



## **City Council Agenda 7/2/2019**

Notice is hereby given of a regular meeting of the City Council of City of San Angelo to be held on July 2, 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. Recognition of the Texas Hunger Initiative & Kids Eat Free Program
- b. Proclamation of June 28, 2019 as the 100th anniversary of women's right to vote in Texas
- c. Recognition of Public Information Office recent awards

**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 June 18, 2019 City Council regular meeting minutes (Julia Antilley)
- b. Consider authorizing the sale of the following Lake Nasworthy property to the current residential lot lease holder for the appraised value and authorizing the City Manager to execute all documents necessary to convey the surface estate only in the property (Cindy Preas):
  - 1. 1623 Canal Rd.; Lot 133, Block 9, Section 2, Group Shady Point, Lake Nasworthy Addition (\$28,581)
  - 2. 2538 Sleepy Hollow Rd.; Lot 17, Block 1, Section 1, Group Fisherman's Road, Lake Nasworthy Addition (\$109,097)
- c. Consideration of a lease renewal for five years between the City of San Angelo and the Texas Facilities Commission for existing, additional, transferred, deleted office space at the Chase State Office Building at 622 South Oakes (Bob Bluthardt)
- d. Consider ratifying a COSADC resolution to sell approximately 12 acres of land at the City of San Angelo Business & Industrial Park to Allen's Transport USA at a price of \$25,000 per acre; authorizing the Board President to negotiate and execute a real estate sales contract in a form approved by the City Attorney; and recommending ratification by City Council (Robert Schneeman)

- e. Consider approving a lease agreement with the United States of America Civil Air Patrol, San Angelo Composite Squadron on public property located near the San Angelo Regional Airport (Mathis Field) and authorizing the City Manager to execute all related documents (Jeremy Valgardson)
- f. Consider approving an advertising services agreement with Citywise Marketing and authorizing the City Manager to execute all related documents (Nolan Sosa)
- g. Consider approving purchases with Hydra-Stop, LLC related to the purchase of parts and materials to install water valves using the City's Hydra-Stop Insta-Valve machine budgeted in FY19, FY20, and FY21 in the amount of \$75,000 annually (Allison Strube)
- h. Consider approving revised bylaws approved by the Civic Events Advisory Board (Sidney Walker)
- i. Consider approving revised bylaws approved by the Airport Advisory Board (Jeremy Valgardson)
- j. Consider a resolution authorizing a special event known as "Joe's Bar and Grill Car Show" and approving variances to City ordinances at Mary E. Lee Park for October 19, 2019 (Carl White)
- k. Second reading of an ordinance amending Chapter 12 "Planning and Development", Exhibit C "Land Development and Subdivision Ordinance", Chapter 5 "Procedural Requirements for Processing Subdivisions", Section III "Stages of Development Review", Subpart C "Administrative Subdivisions" by including the review process (Jon James)
- l. Second reading of an ordinance approving case SU19-02, a Special Use to allow for a golf driving range; outdoor multi-use sports facilities and related recreational activities; outdoor miniature golf; and outdoor events, on 21.536 acres, located at 2838 S. College Hills Blvd. (Jon James)
- m. Second reading of an ordinance approving Z19-06, a rezoning from the Single Family Residential (RS-1) Zoning District to the Two-Family Residential (RS-2) Zoning District, on 0.2 acres located at 4014 Coliseum Dr. (Jon James)
- n. Second reading of an ordinance approving case Z19-07, a rezoning from the Neighborhood Commercial (CN) Zoning District to the Low Rise Multifamily Residential (RM-1) Zoning District, being 0.915 acres located at 5205 S. Bryant Blvd. (Jon James)
- o. Second reading of an ordinance approving Z19-08, a rezoning from the Ranch and Estate (R&E) and General Commercial/Heavy Commercial (CG/CH) Zoning Districts to the Heavy Commercial (CH) Zoning District, on 2.49 acres located at 5050 N. Chadbourne St. (Jon James)
- p. Second reading of an ordinance approving PD19-04, a rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District to Planned Development (PD) Zoning District to allow for existing uses and uses permitted in the General Commercial (CG) Zoning District, an overall use plan, and an off-site sign; comprising a total of 2.38 acres generally located at 1909 W. Beauregard Ave. (Jon James)
- q. Second reading of an ordinance approving PD19-05, a rezoning from the Single-Family Residential (RS-1) District to the Planned Development (PD) Zoning District to allow for uses permitted in the General Commercial (CG) Zoning District with a principal use of water sports rental, retail sales, boat slips, and an office on the City of San Angelo special lease property located at 2138 Mary E. Lee Park Rd., comprising 1.23 acres (Jon James)



## **7. Regular Agenda**

- a. Consider approving a Change Order to ES-02-18 Bell Street Reconstruction Project contract with Reece Albert, Inc. in the amount of \$87,593.92 to be expended from currently allocated contingency funds and affecting a change in the Pavement Marking to include appropriate surface preparation, sealing and contrast striping for concrete paving and authorizing the City Manager to execute all related documents (Presentation made by City Engineer Lance Overstreet)
- b. Consider awarding ES-05-19, High Density Mineral Bond Surface Treatment, to Andale Construction, Inc. in the amount of \$218,083.48 and authorizing the City Manager to execute any related documents (Presentation made by Operations Assistant Director Patrick Frerich)
- c. Consider approval of the following:
  1. Second reading of an ordinance removing the lease and sale of residential and commercial lots at Lake Nasworthy, and the lease of city-owned property through short term recreational leases from the Code of Ordinances and requiring the policy to be adopted by City Council through resolution
  2. Approval of a resolution adopting the Policy and Procedures Manual for Lake Nasworthy Lease and Sale of Residential and Commercial Lot Leases and Short Term Recreational Lease of City-Owned Property (Presentation made by Real Estate Manager Cindy Preas)
- d. Public hearing and first reading of an ordinance amending Appendix A "Fee Schedule" in the Code of Ordinances and requiring a fee schedule to be adopted by Resolution of Council (Presentation made by City Attorney Theresa James)
- e. First reading and public hearing of an ordinance amending Appendix A "Fee Schedule", Article A8.000 "Utility Related Fees", A8.002(a)(1) "Rate Schedule", by amending the untreated water rates (Presentation made by Water Utilities Director Allison Strube)
- f. Second reading of an ordinance amending Appendix A "Fee Schedule", by deleting article A3.011 "Bus Fares" and replacing it with article A3.011 "Airport Badge Fees" (Presentation by Finance Director Tina Dierschke)

## **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. Consider approving various board nominations:  
**Zoning Board of Adjustment:** Jason Fernandez (SMD3) to an unexpired term ending January 2020 and Danny Aguero (Mayor - Alternate 1) to an unexpired term ending January 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 June 2019, at 7:45 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.

# Recognition

The Texas Hunger Initiative is a collaborative effort with the goal of ending hunger in Texas through policy, education, research, grassroots organizing and community development.

San Angelo is one of eight Texas cities selected to have a regional office with the dual purpose of promoting child nutrition programs and creating Hunger Free Community Coalitions within our 23-county region. In Tom Green County, more than one in four families with children often do not have enough money to buy food. In San Angelo ISD, over 8,000 students receive free or reduced meals when school is in session. The goal for Kids Eat Free 2019 is to help meet the nutritional needs of more children during the summer months after summer school is over.

In our ten-year history, Kids Eat Free has served over 168,000 meals to children. Local churches, ministries, organizations, businesses, and numerous individuals have committed to provide meals in July and August at ten San Angelo neighborhood sites.

Kids Eat Free would like to invite the community to join us for food, fun, and prizes as we celebrate our 10<sup>th</sup> anniversary at the San Angelo State Park on July 13<sup>th</sup> from 10 a.m. to 1 p.m.

Therefore, I, Brenda Gunter, Mayor of the City of San Angelo, on behalf of the City Council, do hereby recognize and applaud

## **The Texas Hunger Initiative & Kids Eat Free Program**

for its achievement and positive determination to make a difference in our community through the Kids Eat Free Summer Meal Program.

**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 2<sup>nd</sup> day of July, 2019.

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**Brenda Gunter**  
**Mayor of the City of San Angelo**

# Proclamation

On June 23, 1919, the Texas legislature met in a special session to adopt the women's suffrage movement. Five days later, the Senate voted to grant Texas women the right to vote.

In 1918, San Angelo was ahead of its time when Mamie Barfield was selected as City Secretary. Ms. Barfield worked in the city office responsible for municipal elections before women were allowed the right to vote in Texas. A dedicated employee for 50 years, Ms. Barfield was recognized by the Texas Municipal League in 1962 for her longevity with the city. Ms. Barfield was a trailblazer as a working professional at a time when men dominated the workforce. Additionally, San Angelo was progressive for employing her at a time when only 20 percent of the workforce was female.

100 years later, we reflect on and appreciate the dutiful service of Mamie Barfield, along with the years of work by many women's rights groups, who fought for passage of the 19<sup>th</sup> Amendment, guaranteeing and protecting women's constitutional right to vote.

Therefore, I, Brenda Gunter, Mayor of the City of San Angelo, Texas, on behalf of the City Council, do hereby recognize Mamie Barfield's role as San Angelo's longest serving City Secretary and hereby proclaim June 28, 2019 as the

## **100<sup>TH</sup> ANNIVERSARY OF WOMEN'S RIGHT TO VOTE IN TEXAS**

in San Angelo, Texas and urge the residents to join us in observing this great milestone.

In Witness Whereof, I have set my hand and have caused the Official Seal of the City of San Angelo to be affixed this 2<sup>nd</sup> day of July, 2019.

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**Brenda Gunter**  
**Mayor of the City of San Angelo**

# Recognition

The City's Public Information Office won three trophies at the state gathering of the Texas Association of Municipal Information Officers.

The office won a first place award in the association's competition for a public service announcement for the SAPD. This was a recruitment video featuring a San Angelo police officer who previously served in the military.

The Public Information Office typically stands out in the state competition, and this year was no exception. The office won a second place award for a public service announcement produced for the Stormwater Division. The educational spot explained the impact of litter on the stormwater that flows in the Concho River.

"City Life: David Green" also won third place in the special, one-time program category. This program spotlighted the work of a Water Distribution supervisor.

All of the awards were won against offices in the state's metropolitan cities. Communications Director Anthony Wilson serves as the organization's treasurer; he helped plan the conference, facilitated two panel discussions, and introduced three speakers.

Therefore, I, Brenda Gunter, Mayor of the City of San Angelo, Texas, on behalf of the City Council, do hereby recognize and applaud

## **THE PUBLIC INFORMATION OFFICE**

for its achievement and positive determination to make a difference in our community.

In Witness Whereof, I have set  
my hand and have caused the  
Official Seal of the City of San  
Angelo to be affixed this 2<sup>nd</sup> day  
of July, 2019.

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**Brenda Gunter**  
**Mayor of the City of San Angelo**

City of San Angelo, Texas  
Regular City Council Meeting  
Tuesday, June 18, 2019

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Present:

Mayor Brenda Gunter  
Mayor Pro tem Harry Thomas, SMD 3  
Council Member Tommy Hiebert, SMD 1  
Council Member Tom Thompson, SMD 2  
Council Member Lane Carter, SMD 5  
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, June 18, 2019 in the San Angelo McNease Convention Center, 501 Rio Concho Drive, San Angelo, Texas 76903.

**2. Chaplain Prayer**

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

**3. Pledges**

Pledges were led by incoming 2<sup>nd</sup> grader Mia Martinez.

**4. Proclamations/Recognitions**

No proclamations/recognitions were given.

**5. Public Comment**

No public comment was given.

**6. Consent Agenda**

- a. Approval of the June 4, 2019 City Council regular meeting minutes (Julia Antilley)
- b. Authorization of the sale of the following Lake Nasworthy property to the current residential lot lease holder for the appraised value and authorizing the City Manager to execute all documents necessary to convey the surface estate only in the property (Cindy Preas)
  1. 1605 Turtle Dr.; Lot 67, Block 5, Section 1, Group Shady Point, Lake Nasworthy Addition (\$28,300)
  2. 2674 Sleepy Hollow Rd.; Lot 53, Block 1, Section 1, Group Fishermans Road, Lake Nasworthy Addition (\$91,389)
- c. Authorization of the City Manager to reject all bids received for RFB WU-09-19 Industrial Electrical Services (Allison Strube)
- d. Authorization of the City Manager to reject all bids received for RFP FIN-01-19 Audit Services & Comprehensive Annual Financial Report Preparation (Tina Dierschke)
- e. Authorization of the City Manager to execute an amendment to the existing Professional Services Agreement with Armstrong, Backus, & Co., LLC. for the comprehensive annual audit of the City's financials and other audit services (Tina Dierschke)
- f. Authorization of City staff to apply for a HUD grant to fund a Rapid Rehousing for Homeless program through the Texas Homeless Network in the amount of \$150,000 and authorizing the City Manager to execute all related documents (Bob Salas)
- g. Approval of revised bylaws approved by the Parks and Recreation Advisory Board (Carl White)

- h. Approval of revised bylaws adopted by the Tax Increment Reinvestment Zone Board (Jon James)
- i. Approval of revised bylaws adopted by the Zoning Board of Adjustment (Jon James)
- j. Second reading and adoption of an ordinance amending Appendix A "Fee Schedule", by amending Article A6.005(a) "Park Facility and Activity Fees" for youth leagues and tournaments (Tina Dierschke) (Pg. 278, 2019-082)

Motion: Council Member DeWitt made a motion, seconded by Council Member Hiebert, to approve the consent agenda, with the exception of items 6d, 6e, and 6f. The motion carried unanimously (6) ayes to (0) nays.

*Citizen Steve Hampton requested clarification on 6d.*

Motion: Council Member DeWitt made a motion, seconded by Council Member Thomas, to approve items 6d and 6e, as presented by Finance Director Tina Dierschke. The motion carried unanimously (6) ayes to (0) nays.

*Citizen Steve Hampton requested clarification on 6f.*

*Salvation Army representative Janet Sheen stated their reopening is dependent on potential grant funding.*

Motion: Council Member DeWitt made a motion, seconded by Council Member Hiebert, to approve item 6f, as presented by Neighborhood & Family Services Director Bob Salas. The motion carried unanimously (6) ayes to (0) nays.

## **7. Regular Agenda**

- a. First reading and public hearing of an ordinance to modify the Code of Ordinances to remove the policy for Lake Nasworthy lot leases, sale of leased lots, and the lease of city-owned property through recreational leases and to require such policy to be adopted by Resolution (Presentation made by City Attorney Theresa James)

*Citizen Steve Hampton requested clarification.*

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

- b. Public hearing, discussion, and deliberation on requested projects to be considered for funding with grant year 2019 Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) grant funds from the U.S. Department of Housing and Urban Development (Presentation made by Neighborhood & Family Services Director Bob Salas)

*Citizen Steve Hampton requested clarification.*

*Citizen Terri Jackson spoke in support of the program.*

Motion: Council Member Thompson made a motion, seconded by Council Member Carter, to direct staff to draft the annual action plan, as presented. The motion carried unanimously (6) ayes to (0) nays.

- c. First reading and public hearing of an ordinance approving PD19-04, a rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District to Planned Development (PD) Zoning District to allow for existing uses and uses permitted in the General Commercial (CG) Zoning District, an overall use plan, and an off-site sign; comprising a total of 2.38 acres generally located at 1909 W. Beauregard Ave. (Presentation made by Planning & Development Services Director Jon James)

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.

- d. First reading and public hearing of an ordinance approving PD19-05, a rezoning from the Single-Family Residential (RS-1) District to the Planned Development (PD) Zoning District to allow for uses permitted in the General Commercial (CG) Zoning District with a principal use of water sports rental, retail sales, boat slips, and an office on the City of San Angelo special lease property located at 2138 Mary E. Lee Park Rd., comprising 1.23 acres (Presentation made by Planning & Development Services Director Jon James)

*Water Dawgs owners Josh and Gentry Slaton introduced themselves and offered to answer questions.*

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

- e. First reading and public hearing of an ordinance approving case SU19-02, a Special Use to allow for a golf driving range; outdoor multi-use sports facilities and related recreational activities; outdoor miniature golf; and outdoor events, on 21.536 acres, located at 2838 S. College Hills Blvd. (Presentation made by Planning & Development Services Director Jon James)

[Real Estate Manager Cindy Preas explained the lease and City Engineer Lance Overstreet clarified the no rise study requirement.]

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

- f. First reading and public hearing of an ordinance approving Z19-06, a rezoning from the Single Family Residential (RS-1) Zoning District to the Two-Family Residential (RS-2) Zoning District, on 0.2 acres located at 4014 Coliseum Dr. (Presentation made by Planning & Development Services Director Jon James)

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

- g. First reading and public hearing of an ordinance approving Z19-07, a rezoning from the Neighborhood Commercial (CN) Zoning District to the Low Rise Multifamily Residential (RM-1) Zoning District, being 0.915 acres located at 5205 S. Bryant Blvd. (Presentation made by Planning & Development Services Director Jon James)

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

- h. First reading and public hearing of an ordinance approving Z19-08, a rezoning from the Ranch and Estate (R&E) and General Commercial/Heavy Commercial (CG/CH) Zoning Districts to the Heavy Commercial (CH) Zoning District, on 2.49 acres located at 5050 N. Chadbourne St. (Presentation made by Planning & Development Services Director Jon James)

*Citizen Erica Carter offered to answer questions.*

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

- i. First reading and public hearing of an ordinance approving the abandonment and vacation of a 15-ft wide by 200-ft long, 0.0685 acres (3,000-sq ft) public alley; located south of W. Beauregard Ave., north of W. Colorado St. between S. Tyler St. and S. Polk St. (Presentation made by Planning & Development Services Director Jon James)

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



- j. First reading and public hearing of an ordinance amending Chapter 12 "Planning and Development", Exhibit C "Land Development and Subdivision Ordinance", Chapter 5 "Procedural Requirements for Processing Subdivisions", Section III "Stages of Development Review", Subpart C "Administrative Subdivisions" by including the review process (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.

- k. Update and discussion of Hotel Occupancy Tax performance and eligible capital improvement projects (Presentation made by Finance Director Tina Dierschke)

*Convention and Visitors Bureau Vice President Diann Bayes spoke regarding HOT restrictions for historic preservation.*

Direction: Staff was directed to bid roof projects and bring funding proposals for re-roofing Fort Concho buildings, with the exception of the Hospital and possibly excluding Barracks 1 & 2 from full replacement.

Direction: Staff was directed to bring a prioritized list of improvements with cost estimates for the Bill Aylor Memorial RiverStage.

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

[Finance Director Tina Dierschke agreed to provide an update on quarterly sales tax payers.]

No Action Taken.

## **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:

- a. Section 551.071(2) consult with attorney when the governmental body seeks the advice of its attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter, regarding water rights and contracts for Lake Nasworthy
- b. Section 551.074(a)(1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, regarding the annual evaluation of the City Manager
- c. Section 551.072 to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person, regarding Friedrich Heinemann S-327 & Windstone Park Addition

## **9. Follow Up and Administrative Issues**

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

No Action Taken.

- b. Announcements and consideration of Future Agenda Items

Council Member Thomas announced a group of homeless individuals are living at the 5th and Chadbourne overpass and encouraged citizens to call dispatch when issues arise. Additionally he would like to proactively address and resolve the situation before a larger issue develops.

Council Member Thompson requested a map presented by Planning & Development Services Director at a prior meeting where the ETJ was shown with proposed corridor routes north of 2105. Mayor Gunter clarified the future routes are not defined or approved and will not be determined without citizen, mayoral, council, and commissioner input.

**10. Adjournment**

Consensus: Council Member Hiebert made a motion, seconded by Council Member Carter, to adjourn the meeting. The motion carried by consensus.

There being no further business, the meeting was adjourned at 11:23 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

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

Meeting Date: July 2, 2019

Item type: Consent Item

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## **Caption:**

Consider authorizing the sale of the following Lake Nasworthy property to the current residential lot lease holder for the appraised value and authorizing the City Manager to execute all documents necessary to convey the surface estate only in the property (Cindy Preas):

1. 1623 Canal Rd.; Lot 133, Block 9, Section 2, Group Shady Point, Lake Nasworthy Addition (\$28,581)
2. 2538 Sleepy Hollow Rd.; Lot 17, Block 1, Section 1, Group Fisherman's Road, Lake Nasworthy Addition (\$109,097)

## **Summary/History:**

If the sale is approved at the appraised value, title examination will be performed and legal staff will prepare Real Estate Contract of Sale, Special Warranty Deed and Surrender of Lease.

Sale of the surface estate of city-owned Lake Nasworthy residential lots is governed by City of San Angelo Code of Ordinances, Article 9.03, Sec. 9.03.004.

## **Financial Impact:**

Upon approval, proceeds from the sale of residential lots will be placed in the Lake Nasworthy Trust Fund.

## **Other Information/Recommendation:**

Staff recommends approval.

## **Attachments:**

- |                                            |                                             |
|--------------------------------------------|---------------------------------------------|
| 1. 1623 Canal Rd Appraisal Summary         | 1623 Canal Rd Appraisal Summary.pdf         |
| 2. 2538 Sleepy Hollow Rd Appraisal Summary | 2538 Sleepy Hollow Rd Appraisal Summary.pdf |

## **Presentation:**

## **Approvals/Reviews:**

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

# **APPRAISAL OF REAL PROPERTY**

## **LOCATED AT**

1623 Canal Rd  
San Angelo, TX 76904-7760  
Lot 133, Block 9, Section 2, Group Shady Point, Lake Nasworthy Addition

## **FOR**

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

## **AS OF**

05/16/2019

## **BY**

Kevin J. Halfmann  
Crystal N. Bancroft  
Halfmann Appraisals  
133 W Concho Ave Ste 110  
San Angelo, TX 76903-6462  
(325) 655-1278  
[www.halfmannrealty.com](http://www.halfmannrealty.com)

Halfmann Appraisals  
133 W Concho Ave Ste 110  
San Angelo, TX 76903-6462  
(325) 655-1278  
www.halfmannrealty.com

06/20/2019

City of San Angelo  
Real Estate Division  
72 W. College Ave  
San Angelo, TX 76903

Re: Property: 1623 Canal Rd  
San Angelo, TX 76904-7760  
Borrower: David Jenkins  
File No.: R19-0130

Opinion of Value: \$ 28,581  
Effective Date: 05/16/2019

In accordance with your request, we have appraised the above referenced property. The report of that appraisal is attached.

The purpose of this appraisal is to estimate the market value of the property described in this appraisal report, as unimproved, in Leased Fee ownership per the hypothetical condition given by the City of San Angelo stated in the Addenda.

This report is based on a physical analysis of the site only, an analysis of the neighborhood and city, and an economic analysis of the market for properties such as the subject. The appraisal was developed and the report was prepared in accordance with the Real Estate Uniform Standards of Professional Appraisal Practice.

The value conclusions reported, are as of the effective date stated in the body of the report. This is contingent upon the certification and limiting conditions, as well as the hypothetical condition given by the City of San Angelo.

It has been a pleasure to assist you. Please do not hesitate to contact me or any of my staff if we can be of additional service to you.

Respectfully Submitted,



Crystal N. Bancroft  
Appraiser Trainee  
License or Certification #: 1340109  
State: TX Expires: 05/31/2020  
niki@halfmannrealty.com



Kevin J. Halfmann  
License or Certification #: 1320469-G  
State: TX Expires: 04/30/2021  
(325)655-1278  
kevin@halfmannrealty.com

# **APPRAISAL OF REAL PROPERTY**

## **LOCATED AT**

2538 Sleepy Hollow Rd  
San Angelo, TX 76904-7877  
Lot 17, Block 1, Section 1, Group Fishermans Road, Lake Nasworthy Addition

## **FOR**

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

## **AS OF**

05/16/2019

## **BY**

Kevin J. Halfmann  
Crystal N. Bancroft  
Halfmann Appraisals  
133 W Concho Ave Ste 110  
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06/20/2019

City of San Angelo  
Real Estate Division  
72 W. College Ave  
San Angelo, TX 76903

Re: Property: 2538 Sleepy Hollow Rd  
San Angelo, TX 76904-7877  
Borrower: Lisa Curry  
File No.: R19-0140

Opinion of Value: \$ 109,097  
Effective Date: 05/16/2019

In accordance with your request, we have appraised the above referenced property. The report of that appraisal is attached.

The purpose of this appraisal is to estimate the market value of the property described in this appraisal report, as though unimproved, in Leased Fee ownership per the hypothetical condition given by the City of San Angelo stated in the Addenda.

This report is based on a physical analysis of the site only, an analysis of the neighborhood and city, and an economic analysis of the market for properties such as the subject. The appraisal was developed and the report was prepared in accordance with the Real Estate Uniform Standards of Professional Appraisal Practice.

The value conclusions reported, are as of the effective date stated in the body of the report. This is contingent upon the certification and limiting conditions, as well as the hypothetical condition given by the City of San Angelo.

It has been a pleasure to assist you. Please do not hesitate to contact me or any of my staff if we can be of additional service to you.

Respectfully Submitted,



Crystal N. Bancroft  
Appraiser Trainee  
License or Certification #: 1340109  
State: TX Expires: 05/31/2020  
niki@halfmannrealty.com



Kevin J. Halfmann  
License or Certification #: 1320469-G  
State: TX Expires: 04/30/2021  
(325)655-1278  
kevin@halfmannrealty.com

# REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

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Requestor: Robert Bluthardt, Fort Concho Manager, Fort Concho, 325-487-2730

Meeting Date: July 2, 2019

Item type: Consent Item

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## **Caption:**

Consideration of a lease renewal for five years between the City of San Angelo and the Texas Facilities Commission for existing, additional, transferred, deleted office space at the Chase State Office Building at 622 South Oakes (Bob Bluthardt)

## **Summary/History:**

The Chase State Office Building has been owned and operated by the City of San Angelo since 1999. It houses up to a dozen state agencies whose lease payments fund the maintenance/operations of the building, capital improvements, and operational funding and capital improvements at Fort Concho. The fort purchased the building complex in 1980 that was eventually rehabbed into the state office building. The first 10-year lease governed the building from 1999 to 2009 and the first 10-year renewal covered 2009 to 2019. This lease renewal will govern the building's use and provide funding until 2024.

## **Financial Impact:**

The lease renewal will provide all revenue necessary for the building's operation and associated commitments through Fund 201, a non-General Revenue fund. This lease provides for one inter-agency space exchange that is revenue neutral, one agency expansion of 1000 sq ft of office space that the City will commission and build and the State will reimburse; and one agency cancelling with that space potentially being assumed, in whole or in part, by another existing building agency.

## **Other Information/Recommendation:**

Staff recommends approval of the lease extension that has been approved by the State of Texas through the Texas Facilities Commission

## **Attachments:**

- |    |                                   |                                       |
|----|-----------------------------------|---------------------------------------|
| 1. | State Building Lease Renewal 2019 | state building lease renewal 2019.pdf |
|----|-----------------------------------|---------------------------------------|

## **Presentation:**

Robert Bluthardt

## **Approvals/Reviews:**

|                  |                   |
|------------------|-------------------|
| Robert Bluthardt | Created/Initiated |
| Carl White       | Approved          |
| Theresa James    | Approved          |
| Brian Groves     | Approved          |
| Nolan Sosa       | Approved          |
| Tina Dierschke   | Approved          |



Theresa James  
Becky Dunn  
Julia Antilley

Approved  
Approved  
Final Approval

# REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

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

Meeting Date: July 2, 2019

Item type: Consent Item

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## **Caption:**

Consider ratifying a COSADC resolution to sell approximately 12 acres of land at the City of San Angelo Business & Industrial Park to Allen's Transport USA at a price of \$25,000 per acre; authorizing the Board President to negotiate and execute a real estate sales contract in a form approved by the City Attorney; and recommending ratification by City Council (Robert Schneeman)

## **Summary/History:**

Allen's Transport USA, Inc. has expressed an interest in purchasing approximately 12 acres at the Industrial Park. The property is located at the northwest corner of the intersection of Gateway Drive and Venture Drive. (See attached Exhibit A.

## **Financial Impact:**

Revenue of approximately \$300,000 dependent upon actual acreage determined by a survey on the ground.

## **Other Information/Recommendation:**

## **Attachments:**

- |    |                             |                                 |
|----|-----------------------------|---------------------------------|
| 1. | Allens Transport Resolution | Allens Transport Resolution.pdf |
| 2. | Allen Trans Aerial-12 AC    | Allen Trans Aerial-12 AC.pdf    |

## **Presentation:**

## **Approvals/Reviews:**

|                  |                   |
|------------------|-------------------|
| Robert Schneeman | Created/Initiated |
| Guy Andrews      | Approved          |
| Theresa James    | Approved          |
| Brian Groves     | Approved          |
| Nolan Sosa       | Approved          |
| Tina Dierschke   | Approved          |
| Theresa James    | Approved          |
| Becky Dunn       | Approved          |
| Julia Antilley   | Final Approval    |

**A RESOLUTION OF THE CITY OF SAN ANGELO DEVELOPMENT CORPORATION BOARD OF DIRECTORS AUTHORIZING THE SALE OF APPROXIMATELY 12 ACRES OF LAND OUT OF THE SAN ANGELO BUSINESS AND INDUSTRIAL PARK TO ALLEN'S TRANSPORT USA, INC. AT A PRICE OF \$25,000.00 PER ACRE; AUTHORIZING THE BOARD PRESIDENT TO NEGOTIATE AND EXECUTE A REAL ESTATE SALES CONTRACT IN A FORM APPROVED BY THE CITY ATTORNEY; AND RECOMMENDING RATIFICATION BY CITY COUNCIL.**

WHEREAS, on September 19, 2000, the City of San Angelo ("CITY") conveyed to the City of San Angelo Development Corporation ("COSADC") 406.674 acres of land, restricted to use as an industrial park; and

WHEREAS, COSADC has recorded a Declaration of Covenants, Conditions and Restrictions and an amendment to said Declaration, the same relating to development of the land as an industrial park; and,

WHEREAS the COSADC Board has determined that the sales price is an adequate consideration and that the proposed sale of approximately 12 acres of land to Allen's Transport USA, Inc. shall be subject to said use restrictions and Declaration of Covenants, Conditions and Restrictions, as amended,

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

The Board hereby authorizes the sale of 12 acres of land out of the San Angelo Business and Industrial Park, being out of the Remainder of Lot 1, Block 2, San Angelo Gateway Addition as shown in plat recorded at Cabinet "F" Slide 17, Plat Records of Tom Green County, Texas, to Allen's Transport USA, Inc. at a price of \$25,000.00 per acre, the exact area to be determined by a survey on the ground; authorizes the Board President to prepare and execute a real estate sales contract with Jeff Prince Operating, LP in a form approved by the City Attorney; and recommends ratification by City Council

ADOPTED on this the 26th<sup>d</sup> day of June, 2019.

CITY OF SAN ANGELO  
DEVELOPMENT CORPORATION

---

Todd Kolls, President

ATTEST:

---

Nora Nevarez, Corporation 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.

\_\_\_\_\_



200' 0 200' 400'

GRAPHIC SCALE IN FEET

12 ACRE +/- TRACT

DATE

BY

PAGE

# REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

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Requestor: Kelena James, Business Finance Analyst, Airport, 325-659-6409

Meeting Date: July 2, 2019

Item type: Consent Item

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## **Caption:**

Consider approving a lease agreement with the United States of America Civil Air Patrol, San Angelo Composite Squadron on public property located near the San Angelo Regional Airport (Mathis Field) and authorizing the City Manager to execute all related documents (Jeremy Valgardson)

## **Summary/History:**

The Civil Air Patrol is a non-aeronautical / Aeronautical, nonprofit aviation support and cadet development program that is extremely involved with the youth, community service, search and rescue and disaster relief.

## **Financial Impact:**

The rent payment on this property will be \$1.00 per year for 10 years.

## **Other Information/Recommendation:**

Airport Board recommends approval

## **Attachments:**

- |    |                    |                         |
|----|--------------------|-------------------------|
| 1. | 19-0112_AP_CAP_LSE | 19-0112_AP_CAP_LSE.docx |
|----|--------------------|-------------------------|

## **Presentation:**

## **Approvals/Reviews:**

|                   |                   |
|-------------------|-------------------|
| Kelena James      | Created/Initiated |
| Jeremy Valgardson | Approved          |
| Theresa James     | Approved          |
| Brian Groves      | Approved          |
| Nolan Sosa        | Approved          |
| Tina Dierschke    | Approved          |
| Theresa James     | Approved          |
| Becky Dunn        | Approved          |
| Julia Antilley    | Final Approval    |



## **Lease Agreement**

### **I. Basic Terms**

**Effective Date:** August 1, 2019

**Landlord:** CITY OF SAN ANGELO, a Texas municipal corporation

**Landlord's Address:** 8618 Terminal Circle, Ste. 101, San Angelo, Texas 76904

**Tenant:** UNITED STATES OF AMERICA  
CIVIL AIR PATROL, SAN ANGELO COMPOSITE SQUADRON

**Tenant's Address:** 11254 Mount Nebo Rd.  
San Angelo, Texas 76901

**Phone:** (325) 374-7653  
**Tenant Contact** Lt. Col. Gary A Nussey  
**Email:** [gnussey@suddenlink.net](mailto:gnussey@suddenlink.net)

**Leased Premises:** Generally located at 5575 Stewart Lane being approximately 68,200 square feet of vacant land, San Angelo Regional Airport, Tom Green County, Texas, and more particularly described as:

A tract of land located in the NE corner of Block Eleven-A (II-A) indicated on the plat of the Mathis Field Land Use Plan. Said tract of land, is approximately 2200 feet west of the Airport Terminal Building and 500 feet east of the Airport Water Plant as indicated on the diagram of Mathis Field attached hereto as **Exhibit "A"**, ("Leased Premises").

**Initial Term:** The Initial Term of this Lease Agreement commences on August 1, 2019, the **Effective Date**, and continues through July 31, 2029, the Termination Date, unless earlier terminated as herein provided.

**Termination Date:** July 31, 2029, subject to extension by separate written agreement duly executed by the parties, if any, and subject to earlier termination as herein provided.

- Permitted Use:** Tenant shall use the Leased Premises for operation of the Civil Air Patrol, including meetings, training, office administration, indoor storage and other related purposes, other than as an airport aeronautical facility, and for no other purpose.
- Zoning:** The Permitted Use shall be subject to use restrictions in the designated zoning district for the Leased Premises. At commencement of the Lease Term the designated zoning district for the Leased Premises is a Planned Development, PD97-07, with all uses ordinarily permitted for airport and uses permitted in General Commercial (CG), Heavy Commercial (CH), Commercial Entertainment and Recreation (CE&R), and Light Manufacturing (ML) zoning districts.
- Annual Rent:** Initial Rent Payment due and payable on execution of this Lease, is the sum of TEN AND NO/100 DOLLARS (\$10.), being the sum of annual rent at the rate of ONE DOLLAR, to be applied from August 1, 2019 through July 31, 2029. Payments due under this Lease shall be made to the Landlord at 8618 Terminal Circle, Ste. 101, San Angelo Regional Airport—Mathis Field, San Angelo, Texas 76904

NOW THEREFORE, the parties hereto agree as follows:

**I.**

The foregoing Basic Terms, Part I. above are true and correct and are incorporated as part of this Lease Agreement.

**II.**

**Clauses and Covenants**

**A. Tenant agrees to—**

1. Lease the Leased Premises d "AS IS" for the Initial Term with annual rent for the ten year term payable in advance as herein provided.
2. Comply with all applicable laws, ordinances, rules and regulations relating to Tenant's occupancy, use and maintenance of the Leased Premises.
3. Pay when due the Initial Rent Payment and any other payment obligation of Tenant under the terms of this Lease Agreement.
4. Pay to Landlord a late charge of ten percent of the rent or other charges due plus interest accrued on the balance past due at the lower of ten percent (10%) per annum or the maximum rate allowed by law. Acceptance by Landlord of late rent, charges or interest shall not be construed as a waiver of the right of Landlord to terminate this Lease at its option as authorized herein.
5. Pay all taxes on Tenant's property located on the Leased Premises.
6. Use the Leased Premises for the Permitted Use only and uses incidental thereto in compliance with applicable law.
7. Permit nor take any action that would constitute a nuisance or would disturb or endanger other



tenants of the Airport or unreasonably interfere with their use of the Airport.

8. Tenant shall return the Leased Premises to Landlord in the same condition as when received, subject to Tenant's right to remove certain improvements as herein provided.

9. TENANT AGREES TO INDEMNIFY DEFEND, AND HOLD HARMLESS, LANDLORD, ITS COUNCIL MEMBERS, OFFICERS, AGENTS AND EMPLOYEES, FROM ANY AND ALL CLAIMS, FAULT, LIABILITIES, DEMANDS, SUITS, CAUSES OF ACTION, PROCEEDINGS OF ANY KIND AND JUDGMENTS FOR PERSONAL INJURY AND/OR PROPERTY LOSS OR DAMAGE, PLUS REASONABLE ATTORNEYS' FEES AND COST OF DEFENSE, WHICH THE INDEMNIFIED PARTIES MAY INCUR ARISING DIRECTLY OR INDIRECTLY OUT OF THE SOLE OR JOINT NEGLIGENCE, ERROR, OMISSION, OR INTENTIONAL ACTS OF TENANT IN THE EXERCISE BY TENANT OF THE PRIVILEGES CONFERRED UNDER THIS LEASE.

THIS INDEMNIFICATION, DEFEND AND HOLD HARMLESS AGREEMENT SHALL SURVIVE THE TERM OF THIS AGREEMENT AS LONG AS ANY LIABILITY COULD BE ASSERTED. NOTHING HEREIN SHALL REQUIRE THE INDEMNIFYING PARTY TO INDEMNIFY, DEFEND OR HOLD HARMLESS ANY INDEMNIFIED PARTY FOR THE INDEMNIFIED PARTY'S OWN GROSS NEGLIGENCE OR WILLFUL MISCONDUCT.

10. Maintain Insurance as follows:

a. Tenant shall, at all times during the term hereof, maintain such insurance coverage as may be required by CITY and approved by the City of San Angelo Risk Manager of the types and in the amounts specified in **Exhibit "B"** attached hereto, which by this reference is incorporated into this Agreement for all purposes, and with insurers licensed to do business in Texas. All insurance required herein will defend and shall be drawn in the name of Tenant, with CITY, its board members, officers, agents, guests, invitees, consultants and employees named as additional insureds, except on coverage for Workers' Compensation. Every policy required above shall be primary insurance. Any insurance or self-insurance benefits carried by CITY, its board members, officers, or employees, shall be excess and not contributory to that provided by Tenant. All such insurance, including renewals, shall be subject to the approval of the City of San Angelo Risk Manager for adequacy of protection and evidence of such coverage shall be furnished to the City Risk Manager on Certificates of Insurance indicating such insurance to be in force and effect and providing that it will not be canceled during the performance of Services under this Agreement without thirty (30) calendar days prior written notice to City. Completed Certificates of Insurance shall be filed with City's Risk Manager at City Hall, 72 W. College Avenue, San Angelo, Texas 76903, prior to Tenant occupying or utilizing the Leased Premises.

b. Tenant shall notify City's Risk Manager of any reduction or exhaustion of insurance policy aggregate limits. Should Tenant fail to immediately secure other insurance, as specified, for any policy canceled before expiration of the Lease Term or any extension thereof, City may procure such insurance and assess the cost thereof against Tenant as additional rent.

c. Tenant shall require its insurance carrier(s), with respect to Commercial General Liability and Automobile Liability insurance policies, to waive all rights of subrogation

against the City of San Angelo, its council members, officers, agents, guests, invitees, consultants and employees.

d. The procuring of such policies of insurance shall not be construed to be a limitation upon Tenant's liability or as a full performance of its obligations under the indemnification provisions of this Lease Agreement. Tenant's obligations are, notwithstanding said policies of insurance, for the full and total amount of any damage, injury or loss caused by or attributable to its occupation or control over the Leased Premises pursuant to this Lease Agreement or any extension thereof.

11. Vacate the Leased Premises on the last day of the Term subject to Tenant's right to remove improvements installed by tenant as herein provided.

**B. Tenant agrees not to—**

1. Use the Leased Premises for any purpose other than the Permitted Use, including that:

a. No permanent improvements not in place on the **Effective Date** of this Lease Agreement shall be made or constructed thereon without the prior written consent of Landlord.

b. No storage or dispensing of petroleum products or hazardous materials without Landlord's prior written consent. ("Hazardous Material" being the presence of which requires investigation, notice or remediation under any federal, state or local statute, regulation, ordinance.)

2. Create or allow any nuisance or waste on Leased Premises.

3. Cause or allow a lien to be placed on the Leased Premises.

4. Assign this Lease or sublease any portion of the Leased Premises without Landlord's prior written consent.

5. Litter or leave trash or debris on the Leased Premises.

**C. Landlord agrees to—**

Lease to Tenant the Leased Premises subject to the terms and conditions herein provided beginning on the **Effective Date**. Landlord covenants and agrees that at all times when Tenant is not in default under the terms of this Lease, Tenant's quiet and peaceable enjoyment of the Leased Premises for the Permitted Use shall not be disturbed or interfered with by Landlord or any person claiming by, through or under Landlord, except as otherwise may be specifically provided for under the terms of this Lease.

**D. Landlord agrees not to—**

Allow any use of the Leased Premises inconsistent with Tenant's Permitted Use, subject to the reservations of rights herein stated, and so long as Tenant is not in default.

**E. Landlord and Tenant mutually agree to the following:**

1. ***Disclaimer of Warranties.*** LANDLORD MAKES NO WARRANTY, EXPRESS OR IMPLIED, AS TO THE CONDITION OF THE LEASED PREMISES, OR ANY IMPROVEMENTS THEREON, INCLUDING WARRANTY OF HABITABILITY OR FITNESS FOR A PARTICULAR USE. ALL WARRANTIES OF LANDLORD THAT MAY ARISE IN COMMON LAW ARE EXCLUDED. THERE ARE NO WARRANTIES THAT EXTEND BEYOND THOSE EXPRESSLY STATED IN THIS LEASE AGREEMENT.

2. *RESERVATIONS.*

(a) It is agreed that this Lease shall be limited, notwithstanding its terms, by the provision of any existing or future agreement between Landlord and the United States government, relative to the operation or maintenance of the Airport, the execution of which has been or may be required as a condition precedent to the expenditures of federal funds for the maintenance or development of the Airport.

(b) Landlord reserves the right to further develop or improve the Airport and surrounding properties related to airport and other commercial or public uses. This Lease Agreement shall be subject to termination in the discretion of Landlord for Landlord's convenience by sixty (60) days written notice to Tenant of termination of the Lease Agreement.

3. *Holdover.* Any holding over by Tenant under this Lease Agreement after the expiration of the initial term or any extension thereof shall operate and be construed only as a tenancy from month to month, terminable at the will of Landlord on thirty (30) day written notice of termination given to Tenant.

4. *No Encumbrances.* Tenant shall not have the right to encumber the Leased Premises.

5. *Transfer, Assignment and Subletting Prohibited.* Tenant may not transfer, assign or sublet the Leased Premises, in whole or in part, without the prior written consent of the Landlord, which consent may be withheld in the sole discretion of Landlord.

6. *Fees Related to Leased Premises.*

a. *Utilities:* Tenant shall be solely responsible for all utility connections and fixtures, and shall timely pay all charges for utilities relating to the Leased Premises incurred during the term of this Lease Agreement.

b. *Maintenance.* Tenant shall be solely responsible for the preparation of site, utilities, installation, construction repair and maintenance of the equipment, structures, and improvements that Tenant may place or construct on the Leased Premises pursuant to the terms of this Agreement during the term of this Lease Agreement or any extensions thereof. Tenant further agrees to keep and maintain the Leased Premises in a neat, clean, safe and respectable condition, by prompt removal of all trash, litter, debris and junk, and will keep said Leased Premises cleared of all objectionable matter. Piling of boxes, cartons, barrels or other similar items, in an unsightly or unsafe manner, on or about the Leased Premises, is prohibited

c. *Taxes:* **Tenant is a federally chartered entity qualified as tax exempt under Section 501(c)(3) of the U.S. Internal Revenue Code. Notwithstanding anything to the**

**contrary under this Part E.6.c., to the extent that Tenant is or remains tax exempt under federal, state and local law, the following provision of this subpart c. shall not apply.** *Tenant shall be solely responsible for the payment of any taxes assessed relating to Tenant's building, other improvements or personal property placed upon the Leased Premises. Tenant shall pay all such taxes, charges, and assessments to the public officer charged with the collection thereof not less than fifteen (15) days before the same shall become delinquent, and **Tenant agrees to indemnify and save harmless Landlord from all such taxes, charges and assessments.** Failure to pay such taxes and assessments as provided herein shall, at the option of Landlord, result in termination of this Lease.*

7. *Default by Tenant/Events.* The following shall constitute events of default by Tenant:

- a. failure to timely pay Rent or other charges payable by Tenant under this Lease; or,
- b. failure to comply with any provision of this Lease Agreement other than timely payment of Rent.

8. *Default by Tenant/Landlord's Remedies.* Landlord's remedy for Tenant's default, after providing a notice describing the nature of default and such default continues for a period of ten (10) days after notice, is to terminate this Lease Agreement by written notice, take possession of the Leased Premises, and seek judicial relief for costs, rents due and such other damages or relief to which Landlord may be entitled. Landlord may enter and take physical possession and control over the Leased Premises on termination of this Lease by self-help, and may prohibit the Tenant in default or any other person who may be occupying the Leased Premises, from access thereto or the use thereof, and shall not be liable in trespass or for damages therefore.

9. *Default/Waiver/Mitigation.* It is not a waiver of default if the Landlord fails to declare immediately a default or delays in taking any action. Pursuit of any remedy set forth in this Lease does not preclude pursuit of other remedies under this Lease or provided by law.

10. *Improvements and Tenant's Ownership.*

- (a) Tenant shall not construct or place any structure or related improvement upon the Leased Premises in any respect without Landlord's prior written consent. Any such improvement to which Landlord consents must be installed or constructed in full, comply with all laws, rules, regulations, codes, standards, and policies (including, without limitation, local regulations, codes and ordinances) of any governmental authority having jurisdiction over the Airport (including, without limitation, the City of San Angelo, Texas).
- (b) Tenant anticipates placing one or more modular structures on the Leased Premises. Such structures shall remain the property of Tenant and may be moved upon termination of this Lease Agreement or within sixty (60) days after termination of the agreement, provided that removal is at Tenant's sole expense and that the Leased Premises are restored to substantially the same condition as existed at the time of installation or construction of the structures. *All permanent fixtures or facilities*, underground utility lines and related improvements, and in addition thereto the described structures if not removed by Tenant within sixty (60) days after expiration or termination of the Lease Agreement, shall automatically be deemed to be property of the Landlord, subject to use or disposal as Landlord shall deem fit.

*11. Right to Terminate Lease:* Notwithstanding anything to the contrary in the Agreement, Landlord shall have the right at any time, without cause, for convenience of Landlord, to terminate the lease granted Tenant hereunder, upon sixty (60) days written notice of termination to Tenant; or, upon such shorter written notice as circumstances may impose relating to potential future aeronautical use or ancillary development of Airport property.

*12. Amendment of Lease.* This Lease may be amended only by an instrument in writing duly signed by authorized representatives of the Landlord and Tenant.

*13. Compliance with Department of Homeland Security.* Tenant agrees to comply fully with the guidelines set forth in 49 CFR Part-1542 Airport Security in all pertinent parts as directed either by representatives of the federal government or the Airport Director or his designee. Tenant shall be solely responsible for securing Tenant's personal property on the Leased Premises and shall hold Landlord harmless from any claim or liability for damage to or loss of such personal property.

*14. Standards.* Landlord reserves the right to take any action it considers necessary to protect the aerial approaches of the Airport against obstruction, together with the right to maintain standards relative to maximum heights for buildings or other structures and set-back building lines in relation to the runways, taxiways, navigational airspace, parking aprons, or other facility conditions, which would limit or impair the usefulness of the Airport Master Plan or constitute a hazard to aircraft.

*15. Storage and Parking.* Outside storage of any property including, but not limited to equipment, parts, accessories, vehicles (whether operable, abandoned or inoperable), is expressly prohibited. Other uses, including temporary parking of motor vehicles incident to Tenant's occupancy, unless specifically approved herein, shall be upon the Leased Premises only. Tenant shall not use or permit employees, patrons, invitees or guests to use Airport property in a manner contrary to the rules and regulations of the Airport.

*16. Notices.* Any notice required or permitted under this Lease must be in writing and delivered to the address for the recipient party. Any notice required by this Lease will be deemed to be delivered (whether actually received or not) on the second day after deposited with the United States Postal Service, postage prepaid, certified mail, return receipt requested, and addressed to the intended recipient at the address below. Notice may also be given by personal delivery or commercial courier delivery and will be effective when actually received. Any address for notice may be changed by written notice delivered to the other party as provided herein.

**LANDLORD:**

City of San Angelo Regional Airport  
Attn: Airport Director  
8618 Terminal Circle, Ste. 101.  
San Angelo, Texas 76904

**TENANT:**

Civil Air Patrol.  
San Angelo Composite Squadron  
Attn: Lt. Col. Gary A. Nussey  
11254 Mount Nebo Road  
San Angelo, Texas 76901

*17. Entire Agreement.* This Lease Agreement constitutes the entire agreement of the parties concerning the lease of the Premises by Landlord to Tenant. There are no representations, warranties, agreements, or promises pertaining to the lease of the Leased Premises by Landlord to Tenant that are not in this Lease Agreement.

EXCUTED by the parties in duplicate originals on the dates indicated.

