this Ordinance agree to a new municipal franchise ordinance, or renew an existing municipal franchise ordinance, with another municipality in Atmos Energy's Mid-Tex Division, which municipal franchise ordinance determines the franchise fee owed to that municipality for the use of its public rights-of-way in a manner that, if applied to the City, would result in a franchise fee greater than the amount otherwise due City under this Ordinance, then the franchise fee to be paid by Atmos Energy to City pursuant to this Ordinance may, at the election of the City, be increased so that the amount due and to be paid is equal to the amount that would be due and payable to City were the franchise fee provisions of that other franchise ordinance applied to City. The City acknowledges that the exercise of this right is conditioned upon the City's acceptance of all terms and conditions of the other municipal franchise *in toto*. The City may request waiver of certain terms and Company may grant, in its sole reasonable discretion, such waiver. Such waiver shall not be withheld except for good cause. Requesting such waiver shall not bind the City to a decision to accept or reject any franchise ordinance terms.

E. Atmos Energy Franchise Fee Recovery Tariff

- (1) Atmos Energy may file with the City a tariff or tariff amendment(s) to provide for the recovery of the franchise fees under this agreement.
- (2) City agrees that (i) as regulatory authority, it will adopt and approve the ordinance, rates or tariff which provide for 100% recovery of such franchise fees as part of Atmos Energy's rates; (ii) if the City intervenes in any regulatory proceeding before a federal or state agency in which the recovery of Atmos Energy's franchise fees is an issue, the City will take an affirmative position supporting 100% recovery of such franchise fees by Atmos Energy and; (iii) in the event of an appeal of any such regulatory proceeding in which the City has intervened, the City will take an affirmative position in any such appeals in support of the 100% recovery of such franchise fees by Atmos Energy.
- (3) City agrees that it will take no action, nor cause any other person or entity to take any action, to prohibit the recovery of such franchise fees by Atmos Energy.

F. Lease of Facilities Within City's Rights-of-Way. Atmos Energy shall have the right to lease, license or otherwise grant to a party other than Atmos Energy the use of its facilities within the City's public rights-of-way provided: (i) Atmos Energy first notifies the City of the name of the lessee, licensee or user; the type of service(s) intended to be provided through the facilities; and the name and telephone number of a contact person associated with such lessee, licensee or user and (ii) Atmos Energy makes the franchise fee payment due on the revenues from such lease pursuant to Section 5 of this Ordinance. This authority to Lease Facilities within City's Rights-of-Way shall not affect any such lessee, licensee or user's obligation, if any, to pay franchise fees.

SECTION 6. ACCEPTANCE OF FRANCHISE: In order to accept this franchise, Atmos Energy must file with the City Clerk its written acceptance of this franchise ordinance within sixty (60) days after its final passage and approval by City. If such written acceptance of this franchise ordinance is not filed by Atmos Energy, the franchise ordinance shall be rendered null and void.

When this franchise ordinance becomes effective, all previous ordinances of City granting franchises for gas delivery purposes that were held by Atmos Energy shall be automatically canceled and annulled, and shall be of no further force and effect.

SECTION 7. PARAGRAPH HEADINGS. CONSTRUCTION: The paragraph headings contained in this ordinance are for convenience only and shall in no way enlarge or limit the scope or meaning of the various and several paragraphs hereof. Both parties have participated in the preparation of this ordinance and this ordinance shall not be construed either more or less strongly against or for either party.

SECTION 8. CONDITIONS OF OCCUPANCY:

(A) All construction and the work done by Atmos Energy, and the operation of its business, under and by virtue of this Franchise Agreement, shall be in conformance with the applicable ordinances, rules and regulations now in force and that may hereafter be adopted by the City relating to the use of its Public Rights-of-Way. This Franchise Agreement shall in no way affect or impair the rights, obligations or remedies of the parties under the Texas Utilities Code, or other state or federal Law.

(B) If the City believes that Atmos Energy has failed to comply with any operational or maintenance standards as required by this Franchise Agreement, City shall give Atmos Energy written notice of such failure to comply. Atmos Energy shall have the opportunity to cure such failure during a period not to exceed fifteen (15) business days from receipt of the written notice. If Atmos Energy fails to cure the alleged failure to comply within the prescribed time period, Atmos Energy's alleged failure to comply shall be heard at a public meeting of the City Council. Atmos Energy shall be given written notice of the public meeting no later than seventy-two (72) hours prior to the posting date of the agenda for the City Council meeting at which such alleged failure is scheduled to be considered by the City Council. The notice to Atmos Energy shall include a list of the failures complained of and, Atmos Energy shall have an opportunity to address the City Council at such public meeting. Commencing five (5) calendar days following the adoption of a resolution or an ordinance of the City Council that finds and determines a failure of Atmos Energy to comply with operational or maintenance standards as required by this Franchise Agreement, this agreement may be subject to termination. In addition, Atmos Energy's failure to timely comply will entitle the City to take actions it deems necessary to protect the public health, safety, and welfare. Any and all reasonable and necessary expenses so incurred by the City shall be invoiced to Atmos Energy and Atmos Energy shall promptly reimburse the City for such expenses.

SECTION 9. LAYING OF LINES IN ADVANCE OF PUBLIC IMPROVEMENTS:

(A) Whenever the City shall decide to make any public improvements in any Public Right-of-Way in which Atmos Energy facilities already exist or in which Atmos Energy may propose to install its facilities, Atmos Energy will be provided the opportunity, at no expense to the City, in advance of such public improvements, to renew such facilities, if defective or inadequate in size, and to lay facilities, or renew same, if inadequate in size or defective, to the property lines where buildings are already located.

(B) At least ninety (90) calendar days prior to the planned paving or repaving of Public Rights-of-Way, City shall give Atmos Energy written notice of the intention of City to pave any such Public Right-of-Way. Upon receipt of such notice, Atmos Energy shall initiate its review process to determine the need to renew its facilities, and the need to lay or renew service lines underneath the portions of the Public Rights-of-Way to be paved. If Atmos Energy determines such a need, Atmos Energy shall promptly initiate such work and shall thereafter proceed in a good faith and workmanlike manner to completion of the necessary work within ninety (90) calendar days after receipt of the notice from the City. Atmos Energy's failure to complete the necessary work within the ninety (90) day period may be excused at the City's discretion, if Atmos Energy has promptly notified the City of the circumstances that have caused the delay, and has requested an extension of the construction period. City shall grant the extension unless withheld for good cause.

(C) If Atmos Energy should fail to take advantage of the pre-paving opportunity to undertake new construction or repairs to its facilities in the Rights-of-Way to be paved, and such street or alley is thereafter paved, except in an emergency, Atmos Energy shall for two (2) years thereafter not be allowed to open cut such pavement or excavate in such paved street or alley. When required to initiate new service within the two (2) year period, Atmos Energy shall be permitted to utilize alternative methods to open cutting in order to establish such service. Atmos Energy shall use its best efforts to minimize disturbance to such paved street or alley, and shall restore the same in accordance with Section 2(A) above.

SECTION 10. EXTENTIONS FOR CUSTOMERS:

Atmos Energy shall, at its expense, extend distribution mains in any Public Right-of-Way up to one hundred (100) feet for any one residential customer only if such customer, at a minimum, uses gas for unsupplemented space heating and water heating. Atmos Energy shall not be required to extend transmission mains in any Public Rights-of-Way within City or to make a tap on any transmission main

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Kimberly Holle, Budget Manager, Budget, 325-657-4211

Meeting Date: April 1, 2019

Item type: Consent Item

Caption:

Second reading and adoption of an ordinance amending the budget for the fiscal year beginning October 1, 2018, and ending September 30, 2019 for capital items (Tina Dierschke)

Summary/History:

This proposed amendment contains the following items (additional information attached):

- Chadbourne Street Pedestrian Corridor project

Financial Impact:

See Exhibit A of the ordinance.

Other Information/Recommendation:

Staff recommends approval.