LANDLORD:  
CITY OF SAN ANGELO, TEXAS

By: \_\_\_\_\_  
Daniel Valenzuela, City Manager

ATTEST:

\_\_\_\_\_  
Julia Antilley, City Clerk

TENANT:  
UNITED STATES OF AMERICA

BY: \_\_\_\_\_

APPROVED AS TO CONTENT

APPROVED AS TO FORM:

\_\_\_\_\_  
Jeremy Valgardson, Airport Director

\_\_\_\_\_  
Dan T. Saluri, Deputy City Attorney

APPROVED FOR RISK

\_\_\_\_\_  
Charles Hagen, Risk Manager



Civil Air Patrol Raw  
Land Lease

EXHIBIT A

Address: 5575

Stewart Lane

Dimensions: 155' X  
440' (68,200 sq/ft)

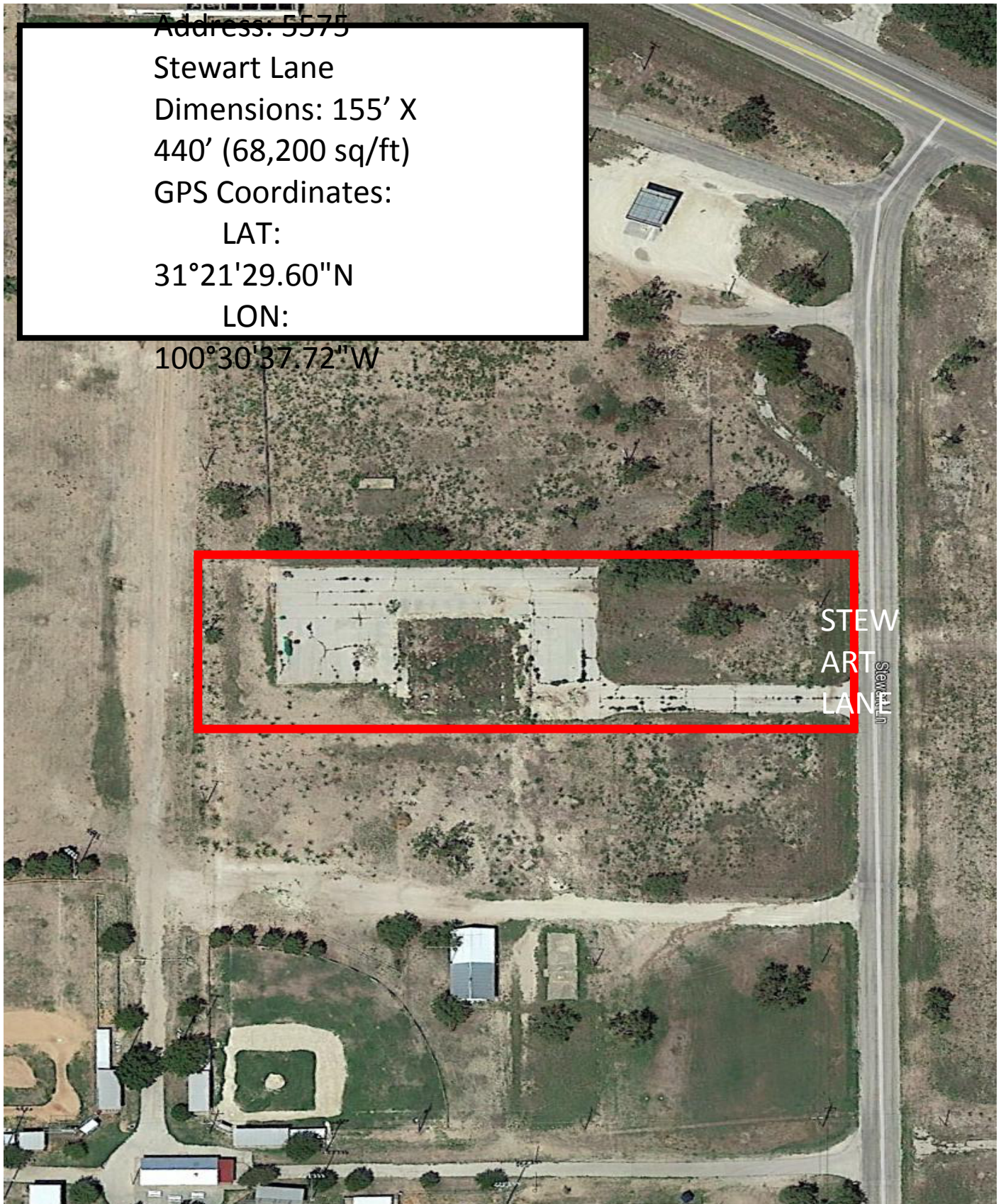
GPS Coordinates:

LAT:

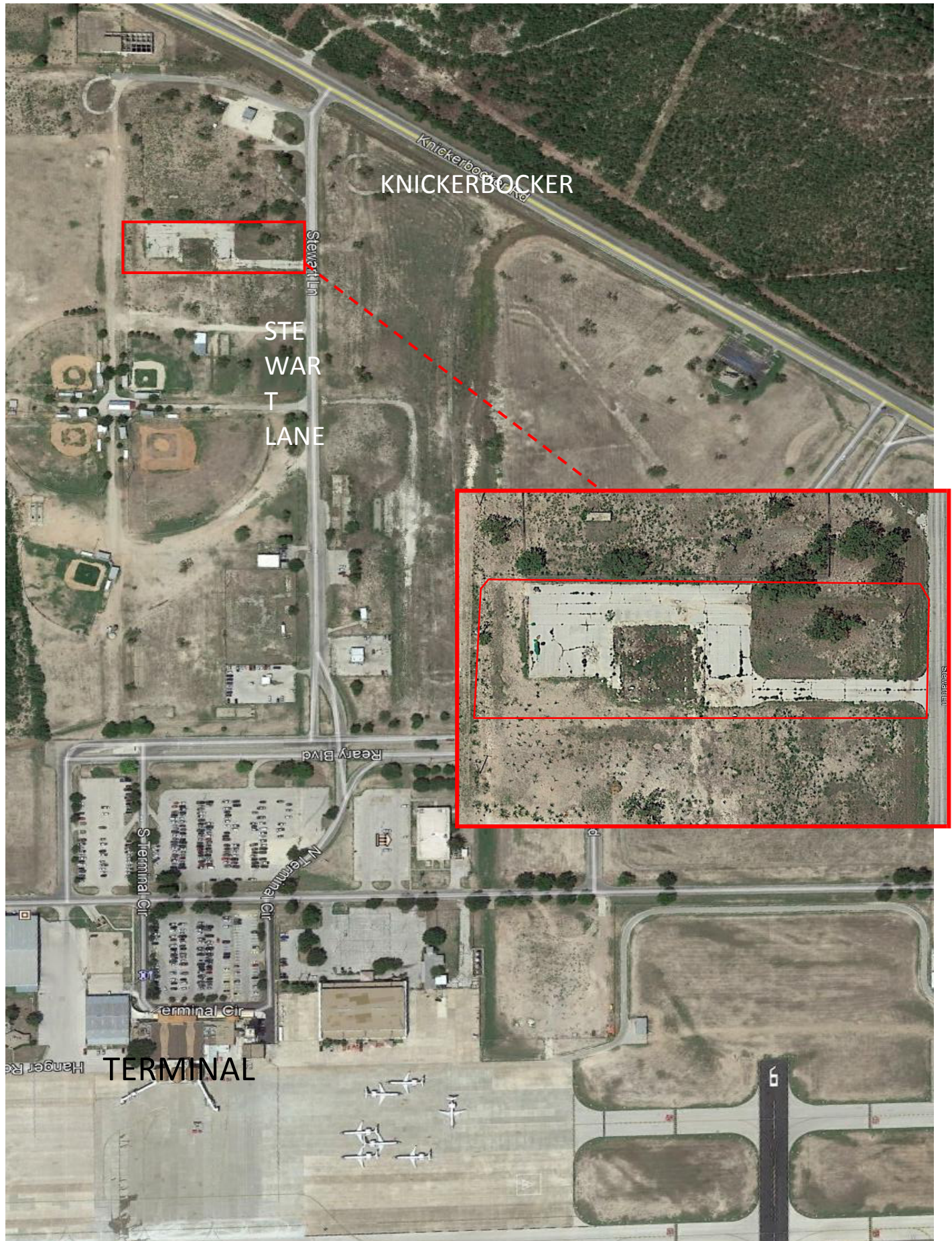
31°21'29.60"N

LON:

100°30'37.72"W







## **SPECIAL INSURANCE RIDER**

**TYPES AND AMOUNTS OF INSURANCE REQUIRED.** Provider shall obtain and continuously maintain in effect at all times during the term hereof, at Provider's sole expense, insurance coverage as follows with limits not less than those set forth below:

**1.1 Commercial General Liability.** Tenant shall obtain and maintain policies of insurance covering the Leased Premises and Tenant's activities thereon at all times during the Term, including comprehensive general liability insurance with a minimum combined occurrence and annual limitation of \$1,000,000.00; and Fire Damage on the building and fixtures with a minimum combined occurrence and annual limitation of \$150,000. This policy shall be an occurrence-type policy and shall protect Tenant and additional insureds against all claims arising from bodily injury, sickness, disease or death of any person (other than Tenant's employees) and damage to property of City or others arising out of the act or omission of Provider or its agents and employees. This policy shall also include protection against claims for the contractual liability assumed by Provider under the paragraph of this Agreement entitled "Indemnification".

# REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

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Requestor: Anthony Wilson, Public Information Officer, Public Information, (325) 481-2727

Meeting Date: July 2, 2019

Item type: Consent Item

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## **Caption:**

Consider approving an advertising services agreement with Citywise Marketing and authorizing the City Manager to execute all related documents (Nolan Sosa)

## **Summary/History:**

Ten years ago, the City entered into a five (5) year agreement with McLaughlin Advertising for the production and placement of paid advertising in media in our marketplace and beyond. This agreement was extended in 2014 for another five (5) year term.

Texas Local Government Code Chapter 252, Section 022 exempts advertising (other than legal notices) from the competitive requirements for purchases (e.g. competitive bidding or competitive proposals).

Staff recommends approval of an advertising services agreement with Citywise Marketing and authorization for the City Manager to execute all related documents.

## **Financial Impact:**

Last year, Citywise Marketing placed \$130,000 in paid advertising for the City.

## **Other Information/Recommendation:**

Staff recommends approval of the proposed agreement with Citywise Marketing and authorization for the City Manager to execute all related documents.

## **Attachments:**

## **Presentation:**

## **Approvals/Reviews:**

|                |                   |
|----------------|-------------------|
| Anthony Wilson | Created/Initiated |
| Anthony Wilson | Approved          |
| Theresa James  | Approved          |
| Brian Groves   | Approved          |
| Nolan Sosa     | Approved          |
| Tina Dierschke | Approved          |
| Theresa James  | Approved          |

Becky Dunn  
Julia Antilley

Approved  
Final Approval



# REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

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

Meeting Date: July 2, 2019

Item type: Consent Item

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## **Caption:**

Consider approving purchases with Hydra-Stop, LLC related to the purchase of parts and materials to install water valves using the City's Hydra-Stop Insta-Valve machine budgeted in FY19, FY20, and FY21 in the amount of \$75,000 annually (Allison Strube)

## **Summary/History:**

The City of San Angelo Water Utilities Division owns a Hydra-Stop Insta-Valve machine used for the installation of mainline isolation valves onto existing water mains. This machine allows for water utility crews to install isolation valves on live water mains where there are no valves available or existing valves are not operational to shut down the main. Strategic use of the Hydra-Stop Insta-Valve machine can reduce affected areas and minimize the number of impacted customers when shut downs are required to perform maintenance and repairs on existing distribution mains.

Hydra-Stop, LLC is the sole source of parts and equipment for the Hydra-Stop Insta-Valve machine. This approval is necessary to purchase valve components and replacement parts for the quantity necessary to keep up with the annual installation of this equipment.

## **Financial Impact:**

\$75,000 budgeted within Water Distribution Operating Budget

## **Other Information/Recommendation:**

Staff recommends approval of annual expenditure with Hydra-Stop, LLC.

## **Attachments:**

## **Presentation:**

## **Approvals/Reviews:**

|                |                   |
|----------------|-------------------|
| Allison Strube | Created/Initiated |
| Allison Strube | Approved          |
| Theresa James  | Approved          |
| Brian Groves   | Approved          |
| Nolan Sosa     | Approved          |
| Tina Dierschke | Approved          |
| Theresa James  | Approved          |
| Becky Dunn     | Approved          |

Julia Antilley

Final Approval

# REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

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Requestor: Julia Antilley, City Clerk, Civic Events, 325-657-4405

Meeting Date: July 2, 2019

Item type: Consent Item

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## **Caption:**

Consider approving revised bylaws approved by the Civic Events Advisory Board (Sidney Walker)

## **Summary/History:**

On October 2, 2018, City Council approved an Ordinance revising Chapter 2, Article 2.07 of the City Code of Ordinances to standardize provisions related to City Boards and Commissions, requiring these Boards and Commissions to review and revise their bylaws to conform to these changes. These new provisions are intended to standardize general requirements among all boards, committees and commissions, included, but not limited to, term limits, absences, duties, city staff roles, etc.

## **Financial Impact:**

There is no financial impact related to this item.

## **Other Information/Recommendation:**

On June 27, 2019 the Civic Events Advisory Board recommended approval of the restated bylaws, as presented here, unanimously.

## **Attachments:**

- |    |                                                                                                   |                                                                                                        |
|----|---------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|
| 1. | Civic Events Advisory Board BylawsDraf                                                            | Civic Events Advisory Board BylawsDraf.docx                                                            |
| 2. | 2018-10-02 (7a) Ordinance #2018-121 2.07 Boards and Commissions Unification - Ordinance & Exhibit | 2018-10-02 (7a) Ordinance #2018-121 2.07 Boards and Commissions Unification - Ordinance & Exhibit .pdf |
| 3. | Civic Events Advisory Board Bylaws - Final                                                        | Civic Events Advisory Board Bylaws - Final.pdf                                                         |

## **Presentation:**

Sidney Walker

## **Approvals/Reviews:**

|                |                   |
|----------------|-------------------|
| Julia Antilley | Created/Initiated |
| Sidney Walker  | Approved          |
| Carl White     | Approved          |
| Theresa James  | Approved          |
| Brian Groves   | Approved          |
| Nolan Sosa     | Approved          |
| Tina Dierschke | Approved          |
| Theresa James  | Approved          |
| Becky Dunn     | Approved          |
| Julia Antilley | Final Approval    |





# CIVIC EVENTS ADVISORY BOARD

## **BYLAWS**

**Vision Statement: To be the preferred host for Entertainment, Business, and Community Events in West Texas.**

**Mission Statement: To enhance the quality of life of our citizens and business partners by providing quality events and facilities in a clean, comfortable and safe environment.**

## Article I

### Purposes, Duties, Powers and Conduct

**Section 1. Purposes:** The Civic Events Advisory Board ("Board" herein) is organized and created by City ordinance Article 2.2200 to advise the City Council of the City of San Angelo, the City Manager and his/her representatives.

**Section 2. Duties:** The Board shall advise the City Council on matters ~~of policy and the City Manager and his/her representatives on administrative matters regarding the operation of the McNease Convention Center, Foster Communications Coliseum, the Bill Aylor Sr. Memorial RiverStage, Farmers Market, City of San Angelo Indoor Arena, Pecan Creek Park Pavilion, El Paseo de Santa Angela.~~ as delegated by City Council in Chapter 2, Article 2.07, Division 9 of the San Angelo Code of Ordinances. ~~The Board shall approve a recommended Civic Events budget in sufficient time for inclusion in the City Manager's proposed annual budget to the City Council. The Board is authorized to formulate and enact rules and policies regarding the operation of public facilities, which are effective following the review and approval of the City Council. The City Council may formulate and enact different rules and policies at any time.~~

**Section 3. Powers:** The Board may exercise all powers and do all lawful acts delegated to it or permitted by City ordinances, state statutes and these bylaws.

Section 4. Conduct: The Board and its members shall conduct itself in a manner that's in keeping with the standards, rules, regulations, policies and practices established by the City Council for itself and all City Boards and Commissions.

201709 ~~Approved by City Council Oct. 17, Jan. 20,~~

## Article II

### Members of the Board

~~Approved by City Council Jan. 20, 2009~~

Section 1. Members: The ~~Board shall consist of seven~~eight (78) members. ~~Board members shall receive no compensation for services. Per the City Council's directive, the Board's membership shall be reduced to seven (7) members in October 2010.~~ membership of the Board matters shall be as determined by City Council in Chapter 2, Article 2.07, Division 9 of the San Angelo Code of Ordinances

Section 2. Appointment: Board members shall be appointed by the City Council under procedures established by the Council in the San Angelo Code of Ordinances.

Section 3. Qualifications: Board members shall have such qualifications as prescribed by the City Council in the San Angelo Code of Ordinances. ~~All members must be of voting age and a resident of the City of San Angelo.~~

Section 4. Term of Office: Board members shall be appointed to terms as prescribed by the City Council in the San Angelo Code of Ordinances.~~for a three (3) year term beginning on JanOct. 1 of the year of the appointment. No member shall be eligible to serve more than two (2) full consecutive terms. After one (1) year off the Board, a person becomes eligible to serve two (2) more consecutive terms.~~

## Article III

### Meetings

Section 1. Regular Meetings: The Board shall hold one (1) regular meeting each month. The meetings shall normally be held at noon on the last Thursday each month at the McNease Convention Center. The Board may periodically meet at other

Civic Events venues. All meetings shall be public and conform to law and the rules prescribed by City Council in the San Angelo Code of Ordinances.

Section 2. Special Meetings: The Board PresidentChair may call a special meeting with no less than seventy-two (72) hours notice. In cases of emergency, the Board PresidentChair may call a meeting with no less than (2) hours notice. Upon the request of ~~threefour~~ (34) Board members, the PresidentChair shall call a special meeting with no less than seventy-two (72) hours notice. In all instances of special meetings, Board members must be notified in writing, by e-mail and/or by telephone. Special meetings shall be held at Oct. 17, Jan. 2017 20, 2009

the McNease Convention Center on a date at a time designated by the PresidentChair. All special meetings shall be public and conform to law.

Section 3. Executive Sessions. As this board is an advisory board to the City Council, there is no authority to allow meetings to occur in executive session. Therefore, all discussions and action of the board shall occur in open session in a public meeting. The criteria for a board to hold an executive session are established by the Texas Open Meetings Act, which requires the board to first meet in open session, identify the section of the law under which the closed meetings is held, recess into executive session, reconvene in open session and vote in open session. A certified agenda or a tape recording of the proceedings of each closed meeting is required. The reason for executive sessions are: 1) Consultations with attorney regarding pending or contemplated litigation, or a settlement offer; 2)

Approved by City Council Jan. 20, 2009

Deliberations about real property; 3) Deliberations regarding gifts and donations; 4) Personnel matters; and 5) Deliberations regarding security devices or security audits.

Section 4. Attendance Conclusive of Notice: Attendance requirements are prescribed by City Council in the San Angelo Code of Ordinances. Attendance by a Board member at any regular or special meetings shall be conclusive evidence of receipt of notice of the meeting by that member. Members must attend all Board meetings unless they notify the Board PresidentChair or Staff LiaisonSecretary they will be absent because of personal or family illness, family emergency, funerals or employment. Absences without notification shall be considered unexcused.

Section 5. Quorum: A quorum shall be as prescribed by the San Angelo City Council in the San Angelo Code of Ordinances. of at least ~~ffourive~~ (45) members is necessary to conduct any Board meeting. Once the Board's membership drops from eight (8) to seven (7) members, per the City Council's directive, a quorum of at least four (4) members will be necessary to conduct any Board's meeting.

Section 6. Vote: Each Board member shall have one vote, which must be exercised in person. The vote of a majority of members present and voting at a meeting at which a quorum is present shall be the vote of the Board.

Section 7. Conflict of Interest. All Board members shall comply with the conflict of interest statement as prescribed by the City Council in the San Angelo Code of Ordinances. ~~which is attached as Exhibit A.~~

~~No member should act independently on behalf of the Board, on any matter under the Board's jurisdiction or purview without the express authorization, instruction or appointment by the Board. Should members speak to a group or individual who have matters under the Board's jurisdiction or purview without the authorization, instruction or appointment to do so, those members should make clear they are acting on their own behalf and not representing the Board.~~

Section 7. Termination of Board Members: Any Board member who has missed~~misses~~ three (3) unexcused meetings in a calendar year because of personal or family illness, family emergency, funerals or employment, or who misses four (4) meetings

~~Approved by City Council Jan. 20, 2009~~

~~total in a calendar year, shall be deemed to have resigned, and the Board shall immediately notify the City Council that a vacancy exists.~~

## Article IV

### Officers

Section 1. Designation of Officers: The Board shall have a PresidentChair and Vice PresidentChair. The Civic Events Manager or designee shall perform the duties of Secretary, but will not be a voting member of any Committee or the Board.

~~Approved by City Council Oct. 17, 2017~~

~~Jan. 20, 2009~~

Section 2. Election: At the beginning of the regular meeting each ~~January~~October, the Vice PresidentChair shall ascend ~~to the position of Board Chair~~to the Board's Presidency, and the Board shall elect a new Vice PresidentChair. The Board's Nominating Committee will make nominations for Vice PresidentChair. Election shall be determined by a majority vote of the members present.

Section 3. Terms: The ~~Chair President~~ and Vice ~~ChairPresident~~ shall serve a term of one (1) year in each office. Terms will begin and end when officers are seated and elected at the ~~end of the previous officers 12th month in office. beginning of the regular meeting in October.~~

Section 4. Consecutive Terms: Having served two (2) consecutive terms in office, a member shall not be eligible for re-election to an office for one (1) year after completion of the second consecutive term.

Section 5. Duties and Authority of Officers:

- A. **~~ChairmanPresident~~** – The ~~PresidentChair~~ shall preside over all meetings of the Board and shall be responsible for accomplishing all directives, purposes, duties and responsibilities imposed on the Board by the City Council. The ~~PresidentChair~~ shall appoint members of all committees, as he/she deems necessary and shall designate the Chairman of all committees. The ~~PresidentChair~~ shall sign official documents on the Board's behalf.
- B. **~~Vice ChairmanPresident~~** – In the absence, disability or disqualification of the ~~PresidentChair~~, the Vice ~~PresidentChair~~ shall perform the duties and exercises the powers of the ~~PresidentChair~~. The Vice ~~PresidentChair~~ shall also perform other duties prescribed by the Board.

**~~Secretary~~** – ~~The Secretary shall keep the minutes of all Board meetings, be the custodian of all books and records of the Board, make appointments for the Board, prepare the agenda for Board meetings, prepare and send or deliver notices as directed by the Board and perform all secretarial duties required by the Board. Minutes of all proceedings shall be recorded in a permanent book and a signed copy of the minutes given to the City Clerk.~~

~~2017~~Jan. 20, 2009 ~~Approved by City Council Oct. 17,~~

## Article V

### Standing Committees

~~Section 1. Nominating Committee: The Nominating Committee shall consist of four (4) Board members with one being the immediate past President and the remaining~~

~~Approved by City Council Jan. 20, 2009~~

~~three (3) to be appointed by the President. The Nominating Committee shall recommend a slate of officers and committee members to be presented for the Board's consideration at the beginning of the October meeting each year. Members of the Nominating Committee can be recommended to serve as officers and committee members.~~

~~Section 2. Executive Committee: The Executive Committee shall consist of the President, the Vice President, the Secretary, and one (1) member as recommended by the Nominating Committee. The Executive Committee shall transact all regular business of the Board during the period between regular monthly meetings. The Executive Committee shall annually review and evaluate public facilities operations and report to the Board. The Executive Committee shall meet when called by the President.~~

~~Section 3. Facilities Expansion, Building and Grounds Committee: The Facilities Expansion, Building and Grounds Committee shall consist of four (4) Board members appointed by the Nominating Committee. The committee shall annually review the condition of the buildings and grounds, and any needed expansion of facilities, and make appropriate recommendations to the Board.~~

~~Section 4. Policies and Procedures Committee: The Policies and Procedures Committee shall consist of the Vice President, the immediate past President if available and one (1) Board member appointed by the Nominating Committee. If the immediate past President is unavailable, the Nominating Committee will appoint two (2) Board members. The Committee shall annually review the bylaws, facilities policies, and procedures related to the operation of the Board. Any recommended bylaws, facilities policies, and procedures related to the operation of the Board. Any recommended bylaw, policy or procedural changes shall be presented to the Board for its consideration. Approved changes shall be presented to the City Council for its consideration and, if approved, filed with the City Clerk.~~

~~Section 5. Additional Standing Committees: The President shall appoint Board members to additional standing committees approved by the Board through the amendment of these bylaws.~~

## Article VI

### Amendment

These bylaws may be amended, altered or changed only by a majority vote of the Board, subject to final approval by the City Council. The bylaws and amendments shall be filed with the City Clerk.

~~Approved by City Council Oct 17, 2017~~ Jan.

20, 2009

Date of Council Approval: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Mayor

Chairman President

\_\_\_\_\_  
Civic Events Board

\_\_\_\_\_  
Civic Events Board Secretary

**ORDINANCE 2018-121**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE CITY OF SAN ANGELO, TEXAS BY DELETING AND REPLACING CHAPTER 2 "ADMINISTRATION AND PERSONNEL", ARTICLE 2.07 "BOARDS, COMMITTEES, AND COMMISSIONS"; DELETING CHAPTER 4 "BUILDING AND CONSTRUCTION"; ARTICLE 4.02 "ADMINISTRATION", SECTION 4.02.01 "CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS"; DELETING SECTION 4.02.002 "APPEALS"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE**

BE IT ORDAINED BY THE CITY OF SAN ANGELO:

- 1) THAT**, Chapter 2, Article 2.07, is hereby deleted and replaced as shown on Exhibit "A".
- 2) THAT**, Chapter 4, Article 4.02, Sections 4.02.001 and 4.02.002 be deleted in the entirety.
- 3) THAT**, all Boards and Commissions of the City of San Angelo are hereby instructed to revise their bylaws to conform with these changes within six months of the passage of this ordinance.
- 4) THAT** the City Clerk is hereby instructed to create staggered terms for the City of San Angelo Development Corporation Board and to adjust all other boards as necessary to ensure appropriate of members.
- 5) THAT**, all remaining provisions not amended by this ordinance remain in full force and effect.
- 6) THAT**, the following severability clause is hereby adopted with this amendment:  
  
SEVERABILITY:  
  
That 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.
- 7) THAT**, this Ordinance shall be effective on, from, and after the date of its passage and publication as required by law.

**INTRODUCED** on the 18th day of September, 2018, and finally **PASSED, APPROVED and ADOPTED** on this the 2<sup>nd</sup> day of October, 2018.

**THE CITY OF SAN ANGELO:**

DocuSigned by:

*Mayor Gunter*

65CC121DA0BB40F...

Brenda Gunter, Mayor

**ATTEST:**

DocuSigned by:

*Bryan Kendrick*

EE6995EDA1475...

Bryan Kendrick, City Clerk

**APPROVED AS TO FORM:**

DocuSigned by:

*Theresa James*

E822428D610A4D4...

Theresa James, City Attorney



**Exhibit A**

**ARTICLE 2.07 BOARDS, COMMITTEES AND COMMISSIONS**

**Division 1. Generally**

**Sec. 2.07.001 Organization and Procedure.** Unless otherwise required by statute or this article, all boards and commissions shall be governed as follows:

(1) *Appointment.* Members shall be appointed by a vote of City Council. One member shall be nominated by the mayor. Each of the six remaining member seats shall be designated for a single member district one through six respectively, to be filled by nomination of the councilmember representing the designated single member district. Should any nominee not secure at least four affirmative votes of councilmembers, the mayor or single member district city council member having made the nomination shall schedule a new nomination for vote of the council.

(2) *Attendance.* Any member who fails to attend at least 2/3 of the meetings in a rolling one year period shall be deemed to have automatically resigned from office unless such absences are considered excused as set forth in the board or commission's bylaws.

(3) *Number of members.* Boards shall be composed of seven members.

(4) *Compensation.* All members shall serve without compensation.

(5) *Conflict of interest.*

(A) No member of the board shall participate in any case in which he or she has financial or personal interest in the property concerned, or will be directly affected by the decision, or has any other conflict of interest as defined by applicable law. The determination of "substantial" interest in a business entity, as well as rules affecting participation of board members in cases affected thereby, are described in chapter 171 in the Texas Local Government Code, as amended.

(B) No member of the city council, or person related to a councilmember within the second degree by consanguinity or affinity, shall be eligible for a grant or assistance from any board during his/her tenure or for six months thereafter.

(C) None of the following persons or entities shall be eligible for a grant or assistance from any board during his/her tenure or for six months thereafter.

1) The member of the board;

2) A person related to a board member within the second degree by consanguinity or affinity;

3) A legal entity owned by or under the control of the board member or for which the board member serves as an officer, director or member;

4) A legal entity owned by or under the control of a person related to the board member within the second degree by consanguinity or affinity or for which such person serves as an officer, director or member.

(D) No employee of the department associated with the board, or person related to an employee or supervisor of this department within the second degree by consanguinity or

affinity, shall be eligible for assistance from the board during his/her employment or for six months thereafter.

(E) A member may disqualify himself/herself from voting whenever any requestor, or his/her agent, has sought to influence the vote of the member in any setting, other than in the public meeting.

(6) *Election of Officers.* Each board shall include in the adopted bylaws the manner in which officers and committees will be selected. Each board shall have at a minimum a chair, vice-chair, and secretary.

(7) *Meetings.* Each board shall hold regular monthly meetings on a day to be selected by the commission and on other such occasions as may be called by the chairman. Additional meetings may be called as needed. Meetings may be cancelled in months where there is no business to be transacted. All meetings shall be open to the public and held in accordance with the Texas Open Meetings Act. All meetings shall be held within the city limits.

(8) *Minutes.* Board liaisons shall keep a permanent record of all minutes.

(9) *Qualifications.* Members shall be at least 18 years of age and a resident of the City.

(10) *Quorum.* A quorum shall consist of a simple majority of the appointed members, excluding any ex-officio members.

(11) *Removal.* Members may be removed at any time by a 2/3 vote of the City Council without cause.

(12) *Rules, regulations and bylaws.* Each board shall have the power to make rules, regulations and bylaws for its own government and in conformity with the laws of the state and this article. All said rules, regulations, and bylaws shall be approved by the city council.

(13) *Term:* The term of office for each member of the boards shall be two years.

(14) *Term Limit.* No member may serve more than 3 consecutive terms, not including an unexpired term. Members who term out of a position are eligible for reappointment after one year. For the purposes of this Article, the current number of terms held as of the date of passage of this Article stands, with respect to established term limits.

(15) *Vacancies.* All vacancies shall be filled for unexpired terms in the same manner as original appointment. Vacancies for unexpired terms shall be filled for the remainder of the unexpired term.

**Secs. 7.02.002 through 7.02.010 Reserved**

## **Division 2. Planning Commission**

### **Sec. 2.07.011 Creation; members; terms**

(a) There is hereby created within the city a planning board to be known as the planning commission which shall serve for all purposes as the zoning commission required under Chapter 211 of the Texas Local Government Code, as amended.

(b) All members of the board shall be representative, insofar as possible, of different businesses, professions or occupations.

(c) No more than three (3) members of the commission shall be in the same, similar or related business, profession or occupation.

**Sec. 2.07.012 Removal or resignation of members.** Members of the planning commission may be removed by the mayor with the approval of the city council after a public hearing and for cause assigned in writing.

**Sec. 2.07.013 Ex-officio members.** The director of planning and the director of public works shall be ex-officio, nonvoting members of the planning commission. The director of planning, assisted by staff, shall furthermore serve as recording secretary for the planning commission.

**Sec. 2.07.014 Meetings**

If a quorum is not present on any regular meeting day in which there is business to be transacted, the chairman shall call a special meeting in order to transact said business with minimum delay. Said chairman shall continue to call special meetings until a quorum is present.

**Sec. 2.07.015 Additional duties**

In addition to duties delegated to the planning commission by other laws of the city, it shall be the duty of the planning commission to prepare, amend and keep current a master plan for the development of the city, and to make recommendations to the city council relative to long-range planning of all phases of city development that it deems necessary.

**Secs. 2.07.016–2.07.025 Reserved**

**Division 3. Zoning Board of Adjustment**

**Sec. 2.07.026 Creation and Appointment of Members**

(a) There shall be a zoning board of adjustment that consists of seven (7) regular board member seats and four alternate board member seats to be filled by nomination and appointment by the city council as follows:

(1) Four alternate board member seats shall be designated to be filled by nominations of the mayor and mayor pro-tem with each nominating two of the alternates

(b) Each case before the zoning board of adjustment must be heard by at least six (6) members.

(c) The board shall keep minutes of its proceedings that indicate the vote of each member on each question or the fact that a member is absent or fails to vote. The board shall keep records of its examinations and other official actions. The minutes and records shall be filed immediately in the board's office and are public records.

(d) Removal for Cause. The city council may remove a regular board member or alternate board member for cause on a written charge after a public hearing.

**Sec. 2.07.027 Authority**

(a) The zoning board of adjustment may:

- (1) Hear and decide an appeal that alleges error in an order, requirement, decision or determination made by an administrative official in the enforcement of this division or the zoning ordinance.
  - (2) Hear and decide special exceptions to the terms of the zoning ordinance when the ordinance requires the board to do so.
  - (3) Authorize in specific cases, and subject to appropriate conditions and safeguards, a variance from the terms of the zoning ordinance, if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the regulation is observed and substantial justice is done.
- (b) In exercising its authority under subsection (a), the board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for the purpose of the board has the same authority as the administrative official.
- (c) The concurring vote of six (6) members of the board is necessary to:
- (1) Reverse an order, requirement, decision, or determination of an administrative official;
  - (2) Decide in favor of any applicant on a matter on which the board is required to pass under the zoning ordinance; or
  - (3) Authorize a variation from the terms of the zoning ordinance;

**Sec. 2.07.028 Appeal to the board**

- (a) Any of the following persons may appeal to the zoning board of adjustment a decision made by an administrative official:
- (1) A person aggrieved by the decision; or
  - (2) Any officer, department, board, or bureau of the city affected by the decision.
- (b) The appellant must file with the board and the official from whom the appeal is taken a notice of appeal specifying the grounds for the appeal. The appeal must be filed within a reasonable time as determined by the rules of the board. On receiving the notice, the official from whom the appeal is taken shall immediately transmit to the board all the papers constituting the record of the action that is appealed.
- (c) An appeal stays all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing to the board facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the board or a court of record on application, after notice to the official, if due cause is shown.
- (d) The board shall set a reasonable time for the appeal hearing and shall give public notice of the hearing and due notice to the parties in interest. A party may appear at the appeal hearing in person or by agent or attorney. The board shall decide the appeal within a reasonable time.
- (e) Prior to the public hearing in which the zoning board of adjustment shall hear an appeal, the following actions shall be made by the board at a separate public hearing:

- (1) Designating of the parties in interest;
  - (2) Setting of a reasonable time and date for the appeal hearing;
  - (3) Giving of due notice of the appeal hearing to parties in interest;
  - (4) Giving of public notice of the appeal hearing; and
  - (5) Establishing of protocol for conducting the appeal hearing.
- (f) The public hearing for any appeal shall follow the following procedural order except as may otherwise be directed by consensus of the board:
- (1) Identification of parties.
  - (2) Identification of documents constituting the record on appeal to the board.
  - (3) Identification and admission as evidence of pre-filed documents and any additional documents offered into evidence.
  - (4) Presentation by city staff.
  - (5) Presentations by identified parties in interest.
  - (6) Public comment.
  - (7) Rebuttals.
  - (8) Discussion and deliberation by board members.
  - (9) Motion and decision to affirm, modify, or reverse the decision of the administrative official, with supporting findings of fact applicable under the zoning ordinance.

**Sec. 2.07.029 Judicial review of board decision**

(a) Any of the following persons may present to a court of record a verified petition stating that the decision of the zoning board of adjustment is illegal in whole or in part and specifying the grounds of the illegality:

- (1) A person aggrieved by a decision of the board;
- (2) A taxpayer; or
- (3) An officer, department, board, or bureau of the city.

(b) The petition and procedure must be in compliance with Texas Local Government Code section 211.011, as amended.

**Sec. 2.07.030 Fee**

(a) No application to the zoning board of adjustment shall be processed unless such application is accompanied with the appropriate processing fee as established by the city council.

(b) In the case of a second hearing, the fee, or a portion thereof, may be waived by the board.

**Sec. 2.07.031 Notification of property owners**

(a) The zoning board of adjustment shall mail notices of each hearing to the petitioner and to the owners of property lying within two hundred feet (200') of any point of the lot, or portion thereof, on which a variance or special exception is desired, and to all other persons deemed by the board to be affected thereby, such owners and persons being determined according to the current tax rolls of the Tom Green County tax appraisal district.

(b) Written notice of the public hearing shall be sent within not less than ten (10) days before any such hearing is held. Depositing such written notification in the mail shall be deemed sufficient compliance.

**Sec. 2.07.032 Second hearing.**

(a) An appeal of a denial by the zoning board of adjustment shall not be allowed on the same piece of property prior to the expiration of six months from a ruling of the board, unless other property in the same zoned area shall have been, within such six (6) month period, altered or changed by a ruling of the zoning board of adjustment.

(b) Such circumstance shall permit the allowance of a second hearing but shall in no way have any force in law to compel the zoning board of adjustment, after a hearing, to grant the variance or special exception; such request shall be considered on its individual merits.

**Sec. 2.07.033 Time limitation on approved requests.**

(a) Unless otherwise specified in the minute record of the zoning board of adjustment's action on a request, an application to commence construction of improvements that were the subject of the request must be applied for and approved within 12 months from the date of approval of that request; otherwise, the board's action on that request shall automatically become null and void. Permitted time frames do not change with successive owners.

(b) Upon written request, only one extension of the 12-month period may be granted by the planning director if it is determined that conditions of the site and immediately surrounding area are substantially changed.

**Sec. 2.07.034 Enforcement.** In addition to other remedies provided under this Code of Ordinances and this Division, the Director of planning or designee may institute appropriate action to:

- (1) prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use;
- (2) restrain, correct, or abate the violation;
- (3) prevent the occupancy of the building, structure, or land; or
- (4) prevent any illegal act, conduct, business, or use on or about the premises

**Secs. 2.07.035–2.07.045 Reserved.**

**Division 4. Airport Advisory Board**

**Sec. 2.07.046 Creation; members.** There is hereby created an airport advisory board.

**Sec. 2.07.047 Officers; quorum; rules.** Three (3) members shall constitute a quorum and said board.

**Sec. 2.07.048 Duties.** The board shall act as an advisory board to the airport manager and the city council, and is expressly directed and empowered to make a complete study of all phases of the airport operations and make recommendations from time to time for the most efficient operation of the airport.

**Secs. 2.07.049–2.07.060 Reserved**

#### **Division 5. Design and Historic Review Commission**

**Sec. 2.07.061 Creation; members**

(a) A design and historic review commission is hereby created and established within the city.

(b) *Qualifications.* Candidates shall have a known or demonstrated interest in, general knowledge of, and experience relevant to historic preservation or other professional design field within the city.

(c) To the extent that candidates are available among the residents of the community, appointments shall be made by the city council based upon the following qualifications:

- (1) At least two (2) members shall be licensed or otherwise recognized as professional in architecture, landscape architecture, design, engineering, surveying, or related profession;
- (2) At least one (1) member shall be recognized as a historian or a member of a local historic preservation group;
- (3) At least one (1) member shall be an owner of real property within the River Corridor;
- (4) At least one (1) member shall own real property designated or recognized as a community landmark, or within a designated historic district; and
- (5) At least one (1) member shall be a member of a downtown development organization under contract with the city.

**Sec. 2.07.062 Ex-officio members.** The planning manager and the building official of the city shall serve as nonvoting ex-officio members of the commission.

**Sec. 2.07.063 Duties.** The duties of the design and historic review commission shall include acting as an advisory commission to the city council in matters of design review relating to historic preservation in the city and development along the Concho River. The responsibility of the commission within the scope of its general authority shall include the authority to:

- (1) Adopt criteria for the designation of historic, architectural, and cultural landmarks and delineation of historic districts, which shall be ratified by the city council.
- (2) Prepare and present to the city council recommendations for policies and ordinances regarding development and all types of signage along the Concho River and other similar bodies of water as designated, which shall be ratified by the city council.
- (3) Conduct surveys and maintain an inventory of significant historic, architectural, and cultural landmarks and all properties located in historic districts within the city.
- (4) Recommend the designation of landmarks, historic districts, and other types of districts.

- (5) Recommend conferral of recognition upon the owners of landmarks or properties within districts by means of certificates, plaques, or markers.
- (6) Increase public awareness of the value of historic, cultural, and architectural preservation by developing and participating in public educational programs.
- (7) Increase public awareness of the value of open spaces, public spaces, natural habitats, and wildlife along the Concho River and other similar bodies of water as designated by developing and participating in public educational programs.
- (8) Make recommendations to the city council concerning the utilization of state, federal, or private funds to promote the preservation of open and public spaces along the Concho River and other similar bodies of water as designated.
- (9) Make recommendations to the city council concerning the utilization of state, federal, or private funds to promote the preservation of landmarks and historic districts within the city.
- (10) Approve or deny applications for certificates of appropriateness pursuant to provisions of the city zoning ordinance.
- (11) Prepare specific design guidelines for the review of landmarks, districts, and construction and demolition of historic buildings.
- (12) Recommend the acquisition of a landmark structure by the city where its preservation is essential to the purpose of this division and where private preservation is not feasible.
- (13) Recommend the acquisition of land along the Concho River and other similar bodies of water as designated by the city where its proximity to the river is vital to the purpose of this division.
- (14) Recommend to the city council tax abatement and other economic development programs for the preservation of landmarks or historic districts.
- (15) Recommend to the city council tax abatement and other economic development programs for sustainable developments along the Concho River and other similar bodies of water as designated.
- (16) Recommend to the city council the acceptance of the donation of preservation easements and development rights as well as any other gift of value for the purpose of historic and environmental preservation.
- (17) Carry out other duties as specifically delegated to the commission by the city council.

**Sec. 2.07.064 Officers.** The commission shall elect from the appointed members of the commission a chairperson and a vice-chairperson to serve in the absence of the chairperson. The chairperson and vice-chairperson shall serve in their respective capacities for one (1) year terms or until their term of appointment to the commission expires, whichever shall first occur. No chairperson or vice-chairperson shall serve in such capacity for more than three (3) consecutive years. The planning manager for the city, or the manager's designee, shall serve as secretary to the commission. The commission shall elect such other officers as the commission may establish in its bylaws.

**Sec. 2.07.065 Historic preservation officer.** The city council or its designee shall appoint a city official, city staff person, or resident of the city having a known or demonstrated interest in, general knowledge



of and experience relevant to historic preservation or other professional design field to serve as the historic preservation officer (HPO) for the city, to facilitate the administration of this division and serve as an advisor to the commission on request of the commission. The historic preservation officer, in coordination with the secretary for the commission and the planning manager or his/her designee, shall coordinate the preservation efforts of the commission with applicable state and federal agencies and nonprofit organizations.

**Sec. 2.07.066 Quorum and voting.** Five (5) duly appointed regular members of the commission shall constitute a quorum. The affirmative vote of four members is required to approve any item brought before the commission.

**Sec. 2.07.067 Minutes.** The commission shall keep minutes of its proceedings in a permanent record, and a certified copy of said minutes shall be filed with the secretary for the commission.

**Secs. 2.07.068–2.07.080 Reserved**

#### **Division 6. Economic Development Corporation\***

**Sec. 2.07.081 Creation.** There is hereby created a corporation known as the city development corporation.

**Sec. 2.07.082 Powers.** The corporation shall have the powers and duties and be subject to the limitations set out in Chapters 501, 502, and 505 of the Texas Local Government Code, as amended.

**Sec. 2.07.083 Board of directors**

(a) Each member of the board of directors (“board” hereinafter) of the corporation shall:

(b) No person shall be appointed as a director who is 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 director may be appointed to serve as a member of the water advisory board.

(c) A director who is a member of any other boards or commissions of the city, except the water advisory board, shall elect the board on which he will continue to serve within fourteen (14) days of the effective date of this section. If he fails to designate the board on which he will continue to serve within the specified time period, the city council shall make the designation.

**Sec. 2.07.084 Registered agent; corporate office.** The corporation’s registered agent must be an individual resident of the state and the corporation’s registered office must be within the boundaries of the city.

**Sec. 2.07.085 Administrative services.** The corporation shall contract with the city for the provision of administrative services.

**Sec. 2.07.086 Levy, use and termination of sales tax.**

(a) In accordance with the results of the November 2, 2010, sales tax election held under section 4B of article 5190.6 V.A.C.S, the city shall continue to levy and collect a one-half cent sales and use tax for the purposes and projects authorized by said election.

(b) In accordance with the results of the September 11, 2004, sales tax election held under section 4B of Vernon's Ann. Civ. St. article 5190.6 ("act" hereinafter), the city shall continue to levy and collect a one-half cent sales and use tax for the purposes authorized by said election.

**Secs. 2.07.087–2.07.095 Reserved.**

#### **Division 7. Tax Increment Reinvestment Zone Board**

##### **Sec. 2.07.096 Organization and procedure.**

(a) There is hereby created within the city a tax increment reinvestment zone board that consists of nine (9) regular board members to be filled by nomination and appointment as follows:

- (1) One (1) board seat shall be appointed by city council from a nomination of the mayor;
- (2) Each of six board member seats shall be appointed by city council, designated for city council single member districts one through six respectively, from nomination of each councilmember representing each designated single member district;
- (3) Two (2) board member seats shall be appointed by the county commissioners court;

(b) In addition, there shall be five (5) nonvoting, ex-officio members who will attend and participate in an advisory capacity. Each one of the five will be a representative of each of the following organizations: San Angelo Chamber of Commerce, Downtown San Angelo, San Angelo Independent School District, Goodfellow Air Force Base, and Angelo State University.

##### **Sec. 2.07.097 Qualifications.**

(a) All regular and alternate board members shall be at least eighteen (18) years of age and be a resident of the county in which the zone is located or a county adjacent to that county; or own 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.

(b) *Vacating position.* Any regular board member who ceases to possess such qualifications shall automatically be deemed to have vacated his or her position on the board.

**Sec. 2.07.098 Terms.** All appointments for regular members made after the initial appointments shall be for a term of two (2) years, except vacancies for unexpired terms, which shall be filled for the remainder of the unexpired term, thereby maintaining staggered terms. Ex-officio members will not have terms or term limitations.

##### **Sec. 2.07.099 Duties.**

(a) The TIRZ board shall act as an advisory board to the city council in the operation and administration of the TIRZ

(b) All action by the board is subject to city council approval.

(c) The authority and responsibility of the board expressly includes:

- (1) Make recommendations to the city council regarding the administration of this division.

- (2) Make recommendations to the city council regarding agreements that are necessary or convenient to implement the project plan and reinvestment zone financing plan.
- (3) Make recommendations to the city council regarding agreements with local governments or political subdivisions for management of the zone or implementing the project plan and reinvestment zone financing plan.
- (4) Make recommendations to the city council regarding establishing and providing for the establishment of programs that:
  - (A) Develop and diversify the economy of the zone;
  - (B) Eliminate unemployment and underemployment in the zone;
  - (C) Develop or expand transportation, business and commercial activity in the zone;
  - (D) Make grants and loans; and
  - (E) Stimulate business and commercial activity in the zone.
- (5) Contract with the city regarding allocation from the tax increment fund to pay for the incremental costs of providing municipal services incurred as a result of the creation of the zone or the development or redevelopment of land within the zone.
- (6) Make recommendations to the city council regarding the expenditure of TIRZ funds, in conformance with the following process:
  - (A) An affirmative recommendation to expend TIRZ funds for a project in the same area as that from which the funds are derived requires a simple majority vote of the TIRZ board members present when the matter is voted upon. The city council may approve expenditures under this subsection by a simple majority vote if such expenditure is recommended by the TIRZ board.
  - (B) An affirmative recommendation to expend TIRZ funds for a project located in the area outside that from which the funds are derived requires an affirmative vote by three-quarters of the TIRZ board members present when the matter is voted upon. The city council may only approve expenditures under this subsection when such expenditures are recommended by the TIRZ board and with an affirmative vote of six (6) members of the city council.
- (7) Providing a progress report to the city council annually, or as requested by the city council.

**Sec. 2.07.100 Officers.** The city council shall appoint a chair, as established in section 311.009.f of the Local Government Code, as amended, for a term of one year, beginning in January.

**Sec. 2.07.101 Minutes.** The board shall keep a record of its proceedings in a permanent book.

**Sec. 2.07.102 Absent members.** In the event of three (3) consecutive absences or a cumulative total of four (4) absences by a member within a calendar year from regularly scheduled meetings, a board member shall be deemed to have resigned unless the board excused such absences by procedures established in its bylaws.

**Secs. 2.07.103–2.07.115 Reserved.**

### **Division 8. Water Advisory Board**

**Sec. 2.07.116 Creation; members.** There is hereby created a water advisory board ("board"), which shall be composed of nine (9) members, seven (7) of whom shall be voting members and two (2) of whom shall be non-voting members appointed or designated as follows:

(a) Voting members; appointment or designation.

(1) City Council shall appoint four (4) voting members to the board. For city council appointments, the city manager shall conduct a review of potential appointees to identify the most qualified candidates for board membership and make recommendations to city council for city council appointment of appointees to serve as members of board. Of the four (4) city council appointees:

(2) One (1) member shall be an individual who is either an engineer, a hydrologist, a meteorologist or a water well driller;

(3) One (1) member shall be an individual who is involved in either the industry of banking, accounting or financial services with a specialization in agricultural lending or water financing;

(4) One (1) member shall be an individual involved either in agriculture or rural water issues; and

(5) One (1) member shall be an individual who is either an attorney, a former municipal water district or other governmental officer, a legislator or a person who has experience in legal issues related to water.

(6) The city development corporation board shall appoint one (1) voting member to the board who shall be an individual who is either a member of the city development corporation board or a city employee who performs staff services by contract for the city development corporation;

(7) The county commissioners court shall appoint one (1) voting member to board who shall be an individual who is a member of the commissioners court, including the county judge; and

(8) One (1) voting member who shall be an individual employed by the Upper Colorado River Authority as director of operations.

(b) Non-voting members; appointment or designation.

(1) The chamber of commerce shall appoint one (1) non-voting member to board who shall be an individual who is a member of the chamber of commerce board or a staff employee of the chamber of commerce.

(2) One (1) non-voting member who shall be an individual employed by the city as water utilities director or a designee of such director. Furthermore, the water utilities director or a designee of such director shall serve as secretary for board.

**Sec. 2.07.117 Duties.** The board shall act as an advisory board to the city council and city manager on water related matters which the city council directs it to investigate, study and make recommendations on from time to time.

**Sec. 2.07.118 Staff representative.** The city manager or his designee shall act as staff representative to the board.

**Sec. 2.07.119 Meetings.** The board shall meet when directed by Council.

**Sec. 2.07.120 Absenteeism of members.** In the event of two (2) unexcused absences from regularly scheduled meetings, a board member shall be deemed to have resigned. The city manager shall recommend a policy for excusing absences to be adopted by the board in its bylaws.

**Sec. 2.07.121 Minutes.** The board shall keep minutes of its proceedings in a permanent record and a certified copy of said minutes shall be filed with the secretary for the board.

**Secs. 2.07.122–2.07.130 Reserved.**

#### **Division 9. Civic Events Board**

**Sec. 2.07.131 Creation.** There is hereby created a civic events board.

**Sec. 2.07.132 Duties.** The board shall act as an advisory board to the city council as to matters of policy and to the city manager or his/her representatives as to administrative matters in regard to operation of the convention center, Foster Communications Coliseum, Bill Aylor Sr. Memorial River Stage, Farmer's Market, City of San Angelo Indoor Arena, Pecan Creek Park Pavilion, and El Paseo de Santa Angela. The board may enact rules and regulations regarding the operation of the above-named facilities which shall take effect after review by the city council; however, the city council may take action to enact different rules and regulations at any time.

**Sec. 2.07.133 Minutes.** The board shall keep a record of its proceedings.

**Sec. 2.07.134 Absent members.** Any member who shall be absent from three (3) meetings, regular or special, in a calendar year, unless excused by the board by procedures established in its bylaws, shall be deemed to have resigned, and the board shall immediately notify the city council that a vacancy exists.

**Secs. 2.07.135–2.07.145 Reserved.**

#### **Division 10. Fort Concho Museum Board**

**Sec. 2.07.146 Creation.** There is hereby created a Fort Concho Museum board of the city, which board shall be composed of fifteen (15) members. Fourteen (14) members shall be appointed by the city council. The remaining position shall be filled by the Army Commander at Goodfellow Air Force Base or designee.

**Sec. 2.07.147 Vacancies.** Vacancies on the board, whether by expiration of term or for other reason, shall be filled by the city council upon recommendation by the remaining board members, provided that the city council can reject any nomination and request additional nominations for any reason.

**Sec. 2.07.148 Duties.** The board shall act as an advisory board to the city in the operation and administration of all the Fort Concho Museum properties of the city. The authority and responsibility of the board expressly includes:

- (a) Establishing goals, objectives and operational policies for the fort which are consistent with city council policies and objectives.
- (b) Approving all budget proposals made to the city manager's office and the city council.

(c) Establishing guidelines for acquisition, restoration, preservation and maintenance of Fort Concho and museum property so long as those procedures do not conflict with existing objectives and policies of the city council.

(d) Determining regulations, guidelines, and procedures for staffing, operation and programs for Fort Concho.

**Sec. 2.07.149 Qualifications.** All members of the board shall meet the following qualifications:

- (1) Shall be twenty-one years of age or older at the time of appointment; and
- (2) Shall have demonstrated experience or interest in heritage education, historic preservation, and community service and/or tourism promotion.

**Secs. 2.07.150–2.07.160 Reserved.**

#### **Division 11. Public Art Commission**

**Sec. 2.07.161 Creation; members.**

- (a) There is hereby created a city public art commission.
- (b) To the extent available, the city council shall appoint to the commission:
  - (1) At least one (1) member who is a teacher or professor of art.
  - (2) At least one (1) member who is a member of the San Angelo Cultural Affairs Council or the San Angelo Museum of Fine Arts.
  - (3) At least one (1) member who is an artist.
  - (4) At least one (1) member who is a landscape architect, architect, engineer, or other type of design professional.
- (c) There may be one (1) ex-officio nonvoting member who represents the parks and recreation department or parks and recreation advisory board as designated by the city council from time to time.

**Sec. 2.07.162 Duties.** The commission shall act as an advisory board to the city council and city manager on the selection and placement of art on city owned or controlled property, and this shall be accomplished through:

- (1) Developing a plan for the appropriate location for works of art;
- (2) Developing a plan for the type of art that will be recommended at the different locations;
- (3) Evaluating and making recommendation on art that is proposed for donation to the city; and
- (4) Assisting with related projects which the city council directs it to investigate, study and make recommendations on from time to time.

**Sec. 2.07.163 Staff representative.** The city manager or his designee shall act as staff representative to the commission.

**Sec. 2.07.164 Meetings.** Meetings shall be scheduled only as needed.

**Secs. 2.07.165–2.07.175    Reserved.**

#### **Division 12. Parks and Recreation Advisory Board**

**Sec. 2.07.176    Creation; members.** A parks and recreation advisory board is hereby created and established within the city. Said parks and recreation advisory board shall be composed of eight (8) members, seven (7) of whom shall be appointed by the city council. The eighth member shall be a member of the park commission, nominated by the park commission and approved by the city council. The appointments to the board shall be on the basis of the nominee's 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.

**Sec. 2.07.177    Duties.** The parks and recreation board shall act as an advisory board to the city council in matters of oversight, policy and administration relating to city parks, recreation programs and facilities, with the exception of the Santa Fe Parks, for which the parks commission shall continue to act as the advisory commission to the city council. The responsibility of the parks and recreation board within the scope of its general authority shall include to:

- (1) Communicate with and make recommendations to the city manager and parks and recreation director regarding parks, recreation programs and senior services programs.
- (2) Make recommendations to the city manager, parks and recreation director and city council regarding the administration of parks, recreation programs and senior services programs.
- (3) Make recommendations to the city manager, parks and recreation director and city council regarding the creation of a parks and recreation system.
- (4) Make recommendations to the city manager, parks and recreation director and city council regarding maintenance of parks and park improvements.
- (5) Make recommendations to the city manager, parks and recreation director and city council regarding maintenance of recreation and/or senior facilities.
- (6) Make recommendations to the city manager, parks and recreation director and city council regarding the acquisition of physical improvements and equipment for parks, recreation and senior services programs.
- (7) Make recommendations to the city manager, parks and recreation director and city council regarding rules or regulations for parks, recreation and senior services programs.

**Sec. 2.07.178    Quorum and voting.** Five (5) duly appointed members of the board shall constitute a quorum. The affirmative vote of a majority of the members present at a properly called meeting with a quorum present shall be the act of the board.

**Secs. 2.07.179–2.07.190    Reserved.**

#### **Division 13. Animal Shelter Advisory Committee**

**Sec. 2.07.191    Committee created.** In accordance with the authority granted under Texas Health and Safety Code chapter 823, there is hereby created the animal shelter advisory committee.

**Sec. 2.07.192 Purpose.** The committee shall perform the state law advisory committee functions contemplated in section 823.005 of the Health and Safety Code, as amended by rendering advice and assistance to the animal services manager regarding the city's compliance with the requirements of chapter 823 of the Health and Safety Code.

**Sec. 2.07.193 Composition.**

- (a) The committee shall consist of seven members which shall be designated as positions one through seven.
- (b) The members shall be appointed by the city council. The following membership criteria shall apply:
  - (1) Position one shall be filled by a veterinarian.
  - (2) Position two shall be filled by a municipal or county official.
  - (3) Position three shall be filled by a person whose duties include the daily operation of an "animal shelter" as that term is defined in section 823.001 of the Health and Safety Code.
  - (4) Position four shall be filled by a person who is an officer or employee of an animal welfare organization.
  - (5) Positions five through seven shall be filled by residents of the city.

**Sec. 2.07.194 Terms.** The members of the committee in positions one through three shall serve an indefinite term until a successor is duly appointed.

**Sec. 2.07.195 Removal of members.** Members of the animal shelter advisory committee in positions four through seven may be removed for good cause by the city council after hearing.

**Sec. 2.07.196 Officers.** At the first meeting of each calendar year, the members of the committee shall select a chairperson. The member serving in position two of the committee shall be the ex-officio secretary of the committee.

**Sec. 2.07.197 Meetings.** The committee shall meet from time to time at the call of the chairperson, provided that the committee shall meet not less than three times per calendar year.

**Secs. 2.07.198–2.07.205 Reserved.**

#### **Division 14. Civil Service Commission**

**Sec. 2.07.206 Creation.** In accordance with chapter 143 of the Texas Local Government Code, which was adopted by the qualified voters of the city, there is hereby established a civil service system for firefighters and police officers; and pursuant thereto, there is hereby established a civil service commission (fire and police), which shall consist of three (3) members.

**Sec. 2.07.207 Appointments; vacancies.**

- (a) Members of the commission shall be appointed by the City Manager, and such appointments shall be confirmed by the city council before such appointments shall be effective.
- (b) Any vacancies in said commission, caused by death, resignation or otherwise, or by failure of any appointee to qualify within ten (10) days after appointment, shall be filled in the manner hereinabove



specified, and such appointment shall be for the unexpired term of the retiring commissioner or the appointee failing to qualify.

**Sec. 2.07.208 Qualifications.** All such commissioners shall be of good moral character and resident citizens of the city, shall have resided in the city for a period of more than three (3) years, shall be over the age of twenty-five (25) years, and shall not have held any public office within the preceding three (3) years.

**Sec. 2.07.209 Terms.** The term of office of each member shall be for three (3) years, or until a successor is appointed, confirmed and qualified.

**Sec. 2.07.210 Removal of members.** Any member of the commission may be removed by 2/3 vote of the governing body for any act contrary to the best interest of the service or failure to act in a manner to promote the best interest of the service, having first given to such member a copy of the charges against him. Such action of the governing body shall be final.

**Sec. 2.07.211 Meetings.** The members of the civil service commission shall, at a date, hour and place set by the commission, hold meetings as needed or required to properly discharge its duties.

**Sec. 2.07.212 Quorum.** Two (2) members of said commission shall constitute a quorum to transact business.

**Sec. 2.07.213. Duties.** The duties of the civil service commission, as a body, are as follows:

- (1) *Commission's operational rules.* To prepare and in open meeting to adopt such rules and regulations for the proper conduct of its business as it shall find necessary and expedient.
- (2) *Limits on rules for hiring.* To refrain from the adoption of any rule or regulation which will permit the appointment or employment of any person without good moral character, any person unfit mentally or physically or any person incompetent to discharge the duties of such appointment or employment.
- (3) *Substantive rules for employees.* To make rules and regulations as authorized by civil service law, including, but not limited to, rules regarding promotion, removal, and leaves of absence, with and without pay. Such rules shall be consistent with city ordinances.
- (4) *Written and published rules.* To reduce to writing and publish any rules it makes in accordance with civil service law.
- (5) *Standards and qualifications for employees.* To formulate minimum standards and qualifications for each classified position in the classified service.
- (6) *Development of classification and compensation plans.* In open meeting to adopt, modify or reject such classification and compensation plans for firefighters and police officers, together with rules for their administration, as may be recommended by the director of civil service after a thorough survey of the personnel and departmental organization of the fire department and police department. No such plans or any amendments thereof shall be effective until adopted by ordinance of the governing body, which body shall have the authority to originate or make such changes to any such plans as it may deem fit.

- (7) *Competitive examinations.* To make provisions for open, competitive and free examinations for persons making proper application and meeting the requirements as prescribed in the civil service law, this division and the rules and regulations of the commission.
- (8) *Maintenance of eligibility lists.* To maintain an eligibility list for each classified position.
- (9) *Temporary appointments.* To authorize temporary appointments to the classified service in the event no eligibility list has been prepared for the position and to limit such temporary appointments to a maximum period of three (3) continuous months.
- (10) *Enforcement of civil service law.* To require compliance with the provisions of the civil service law.
- (11) *Hearings of disciplinary appeals.* To hear appeals of disciplinary suspensions to determine whether there is just cause for any such suspension.
- (12) *Hearings of promotional examination appeals and demotions.* To hear appeals of promotional examinations and to consider demotions recommended by the fire and police chiefs.
- (13) *Hearings of various complaints.* To hear and determine complaints respecting the administrative work of the director of civil service, the rejection of an applicant for admission to an examination, and such other matters as may be referred to the commission by the director of civil service.
- (14) *Format of decisions.* To render written decisions, signed by each commissioner.
- (15) *Conducting investigations.* To conduct investigations either on request of a citizen, a public official or on its own initiative concerning the enforcement and effect of civil service law or rules and to require observance of them. In such investigations, the commission shall have the power to administer oaths, subpoena witnesses and evidence relevant to such investigations, and require depositions.
- (16) *Technical services for commission.* To contract or arrange, within its budgetary allowance, for such technical services in connection with personnel selection and administration as may be necessary, including the preparation and conduct of examinations.

**Sec. 2.07.214 Powers and duties of director.** A director shall be appointed pursuant to Chapter 143 of the Texas Local Government Code, as amended. It shall be the duty of the director of firefighter's and police officers' civil service:

- (1) To attend the regular and special meetings of the commission, to act as its secretary and to record its official actions.
- (2) To prepare and recommend rules and regulations for the administration of this division, which shall become effective after approval by the civil service commission and the governing body of the city as provided in this division; to administer such rules and regulations; and to propose amendments thereto.
- (3) To establish and maintain in card or other suitable form a roster of officers and employees in the classified service of the city. Such roster shall include items specified by the commission in its rules and regulations.

- (4) To recommend, as soon as practicable after this division takes effect, with such outside assistance as may be authorized, a classification plan, which when adopted by the governing body of the city shall become the official classification plan for the city.
- (5) To make a study of the rates of compensation being paid for each class of position in the classified service and prepare a compensation plan for submission to the commission when called upon. No such plan shall be effective until it is approved by the governing body of the city.
- (6) To formulate and hold competitive examinations to determine the relative qualifications of persons who seek employment and as a result thereof establish eligibility lists for the various classes of positions.
- (7) When a vacant position is to be filled, to certify to the appointing authority on written request the name of the three (3) persons highest on the reinstatement list or eligibility list for the class.
- (8) To submit to the governing body recommendations as to uniform standards in respect to attendance and leave regulations, employee training and welfare, duties and salary classification and other personnel matters.
- (9) To establish records of performance and a system of service ratings to be used in determining increases and decreases in salaries, promotions, the order of layoffs and reinstatement.
- (10) To keep such records as may be necessary for the proper administration of this division and rules and regulations.
- (11) To make investigations concerning the administration and effect of this division and the rules made thereunder and report his findings and recommendations to the commission.
- (12) To make an annual report to the commission, and such interim reports as may be requested by the commissioner or the governing body.
- (13) To perform such other work relevant to the civil service system as may be required by the commission.
- (14) If directed by the governing body, to provide a system of checking payrolls, estimates and accounts for payment of salaries to employees so as to enable the commission, upon satisfactory evidence, to certify or cause to be certified that the persons whose names appear thereon have been regularly employed in the performance of the duties indicated at the compensation rates and for the periods for which compensation is claimed or are on authorized leave before payment may be lawfully made to such employees.

**Sec. 2.07.215 Civil suits.** It shall be the duty of the commission to begin and conduct all civil suits which may be necessary for the proper enforcement of this division and of the rules of the commission and to defend all civil suits which may be brought against the commission. The commission shall be represented in such suits by the city attorney or other counsel designated by the governing body.

**Secs. 2.07.216 through 2.07.225 Reserved.**

### **Division 15. Construction Board of Adjustment and Appeals.**

**Sec. 2.07.226 Creation.** There is hereby created a Construction Board of adjustments and appeals.

**Sec. 2.07.227 Definitions.**

(a) "Contractor" defined. For the purposes of this Contractor means any person engaged in any occupation regulated by this chapter who has registered with the building official and paid the annual registration fee as set forth in the fee schedule found in appendix A of this code and holds a valid state license for his occupation.

**Sec. 2.07.228 Composition.** Composition. The construction board of adjustments and appeals created pursuant to section 112.1 of the International Building Code shall include:

- (1) One architect or engineer.
- (2) One commercial building contractor.
- (3) One residential building contractor.
- (4) One electrical contractor.
- (5) One plumber.
- (6) One mechanical contractor.
- (7) One realtor, real estate inspector or real estate appraiser (member at large building industry).
- (8) One homeowner (member at large from the public).
- (9) One commercial business owner.

**Sec. 2.07.229 Removal of members.** The city council may remove any member of the board for good cause shown after hearing.

**Sec. 2.07.230 Duties and powers.** The board shall submit to the council such recommendations for the improvement and revision of this code as it may from time to time deem necessary or proper in light of the development of new materials, methods, or techniques which would result in a safer and more economical construction system or construction work. All requests for use of materials or methods not covered in this code shall be fully supported by factual evidence, or prior approval, from a recognized testing agency or other impartial, qualified, non-local authority.

**Sec. 2.07.231 Appeals.**

(a) The owner of a building, structure or service system, or the owner's duly authorized agent, may appeal a decision of the building official or code official to the board under the conditions and pursuant to the procedures set forth in section 112 of the International Building Code, section 112 of the International Residential Code, section 109 of the International Mechanical Code and section 108 of the International Fire Code.

(b) Building official is defined as that official designated in the International Building Code. Code official is defined as that official designated in each of the codes adopted in article 4.04 and article 6.03 of this code.

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(c) Any appeals pending before or eligible to be heard by the former board of appeals at the time of adoption of this amendment, and any appeals that become eligible to be heard by the board before all of its members are appointed, shall be heard by the board upon appointment of all of the members.

**Secs. 2.07.232 through 2.07.250 Reserved.**

#### **Division 16. Airport Zoning Board**

**Sec. 2.07.251 Creation.** There is hereby created the San Angelo-Tom Green County joint airport zoning board, which board shall have the powers and exercise the duties set forth in Texas Local Government Code Section 241.014.

**Sec. 2.07.092 Members; appointments.** The San Angelo-Tom Green County joint airport zoning board shall be composed of five (5) members, two (2) to be appointed by the commissioner's court of the county and two (2) members to be appointed by the city council. The fifth member shall be elected by a majority of the members so appointed and said fifth member shall serve as chairman of the San Angelo-Tom Green County joint airport zoning board.

**Sec. 2.07.093 Meetings.** The board shall convene meetings as needed.

# CIVIC EVENTS ADVISORY BOARD

## **BYLAWS**

**Vision Statement: To be the preferred host for Entertainment, Business, and Community Events in West Texas.**

**Mission Statement: To enhance the quality of life of our citizens and business partners by providing quality events and facilities in a clean, comfortable and safe environment.**

### Article I

#### **Purposes, Duties, Powers and Conduct**

**Section 1. Purposes:** The Civic Events Advisory Board ("Board" herein) is organized and created by City ordinance Article 2.2200 to advise the City Council of the City of San Angelo, the City Manager and his/her representatives.

**Section 2. Duties:** The Board shall advise the City Council on matters as delegated by City Council in Chapter 2, Article 2.07, Division 9 of the San Angelo Code of Ordinances.

**Section 3. Powers:** The Board may exercise all powers and do all lawful acts delegated to it or permitted by City ordinances, state statutes and these bylaws.

**Section 4. Conduct:** The Board and its members shall conduct itself in a manner that's in keeping with the standards, rules, regulations, policies and practices established by the City Council for itself and all City Boards and Commissions.

### Article II

#### **Members of the Board**

Section 1. Members: The membership of the Board matters shall be as determined by City Council in Chapter 2, Article 2.07, Division 9 of the San Angelo Code of Ordinances

Section 2. Appointment: Board members shall be appointed by the City Council under procedures established by the Council in the San Angelo Code of Ordinances.

Section 3. Qualifications: Board members shall have such qualifications as prescribed by the City Council in the San Angelo Code of Ordinances.

Section 4. Term of Office: Board members shall be appointed to terms as prescribed by the City Council in the San Angelo Code of Ordinances.

## Article III

### Meetings

Section 1. Regular Meetings: The Board shall hold one (1) regular meeting each month. The meetings shall normally be held at noon on the last Thursday each month at the McNease Convention Center. The Board may periodically meet at other Civic Events venues. All meetings shall be public and conform to law and the rules prescribed by City Council in the San Angelo Code of Ordinances.

Section 2. Special Meetings: The Board Chair may call a special meeting with no less than seventy-two (72) hours notice. In cases of emergency, the Board Chair may call a meeting with no less than (2) hours notice. Upon the request of three (3) Board members, the Chair shall call a special meeting with no less than seventy-two (72) hours notice. In all instances of special meetings, Board members must be notified in writing, by e-mail and/or by telephone. Special meetings shall be held at the McNease Convention Center on a date at a time designated by the Chair. All special meetings shall be public and conform to law.

Section 3. Executive Sessions. As this board is an advisory board to the City Council, there is no authority to allow meetings to occur in executive session. Therefore, all discussions and action of the board shall occur in open session in a public meeting.

Section 4. Attendance Conclusive of Notice: Attendance requirements are prescribed by City Council in the San Angelo Code of Ordinances. Members must

attend all Board meetings unless they notify the Board Chair or Staff Liaison they will be absent because of personal or family illness, family emergency, funerals or employment. Absences without notification shall be considered unexcused.

Section 5. Quorum: A quorum shall be as prescribed by the San Angelo City Council in the San Angelo Code of Ordinances.

Section 6. Vote: Each Board member shall have one vote, which must be exercised in person. The vote of a majority of members present and voting at a meeting at which a quorum is present shall be the vote of the Board.

Section 7. Conflict of Interest. All Board members shall comply with the conflict of interest statement as prescribed by the City Council in the San Angelo Code of Ordinances.

## Article IV

### Officers

Section 1. Designation of Officers: The Board shall have a Chair and Vice Chair. The Civic Events Manager or designee shall perform the duties of Secretary, but will not be a voting member of any Committee or the Board.

Section 2. Election: At the beginning of the regular meeting each January, the Vice Chair shall ascend to the position of Board Chair, and the Board shall elect a new Vice Chair. The Board's Nominating Committee will make nominations for Vice Chair. Election shall be determined by a majority vote of the members present.

Section 3. Terms: The Chair and Vice Chair shall serve a term of one (1) year in each office. Terms will begin and end when officers are seated and elected at the end of the previous officers 12th month in office. .

Section 4. Consecutive Terms: Having served two (2) consecutive terms in office, a member shall not be eligible for re-election to an office for one (1) year after completion of the second consecutive term.

Section 5. Duties and Authority of Officers:

- A. **Chairman** – The Chair shall preside over all meetings of the Board and shall be responsible for accomplishing all directives, purposes, duties and responsibilities imposed on the Board by the City Council. The Chair shall appoint members of all committees, as he/she deems necessary and shall



designate the Chairman of all committees. The Chair shall sign official documents on the Board's behalf.

- B. **Vice Chairman** – In the absence, disability or disqualification of the Chair, the Vice Chair shall perform the duties and exercises the powers of the Chair. The Vice Chair shall also perform other duties prescribed by the Board.

## Article V

### Amendment

These bylaws may be amended, altered or changed only by a majority vote of the Board, subject to final approval by the City Council. The bylaws and amendments shall be filed with the City Clerk.

Date of Council Approval:

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Civic Events Board Chairman

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Civic Events Board Secretary

# REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

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Requestor: Julia Antilley, City Clerk, Airport, 325-657-4405

Meeting Date: July 2, 2019

Item type: Consent Item

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## **Caption:**

Consider approving revised bylaws approved by the Airport Advisory Board (Jeremy Valgardson)

## **Summary/History:**

## **Financial Impact:**

## **Other Information/Recommendation:**

## **Attachments:**

1. 19-0148\_AP\_ADVISORY\_BD\_BYLAWS\_DRAFT(2) 19-0148\_AP\_ADVISORY\_BD\_BYLAWS\_DRAFT(2).docx

## **Presentation:**

## **Approvals/Reviews:**

|                   |                   |
|-------------------|-------------------|
| Julia Antilley    | Created/Initiated |
| Jeremy Valgardson | Approved          |
| Theresa James     | Approved          |
| Brian Groves      | Approved          |
| Nolan Sosa        | Approved          |
| Tina Dierschke    | Approved          |
| Theresa James     | Approved          |
| Becky Dunn        | Approved          |
| Julia Antilley    | Final Approval    |



**CITY OF SAN ANGELO, TEXAS**

**AIRPORT ADVISORY BOARD**

**BY-LAWS**

*These bylaws restate in their entirety and supersede any bylaws of the board that may be in effect upon their adoption and approval by the City Council for the City of San Angelo.*

1. **General Governing Statutes, Ordinances and Rules.** The Airport Advisory Board of the City of San Angelo, hereinafter referred to as the “Airport Advisory Board” or simply the “Board”, shall be governed by these By-Laws, subject to ordinances establishing and governing the Airport Advisory Board now in effect or hereinafter adopted or amended, and state law including:
  - a. City of San Angelo Code of Ordinances, Chapter 2, Article 2.07 “Boards, Committees and Commissions”, Division 1 “Generally” and Division 4 “Airport Advisory Board”.
  - b. Chapter 171 in the State of Texas Local Government Code, concerning conflicts-of-interest by officers of municipalities.
  - c. Chapter 551 in the State of Texas Government Code, concerning the open conduct of meetings, recording and notices of meetings.
  - d. Chapter 552 in the State of Texas Government Code, concerning Public Information.
2. **Membership of the Board and Quorum.** The Airport Advisory Board shall consist of seven (7) members appointed by City Council pursuant to the rules, terms and qualifications provided at Article 2.07, Divisions 1 and 4 of the City of San Angelo Code of Ordinances as amended from time to time. Three members shall constitute a quorum of the board necessary to conduct business. The following additional rules shall apply to the Board:
  - a. **Resignation.** Any Board Member proposing to resign, shall give written notice of that intent to the Board chairman and secretary. When a Board Member resigns or a position otherwise becomes vacant, the secretary shall promptly advise the City Clerk of the vacancy on the Board.
  - b. **Officer Consecutive Terms.** A Board Member may serve consecutive one-year terms as chairman or vice chairman.
  - c. Any Board Member who misses three (3) duly called meetings pursuant to notice in any twelve month period shall be deemed to have automatically resigned from office subject to reappointment for the balance of the member’s term by City Council. The secretary shall make periodic attendance reports to the Board, which

may form the basis for declaration of a vacancy by the Board. The vacancy shall be filled in the manner provided for under Article 2.07, Division 1, of the City of San Angelo Code of Ordinances, as amended.

3. **Meeting Date, Time and Place.** Notwithstanding anything to the contrary in Division 1 of Article 2.07, and pursuant to authority provided at subsections 2.07.001(7) and (12) thereof, the Board shall meet at least one time annually during the month of March, on a day and at a time called by the Airport Director with notice to each board member (the “Annual Meeting”), and at such other times as called by the Airport Director or his designee with notice to Board Members. All meetings of the Advisory Board shall be held at the San Angelo Regional Airport—Mathis Field Terminal Building, 8618 Terminal Circle, San Angelo, 76904, Suite 101, except as may be designated by the Airport Director for a different, appropriate venue located inside the corporate limits of the City of San Angelo.
4. **Conduct of Meetings.** Meetings of the Board shall be open to the public in compliance with the requirements of the Open Meetings Act, Chapter 551, of the Texas Government Code. The Board may meet in closed executive session during an open meeting only when in compliance with the Open Meetings Act, Chapter 551 of the Texas Government Code.
5. **Minute Record.**
  - a. **Minute Book.** The Board shall maintain a minute record book which shall be kept posted to date. In the minute record book shall be recorded the Board’s proceedings, showing attendance, all absences, the agenda subject of each consideration, each decision, recommendation or action taken, and all other official actions.
  - b. **Adoption of Minutes.** The draft minute record of a Board meeting shall be presented for approval at next subsequent meeting of the Board after preparation of the draft. The minute record must be approved by a majority of the Board Members who were present at the meeting described in the minutes. If this is not possible due to change in the make-up of the Board or other cause, then a majority of the members present and voting shall be all that is necessary to approve the minute record.
6. **Officers of the Airport Advisory Board**
  - a. **Election of Chairman and Vice-Chairman.** At its Annual Meeting each year, as the first item of new business, the Board shall elect a chairman and vice-chairman. The election shall be determined by a majority of those Board Members present and constituting a quorum at said meeting. If such annual meeting is canceled or quorum is lacking, the election shall be held at the next called meeting.
  - b. **Presiding at Meetings.** If present and able, the chairman shall preside at all meetings of the Board. During the absence or inability of the chairman to preside, the vice-chairman shall exercise or perform all the duties and be subject to all the responsibilities of the chairman. If both are absent or unable to preside, the members present shall appoint an acting chairman to preside.
  - c. **Chairman Authority.** In accordance with these and other applicable rules, the presiding officer shall decide all points of procedure or order, unless otherwise directed by a majority of the members in attendance on a motion duly made and passed. The presiding officer

shall maintain order and decorum, and to that end, may order removal of disorderly or disruptive persons. The presiding officer shall, furthermore, vote on all matters and motions pending before the Board.

- d. **Committees.** The chairman shall appoint such committees as may be found necessary by a majority of the Board Members or upon request of the Airport Director or City Council. Committees shall consist of at least two members of the Board.
  - e. **Succession of Vice-Chairman to Chairman.** The vice-chairman shall succeed the chairman if the chairman vacates office before the term is completed. The installation of the vice chairman as chairman, and the election of a new vice chairman shall occur at the next called meeting following vacation of the chairman's seat on the Board.
  - f. **Delegation to Vice-Chairman.** The chairman may delegate specific duties generally to the vice-chairman or may authorize the vice-chairman to perform specific duties, during the chairman's absence, so that the necessary Board functions are performed in a timely manner. The vice-chairman shall perform all duties so delegated. In case of absence or incapacity of the chairman, and on approval by a majority of the Board Members, the vice-chairman shall perform any or all duties of the chairman, whether or not so delegated.
  - g. **Appointment of Secretary and Secretary Duties.** At its Annual Meeting each year the Board Members shall appoint the staff person designated by the Airport Administrator as Board Secretary. The secretary shall attend to correspondence relating to business of the Board; prepare and post all notices required; attend meetings of the Board as required; prepare staff reports and make recommendations to the Board on matters under deliberation; ensure compliance with applicable rules, ordinances and statutes; maintain custody of the records of the Board; and generally perform clerical work of the Board.
7. **Conduct of Board Members.** If any Board Member has a perceived conflict of interest other than as stated in the Conflict of Interest provisions of Division 1, Article 2.07 of the City of San Angelo Code of Ordinances, for a specific matter from which he or she desires to be excused, then that Board Member may be excused by a majority vote of the remaining Board Members. The Board Member excused must leave the meeting room. After all deliberation by the Airport Advisory Board on that matter is complete, the excluded Board Member shall rejoin the Board.
8. **Amending These By-Laws.** These rules may be amended at any regular or special meeting of the Airport Advisory Board, by a majority of a quorum of the Board, provided that notice of said proposed amendment is given to each member in writing at least two weeks prior to said meeting.
9. **Miscellaneous.**
- a. All maps, plats, site plans or photographs, or a copy thereof, submitted to the Airport Advisory Board for presentation purposes shall become the property of the City.
  - b. All maps, plats, site plans, photographs or any other exhibits, or a copy thereof, shown to the Airport Advisory Board for presentation by an outside party shall become part of the minute record for that meeting.
  - c. Matters referred to the Airport Advisory Board by the City Council shall be placed on an agenda for the next called meeting or designated future meeting of the Board for

consideration.

DULY ADOPTED by the Airport Advisory Board, SUBJECT TO APPROVAL of the City Council of the City of San Angelo, Texas, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Charles Powell, Chairperson  
EMAIL: [joanne.powell@mail.house.gov](mailto:joanne.powell@mail.house.gov)

Date: \_\_\_\_\_, 2019

APPROVED AND ADOPTED BY the City Council for the City of San Angelo, Texas,  
this 2nd day of July, 2019.

\_\_\_\_\_  
Brenda Gunter, Mayor

ATTEST:

\_\_\_\_\_  
Julia Antilley, City Clerk

APPROVED AS TO CONTENT

APPROVED AS TO FORM

\_\_\_\_\_  
Jeremy Valgardsen,  
Airport Director

\_\_\_\_\_  
Dan T. Saluri, Deputy City Attorney

# REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

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

Meeting Date: July 2, 2019

Item type: Consent Item

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## **Caption:**

Consider a resolution authorizing a special event known as "Joe's Bar and Grill Car Show" and approving variances to City ordinances at Mary E. Lee Park for October 19, 2019 (Carl White)

## **Summary/History:**

Joe's Bar and Grill has had a car show at Mary E. Lee park for the past few years in the fall. If approved, the event will take place on October 19, 2019.

As part of the review process for this event, SAPD informed Parks and Recreation that this event would require a City Ordinance variance related to driving and parking on the park grass as well as a few others, detailed in the attached documents.

Waiver from noise related ordinances ARE NOT being requested.

## **Financial Impact:**

There is no fiscal impact regarding this item.

## **Other Information/Recommendation:**

## **Attachments:**

- |                                                  |                                                   |
|--------------------------------------------------|---------------------------------------------------|
| 1. SE App Joes Bar and Grill Car Show 2019       | SE App Joes Bar and Grill Car Show 2019.pdf       |
| 2. Resolution - Joes Bar and Grill Car Show 2019 | Resolution - Joes Bar and Grill Car Show 2019.doc |
| 3. Exhibit A Joes Bar and Grill Car Show 2019    | Exhibit A Joes Bar and Grill Car Show 2019.doc    |

## **Presentation:**

## **Approvals/Reviews:**

|                |                   |
|----------------|-------------------|
| Carl White     | Created/Initiated |
| Carl White     | Approved          |
| Theresa James  | Approved          |
| Becky Dunn     | Approved          |
| Julia Antilley | Final Approval    |

## City of San Angelo – Special Event Application (ver. June 15, 2015)

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, at least 90 days for events requesting City Support.

| Event Information                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Event Name: <u>JOE'S BAR &amp; GRILL CAR SHOW</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                          |
| Event Date(s) and Hours: <u>OCT 19, 2019 8:AM 4PM</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Event Purpose & Description: <u>FUND RAISER FOR CONCHO VALLEY HOME FOR THE GIRLS</u>                                                                                                                     |
| Event Location(s): <u>MARY LEE PARK</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                          |
| Attendance, Estimated Daily/Overall: <u>1,000 - 1,500</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <small>*Once approved, if you would like to make this event public on the City's website, please attach a flyer for your event.</small>                                                                  |
| Type of Event (Check one – see Special Events Policy for additional information)                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                          |
| <input checked="" type="checkbox"/> Non-Profit Event <input type="checkbox"/> For-Profit Event <small>* for private events contact Parks &amp; Rec. Admin. at 325-657-4279 for reservations</small><br><input type="checkbox"/> City Operated/Sponsored Event <input type="checkbox"/> City Co-Sponsored Event<br><input type="checkbox"/> Political or Ballot Issue Event<br><input type="checkbox"/> Parade, Block Party, Road Run/Walk/Etc – Specify: _____<br><input type="checkbox"/> other (describe): _____ |                                                                                                                                                                                                          |
| Event Sponsor Information                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                          |
| Legal Business Name: <u>JOE'S BAR AND GRILL (CAR CLUB)</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                          |
| Address: <u>2705 SAN ANTONIO</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                          |
| Mailing Address: <u>SAME</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                          |
| Telephone: <u>325 656-7455</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Email Address: <u>BPMARTIN@UCC.NET</u>                                                                                                                                                                   |
| Contact Name: <u>BENDER MARTIN</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Title: _____                                                                                                                                                                                             |
| Contact Number: <u>SAME AS ABOVE</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Email Address: _____                                                                                                                                                                                     |
| Event Information (continued)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                          |
| Estimated date/time for set up: <u>5 PM FRIDAY OCT 18, 2019</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Describe set up and clean up procedures: <u>SETUP FRIDAY (OCT 18 2019) + CLEANUP AFTER EVENT</u><br><small>*Sponsoring organization may be required to supply a dumpster and portable restrooms.</small> |
| Estimated date/time for clean up: <u>4 PM SAT. OCT 19, 2019</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                          |
| Will street closure and/or use be necessary? <input type="checkbox"/> YES <input type="checkbox"/> NO    If yes, complete the street closure/use form.<br><u>If yes, show proposed road uses, emergency vehicle access, and barricade locations on your event map.</u><br><small>Note that the City of San Angelo does not have authority to close County and State roads.</small>                                                                                                                                 |                                                                                                                                                                                                          |
| Describe crowd and parking control and security plans for this event: <small>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.</small><br><u>PARKING WILL BE ON GRASS + LAK PATROL IS ALWAYS AT PARK</u>                           |                                                                                                                                                                                                          |



**Event Information (continued)**Will music be provided/included during the event? ☒ YES ☐ NODescribe type of music proposed: ☐ Live ☐ Amplification ☐ Recorded ☒ Loudspeakers

Proposed time music will begin: 8:00 AM Proposed time music will end: 4:00 PM

Describe noise control:

Show proposed location of live band/disc jockey/loudspeakers/equipment on your attached event mapDo 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: SPONSORS

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

FOOD VENDORS ONLY WITH HEALTH PERMIT

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 &amp; 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:

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 |
|-----------------------------------------------|----------|-------------------------------------------------------|----------|
| <input type="checkbox"/> Booths:              | _____    | <input checked="" type="checkbox"/> Tables:           | 4        |
| <input type="checkbox"/> Tents*:              | _____    | <input type="checkbox"/> Rides:                       | 0        |
| <input type="checkbox"/> Awnings:             | _____    | <input checked="" type="checkbox"/> Portable Toilets: | 2        |
| <input checked="" type="checkbox"/> Canopies: | _____    | (may be required depending on event)                  |          |
| <input type="checkbox"/> Rides:               | _____    | <input type="checkbox"/> 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)****Application Check List** (failure to provide necessary documentation will delay application review and approval)

I have attached the following items:

- ☒ Completed Application   ☒ Application Non-Refundable Permit Fee of \$35.00   ☐ Deposit (see policy) **\$500.00**
- ☐ Certificate of Insurance (10 business days prior to first day of event)   ☐ Street use and/or closure permit (if required)
- ☒ Detailed Event Map (showing road uses, signage, vending, tent, and activity locations, etc. Maps can be found on Google earth or [www.cosatx.us](http://www.cosatx.us), look under DEPARTMENTS & SERVICES > GEOGRAPHICAL INFORMATION SYSTEMS > Online mapping > Launch interactive online map)
- ☐ Temporary Health Permit (if required)

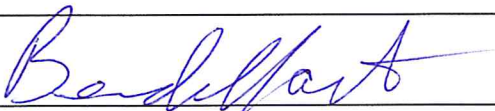
**If any document is missing, please explain:****The applicant and sponsoring organization understands and agrees to:**

- 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, must 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.**

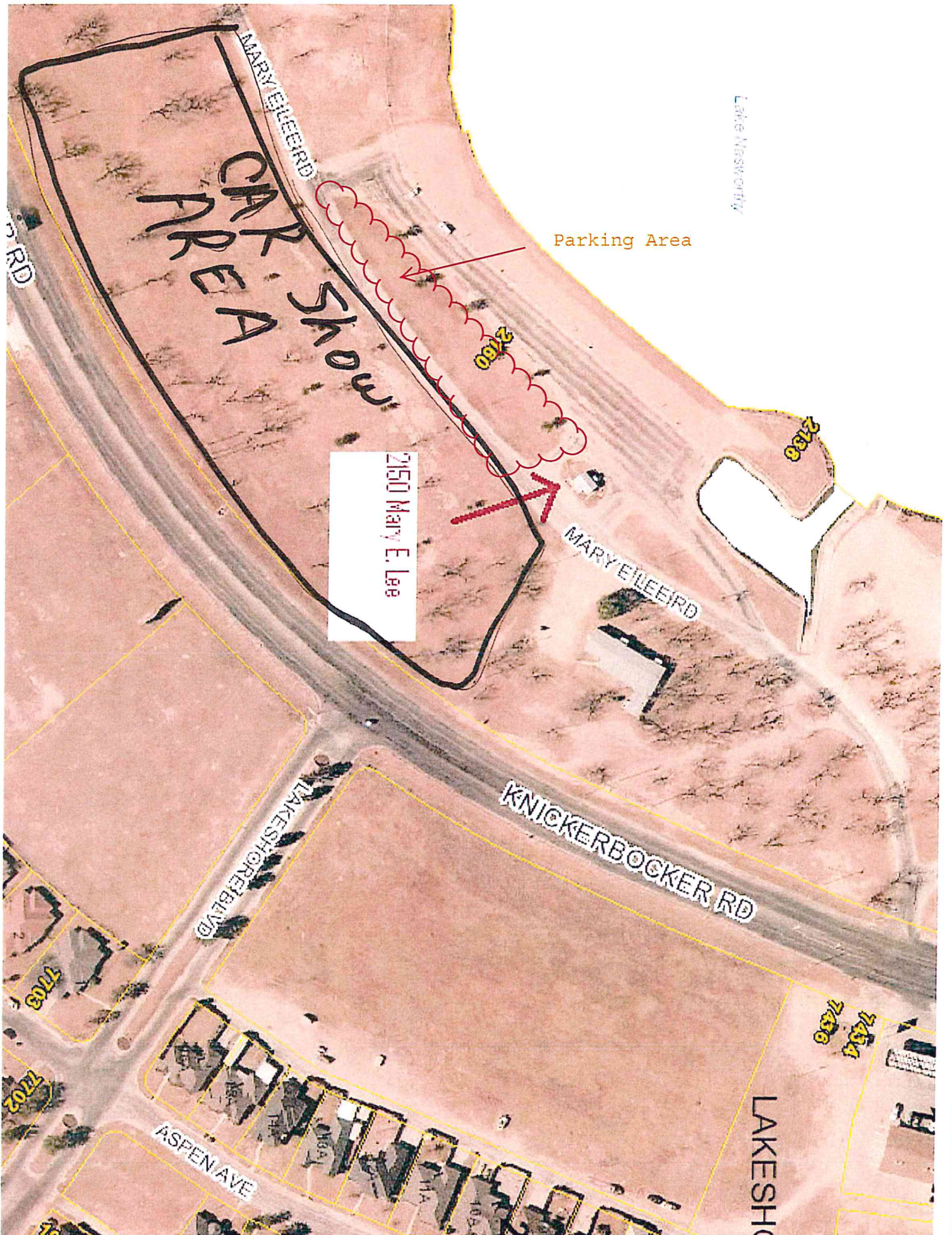
As the duly authorized agent of the sponsoring organization, I hereby apply for approval of the Special Event and affirm the above understandings. The information provided on this application is true and complete to the best of my knowledge.

**Applicant Signature:****Date:** 5-1-19

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 or at least 90 days prior for events requesting City Support. 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:**







**A RESOLUTION OF THE CITY OF SAN ANGELO AUTHORIZING APPLICANT, JOE'S BAR AND GRILL, TO HOLD A SPECIAL EVENT KNOWN AS "JOE'S BAR AND GRILL CAR SHOW" AND GRANTING VARIANCES FROM CITY ORDINANCES.**

**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,** Joe's Bar and Grill has requested for "JOE'S BAR AND GRILL CAR SHOW" to take place at Mary E. Lee Park; and,

**WHEREAS,** the City Council has taken into account the proximity of the event to residential areas; the probability of the event causing undue disturbance to users of the city property; the ability of the organizers to ensure the safety of participants and observers; and the effect on public safety of the granting of variances for the event.

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

**Part 1:** Joe's Bar and Grill (hereinafter Applicant), is hereby authorized to hold a special event in Mary E. Lee Park, known as "JOE'S BAR AND GRILL CAR SHOW". The event, including set up and clean up, will take place from 8:00 AM Saturday, October 19, 2019 through 5:00 PM October 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:** A variance related to Section A2.008 (tent permit fees) for the event is hereby granted from 8:00 AM Saturday, October 19, 2019 through 5:00 PM October 19, 2019.

**Part 4:** A variance related to Section 9.02.005(5) (leaving movable structures or special vehicles in the park) for the event is hereby granted from 8:00 AM Saturday, October 19, 2019 through 5:00 PM October 19, 2019.

**Part 5:** A variance related to Section 9.02.005(2) (setting a priority on use of fireplaces, picnic tables and benches other than first come first serve) for the event is hereby granted from 8:00 AM Saturday, October 19, 2019 through 5:00 PM October 19, 2019.

**Part 6:** A variance related to Section 9.02.004(5) (driving and parking on area other than paved park roads or parking areas) for the event is hereby granted from 8:00 AM Saturday, October 19, 2019 through 5:00 PM October 19, 2019.

PASSED and APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

ATTEST:

CITY OF SAN ANGELO, TEXAS

\_\_\_\_\_  
Julia Antilley, City Clerk

\_\_\_\_\_  
Brenda Gunter, Mayor

APPROVED AS TO FORM

\_\_\_\_\_  
Theresa James, City Attorney

**EXHIBIT A**  
**SUPPLEMENT TO SPECIAL EVENTS PERMIT**  
**Joe's Bar and Grill Car Show**  
**October 19, 2019**

Permit Holder: Joe's Bar and Grill Car Show at Mary E. Lee Park

Contact Person:      Name                      Phone  
                                 Bender Martin              325-656-7455

Location of Event:    Mary E. Lee Park  
                                 2160 Mary E. Lee Road  
                                 San Angelo, TX 76904

Name of Event:        Joe's Bar and Grill Car Show (hereinafter "Event")

Date of Event:         October 19, 2019  
                                 Set up: 8:00 am, October 19, 2019  
                                 Clean up: October 19, 2019, finished by 5:00 pm

Anticipated  
Attendance:             up to 1,500

Hours of  
Operation:              October 19, 2019, setup beginning at 8:00 am through clean up  
                                 to 5:00 pm, same day

This supplement to the special event permit is issued to the Joe's Bar and Grill Car Show by the City of San Angelo (hereinafter "City") subject to the conditions and requirements set forth below.

Permitted Activities

1. Event participants may park on the grass at Mary E. Lee Park during the date set out above.
2. Event staff may set up tents and signs and allow vendors in the park subject to any regulations set out in this permit. Tents must have required permits.
3. Event participants may have a cookout, pending adequate health permits.

Requirements for Permit Holder ("Joe's Bar and Grill Car Show")

1. Sanitation.
  - a. Event will set up two (3) Port-A-Potties, one (1) must be accessible.
  - b. Event will clean up area at the conclusion of event.

2

**Attachment 1 to Exhibit A  
TO THE 2019 JOE'S BAR AND GRILL CAR SHOW**

**Exhibit 1 to Event Resolution**

**Variances**

- 1) Notwithstanding City ordinances to the contrary, event Sponsor shall not be required to pay for permits for tents.
- 2) Notwithstanding City ordinances to the contrary, event Sponsor shall not be required to obtain permits for signs.
- 2) Notwithstanding City ordinances to the contrary, event participants may park on designated areas on the grass. Such areas are depicted in the special events application.
- 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.
- 4) Notwithstanding City ordinances to the contrary, event Sponsor shall have the exclusive right to use the park area, as identified in the special event application, for the use of the event.



# REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

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

Meeting Date: July 2, 2019

Item type: Consent Item

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## **Caption:**

Second reading of an ordinance amending Chapter 12 "Planning and Development", Exhibit C "Land Development and Subdivision Ordinance", Chapter 5 "Procedural Requirements for Processing Subdivisions", Section III "Stages of Development Review", Subpart C "Administrative Subdivisions" by including the review process (Jon James)

## **Summary/History:**

Last year the department took a subdivision ordinance amendment to Council that inadvertently left out one section for "Administrative Subdivisions" and the "Review Process" for the Administrative Subdivision. This ordinance replaces that section that was inadvertently left out.

## **Financial Impact:**

N/A

## **Other Information/Recommendation:**

Since there was no intent to change this section of the ordinance, this item was not presented to the Planning Commission. They had previously approved the changes made to the ordinance, which did not delete this section.

At their June 18, 2019 meeting, the City Council approved this item on first reading by a vote of 6-0.

## **Attachments:**

- |                                             |                                               |
|---------------------------------------------|-----------------------------------------------|
| 1. Memo Chapter 12 Minor Amendment          | Memo Chapter 12 Minor Amendment.docx          |
| 2. Ordinance - Chapter 12 C. Review Process | Ordinance - Chapter 12 C. Review Process.docx |

## **Presentation:**

Jon James

## **Approvals/Reviews:**

|                |                   |
|----------------|-------------------|
| Sherry Bailey  | Created/Initiated |
| Hillary Bueker | Approved          |
| Jon James      | Approved          |
| Theresa James  | Approved          |
| Brian Groves   | Approved          |
| Jon James      | Approved          |
| Tina Dierschke | Approved          |
| Theresa James  | Approved          |
| Becky Dunn     | Approved          |
| Julia Antilley | Final Approval    |



# MEMO

**Meeting**

**Date:** June 18, 2019

**To:** City Council

**From:** Sherry Bailey, Principal Planner

**Request:** Public hearing and consideration of a text amendment to Chapter 12, Exhibit "C" Land Development and Subdivision Ordinance, Chapter 5 "Procedural Requirements for Subdivisions,"

**Background:**

Last year the Planning Division brought forward a subdivision ordinance amendment with multiple sections that was approved by City Council. Inadvertently, one paragraph under Administrative Subdivisions was left out of that multi-dimensional ordinance. After waiting the required six months under Sec. 1.03.02 of the Code of Ordinances, staff is bringing forward a minor amendment to add this paragraph back in. Since it was part of the original packet that went to Planning Commission for recommendation and it was simply a clerical error that resulted in this paragraph being left out, staff felt it was appropriate to bring it forward as a simple minor amendment.

Chapter 12, Exhibit C, Chapter 5, Section III

**"C" Administrative Subdivisions**

**2. Review Process.** Copies of the proposed plat shall be submitted to the Planning Director, in accordance with submittal deadlines posted on the Planning Department's website, along with the completed application form and appropriate application fee. Within a period of not more than ten (10) working days from the filing date of an application for subdivision, the Planning Director shall have approved it as an administrative subdivision, or the application shall be referred for consideration by the City Planning Commission. An application referred to the City Planning Commission shall be scheduled for consideration at the next regular meeting of the Commission, if said application was originally submitted by the deadline date for that next regular meeting. A decision by the Planning Director to approve an application for administrative approval, or to forward that application for consideration by the City Planning Commission, shall be communicated in writing to the applicant."



**AN ORDINANCE OF THE CITY OF SAN ANGELO, TEXAS, AMENDING CHAPTER 12 “PLANNING AND DEVELOPMENT,” EXHIBIT “C” “LAND DEVELOPMENT AND SUBDIVISION ORDINANCE,” BY AMENDING: CHAPTER 5 “PROCEDURAL REQUIREMENTS FOR PROCESSING SUBDIVISIONS,” SECTION III “STAGES OF DEVELOPMENT REVIEW,” PART C “ADMINISTRATIVE SUBDIVISIONS,” SUBPART (2) “REVIEW PROCESS;” PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City of San Angelo has adopted a Land Development and Subdivision Ordinance establishing a process for the development, subdivision and platting of land within the corporate limits of the City and within its extra territorial jurisdiction; and,

WHEREAS, the ordinance provides a process for the subdivision of land that includes the authority and functions of the Planning Director, Planning Commission and City Council in the subdivision and platting process;

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

Section 1. Chapter 12 “Planning and Development,” Exhibit C “Land Development and Subdivision Ordinance” of the City Code of Ordinances, Chapter 5 “Procedural Requirements for Processing Subdivisions,” Section III “Stages of Development Review,” Subpart “C” “Administrative Subdivisions,” Part 2”Review Process” is amended and restated in their entirety to read as follows”

2. Review Process. Copies of the proposed plat shall be submitted to the Planning Director, in accordance with submittal deadlines posted on the Planning Department’s website, along with the completed application form and appropriate application fee. Within a period of not more than ten (10) working days from the filing date of an application for subdivision, the Planning Director shall have approved it as an administrative subdivision, or the application shall be referred for consideration by the City Planning Commission. An application referred to the City Planning Commission shall be scheduled for consideration at the next regular meeting of the Commission, if said application was originally submitted by the deadline date for that next regular meeting. A decision by the Planning Director to approve an application for administrative approval, or to forward that application for consideration by the City Planning Commission, shall be communicated in writing to the applicant.”

Section 2: 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 3: This Ordinance shall be effective on, from and after the date of adoption.

INTRODUCED on the 18th day of June, 2019, and finally PASSED, APPROVED and ADOPTED on this the 2nd day of July, 2019.

CITY OF SAN ANGELO

BY: \_\_\_\_\_  
Brenda Gunter, Mayor

ATTEST:

\_\_\_\_\_  
Bryan Kendrick, City Clerk

APPROVED AS TO CONTENT:

APPROVED AS TO FORM

\_\_\_\_\_  
Jon James, Director of Planning and

\_\_\_\_\_  
Theresa James, City Attorney

# REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

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Requestor: Jeff Fisher, Sr. Planner, Planning and Development Services, 325.657.4210

Meeting Date: July 2, 2019

Item type: Consent Item

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## **Caption:**

Second reading of an ordinance approving case SU19-02, a Special Use to allow for a golf driving range; outdoor multi-use sports facilities and related recreational activities; outdoor miniature golf; and outdoor events, on 21.536 acres, located at 2838 S. College Hills Blvd. (Jon James)

## **Summary/History:**

The applicant has applied for a Special Use on the subject property owned by the City to allow for a golf driving range; outdoor multi-use sports facilities and related recreational activities; outdoor miniature golf; and outdoor events. The applicant intends to lease 21.536 acres of the 71.16-acre property zoned General Commercial (CG) Zoning District and Single-Family Residential (RS-1) Zoning District. The applicant's concept plan delineates two new outdoor baseball fields; a new outdoor multi-use field with three volleyball courts; three new indoor multi-sport buildings, gym, and retail store; and the existing driving range, restaurant, and parking lot. The miniature golf course would be removed for the present time. The indoor facilities are already permitted uses in the CG district, but the outdoor uses require a Special Use.

## **Financial Impact:**

N/A

## **Other Information/Recommendation:**

On May 20, 2019, Planning Commission unanimously recommended APPROVAL by a vote of 7-0, subject to seven conditions of approval as outlined in the Staff Report.

On June 18, 2019, the City Council unanimously voted to APPROVE the Special Use by a vote of 6-0.

## **Attachments:**

- |                              |                                |
|------------------------------|--------------------------------|
| 1. Council SU19-02 report    | Council_SU19-02 report.docx    |
| 2. Council SU19-02 Ordinance | Council SU19-02 Ordinance.docx |

## **Presentation:**

Jon James

## **Approvals/Reviews:**

|                |                   |
|----------------|-------------------|
| Jeff Fisher    | Created/Initiated |
| Hillary Bueker | Approved          |
| Jon James      | Approved          |
| Theresa James  | Approved          |
| Brian Groves   | Approved          |

Jon James  
Tina Dierschke  
Theresa James  
Becky Dunn  
Julia Antilley

Approved  
Approved  
Approved  
Approved  
Final Approval



**CITY COUNCIL – June 18, 2019**  
**STAFF REPORT**



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                |                                              |              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|----------------------------------------------|--------------|
| <b>APPLICATION TYPE:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>CASE:</b>   |                                              |              |
| Special Use                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | SU19-02: Box   |                                              |              |
| <b>SYNOPSIS:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                |                                              |              |
| <p>The applicant has applied for a Special Use on the subject property owned by the City to allow for a golf driving range; outdoor multi-use sports facilities and related recreational activities; outdoor miniature golf; and outdoor events. The applicant intends to lease 21.536 acres of the 71.16-acre property zoned General Commercial (CG) Zoning District and Single-Family Residential (RS-1) Zoning District. The applicant's concept plan delineates two new outdoor baseball fields; a new outdoor multi-use field with three volleyball courts; three new indoor multi-sport buildings, gym, and retail store; and the existing driving range, restaurant, and parking lot. The miniature golf course would be removed for the present time. The indoor facilities are already permitted uses in the CG district, but the outdoor uses require a Special Use (See additional information).</p> |                |                                              |              |
| <b>LOCATION:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                | <b>LEGAL DESCRIPTION:</b>                    |              |
| 2838 South College Hills Boulevard; generally located east of the intersection of South College Hills Boulevard and Millbrook Drive                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                | Being 21.536 acres in the J. McNeese Survey. |              |
| <b>SM DISTRICT / NEIGHBORHOOD:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>ZONING:</b> | <b>FUTURE LAND USE:</b>                      | <b>SIZE:</b> |
| SMD District #5 – Lane Carter Vista Del Arroyo Neighborhood                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | CG and RS-1    | C – Commercial                               | 21.536 acres |
| <b>THOROUGHFARE PLAN:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                |                                              |              |
| <p><b>South College Hills Boulevard</b> – Urban Arterial Street (complied at the time of platting)<br/>         Required: 80' right-of-way, 64' pavement<br/>         Provided: 100' right-of-way, 64' pavement</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                |                                              |              |
| <b>NOTIFICATIONS:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                |                                              |              |
| 6 notifications mailed within 200-foot radius on May 10, 2019. One received in support; none opposition.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                |                                              |              |
| <b>STAFF RECOMMENDATION:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                |                                              |              |
| <p>Staff's recommendation is for the Planning Commission to recommend <b><u>APPROVAL</u></b> of the Special Use to allow for a golf driving range; outdoor multi-use sports facilities and related recreational activities; outdoor miniature golf; and outdoor events, subject to <b>seven Conditions of Approval</b>.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                |                                              |              |
| <b>PROPERTY OWNER/PETITIONER:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                |                                              |              |
| Property Owner:<br>City of San Angelo<br><br>Applicant:<br>Mr. Shawn Box                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                |                                              |              |
| <b>STAFF CONTACT:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                |                                              |              |
| Jeff Fisher, AICP<br>Principal Planner<br>(325) 657-4210, Extension 1550<br><a href="mailto:jeff.fisher@cosatx.us">jeff.fisher@cosatx.us</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                |                                              |              |



**Additional Information:** An original Special Use Permit 613 to allow a “public golf course with related golf activities and other recreational activities” was applied for in 1978 but not approved. On October 2, 1979, City Council approved a Zone Change from the Single-Family (R-1) Zoning District to the Commercial Entertainment and Recreation District (CE&R) Zoning District for a “par-3, 9-hole golf course and an 18-hole miniature golf course.” These outdoor uses were allowed by-right until 2000 when the new CG zoning took effect, prohibiting them and other outdoor entertainment uses without a Special Use. Presently, there is a miniature golf course and driving range on the property recognized in the current 2004 lease agreement with the City. This agreement, as amended, also allows related recreational activities, sale and consumption of beer and wine, and year-round family events. The new Special Use would legalize the existing outdoor driving range which the applicant plans to continue, as well as the new outdoor multi-use sports facilities, related recreational activities, outdoor miniature golf and outdoor events which could be established in future. A new lease from the City is required.

1. **Impacts Minimized. Whether and the extent to which the site plan minimizes adverse effects, including adverse visual impacts, on adjacent properties.** Planning Staff believe that impacts on nearby uses will remain minimal. Outdoor uses including the golf driving range and miniature golf facility have already been operating since at least the mid-1990s within the same 21.536-acre leased area. The new outdoor fields will not extend past the existing driving range, the closest use to residential development, which is still over 600 feet west of the nearest residential subdivision. Conditions of approval including shielded lighting, no outdoor activity after 11:30pm, and an Urban Design Review prior to building permit issuance will ensure minimum design standards and reduce any potential impacts on nearby properties.
2. **Consistent with Zoning Ordinance. Whether and the extent to which the proposed special use would conflict with any portion of this Zoning Ordinance, including the applicable zoning district intent statement.** The subject leased area is over 21 acres and greatly exceeds the minimum lot area requirement of 6,000 square feet, minimum frontage of 50 feet, and minimum lot depth of 80 feet in the CG Zoning District. The new buildings will be required to be at least 25 feet back from the front property line facing South College Hills Boulevard which should be easily met given the large lot size. The large existing paved parking area would be able to accommodate over 100 vehicles, and new parking is proposed along the north end of the site. The current parking standards in the Zoning Ordinance require one parking space per 200 square feet for retail uses; and one parking space per the greater of 1/400 square feet or 1/10 seats for indoor and outdoor entertainment uses.
3. **Compatible with Surrounding Area. Whether and the extent to which the proposed special use is compatible with existing and anticipated uses surrounding the subject land.** The proposed uses would be compatible with the surrounding area, and is located in close proximity to other recreational uses including the Red Arroyo Trail and College Hills Swim and Racquet Club, as well as several retail areas to the west and north. As indicated, the new uses will not expand past the existing leased area, nor further east than the existing driving range. For these reasons, Planning Staff is satisfied that the proposed uses will be compatible with the surrounding area.