Attachments:

- | | |
|----------------------------------|------------------------------------|
| 1. BA Memo- Chadbourne | BA Memo- Chadbourne.pdf |
| 2. Ordinance 04.01.19 | Ordinance 04.01.19.docx |
| 3. 03.19.19 FIN Budget Amendment | 03.19.19 FIN Budget Amendment.pptx |

Presentation:

Tina Dierschke

Approvals/Reviews:

Kimberly Holle	Created/Initiated
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Julia Antilley	Final Approval

Memo

To: Tina Dierschke, Finance Director
From: Charles Michalewicz, Public Works Projects Administrator
Date: 03/11/19
Re: Budget Amendment Request

Purpose of Budget Amendment Request:

Budget for the first two years of a five year funding agreement for the Chadbourne Street Pedestrian Corridor project.

Source of Funding:

City of San Angelo Development Corporation contribution of \$750,000 per year

Funding previously approved? If so, by City Manager or City Council and when?

Funding Plan Resolution approved on May 1, 2018.

Project/Budget to be amended	Current Budget	Proposed Change	Proposed Revised Budget
COSADC Contrubution	0	1,500,000	1,500,000
General Capital Projects	0	1,500,000	1,500,000
			0
			0
			0
			0

Additional Comments:

\$971,736.00 will be allocated immediately for design of Phase A.

**AN ORDINANCE OF THE CITY OF SAN ANGELO AMENDING
THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER
1, 2018, AND ENDING SEPTEMBER 30, 2019, FOR CAPITAL
ITEMS.**

WHEREAS the City of San Angelo has determined that certain budgeted amounts should be amended due to project changes and unforeseen circumstances, and

WHEREAS the resources necessary for these changes are available;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANGELO, TEXAS THAT:

The City's budget for fiscal year 2018-2019 be amended by the amounts contained in Exhibit A.

INTRODUCED on the 19th day of March, 2019, and APPROVED and ADOPTED on this 1st day of April, 2019.

ATTEST:

CITY OF SAN ANGELO, TEXAS:

Julia Antilley, City Clerk

Brenda Gunter, Mayor

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:

Tina Dierschke, Finance Director

Theresa James, City Attorney

City of San Angelo
Proposed Budget Amendment
Exhibit A

Fund	Total Revenue Amendment	Total Expense Amendment	Net Benefit/(Cost)
General Capital Fund	\$1,500,000	\$1,500,000	\$-
Total	\$1,500,000	\$1,500,000	\$-

City of San Angelo
Proposed Budget Amendment
Additional Information

Project/Need	Source of Funding	Revenue	Expense	Net Benefit/(Cost)
Chadbourne Street Pedestrian Corridor project	San Angelo Development Corporation	\$1,500,000	\$1,500,000	\$-
	Total	\$1,500,000	\$1,500,000	\$-



City Council

March 19, 2019



Budget Amendment

General Capital Fund	Revenue	Expense
Development Corporation	\$1,500,000	
Chadbourne Street Project		\$1,500,000





City Council

March 19, 2019



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Allison Strube, Water Utilities Director, Water Utilities, 325-657-4209

Meeting Date: April 1, 2019

Item type: Regular Item

Caption:

Discussion and possible action regarding the Lake Nasworthy Sewer Study (Presentation made by Allen Woelke, P.E., CDM Smith, Inc. and Water Utilities Director Allison Strube)

Summary/History:

The purpose of this evaluation was to provide direction on several challenges to the future development of the Lake Nasworthy area. The City's current system is over capacity and unable to handle future development. The issues the City is facing with collecting sewer from this area are:

- 1) The existence of about 135 grinder pumps in the area, and their associated small diameter force mains systems, and they are operations and maintenance intensive.
- 2) Conveying sewage from this area to the existing Waste Water Treatment Plant at the far east side of the City requires significant pumping, re-pumping, and manifold force main systems. Continued growth in this area may not be sustainable using the existing infrastructure.
- 3) Hydrogen sulfide generation is also a concern. Since many of the houses in the lake area experience only weekend or occasional use, wastewater may sit in grinder stations for an extended period, becoming septic.
- 4) There are approximately 26 lift stations involved in the transmission of wastewater from the Lake Nasworthy area to the gravity collection system.

On March 20, 2018 City Council authorized a professional services contract with CDM Smith, Inc. (CDM) for an evaluation of the Lake Nasworthy sewer system. Since that time CDM has been developing a hydraulic model of this system and conducting sanitary sewer flow monitoring to help characterize the flows that can be anticipated in the system during wet weather conditions. Finally, they have been taking this data and evaluating options for regional wastewater service improvements or improvements to existing infrastructure to allow for growth of the area and ways to minimize corrosion and odor issues.

At this time a draft report has been completed, with the anticipation of a final report forthcoming following the April 1, 2019 City Council meeting.

The findings from this draft report have identified two (2) viable alternatives for solving issues related to the above mentioned complexities.

Alternative 1 is to construct a trunk main that would follow the routing of the Concho River from Nasworthy connecting into existing trunk mains near Chadbourne Street area. This option solves capacity concerns by rerouting most of the study area's sewer into that trunk main. The benefits this option has are that it removes the load and capacity out of the existing system rerouting it into a new line, solving downstream impacts, removing the flow from multiple lift stations, and reducing the time the sewage has to become septic. Reducing the time the sewage has to become septic will reduce the amount of hydrogen sulfide (odor) that is generated. Furthermore, it provides the potential for adding sewer

service into a large area where those services aren't available (i.e. Butler Farms, San Angelo Country Club, County Club Rd, Grand Canal Rd and etc.). This option is the most costly but has the potential to solve the majority of the issues and provide additional benefits.

Alternative 2 is to construct two (2) parallel interceptors. One would be the existing line crossing the lake, and the other would be a parallel line leaving the Bentwood Lift Station. It would also require upgrading other impacted lift stations. This option has immediate benefits and has the smallest cost. This option, however, doesn't solve loading on lift stations, hydrogen sulfide (odor) issues, and could cause more problems down stream by adding additional loads.

Financial Impact:

Financial impact and more detailed Opinion of Probable Cost (OPC) to be further developed once a direction from City Council is provided.

Other Information/Recommendation:

Direction from City Council would be to guide Water Utilities department to pursue one of the proposed options, engage engineering services to develop a more detailed opinion of probable cost (OPC) for the selected option, and investigate funding potentials for that option.

Attachments:

Presentation:

Approvals/Reviews:

Allison Strube	Created/Initiated
Lance Overstreet	Approved
Theresa James	Approved
Anthony Wilson	Approved
Nolan Sosa	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Julia Antilley	Final Approval

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Hillary Bueker, Senior Planner, Planning and Development Services, 325-657-4210

Meeting Date: April 1, 2019

Item type: Regular Item

Caption:

First reading and public hearing of an ordinance approving the abandonment and vacation of all public alleys comprising 0.267 acres (12,030-sq ft) within Block 15 of the Millspaugh Addition; generally located north of W. Washington Dr.; west of S. Chadbourne St.; south of Santa Fe Depot; and east of S. Irving St. (Presentation made by Planning & Development Services Director Jon James)

Summary/History:

The applicant has requested the abandonment of all public alleys within Block 15 of the Millspaugh Addition. The applicant owns 805 South Chadbourne which is currently being used as low hazard storage. The applicant's property currently has no direct access to a public street and the building footprint takes up a majority of the lot, which would not allow the addition of on-site parking to serve the build's future use. If a change of occupancy is requested, parking requirement would be triggered per the zoning ordinance.

Financial Impact:

N/A

Other Information/Recommendation:

On February 18, 2019 the Planning Commission unanimously recommended APPROVAL of the alley right-of-way abandonment.