4. **Traffic Circulation. Whether and the extent to which the proposed special use is likely to result in extraordinarily prolonged or recurrent congestion of surrounding streets, especially minor residential streets.** The proposed development will not alter existing traffic patterns. Sole access to the property will continue to be from South College Hills Boulevard, a major arterial road designed to accommodate large traffic volumes. The existing sidewalk along College Hills Boulevard connects into the Red Arroyo Trail, allowing customers to walk and bike to the facilities as well.
5. **Effect on Natural Environment. Whether and the extent to which the proposed special use would result in significant adverse impacts on the natural environment, including but not limited to water or air quality, noise, stormwater management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.** A large portion of the outdoor areas are located within the FEMA floodway. As a condition of approval, the applicant will be required to obtain approval from the City's Operations Division, and obtain any required studies.
6. **Community Need. Whether and the extent to which the proposed special use addresses a demonstrated community need.** If approved, the Special Use would provide additional sports and entertainment facilities to San Angelo residents. Although on City land, the new venue will provide a private facility that includes a wide range of sports including baseball, volleyball, and the continued golf driving range, as well as indoor facilities.
7. **Development Patterns. Whether and the extent to which the proposed special use would result in a logical and orderly pattern of urban development in the community.** Current development patterns would not change. As indicated, access would continue to be from South College Hills Boulevard which can accommodate large traffic volumes.

**Planning Commission Recommendation:**

On May 20, 2019, the Planning Commission recommended unanimous **APPROVAL** by a vote of **7-0** of the proposed Special Use to allow for a golf driving range; outdoor multi-use sports facilities and related recreational activities; outdoor miniature golf; and outdoor events, subject to the seven Conditions of Approval outlined at the end of this Staff Report.

The following is the complete excerpt of the draft minutes from the May 20, 2019, meeting for this case:

Jeff Fisher, Principal Planner, presented the proposed rezoning request. He explained that the proposed development is on City leased land and the lease will be presented at tomorrow's City Council for ratification. Mr. Fisher outlined the proposed special uses which include a golf driving range, outdoor multi-use sports facilities and events. He explained that the indoor uses were already allowed by right in the existing CG Zoning District.

Mr. Fisher outlined Staff's rationale to approve the Rezoning on the grounds that the outdoor uses have been operating on the property since 1979; that the proposed development will comply with the underlying CG standards; and that the site is adjacent to the Red Arroyo Trail and park area.

Chair Stribling opened the meeting for public comment.

Mr. Shawn Box, the applicant, explained that this was a good location for his proposal given its proximity to existing walking trail, park, and future YMCA across the street.

Chair Stribling closed public comment. He expressed his opinion that the project looks great.

Commissioner Smith made a Motion to recommend APPROVAL of a Special Use to allow for a golf driving range; outdoor multi-use sports facilities and related recreational activities; outdoor miniature golf; and outdoor events. Commissioner Self seconded the motion. The motion carried unanimously, 7-0.

**Recommendation:**

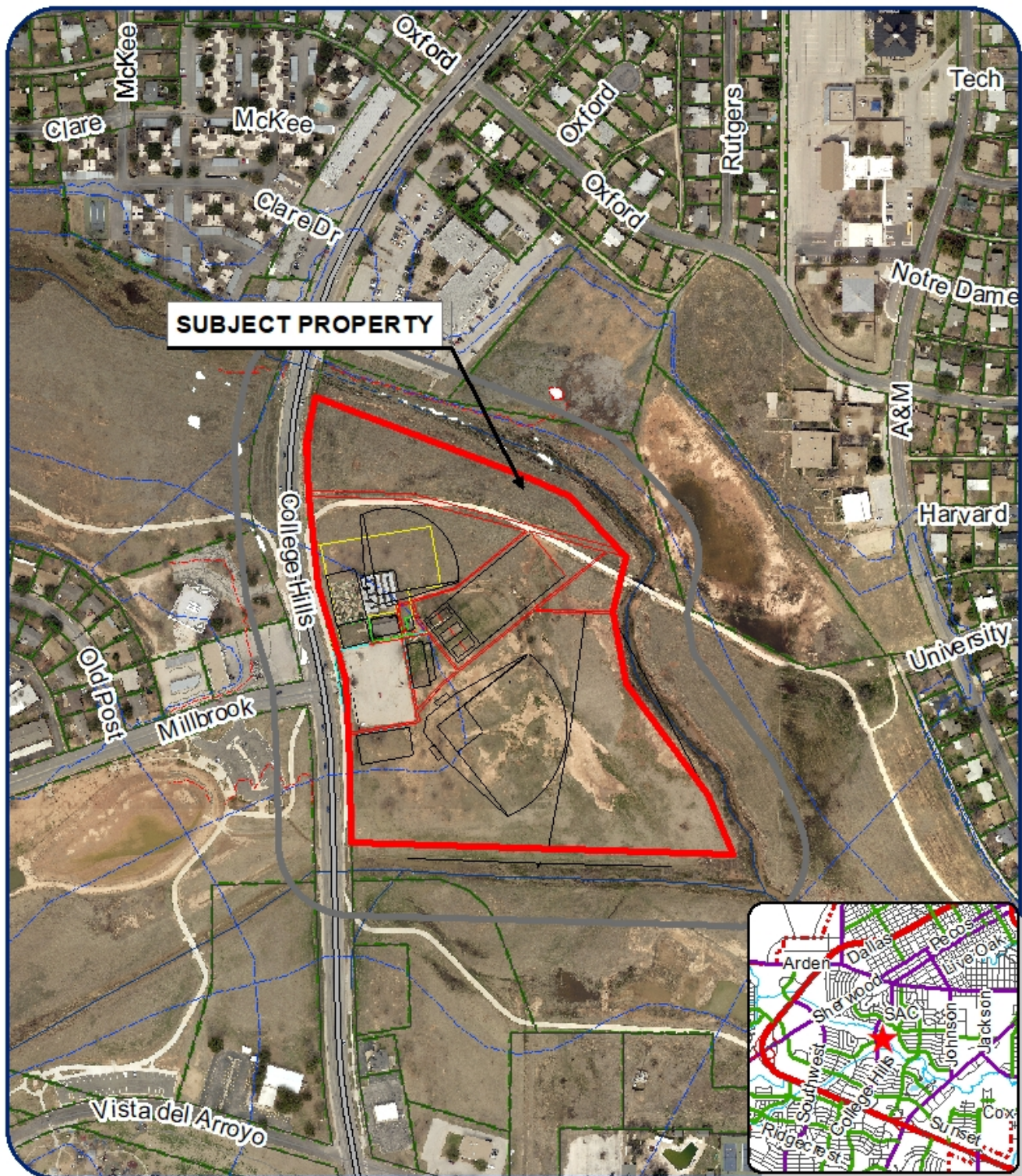
Staff's recommendation is for City Council to **APPROVE** the Special Use to allow for a golf driving range; outdoor multi-use sports facilities and related recreational activities; outdoor miniature golf; and outdoor events, subject to the **following seven Conditions of Approval:**

1. The applicant shall obtain from the City a transfer of the existing lease and enter into a new lease agreement with the City for a term of 20 years in order to operate.
2. The applicant shall obtain approval from the City's Flood Plain Manager including any required studies prior to development in the FEMA floodplain or floodway.
3. The applicant shall require an Urban Design Review to be approved by the Planning Director prior to development.
4. Major changes to the approved site concept plan shall require approval by the Planning Director, including a revised Urban Design Review. Minor modifications may be approved without a new site concept plan or Urban Design Review provided they are generally consistent with the original approvals.
5. All new site lighting on the premises shall be shielded, downward emitting and configured in such as manner as to satisfactorily minimize or eliminate light trespass onto adjacent residential uses or lands.
6. Hours of operation for all outdoor events shall be limited to between 6:30 a.m. and 11:30 p.m. and any proposed illuminated signage shall be turned off between 11:30 p.m. and 6:30 a.m.
7. The City reserves the right to periodically inspect the property to verify compliance to terms and conditions of the Special Use or to investigate alleged public nuisances resulting from business-related activities. Any adverse findings by City Staff shall constitute sufficient grounds to seek a revocation of the Special Use approval.

**Attachments:**

- Aerial Map
- Future Land Use Map
- Zoning Map
- Photographs
- Response Letter
- Site Concept Plan
- Application





**Zoning Case File**

**SU19-02: Box**

Council District: Lane Carter (SMD#5)

Neighborhood: Vista Del Arroyo

Scale: 1" approx. = 350 ft

Subject Property: 2838 College Hills Blvd

**Legend**

Subject Properties: —

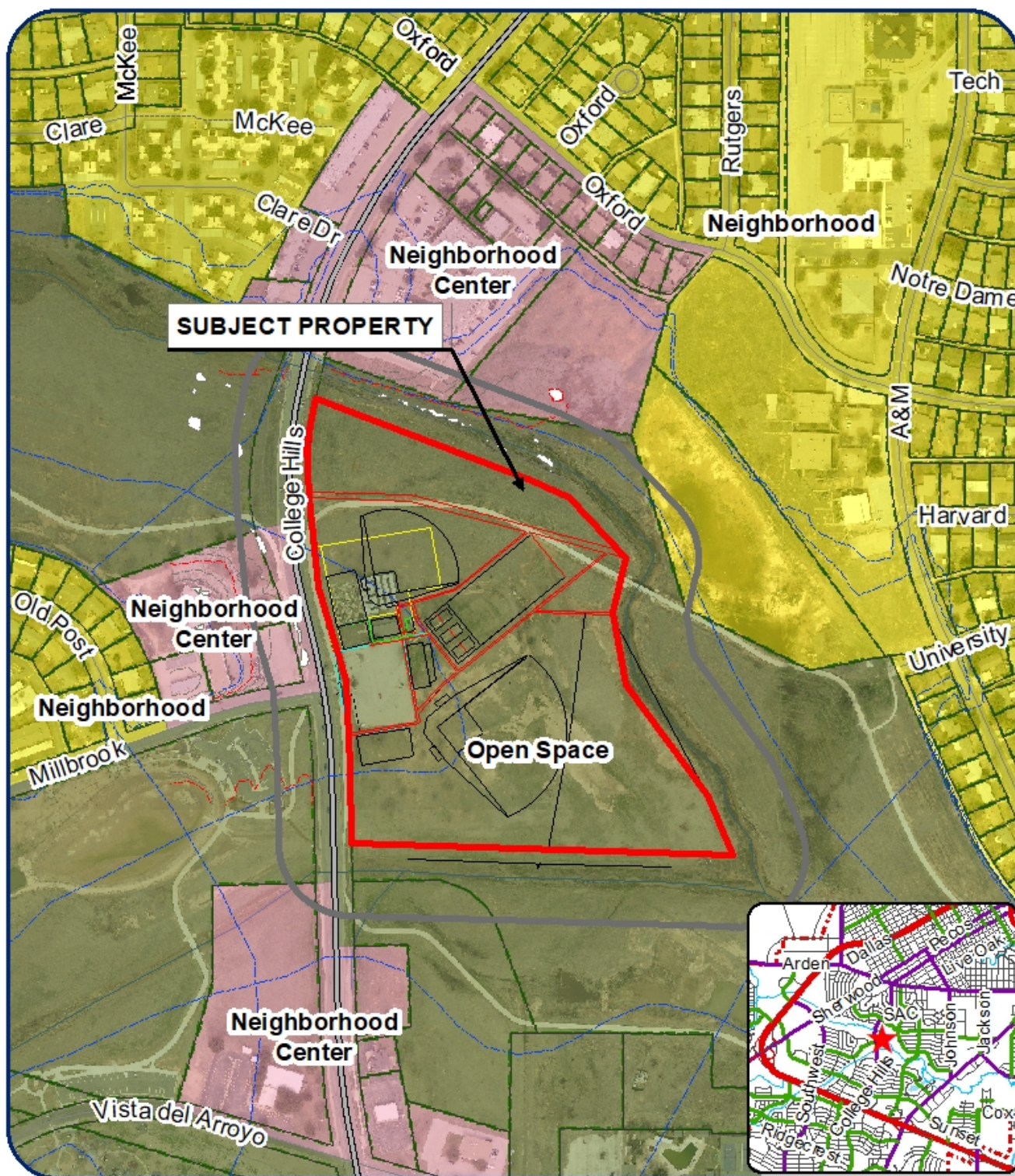
Current Zoning: CG and RS-1

Requested Zoning Change: N/A

Vision: Commercial







**Zoning Case File**

**SU19-02: Box**

Council District: Lane Carter (SMD#5)

Neighborhood: Vista Del Arroyo

Scale: 1" approx. = 350 ft

Subject Property: 2838 College Hills Blvd

**Legend**

Subject Properties: —

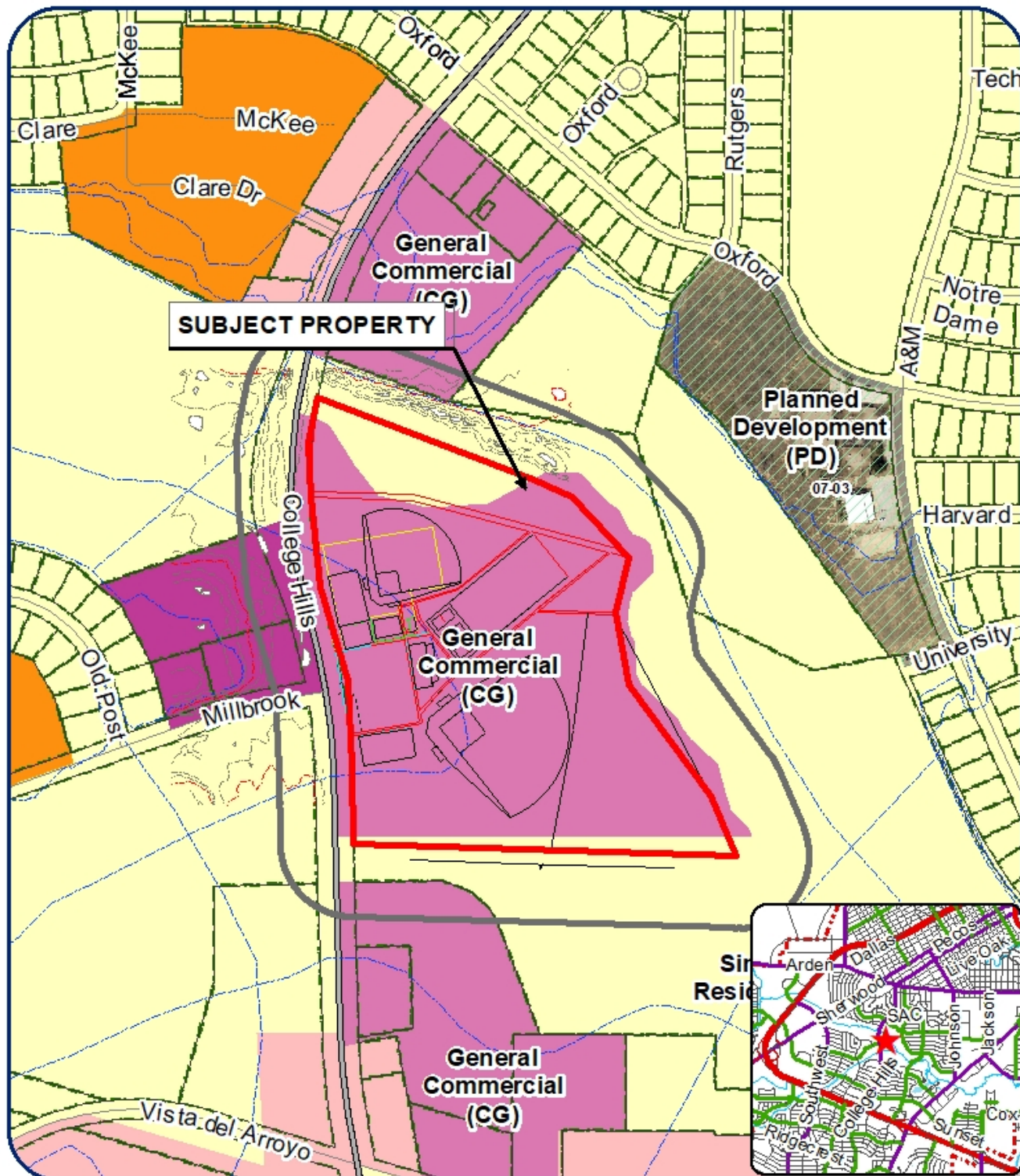
Current Zoning: CG and RS-1

Requested Zoning Change: N/A

Vision: Commercial







**Zoning Case File**

**SU19-02: Box**

Council District: Lane Carter (SMD#5)

Neighborhood: Vista Del Arroyo

Scale: 1" approx. = 350 ft

Subject Property: 2838 College Hills Blvd

**Legend**

Subject Properties: —  
Current Zoning: CG and RS-1  
Requested Zoning Change: N/A  
Vision: Commercial





**Photos of Site and Surrounding Area**

WEST



NORTH



SOUTH



EAST AT PROPERTY (PARKING LOT)



NORTH AT PROPERTY (RESTAURANT BUILDING)



EAST AT PROPERTY (DRIVING RANGE)





**Photos of Site and Surrounding Area**

FURTHER NORTH TOWARDS INSTITUTIONAL



FURHTER EAST TOWARDS RESIDENTIAL



EXISTING BUILDINGS



EXISTING PARKING



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 52 W COLLEGE STREET IN SAN ANGELO, TEXAS 76903.

(✓)

IN FAVOR

( )

IN OPPOSITION

REASON(S)

*This is exactly what San Angelo needs more of. Perfect area!!*

NAME: *San Angelo YMCA A. J. Moore - CEO*

ADDRESS: *353 S. Randolph St. San Angelo TX 76903*  
*2833 College Hills Blvd. San Angelo, TX 76904*

SIGNATURE:

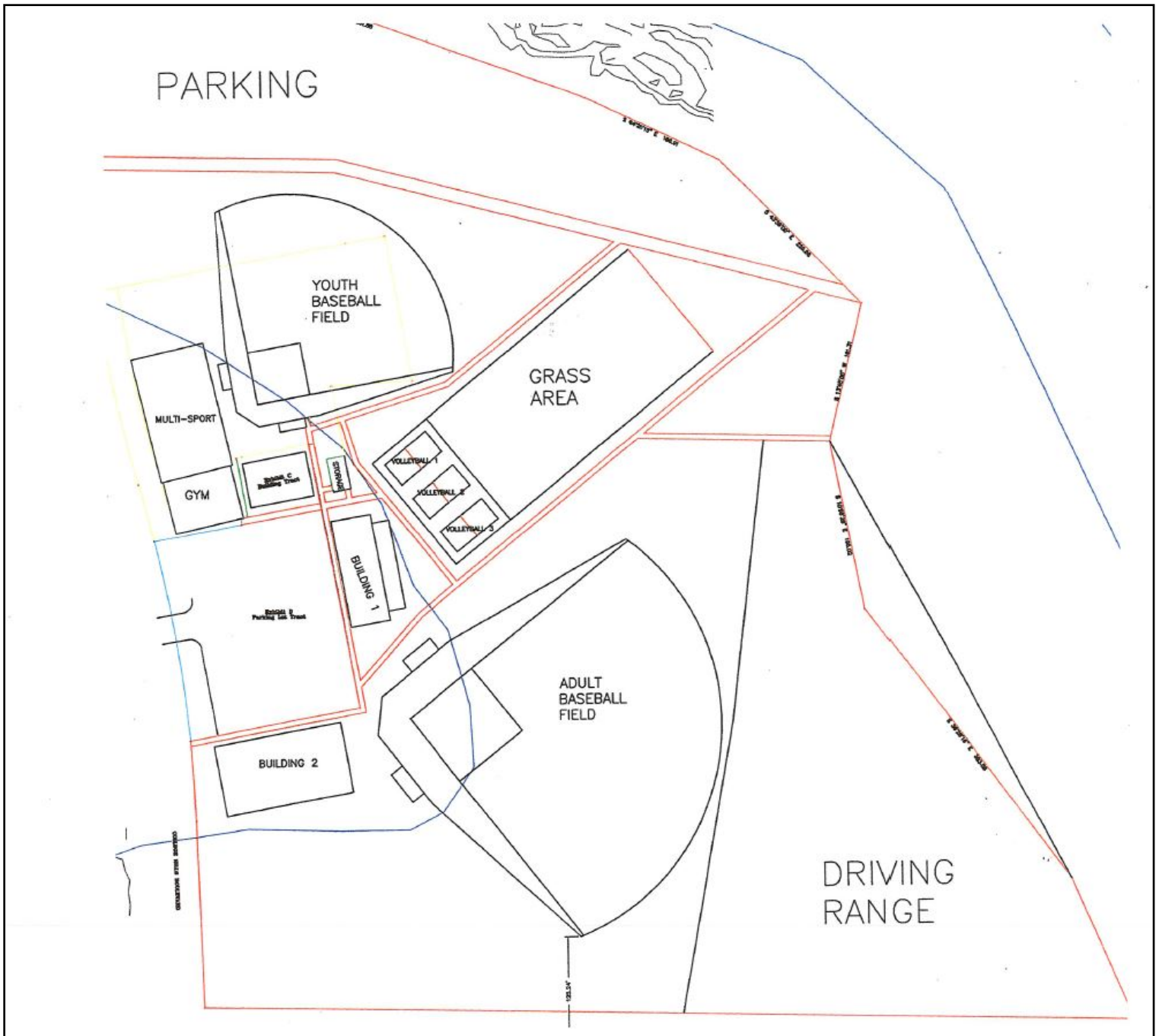
*A. J. Moore*

SU19-02: Box

property owner number: *6*

If you have any questions about these proceedings, please call Mr. Jeff Fisher, Principal Planner, with the City of San Angelo's Planning Division at telephone number 325-657-4210. The Planning Division staff may also be reached by email at [jeff.fisher@cosatx.us](mailto:jeff.fisher@cosatx.us).

**Site Concept Plan**





Effective January 3, 2017



City of San Angelo, Texas – Planning Division  
52 West College Avenue  
**Application for Approval of a Special Use**



**Section 1: Basic Information**

Name of Applicant(s): SHAWN BOX  
☒ Owner ☐ Representative (Affidavit Required)  
Mailing Address: 601 LONDON CT SAN ANGELO TX 76901  
City State Zip Code  
Contact Phone Number: 325 374 2590 Contact E-mail Address: INFO@SHAWNBOX.COM  
Subject Property Address: 2838 COLLEGE HILLS SAN ANGELO TX 76904  
City State Zip Code  
Lot Size: 27.46 ACRES Zoning: CG Future Land Use designation (Comprehensive Plan): OUTDOOR USE

**Section 2: Site Specific Details** (Use attachment if necessary)

Existing Use of Property: PUTT-PUTT . DRIVING RANGE . RETAIL  
Proposed Use of Property: OUT DOOR FIELDS BASEBALL MULTI USE FIELDS  
Proposed Special Use: BE ABLE TO PUT 2 BASEBALL FIELDS AND 3-4 MULTI USE FIELDS

I understand that this Commission is required by law to make decisions based on the following criteria, and I assert that my request meets all of the required criteria based on my explanation(s) below:

**Impacts Minimized.** Whether and the extent to which the proposed special use creates adverse effects, including adverse visual impacts, on adjacent properties.

Explanation: WILL HELP THE AREA, SURROUNDED BY NEW WALK WAY PATH.

**Consistent with Zoning Ordinance.** Whether and the extent to which the proposed special use would conflict with any portion of this Zoning Ordinance, including the applicable zoning district intent statement.

Explanation: ALL SPORTS RELATED ACTIVITIES

**Compatible with Surrounding Area.** Whether and the extent to which the proposed special use is compatible with the existing and anticipated uses surrounding the subject land.

Explanation: COMPATIBLE WITH UNION PARK, DOG PARK, COLLEGE HILLS POOL & RACKET

Effective January 3, 2017

**Section 2 continued: Site Specific Details**

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

Explanation: NONE Outdoor SPORTS RECREATION

**Community Need.** Whether and the extent to which the proposed special use addresses a demonstrated community need.

Explanation: \_\_\_\_\_

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

Explanation: NONE

**Section 3: Applicant(s) Acknowledgement**

Please initial the following:

by If approved, a Special Use is applied to the property, not the property owner.

by The Planning Commission makes recommendations on Special Use requests, City Council has final approval.

by Approval of this Special Use request does not constitute approval of permits, site plans, or other processes that require separate approval.

by If a permit is not sought within one year of the approval date of this Special Use, it will expire and requires another application.

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

[Signature]  
Signature of licensee or authorized representative

4/21/19  
Date

SHAWN BOX  
Printed name of licensee or authorized representative

SPORTS NEXT LEVEL  
Name of business/Entity of representative

**FOR OFFICE USE ONLY:**

Case No.: SU 19 - 02 Date of application: 4 / 22 / 19

Planning Commission Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ City Council Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Nonrefundable application fee: \$\_\_\_\_ Receipt #: 213718 Date paid: \_\_\_\_/\_\_\_\_/\_\_\_\_

Reviewed/Accepted by: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

213723 / 213721

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 WITHIN THE CG (GENERAL COMMERCIAL) AND SINGLE-FAMILY RESIDENTIAL (RS-1) ZONING DISTRICTS: **2838 South College Hills Boulevard; generally located east of the intersection of South College Hills Boulevard and Millbrook Drive**; AUTHORIZING A SPECIAL USE TO ALLOW FOR A GOLF DRIVING RANGE; OUTDOOR MULTI-USE SPORTS FACILITIES AND RELATED RECREATIONAL ACTIVITIES; OUTDOOR MINIATURE GOLF; AND OUTDOOR EVENTS, SUBJECT TO CONDITIONS STATED; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

SU19-02

WHEREAS, the Planning Commission for the City of San Angelo, in compliance with the City Ordinances and state law regarding zoning regulations and zoning map, having afforded a full and fair hearing on the subject zoning change and made its recommendation to City Council for Approval of the Special Use subject to conditions stated; and,

WHEREAS, notice has been duly published of the time and place of a public hearing before the City Council regarding the subject zoning changes, which public hearing was held on the 18<sup>th</sup> day of June, 2019; and,

WHEREAS, the City Council has determined that the amendment to the Comprehensive Plan and Zoning Ordinance herein made is in the best interest of the health, safety and general welfare of the citizens of the City of San Angelo;

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

SECTION 1: Chapter 12 of the Code of Ordinances of the City of San Angelo, the basic Zoning Ordinance for the City adopted on January 4, 2000, and the Zoning Map be and the same are hereby amended as follows:

**2838 South College Hills Boulevard; generally located east of the intersection of South College Hills Boulevard and Millbrook Drive; and being 21.536 acres in the J. McNeese Survey, City of San Angelo, Texas, as depicted in Exhibit “A (Boundary Map)” and “Exhibit B (Approved Site Concept Plan)” zoned General Commercial (CG) Zoning District and Single-Family Residential (RS-1) Zoning District, shall henceforth permanently have a Special Use to allow for a golf driving range; outdoor multi-use sports facilities and related recreational activities; outdoor miniature golf; and outdoor events, on a property zoned General Commercial (CG) Zoning District and Single-Family Residential (RS-1) Zoning District in compliance with standards defined in Section 501.A and 502.B of the Zoning Ordinance.**

SECTION 2: The Director of the Planning and Development Services Department is hereby authorized and directed to correct Zoning District Maps in the Office of the Director of the Planning and Development Services Department, to reflect the herein described changes in zoning.

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. The Special Use, as hereby authorized, shall have no fundamental effect upon the subject property’s underlying or base zoning classification.

SECTION 4: The Special Use, as hereby authorized, shall be subject to the following Conditions:

1. The applicant shall obtain from the City a transfer of the existing lease and enter into a new lease agreement with the City for a term of 20 years in order to operate.



2. The applicant shall obtain approval from the City's Flood Plain Manager including any required studies prior to development in the FEMA floodplain or floodway.
3. The applicant shall require an Urban Design Review to be approved by the Planning Director prior to development.
4. Major changes to the approved site concept plan shall require approval by the Planning Director, including a revised Urban Design Review. Minor modifications may be approved without a new site concept plan or Urban Design Review provided they are generally consistent with the original approvals.
5. All new site lighting on the premises shall be shielded, downward emitting and configured in such as manner as to satisfactorily minimize or eliminate light trespass onto adjacent residential uses or lands.
6. Hours of operation for all outdoor events shall be limited to between 6:30 a.m. and 11:30 p.m. and any proposed illuminated signage shall be turned off between 11:30 p.m. and 6:30 a.m.
7. The City reserves the right to periodically inspect the property to verify compliance to terms and conditions of the Special Use or to investigate alleged public nuisances resulting from business-related activities. Any adverse findings by City Staff shall constitute sufficient grounds to seek a revocation of the Special Use approval.

SECTION 5. This special use approval is subject to the requirement that the property for which the approval is issued must actually acquire one or more building or facility improvement related permits for the approved use within 12 months from the granting of the special use approval, provided that the Planning Director, with significant evidence that the designated

use cannot be realistically implemented with due diligence within that time period, may grant a longer period of time, but in no event shall such extension period exceed an additional 12 months.

SECTION 6. 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 7 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 8: This Ordinance shall be effective on, from and after the date of adoption.

INTRODUCED on the **18th day of June, 2019**, and finally PASSED, APPROVED AND ADOPTED on this, the **2nd day of July, 2019**.

THE CITY OF SAN ANGELO

\_\_\_\_\_  
Brenda Gunter, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Julia Antilley, City Clerk

\_\_\_\_\_  
Theresa James, City Attorney

## Exhibit "A" (Boundary Map)



### Zoning Case File

#### **SU19-02: Box**

Council District: Lane Carter (SMD#5)

Neighborhood: Vista Del Arroyo

Scale: 1" approx. = 350 ft

Subject Property: 2838 College Hills Blvd

### Legend

Subject Properties: —

Current Zoning: CG and RS-1

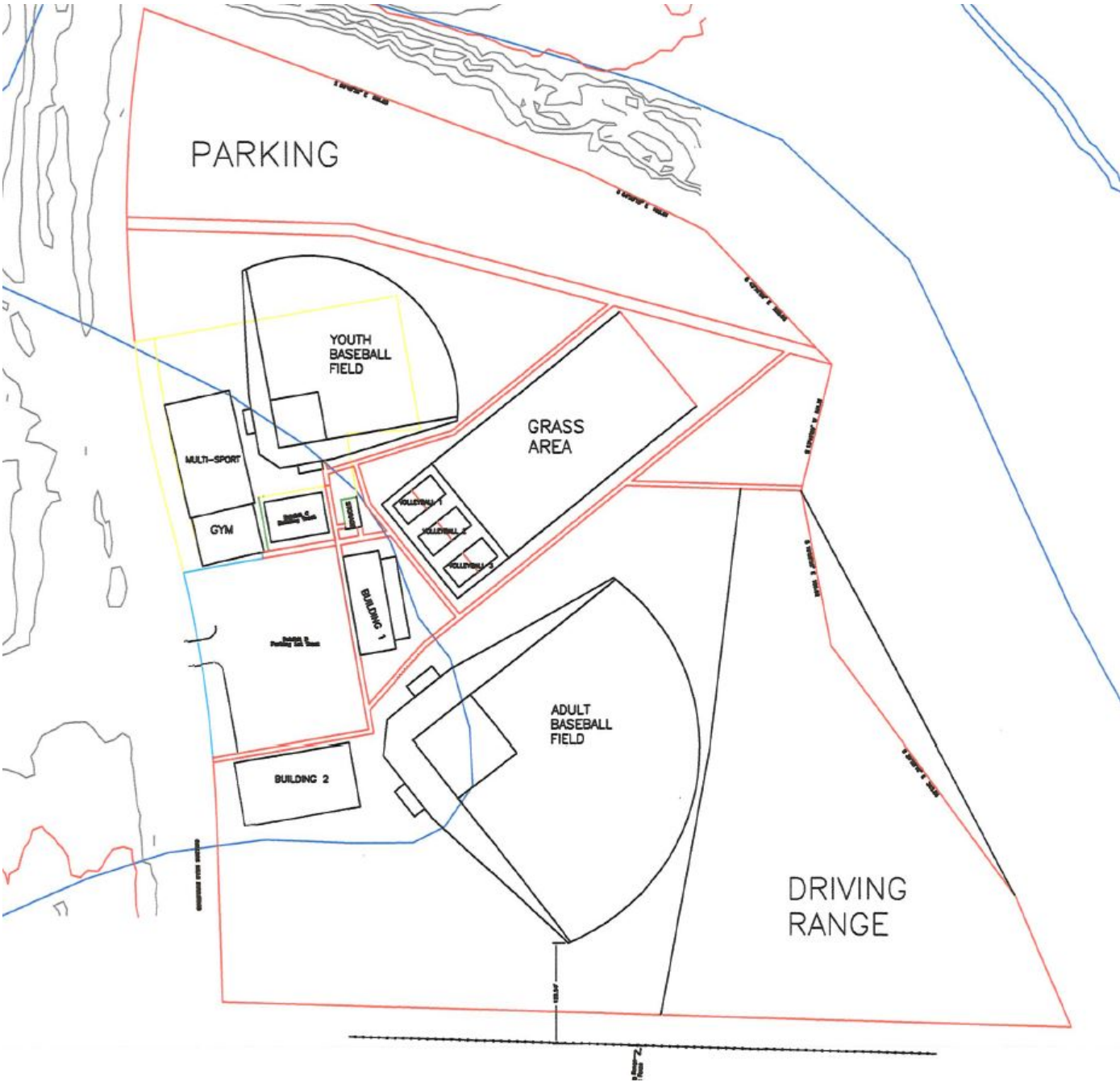
Requested Zoning Change: N/A

Vision: Commercial





Exhibit “B” (Approved Site Concept Plan)



# REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

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

Meeting Date: July 2, 2019

Item type: Consent Item

---

## **Caption:**

Second reading of an ordinance approving Z19-06, a rezoning from the Single Family Residential (RS-1) Zoning District to the Two-Family Residential (RS-2) Zoning District, on 0.2 acres located at 4014 Coliseum Dr. (Jon James)

## **Summary/History:**

A request for approval of a rezoning from the Single-Family Residential (RS-1) Zoning District to the Two-Family Residential (RS-2) Zoning District on the subject property. The current proposed development is to renovate a building previously used as a multi-family structure to a two-family structure. Section 310 of the Zoning Ordinance does not permit such use by right in the existing district.

## **Financial Impact:**

N/A

## **Other Information/Recommendation:**

On May 20, 2019, the Planning Commission unanimously recommended APPROVAL of the rezoning.

On June 18, 2019, City Council unanimously recommended APPROVAL of the rezoning on first reading.

## **Attachments:**

- |                      |                                 |
|----------------------|---------------------------------|
| 1. Staff Report (RZ) | CC Staff Report Z19-06 Ivey.pdf |
| 2. Ordinance (RZ)    | Z19-06 ORD.docx                 |

## **Presentation:**

Jon James

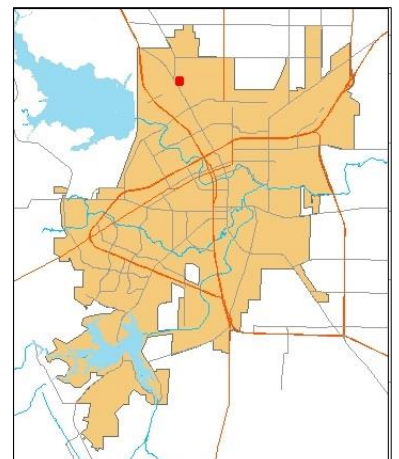
## **Approvals/Reviews:**

|                |                   |
|----------------|-------------------|
| Hillary Bueker | Created/Initiated |
| Hillary Bueker | Approved          |
| Jon James      | Approved          |
| Theresa James  | Approved          |
| Brian Groves   | Approved          |
| Jon James      | Approved          |
| Tina Dierschke | Approved          |
| Theresa James  | Approved          |
| Becky Dunn     | Approved          |
| Julia Antilley | Final Approval    |

**CITY COUNCIL – JUNE 18 & JULY 2, 2019**  
**STAFF REPORT**



|                                                                                                                                                                                                                                                                                                                                                                                             |  |                                                                                                                                              |                         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|----------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| <b>APPLICATION TYPE:</b>                                                                                                                                                                                                                                                                                                                                                                    |  | <b>CASES:</b>                                                                                                                                |                         |
| Rezoning                                                                                                                                                                                                                                                                                                                                                                                    |  | Z19-06: Ivey                                                                                                                                 |                         |
| <b>SYNOPSIS:</b>                                                                                                                                                                                                                                                                                                                                                                            |  |                                                                                                                                              |                         |
| A request for approval of a Rezoning from the Single-Family Residential (RS-1) Zoning District to the Two-Family Residential (RS-2) Zoning District on the subject property. The current proposed development is to renovate a previously multi-family structure to a two-family structure. Section 310 of the Zoning Ordinance does not permit such use by right in the existing district. |  |                                                                                                                                              |                         |
| <b>LOCATION:</b>                                                                                                                                                                                                                                                                                                                                                                            |  | <b>LEGAL DESCRIPTION:</b>                                                                                                                    |                         |
| 4014 Coliseum Drive                                                                                                                                                                                                                                                                                                                                                                         |  | Being South 50' of East 40' of Lot 1, South 50' of Lots 2 & 3, and South 35' of Lot 4, Block 3, Fair Park Addition, Tom Green County, Texas. |                         |
| <b>SM DISTRICT / NEIGHBORHOOD:</b>                                                                                                                                                                                                                                                                                                                                                          |  | <b>ZONING:</b>                                                                                                                               | <b>FUTURE LAND USE:</b> |
| SMD District #2 – Tom Thompson Lake View Neighborhood                                                                                                                                                                                                                                                                                                                                       |  | RS-1 – Single-Family Residential                                                                                                             | Neighborhood            |
|                                                                                                                                                                                                                                                                                                                                                                                             |  | <b>SIZE:</b>                                                                                                                                 |                         |
|                                                                                                                                                                                                                                                                                                                                                                                             |  |                                                                                                                                              | 0.161 acres             |
| <b>THOROUGHFARE PLAN:</b>                                                                                                                                                                                                                                                                                                                                                                   |  |                                                                                                                                              |                         |
| <u>Coliseum Drive</u> – Urban Minor Collector Street, Required 60' min. ROW (68' provided), Required 50' min. pavement width (48' existing).                                                                                                                                                                                                                                                |  |                                                                                                                                              |                         |
| <b>NOTIFICATIONS:</b>                                                                                                                                                                                                                                                                                                                                                                       |  |                                                                                                                                              |                         |
| 17 notifications were mailed within a 200-foot radius on May 2, 2019.<br>One received in support and Two in opposition.                                                                                                                                                                                                                                                                     |  |                                                                                                                                              |                         |
| <b>STAFF RECOMMENDATION:</b>                                                                                                                                                                                                                                                                                                                                                                |  |                                                                                                                                              |                         |
| Staff recommends <b>APPROVAL</b> of a Rezoning from the Single-Family Residential (RS-1) Zoning District to the Two-Family Residential (RS-2) Zoning District                                                                                                                                                                                                                               |  |                                                                                                                                              |                         |
| <b>PROPERTY OWNER/PETITIONER:</b>                                                                                                                                                                                                                                                                                                                                                           |  |                                                                                                                                              |                         |
| Coty Ivey                                                                                                                                                                                                                                                                                                                                                                                   |  |                                                                                                                                              |                         |
| <b>STAFF CONTACT:</b>                                                                                                                                                                                                                                                                                                                                                                       |  |                                                                                                                                              |                         |
| Hillary Bueker<br>Planning Manager<br>(325) 657-4210, Ext 1547<br><a href="mailto:hillary.bueker@cosatx.us">hillary.bueker@cosatx.us</a>                                                                                                                                                                                                                                                    |  |                                                                                                                                              |                         |



**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 current future land use is designated as “neighborhood” which seeks to promote “promote vibrant and viable neighborhoods and improve relationship between adjacent commercial and residential land use adjacencies.” Section 303 of the Zoning Ordinance states that the intent of the Two-family residential district is to “provide opportunities for development of detached single-family residences and two-family residences at medium densities.” The rezoning will be in keeping with the approved future land use and allow the continuation of the surrounding residential development along Coliseum Drive.
2. **Consistent with Zoning Ordinance.** **Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.** The existing structure was built before 1954 per historical aerial photos and does not comply with today’s setback standards but would be allowed to remain in the current configuration. The existing 0.2 acre tract of land exceeds the minimum lot area of 6,500 square feet for two-family units, the minimum lot frontage of 50 feet, and minimum lot depth of 100 feet in the Two-family residential zoning district. Any future additions will be required to comply with all current standards in the zoning ordinance.
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.** The property is located within an area that is comprised of mostly residential but directly adjacent to commercial along North Chadbourne Street. The subject tract of land fits in with the existing residential lots along Coliseum Drive, and would allow from diversity in housing as well as a transition from the commercial along North Chadbourne Street.
4. **Changed Conditions.** **Whether and the extent to which there are changed conditions that require an amendment.** The existing structure was used as a multi-family for some period in history. The multi-family use was discontinued for more than 12 months so when a building permit was applied for by today’s zoning ordinance only a single family structure would be allowed in the current RS-1 zoning district. The existing structure does not lend itself to single family and the applicant would like to utilize the structure as it has been in the past. The rezoning would make use of the land in a two-family manner consistent with the adopted future land use and existing adjacent development in the area.



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.* The rezoning is anticipated to have little to no adverse impact on the natural environment. There may be minor air and noise pollution as the proposed improvements are built, but those would be temporary.
6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.* Allowing this site to rezone to two-family residential would be reflective of the continuing need for diversity in housing types, rather than allowing a continuance of a zoning designation that could not been effectively utilized with the existing structure.
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 existing development pattern in the along Coliseum Drive is mostly residential, approving the rezoning will allow the parcels to keep in continuity with the adjoining lots in the neighborhood.

**Planning Commission Recommendation:**

On May 20, 2019, the Planning Commission recommended APPROVAL of a Rezoning from the Single-Family Residential (RS-1) Zoning District to the Two-Family Residential (RS-2) Zoning District on the subject property. The following is the complete excerpt of the draft minutes from the May 20, 2019, meeting for this case:

Hillary Bueker, Senior Planner, presented the proposed Rezoning. She explained that the applicant is proposing to change the current zoning from the Single-Family Residential (RS-1) Zoning District to the Two-Family Residential (RS-2) Zoning District to allow two units within an existing building. She indicated that the original apartment use continued and the RS-2 zoning would allow two units to become legal again.

Ms. Bueker outlined Staff's recommendation to approve the rezoning request on the grounds that the RS-2 zoning is consistent with the Neighborhood Future Land Use designation in the Comprehensive Plan; that the lot meets the minimum development standards and was built before 1954; and that it is a mixed use area with mostly residential directly adjacent; and that approval of RS-2 would allow more diversity of housing options. Ms. Bueker indicated that she received one letter in support and one against who was not in support of a two-family dwelling.

Chair Stribling opened the meeting for public comment.

Mr. Cody Ivey, the applicant, spoke in support of his request.

Commissioner Jackson asked to show the location of required parking.

Mr. Ivey showed the parking locations for each unit.

Chair Stribling asked if there was a curb cut already.

Mr. Ivey explained there is one and used to be five. He explained it is a very long narrow property and would be difficult to only use it for one home.

Chair Stribling closed public comment.

**Commissioner Smith made a Motion to recommend APPROVAL of a Rezoning from the Single Family Residential (RS-1) Zoning District to the Two-Family Residential (RS-2) Zoning District. Commissioner Jackson seconded the motion. The motion carried unanimously, 7-0.**

**Recommendation:**

Staff's recommendation is for the Planning Commission to Recommend **APPROVAL** of a Rezoning from the Single-Family Residential (RS-1) Zoning District to the Two-Family Residential (RS-2) Zoning District.

**Attachments:**

Aerial Map  
Future Land Use Map  
Zoning Map  
Application  
Photographs  
Notification Map  
Resident Letter



**Z19-06: Ivey**

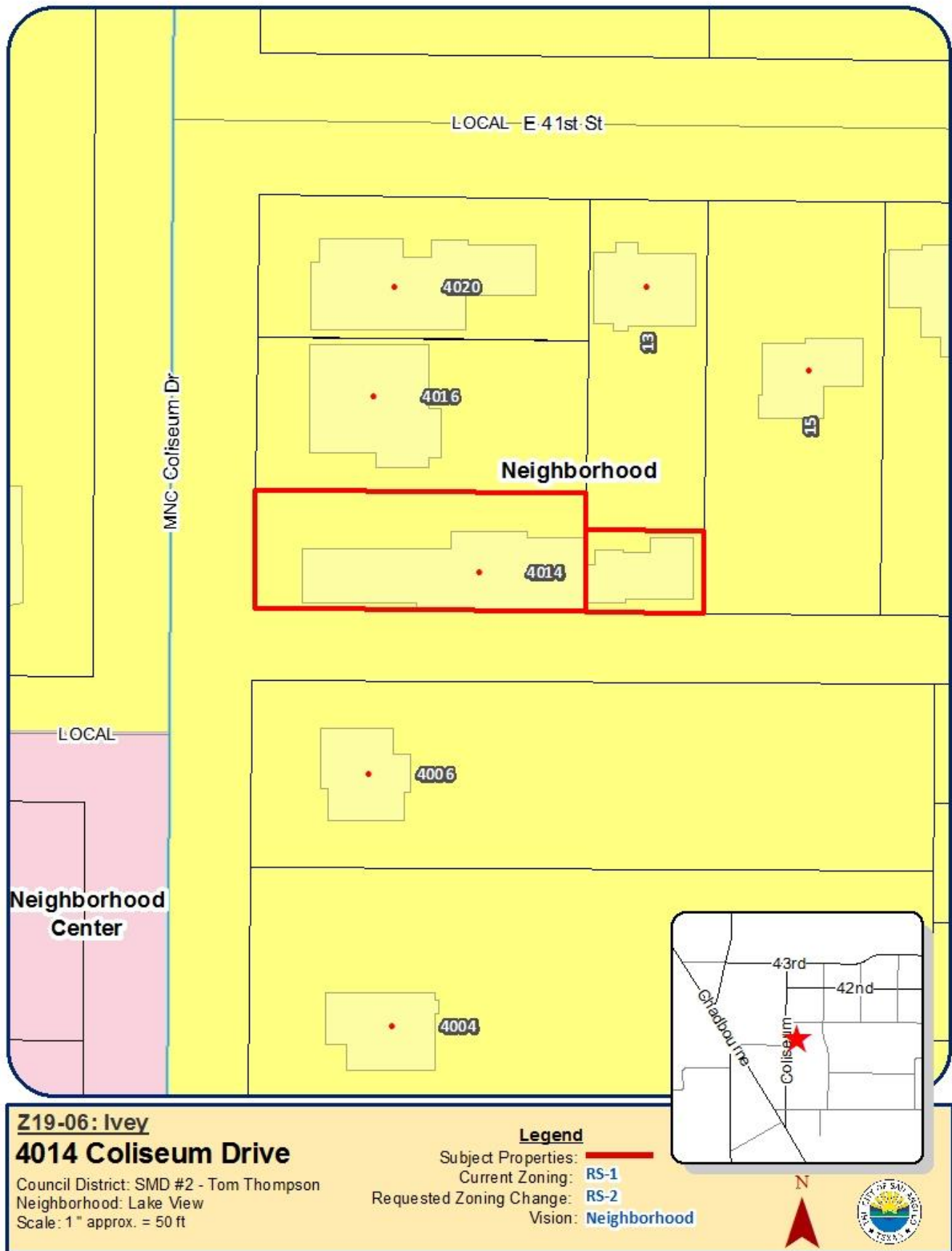
**4014 Coliseum Drive**

Council District: SMD #2 - Tom Thompson  
Neighborhood: Lake View  
Scale: 1" approx. = 50 ft

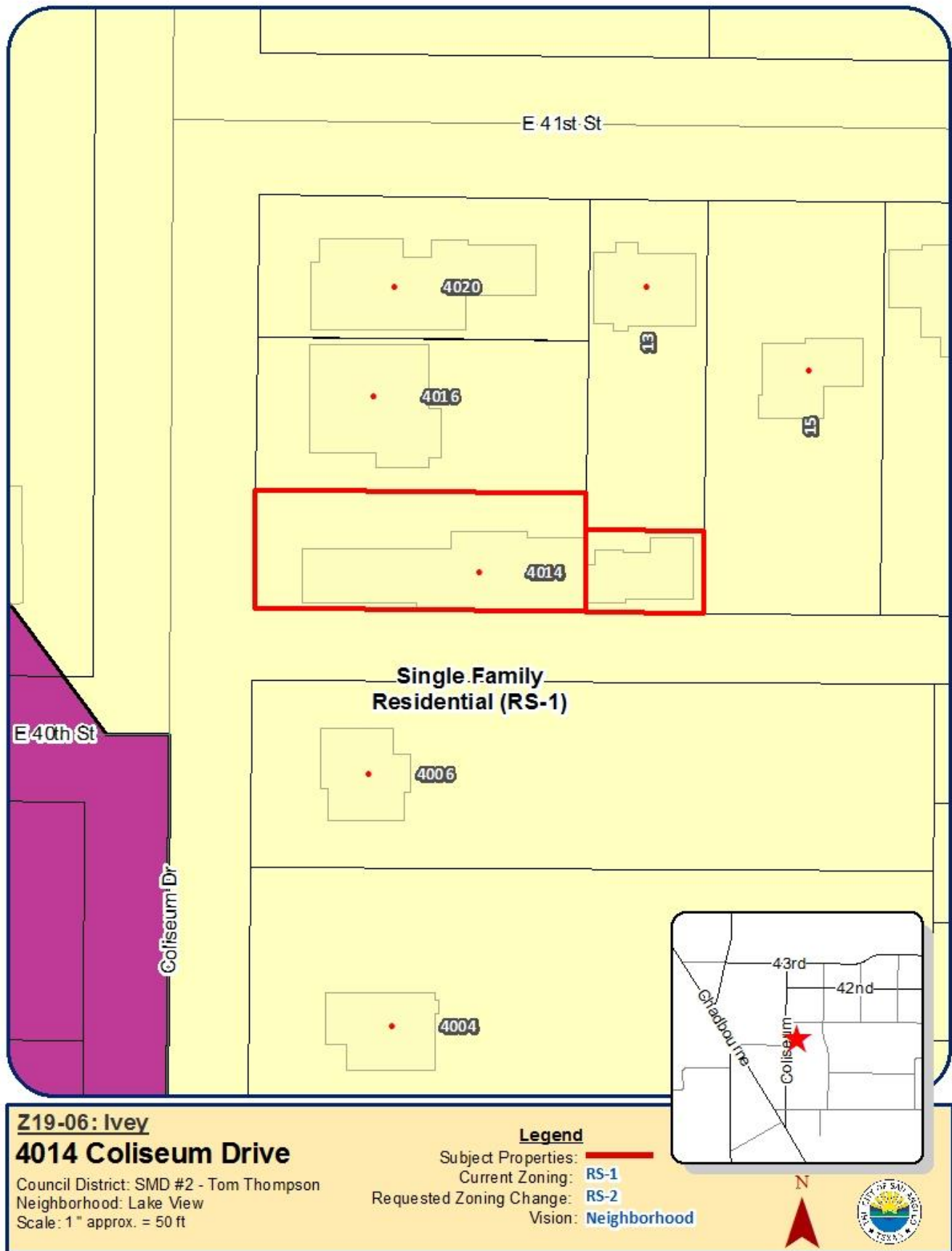
**Legend**

Subject Properties: —  
Current Zoning: **RS-1**  
Requested Zoning Change: **RS-2**  
Vision: **Neighborhood**









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): City Ivey  
☒ Owner ☐ Representative (Notarized Affidavit Required)  
Mailing Address: 8561 N. Thompson Rd. Miles TX 76861  
Contact Phone Number: 325-277-8597 Contact E-mail Address: Ch.Henry7@qol.com  
Subject Property Address: 4014 Coliseum Drive San Angelo TX 76903  
Legal Description (can be found on property tax statement or at [www.tomgreencad.com](http://www.tomgreencad.com)): Acres 0.001, B/LK-3, Subd Fair Park Addition, S50' of E 40' Lot 1 & S50' of E 40' Lot 2 and 3 and S35' of Lot 4  
Existing Zoning: R1 Proposed Zoning: R2 Lot size: 55' x 190'

(Zoning Map available on [City Maps](http://City Maps))

Section 2: Site Specific Details

Existing Use of Property: Single Family Vacant dwelling  
\*Proposed Use of Property: Duplex A and B  
\*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.

Owner Name (Print) Loty Ivey Signature [Signature] Company/Organization (If Applicable) \_\_\_\_\_ Date 4-4-19

Representative Name (Print) \_\_\_\_\_ Signature \_\_\_\_\_ Company/Organization \_\_\_\_\_ Date \_\_\_\_\_

**FOR OFFICE USE ONLY:**

☐ Verified Complete ☐ Verified Incomplete

Date of Application: 4 / 4 / 19

Case No.: Z 19 - 06

Fully-dimensioned site plan: ☐

Nonrefundable fee: \$ 625

Receipt #: 196943

Date paid: 4 / 4 / 19

Sign Deposit \$37.50

Receipt #: 196946

Date paid: 4 / 4 / 19

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: 5 / 20 / 19

Date notifications due: 5 / 3 / 19

City Council hearing date: 6 / 18 / 19

Packets due date: 6 / 10 / 19

Publication date: 5 / 29 / 19

Reviewed/Accepted by: H. Bueker

Date: 4 / 4 / 19



### Site Photos



South Alley Side of Subject Property



Northeast Corner of the existing structure



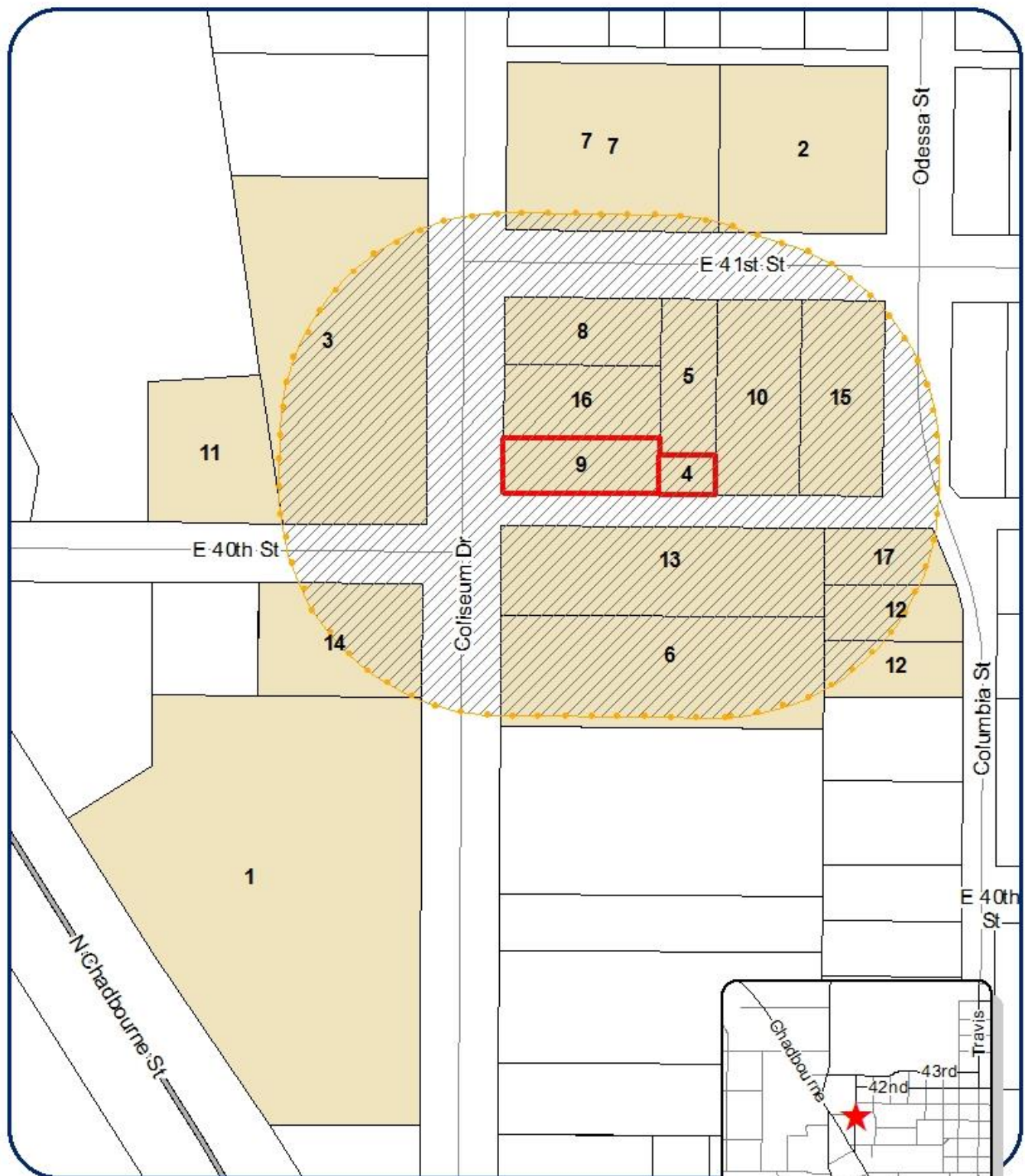


Northern side of the existing structure



Parking in rear





**Z19-06: Ivey**

**4014 Coliseum Drive**

Council District: SMD #2 - Tom Thompson  
Neighborhood: Lake View  
Scale: 1" approx. = 113 ft

**Legend**

Subject Properties:             
Current Zoning: **RS-1**  
Requested Zoning Change: **RS-2**  
Vision: **Neighborhood**



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) MY NAME IS Albert D. Wilson. I've lived at 4016 Coliseum drive since around 1996 or so. My understanding is that the property in question and my property were under one ownership at one time. When I moved at 4016 Coliseum drive the property in question were made up of several apartments. The main problem from my point of view is sharing approximately 23 foot wide driveway. I have a carport facing south where the soon to be duplex is located. This duplex would be the west duplex my main concern. I've been in conversation with Mr. Ivey and if the board approves his plan, I'm on board. I prefer a single family dwelling, but I can live with the duplex option. Thank you for giving me the opportunity to express my view. Albert D. Wilson 9th 2019 of May.

NAME:

ADDRESS:

4016 Coliseum dr.  
SAN ANGELO TX - 76903

SIGNATURE:

Albert D. Wilson

Z19-06: Ivey

Property owner number: 16

If you have any questions about these proceedings, please call Hillary Bueker, with the City of San Angelo's Planning Division at (325) 657-4210 ext. 1547 or at [hillary.bueker@cosatx.us](mailto:hillary.bueker@cosatx.us).

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) \_\_\_\_\_

1. All other residents are single family.
2. Traffic in the alley is heavy. There was a "Beware children playing" sign in the alley when it was zoned for ~~an~~ apartments.

NAME: Janice C Pelzel

ADDRESS: 4006 Coliseum Dr  
San Angelo, Tx 76903

SIGNATURE: Janice C. Pelzel

Z19-06: Ivey

Property owner number: 13

If you have any questions about these proceedings, please call Hillary Bueker, with the City of San Angelo's Planning Division at (325) 657-4210 ext. 1547 or at [hillary.bueker@cosatx.us](mailto:hillary.bueker@cosatx.us).



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

(X) IN OPPOSITION

REASON(S) \_\_\_\_\_

Area will be too congested & its too  
small for more than one family!

NAME: Suzan Henry

ADDRESS: 4102 COLISEUM DRIVE  
SAN ANGELO, TX 76903

SIGNATURE: Suzan Henry

Z19-06: Ivey

Property owner number: 7

If you have any questions about these proceedings, please call Hillary Bueker, with the City  
of San Angelo's Planning Division at (325) 657-4210 ext. 1547 or at  
[hillary.bueker@cosatx.us](mailto:hillary.bueker@cosatx.us).

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: **4014 COLISEUM DRIVE, comprising a total of 0.161-acres**, FROM SINGLE-FAMILY RESIDENTIAL (RS-1) ZONING DISTRICT TO THE TWO-FAMILY RESIDENTIAL (RS-2) ZONING DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Z19-06: Ivey

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 Two-Family Residential (RS-2) Zoning District; and,

WHEREAS, on the 18<sup>th</sup> day of June, 2019, City Council held a public hearing on Z19-06, 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 TWO-FAMILY RESIDENTIAL (RS-2) Zoning District:

**The real property generally located at 4014 Coliseum Drive, specifically being South 50' of East 40' of Lot 1, South 50' of Lots 2 & 3, and South 35' of Lot 4, Block 3, Fair Park Addition, City of San Angelo, Tom Green County, Texas.**

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.



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 **18th day of June, 2019**, and finally PASSED, on this the **2nd day of July, 2019**.

THE CITY OF SAN ANGELO

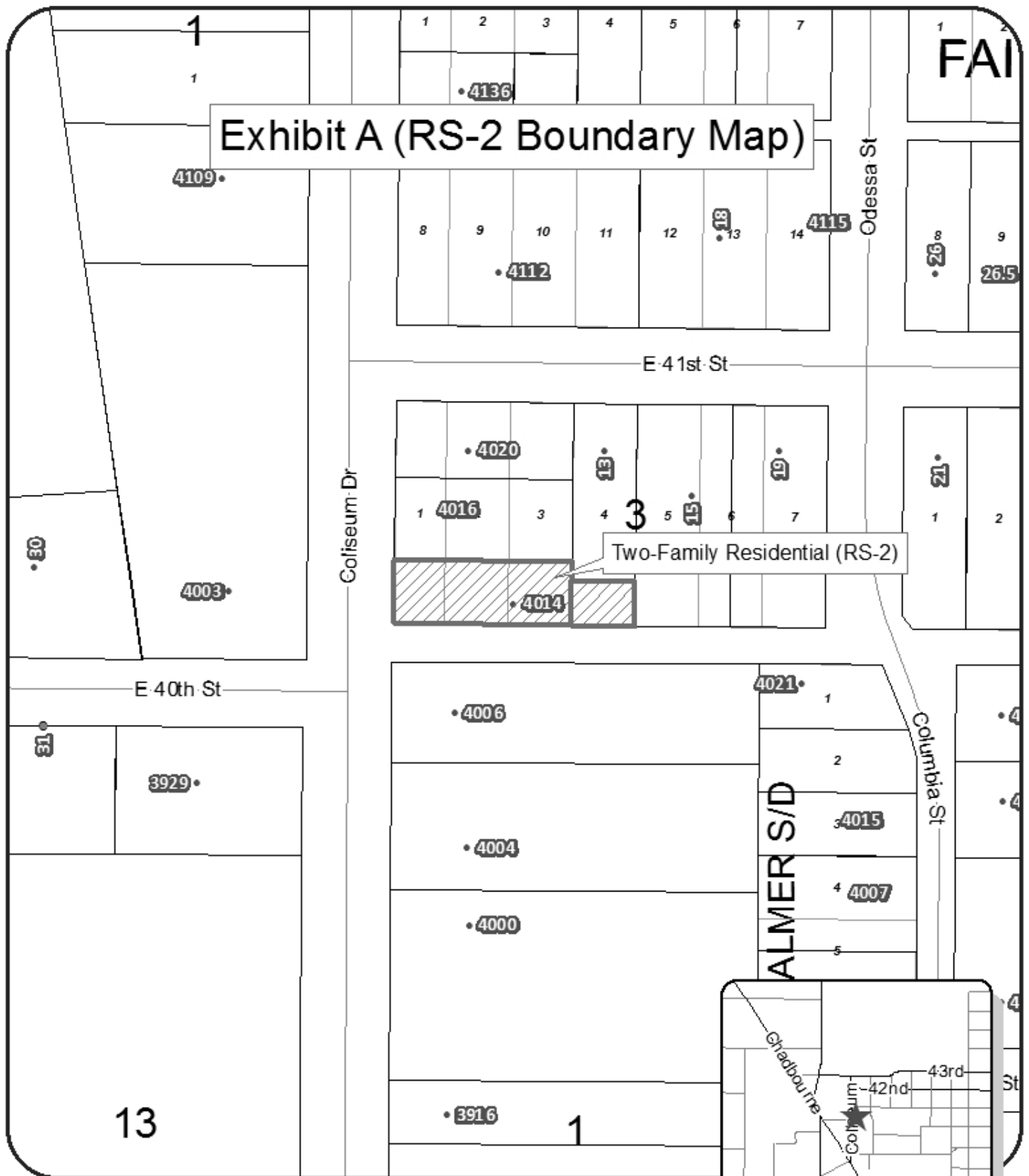
\_\_\_\_\_  
Brenda Gunter, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Julia Antilley, City Clerk

\_\_\_\_\_  
Theresa James, City Attorney



**Z19-06: Ivey**

**4014 Coliseum Drive**

Council District: SMD #2 - Tom Thompson

Neighborhood: Lake View

Scale: 1" approx. = 100 ft

Blk: 3, Fair Park Addition, S50' OF E40' of Lot 1 & S50' of Lots 2 & 3 & S35' of Lot 4

**Legend**

Subject Properties: —

Current Zoning: RS-1

Requested Zoning Change: RS-2

Vision: Neighborhood



# REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

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Requestor: Jeff Fisher, Sr. Planner, Planning and Development Services, 325.657.4210

Meeting Date: July 2, 2019

Item type: Consent Item

---

## **Caption:**

Second reading of an ordinance approving case Z19-07, a rezoning from the Neighborhood Commercial (CN) Zoning District to the Low Rise Multifamily Residential (RM-1) Zoning District, being 0.915 acres located at 5205 S. Bryant Blvd. (Jon James)

## **Summary/History:**

The applicant has applied to rezone the subject property from the Neighborhood Commercial (CN) Zoning District to the Low Rise Multifamily Zoning District (RM-1) to facilitate construction of a multifamily housing complex. The property is currently vacant. The applicant has received two previous rezoning approvals from City Council on the subject property; a rezoning in 2014 from General Commercial (CG) to RM-1; and a rezoning in February 2019 from RM-1 to CN.

## **Financial Impact:**

N/A

## **Other Information/Recommendation:**

On May 20, 2019, Planning Commission unanimously recommended APPROVAL by a vote of 7-0.

On June 18, 2019, the City Council unanimously voted to APPROVE the rezoning by a vote of 6-0.

## **Attachments:**

- |                             |                               |
|-----------------------------|-------------------------------|
| 1. Council Z19-07 report    | Council Z19-07 report.docx    |
| 2. Council Z19-07 Ordinance | Council Z19-07 Ordinance.docx |

## **Presentation:**

Jon James

## **Approvals/Reviews:**

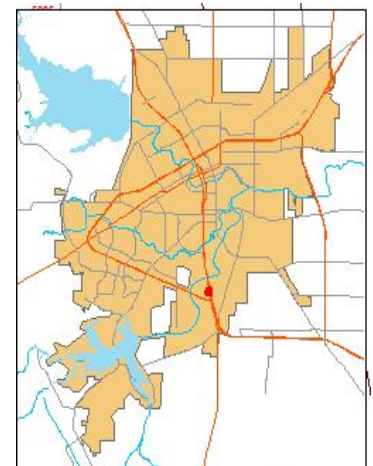
|                |                   |
|----------------|-------------------|
| Jeff Fisher    | Created/Initiated |
| Hillary Bueker | Approved          |
| Jon James      | Approved          |
| Theresa James  | Approved          |
| Jon James      | Approved          |
| Brian Groves   | Approved          |
| Tina Dierschke | Approved          |
| Theresa James  | Approved          |
| Becky Dunn     | Approved          |
| Julia Antilley | Final Approval    |



**CITY COUNCIL – June 18, 2019**  
**STAFF REPORT**



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                       |                                                                                                   |              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|---------------------------------------------------------------------------------------------------|--------------|
| <b>APPLICATION TYPE:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>CASE:</b>          |                                                                                                   |              |
| Rezoning                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Z19-07: von Rosenberg |                                                                                                   |              |
| <b>SYNOPSIS:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                       |                                                                                                   |              |
| <p>The applicant has applied to rezone the subject property from the Neighborhood Commercial (CN) Zoning District to the Low Rise Multifamily Zoning District (RM-1) to facilitate construction of a multifamily housing complex. The property is currently vacant. The applicant has received two previous rezoning approvals from City Council on the subject property; a rezoning in 2014 from General Commercial (CG) to RM-1; and a rezoning in February 2019 from RM-1 to CN (see Additional Information).</p> |                       |                                                                                                   |              |
| <b>LOCATION:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                       | <b>LEGAL DESCRIPTION:</b>                                                                         |              |
| 5205 South Bryant Boulevard; generally located southwest of South Bryant Boulevard and Kimrey Lane                                                                                                                                                                                                                                                                                                                                                                                                                   |                       | Being Lot 1 in Block 1 in the Windwood Subdivision, Section 1, comprising a total of 0.915 acres. |              |
| <b>SM DISTRICT / NEIGHBORHOOD:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>ZONING:</b>        | <b>FUTURE LAND USE:</b>                                                                           | <b>SIZE:</b> |
| SMD District #1 – Tommy Hiebert<br>Glenmore Neighborhood                                                                                                                                                                                                                                                                                                                                                                                                                                                             | CN                    | NC – Neighborhood Center                                                                          | 0.91 ac.     |
| <b>THOROUGHFARE PLAN:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                       |                                                                                                   |              |
| <p><b>Kimrey Lane</b> – Urban Local Street<br/>         Required: 50' right-of-way, 40' pavement or 36' with a 4-foot sidewalk<br/>         Provided: 60' right-of-way, 24' pavement and no sidewalk (complied at time of platting)</p> <p><b>South Bryant Boulevard Frontage Road</b>– Urban Arterial Street<br/>         Required: 80' right-of-way, 64' pavement<br/>         Provided: 300' right-of-way, 110' pavement</p>                                                                                      |                       |                                                                                                   |              |
| <b>NOTIFICATIONS:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                       |                                                                                                   |              |
| 13 notifications mailed within 200-foot radius on May 7, 2019. None received in support or opposition.                                                                                                                                                                                                                                                                                                                                                                                                               |                       |                                                                                                   |              |
| <b>STAFF RECOMMENDATION:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                       |                                                                                                   |              |
| Staff recommends <b>APPROVAL</b> of the proposed Rezoning from the Neighborhood Commercial (CN) Zoning District to the Low Rise Multifamily Zoning District (RM-1) on the subject property.                                                                                                                                                                                                                                                                                                                          |                       |                                                                                                   |              |
| <b>PROPERTY OWNER/PETITIONER:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                       |                                                                                                   |              |
| Eric von Rosenberg<br>Von Rosenberg Custom Homes LLC                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                       |                                                                                                   |              |
| <b>STAFF CONTACT:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                       |                                                                                                   |              |
| Jeff Fisher, AICP<br>Principal Planner<br>(325) 657-4210, Extension 1550<br><a href="mailto:jeff.fisher@cosatx.us">jeff.fisher@cosatx.us</a>                                                                                                                                                                                                                                                                                                                                                                         |                       |                                                                                                   |              |



**Additional Information:** In both previous rezoning requests, the applicant was successful at City Council but unable to find financial viability for his intended uses. If approved, the RM-1 zoning would allow one-story or two-story buildings for multifamily living, subject to compliance with the RM-1 zoning standards.

**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 proposed RM-1 Zoning is compatible with the Future Land Use of Neighborhood Center in the City's Comprehensive Plan. Approval of an RM-1 zone in this location will provide for a "pedestrian friendly character" that is "integrated with its surroundings". It will also provide a transition area to "better scale-down intensity of use" between commercial and institutional uses to the north and east, and single-family residential housing to the west and south.
2. **Consistent with Zoning Ordinance.** **Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.** The existing platted 0.915-acre lot has 170.40 feet of frontage onto Kimrey Lane and 181.14 feet of frontage onto South Bryant Boulevard. It exceeds the minimum lot area of 6,000 square feet; minimum lot width of 50 feet; and minimum lot depth of 80 feet. The RM-1 zoning will require any future development to comply with all setbacks, including the two front yard setbacks of 25 feet each from Kimrey Lane and South Bryant Boulevard; a maximum density of 25 units/acre; and required parking as per Section 511.B of the Zoning Ordinance for multifamily dwellings. Future development plan(s) will be reviewed for compliance at the time of permitting.
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 indicated, the RM-1 zoning will provide a transition between commercial and institutional uses to the north and east and single-family residential uses to the west and south. An existing 6-foot high rock wall privacy fence along the west property line, and a 6-foot high wood privacy fence along the south property line provides a suitable buffer from adjacent residential uses.
4. **Changed Conditions.** **Whether and the extent to which there are changed conditions that require an amendment.** As discussed, previous rezoning approvals did not lead to new construction and the property continues to remain vacant. Although the Planning Division was also in support of the previous rezoning from RM-1 to CN, Staff prefers re-establishing RM-1 in this location given its adjacency to other low density residential housing to the south and west.



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.* The Planning Division does not anticipate any negative effects on the natural environment. Any future construction for buildings and associated parking areas would require a review of grading, drainage, and stormwater at the permitting stage.
6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.* The applicant believes that reestablishing RM-1 zoning at this location will provide additional housing options for the community and the Planning Division agrees. The area is surrounded by residential homes to the west and south and multifamily housing provides a suitable transition.
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 Planning Division had raised concerns in the previous request that there is no direct northbound access to the site from Bryant Boulevard. This would create difficulty for commercial development, requiring customers to turnaround or utilize local streets, leading to increased traffic onto residential streets. In contrast, residential development would be consistent with the adjacent pattern of development to the west and south. Additional traffic through the local street network including Kimrey Lane and South Bryant Boulevard would be minimal.

**Planning Commission Recommendation:**

On May 20, 2019, the Planning Commission recommended unanimous **APPROVAL** by a vote of **7-0** of the proposed Rezoning from the Neighborhood Commercial (CN) Zoning District to the Low Rise Multifamily Zoning District (RM-1) on the subject property.

The following is the complete excerpt of the draft minutes from the May 20, 2019, meeting for this case:

Jeff Fisher, Principal Planner, presented the proposed rezoning request. He explained that the applicant rezoned the property from CG to RM-1 in 2014 and then from RM-1 to CN in 2018 but no development has taken place and it remains vacant. Mr. Fisher explained that the applicant now intends to rezone it back to RM-1.

Mr. Fisher outlined Staff's rationale to approve the Rezoning on the grounds that the RM-1 zoning is consistent with the Future Land Use of Neighborhood Center; that it complies with the RM-1 development standards; that it provides an effective transition between commercial and residential uses; and that existing privacy fencing along the west and south property lines provide buffering from adjacent residential development.

Chair Stribling opened the meeting for public comment.

Mr. Eric von Rosenberg, the applicant, indicated that he was available for any questions.

Chair Stribling closed public comment.

Commissioner Smith made a Motion to recommend APPROVAL of the proposed Rezoning from the Neighborhood Commercial (CN) Zoning District to the Low Rise Multifamily Zoning District (RM-1). Commissioner Jackson seconded the motion. The motion carried unanimously, 7-0.

**Recommendation:**

Staff's recommendation is for City Council to **APPROVE** the proposed Rezoning from the Neighborhood Commercial (CN) Zoning District to the Low Rise Multifamily Zoning District (RM-1) on the subject property.

**Attachments:**

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



**Zoning Case File**  
**Z19-07: von Rosenberg**

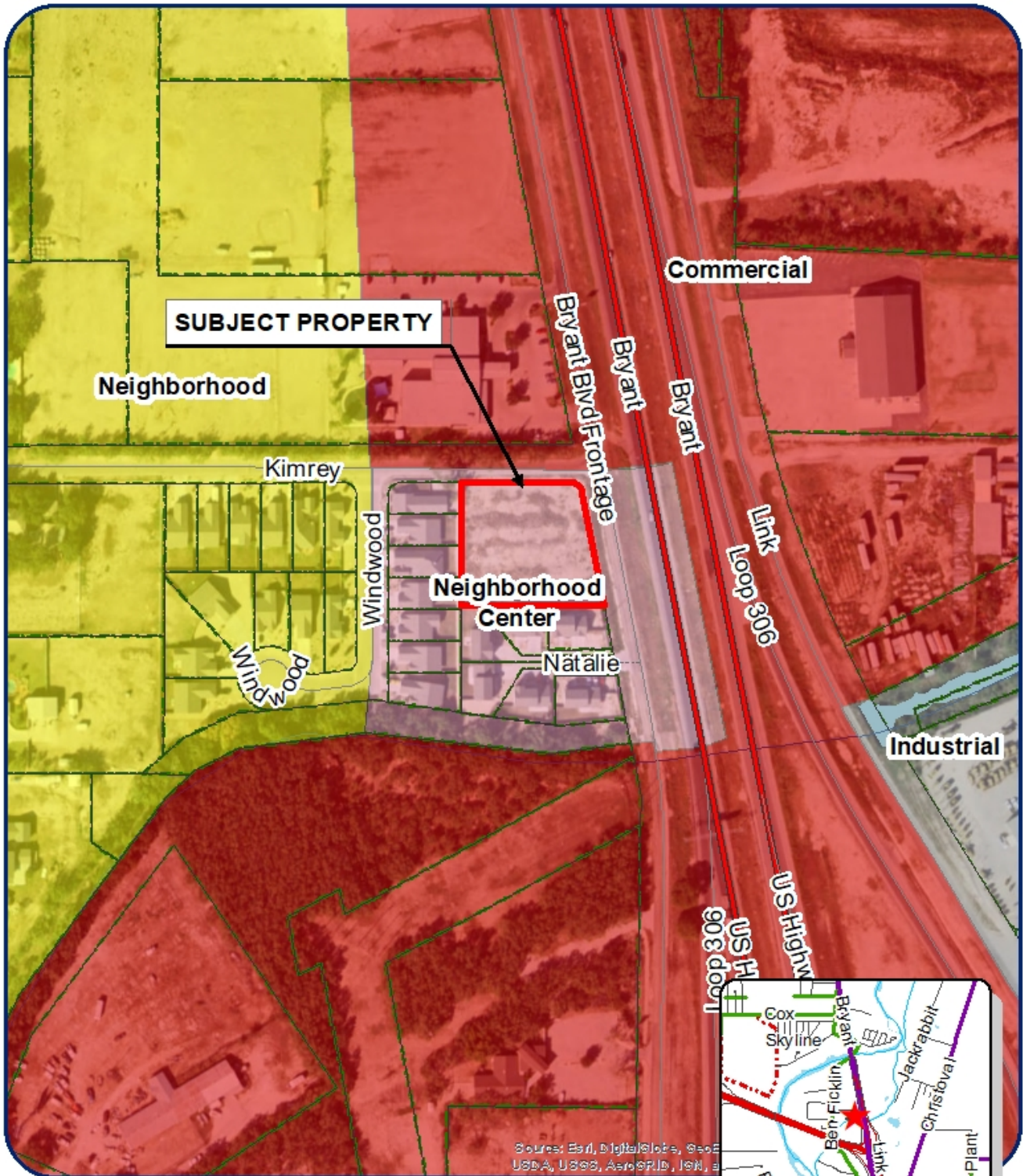
Council District: Tommy Hiebert (SMD#1)  
Neighborhood: Glenmore  
Scale: 1" approx. = 200 ft  
Subject Property: 5205 S. Bryant Blvd

**Legend**

Subject Properties: —  
Current Zoning: **CN**  
Requested Zoning Change: **RM-1**  
Vision: **Neighborhood Center**







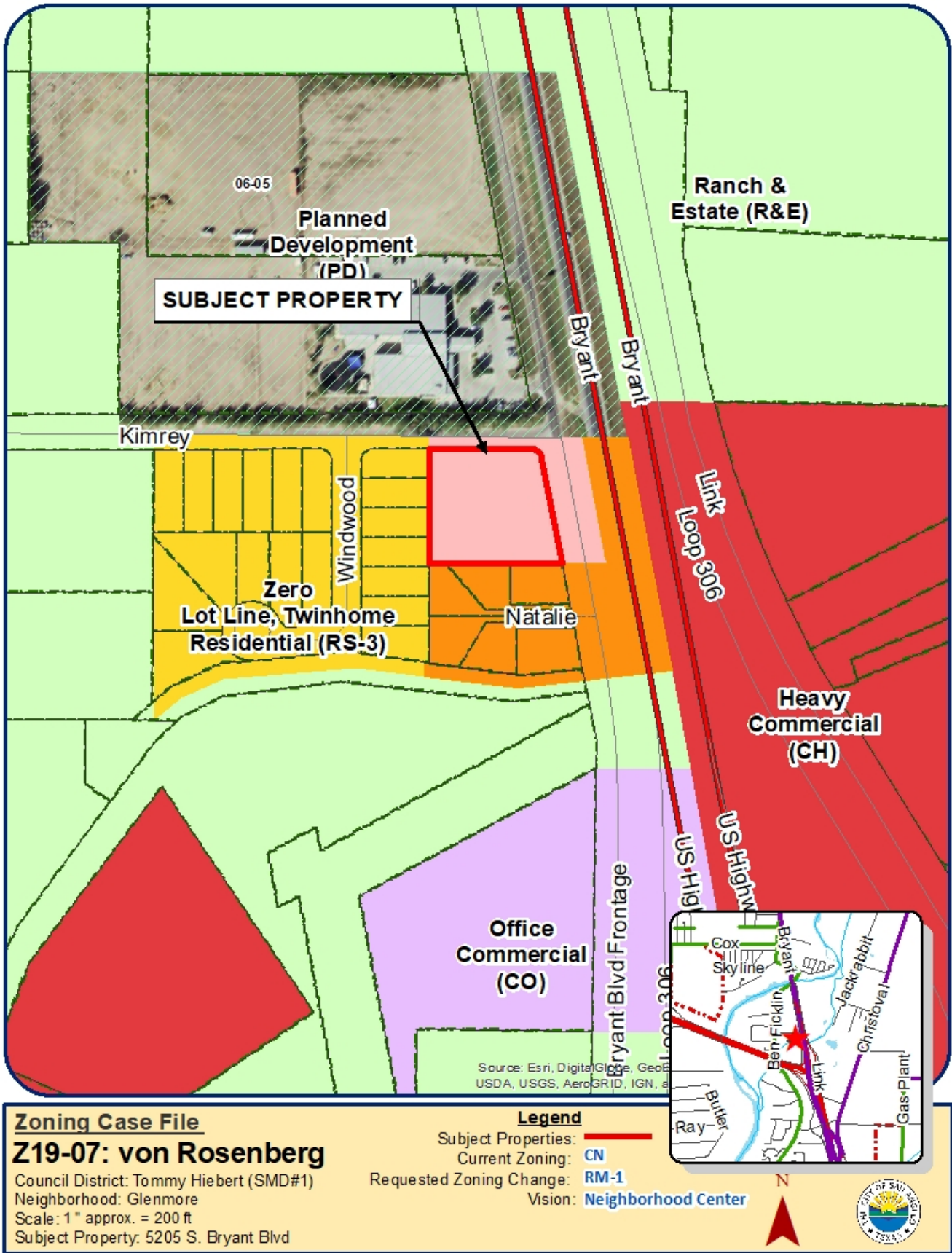
**Zoning Case File**  
**Z19-07: von Rosenberg**

Council District: Tommy Hiebert (SMD#1)  
Neighborhood: Glenmore  
Scale: 1" approx. = 200 ft  
Subject Property: 5205 S. Bryant Blvd

**Legend**

Subject Properties: —  
Current Zoning: **CN**  
Requested Zoning Change: **RM-1**  
Vision: **Neighborhood Center**







## Photos of Site and Surrounding Area

NORTH



SOUTH



WEST



EAST



SOUTH AT PROPERTY



WEST AT 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): VON ROSENBERG Custom Homes  
☒ Owner ☐ Representative (Notarized Affidavit Required)  
 Mailing Address: P.O. BOX 16556 SAN ANGELO TX 76906  
325-234-8471 eric@vrcustomhomes.com  
 Contact Phone Number Contact E-mail Address  
 Subject Property Address: 5705 KIMBLEY LANE SAN ANGELO TX 76904  
WINDWOOD SUBDIVISION, SECTION 1, LOT 1, BLOCK 1  
 Legal Description (can be found on property tax statement or at [www.tamgreencad.com](http://www.tamgreencad.com))  
 Existing Zoning: C-N Proposed Zoning: RM-2 Lot size: .91 ACRES  
 (Zoning Map available on [City Maps](#))

**Section 2: Site Specific Details**

Existing Use of Property: VACANT  
 \*Proposed Use of Property: MULTI FAMILY DUREX  
 \*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.

ERIC von ROSENBERG                 4-18-2019  
Owner Name (Print)      Signature      Company/Organization (If Applicable)      Date

\_\_\_\_\_  
Representative Name (Print)      Signature      Company/Organization      Date

**FOR OFFICE USE ONLY:**

☐ Verified Complete ☐ Verified Incomplete

Date of Application: 4, 18, 2019

Case No.: Z 19 - 07

Fully-dimensional site plan: ☐

Nonrefundable fee: \$625 ✓

Receipt #: 211673/211672 Date paid: 4, 18, 2019

Sign Deposit \$37.50

Receipt #: 211674 Date paid: 4, 18, 2019

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.: Z 18 - 25

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

Planning Commission hearing date: 5, 20, 19 Date notifications due: 5, 9, 2019

City Council hearing date: 6, 18, 19 Packets due date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Publication date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Reviewed/Accepted by: J. Fisher Date: 4, 18, 2019

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.

PROVIDES TRANSITION BETWEEN COMMERCIAL  
AND SINGLE FAMILY HOMES  
APARTMENTS/DOUPLEX ARE CONSISTENT WITH  
NEIGHBORHOOD CENTER

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

WILL COMPLY WITH ALL RM-2 ZONING STANDARDS

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.

PROVIDES TRANSITION BETWEEN COMMERCIAL AND  
SINGLE FAMILY HOMES



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

6' HIGH FENCE & SCREENING WALL AS REQUIRED

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.

PROVIDE RENTAL OPPORTUNITY IN A MARKET THAT  
IS CURRENTLY LACKING IN AVAILABLE HOUSING

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.

LOT ALREADY PLATTED, ACCESS FROM KIM RLY LANE

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: **5205 South Bryant Boulevard; generally located southwest of South Bryant Boulevard and Kimrey Lane;** FROM THE NEIGHBORHOOD COMMERCIAL (CN) ZONING DISTRICT TO THE LOW RISE MULTIFAMILY ZONING DISTRICT (RM-1); PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE

RE: Z19-07: von Rosenberg

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 Low Rise Multifamily Residential (RM-1) Zoning District and,

WHEREAS, on the 18<sup>nd</sup> day of June, 2019, City Council held a public hearing on Z19-07, 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 properties permanently zoned LOW RISE MULTIFAMILY RESIDENTIAL (RM-1) ZONING DISTRICT;



**The real property generally located at 5205 South Bryant Boulevard; generally located southwest of South Bryant Boulevard and Kimrey Lane; being Lot 1 in Block 1 in the Windwood Subdivision, Section 1, comprising a total of 0.915 acres, City of San Angelo, Tom Green County, Texas as more particularly describe on Exhibit “A” of this Ordinance, shall henceforth be permanently zoned as follows: Low Rise Multifamily Residential (RM-1) 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 (“RM-1” 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 on the **18th day of June, 2019**, and finally PASSED, APPROVED  
AND ADOPTED on this the **2nd day of July, 2019**.

THE CITY OF SAN ANGELO

---

Brenda Gunter, Mayor

ATTEST:

APPROVED AS TO FORM:

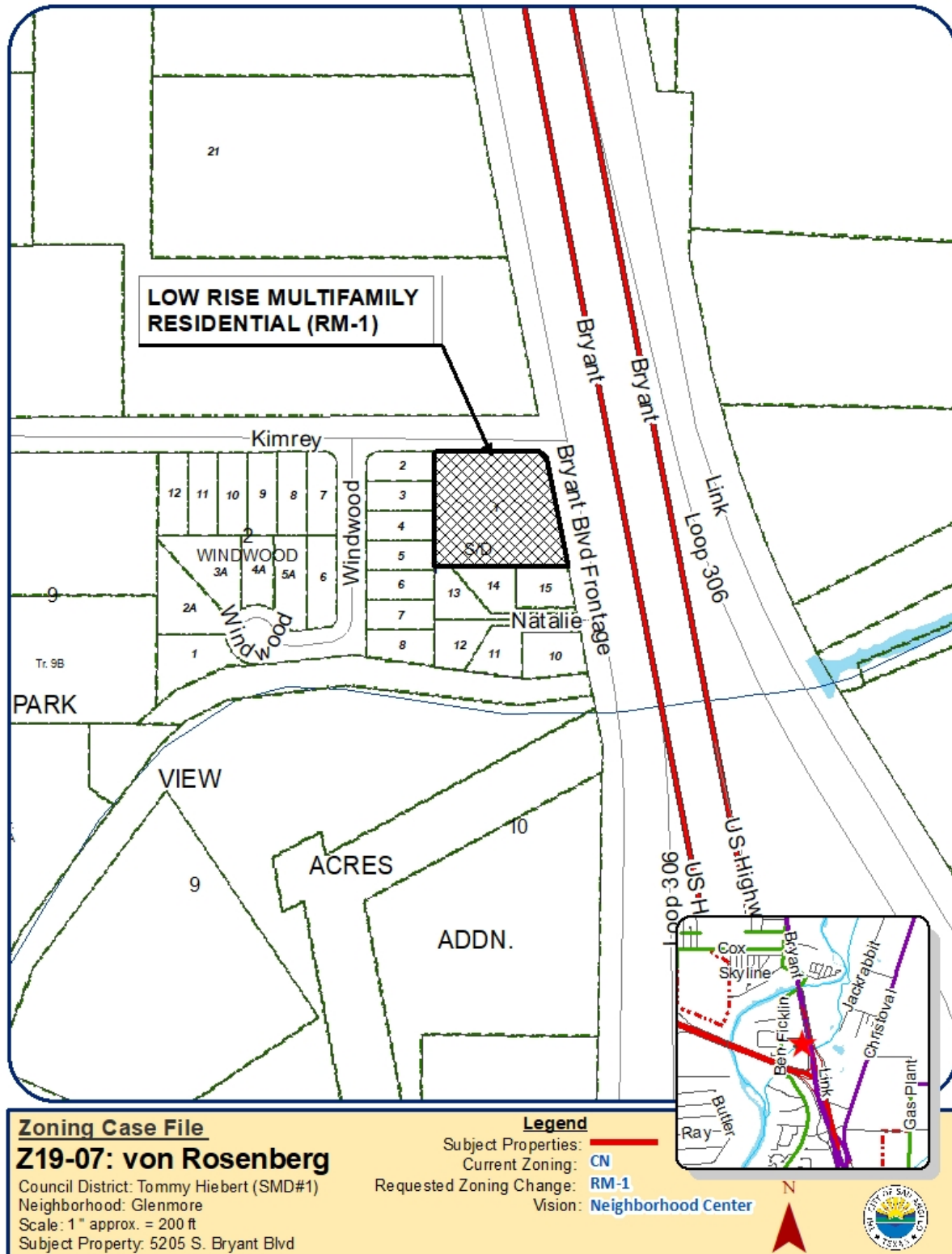
---

Julia Antilley, City Clerk

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Theresa James, City Attorney

# Exhibit "A" (RM-1 Boundary Map)



# REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

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

Meeting Date: July 2, 2019

Item type: Consent Item

---

## **Caption:**

Second reading of an ordinance approving Z19-08, a rezoning from the Ranch and Estate (R&E) and General Commercial/Heavy Commercial (CG/CH) Zoning Districts to the Heavy Commercial (CH) Zoning District, on 2.49 acres located at 5050 N. Chadbourne St. (Jon James)

## **Summary/History:**

A request for approval of a rezoning from the Ranch and Estate (R&E) and General Commercial/Heavy Commercial (CG/CH) Zoning Districts to the Heavy Commercial (CH) Zoning District on the subject property. The existing development is a paint and body shop which is proposing to fully utilize the entire property, a portion of which is currently zoned for residential use. Section 310 of the Zoning Ordinance does not permit such use by right in the existing district.

## **Financial Impact:**

N/A

## **Other Information/Recommendation:**

On May 20, 2019, the Planning Commission unanimously recommended APPROVAL of the rezoning.

## **Attachments:**

- |                      |                                         |
|----------------------|-----------------------------------------|
| 1. Staff Report (RZ) | CC Staff Report Z19-08 Keating.pdf      |
| 2. Ordinance (RZ)    | 19-0311_Z19-08_KEATING_ORD_REDLINE.DOCX |

## **Presentation:**

Jon James

## **Approvals/Reviews:**

|                |                   |
|----------------|-------------------|
| Hillary Bueker | Created/Initiated |
| Hillary Bueker | Approved          |
| Jon James      | Approved          |
| Theresa James  | Approved          |
| Jon James      | Approved          |
| Brian Groves   | Approved          |
| Tina Dierschke | Approved          |
| Theresa James  | Approved          |
| Becky Dunn     | Approved          |
| Julia Antilley | Final Approval    |

**CITY COUNCIL – JUNE 18 & JULY 2, 2019**  
**STAFF REPORT**



|                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                             |                                                                                                             |              |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|--------------|
| <b>APPLICATION TYPE:</b>                                                                                                                                                                                                                                                                                                                                                                                               |                                                                             | <b>CASES:</b>                                                                                               |              |
| Rezoning                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                             | Z19-08: Keating                                                                                             |              |
| <b>SYNOPSIS:</b>                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                             |                                                                                                             |              |
| A request for approval of a Rezoning from the Ranch and Estate (R&E) and General Commercial/Heavy Commercial (CG/CH) Zoning Districts to the Heavy Commercial (CH) Zoning District on the subject property. The existing development is a paint and body shop which is proposing to fully utilize the entire property. Section 310 of the Zoning Ordinance does not permit such use by right in the existing district. |                                                                             |                                                                                                             |              |
| <b>LOCATION:</b>                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                             | <b>LEGAL DESCRIPTION:</b>                                                                                   |              |
| 5050 North Chadbourne Street                                                                                                                                                                                                                                                                                                                                                                                           |                                                                             | Being Tract D, 2nd R/P Keating Paint & Body, Block 10, Julia A Bailey Subdivision, Tom Green County, Texas. |              |
| <b>SM DISTRICT / NEIGHBORHOOD:</b>                                                                                                                                                                                                                                                                                                                                                                                     | <b>ZONING:</b>                                                              | <b>FUTURE LAND USE:</b>                                                                                     | <b>SIZE:</b> |
| SMD District #2 – Tom Thompson<br>Riverside Neighborhood                                                                                                                                                                                                                                                                                                                                                               | R&E – Ranch and Estate /<br>CG/CH - General Commercial/<br>Heavy Commercial | Commercial                                                                                                  | 2.49 acres   |
| <b>THOROUGHFARE PLAN:</b>                                                                                                                                                                                                                                                                                                                                                                                              |                                                                             |                                                                                                             |              |
| <u>North Chadbourne Street</u> – Urban Minor Arterial Street, Required 80' min. ROW (120' provided), Required 64' min. pavement width (45' existing).                                                                                                                                                                                                                                                                  |                                                                             |                                                                                                             |              |
| <b>NOTIFICATIONS:</b>                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                             |                                                                                                             |              |
| 12 notifications were mailed within a 200-foot radius on May 2, 2019.<br>Two received in support and one in opposition.                                                                                                                                                                                                                                                                                                |                                                                             |                                                                                                             |              |
| <b>STAFF RECOMMENDATION:</b>                                                                                                                                                                                                                                                                                                                                                                                           |                                                                             |                                                                                                             |              |
| Staff recommends <b>APPROVAL</b> of a Rezoning from the Ranch and Estate (R&E) and General Commercial/Heavy Commercial (CG/CH) Zoning Districts to the Heavy Commercial (CH) Zoning District.                                                                                                                                                                                                                          |                                                                             |                                                                                                             |              |
| <b>PROPERTY OWNER/PETITIONER:</b>                                                                                                                                                                                                                                                                                                                                                                                      |                                                                             |                        |              |
| Keating Paint and Body<br>Troy Keating                                                                                                                                                                                                                                                                                                                                                                                 |                                                                             |                                                                                                             |              |
| <b>STAFF CONTACT:</b>                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                             |                                                                                                             |              |
| Hillary Bueker<br>Planning Manager<br>(325) 657-4210, Ext 1547<br><a href="mailto:hillary.bueker@cosatx.us">hillary.bueker@cosatx.us</a>                                                                                                                                                                                                                                                                               |                                                                             |                                                                                                             |              |

**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 current future land use is designated as “commercial” which seeks to promote “single-use centers consisting of large retail and office clusters that seek visibility and convenient access offered by frontage on the major street network. The uses within this area often draw from the larger regional area.” Section 303 of the Zoning Ordinance states that the intent of the Heavy Commercial zoning district is to “provide opportunities for development of wholesale trade, retail sales, warehousing development, repair and service establishments, heavy and bulk equipment supply dealers or other such establishments that typically are characterized by outside storage of materials or merchandise.” The rezoning will be in keeping with the approved future land use and allow the continuation of the surrounding commercial development along North Chadbourne Street.
2. **Consistent with Zoning Ordinance.** **Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.** The existing structure complies with today’s setback standards and the property currently is partially screened. The existing 2.49 acre lot exceeds the minimum lot area of 6,000 square feet, the minimum lot frontage of 50 feet, and minimum lot depth of 80 feet in the Heavy Commercial zoning district. Any future additions will be required to comply with all current standards in the zoning ordinance.
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.** The property is located within an area that is comprised of mixed uses of heavier commercial and residential along North Chadbourne Street. The subject tract of land fits in with the existing commercial development pattern, and would allow from expansion of an existing business.
4. **Changed Conditions.** **Whether and the extent to which there are changed conditions that require an amendment.** The existing structure is allowed in the current CG/CH zoning district but a large portion of the lot is remains R&E. The current business would like to be able to utilize the entire property. Since the ranch & estate development never developed on this portion of property, the rezoning would make use of the land in a manner consistent with the adopted future land use and existing adjacent mixed use development in the area
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. The rezoning is anticipated to have little to no adverse impact on the natural environment. There may be minor air and noise pollution as any new improvements are built, but those would be temporary.

6. **Community Need.** Whether and the extent to which the proposed amendment addresses a demonstrated community need. Allowing this site to rezone to heavy commercial would allow an existing business to expand to continue to serve the community, rather than allowing a continuance of a zoning designation that could not been effectively utilized in the past.
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 existing development pattern in the along North Chadbourne Street is mixed with commercial and residential, approving the rezoning will allow the parcels to keep in continuity with the adjoining development in the area.

**Planning Commission Recommendation:**

On May 20, 2019, the Planning Commission recommended APPROVAL of a Rezoning from the Ranch and Estate (R&E) and General Commercial/Heavy Commercial (CG/CH) Zoning Districts to the Heavy Commercial (CH) Zoning District on the subject property. The following is the complete excerpt of the draft minutes from the May 20, 2019, meeting for this case:

Hillary Bueker, Senior Planner, presented the proposed Rezoning. She explained that the applicant is proposing to change the current zoning from the Ranch and Estate (R&E) and General Commercial/Heavy Commercial (CG/CH) Zoning Districts to the Heavy Commercial (CH) Zoning District. She explained that there is a small piece of the northeast corner of the property that is currently R&E and the rezoning would allow the applicant to expand their business.

Ms. Bueker outlined Staff's recommendation to approve the rezoning request on the grounds that the CH zoning is consistent with the Commercial Future Land Use designation in the Comprehensive Plan; that the existing lot and structure meet the zoning minimums; that the rezoning is compatible with the surrounding area; and that the R&E was underutilized and the CH zoning would allow expansion of existing uses.

Chair Stribling opened the meeting for public comment.

Mr. Erica Carter with Carter-Fentress Engineering, representing the applicant, indicated she was available to answer any questions.

Chair Stribling closed public comment.

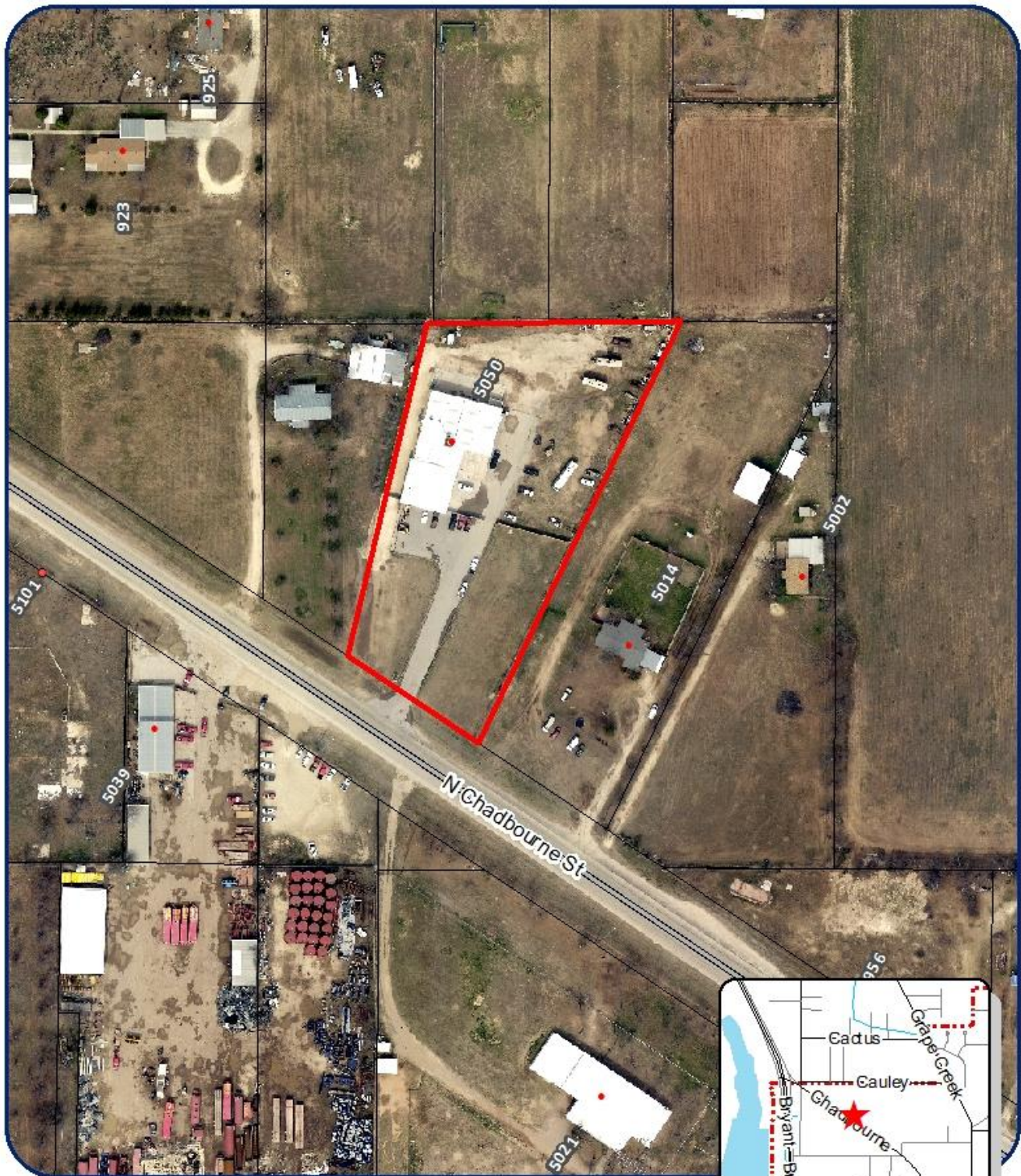
Commissioner Jackson made a Motion to recommend **APPROVAL** of a Rezoning from the Ranch and Estate (R&E) and General Commercial/Heavy Commercial (CG/CH) Zoning Districts to the Heavy Commercial (CH) Zoning District. Commissioner Jackson seconded the motion. The motion carried unanimously, 7-0.

**Recommendation:**

Staff's recommendation is for the Planning Commission to Recommend **APPROVAL** of a Rezoning from the Ranch and Estate (R&E) and General Commercial/Heavy Commercial (CG/CH) Zoning Districts to the Heavy Commercial (CH) Zoning District.