Attachments:

- | | | |
|----|-------------------|---|
| 1. | Ordinance (RA) | 19-360_PL_MILLSPAUGH_ALLEY_ABANDON_ORD_RED.docx |
| 2. | Staff Report (RA) | CC Alley Abandonment Report.pdf |

Presentation:

Jon James

Approvals/Reviews:

Hillary Bueker	Created/Initiated
Jon James	Approved
Theresa James	Approved
Anthony Wilson	Approved
Jon James	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Julia Antilley	Final Approval

AN ORDINANCE PROVIDING FOR CONDITIONAL ABANDONMENT AND VACATION OF ALL PUBLIC ALLEYS COMPRISING 0.267 ACRES WITHIN BLOCK 15 OF THE MILLSPAUGH ADDITION; GENERALLY LOCATED NORTH OF WEST WASHINGTON DRIVE; WEST OF SOUTH CHADBOURNE STREET; SOUTH OF SANTA FE DEPOT; AND EAST OF SOUTH IRVING STREET; AUTHORIZING CONVEYANCE THEREOF BY QUITCLAIM DEED TO ABUTTING PROPERTY OWNERS; AND PROVIDING TERMS AND CONDITIONS OF ABANDONMENT AND CONVEYANCE.

WHEREAS, the City Council of the City of San Angelo, Texas, acting pursuant to law, is of the opinion that all public alleys within Block 15 of the Millspaugh Addition, Tom Green County, Texas, with the exception of reserving utility easements therein, are no longer needed for public use and therefore deems it advisable to vacate and abandon said alleys; and,

WHEREAS, the City Council is of the opinion that the best interest and welfare of the public will be served by conditionally conveying the underlying abandoned public alley rights-of-way to abutting property owners;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF SAN ANGELO THAT:

SECTION 1: All public alleys comprising 0.267 acres (12,030 square feet) within Block 15 of the Millspaugh Addition; generally located north of West Washington Drive; west of South Chadbourne Street; south of Santa Fe Depot; and east of South Irving Street, Tom Green County, Texas, more particularly described and depicted in **Exhibit “A,”** attached hereto and made a part hereof for all purposes, be and the same are hereby vacated, abandoned and closed insofar as the right, title and easement of the public are concerned, subject to the conditions, reservations and restrictions herein set forth.

SECTION 2: The abandonments and conveyances provided for herein are made and accepted subject to all present zoning and deed restrictions, if the latter exist, and all existing easements, if any, whether apparent or not, aerial, surface, underground or otherwise.

SECTION 3: The abandonments and conveyances provided for herein shall extend only to the public right, title, easement and interest and shall be construed to extend only to the interest which the governing body for the City of San Angelo may legally and lawfully abandon and vacate.

SECTION 4: The following conditions precedent to the abandonment shall apply and be part of the consideration for conveyance by quitclaim deed(s) of the underlying tracts of land, reserving utility easements for municipal water and sewer utilities, and for gas utility within the entire east/west alley right-of-way, to owners of abutting properties:

- a) Pursuant to the City of San Angelo Code of Ordinances, Appendix “A” “Fee Schedule”, Section A9.008, payment per the assessment formula outlined in the fee schedule shall be remitted for the entire abandoned alley rights-of-way, subject to approval of replatting of adjoining properties as herein required.
- b) Contemporaneously with performance of the conditions set forth at subpart “(c) of this Section, verification of the recordation of quitclaim deed(s) effectively completing the City's claim to the entirety of the abandoned alley(s) shall be provided.
- c) Within 36 months of the effective date of this ordinance, submit, obtain approval of, and officially record a subdivision replat absorbing all of the abandoned right-of-way into adjacent lot(s) meeting all requirements of the Land Development and Subdivision Ordinance, including that: (i) If the conveyances of abandoned alley right-of-way result in Lots 20 and 21 of Block 15, Millspaugh Addition (generally known as 805 South Chadbourne) becoming land locked, designation on the replat of a 20 foot wide access easement to South Chadbourne Street, appurtenant to and for the benefit of 805 S. Chadbourne, with an approved variance by the Planning Commission or City Council; and (ii) designation on the replat of a 20 foot wide utility easement within the abandoned east/west alley right of way to accommodate water, sewer, gas or other utilities.

- d) The access easement required at subpart (c) of this Section shall be paved and constructed to applicable standards under the International Fire Code Pursuant, Article 6,03 “Fire Code” of the City of San Angelo Code of Ordinances.

SECTION 5: The terms and conditions set forth herein at Sections 1 through 4 shall be applicable to the conveyances of right’s-of-way herein provided for, and shall be binding upon Grantees thereof and their heirs, successors and assigns.

SECTION 6: Upon confirmation by the Planning Director of compliance with conditions set forth herein, the Mayor of the City of San Angelo is hereby authorized to execute and deliver quit claim deeds conveying the subject tracts of abandoned rights-of-way described and depicted in **Exhibit “A,”** to the owners of the designated abutting properties.

SECTION 7: Upon confirmation from the Planning Director of compliance with conditions precedent set forth herein, the City Clerk is authorized and directed to certify a copy of this adopted Ordinance for recordation in the Official Real Property Records of Tom Green County, Texas, wherein the subject tracts of land are located.

INTRODUCED on the **1st day of April 2019**, and finally PASSED, APPROVED AND ADOPTED on this the **16th day of April 2019**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

ATTEST:

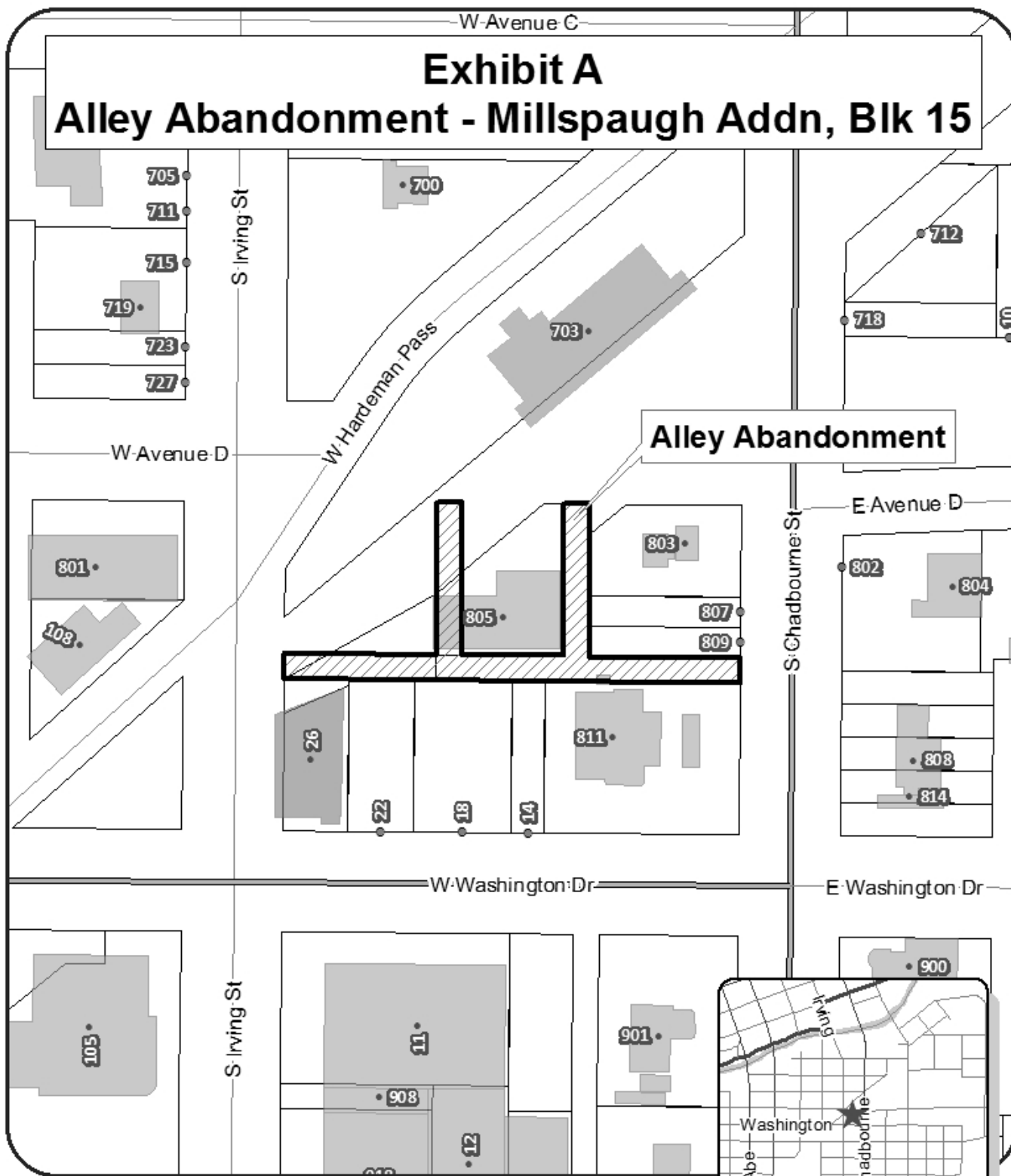
APPROVED AS TO FORM:

Julia Antilley, City Clerk

Theresa James, City Attorney

Exhibit A

Alley Abandonment - Millspaugh Addn, Blk 15



Alley Abandonment

805 South Chadbourne Street

Council District: SMD #3 - Harry Thomas

Neighborhood: Ft. Concho

Scale: 1" approx. = 100 ft

Legend

Subject Properties: 
 Current Zoning: ML
 Requested Zoning Change: N/A
 Vision: Downtown



N

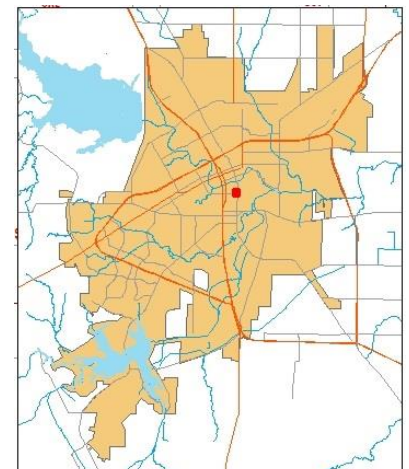


CITY COUNCIL – APRIL 1 & 16, 2019

STAFF REPORT



APPLICATION TYPE:		CASE:	
Alley Right-of-way Abandonment		Millspaugh Addition, Block 15 (Johnson)	
SYNOPSIS:			
The applicant has requested the abandonment of all public alleys within Block 15 of the Millspaugh Addition. The applicant owns 805 South Chadbourne which is currently being used as low hazard storage. The applicant's property currently has no direct access to a public street and the building footprint takes up a majority of the lot, which would not allow the addition of on-site parking to serve the build's future use. If a change of occupancy is requested, parking requirement would be triggered per the zoning ordinance.			
LOCATION:		LEGAL DESCRIPTION:	
North of West Washington Drive; west of South Chadbourne Street; south of Santa Fe Depot; and east of South Irving Street		Being all public alleys located within Block 15, Millspaugh Addition	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
District #3 – Harry Thomas Ft. Concho Neighborhood	ML – Light Manufacturing	Downtown	0.267 acres (12,030 sq. ft.)
THOROUGHFARE PLAN:			
Alleys were approved as part of the Millspaugh Addition, filed for record March 10, 1888 with the Tom Green County Clerk.			
NOTIFICATIONS:			
7 notifications mailed directly adjacent the proposed abandonments on February 1, 2019. One received in support and zero in opposition.			
STAFF RECOMMENDATION:			
Staff recommends <u>APPROVAL</u> of the Alley Right-of-Way Abandonment request, subject to Five Conditions of Approval.			
PROPERTY OWNER/PETITIONER:			
Bruce Johnson			
STAFF CONTACT:			
Hillary Bueker Senior Planner (325) 657-4210, Ext. 1547 hillary.bueker@cosatx.us			



Additional Information:

City Staff circulated all relevant municipal departments, as well as public and private utility companies. There are existing City services within the proposed alley abandonment. City departments expressed their support for the alley abandonment subject to conditions of approval. Atmos gas expressed concerns with an existing gas line located within the alley but was supportive of the abandonment conditioned on an unobstructed utility easement. There were no other responses.

Rationale:

Planning Staff reviewed all relevant history, ordinances, policies, and conducted a site visit to the property on February 5, 2019, to determine the appropriateness of abandoning this public alley right-of-way.

- *Traffic patterns:* Planning Staff believe that existing or anticipated traffic patterns would not be negatively affected if the alley was abandoned and sold to adjacent land owners. A site visit confirms that the alley is unpaved (caliche) and there are no rear access drives to abutting land owners.
- *Utilities:* There are existing City utilities in the alley. Water and sewer lines would remain with the addition of a 20' wide unobstructed utility easement.
- *Community Impact:* The Planning staff has sent adjacent owners public notice of the meeting. There have been no opposition responses to date. As a condition of approval, Planning Staff recommends that all abutting owners comply with the abandonment requirements within 24 months of approval.
- *Public Benefit:* The Planning Division recommends approval only for an entire alley to "allow that space to be more effectively integrated with adjoining private property owners, in a way which would enhance the long-term upkeep and appearance of this space. Closing the entire alley would benefit all owners and not only one or a few.

Planning Commission Recommendation:

On February 18, 2019, the Planning Commission recommended APPROVAL of the Alley Right-of-Way Abandonment request. The following is the complete excerpt of the draft minutes from the Planning Commission meeting for this case:

Hillary Bueker, Senior Planner, presented the proposed alley right-of-way abandonment request. She explained that the three alleys in question were north of Washington Drive between South Irving Street and South Chadbourne Street, and that the current owner of 805 South Chadbourne Street does not have direct abutting access from Chadbourne Street to his property. She explained that the alleys were part of the original plat recorded in 1888.

Ms. Bueker outlined Staff's rationale to approve the alley abandonment on the grounds that there are no negative effects and no vehicle access to abutting properties; that the existing utilities will remain with the proposed easement; that no responses have been received opposed from the circulation area to date; and that closing the alley would enhance the long-term upkeep and appearance of this space. Ms. Bueker noted there was one response in favor. She then outlined the five conditions of approval including the providing of a 20-foot unobstructed utility

easement.

Commissioner Brooks asked why the City would want to abandon these alleys.

Ms. Bueker responded there is no public benefit for keeping it open, and the easement would allow the City to service the utility lines in the easement area.

Chair Stribling opened the meeting for public comment.

Mr. Bruce Johnson, the applicant, indicated that the purpose of the abandonment would be provide additional land for parking.

Chair Stribling closed public comment.

Commissioner Jackson made a Motion to recommend APPROVAL of the proposed abandonment and vacation of all public alleys comprising 0.267 acres (12,030 square feet) within Block 15 of the Millspaugh Addition, and subject to five Conditions of Approval as presented. Commissioner Smith seconded the Motion. The Motion passed unanimously 6-0.