**Attachments:**

Aerial Map  
Future Land Use Map  
Zoning Map  
Applications  
Photographs  
Notification Map  
Resident Letter



**Z19-08: Keating**

**5050 North Chadbourne Street**

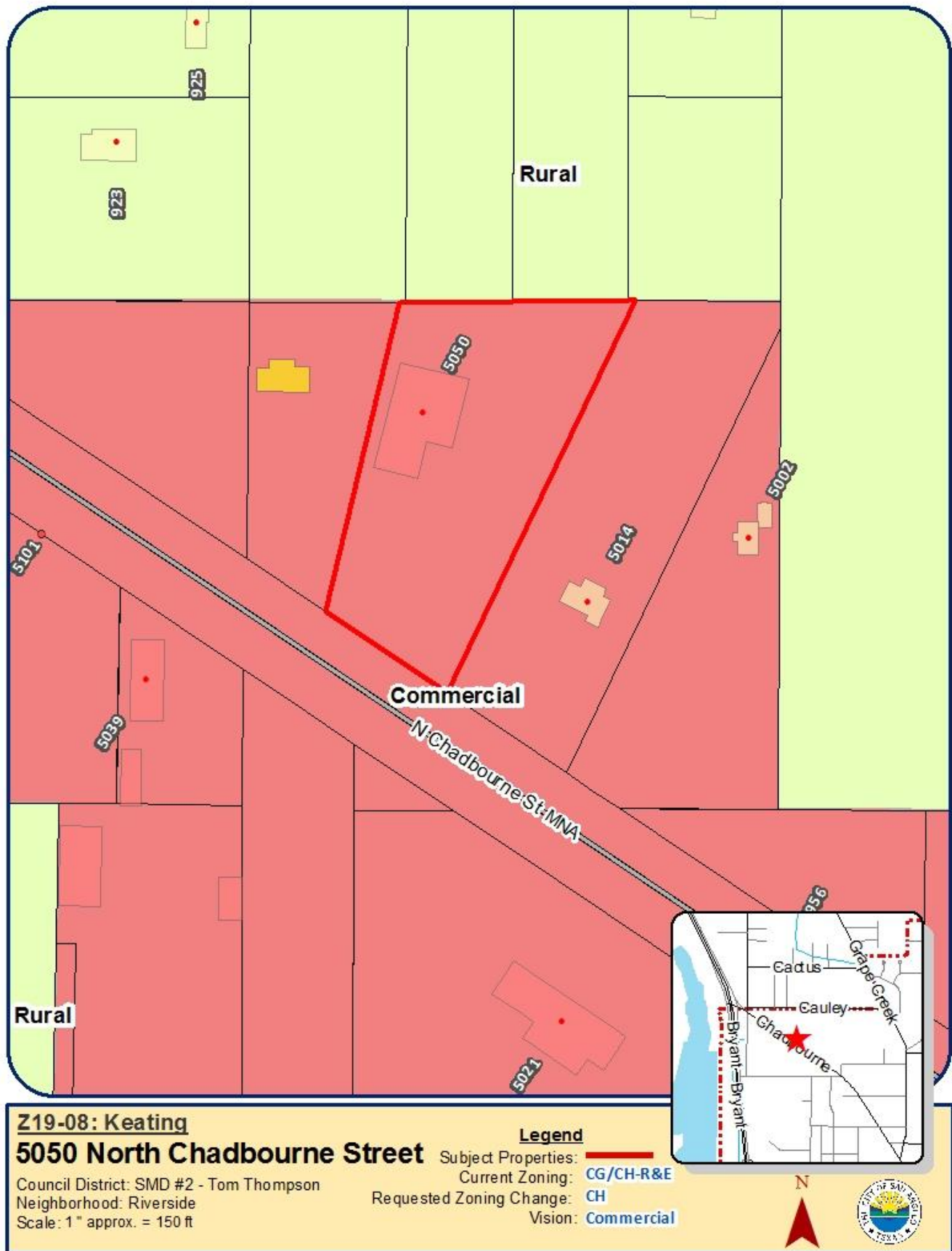
Council District: SMD #2 - Tom Thompson  
Neighborhood: Riverside  
Scale: 1" approx. = 150 ft

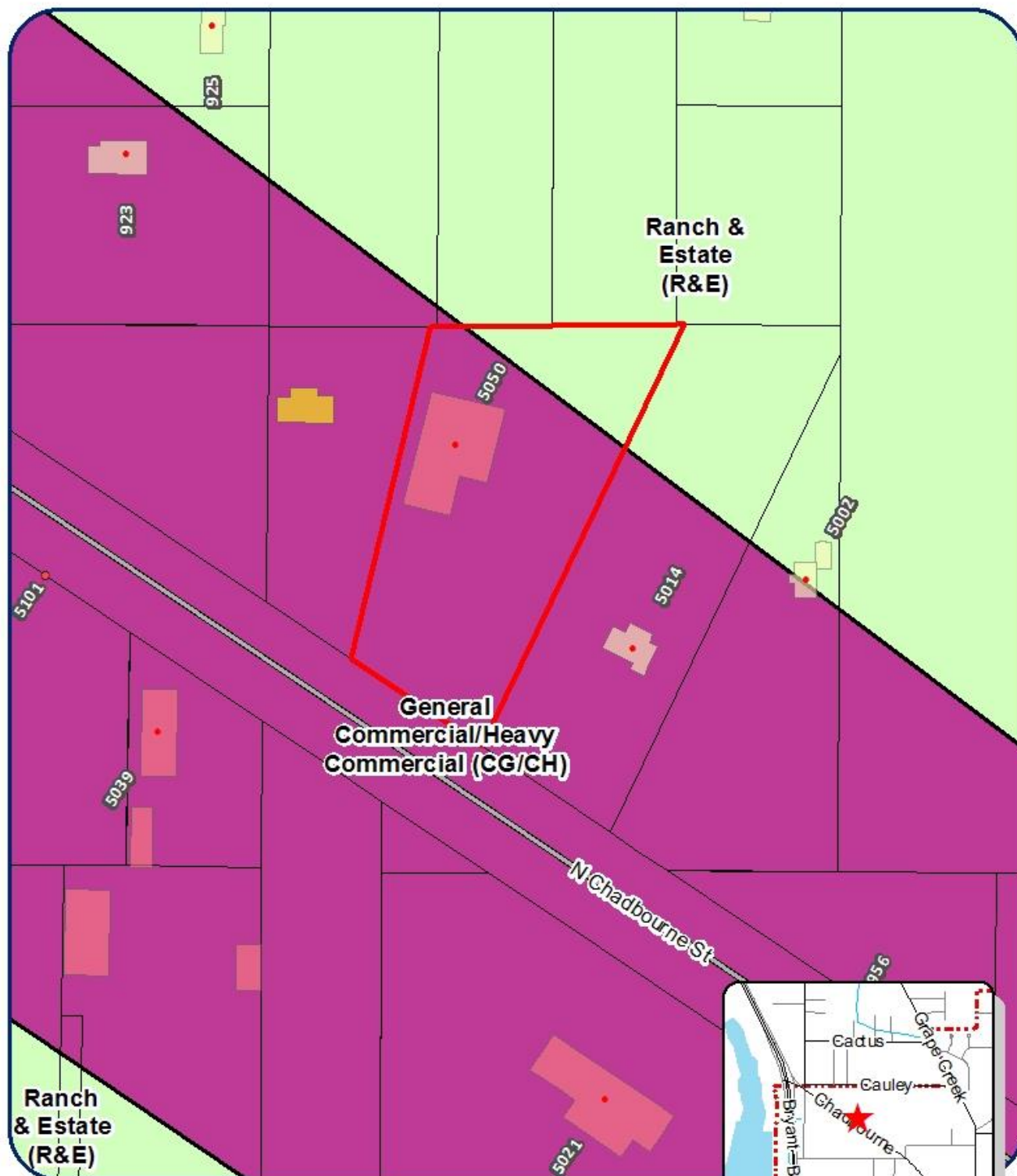
**Legend**

Subject Properties: —  
Current Zoning: CG/CH-R&E  
Requested Zoning Change: CH  
Vision: Commercial









**Z19-08: Keating**

**5050 North Chadbourne Street**

Council District: SMD #2 - Tom Thompson  
Neighborhood: Riverside  
Scale: 1" approx. = 150 ft

**Legend**

Subject Properties: —  
Current Zoning: CG/CH-R&E  
Requested Zoning Change: CH  
Vision: Commercial



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): Keating Paint and Body -Troy Keating

☒ Owner

☐ Representative (Notarized Affidavit Required)

**5050 North Chadbourne Street**

**San Angelo**

**Texas**

**76903**

Mailing Address

City

State

Zip Code

325-655-9325

ecarter@fentresseng.com

Contact Phone Number

Contact E-mail Address

5050 North Chadbourne Street

San Angelo

Texas

76903

Subject Property Address

City

State

Zip Code

Blk: 10, Subd: BAILEY JULIA A S/D, TRACT D BEING 2.4900 ACRES 2ND R/P KEATING PAINT & BODY

Legal Description (can be found on property tax statement or at [www.tomgreencad.com](http://www.tomgreencad.com))

Existing Zoning: RS-1 & CG/CH Proposed Zoning: CH Lot size: 2.49 Acres

(Zoning Map available on [City Maps](#))

**Section 2: Site Specific Details**

Existing Use of Property: Paint and Body Shop

\*Proposed Use of Property: Same- Paint and Body Shop

\*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.

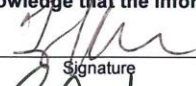


Effective January 3, 2017

**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.

|                             |                                                                                   |                                      |           |
|-----------------------------|-----------------------------------------------------------------------------------|--------------------------------------|-----------|
| Troy Keating                |  | * Keating Paint and Body             | 4/12/2019 |
| Owner Name (Print)          | Signature                                                                         | Company/Organization (If Applicable) | Date      |
| Erica Carter                |  | Carter-Fentress Engineering          | 4/12/2019 |
| Representative Name (Print) | Signature                                                                         | Company/Organization                 | Date      |

**FOR OFFICE USE ONLY:**

☐ Verified Complete ☐ Verified Incomplete

Date of Application: 4 / 22 / 19

Case No.: Z 19 - 08

Fully-dimensioned site plan: ☐

Nonrefundable fee: \$ 625

Receipt #: 213505/213540 Date paid: 4 / 22 / 19

Sign Deposit \$37.50

Receipt #: 213563 Date paid: 4 / 22 / 19

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: 5 / 20 / 19 Date notifications due: 5 / 3 / 19

City Council hearing date: 6 / 18 / 19 Packets due date: 6 / 7 / 19

Publication date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Reviewed/Accepted by: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

## Site Photos



North Chadbourne Street Frontage



Front of Subject Property

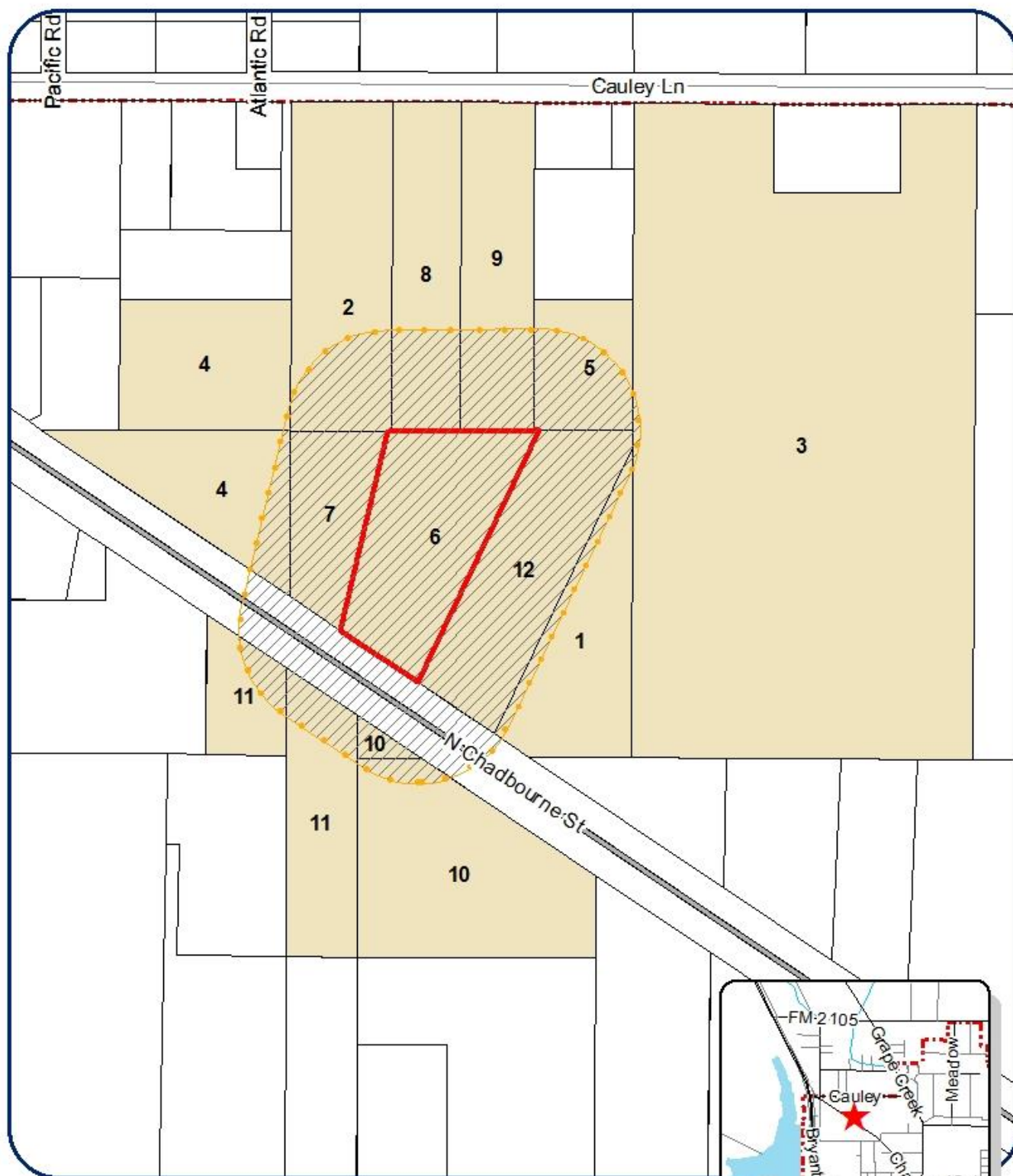




Back of Subject Property (Storage Area)



North Chadbourne Street



**Z19-08: Keating**

**5050 North Chadbourne Street**

Council District: SMD #2 - Tom Thompson  
 Neighborhood: Riverside  
 Scale: 1" approx. = 250 ft

**Legend**

Subject Properties: —  
 Current Zoning: CG/CH-R&E  
 Requested Zoning Change: CH  
 Vision: Commercial



May 8, 2019

To: Ms. Hillary Bueker  
City of San Angelo  
Planning Division  
52 West College Avenue  
San Angelo, TX 76903

From: Doyle Y. Howell

Re: Z19-08: Keating

In regard to the request for Rezoning by Mr. Keating, Heavy Commercial (CH) Zoning on North Chadbourne should be maintained outside of the city limits of San Angelo. We see influence of the oil industry with truck parks and wrecking yards already in the city limits. Without proper oversight, we could evolve into the same situation as in Midland and Odessa.

Chadbourne is a Historic street and needs to be respected. Strangers visiting our city and traveling to the Coliseum or Show Barns should see our best side. Ranch and Estate (R&E) and General Commercial/Heavy Commercial (CG/CH) should suffice in order to maintain control over noise and pollution for home owners either raising families or living in peaceful retirement.

Businesses with zoning issues can negotiate and compromise with City Planning to achieve their goals without disrupting established routines. Zoning plays an important part in the harmony and peace of a community.

---

Thank you,

*Doyle Y. Howell*

Doyle Y. Howell



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) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_

NAME: RICHARD LEE

ADDRESS: 5062 N CHADBOURNE

SIGNATURE: Richard Lee

Z19-08: Keating

Property owner number: 7

If you have any questions about these proceedings, please call Hillary Bueker, with the City of San Angelo's Planning Division at (325) 657-4210 ext. 1547 or at [hillary.bueker@cosatx.us](mailto:hillary.bueker@cosatx.us).



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.

(X)

IN FAVOR

( )

IN OPPOSITION

REASON(S) \_\_\_\_\_

NAME: Symco Rentals, LLC

ADDRESS: 5791 S. Loop 306

San Angelo, TX 76905

SIGNATURE: [Signature]

Z19-08: Keating

Property owner number: 11

If you have any questions about these proceedings, please call Hillary Bueker, with the City of San Angelo's Planning Division at (325) 657-4210 ext. 1547 or at [hillary.bueker@cosatx.us](mailto:hillary.bueker@cosatx.us).

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: **5050 NORTH CHADBOURNE STREET, compromising a total of 2.49-acres**, FROM THE RANCH AND ESTATE (R&E) AND GENERAL COMMERCIAL/HEAVY COMMERCIAL (CG/CH) ZONING DISTRICTS TO THE HEAVY COMMERCIAL (CH) ZONING DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Z19-08: Keating

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 Heavy Commercial (CH) Zoning District; and,

WHEREAS, on the 18<sup>th</sup> day of June, 2019, City Council held a public hearing on Z19-08, 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 HEAVY COMMERCIAL (CH) Zoning District:

**The real property generally located at 5050 North Chadbourne Street, specifically being Tract D, 2nd R/P Keating Paint & Body, Block 10, Julia A Bailey Subdivision, City of San Angelo, Tom Green County, Texas.**

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.

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 **18th day of June, 2019**, and finally PASSED, on this the **2nd day of July, 2019**.

THE CITY OF SAN ANGELO

\_\_\_\_\_  
Brenda Gunter, Mayor

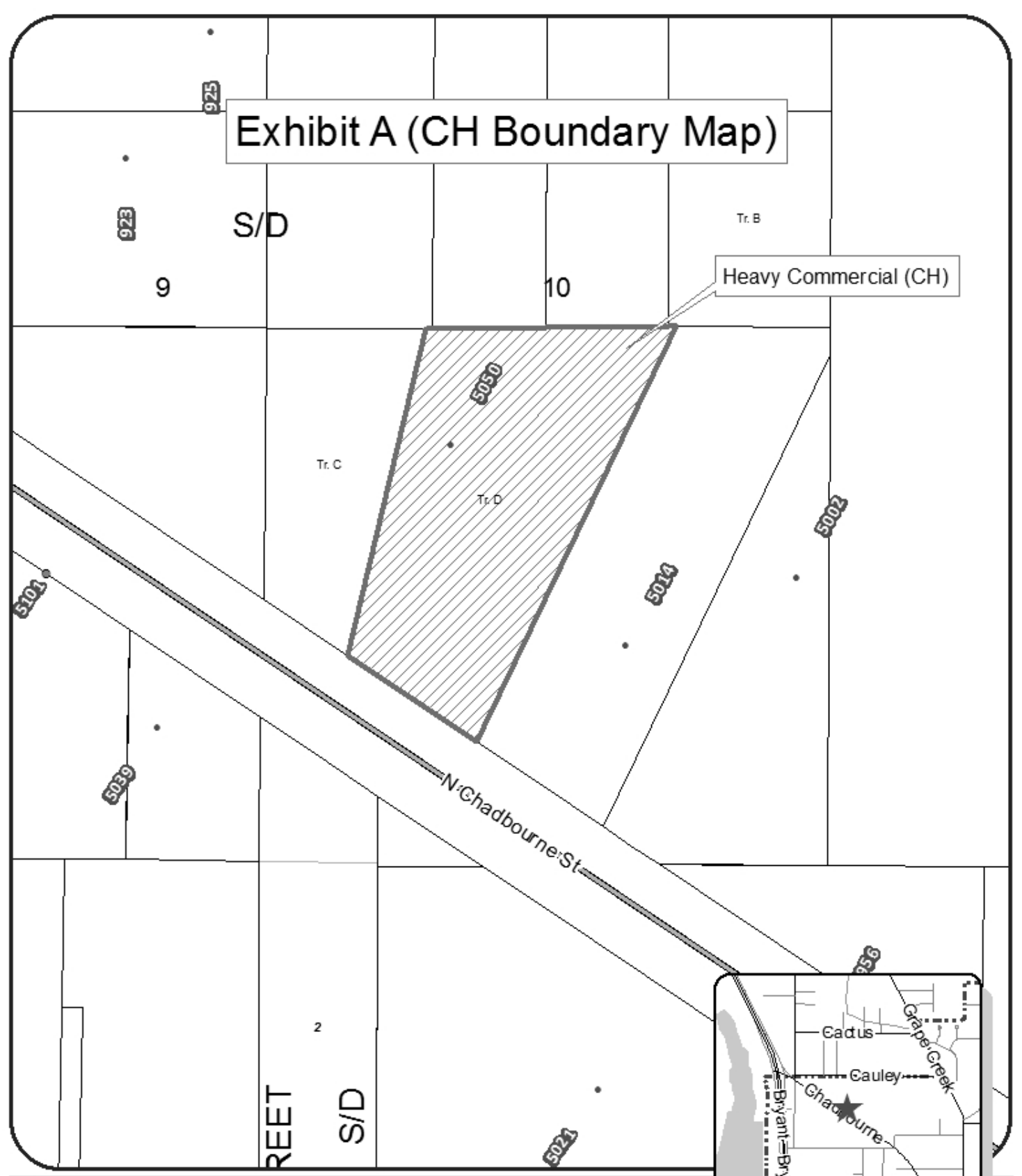
ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Julia Antilley, City Clerk

\_\_\_\_\_  
Theresa James, City Attorney

# Exhibit A (CH Boundary Map)



**Z19-08: Keating**

**5050 North Chadbourne Street**

Council District: SMD #2 - Tom Thompson  
 Neighborhood: Riverside  
 Scale: 1" approx. = 150 ft  
 Blk: 10, Bailey Julia A S/D, Tract D Being 2.4900 AC 2ND R/P Keating Paint & Body

## Legend

Subject Properties: CG/CH-R&E  
 Current Zoning: CG/CH-R&E  
 Requested Zoning Change: CH  
 Vision: Commercial



# REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

---



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

Meeting Date: July 2, 2019

Item type: Consent Item

---

## **Caption:**

Second reading of an ordinance approving PD19-04, a rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District to Planned Development (PD) Zoning District to allow for existing uses and uses permitted in the General Commercial (CG) Zoning District, an overall use plan, and an off-site sign; comprising a total of 2.38 acres generally located at 1909 W. Beauregard Ave. (Jon James)

## **Summary/History:**

The applicant submitted a request for a rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District to a Planned Development (PF) Zoning District to allow for existing uses permitted within the General Commercial (CG) Zoning District, an overall use plan relating to auto body repair and an off-site monument sign with landscaping, to be located in the triangle at the Beauregard Ave. and Sherwood Way split.

## **Financial Impact:**

N/A

## **Other Information/Recommendation:**

Planning Commission recommended that the City Council approve the application unanimously (6-0) at their May 20, 2019 meeting.

City Council voted 6-0 to approve the first reading at their June 18, 2019 meeting.

## **Attachments:**

1. Staff Report PD19-04 (2).docx
2. Ordinance PD19-04 19-0XXX\_PD19-04 ordinance.docx

## **Presentation:**

Jon James

## **Approvals/Reviews:**

|                |                   |
|----------------|-------------------|
| Sherry Bailey  | Created/Initiated |
| Hillary Bueker | Approved          |
| Jon James      | Approved          |
| Theresa James  | Approved          |
| Brian Groves   | Approved          |
| Jon James      | Approved          |
| Tina Dierschke | Approved          |
| Theresa James  | Approved          |



Becky Dunn  
Julia Antilley

Approved  
Final Approval

**CITY COUNCIL – June 18, 2019**  
**STAFF REPORT**



|                                                                                                                                                                                                                                                                                                                                                                                                                 |                           |                                                                                                                                                                                                                                                                              |              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| <b>APPLICATION TYPE:</b>                                                                                                                                                                                                                                                                                                                                                                                        | <b>CASE:</b>              |                                                                                                                                                                                                                                                                              |              |
| Rezoning                                                                                                                                                                                                                                                                                                                                                                                                        | PD19-04: Concho Collision |                                                                                                                                                                                                                                                                              |              |
| <b>SYNOPSIS:</b>                                                                                                                                                                                                                                                                                                                                                                                                |                           |                                                                                                                                                                                                                                                                              |              |
| <p>The applicant has submitted a request for a rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District to a Planned Development (PD) Zoning District to allow for existing uses and uses permitted within the General Commercial (CG) Zoning District, an existing use plan and an off-site monument sign.</p>                                                                            |                           |                                                                                                                                                                                                                                                                              |              |
| <b>LOCATION:</b>                                                                                                                                                                                                                                                                                                                                                                                                |                           | <b>LEGAL DESCRIPTION:</b>                                                                                                                                                                                                                                                    |              |
| 1909 W. Beauregard, 101, 103, 107 & 113 S Tyler, & alley plus triangle lying south of Sherwood Way & W. Beauregard Ave. to S. Colorado Ave. along W Tyler St. to S. Harrison St.                                                                                                                                                                                                                                |                           | Being 2.38 acres described as: Blk. 189 Ward Subdivision a Resubdivision of Wards Annex that lies south of Sherwood way, north of Beauregard and east of Tyler; L 1-4 & alley & L 1 Blk. 190 Wards Annex; L 1-4, Blk. 3 VE Miller Resubdivision of Garrett Addition & alley. |              |
| <b>SM DISTRICT / NEIGHBORHOOD:</b>                                                                                                                                                                                                                                                                                                                                                                              | <b>ZONING:</b>            | <b>FUTURE LAND USE:</b>                                                                                                                                                                                                                                                      | <b>SIZE:</b> |
| SMD District 5 – Lane Carter Neighborhood: Santa Rita                                                                                                                                                                                                                                                                                                                                                           | CG/CH                     | Commercial                                                                                                                                                                                                                                                                   | 2.38 acres   |
| <b>THOROUGHFARE PLAN:</b>                                                                                                                                                                                                                                                                                                                                                                                       |                           |                                                                                                                                                                                                                                                                              |              |
| <p><b>Sherwood Way</b> – Urban Major Arterial Street<br/>         Provided: 90' right-of-way, 64' pavement</p> <p><b>W. Beauregard Ave.</b> Urban Minor Arterial<br/>         Provided: 60' right-of-way, 50 pavement</p> <p><b>Colorado Ave., S. Tyler St. &amp; S Harrison St.</b> – Urban Local Street<br/>         Provided: 50' right-of-way, 40' pavement or 30' pavement on S. Tyler (some sidewalk)</p> |                           |                                                                                                                                                                                                                                                                              |              |
| <b>NOTIFICATIONS:</b>                                                                                                                                                                                                                                                                                                                                                                                           |                           |                                                                                                                                                                                                                                                                              |              |
| <p>43 notifications mailed within 200-foot radius May 2, 2019.</p> <p>Two received in support at this time. None against the request.</p>                                                                                                                                                                                                                                                                       |                           |                                                                                                                                                                                                                                                                              |              |
| <b>STAFF RECOMMENDATION:</b>                                                                                                                                                                                                                                                                                                                                                                                    |                           |                                                                                                                                                                                                                                                                              |              |
| <p>Staff recommends <b>APPROVAL</b> of the rezoning from General Commercial/Heavy Commercial (CG/CH) Zoning District to Planned Development with the underlying zoning to allow for existing uses and uses permitted within the General Commercial (CG) Zoning District, an existing use plan and an off-site monument sign generally at 1909 W. Beauregard.</p>                                                |                           |                                                                                                                                                                                                                                                                              |              |
| <b>PROPERTY OWNER/PETITIONER:</b>                                                                                                                                                                                                                                                                                                                                                                               |                           |                                                                                                                                                                                         |              |
| <p>Jim Osborn<br/>         Concho Collision</p>                                                                                                                                                                                                                                                                                                                                                                 |                           |                                                                                                                                                                                                                                                                              |              |
| <b>STAFF CONTACT:</b>                                                                                                                                                                                                                                                                                                                                                                                           |                           |                                                                                                                                                                                                                                                                              |              |
| <p>Sherry Bailey<br/>         Principal Planner<br/>         (325) 657-4210, Extension 1546<br/> <a href="mailto:sherry.bailey@cosatx.us">sherry.bailey@cosatx.us</a></p>                                                                                                                                                                                                                                       |                           |                                                                                                                                                                                                                                                                              |              |

**Additional Information:** The applicant presently has an auto body, vehicle glass replacement, and auto repair facility at the split of W Beauregard and W Sherwood Way. The applicant maintains his existing commercial facility in a professional, clean, maintained manner that is part of the solid commercial base of this area of the City. Mr. Osborn is wanting to combine his facilities and the new areas he purchased in order to expand his business. He has also requested the abandonment of the existing unpaved alley off S Tyler with the intent to acquire that property. He has also acquired the triangle piece at the Sherwood/Beauregard split that has a cement pad and weeds with the intent to have it landscaped and to have his business monument sign placed there. The business owners who called or came in about his intent were all supportive and appreciative of what he is trying to do in the area.

**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 Commercial designation. The primary factor in the request for a Planned Development District zoning designation is to create an overall development plan for all the property owned by the applicant. This request also seeks to include the triangle piece between Beauregard and Sherwood Way as a landscaped entrance into this section of the commercial district and to provide for a monument sign on that triangle that ties the property together.
2. **Consistent with Zoning Ordinance.** **Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.** The existing uses and the applicant's proposed expanded use for these properties are consistent and compatible. The auto body repair is main existing use, while the storage of auto waiting for repair and the chain link security fencing are all accessory uses. The applicant is wanting to expand the existing uses and fencing to the property he has bought on S Tyler with an intent to purchase additional property and amend his PD in the future. His intention to work with the City to abandon and purchase the existing alley that is not improved and maintained and incorporate it into his overall plan as was done on the original property at 1909 W Beauregard.
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, most of this area is presently being used as an auto body, auto repair facility, the applicant intends on continuing to expand in this this use and to beautify the triangle entrance into this commercial section of Sherwood Way.
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 expand his existing uses and to landscape and place a monument sign on the triangle piece of property that presently is an eyesore.

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 expansion.
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 expansion of his business and for the landscaped entrance of the triangle piece that provides the entrance into the Sherwood Way/Beauregard Ave. commercial street split area.
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.

**Recommendation:**

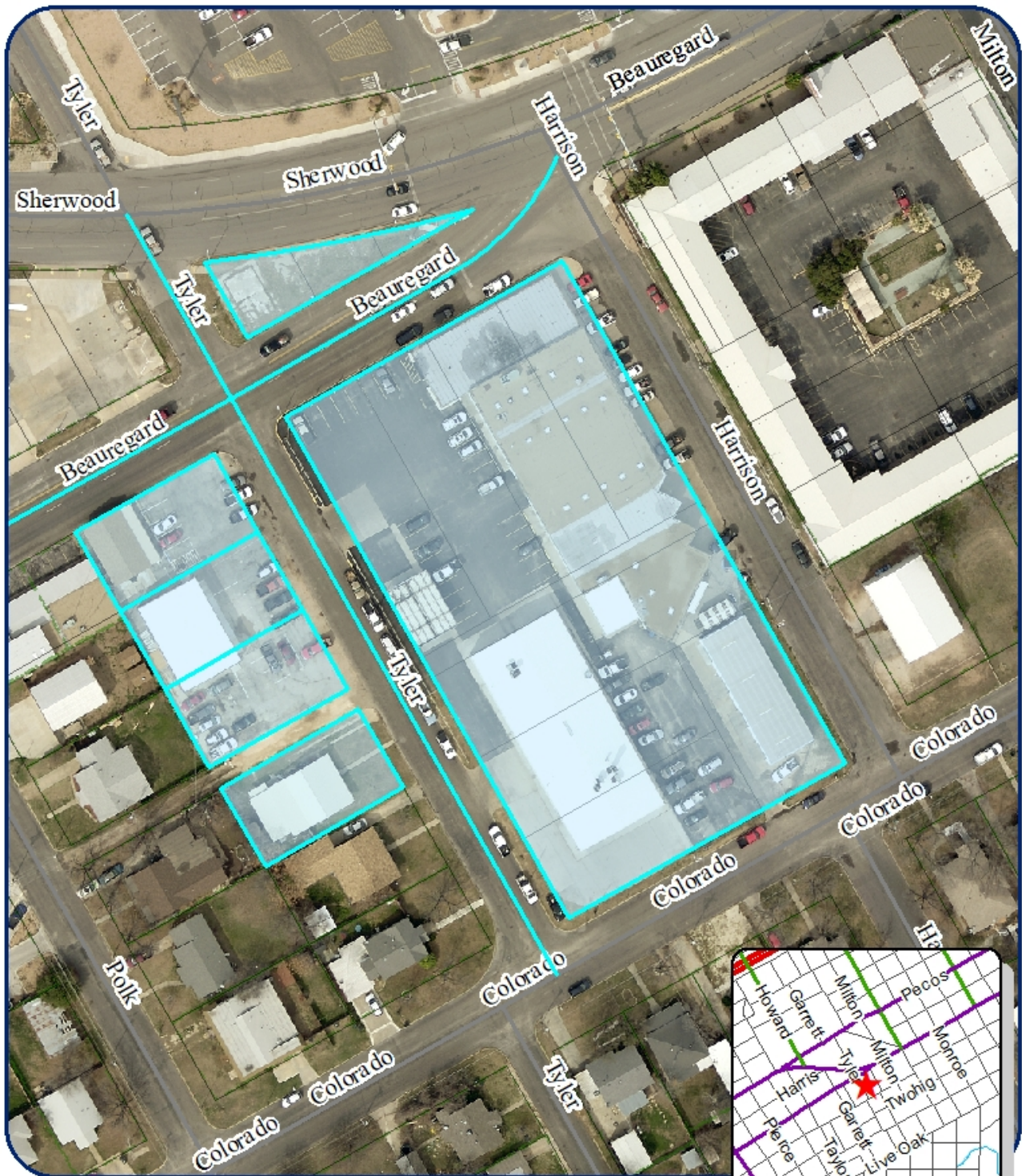
Staff's recommendation is for the Planning Commission to recommend **APPROVAL** of the proposed rezoning from the CG/CH Zoning District to Planned Development Zoning District (PD), on the subject property with the underlying zoning to allow for existing uses and uses permitted within the General Commercial (CG) Zoning District, an existing use plan and an off-site monument sign generally at 1909 W. Beauregard **subject to three conditions:**

1. The existing use and buildings that now comprise the Concho Collision complex function as the plan as the overall plan. Any additional property, building construction or change of use must come back as an amendment to the Planned Development District.
2. One monument sign will be permitted in the triangle entrance property where Beauregard Avenue and Sherwood Way split. The approved sign must generally match the design attached to this PD package pertaining to size, height and message limited to Concho Collision.
3. The existing facilities applies to the privacy fencing, security fencing, height, material and placement. Any additional fencing associated with additional property must be submitted as an amendment to the Planned Development District.

**Attachments:**

Aerial Map  
Future Land Use Map  
Zoning Map  
Notification Map  
Letters  
Photographs  
Application  
Proposed sign





**Planned Development District - Aerial Map**

**PD19-04: Concho Collision**

Council District 5: Lane Carter  
Neighborhood: Santa Rita  
Scale: 1" approx. = 80 ft

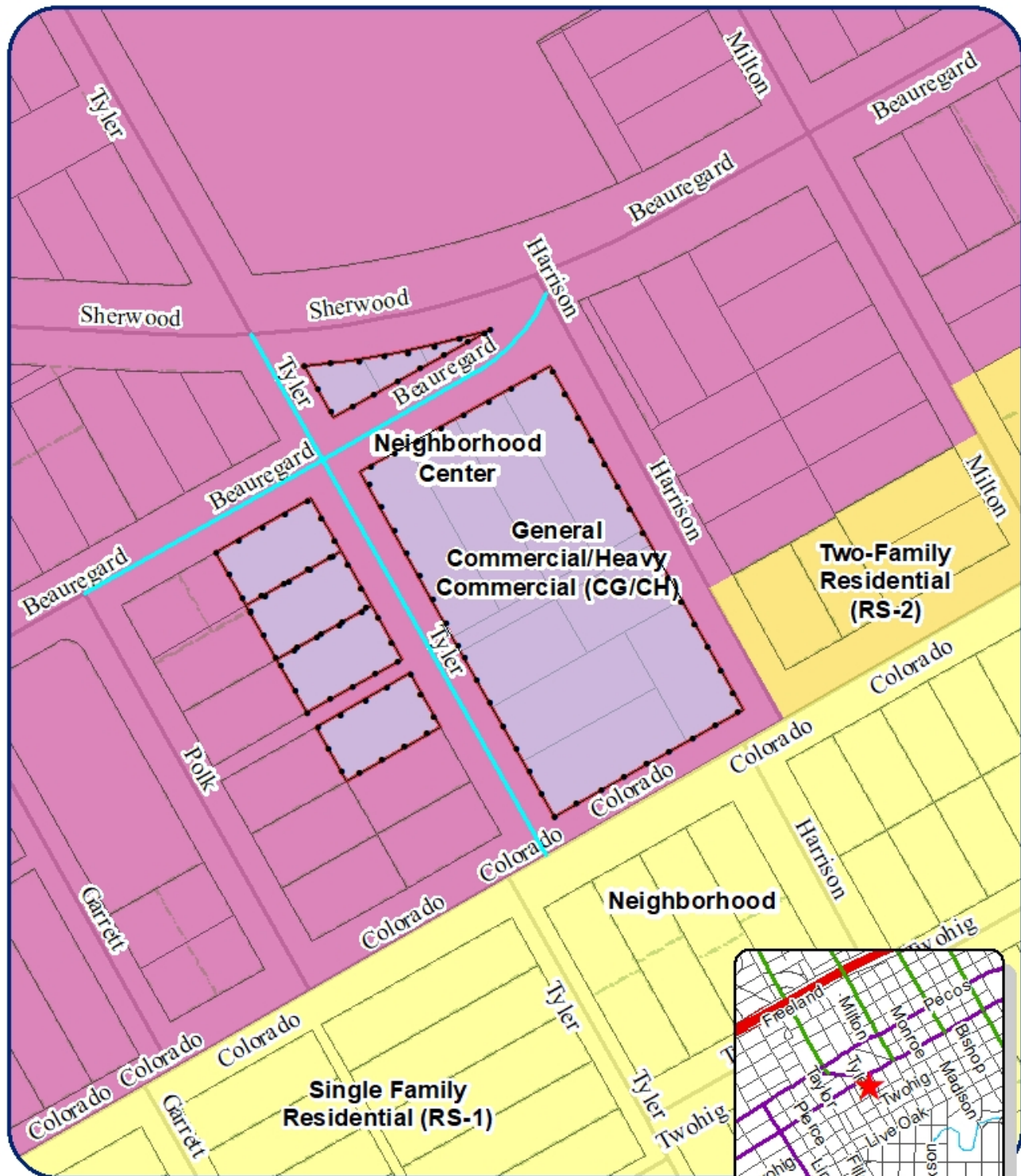
**1909 W. Beauregard Ave.**

**Legend**

Subject Properties:   
Current Zoning: **CG/CH Commercial District**  
Requested Zoning Change: **N/A**  
Vision: **Neighborhood Center**







**Planned Development District - Aerial Map**

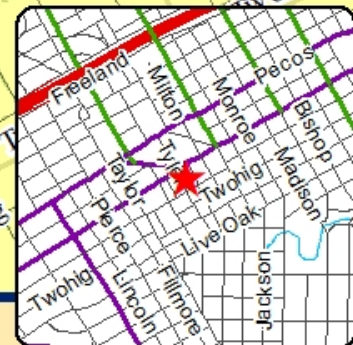
**PD19-04: Concho Collision**

Council District 5: Lane Carter  
Neighborhood: Santa Rita  
Scale: 1" approx. = 117 ft

**1909 W. Beauregard Ave.**

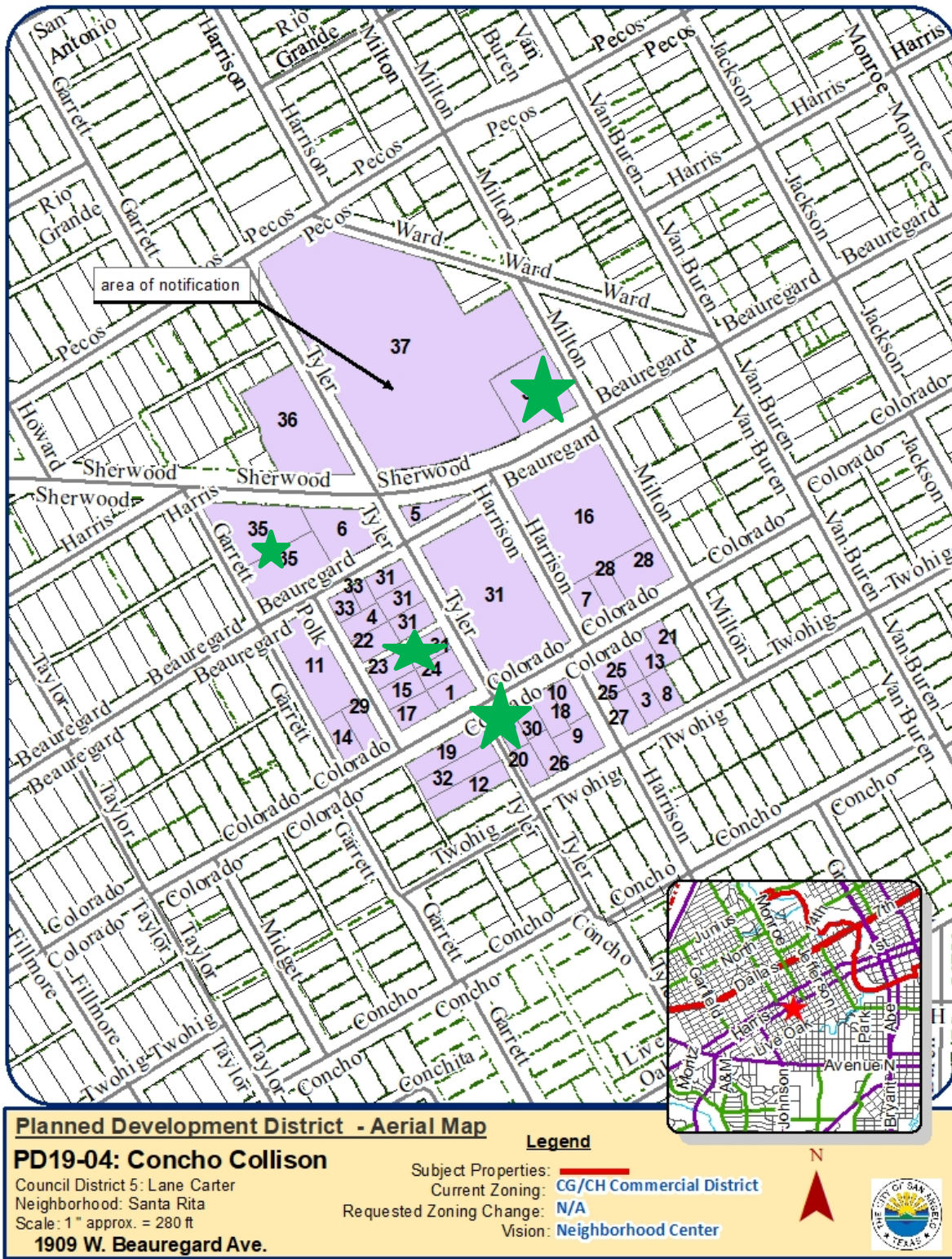
**Legend**

Subject Properties: —  
Current Zoning: CG/CH Commercial District  
Requested Zoning Change: N/A  
Vision: Neighborhood Center





**Notification Map of Property**



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.

(X) IN FAVOR ( ) IN OPPOSITION

REASON(S) It will make our City look  
more uniform & beautiful.

NAME: Tom Smith  
ADDRESS: 1909 W. Beauregard  
San Angelo TX 76901  
SIGNATURE: [Signature]

PD19-04: Concho Collision

Property owner number: 31

If you have any questions about these proceedings, please call Sherry Bailey, Principal Planner, with the City of San Angelo's Planning Division at (325) 657-4210 ext. 1546 or by email at [sherry.bailey@cosatx.us](mailto:sherry.bailey@cosatx.us).

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: Shaffer Funeral Home (Gary & Sella Shaffer)

ADDRESS: 1939 Sherwood Way  
San Angelo, TX 76901 # 35 & 36

SIGNATURE: Sella Shaffer

PD19-04: Concho Collision

Property owner number: 35

If you have any questions about these proceedings, please call Sherry Bailey, Principal  
Planner, with the City of San Angelo's Planning Division at (325) 657-4210 ext. 1546 or by  
email at [sherry.bailey@cosatx.us](mailto:sherry.bailey@cosatx.us).



## CONCHO COLLISION OPERATION AND PROPERTY



MAIN STRUCTURE AND OFFICE



STRUCTURE OFF TYLER





TRIANGLE AREA AT SHERWOOD AND BEAUREGARD – WALMART ACROSS SHERWOOD



RECENTLY PURCHASED PROPERTY, ALLEY OFF TYLER REQUEST ABANDONMENT





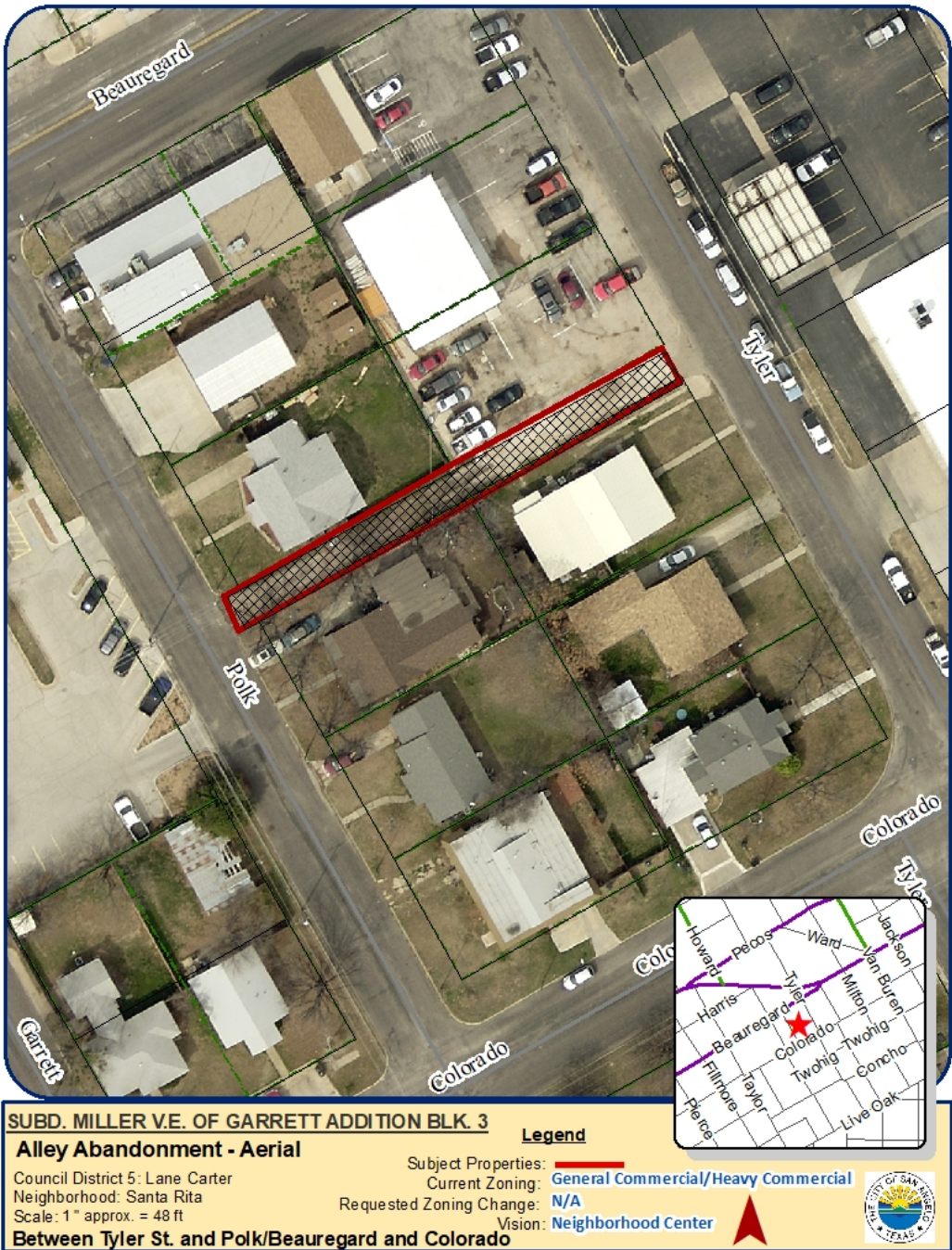
POLK STREET SHOWING ALLEY TO BE ABANDONED WITH ADJACENT RENT HOUSES



CLOSEUP OF EXISTING FENCING ALONG HARRISON AND COLORADO



# Aerial Map Showing Proposed Alley Abandonment



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): Concho Collision

☒ Owner ☐ Representative (Notarized Affidavit Required)

1909 W. Beauregard San Angelo TX 76901

Mailing Address City State Zip Code

325-947-9473 jim@conchocollision.com

Contact Phone Number Contact E-mail Address

1909 W. Beauregard San Angelo TX 76901

Subject Property Address City State Zip Code

Legal Description (can be found on property tax statement or at [www.tomgreencad.com](http://www.tomgreencad.com))

1.630, Lot: 1 THRU 4 & ALLEY ADJ ON SOUTH & LOTS 1, Blk: 190, Subd: WARDS ANNEX

Existing Zoning: \_\_\_\_\_ Proposed Zoning: \_\_\_\_\_ Lot size: \_\_\_\_\_

(Zoning Map available on [City Maps](#))

---

**Section 2: Site Specific Details**

Existing Use of Property: Automobile repair

\_\_\_\_\_

\_\_\_\_\_

\*Proposed Use of Property: automobile repair

\_\_\_\_\_

\_\_\_\_\_

\*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: Applicant's acknowledgement

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

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

Date

4-16-19

Printed name of licensee or authorized representative

Name of business/Entity of representative

FOR OFFICE USE ONLY:

Date of Application: \_\_\_\_/\_\_\_\_/\_\_\_\_

PD 19-04

Non-Refundable Fee: \$ 560.00

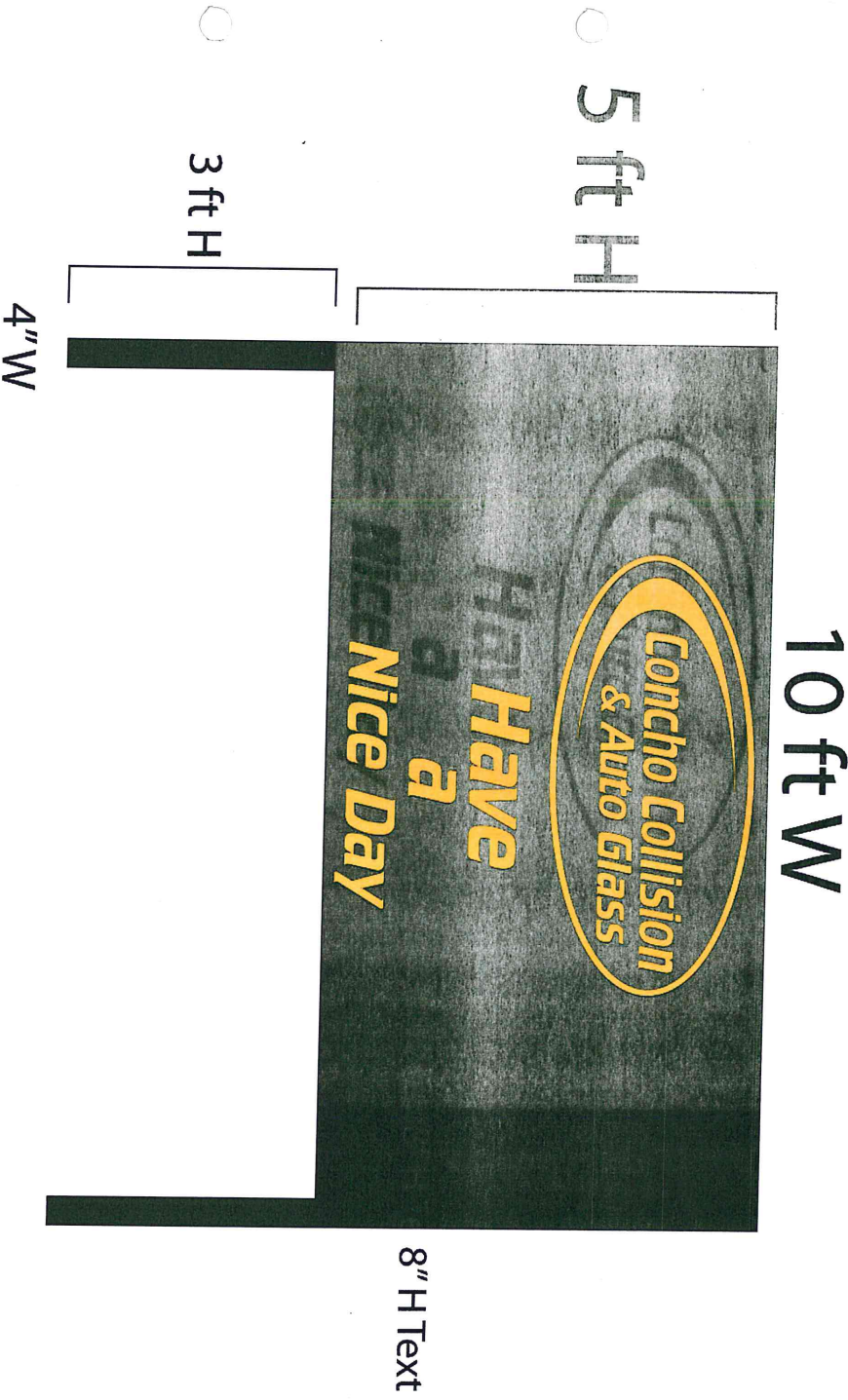
Receipt #: 213265

Date paid: 04 / 22 / 19

Date of hearing by Planning Commission: \_\_\_\_/\_\_\_\_/\_\_\_\_ Date of hearing by City Council: \_\_\_\_/\_\_\_\_/\_\_\_\_

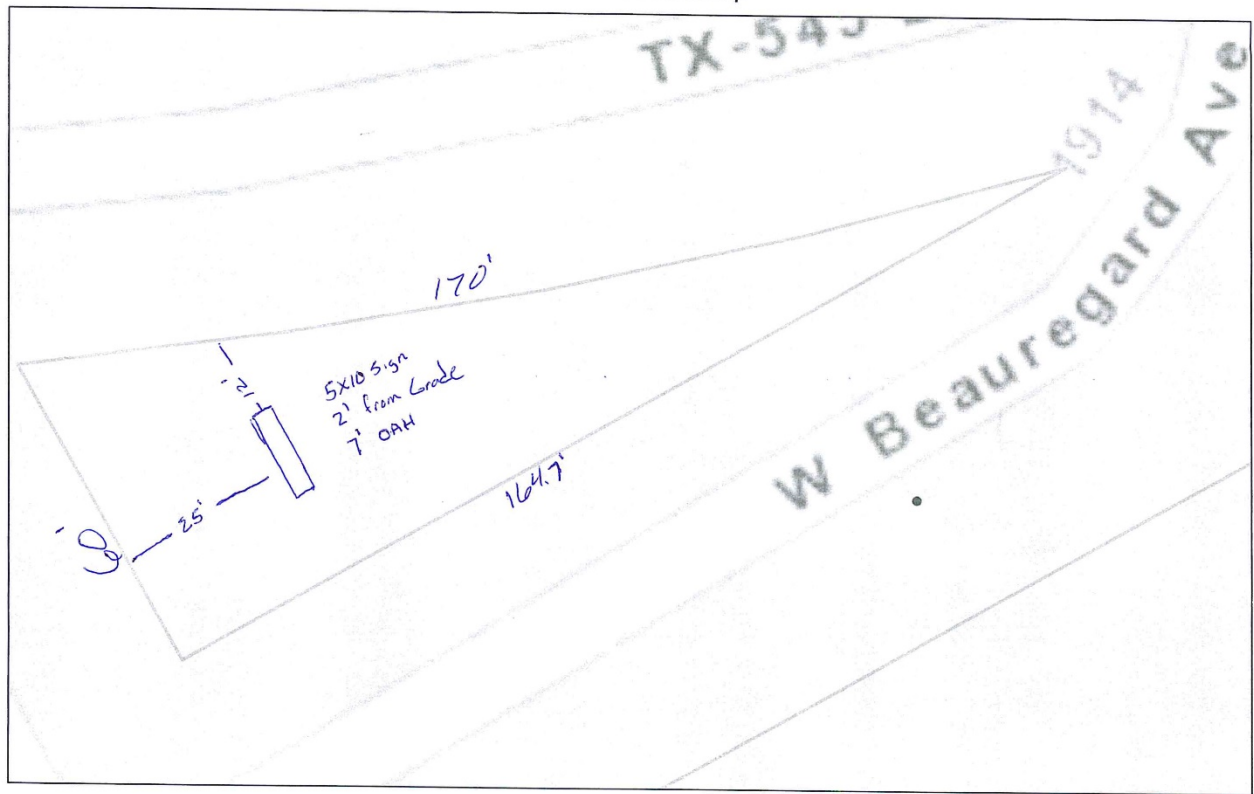
Reviewed/Accepted by: \_\_\_\_\_







ArcGIS Web Map



4/16/2019, 3:09:06 PM

Parcel Lines ETJ

Parcel popup

1:282

0 0 0 0.01 mi  
0 0 0.01 0.01 km

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan,

Web AppBuilder for ArcGIS  
Esri, HERE, Garmin, INCREMENT P, NGA, USGS |

All properties in question for Planned Development

Legal: Acres: 1.630, Lot: 1 THRU 4 & ALLEY ADJ ON SOUTH & LOTS 1, Blk: 190,  
Subd: WARDS ANNEX

Situs: BEAUREGARD 1909 W (Concho Collision main lot)

Legal: Acres: 0.130, Lot: 3, Blk: 3, Subd: MILLER V E OF GARRETT ADN, \*\*\* FKA  
101 S TYLER \*\*\*

Situs: BEAUREGARD 1951 W (1 of 3 lots across street from main location)

Legal: Acres: 0.130, Lot: 1, Blk: 3, Subd: MILLER V E OF GARRETT ADN, \*\*\* FKA  
101 S TYLER \*\*\*

Situs: BEAUREGARD 1951 W (1 of 3 lots across street from main location)

Legal: Acres: 0.130, Lot: 1, Blk: 3, Subd: MILLER V E OF GARRETT ADN, \*\*\* FKA  
101 S TYLER \*\*\*

Situs: BEAUREGARD 1951 W (1 of 3 lots across street from main location)

Legal: Acres: 0.130, Lot: 4, Blk: 3, Subd: MILLER V E OF GARRETT ADN

Situs: TYLER 113 S (house to be removed) next to alley to be abandoned

Triangle that separates Sherwood way and Beauregard

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 2.38 ACRES LOCATED SOUTH OF W. BEAUREGARD AVE., NORTH OF COLORADO AVE., ALONG W TYLER ST. TO HARRISON ST. AND ENCOMPASSING THE TRIANGLE AT THE W. BEAUREGARD AND W SHERWOOD WAY SPLIT** FROM GENERAL COMMERCIAL/HEAVY COMMERCIAL (CG/CH) TO PLANNED DEVELOPMENT (PD) ZONING DISTRICT TO ALLOW FOR EXISTING AUTO BODY, VEHICLE GLASS REPLACEMENT, AND AUTO REPAIR FACILITY, USES PERMITTED IN THE GENERAL COMMERCIAL ZONING DISTRICT, AN OVERALL USE PLAN AND AN OFF-SITE MONUMENT SIGN; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE

RE: PD19-04: Concho Collision

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 uses allowed in the General Commercial Zoning District an overall existing use plan and an off-site monument sign;

WHEREAS, on the 18th day of June, 2019, City Council held a public hearing on PD19-04, 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 TO ALLOW FOR EXISTING AUTO BODY, VEHICLE GLASS REPLACEMENT, AND AUTO REPAIR FACILITY USES, USES PERMITTED IN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT, AN OVERALL USE PLAN AND AN OFF-SITE MONUMENT SIGN AT THE FOLLOWING DESCRIBED PROPERTY;

**The real property being Lots 1 through 8 and the adjacent alley right-of-way , Blk. 190, Re-subdivision of Wards Annex; Lots 1 through 4, Blk. 3, VE Miller Re-subdivision of Garrett Add.; and all of Blk. 189 Re-subdivision of Wards Annex that lies South of Sherwood Way, North of Beauregard Ave. and East of Tyler St. City of San Angelo, Tom Green County, Texas,** shall henceforth be permanently zoned as follows: Planned Development (PD) Zoning District with an underlying existing use as an auto body, vehicle glass replacement and auto repair facility, and uses allowed in the General Commercial Zoning District, an overall use plan and an off-site monument sign. .

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 General Commercial Zoning District.

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 existing use and buildings that now comprise the Concho Collision complex can continue as part of the overall plan. Any additional property, building construction or change of use must come back as an amendment to the Planned Development District.

SECTION 6. One monument sign will be permitted in the triangle entrance property where Beauregard Avenue and Sherwood Way split. The approved sign must generally match the design attached to this PD package pertaining to size, height and message limited to Concho Collision.

SECTION 7. The present plan approval applies to the security fencing, height, material and placement. Any additional fencing associated with additional property must be submitted as an amendment to the Planned Development District. 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 8 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 9: This Ordinance shall be effective on, from and after the date of adoption.

INTRODUCED with public hearing on the **18<sup>th</sup> day of June, 2019**, and finally PASSED this the **2nd day of July, 2019**.

THE CITY OF SAN ANGELO

---

Brenda Gunter, Mayor



ATTEST:

APPROVED AS TO FORM:

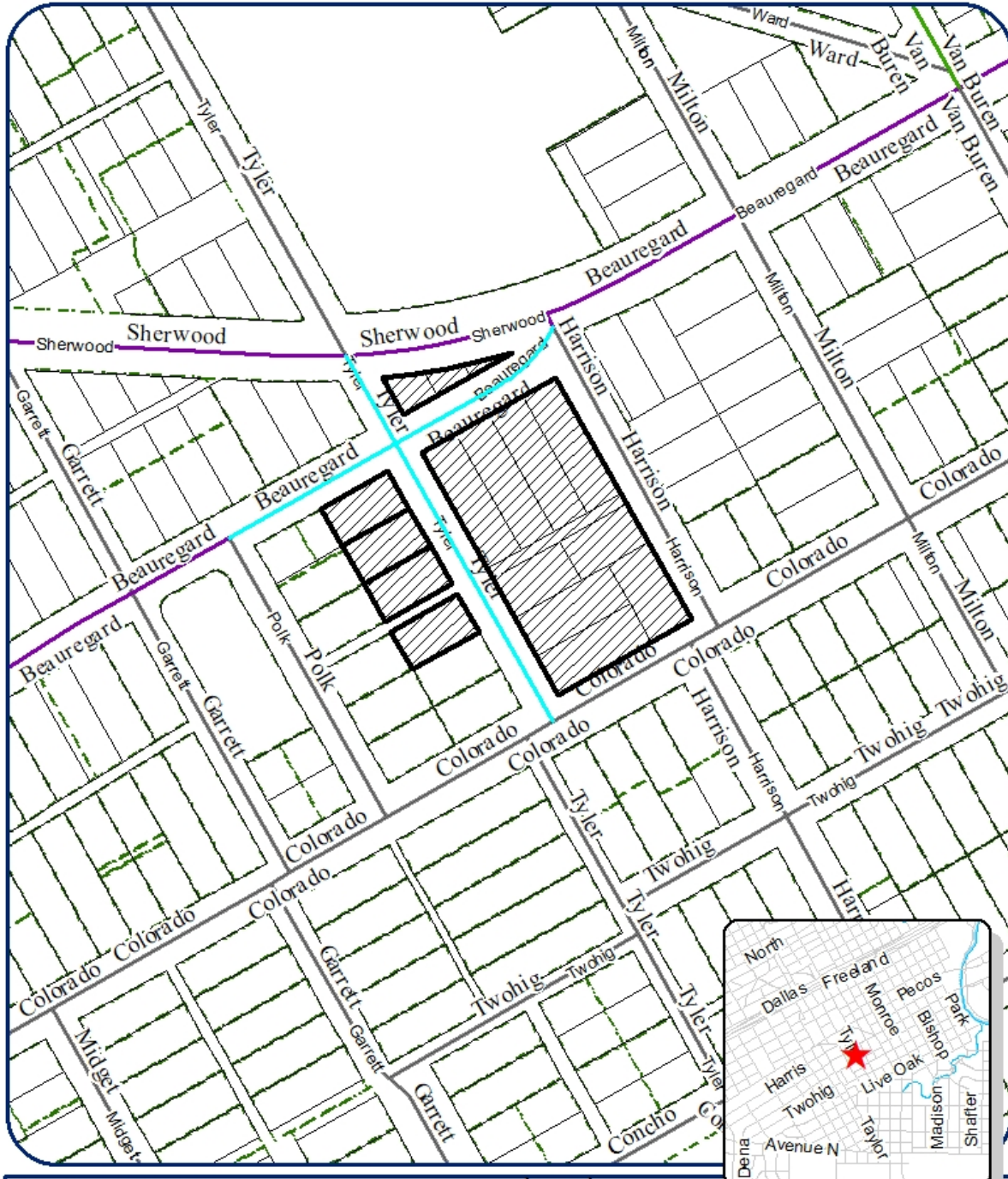
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Julia Antilley, City Clerk

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Theresa James, City Attorney

## Exhibit "A" (PD Boundary Map)



### Location Map PD19-04

### PD19-04: Concho Collision

Council District 5 - Lane Carter

Neighborhood: Santa Rita

Scale: 1" approx. = 165 ft

### Legend

Subject Properties:

Current Zoning: **CG/CH**

Requested Zoning Change: **Planned Development**

Vision: **Neighborhood**

L 1-8 & the alley adjacent, Blk. 190, Re-sub. of Wards Annex; L 1-4, Blk. 3, VE Miller Re-sub. of Garrett Add.; all of Blk. 189 Re-sub. of Wards Annex s. of Sherwood Way, n. of Beauregard Ave., e. of Tyler St.



# REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

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

Meeting Date: July 2, 2019

Item type: Consent Item

---

## **Caption:**

Second reading of an ordinance approving PD19-05, a rezoning from the Single-Family Residential (RS-1) District to the Planned Development (PD) Zoning District to allow for uses permitted in the General Commercial (CG) Zoning District with a principal use of water sports rental, retail sales, boat slips, and an office on the City of San Angelo special lease property located at 2138 Mary E. Lee Park Rd., comprising 1.23 acres (Jon James)

## **Summary/History:**

A request for approval of a rezoning from the Single-Family Residential(RS-1) District to the Planned Development (PD) Zoning District to allow for uses permitted in the General Commercial (CG) Zoning District with a principal use of water sports rental sales, retail sales, boat slips, and an office on the subject property. The City of San Angelo is intending to legalize a lease area which includes a the commercial boats uses, water sports rental and sales , retail sales and an office. Section 310 of the Zoning Ordinance does not permit such use by right in the existing zoning district. Previous approved leases provided for the uses on the lease site. Rezoning to the Planned Development District will allow the existing uses.

## **Financial Impact:**

N/A

## **Other Information/Recommendation:**

The Planning Commission at their May 20, 2019 meeting voted unanimously to recommend approval of the request to the City Council. (6-0)

City Council approved the ordinance at first reading with a 6-0 vote.

## **Attachments:**

- |                         |                           |
|-------------------------|---------------------------|
| 1. Staff Report PD19-05 | Staff Report PD19-05.docx |
| 2. Ordinance_PD19-05    | 19-0XXX_PD19-05_ORD.docx  |

## **Presentation:**

Jon James

## **Approvals/Reviews:**

|                |                   |
|----------------|-------------------|
| Sherry Bailey  | Created/Initiated |
| Hillary Bueker | Approved          |
| Jon James      | Approved          |
| Theresa James  | Approved          |
| Brian Groves   | Approved          |

Jon James  
Tina Dierschke  
Theresa James  
Becky Dunn  
Julia Antilley

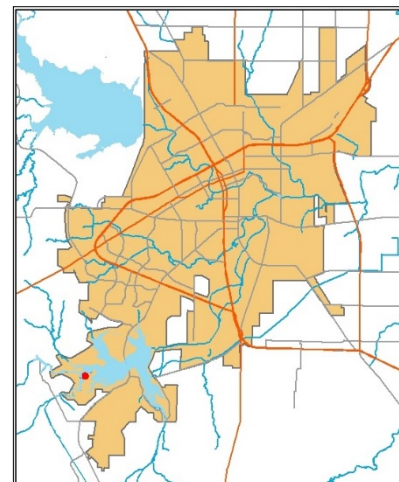
Approved  
Approved  
Approved  
Approved  
Final Approval

# CITY COUNCIL – JUNE 18, 2019

## STAFF REPORT



| APPLICATION TYPE:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                           | CASES:                      |            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|-----------------------------|------------|
| Rezoning – Planned Development                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                           | PD19-05: Water Dawgs - COSA |            |
| SYNOPSIS:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                           |                             |            |
| <p>A request for approval of a rezoning from the Single-Family Residence (RS-1) District to the Planned Development (PD) Zoning District to allow for uses permitted in the underlying General Commercial (CG) Zoning District with a principal use of water sports rental and commercial sales, boat slip, water sports equipment repair, retail sales and an office on the subject property. The City of San Angelo is intending to comply a lease area which includes a commercial boats sales and rental, retail sales and an office. Section 310 of the Zoning Ordinance does not permit such use by right in the existing zoning district. These uses have been permitted under previous leases.</p> |                                                                                                                           |                             |            |
| LOCATION:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | LEGAL DESCRIPTION:                                                                                                        |                             |            |
| 2138 Mary E. Lee Park Rd.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Approximately 1.23 acres Tract 1 & Tract 2, Special Leases Mary E. Lee Park, City of San Angelo, Tom Green County, Texas. |                             |            |
| SM DISTRICT / NEIGHBORHOOD:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | ZONING:                                                                                                                   | FUTURE LAND USE:            | SIZE:      |
| SMD District #1 – Tommy Hiebert Nasworthy Neighborhood                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | RS-1 – Single Family Residential                                                                                          | Open Space                  | 1.23 acres |
| THOROUGHFARE PLAN:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                           |                             |            |
| Mary E. Lee Park Rd._ Urban Local Street, No ROW Existing, 20' Pavement Width Existing.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                           |                             |            |
| NOTIFICATIONS:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                           |                             |            |
| <p>1 notifications was mailed within a 200-foot radius on May 5, 2019<br/> Zero response has been received in support or opposition.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                           |                             |            |
| STAFF RECOMMENDATION:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                           |                             |            |
| <p>Staff recommends <b>APPROVAL</b> of a rezoning from Single-Family Residence (RS-1) to Planned Development (PD) Zoning District to allow for uses permitted in the General Commercial (CG) Zoning District with underlying uses for Retail Sales and Service, water sports facilities sales and repair, boat slips ) and an office, subject to 7 <b>Conditions of Approval.</b></p>                                                                                                                                                                                                                                                                                                                      |                                                                                                                           |                             |            |
| PROPERTY OWNER/PETITIONER:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                           |                             |            |
| City of San Angelo – Water Dawgs                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                           |                             |            |
| STAFF CONTACT:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                           |                             |            |
| <p>Sherry Bailey<br/> Principal Planner<br/> (325) 657-4210, Extension 1546<br/> <a href="mailto:sherry.bailey@cosatx.us">sherry.bailey@cosatx.us</a></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                           |                             |            |





**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 is designated “Open Space” in the City’s Comprehensive Plan which intends to “Provide a balanced system of parks, open space, and recreational facilities in terms of function and location.” The proposed rezoning would legalize the current retail sales and rental, water sports supplies and commercial boat uses, and fit into the adjacent park uses. The proposed rezoning, if approved, would allow the leasee’s to make improvements to their lease site consistent with approved planning policies.
2. **Consistent with Zoning Ordinance.** *Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.* The purposes of a Planned Development District include allowing a diversification of uses, structures, and open spaces and to promote flexibility of design in a manner compatible with existing uses of land on adjacent properties. In lieu of relying on conventional standards for a rather unconventional and unique project, special development standards that are responsive to the lake’s environment and character of the project are being implemented through the use of a Planned Development. The Planned Development will allow complementary and logical accessory uses while providing some limitations.
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.* The intent of the Planned Development is to offer a balance between new recreational amenities, the existing Lake Nasworthy environment, and the surrounding residential neighborhoods. The Planned Development will balance the need for additional recreational facilities while protecting the residents and property owners within the greater surrounding neighborhoods some additional protections included in the development limitations.
4. **Changed Conditions.** *Whether and the extent to which there are changed conditions that require an amendment.* The increasing popularity of Lake Nasworthy as a regional recreation venue has prompted the City to reexamine its economic value and proceed accordingly. The City currently maintains four parks along the lake, and short-term activities such as boating and fishing have proven very popular for both local residents and visitors. The lake is also home to annual regional events. Updates to the Comprehensive Plan, recent economic studies concerning the lake and their conclusions, and increasing outside popularity and interests in the lake, have now changed the direction of development along the lake. By rezoning the area Planned Development the city can provide for meeting recreational needs while at the same time providing for the growing property owner concerns.

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.* The rezoning is anticipated to have little to no adverse impact on the natural environment. Future development will require building permits which would include a review of grading, drainage, and stormwater runoff to further ensure there are no negative environmental impacts.
6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.* According to past studies for Lake Nasworthy, the Planned Development area is prime for tourism development as an “action sports” destination area, ideal for such items as boat races and wake boarding. Increasing demand for lake recreation supports the need for the current development as well as future expansions. The proposed PD would allow legalizing the current development while ensuring development standards are met.
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.* Since the early 1950s, Lake Nasworthy has evolved into a regional recreational destination spot. Along with recreation, a mixture of various stakeholders in the form of private ownerships, ground leases, and public holdings that have developed into numerous residential neighborhoods, park facilities, and commercial/recreational ventures. The existing development are has been providing services for a significant time period and will continue to function in this capacity.

**Recommendation:**

The Planning Commission met on May 20, 2019 and **voted 6-0** to recommend **Approval**.

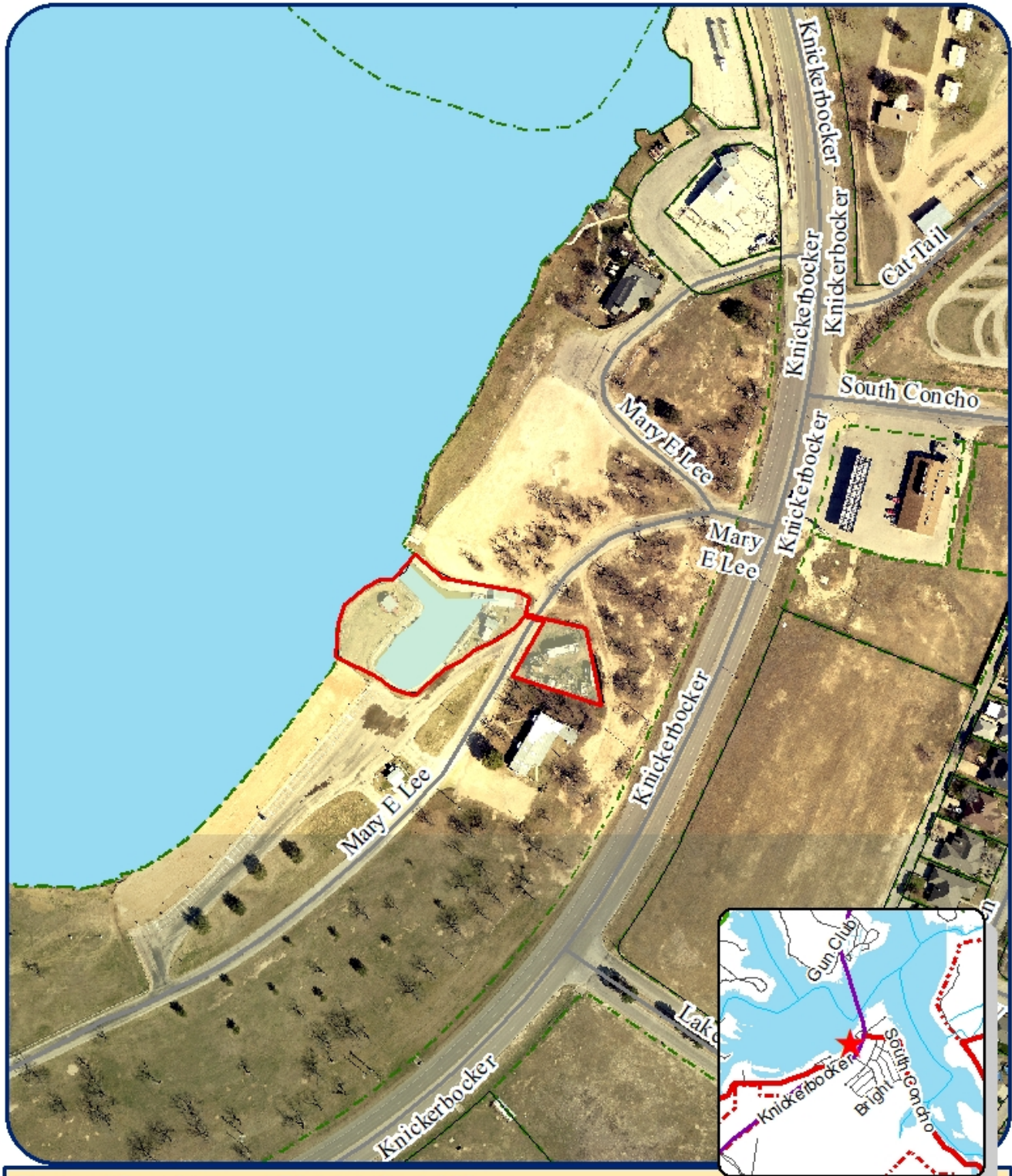
Staff’s recommendation is for the Planning Commission to recommend **APPROVAL** of a rezoning from Single-Family Residence (RS-1) to Planned Development (PD) Zoning District to allow for uses permitted in the General Commercial (CG) Zoning District with underlying uses for Retail Sales and Service, Entertainment and water sports facilities, and an office, subject to **7 Conditions of Approval**.

1. Prior to any future development and/or building permits being issued on the property, the applicant shall submit a final site plan to the Planning Director for review and approval.
2. The following are allowed accessory uses, included but not limited to,
  - Off-street paved and striped parking
  - Retail sales and service use
  - Offices for water sports retail and rental and maintenance support
  - Boat slips
  - Outdoor guest amenities
  - Commercial recreational rentals
  - Fuel Sales
  - Paddle boat rentals
  - Beer and wine package sales
3. The outer perimeter of the RV pads is across Mary E. Lee Park Rd. from the office and retail sales area.

4. Office area is adjacent to the paddle boat area and will be used for primary site access and shall be maintained by the lease as part of the property lease agreement.
5. Existing improvements in current configuration may be maintained in current condition. New improvements or adjustments to layout configuration must comply with ordinance development standards in place at the time of development.
6. Prior to issuance of a sign permit, each commercial vendor shall present a signage plan to be considered by the Planning Director for approval.
7. It is understood that this is a five year plan and may be subject to change and review. The applicant will provide any changes to the Planning Director for review and a Planned Development District Amendment, if necessary.

**Attachments:**

Aerial Map  
Future Land Use Map  
Zoning Map  
Application  
Photographs  
Site Plan



### Planned Development District- Aerial Map

#### PD 19-05: Water Dawgs

Council District 1: Thomas Hiebert  
Neighborhood: Nasworthy  
Scale: 1" approx. = 200 ft

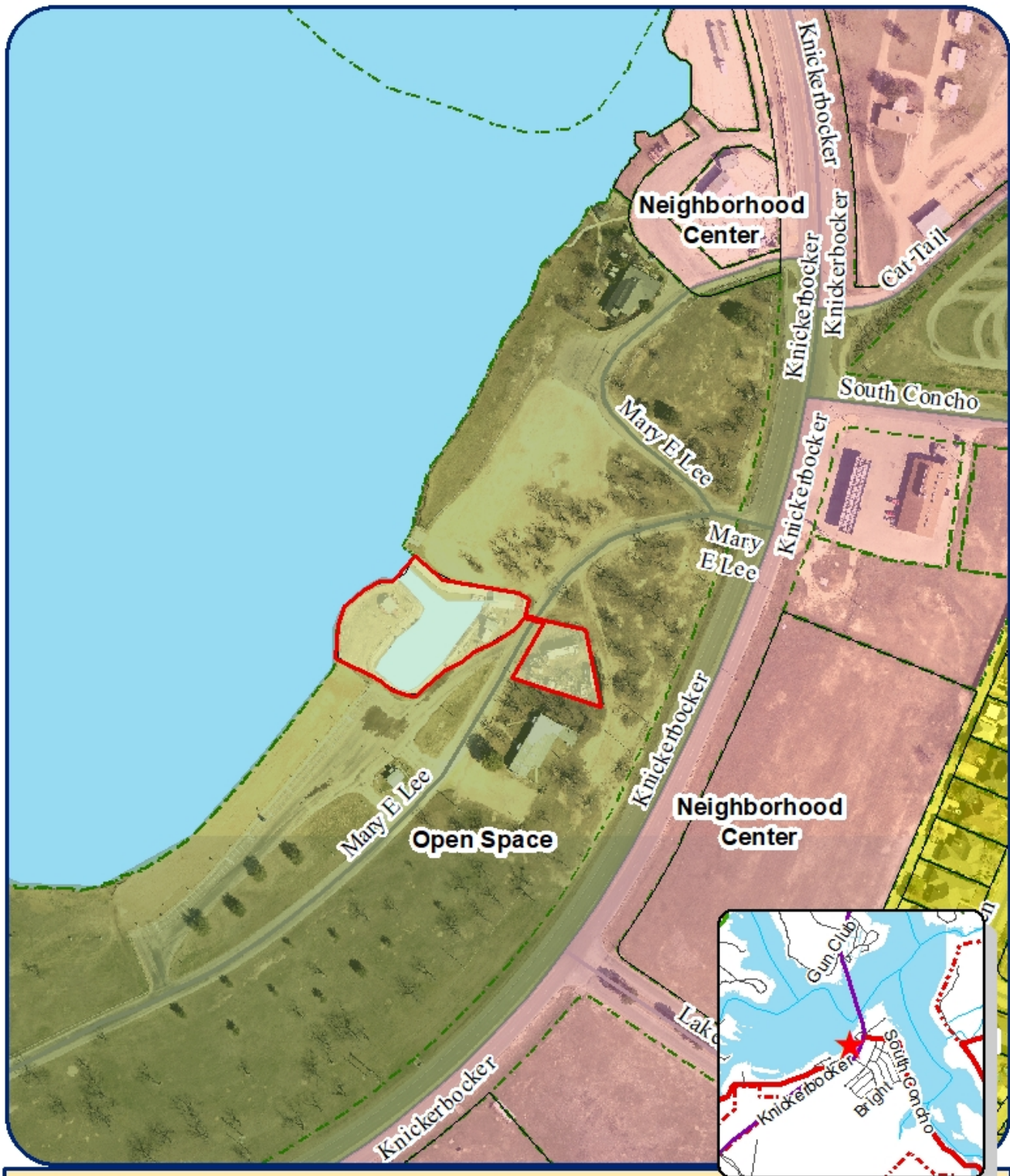
2138 Mary E. Lee Park Rd.

#### Legend

Subject Properties: —  
Current Zoning: — Single-Family Residence District (RS-1)  
Requested Zoning Change: — Planned Development (PD)  
Vision: — Open Space







### Planned Development District- Zoning Map

#### PD 19-05: Water Dawgs

Council District 1: Thomas Hiebert

Neighborhood: Nasworthy

Scale: 1" approx. = 200 ft

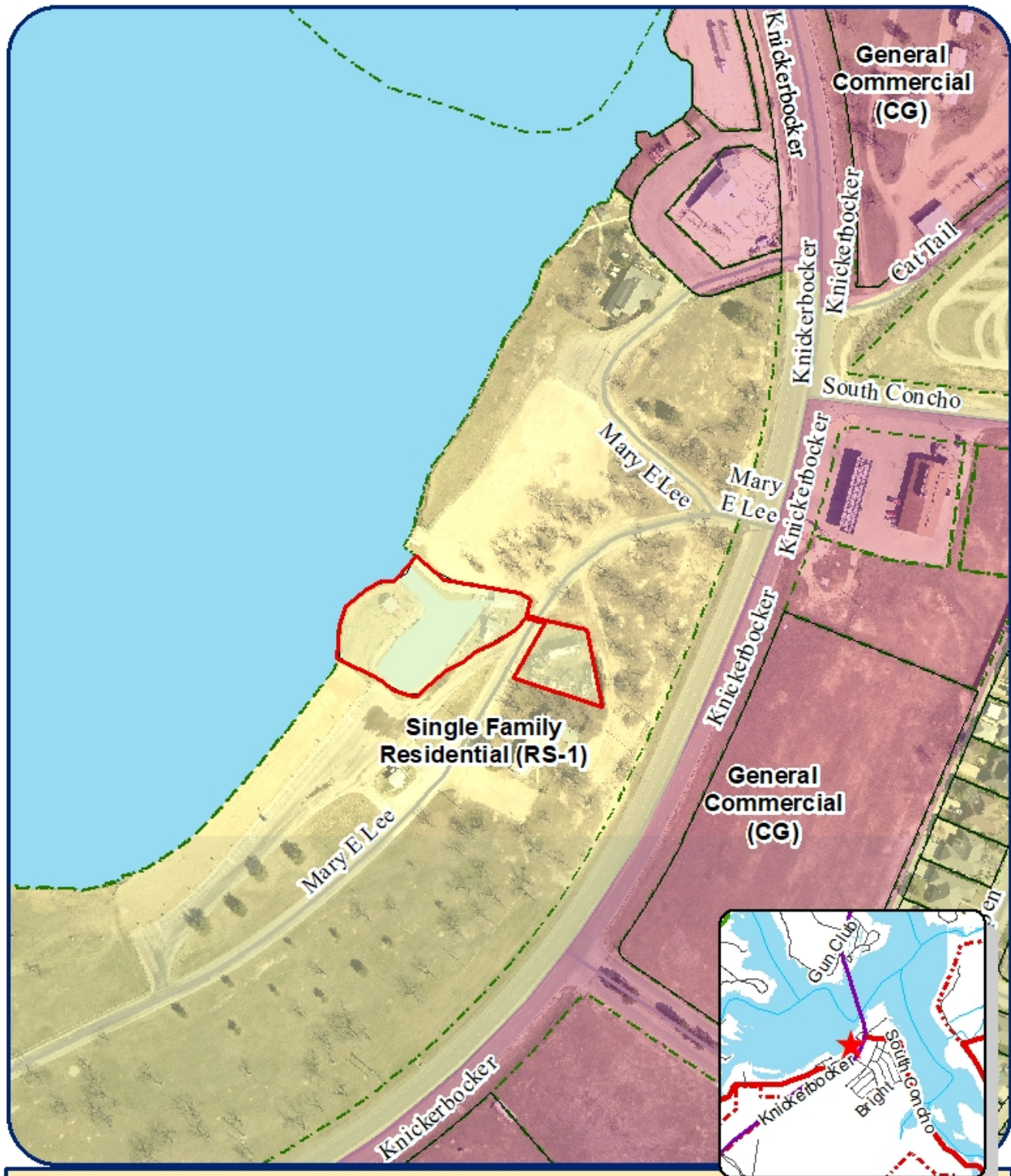
2138 Mary E. Lee Park Rd.

#### Legend

Subject Properties: —  
Current Zoning: **Single-Family Residence District (RS-1)**  
Requested Zoning Change: **Planned Development (PD)**  
Vision: **Open Space**







**Planned Development District- Zoning Map**

**PD 19-05: Water Dawgs**

Council District 1: Thomas Hiebert

Neighborhood: Nasworthy

Scale: 1" approx. = 200 ft

**2138 Mary E. Lee Park Rd.**

**Legend**

Subject Properties:

Current Zoning:

Requested Zoning Change:

Vision:

**Single-Family Residence District (RS-1)**

**Planned Development (PD)**

**Open Space**






City of San Angelo, Texas – Planning Division  
52 West College Avenue  
**Application for Approval of a Zone Change**

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**Section 1: Basic Information**

Name of Applicant(s): Water Dawgs Home & Boat, LLC

☒ Owner ☐ Representative (Notarized Affidavit Required)

Mailing Address: 3237 Reel Bluff Rd W San Angelo TX 76904  
City State Zip Code

Contact Phone Number: 325-481-3210 Contact E-mail Address: info@waterdawgsrentals.com

Subject Property Address: 2138 Mary E Lee Park Rd San Angelo TX 76904  
City State Zip Code

Parcel ID: 7000076572

Legal Description (can be found on property tax statement or at [www.tamgreenad.com](http://www.tamgreenad.com))

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Existing Zoning: RS-1/CG Proposed Zoning: PD Lot size: 40,570 sq ft / 12,835 sq ft

(Zoning Map available on [CityMaps](http://CityMaps))

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**Section 2: Site Specific Details**

Existing Use of Property: Water Sports rental

Proposed Use of Property: Addition of amenities to expand the business:  
Water Sports rental

\*Use separate attachment if necessary

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**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.

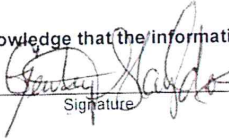
☒ If the Planning Commission recommends denial of a request, the applicant will have ten (10) days to appeal this decision, in writing, to the City Council. If an appeal is made within three (3) days from the Planning Commission meeting, no re-notification fee will be required. Otherwise, there will 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.



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.

Gentry Skayden  Water Dawgs Home Boat 4/18/19  
Owner Name (Print) Signature Company/Organization (If Applicable) Date

\_\_\_\_\_  
Representative Name (Print) Signature Company/Organization Date

FOR OFFICE USE ONLY:

☐ Verified Complete ☐ Verified Incomplete

Date of Application: \_\_\_\_/\_\_\_\_/\_\_\_\_

Case No.: Z 19 -- 08

Fully-dimensioned site plan: ☒

Nonrefundable fee: \$To be pd by Parks Dept. 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: 05/20/19 Date notifications due: \_\_\_\_/\_\_\_\_/\_\_\_\_

City Council hearing date: \_\_\_\_/\_\_\_\_/\_\_\_\_ Packets due date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Publication date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Reviewed/Accepted by: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

**Site Photos**



**Existing Facilities**













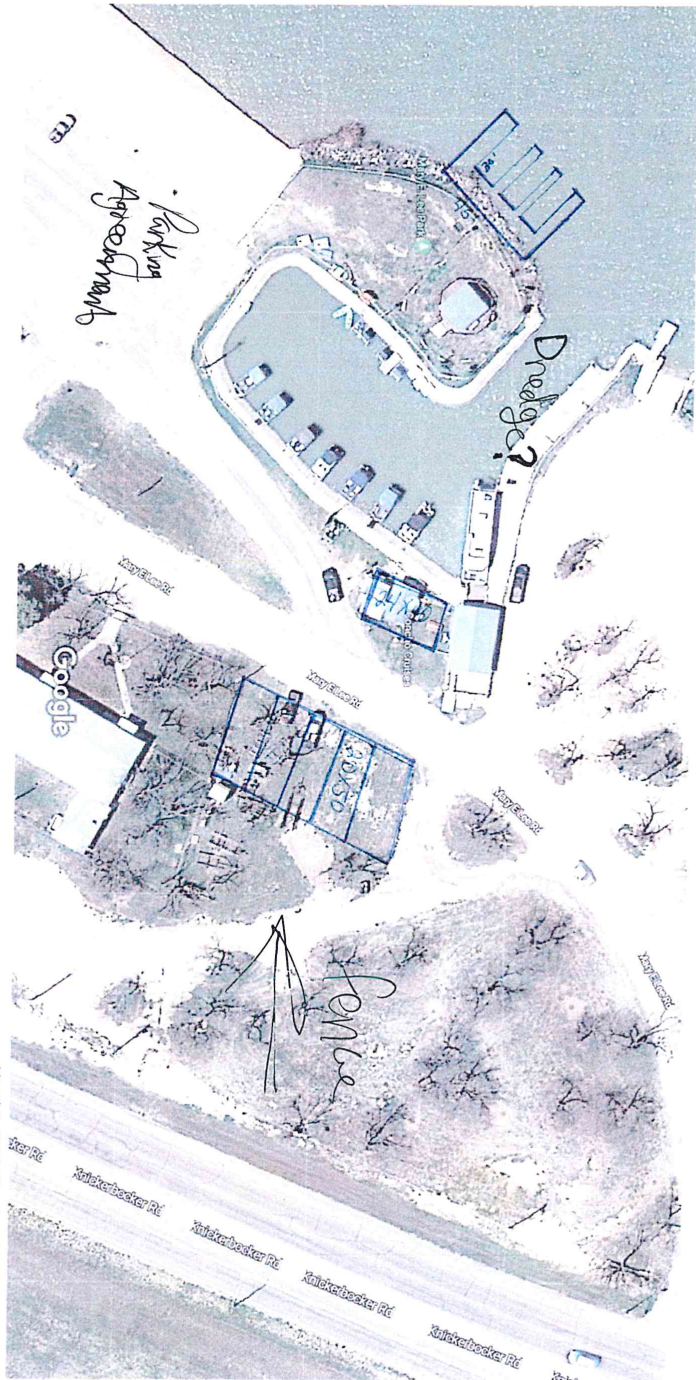


Current Parking in Grass



Google Maps

5 yr plan



Office building - 24' x 40'  
 Sheds - 36' x 45' (3rd water)  
 RV spots - 20' x 50' (5 units)

Separate addressing for RV for beer  
 consumption  
 Plat?   
 Local 



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 1.23 ACRES LOCATED AT 2138 MARY E. LE PARK RD. IN MARY E. LEE PARK ADJACENT TO LAKE NASWORTHY** FROM SINGLE FAMILY RESIDENTIAL (RS-1) TO PLANNED DEVELOPMENT (PD) ZONING DISTRICT TO ALLOW FOR USES PERMITTED IN THE GENERAL COMMERCIAL ZONING DISTRICT WITH THE PRINCIPAL USE OF WATER SPORTS RENTAL AND SALES, BOAT SLIPS, WATER SPORTS EQUIPMENT REPAIR, RETAIL SALES AND AN OFFICE WITH AN OVERALL USE PLAN; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

RE: PD19-05: Water Dawgs

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 uses allowed in the General Commercial Zoning District and overall existing use plan;

WHEREAS, on the 18th day of June, 2019, City Council held a public hearing on PD19-05, 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 TO ALLOW FOR

USES PERMITTED IN THE GENERAL COMMERCIAL ZONING DISTRICT (CG) WITH THE PRINCIPAL USE OF WATER SPORTS RENTAL AND SALES, BOAT SLIPS, WATER SPORTS EQUIPMENT REPAIR, RETAIL SALES, AND AN OFFICE, WITH AN OVERALL USE PLAN FOR THE FOLLOWING DESCRIBED PROPERTY;

**The real property being Tract 1 and Tract 2, Special Leases Mary E. Lee Park, City of San Angelo, Tom Green County, Texas**, shall henceforth be permanently zoned as follows: Planned Development (PD) Zoning District with an underlying existing use as General Commercial Zoning District including Water Sports Rental and Sales, boat slips, water sports equipment repair, retail sales and an office, and an overall use plan.

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 General Commercial (CG) Zoning District.

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 **18<sup>th</sup> day of June, 2019**, and finally PASSED this the **2nd day of July, 2019**.

THE CITY OF SAN ANGELO

---

Brenda Gunter, Mayor

ATTEST:

APPROVED AS TO FORM:

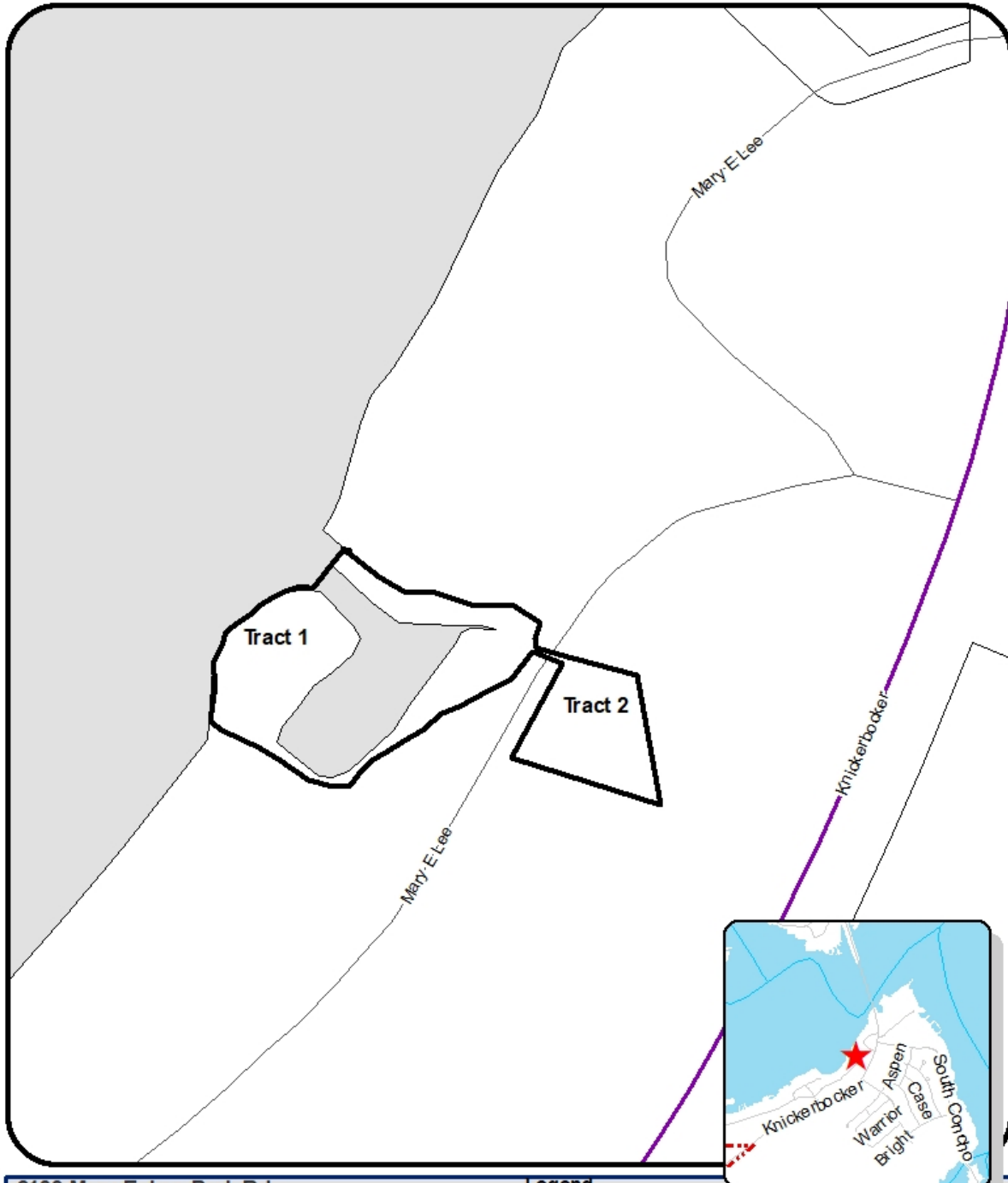
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Julia Antilley, City Clerk

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Theresa James, City Attorney

## Exhibit "A" (PD Boundary Map)



**2138 Mary E. Lee Park Rd.**

### Water Dawgs

Council District 1 - Tommy Hiebert

Neighborhood: Naseworthy

Scale: 1" approx. = 117 ft

### Legend

Subject Properties: 

Current Zoning: **CG/CH**

Requested Zoning Change: **Planned Development**

Vision: **Neighborhood**

N



Tract 1 and Tract 2, Special Leases Mary E. Lee Park, City of San Angelo, Tom Green County, Texas

# REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

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Requestor: Kevin Pate, Project Engineer, Engineering Services, (325) 657-4263

Meeting Date: July 2, 2019

Item type: Regular Item

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## **Caption:**

Consider approving a Change Order to ES-02-18 Bell Street Reconstruction Project contract with Reece Albert, Inc. in the amount of \$87,593.92 to be expended from currently allocated contingency funds and affecting a change in the Pavement Marking to include appropriate surface preparation, sealing and contrast striping for concrete paving and authorizing the City Manager to execute all related documents (Presentation made by City Engineer Lance Overstreet)

## **Summary/History:**

Change order incorporates two things into the Bell St Reconstruction Project Pavement Marking.

Firstly, surface preparation and sealing is required to remove curing compounds and alkaloids from the concrete surface to enhance adhesion between pavement and markings. Lack of surface preparation and sealing severely decreases the useful life of the markings.

Surface preparation and sealing are not always required and costs are often considered subsidiary to the cost of pavement marking but not in all instances. At the time the construction contract was awarded the costs were believed to be subsidiary but subsequent research and discussion with the Contractor revealed these costs to not be subsidiary.

Secondly, change order adds contrast to white pavement markings in order to increase visibility during daylight and wet conditions. The addition of contrast to white striping and symbols is a design choice not a requirement. An excerpt from the TXDOT Pavement Marking Handbook illustrates;

"Human vision is tuned to detect edges of contrasting color or brightness. Many concrete and heavily oxidized asphalt pavements are so light in color that during the day and when wet, white pavement markings appear to blend in with the pavement surface. To improve the visibility of pavement markings on light-colored pavements, markings are often applied over the top of a compatible black marking material."

Local experience with concrete pavements recommends the use of contrast striping. In the case of Lakeview Heroes Dr. it was observed white markings and symbols were not visible during daylight and wet conditions so the contrast was added after the initial white pavement markings were placed.

## **Financial Impact:**

\$87,593.92 change order cost is to be expended from allocated contingency funds so there is no change in the contract price.