Recommendation:

Staff recommends APPROVAL of the proposed abandonment and vacation of all public alleys within Block 15 of the Millspaugh Addition, **subject to five conditions of approval:**

1. Per the Code of Ordinances, Section A9.008, payment per the assessment formula outlined in the fee schedule shall be remitted for all of the abandoned alley right-of-way, should the vacation and abandonment be approved.
2. Verification of the recordation of deed(s) officially abandoning the City's claim to the entirety of the abandoned alley(s) shall be provided. If the alley acquisitions result in the property at 805 South Chadbourne becoming land locked, the owners of the east-west alley from 805 South Chadbourne to South Chadbourne Street shall provide an 20 unobstructed access easement for the benefit of 805 South Chadbourne.
3. Submit, obtain approval, and officially record a subdivision replat absorbing all of the abandoned right-of-way into adjacent lot(s) meeting all requirements of the Land Development and Subdivision Ordinance within 36 months of City Council's decision.
4. The applicant shall provide as part of the replat a minimum 20-foot, unobstructed utility easement along the current east-west alley.
5. The code requires a fire apparatus access of at least twenty feet in width to extend within 150' of all portions of the exterior of the structure. The access shall connect to a public street. The access shall be designed to withstand the load of an 80,000 pound fire truck and shall be paved. 2015 International Fire Code Section 503, D102 and D103

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Alley Abandonment Exhibit
Photos
Application
Resident Letter



Alley Abandonment

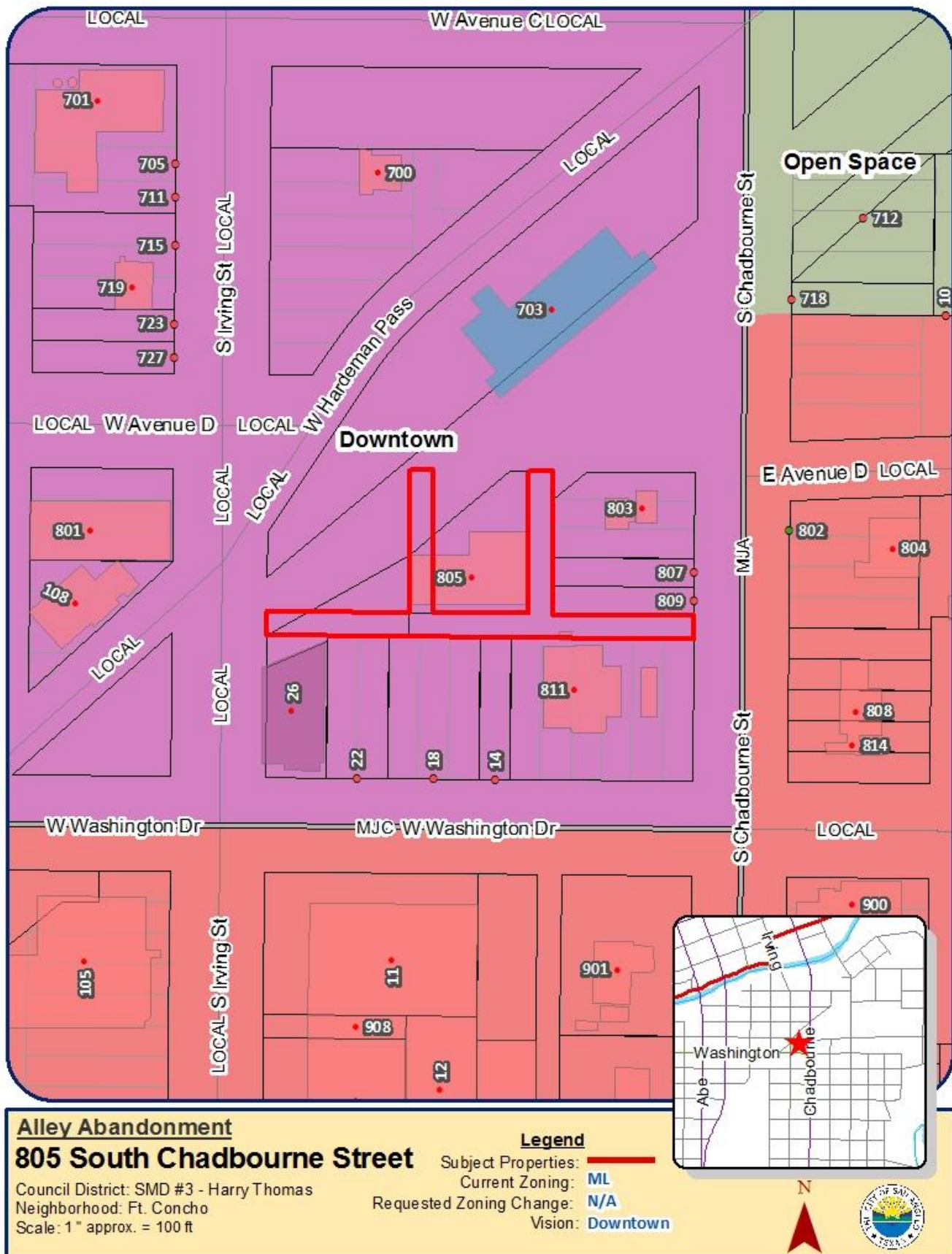
805 South Chadbourne Street

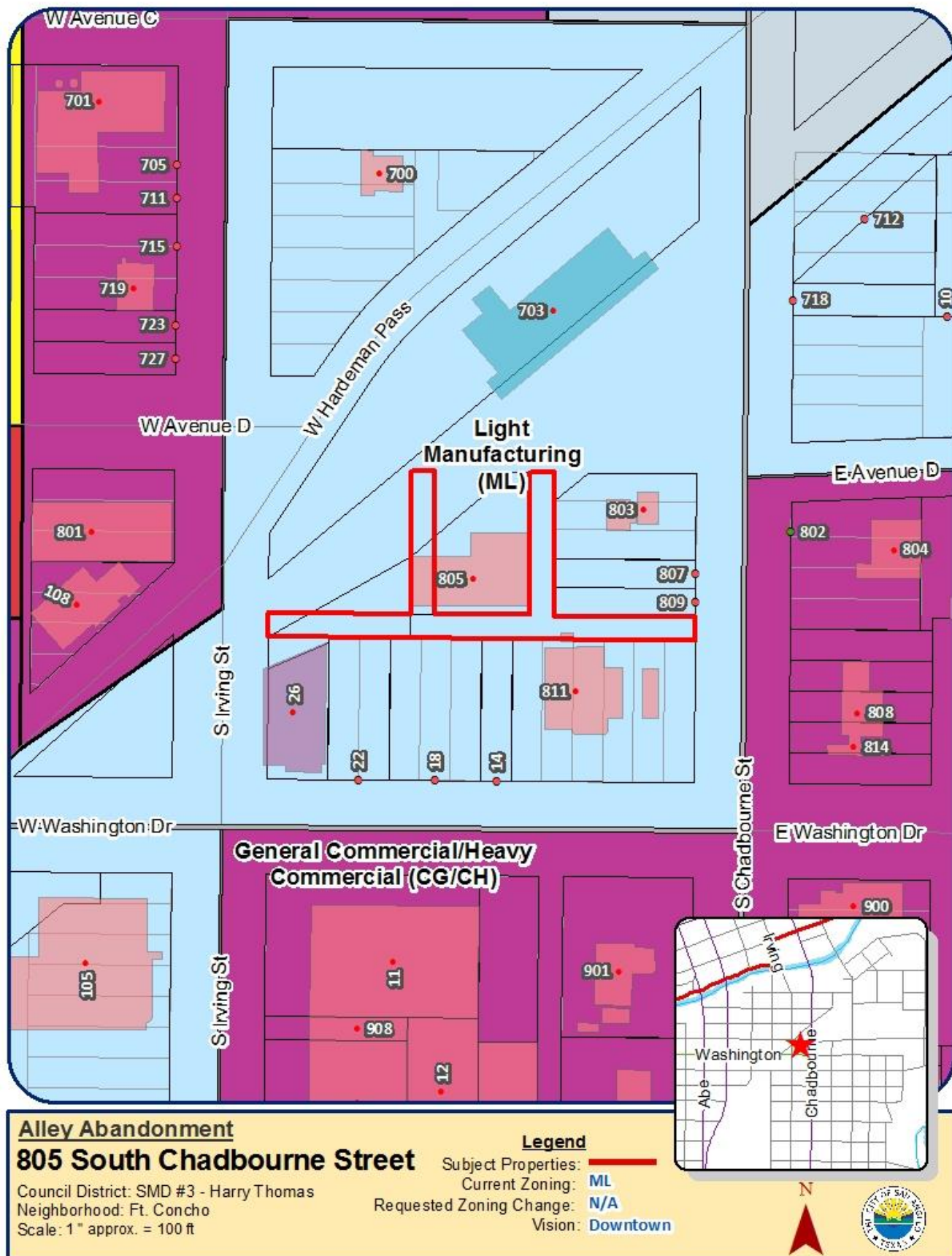
Council District: SMD #3 - Harry Thomas
 Neighborhood: Ft. Concho
 Scale: 1" approx. = 100 ft

Legend

Subject Properties: —
 Current Zoning: ML
 Requested Zoning Change: N/A
 Vision: Downtown







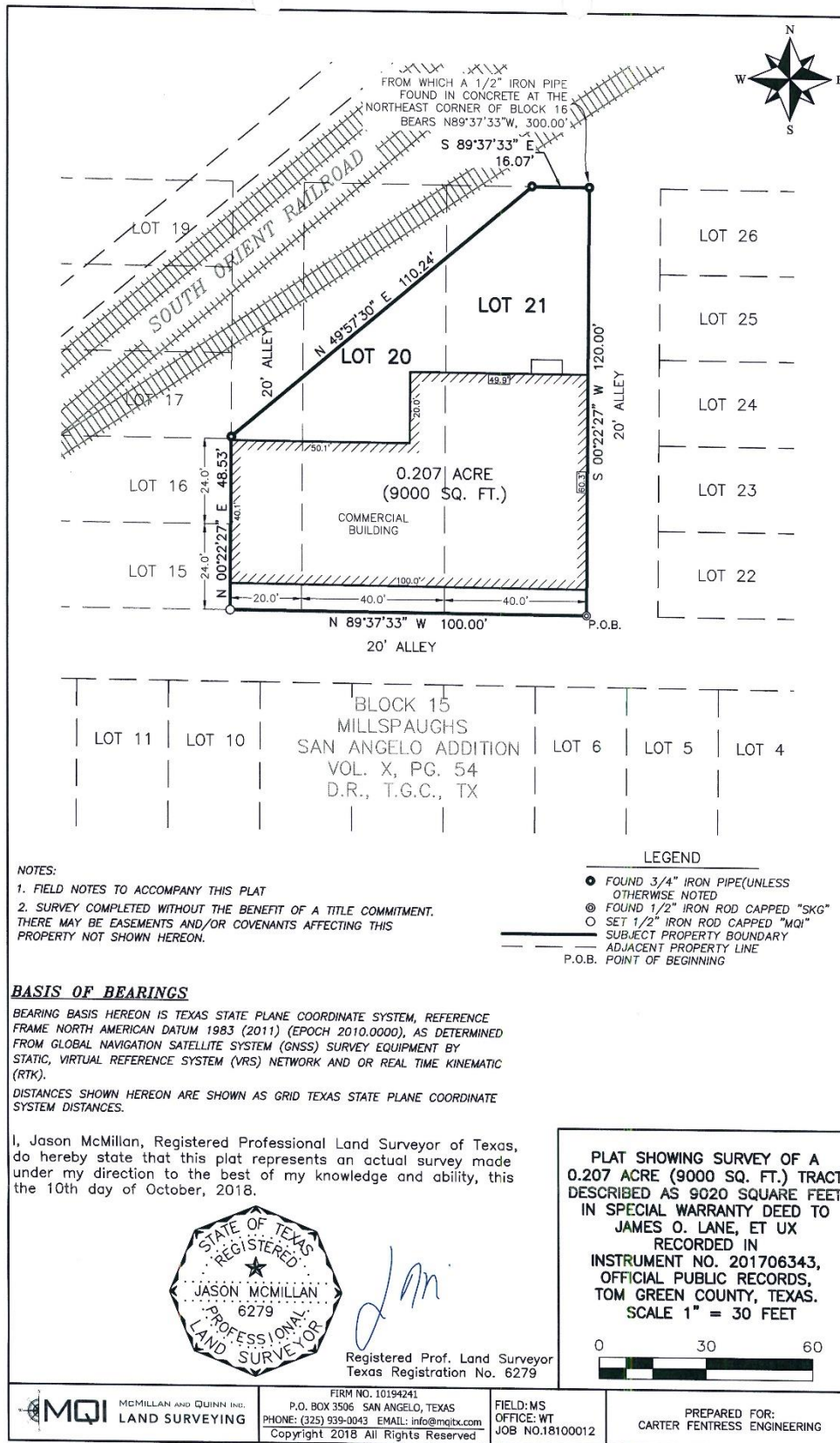
205

The Original Died for Record
in my Office the 30th day of
Aug 1882 at 4 o'clock P.M. (Cancer)
John L. Lacey
Black County Court
John L. Lacey Esq
Perce

Filed for Record November 16th 1884 at District Court
Sally Recordal Strong with 1884 at 11th District Court
Omaha, Neb. Clerk
By Oth. Recordal Strong

G. Mineers my hand and the seal of said Court this
10th day of March A.D. 1888. J. H. Lacey and David A. Hays.
By John Beechey. 2nd

5





Southwest from South Chadbourne Street



Northwest from South Chadbourne Street



East-West alley adjacent to 805 South Chadbourne Street



East-West alley from S. Irving Street



North-South alley adjacent to 805 South Chadbourne Street

Effective January 3, 2017



City of San Angelo, Texas – Planning Commission
52 West College Avenue
**Application to Abandon Right-of-way for
Street(s) and/or Alley(s)**



Section 1: Basic Information

Name of Applicant(s): BRUCE Johnson

☐ Owner ☐ Representative (Affidavit Required)

Mailing Address 2069 BITNER RD SAN ANGELO TEXAS 76905
City State Zip Code

Contact Phone Number 325 656-7097

Contact E-mail Address

Subject Property Address 805 SOUTH CHADBOURNE SAN ANGELO TEXAS 76905
City State Zip Code

Legal Description (can be found on property tax statement or at www.tomgreencad.com)
0.207 ACRE TRACT OUT OF PORTION OF LOT 2 AND 21 BLOCK 15 MILLSPAUGH ADDITION

Lot Size: 0.207 ACRE 9000 SQ FT Zoning: COMMERCIAL

Section 2: Site Specific Details

Subdivision Name: MILLSPAUGH ADDITION

Lots and/or Blocks Affected*: 20 21 PORTIONS OF BLOCK 15

General Description of Location*: SOUTH OF RAILROAD TRACK ON SOUTH CHADBOURNE
AND WEST OF CHAD, NORTH OF WASHINGTON DRIVE

Reason for Abandonment*: PARKING

*Use attachment if necessary.

Effective January 3, 2017

Section 3: Applicant's acknowledgment

I/We the undersigned acknowledge that the information provided above is true and correct.

Bruce Johnson
Signature of licensee or authorized representative
affirming the truth of the above statement.

1-31-18
Date

Bruce Johnson
Printed name of licensee or authorized representative

Name of business/Entity of representative

FOR OFFICE USE ONLY:

Date of Application: 1 / 9 / 19Non-Refundable Fee: \$ 450.00Receipt #: 102569Date paid: 1 / 8 / 19Date of hearing by Planning Commission: 2 / 18 / 19Date of hearing by City Council: 3 / 19 / 19Reviewed/Accepted by: H. Buelker4 / 2 / 19

TO BE FORMALLY ON RECORD IN FAVOR OR AGAINST THIS REQUEST, YOU
MAY ALSO FILL OUT THIS FORM, SIGN IT AND MAIL IT BACK TO THE PLANNING
DIVISION AT 72 W COLLEGE STREET IN SAN ANGELO, TEXAS 76903.

(☒) IN FAVOR (☐) IN OPPOSITION

REASON(S) _____

NAME: ROBERTO & ELEANORA SANCHEZ
ADDRESS: 1140 EAST 18TH, SAN ANGELO, TX
76903-3105

PHONE NUMBER: NO Phone

SIGNATURE: Roberto Sanchez Eleanora Sanchez

Alley Abandonment – Block 15, Millspaugh Addition
Applicant: Johnson

Property owner number: 5

If you have any questions about these proceedings, please call Hillary Bueker, Senior
Planner, Planning Division at 325-657-4210, Ext. 1547 or by email at
hillary.bueker@cosatx.us.

From: info@cosatx.us
To: [Kendrick, Bryan](#); [Antilley, Julia](#)
Subject: City of San Angelo, TX: Boards and Commissions application
Date: Saturday, March 23, 2019 1:25:43 PM

CAUTION: This email was received from an EXTERNAL source, use caution when clicking links or opening attachments.

A new entry to a form/survey has been submitted.

Form Name: Boards and Commissions application
Date & Time: 03/23/2019 11:25 AM
Response #: 91
Submitter ID: 32131
IP address: 172.24.96.111
Time to complete: 20 min. , 1 sec.

Survey Details

Page 1

NOTE: This application is a public record.

Public Service opportunities are offered by the City of San Angelo without regard to race, color, national origin, religion, sex or disability.

1. Personal information

Name: Lenny James
Address: [REDACTED]
ZIP code: 76903
Home/mobile phone: [REDACTED]
Office/mobile phone: [REDACTED]
Resident of San Angelo 4
since (year):
City Council Single-Member San Angelo
District in which you reside:
Registered San Angelo yes
voter? (yes or no)
Occupation/business HsHi Ilc Co-Founder
affiliation:
Occupation/business Wone Solar Energy/ GodSpeed Safety Technologies/Heaven Ready
address: Foundation/Arrow Innovative
Title/position: COO/CEO/Founder/VP Strategic Planing
Email: [REDACTED]

2. By executing this document, the applicant does hereby certify and affirm the truth and accuracy of the information contained herein. The applicant further authorizes the City Council, or its designee, to verify any information. The applicant agrees to release and hold harmless the City from all claims incident to the verification of information contained herein.

(o) Yes

3. Date

March 23, 2019

4. Applying for:

(o) Design and Historic Review Commission

5. Recommended by:

(Name): Harry Thomas

6. Based on your board selection, do you meet the membership criteria outlined on the [PDF version](#) of the application/Board Ordinance on our [website](#)?

(o) Yes

7. If no, which criteria?

Not answered

8. Tell us about yourself.

Education and/or professional licenses:

Lenny James Brief Bio-

I was raised from birth in Las Vegas, Nevada. Where 60 year ago my grandfather introduced a new technology we now know as HVAC. With \$500 and a station wagon, and the world telling him "he was crazy it's too expensive and it's never gonna work." In 10 years he had built an empire, 50 trucks, and vans and over 200 employees he helped build the city now know as VEGAS! I am a prodigy of my environment and family I watched my family work side by side of the Fertitta, Wynn, Gaughn, Herbst families and many others. I have personally observed how to build a city of 100,000 people to 1.7 million in 2 decades. I've seen what works, and what doesn't.

I was educated in the Clark County School System, (now one of the largest highest performing in the nation; where now my cousin is Assistant Super Intended) I spent from the age of 7 until 22 as a Race Car driver, at the age of 19 I contracted Bacterial Meningitis while racing in Mexico. The next year and a half I spent learning to walk, speak, and rehabilitate from my near death experience. After I was back to about 90% I knew I would no longer be able continue my career as a professional Race Driver, So I moved as far away as I could to go to college, knowing I would never be able focus on education being in my current environment. I had grown up in family owned business and I loved motor sports, therefore I combined the two and was educated at The University of North Carolina Education System. Where I earned my degree in business with concentration in Motor Sports Management, I also studied Art, History, and Government History. After all my childhood years of fighting the education system because I felt it was in the way of my racing career, I graduated with several different honors and a GPA 3.875, come to find out all of the teachers, and my parents had been right all along, "if I applied myself even a little I was very smart."

Fast forward to 2019, I have survived a second case of meningitis, dealt, with nerve damage, lost everything I built to the age of 35, but I found my Faith in God, and now allow him to lead my path.

Since I moved to San Angel in 2015, and started my life over, I have started a Technology company, and a solar energy company that will be leading us into the 22nd Century.

Thank You.

Current municipal and civic organization memberships (positions and dates):

Member: Southern Nevada Off-Road Enthuses 1994-

Founder: Heaven Ready Foundation 2015-

Member: Pachyderm 2018-

Previous municipal experience (positions, dates, where):

My Mother retired from the Clark County Elections Department, where I have worked many Polling locations, also In Jones County TX

What personal qualifications can you bring to the board?

I am Private Consultant on Strategic Planning.

What is your personal vision for the City?

To grow our city into what it already is. Personal small town feel with all the technologies of the future, based upon a faith.

Why do you want to serve on this board?

My passion is to preserve our heritage and build a Smarter City for the future.

Is there anything else you would like to share about yourself?

Change is never easy, but we do not have to change as a society, we must evolve much like our planet is going through right now. Man didn't create any of the problems we are seeing today, we just haven't done our best to change with the times. It is time to step up and be responsible for our actions and ways of thinking.

The City Council adopted the Code of Ethics for members of the City Council and for the City's boards and commissions to assure public confidence in the integrity of local government and its effective and fair operation. Therefore, all Members shall comply with the laws of the nation, the State of Texas, and the City of San Angelo in the performance of their public duties. If you been convicted of a MISDEMEANOR or FELONY, and/or placed on probation, fined or given a suspended sentence such as pretrial diversion or deferred adjudication in court within the last ten years, disclosure of such should be forwarded under separate cover. For a complete copy of the Code of Ethics, contact the City Clerk at [325-657-4405](tel:325-657-4405).

Thank you,
City of San Angelo, TX

This is an automated message generated by the Vision Content Management System™. Please do not reply directly to this email.



APPLICATION FOR
BOARDS and COMMISSIONS

Name: Grieta Lara

Address: [REDACTED]

City: San Angelo State: TX Zip: 76904

Phone (Home) [REDACTED] Office): [REDACTED]

Resident of San Angelo since: 2016 SMD: [REDACTED]

Are you a registered voter of San Angelo? Yes: ☒ No: [REDACTED]

Occupation/Business Affiliation: financial advisor

Occupation/Business Address: 2025 W. Beauregard

Title/Position: Edward Jones

Email: [REDACTED]

By executing this document, the applicant does hereby certify and affirm the truth and accuracy of the information contained herein. The applicant further authorizes the City Council, or its designee, to verify any information. The applicant agrees to release and hold harmless the City from all claims incident to the verification of information contained herein.

Grieta Lara 3/14/19
Applicant's Signature Date

NOTE: This application is a public record.* Public Service opportunities are offered by the City of San Angelo without regard to race, color, national origin, religion, sex, or disability.

Return to: julia.antilley@cosatx.us or City of San Angelo, c/o City Clerk, 72 W. College, San Angelo, Texas 76903

Applying for:

- ☐ Airport Advisory Board
- ☐ Airport Zoning Board
- ☐ Animal Shelter Advisory Committee
- ☐ Civic Events Advisory Board
- ☐ Civil Service Commission
- ☐ Construction Board of Adjustment & Appeals
- ☐ Design & Historic Review Commission
- ☒ Economic Development Corporation
- ☐ Fairmount Cemetery Board
- ☐ Fort Concho Museum Board
- ☐ Keep San Angelo Beautiful Board
- ☐ Park Commission
- ☐ Parks & Recreation Advisory Board
- ☐ Planning Commission
- ☐ Public Art Commission
- ☐ Tax Increment Reinvestment Zone Board
- ☐ Water Advisory Board
- ☐ Zoning Board of Adjustment

Specific membership criteria requirements apply - see back page for more information.

Recommended by:

Feel free to attach additional sheets, if necessary.

Based on your board selection, do you meet the membership criteria? ☒ Yes ☐ No

If no, which criteria (see back page for board criteria): [REDACTED]

Education and/or Professional Licenses: Bachelor's degree
insurance license, Series 7, Series 66, teaching certificate

Current Municipal and Civic Organization Memberships (position and dates): Texas Business Women, general member
Young Professionals of San Angelo, Secretary 2019

Previous Municipal Experience (position, location, and dates): [REDACTED]

What personal qualifications can you bring to this board? I offer a diverse viewpoint that will benefit discussion and the city.

What is your personal vision for the City? I love living in San Angelo. It is a great place to raise a family and there is a lot to do. I want

Why do you want to serve on this board? to continue the development of San Angelo for future generations and further foster our city as a great place to live, work, and play.

Additional relevant information: [REDACTED]

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APPLICATION FOR BOARDS and COMMISSIONS

Name: Joe Spano

Address: [REDACTED]

City: San Angelo State: TX Zip: 76901

Phone (Home): _____ (Office): _____

Resident of San Angelo since: 2012 SMD: 6

Are you a registered voter of San Angelo? Yes: X No: _____

Occupation/Business Affiliation: Republic Services

Occupation/Business Address: 1422 Hughes Street 76903

Title/Position: Manager of Municipal Services

Email: [REDACTED]

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Applicant's Signature

Date _____

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Applying for:

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- ☐ Planning Commission
- ☐ Public Art Commission
- ☐ Tax Increment Reinvestment Zone Board
- ☐ Water Advisory Board
- ☐ Zoning Board of Adjustment

Specific membership criteria requirements apply - see back page for more information.

Recommended by:

Feel free to attach additional sheets, if necessary.

Based on your board selection, do you meet the membership criteria? X Yes No

If no, which criteria (see back page for board criteria): _____

Education and/or Professional Licenses: Mcmurry University Abilene TX, Kendall School of Hospitality Chicago IL.

Current Municipal and Civic Organization Memberships (position and dates): Vice Chair San Angelo Planning Commission
2016-present

Previous Municipal Experience (position, location, and dates): _____

What personal qualifications can you bring to this board? Knowledge of the Waste management industry, Landfill operations, Disposal methods, and environmental impacts.

What is your personal vision for the City? Continue to create an environmentally concious community, remain progressive in our quest to maintain our natural resources we are blessed with, IE, river and lake. Embrace change when needed, however keep the uniqueness that San Angelo is known for.

Why do you want to serve on this board? To help educate through solid partnerships within the community the importance of environmental responsibility, combat illegal dumping, and promote the overall environmental health of our city.

Additional relevant information:

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**APPLICATION FOR
BOARDS and COMMISSIONS**

Name: JOHN EDWARD BARTON, JR.
 Address: [REDACTED]
 City: SAN ANGELO State: TX Zip: 76901
 Phone (Home): [REDACTED] (Office): (SAME)
 Resident of San Angelo since: 1979 SMD: _____
 Are you a registered voter of San Angelo? Yes: ☒ No: _____
 Occupation/Business Affiliation: ROBERT MASSIE FUNERAL HOME
 Occupation/Business Address: 402 RIO CONCHO DR. SAN ANGELO TX
 Title/Position: PRE-ARRANGEMENT DIRECTOR 76903
 Email: [REDACTED]

By executing this document, the applicant does hereby certify and affirm the truth and accuracy of the information contained herein. The applicant further authorizes the City Council, or its designee, to verify any information. The applicant agrees to release and hold harmless the City from all claims incident to the verification of information contained herein.

Applicant's Signature [Signature] Date 3/28/2019

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- ☐ Planning Commission
- ☐ Public Art Commission
- ☐ Tax Increment Reinvestment Zone Board
- ☐ Water Advisory Board
- ☐ Zoning Board of Adjustment

Specific membership criteria requirements apply - see back page for more information.

Recommended by: _____

Feel free to attach additional sheets, if necessary.

Based on your board selection, do you meet the membership criteria? ☒ Yes ☐ No

If no, which criteria (see back page for board criteria): _____

Education and/or Professional Licenses: TEXAS DEPARTMENT OF INSURANCE, LICENSE #1117447 SINCE 10/24/2001

Current Municipal and Civic Organization Memberships (position and dates): LONG-TERM CHURCH MEMBER, DEACON, LEADER, CHAPLAIN AND COUNSELOR

Previous Municipal Experience (position, location, and dates): COSATX BOARD + PAST PRESIDENT 2/1/2011 ~ 2/27/2019

What personal qualifications can you bring to this board? RESIDENT SINCE 1979, INTEREST IN THE CHARACTER OF OUR COMMUNITY AS SEEN BY RESIDENTS AND TOURIST VISITORS.

What is your personal vision for the City? THE FUTURE CROSSROADS OF WEST TEXAS WITH BOTH I-14 AND I-27 ON THE HORIZON.

Why do you want to serve on this board? TO POSITIVELY INFLUENCE AND GUIDE SAN ANGELO'S FUTURE ECONOMICALLY AND CULTURALLY.

Additional relevant information: I BRING A TENACIOUS OPTIMISM AND BUSINESS BACKGROUND WITH CHRISTIAN PRINCIPLES TOWARD ACCOMPLISHMENT AND SUCCESS.

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BOARD / COMMISSION MEMBERSHIP CRITERIA

Generally, all board members should be at least 18 years of age and a City resident unless otherwise stipulated.

Airport Advisory Board: No additional criteria.

Airport Zoning Board: No additional criteria.

Animal Shelter Advisory Committee: 1 veterinarian; 1 municipal or county official; 1 whose duties include the daily operation of an "animal shelter" as defined in section 823.001 of the Health and Safety Code; 1 officer or employee of an animal welfare organization; and 3 positions filled by City residents.

Civic Events Advisory Board: No additional criteria.

Civil Service Commission: Age 25+, City resident for more than three years, good moral character, and has not held public office within the preceding three years.

Construction Board of Adjustment & Appeals: 1 architect or engineer; 1 commercial building contractor; 1 residential building contractor; 1 electrical contractor; 1 plumber; 1 mechanical contractor; 1 realtor, real estate inspector, or real estate appraiser (member at large from the building industry); 1 homeowner (member at large from the public); and 1 commercial business owner.

Design & Historic Review Commission: Known or demonstrated interest in, general knowledge of, and experience relevant to historic preservation or other professional design field within the City. As possible, at least: 2 licensed or otherwise recognized professionals in architecture, landscape architecture, design, engineering, surveying, or related profession; 1 recognized historian or member of a local historic preservation group; 1 real property owner within the River Corridor; 1 owner of real property designated or recognized as a community landmark, or within a designated historic district; and 1 member of a downtown development organization under contract with the City. Additionally, City Council appoints 1 Historic Preservation Officer with general knowledge and experience relevant to historic preservation or other professional design field.

Economic Development Corporation: Cannot be an employee, officer or member of the City Council, of the City, or a member of any board or commission of the City, except that a member may be appointed to serve on the Water Advisory Board.

Fairmount Cemetery Board: No additional criteria.

Fort Concho Museum Board: Age 21+ and demonstrated experience or interest in heritage education, historic preservation, and community service and/or tourism promotion.

Keep San Angelo Beautiful Board: No additional criteria.

Park Commission: No additional criteria.

Parks & Recreation Advisory Board: Selected on educational and professional qualifications and general knowledge of, interest in, and experience relevant to youth or adult sports, senior activities, recreation activities, other organized social activities, parks, nature or conservation.

Planning Commission: Representatives of different businesses, professions or occupations, as possible. No more than 3 members shall be in the same, similar or related business, profession or occupation.

Public Art Commission: As possible, 1 teacher or professor of art; 1 member of the San Angelo Cultural Affairs Council or the San Angelo Museum of Fine Arts; 1 artist; and 1 landscape architect, architect, engineer, or other type of design professional.

Tax Increment Reinvestment Zone Board: Resident of the county in which the zone is located or a county adjacent to that county; or owns real property in the zone, whether or not the individual resides in the county in which the zone is located or a county adjacent to that county.

Water Advisory Board: 1 engineer, hydrologist, meteorologist or water well driller; 1 in the industry of banking, accounting or financial services with a specialization in agricultural lending or water financing; 1 in agriculture or rural water issues; and 1 attorney, former municipal water district or other governmental officer, or legislator or person who has experience in legal issues related to water.

Zoning Board of Adjustment: No additional criteria.