## **Other Information/Recommendation:**

## **Attachments:**

- COSA Bell Street Contrast Striping CO SIGNED.pdf  
Contrast Pavement Marking - Council 7.2.19.pptx

Lance Overstreet

|                  |                   |
|------------------|-------------------|
| Kevin Pate       | Created/Initiated |
| Lance Overstreet | Approved          |
| Theresa James    | Approved          |
| Brian Groves     | Approved          |
| Nolan Sosa       | Approved          |
| Tina Dierschke   | Approved          |
| Theresa James    | Approved          |
| Becky Dunn       | Approved          |
| Julia Antilley   | Final Approval    |



City of San Angelo  
RFB: ES-02-18; Change Order Form  
Bell St Improvements

Change Order No. 6

Contractor: Reece Albert, Inc.

| Item No. | Specification | Item Description                              | Quantity | Unit | Unit Price | Total Price | Add<br>Quantities | Deduct<br>Quantities | Revised<br>Quantities | Price Adjustment |
|----------|---------------|-----------------------------------------------|----------|------|------------|-------------|-------------------|----------------------|-----------------------|------------------|
| 2-69     | 666           | PAVEMENT SEALER 4"                            | 0        | LF   | \$ 0.72    | \$ -        | 8,873             |                      | 8,873                 | \$ 6,388.56      |
| 2-70     | 666           | PAVEMENT SEALER 8"                            | 0        | LF   | \$ 1.43    | \$ -        | 219               |                      | 219                   | \$ 313.17        |
| 2-71     | 666           | PAVEMENT SEALER 12"                           | 0        | LF   | \$ 1.65    | \$ -        | 170               |                      | 170                   | \$ 280.50        |
| 2-72     | 666           | PAVEMENT SEALER 24"                           | 0        | LF   | \$ 3.30    | \$ -        | 744               |                      | 744                   | \$ 2,455.20      |
| 2-73     | 666           | PAVEMENT SEALER (ARROW)                       | 0        | EA   | \$ 104.50  | \$ -        | 2                 |                      | 2                     | \$ 209.00        |
| 2-74     | 666           | PAVEMENT SEALER (WORD)                        | 0        | EA   | \$ 104.50  | \$ -        | 2                 |                      | 2                     | \$ 209.00        |
| 2-75     | 666           | RE PV MRK TY 1 (BLACK) 7" (CONTRAST LINE)     | 0        | LF   | \$ 5.50    | \$ -        | 1,631             |                      | 1,631                 | \$ 8,970.50      |
| 2-76     | 668           | PREFAB PAV MRK TY C (W) (24") CNTST           | 0        | LF   | \$ 17.60   | \$ -        | 744               |                      | 744                   | \$ 13,094.40     |
| 2-77     | 668           | PREFAB PAV MRK TY C (W) (WORD) CNTST          | 0        | EA   | \$ 385.00  | \$ -        | 2                 |                      | 2                     | \$ 770.00        |
| 2-78     | 668           | PREFAB PAV MRK TY C (W) (ARROW) CNTST         | 0        | EA   | \$ 357.50  | \$ -        | 2                 |                      | 2                     | \$ 715.00        |
| 2-79     | 678           | PAV SURF PREP FOR MRK (4")                    | 0        | LF   | \$ 0.72    | \$ -        | 8,873             |                      | 8,873                 | \$ 6,388.56      |
| 2-80     | 678           | PAV SURF PREP FOR MRK (8")                    | 0        | LF   | \$ 1.43    | \$ -        | 219               |                      | 219                   | \$ 313.17        |
| 2-81     | 678           | PAV SURF PREP FOR MRK (12")                   | 0        | LF   | \$ 1.65    | \$ -        | 170               |                      | 170                   | \$ 280.50        |
| 2-82     | 678           | PAV SURF PREP FOR MRK (24")                   | 0        | LF   | \$ 3.30    | \$ -        | 744               |                      | 744                   | \$ 2,455.20      |
| 2-83     | 678           | PAV SURF PREP FOR MRK (ARROW)                 | 0        | EA   | \$ 104.50  | \$ -        | 2                 |                      | 2                     | \$ 209.00        |
| 2-84     | 678           | PAV SURF PREP FOR MRK (WORD)                  | 0        | EA   | \$ 104.50  | \$ -        | 2                 |                      | 2                     | \$ 209.00        |
| 8-30     | 666           | PAVEMENT SEALER 4"                            | 0        | LF   | \$ 0.72    | \$ -        | 5,505             |                      | 5,505                 | \$ 3,963.60      |
| 8-31     | 666           | PAVEMENT SEALER 24"                           | 0        | LF   | \$ 3.30    | \$ -        | 70                |                      | 70                    | \$ 231.00        |
| 8-32     | 666           | PAVEMENT SEALER (ARROW)                       | 0        | EA   | \$ 104.50  | \$ -        | 4                 |                      | 4                     | \$ 418.00        |
| 8-33     | 666           | PAVEMENT SEALER (WORD)                        | 0        | EA   | \$ 104.50  | \$ -        | 4                 |                      | 4                     | \$ 418.00        |
| 8-34     | 666           | RE PV MRK TY 1 (BLACK) 7" (CONTRAST LINE)     | 0        | LF   | \$ 5.50    | \$ -        | 1,072             |                      | 1,072                 | \$ 5,896.00      |
| 8-35     | 668           | PREFAB PAV MRK TY C (W) (24") CNTST           | 0        | LF   | \$ 17.60   | \$ -        | 70                |                      | 70                    | \$ 1,232.00      |
| 8-36     | 668           | PREFAB PAV MRK TY C (W) (WORD) CNTST          | 0        | EA   | \$ 385.00  | \$ -        | 4                 |                      | 4                     | \$ 1,540.00      |
| 8-37     | 668           | PREFAB PAV MRK TY C (W) (ARROW) CNTST         | 0        | EA   | \$ 357.50  | \$ -        | 4                 |                      | 4                     | \$ 1,430.00      |
| 8-38     | 668           | PREFAB PAV MRK TY C (W) (18") (YLD TRJ) CNTST | 0        | EA   | \$ 137.50  | \$ -        | 4                 |                      | 4                     | \$ 550.00        |
| 8-39     | 678           | PAV SURF PREP FOR MRK (4")                    | 0        | LF   | \$ 0.72    | \$ -        | 5,505             |                      | 5,505                 | \$ 3,963.60      |
| 8-40     | 678           | PAV SURF PREP FOR MRK (24")                   | 0        | LF   | \$ 3.30    | \$ -        | 70                |                      | 70                    | \$ 231.00        |
| 8-41     | 678           | PAV SURF PREP FOR MRK (ARROW)                 | 0        | EA   | \$ 104.50  | \$ -        | 4                 |                      | 4                     | \$ 418.00        |
| 8-42     | 678           | PAV SURF PREP FOR MRK (WORD)                  | 0        | EA   | \$ 104.50  | \$ -        | 4                 |                      | 4                     | \$ 418.00        |
| 13-36    | 666           | PAVEMENT SEALER 4"                            | 0        | LF   | \$ 0.72    | \$ -        | 7,318             |                      | 7,318                 | \$ 5,268.96      |
| 13-37    | 666           | PAVEMENT SEALER 8"                            | 0        | LF   | \$ 1.43    | \$ -        | 79                |                      | 79                    | \$ 112.97        |
| 13-38    | 666           | PAVEMENT SEALER 12"                           | 0        | LF   | \$ 1.65    | \$ -        | 191               |                      | 191                   | \$ 315.15        |
| 13-39    | 666           | PAVEMENT SEALER 24"                           | 0        | LF   | \$ 3.30    | \$ -        | 174               |                      | 174                   | \$ 574.20        |
| 13-40    | 666           | PAVEMENT SEALER (ARROW)                       | 0        | EA   | \$ 104.50  | \$ -        | 2                 |                      | 2                     | \$ 209.00        |
| 13-41    | 666           | RE PV MRK TY 1 (BLACK) 7" (CONTRAST LINE)     | 0        | LF   | \$ 5.50    | \$ -        | 1,252             |                      | 1,252                 | \$ 6,886.00      |
| 13-42    | 668           | PREFAB PAV MRK TY C (W) (24") CNTST           | 0        | LF   | \$ 17.60   | \$ -        | 174               |                      | 174                   | \$ 3,062.40      |
| 13-43    | 668           | PREFAB PAV MRK TY C (W) (ARROW) CNTST         | 0        | EA   | \$ 357.50  | \$ -        | 2                 |                      | 2                     | \$ 715.00        |
| 13-44    | 678           | PAV SURF PREP FOR MRK (4")                    | 0        | LF   | \$ 0.72    | \$ -        | 7,318             |                      | 7,318                 | \$ 5,268.96      |
| 13-45    | 678           | PAV SURF PREP FOR MRK (8")                    | 0        | LF   | \$ 1.43    | \$ -        | 79                |                      | 79                    | \$ 112.97        |
| 13-46    | 678           | PAV SURF PREP FOR MRK (12")                   | 0        | LF   | \$ 1.65    | \$ -        | 191               |                      | 191                   | \$ 315.15        |
| 13-47    | 678           | PAV SURF PREP FOR MRK (24")                   | 0        | LF   | \$ 3.30    | \$ -        | 174               |                      | 174                   | \$ 574.20        |





City of San Angelo  
RFB: ES-02-18; Change Order Form  
Bell St Improvements

Change Order No. 6

Contractor: Reece Albert, Inc.

| Item No. | Specification | Item Description                                         | Quantity | Unit | Unit Price   | Total Price | Add Quantities | Deduct Quantities | Revised Quantities | Price Adjustment |
|----------|---------------|----------------------------------------------------------|----------|------|--------------|-------------|----------------|-------------------|--------------------|------------------|
| 13-48    | 678           | PAV SURF PREP FOR MRK (ARROW)                            | 0        | EA   | \$ 104.50    | \$ -        | 2              |                   | 2                  | \$ 209.00        |
|          |               |                                                          |          |      |              | \$ -        |                |                   | 0                  | \$ -             |
|          |               |                                                          |          |      |              | \$ -        |                |                   | 0                  | \$ -             |
|          |               |                                                          |          |      |              | \$ -        |                |                   | 0                  | \$ -             |
|          |               |                                                          |          |      |              | \$ -        |                |                   | 0                  | \$ -             |
|          |               |                                                          |          |      |              | \$ -        |                |                   | 0                  | \$ -             |
|          |               |                                                          |          |      |              | \$ -        |                |                   | 0                  | \$ -             |
|          |               |                                                          |          |      |              | \$ -        |                |                   | 0                  | \$ -             |
|          |               | Adjustment to Available Contingency (No Contract Change) |          |      | \$ 87,593.92 |             |                | 1                 | -1                 | \$ (87,593.92)   |

### Contract Adjustment

|                                      |            |                              |                  |
|--------------------------------------|------------|------------------------------|------------------|
| Original Contract Start Date:        | 6/11/2018  | Original Contract Sum        | \$ 22,255,977.00 |
| Original Contract Construction Days: | 1620       |                              |                  |
| Prior Days Added:                    | 0          | Total Change Order Amount    | \$ -             |
| Days Added this Change Order:        | 0          |                              |                  |
| Revised Contract Construction Days:  | 1620       | Total Sum After Change Order | \$ 22,255,977.00 |
| Revised Contract Completion Date:    | 11/17/2022 |                              |                  |

### Approval

|                                                                                                                                                                                                                              |                                                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| <p>Contractor: <i>Reece Albert, Inc. 9-10-2018</i></p> <p>Date: <i>9-10-2018</i></p> <p><i>Shirley Klement, Estimator</i></p> <p>City of San Angelo, Engineering Services:</p> <p><i>[Signature]</i></p> <p>Date: 9/7/18</p> | <p>Comments</p> <p>ADDED CONCRETE SURFACE PREP, SEALER &amp; CONTRAST STRIPING</p> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|

# REECE ALBERT, INC.

HEAVY CONSTRUCTION, UTILITIES AND PAVING



## CHANGE ORDER PROPOSAL

To City of San Angelo  
Attn: Kevin Pate  
301 W. Beauregard Ave.  
San Angelo, TX 76903

Date August 30, 2018  
Project Bell Street Improvements  
Location San Angelo, TX

WE, THE UNDERSIGNED, PROPOSE TO FURNISH THE NECESSARY MATERIAL, EQUIPMENT, AND LABOR TO DO THE FOLLOWING MENTIONED WORK ON ABOVE PROJECT:

### BELL STREET IMPROVEMENTS - PHASE 1

#### TXDOT

| ITEM          | DESCRIPTION                             | QTY      | UNIT | PRICE    | AMOUNT      |
|---------------|-----------------------------------------|----------|------|----------|-------------|
| 666           | PAVEMENT SEALER 4"                      | 8,873.00 | LF   | \$0.72   | \$6,388.56  |
| 666           | PAVEMENT SEALER 8"                      | 219.00   | LF   | \$1.43   | \$313.17    |
| 666           | PAVEMENT SEALER 12"                     | 170.00   | LF   | \$1.65   | \$280.50    |
| 666           | PAVEMENT SEALER 24"                     | 744.00   | LF   | \$3.30   | \$2,455.20  |
| 666           | PAVEMENT SEALER (ARROW)                 | 2.00     | EA   | \$104.50 | \$209.00    |
| 666           | PAVEMENT SEALER (WORD)                  | 2.00     | EA   | \$104.50 | \$209.00    |
| 666           | RE PV MRK TY I(BLACK) 7"(CONTRAST LINE) | 1,631.00 | LF   | \$5.50   | \$8,970.50  |
| 668           | PREFAB PAV MRK TY C (W)(24")CNTST       | 744.00   | LF   | \$17.60  | \$13,094.40 |
| 668           | PREFAB PAV MRK TY C (W)(WORD)CNTST      | 2.00     | EA   | \$385.00 | \$770.00    |
| 668           | PREFAB PAV MRK TY C (W)(ARROW)CNTST     | 2.00     | EA   | \$357.50 | \$715.00    |
| 678           | PAV SURF PREP FOR MRK (4")              | 8,873.00 | LF   | \$0.72   | \$6,388.56  |
| 678           | PAV SURF PREP FOR MRK (8")              | 219.00   | LF   | \$1.43   | \$313.17    |
| 678           | PAV SURF PREP FOR MRK (12")             | 170.00   | LF   | \$1.65   | \$280.50    |
| 678           | PAV SURF PREP FOR MRK (24")             | 744.00   | LF   | \$3.30   | \$2,455.20  |
| 678           | PAV SURF PREP FOR MRK (ARROW)           | 2.00     | EA   | \$104.50 | \$209.00    |
| 678           | PAV SURF PREP FOR MRK (WORD)            | 2.00     | EA   | \$104.50 | \$209.00    |
| TOTAL PHASE 1 |                                         |          |      |          | \$43,260.76 |

### BELL STREET IMPROVEMENTS - PHASE 2

#### TXDOT

| ITEM          | DESCRIPTION                                | QTY      | UNIT | PRICE    | AMOUNT      |
|---------------|--------------------------------------------|----------|------|----------|-------------|
| 666           | PAVEMENT SEALER 4"                         | 5,505.00 | LF   | \$0.72   | \$3,963.60  |
| 666           | PAVEMENT SEALER 24"                        | 70.00    | LF   | \$3.30   | \$231.00    |
| 666           | PAVEMENT SEALER (ARROW)                    | 4.00     | EA   | \$104.50 | \$418.00    |
| 666           | PAVEMENT SEALER (WORD)                     | 4.00     | EA   | \$104.50 | \$418.00    |
| 666           | RE PV MRK TY I(BLACK) 7"(CONTRAST LINE)    | 1,072.00 | LF   | \$5.50   | \$5,896.00  |
| 668           | PREFAB PAV MRK TY C (W)(24")CNTST          | 70.00    | LF   | \$17.60  | \$1,232.00  |
| 668           | PREFAB PAV MRK TY C (W)(WORD)CNTST         | 4.00     | EA   | \$385.00 | \$1,540.00  |
| 668           | PREFAB PAV MRK TY C (W)(ARROW)CNTST        | 4.00     | EA   | \$357.50 | \$1,430.00  |
| 668           | PREFAB PAV MRK TY C (W)(18")(YLD TRI)CNTST | 4.00     | EA   | \$137.50 | \$550.00    |
| 678           | PAV SURF PREP FOR MRK (4")                 | 5,505.00 | LF   | \$0.72   | \$3,963.60  |
| 678           | PAV SURF PREP FOR MRK (24")                | 70.00    | LF   | \$3.30   | \$231.00    |
| 678           | PAV SURF PREP FOR MRK (ARROW)              | 4.00     | EA   | \$104.50 | \$418.00    |
| 678           | PAV SURF PREP FOR MRK (WORD)               | 4.00     | EA   | \$104.50 | \$418.00    |
| TOTAL PHASE 2 |                                            |          |      |          | \$20,709.20 |

# BELL STREET IMPROVEMENTS - PHASE 3

## TXDOT

| ITEM             | DESCRIPTION                             | QTY      | UNIT | PRICE    | AMOUNT      |
|------------------|-----------------------------------------|----------|------|----------|-------------|
| 666              | PAVEMENT SEALER 4"                      | 7,318.00 | LF   | \$0.72   | \$5,268.96  |
| 666              | PAVEMENT SEALER 8"                      | 79.00    | LF   | \$1.43   | \$112.97    |
| 666              | PAVEMENT SEALER 12"                     | 191.00   | LF   | \$1.65   | \$315.15    |
| 666              | PAVEMENT SEALER 24"                     | 174.00   | LF   | \$3.30   | \$574.20    |
| 666              | PAVEMENT SEALER (ARROW)                 | 2.00     | EA   | \$104.50 | \$209.00    |
| 666              | RE PV MRK TY I(BLACK) 7"(CONTRAST LINE) | 1,252.00 | LF   | \$5.50   | \$6,886.00  |
| 668              | PREFAB PAV MRK TY C (W)(24")CNTST       | 174.00   | LF   | \$17.60  | \$3,062.40  |
| 668              | PREFAB PAV MRK TY C (W)(ARROW)CNTST     | 2.00     | EA   | \$357.50 | \$715.00    |
| 678              | PAV SURF PREP FOR MRK (4")              | 7,318.00 | LF   | \$0.72   | \$5,268.96  |
| 678              | PAV SURF PREP FOR MRK (8")              | 79.00    | LF   | \$1.43   | \$112.97    |
| 678              | PAV SURF PREP FOR MRK (12")             | 191.00   | LF   | \$1.65   | \$315.15    |
| 678              | PAV SURF PREP FOR MRK (24")             | 174.00   | LF   | \$3.30   | \$574.20    |
| 678              | PAV SURF PREP FOR MRK (ARROW)           | 2.00     | EA   | \$104.50 | \$209.00    |
| TOTAL PHASE 3    |                                         |          |      |          | \$23,623.96 |
| TOTAL ALL PHASES |                                         |          |      |          | \$87,593.92 |

PLEASE SIGN AND RETURN 1 COPY

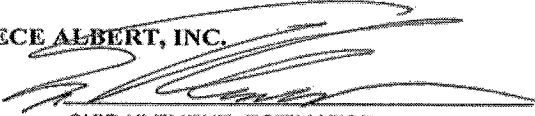
This Proposal may be withdrawn by us if not accepted within 30 days

Said amount is due and payable in San Angelo, Tom Green County, Texas. Full payment for work accomplished shall be due on receipt of invoice. A 1% per month carrying fee will added to past due accounts. 18% of amount due shall be added if suit is brought thereon.

Accepted \_\_\_\_\_  
 By \_\_\_\_\_  
 Date \_\_\_\_\_

Yours very truly,

REECE ALBERT, INC.

By   
 SKIP KLEMENT, ESTIMATOR



P.O. BOX 62030 SAN ANGELO, TEXAS 76906-2030 / (325) 653-1241 FAX (325) 653-6086



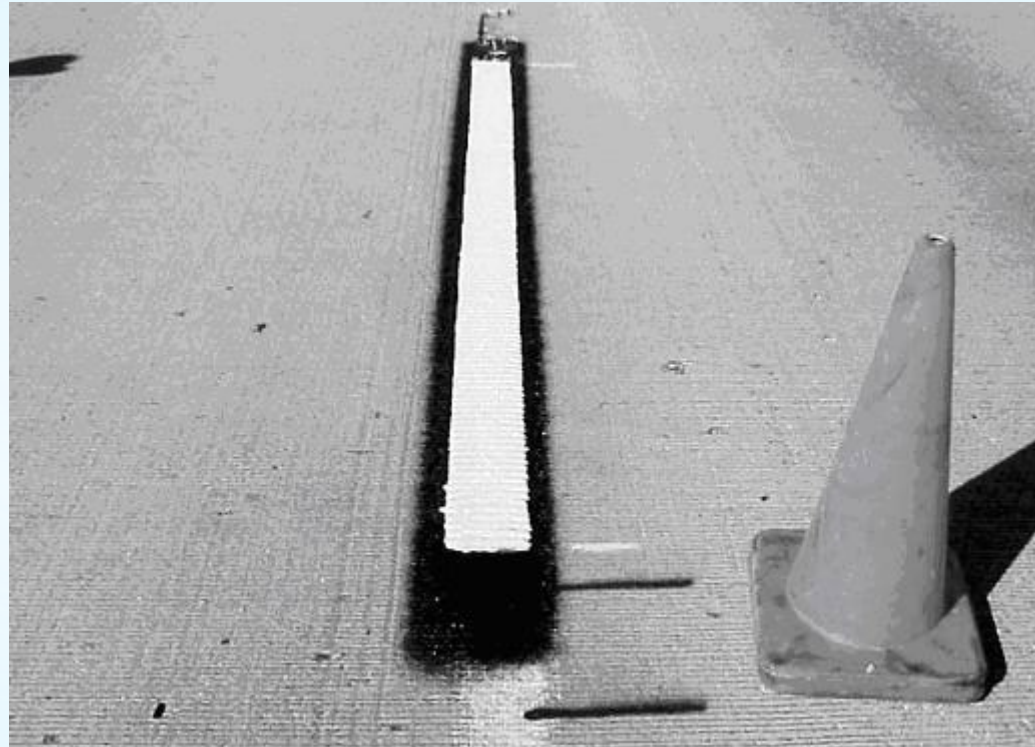


# City Council

July 2, 2019



# CONTRAST PAVEMENT MARKING ON LIGHT COLORED PAVEMENTS





# CONTRAST PAVEMENT MARKING ON LIGHT COLORED PAVEMENTS

- Human vision is tuned to detect edges of contrasting color or brightness.
- Many concrete and heavily oxidized asphalt pavements are so light in color that during the day and when wet, white pavement markings appear to blend in with the pavement surface.
- To improve the visibility of pavement markings on light-colored pavements, markings are often applied over the top of a compatible black marking material.



# CONTRAST PAVEMENT MARKING ON LIGHT COLORED PAVEMENTS

CONTRAST



NO CONTRAST



# CONTRAST PAVEMENT MARKING ON LIGHT COLORED PAVEMENTS

LAKEVIEW HEROES DR



# CONTRAST PAVEMENT MARKING ON LIGHT COLORED PAVEMENTS

END



# REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

---



Requestor: Charles Michalewicz, Engineer, Engineering Services, 325-657-4201

Meeting Date: July 2, 2019

Item type: Regular Item

---

## **Caption:**

Consider awarding ES-05-19, High Density Mineral Bond Surface Treatment, to Andale Construction, Inc. in the amount of \$218,083.48 and authorizing the City Manager to execute any related documents (Presentation made by Operations Assistant Director Patrick Frerich)

## **Summary/History:**

RFB ES-05-19 was issued May 29th 2019, and one qualified bid submission was received June 20, 2019 from Andale Construction, Inc.

## **Financial Impact:**

## **Other Information/Recommendation:**

## **Attachments:**

- |                           |                            |
|---------------------------|----------------------------|
| 1. Draft Contract         | Draft Contract.docx        |
| 2. City of San Angelo Bid | City of San Angelo Bid.pdf |
| 3. Resolution Draft       | Resolution Draft.docx      |

## **Presentation:**

Patrick Frerich

## **Approvals/Reviews:**

|                     |                   |
|---------------------|-------------------|
| Charles Michalewicz | Created/Initiated |
| Lance Overstreet    | Approved          |
| Theresa James       | Approved          |
| Brian Groves        | Approved          |
| Nolan Sosa          | Approved          |
| Tina Dierschke      | Approved          |
| Theresa James       | Approved          |
| Becky Dunn          | Approved          |
| Julia Antilley      | Final Approval    |



Contract # \_\_\_\_\_

RFB No. ES-05-19

In consideration of the mutual covenants and promises herein contained, City of San Angelo and the below named Contractor agree as follows:

**CITY OF SAN ANGELO/OWNER, Engineering Services Division**

**Director/Representative: Lance Overstreet, City Engineer**

**San Angelo, Texas, 76903**

**Telephone: (325) 657-4201**

**EMAIL: lance.overstreet@cosatx.us**

**CONTRACTOR: Andale Construction, Inc**

*(If an entity other than individual, indicate whether Contractor is authorized by or registered as a foreign entity with the Texas Secretary of State to do business in Texas) Yes ☐ / No ☒*

**Authorizing Officer/Agent: Pete J Molitor**

**EMAIL: jackie@andaleconstruction.com**

**Address: 3170 N Ohio St.  
Wichita, KS 67217**

**Telephone: 506-716-6851**

**General Description of Project & Scope of Work: High Density Mineral Bond Surface Treatment per Scope of work in RFB ES-05-19.**

**Effective Date:** This contract shall be effective from and after the 3<sup>rd</sup> day of July, 2019.

**Date of City Council Authorization** July 2, 2019

**Contract Time:** ☒ Contractor agrees to substantially complete Work within 90 consecutive days after the date Work commences as established by the Notice to Proceed, except upon Change Order authorized under this contract or written amendment executed by the authorized representatives of the parties pursuant to authority of their governing bodies; or

☒ The term of this contract shall be for a period of a year(1), commencing on the "Effective Date" and automatically expiring on July 3, 2020, subject to extension as may be provided for in the contract documents.

☐ City shall have \_\_\_\_\_ options to extend the term hereof for a period of \_\_\_\_\_ each, subject to availability and appropriation of funds. City must notify Provider of its desire to exercise the option to extend the term hereof in writing ninety (90) calendar days prior to the expiration of this Agreement

**Davis-Bacon Act or Texas Prevailing Wage Rate, Texas Gov. Code, Chap. 2258:**

Davis-Bacon Act required payment of prevailing wages on federally funded or assisted construction projects

**Applies / X Does Not Apply** to this contract.

Texas Government Code Chapter 2258 Prevailing Wage Rates

**Applies / X Does Not Apply** to this contract.

**Contract Price:** Notwithstanding anything to the contrary in the contract documents, compensation due and payable by the City under this Contract shall not exceed;

**X** Base Price \$ 218,083.48.

- ☐ Schedule of Rates and Charges,
- ☐ plus Alternate 1 \$ \_\_\_\_\_,
- ☐ plus Alternate 2 \$ \_\_\_\_\_,
- ☐ plus Alternate 3 \$ \_\_\_\_\_

for a total sum of TWO HUNDRED AND EIGHTEEN THOUSAND EIGHTY THREE AND 48/100 DOLLARS (\$218,083.48), except upon Change Order authorized under this contract or written amendment executed by the authorized representatives of the parties pursuant to authority of their governing bodies.

**Contract Documents Adopted by Reference:** The parties to this Contract adopt in their entirety by reference thereto each of the following contract documents indicated by checkmark, as if each document were set forth herein word for word and in its entirety:

**X** RFB No. ES-05-19

**X** ADDENDUM 1 to bid dated June 11, 2019

☐ ADDENDUM 2 to bid dated \_\_\_\_\_, 20\_\_\_\_

☐ ADDENDUM 3 to bid dated \_\_\_\_\_, 20\_\_\_\_

**X** City of San Angelo Standard Performance Contract Terms (effective April 16, 2018)

☐ City of San Angelo Standard Professional Services Contract Terms (effective \_\_\_\_\_, 2018)

☐ City of San Angelo Special Contract Terms for \_\_\_\_\_ Contracts (effective \_\_\_\_\_, 2018)  
(CMAR./Prof. Svcs./other)

**X** City of San Angelo Owner's General Construction Conditions (effective April 16, 2018)

- ☐ Plans: \_\_\_\_\_  
(Include engineering entity, date, part/phase and other identifying information)
- ☐ Technical Specifications \_\_\_\_\_  
(Include source, date, part/phase and other identifying information)
- ☒ Contractor's Response to RFB No. ES-05-19
- ☐ Other: \_\_\_\_\_

**Acknowledgement of Receipt of Contract Documents:**

The foregoing identified Contract Documents excluding Contractor's Response to request for bid or proposal are posted on the City's website at <http://www.cosatx.us/departments-services/purchasing/bid-information>. Hard copies are available to the Contractor upon request addressed to the City of San Angelo, Purchasing Division, 72 W. College, San Angelo, Texas 76903; (325) 657-4219. BY THE EXECUTION HEREOF, CONTRACTOR REPRESENTS THAT CONTRACTOR HAS REVIEWED AND IS FAMILIAR WITH EACH OF THE CONTRACT DOCUMENTS, HAS SECURED HARD COPIES OF THE CONTRACT DOCUMENTS THAT CONTRACTOR DESIRES TO ACQUIRE, AND AGREES THAT IT IS THE INTENTION OF THE PARTIES THAT THE CONTRACT DOCUMENTS BE MADE A PART OF THIS AGREEMENT AS IF EACH WERE SET FORTH, VERBATIM IN THIS AGREEMENT.

The terms, provisions, specifications and conditions of RFB No. ES-05-19 and any other documents, conditions, specifications, technical data, drawings, requirements and addenda comprising said RFB shall prevail over any conflicting term, provision, specification or condition in Contractor's Response.

**Separately Executed Contract Documents:** The following contract documents indicated by checkmark below are separately required to be executed by the Contractor as conditions precedent to City's performance obligations under the contract:

- ☒ Authorized Signature/Contact Information (with W-9)
- ☒ Bid Security (based on base bid price)
- ☒ Performance & Payment Bonds (if applicable)
- ☒ "Conflict of Interest Questionnaire" Chapter 176 of the Texas Local Government Code
- ☒ Debarment and Suspension Certification
- ☒ Local Preference Consideration Application & Economic Impact Details
- ☒ Vendor Compliance with Reciprocity on Non-Resident Vendors
- ☒ Verification Relating to Prohibited Contracts – Israel

X Certificate of Insurance

X Special Insurance Rider

X Original of the Texas Ethics Commission Interested Parties Disclosure Form 1295 completed online at [https://www.ethics.state.tx.us/whatsnew/elf\\_info\\_form1295.htm](https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm), submitted to City of San Angelo Purchasing Division.

**Contractor Representations and Warranty:** Contractor represents and warrants to City that it has not employed or retained any person or company employed by City to solicit or secure this Agreement and that it has not offered to pay, paid, or agreed to pay any person any fee, percentage, brokerage fee, or gift of any kind contingent upon or in connection with the award of this Agreement.

**Authority to Execute:** Each of the below named persons executing this contract hereby warrant and represent that he or she is properly authorized to execute the contract for purposes of legally binding the party on whose behalf the contract is executed.

**IN WITNESS WHEREOF**, the parties hereto have caused this instrument to be executed by their respective duly authorized officials the day and year indicated below.

**CONTRACTOR:**

\_\_\_\_\_

BY: \_\_\_\_\_  
(Name and office held)

DATE: \_\_\_\_\_

EMAIL: \_\_\_\_\_

**CITY OF SAN ANGELO:**

By: \_\_\_\_\_  
Daniel Valenzuela, City Manager

ATTEST:

\_\_\_\_\_  
Julia Antilley, City Clerk

DATE: \_\_\_\_\_  
(SEAL)

**City Official Approvals:**

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Nolan A. Sosa, Purchasing Manager

APPROVED AS TO RISK:

\_\_\_\_\_  
Charles Hagen, Risk Manager

APPROVED AS TO CONTENT:

\_\_\_\_\_  
R. Lance Overstreet, City Engineer

APPROVED AS TO FORM:

\_\_\_\_\_  
Dan T. Saluri, Deputy City Attorne





**CITY OF SAN ANGELO**  
PURCHASING DIVISION  
72 West College Avenue, San Angelo, Texas 76903  
Tel: (325) 657-4219

### 3. BID FORMS

Submit: One (1) unbound original (binder clips acceptable, two (2) bound copies (binders, staples or binder clips are acceptable) and one (1) copy in PDF format on USB Flash Drive of all required RFP forms.

Please submit all forms in the following order:

- ☒ Specifications Worksheet
- ☒ Bid Sheet
- ☒ Authorized Signature/Contact Information Form (**IRS Form W-9**)
- ☒ Bid Security (based on base bid price)
- ☐ ~~N/A~~ Performance and Payment Bonds (if applicable)
- ☒ Addenda Acknowledgment Form
- ☒ Disclosure of Certain Relationships Form
- ☒ Debarment and Suspension Certification
- ☒ Local Preference Consideration Application & Economic Impact Details
- ☒ Vendor Compliance with Reciprocity on Non-Resident Vendors
- ☒ City References List
- ☒ Local Area References List
- ☒ List of Proposed Subcontractors/Suppliers
- ☒ Vendor Safety Record
- ☒ Special Insurance Rider
- ☒ Verification Relating to Prohibited Contracts – Israel
- ☒ Draft Contract Cover
- ☒ Survey

\*At council award, one original of the Texas Ethics Commission Interested Parties Disclosure Form 1295 completed online at [https://www.ethics.state.tx.us/whatsnew/elf\\_info\\_form1295.htm](https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm) will be required.

In submitting its bid, vendor certifies that it has not lobbied the City or its officials, managers, employees, consultants, or contractors in such a manner as to influence or to attempt to influence the bidding process. In the event it reasonably appears that the vendor influenced or attempted to influence the bidding process, the City may, in its discretion, reject the bid.

**Submit all forms beyond this point.**

# SPECIFICATIONS

## HIGH DENSITY MINERAL BOND

### 1. DESCRIPTION

Construct a mineral aggregate and asphalt binder surface treatment installed as a High Density Mineral Bond over the roadway surface.

### 2. MATERIALS

#### A. ASPHALT BINDER

Emulsified Asphalt: Inorganic, non-ionic, thixotropic mineral colloid at 77° Fahrenheit that meets the following requirements. Inorganic is defined as a non-carbon based emulsifier.

| Table 1 – Non-Ionic Emulsion Properties               |               |        |        |
|-------------------------------------------------------|---------------|--------|--------|
| Criterion                                             | ASTM Standard | Min    | Max    |
| Brookfield Viscosity at 77°F (Spindle 5, 20 rpm), cPs | D 2196        | 11,000 | 20,000 |
| pH                                                    | E 70          | 5.0    | 7.5    |
| Density, lbs/gal                                      | T 59          | 8.5    | 9.0    |
| Asphalt Cement Content, percent by weight             | D 2172        | 45     | 50     |
| Solids Content, percent by weight                     | T 59          | 50     | 54     |
| Ash Content, percent by weight                        | T 111         | 4.0    | 6.0    |

#### B. AGGREGATE

Clean and free from organic matter or other detrimental substances. Composed of sand, clay, slate and corundum. Properties of slate and corundum as follows.

| Table 2 –        |              |        |     |
|------------------|--------------|--------|-----|
| Criterion        | ASTM Standar | Min    | Max |
| Specific Gravity | C 128        |        | 2.7 |
| Compression,     | C 170        | 11,000 |     |

| Table 3 – Refined Corundum     |              |      |     |
|--------------------------------|--------------|------|-----|
| Criterion                      | ASTM Standar | Min  | Max |
| Specific Gravity               | C 128        | 3.9  |     |
| Knoop 100 Hardness             | D 1326       | 2,00 |     |
| Ball Mill Friability (14 grit) | B74.8        |      | 50  |

### C. ADDITIVES

- Water is clean, non-detrimental, and free from salts and contaminant.
- Polymers and other additives as necessary to achieve mix design performance.

### 3. MIX DESIGN

Completed high density mineral bond material, prior to being loaded for install, must meet the following requirements.

| Table 4 – Mix Properties                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |              |                      |       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|----------------------|-------|
| Criterion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | ASTM Standar | Min                  | Max   |
| Asphalt Content, percent by weight                                                                                                                                                                                                                                                                                                                                                                                                                                                          | D 2172       | 17                   | 20    |
| Solids Content, percent by weight                                                                                                                                                                                                                                                                                                                                                                                                                                                           | D 1644       | 55                   | 63    |
| Initial Brookfield Viscosity at 77°F (Spindle 4, 20 rpm), cPs                                                                                                                                                                                                                                                                                                                                                                                                                               | D 2196       | 5,500                | 9,000 |
| Ash Content, percent by weight                                                                                                                                                                                                                                                                                                                                                                                                                                                              | T 111        | 38                   |       |
| Ash Content of Solids, percent by weight (a)                                                                                                                                                                                                                                                                                                                                                                                                                                                | T 111        | 65                   |       |
| Density, lbs/gal                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | T 59         | 11                   |       |
| pH                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | E 70         | 6.0                  | 8.0   |
| Total Inorganic Aggregate Content, percent by weight (b)                                                                                                                                                                                                                                                                                                                                                                                                                                    | T 111        | 37                   |       |
| Total Sand Content, percent by weight                                                                                                                                                                                                                                                                                                                                                                                                                                                       |              |                      | 6.0   |
| Maximum VOC, g/L                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | D 3960       |                      | 5     |
| Resistance to Re-emulsification                                                                                                                                                                                                                                                                                                                                                                                                                                                             | D 2939       | No re-emulsification |       |
| Wear Resistance, percent loss by weight (c)                                                                                                                                                                                                                                                                                                                                                                                                                                                 | D 2486       |                      | 4     |
| NOTES:<br>(a). Ash content as a percentage of solids content.<br>(b). Ash content of completed mix minus ash content of base non-ionic emulsion. Total inorganic aggregate content is defined as slate, refined corundum, and sand. (c). ASTM D 2486 (Modified): Prepare sample at 48 wet mils on glass panel. Dry at 77°F for three (3) days. Immerse in water for 24 hours at 77°F. Test scrub resistance with 1,000 gram brass brush for 12,000 cycles. Report percent of dry film lost. |              |                      |       |

### 4. CONSTRUCTION REQUIREMENTS

#### A. EQUIPMENT

1. Use a continuous flow mixing unit.
  - Capable of applying at least 15,000 square yards of material per day.
  - Equipped with full sweep agitation system to assure proper suspension of fine aggregates.
  - Equipped with an operator control station that adjusts material spread rate in accordance with project calibration process.

- Equipped with two separate filters. The primary filter should be at least 200 square inches with a face of 3/8 inch. The secondary filter needs to be at least 1,500 square inches with a filter face of 1/8 inch
- Equipped with a retractable spray bar capable of applying mixture without drilling. The bar should be positioned to meet calibration requirements.

## 2. Storage Tanks.

- When delivering mix from the central mixing plant to a job site storage tank, use only storage tanks with a capacity to contain the entire transport load.
- Ensure that all site storage tanks have internal full sweep mixing mechanisms and mixing capability that can provide at any given point in the tank a homogenous mix.

## B. PREPARATION

1. Calibration: On a test strip at least 300 feet long, determine the correct pump settings, spray bar height, and ground speed for the application equipment. Apply material with pump settings at 80 percent of maximum output (plus or minus 5 percent) and a ground speed of 300 to 400 feet per minute.
  - Do not begin or continue application without Engineer's knowledge of the calibration process and equipment settings.
  - Do not deviate from calibration settings without Engineer's knowledge.
2. Surface Repair: Patch any holes, raveled areas, and low areas with hot or warm mix asphalt. Severely raveled or porous pavements may require tack coat of SS or CSS grade. Asphalt concrete inlay may be required in rut deformations.
3. Cleaning: Remove loose material, mud spots, sand, dust, oil, vegetation and other objectionable material. Do not flush water over cracks or apply pressurized water to cracked pavement. Clean the surface prior to installation.

## C. APPLICATION

1. Application Rate: Two separate application coats are required. The first application must be thoroughly dry and free of any damp areas before the second application begins. Machine settings must match the following application rates.
  - First application: 0.20 gallons per square yard minimum.
  - Second application: 0.16 gallons per square yard minimum.
2. Spreading. Keep constant delivery rate of material per square yard of surface.
  - Do not reduce application rate along edges or around manhole covers.
  - Apply both applications right to the edge of the pavement. Do not back away from curbs, manhole covers, and edges on either application.
  - Make straight lines at all locations.
  - Use hand squeegees to spread mix in areas that cannot be reached with distribution spray bar.
    - Provide complete and uniform coverage.
    - Avoid unsightly appearance from hand work.

3. Joints:

- Make transverse joints straight-cut butt type, not over-lap type.
- Place longitudinal joints on lane lines.
- Limit overlap to three (3) inches maximum.
- Stop and correct paving operation if longitudinal or transverse joints have uncovered areas or unsightly appearance.

4. Lines:

- Make straight lines along lip of gutters, shoulders, end of streets, and in street intersections. No runoff on these areas will be permitted.
- Vary edge lines no more than one (1) inch per 100 feet.

D. After Application.

1. Leave no streaks caused by plugged nozzle or improper spray bar height.
2. Leave no holes, bare spots, or cracks.
3. Expose and clean Manholes, valve boxes, inlets and other service entrances and Street Fixtures.
4. Raise reflective tabs that were covered over.
5. Do not permit traffic on product until surface has cured.
6. Do not apply permanent pavement markings or striping material until the layout has been determined by the Engineer, and final application of surface treatment has been in place at least 10 days, or as permitted by the Engineer. Layout must be verified by the Engineer prior to application.

E. Repair. Repair and remove at no additional cost to City:

1. Remove delaminated or non-compliant product found after installation and apply acceptable product.
2. Remove spatter, mar and overcoat from curb, gutter, sidewalk, guard rails, guide posts, etc.
3. Remove overcoat from street fixtures.
4. Make edge and end lines straight. Provide a good appearance.
5. Leave no streaks, holes, bare spots, or cracks through which liquids or foreign matter could penetrate to the underlying pavement.
6. Repair collateral damage caused by construction.

F. QUALITY CONTROL

**Testing.** If density tests (ASTM D2939) show non-compliance, remove the product and halt operations until new material arrives and is shown to be in compliance. Measure the total amounts of material installed, and verify it meets the application rate. Protect surface treatment material from traffic until verification has been made.



## **5. MEASUREMENT AND PAYMENT**

**A. Surface Seal.** 1-2. The surface seal shall be paid for by the number of square yards of High Density Mineral Bond as measured in-place at the contract unit price; which price shall be full compensation for all surface cleaning, traffic control, erosion control, material preparation and application as well as any labor, tools, equipment and incidentals necessary to complete the work.

**B. Striping.**

- a. 3-4 Shall include all necessary labor and materials to tab and then place thermoplastic lane markings in accordance with TxDOT standard specifications for Item 666, Type I Marking Materials. Unit payment shall be linear foot for each designated marking pattern.
- b. 5. Shall include all necessary labor and materials to place thermoplastic pavement markings in accordance with TxDOT standard specifications for Item 666, Type I Marking Materials. Unit payment shall be linear foot for each designated marking pattern.
- c. 6-7. Shall include all necessary labor and materials to place thermoplastic pavement markings in accordance with TxDOT standard specifications for Item 666, Type I Marking Materials. Unit measurement shall be for each short-line item placed.

### **PAY ITEM NOTES**

1. Shall include all necessary equipment, labor and materials to provide jobsite safety, erosion protection, and construction signing/traffic control in accordance with TMUTCD standards. Unit payment shall be lump sum.
2. Surface Seal. The surface seal shall be paid for by the number of square yards of High Density Mineral Bond as measured in-place at the contract unit price; which price shall be full compensation for all surface cleaning, traffic and erosion control, material preparation and application as well as any labor, tools, equipment and incidentals necessary to complete the work.
3. Shall include all necessary labor and materials to tab and then place thermoplastic lane markings in accordance with TxDOT standard specifications for Item 666, Type I Marking Materials. Unit payment shall be linear foot for each designated marking pattern.
4. Shall include all necessary labor and materials to place thermoplastic pavement markings in accordance with TxDOT standard specifications for Item 666, Type I Marking Materials. Unit measurement shall be for each short-line item placed

END OF SPECIFICATIONS  
SECTION



**CITY OF SAN ANGELO**  
**PURCHASING DIVISION**  
 72 West College Avenue, San Angelo, Texas 76903  
 Tel: (325) 657-4219

**Bid Sheet**

- A. Refer to Instructions to Vendors before completing Bid Sheet and quote your best price F.O.B. destination on each item.
- B. Options will be selected and purchased based on available funding. Estimated quantities are for pricing purposes only and may change.

|                       |                                             |    |     |  |
|-----------------------|---------------------------------------------|----|-----|--|
| <b>Project:</b>       | High Density Mineral Bond Surface Treatment |    |     |  |
| <b>Project Number</b> | 2016                                        | 12 | 312 |  |
| <b>Location:</b>      | COSA, Prestonwood/Twin Oaks Additions       |    |     |  |
| <b>Description:</b>   | Preventative maintenance surface treatment. |    |     |  |
| <b>Date:</b>          | 11-Apr-19                                   |    |     |  |
| <b>Company:</b>       | Andale Construction, Inc.                   |    |     |  |

| Pavement Improvements    |         |                                                                                                     |       |           |              |               |
|--------------------------|---------|-----------------------------------------------------------------------------------------------------|-------|-----------|--------------|---------------|
| ITEM                     | CODE    | DESCRIPTION                                                                                         | UNITS | QTY       | UNIT COST    | AMOUNT        |
| 1                        | 500     | Mobilization, Job Site Safety, Erosion Protection, and Traffic Control                              | LS    | 1.00      | \$ 19,471.00 | \$ 19,471.00  |
| 2                        | SPECIAL | Clean, prepare and place surface seal in accordance with attached Bid Item Notes and Specifications | SY    | 56,287.00 | \$ 3.04      | \$ 171,112.48 |
| 3                        |         | CONTINGENCY                                                                                         |       | 1.00      | \$ 27,500.00 | \$ 27,500.00  |
| SUBTOTAL:                |         |                                                                                                     |       |           |              | \$ 190,583.48 |
| SUBTOTAL w/ CONTINGENCY: |         |                                                                                                     |       |           |              | \$ 27,500.00  |
| TOTAL:                   |         |                                                                                                     |       |           |              | \$ 218,083.48 |

Note: Should there be any differences between the unit price and the extended pricing calculations, the unit price will prevail.

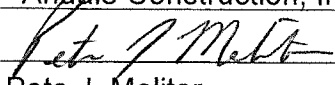
- ☐ Does vendor agree to allow piggy-back procurements? Yes \_\_\_\_\_ No X  
 (Should other governmental entities decide to participate in this contract, the vendor agrees that all terms, conditions, specifications and pricing would apply.)
- ☐ Are these prices based on a purchasing cooperative contract? Yes \_\_\_\_\_ No X  
 o If yes, name of cooperative: \_\_\_\_\_ Contract No: \_\_\_\_\_  
 (Texas DIR, TXMAS, Buyboard, etc.)
- ☐ Payment Terms/Discounts (if any): N/A



**CITY OF SAN ANGELO**  
PURCHASING DIVISION  
72 West College Avenue, San Angelo, Texas 76903  
Tel: (325) 657-4219

**Authorized Signature/Contact Information**

**Vendor Name:** Andale Construction, Inc.

**Authorized Signature:** 

**Print Name:** Pete J. Molitor **Date:** 06/20/2019

**Title:** President **Email:** jackie@andaleconstruction.com

**Primary Contact:** Caleb Fiske

**Title:** Director HA5 **Email:** caleb@andaleconstruction.com

**Telephone:** 505-716-6851 **Fax:** 316-440-8810

**Mailing Address:** 3170 N. Ohio St.

**City, State, Zip:** Wichita, KS 67217

**Physical Address:** Same

*(Cannot be a PO Box)*

**City, State, Zip:** \_\_\_\_\_

**Attach IRS W-9**

*Bids which are not signed and dated or bids which do not comply with all of bid requirements herein, may be considered non-responsive and may be rejected.*

The signee agrees, if this bid is accepted, to furnish any and all goods or services upon which prices are offered, at the price and upon the terms and conditions contained in the Invitation for Bid, Conditions of Bidding, Terms of Contract, and Specifications and all other items made a part of the accepted contract.

The signee affirms that they are duly authorized to execute the contract, that this company, corporation, firm, partnership or individual has not prepared this bid in collusion with any other vendor, and that the contents of this bid as to prices and terms or conditions have not been communicated by the signee nor by any employee or agent to any other vendor or to any other person(s) engaged in this type of business prior to the official opening of this bid. And further, that neither the vendor nor their employees nor agents have been for the past six (6) months directly nor indirectly concerned in any pool or agreement or combination to control the price of goods or services, nor to influence any person to bid or not to bid thereon.

# Request for Taxpayer Identification Number and Certification

Give Form to the  
requester. Do not  
send to the IRS.

► Go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9) for instructions and the latest information.

Print or type.  
See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.

**Andale Construction, Inc.**

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.

☐ Individual/sole proprietor or single-member LLC ☐ C Corporation ☒ S Corporation ☐ Partnership ☐ Trust/estate

☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ►

**Note:** Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.

☐ Other (see instructions) ►

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):

Exempt payee code (if any) \_\_\_\_\_

Exemption from FATCA reporting code (if any) \_\_\_\_\_

(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.) See instructions.

**3170 N. Ohio St.**

6 City, state, and ZIP code

**Wichita, KS 67219**

7 List account number(s) here (optional)

Requester's name and address (optional)

## Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

**Note:** If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number

- -

or

Employer identification number

4 5 - 3 2 7 4 0 0 6

## Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign  
Here

Signature of  
U.S. person ►

*Jackie Braden*

Date ►

*3-13-19*

## General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

**Future developments.** For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9).

## Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.



# Document A310™ – 2010

Conforms with The American Institute of Architects AIA Document 310

## Bid Bond

### CONTRACTOR:

(Name, legal status and address)

Andale Construction, Inc.  
3170 N. Ohio Street  
Wichita, KS 67219

### SURETY:

(Name, legal status and principal place of business)

Old Republic Surety Company  
P. O. Box 1635  
Milwaukee, WI 53201-1635

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

### OWNER:

(Name, legal status and address)

City of San Angelo, Texas  
72 West College Avenue  
San Angelo, TX 76903

BOND AMOUNT: \$ 5%

Five Percent of Amount Bid

### PROJECT:

(Name, location or address, and Project number, if any)

High Density Mineral Bond Surface Treatment; RFB No. ES-05-19

The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond sixty (60) days.

If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

Signed and sealed this 20th day of June, 2019

  
(Witness)

  
(Witness)

Andale Construction, Inc.

(Principal)

(Seal)

By: 

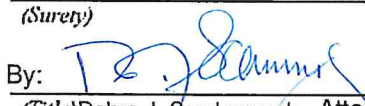
(Title)

President

Old Republic Surety Company

(Surety)

(Seal)

By: 

(Title) Debra J. Scarborough Attorney-in-Fact

Surety Phone No. 262-797-2640





# OLD REPUBLIC SURETY COMPANY

## POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That OLD REPUBLIC SURETY COMPANY, a Wisconsin stock insurance corporation, does make, constitute and appoint:

CHRISTY M. BRAILE, DEBRA J. SCARBOROUGH, JEFFREY C. CAREY, MARY T. FLANIGAN, PATRICK T. PRIBYL, LAURA M. BUHRMESTER, EVAN D. SIZEMORE, CHARISSA D. LECUYER, CHARLES R. TETER, III, REBECCA S. LEAL, TAHITIA M. FRY, C. STEPHENS GRIGGS, MEGAN

L. BURNS-HASTY, OF KANSAS CITY, MO

its true and lawful Attorney(s)-in-Fact, with full power and authority, not exceeding \$50,000,000, for and on behalf of the company as surety, to execute and deliver and affix the seal of the company thereto (if a seal is required), bonds, undertakings, recognizances or other written obligations in the nature thereof, (other than bail bonds, bank depository bonds, mortgage deficiency bonds, mortgage guaranty bonds, guarantees of installment paper and note guaranty bonds, self-insurance workers compensation bonds guaranteeing payment of benefits, asbestos abatement contract bonds, waste management bonds, hazardous waste remediation bonds or black lung bonds), as follows:

ALL WRITTEN INSTRUMENTS IN AN AMOUNT NOT TO EXCEED  
FIFTY MILLION DOLLARS (\$50,000,000) ----- FOR ANY SINGLE OBLIGATION

and to bind OLD REPUBLIC SURETY COMPANY thereby, and all of the acts of said Attorneys-in-Fact, pursuant to these presents, are ratified and confirmed. This document is not valid unless printed on colored background and is multi-colored. This appointment is made under and by authority of the board of directors at a special meeting held on February 18, 1982. This Power of Attorney is signed and sealed by facsimile under and by the authority of the following resolutions adopted by the board of directors of the OLD REPUBLIC SURETY COMPANY on February 18, 1982.

RESOLVED that, the president, any vice-president, or assistant vice president, in conjunction with the secretary or any assistant secretary, may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the company to execute and deliver and affix the seal of the company to bonds, undertakings, recognizances, and suretyship obligations of all kinds; and said officers may remove any such attorney-in-fact or agent and revoke any Power of Attorney previously granted to such person.

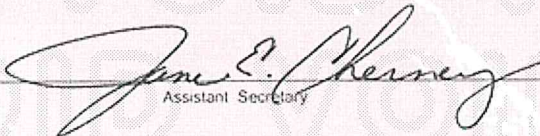
RESOLVED FURTHER, that any bond, undertaking, recognizance, or suretyship obligation shall be valid and binding upon the Company

- (i) when signed by the president, any vice president or assistant vice president, and attested and sealed (if a seal be required) by any secretary or assistant secretary; or
- (ii) when signed by the president, any vice president or assistant vice president, secretary or assistant secretary, and countersigned and sealed (if a seal be required) by a duly authorized attorney-in-fact or agent; or
- (iii) when duly executed and sealed (if a seal be required) by one or more attorneys-in-fact or agents pursuant to and within the limits of the authority evidenced by the Power of Attorney issued by the company to such person or persons.

RESOLVED FURTHER, that the signature of any authorized officer and the seal of the company may be affixed by facsimile to any Power of Attorney or certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the company; and such signature and seal when so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, OLD REPUBLIC SURETY COMPANY has caused these presents to be signed by its proper officer, and its corporate seal to be affixed this 19TH day of FEBRUARY, 2019.

OLD REPUBLIC SURETY COMPANY

  
Assistant Secretary

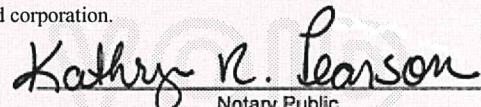


  
President

STATE OF WISCONSIN, COUNTY OF WAUKESHA-SS

On this 19TH day of FEBRUARY, 2019, personally came before me, Alan Pavlic and Jane E Cherney, to me known to be the individuals and officers of the OLD REPUBLIC SURETY COMPANY who executed the above instrument, and they each acknowledged the execution of the same, and being by me duly sworn, did severally depose and say; that they are the said officers of the corporation aforesaid, and that the seal affixed to the above instrument is the seal of the corporation, and that said corporate seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority of the board of directors of said corporation.



  
Notary Public  
My commission expires: 9/28/2022

### CERTIFICATE

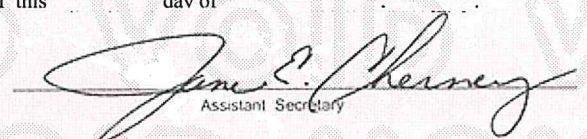
I, the undersigned, assistant secretary of the OLD REPUBLIC SURETY COMPANY, a Wisconsin corporation, CERTIFY that the foregoing and attached Power of Attorney remains in full force and has not been revoked; and furthermore, that the Resolutions of the board of directors set forth in the Power of Attorney, are now in force.

40-5654



Signed and sealed at the City of Brookfield, WI this day of

JUN 20 2019

  
Assistant Secretary

LOCKTON COMPANIES, LLC

THIS DOCUMENT HAS A COLORED BACKGROUND AND IS MULTI-COLORED ON THE FACE. THE COMPANY LOGO APPEARS ON THE BACK OF THIS DOCUMENT AS A WATERMARK. IF THESE FEATURES ARE ABSENT, THIS DOCUMENT IS VOID.



## IMPORTANT NOTICE

To obtain information or make a complaint:

You may call Old Republic Surety Company's and/or Old Republic Insurance Company's toll-free telephone number for information or to make a complaint at:

**1-(800) 527-9834**

You may also write to Old Republic Surety Company and/or Old Republic Insurance Company at:

**PO Box 569480  
Dallas, TX 75356-9480**

You may contact the Texas Department of Insurance to obtain information on companies, coverages, rights or complaints at:

**1-(800) 252-3439**

You may write the Texas Department of Insurance:

P.O. Box 149104  
Austin, TX 78714-9104  
Fax: (512) 475-1771  
Web: <http://www.tdi.state.tx.us>  
E-Mail: [ConsumerProtection@tdi.state.tx.us](mailto:ConsumerProtection@tdi.state.tx.us)

### **PREMIUM OR CLAIM DISPUTES:**

Should you have a dispute concerning your premium or about a claim you should contact the agent or Old Republic Surety Company and/or Old Republic Insurance Company first. If the dispute is not resolved, you may contact the Texas Department of Insurance.

### **ATTACH THIS NOTICE TO YOUR**

**POLICY:** This notice is for information only and does not become a part or condition of the attached document.

## AVISO IMPORTANTE

Para obtener informacion o para someter una queja:

Usted puede llamar al numero de telefono gratis de Old Republic Surety Company's / Old Republic Insurance Company's para informacion o para someter una queja al:

**1-(800) 527-9834**

Usted tambien puede escribir a Old Republic Surety Company / Old Republic Insurance Company:

**PO Box 569480  
Dallas, TX 75356-9480**

Puede comunicarse con el Departamento de Seguros de Texas para obtener informacion acerca de companies, coberturas, derechos o quejas al:

**1-(800) 252-3439**

Puede escribir al Departamento de Seguros de Texas:

P.O. Box 149104  
Austin, TX 78714-9104  
Fax: (512) 475-1771  
Web: <http://www.tdi.state.tx.us>  
E-Mail: [ConsumerProtection@tdi.state.tx.us](mailto:ConsumerProtection@tdi.state.tx.us)

### **DISPUTAS SOBRE PRIMAS O RECLAMOS:**

Si tiene una disputa concerniente a su prima o a un reclamo, debe comunicarse con el agente o Old Republic Surety Company / Old Republic Insurance Company primero. Si no se resuelve la disputa, puede entonces comunicarse con el departamento (TDI).

**UNA ESTE AVISO A SU POLIZA:** Este aviso es solo para proposito de informacion y no se convierte en parte o condicion del documento adjunto.



CITY OF SAN ANGELO  
PURCHASING DIVISION  
72 West College Avenue, San Angelo, Texas 76903  
Tel: (325) 657-4219

**Addenda Acknowledgement**

Receipt is hereby acknowledged of the following addenda to the Contract documents.

|                      |                      |          |                                |
|----------------------|----------------------|----------|--------------------------------|
| Addendum No. 1 dated | <u>June 11, 2019</u> | Received | <u>06/11/19 by Caleb Fiske</u> |
| Addendum No. 2 dated | <u></u>              | Received | <u></u>                        |
| Addendum No. 3 dated | <u></u>              | Received | <u></u>                        |

Please Print

Andale Construction, Inc.

Company Name

Pete J Molitor  
Signature

Pete J Molitor

Printed Name

President

Title

3170 N. Ohio St

Address

Wichita, KS 67219

City, State Zip Code



**CITY OF SAN ANGELO**  
PURCHASING DIVISION  
72 West College Avenue, San Angelo, Texas 76903  
Tel: (325) 657-4219

## **ADDENDUM 1**

**Date: June 11, 2019**

**RFB No: ES-05-19 / High Density Mineral Bond Surface Treatment**

**Bid Date: ~~June 13, 2019/2:00 PM, Local Time~~ June 20, 2019/2:00 PM, Local Time**

The following clarifications, changes, additions, and/or deletions are hereby made to the RFB:

- **The deadline for submission is hereby extended to June 20, 2019/2:00 PM, Local Time.**

For other questions or clarifications, please contact the Purchasing Division at [SAPurch@cosatx.us](mailto:SAPurch@cosatx.us).

Sincerely,

A handwritten signature in black ink, appearing to read "Nolan A. Sosa".

Nolan A. Sosa  
Purchasing Manager



**CITY OF SAN ANGELO**  
PURCHASING DIVISION  
72 West College Avenue, San Angelo, Texas 76903  
Tel: (325) 657-4219

**Disclosure of Certain Relationships**

**NOTICE TO VENDORS**

**Effective January 1, 2006**, Chapter 176 of the Texas Local Government Code requires that any vendor or person considering doing business with a local governmental entity make certain disclosures concerning any affiliation or business relationship that might cause a conflict of interest with the local governmental entity. The provisions of Chapter 176 and the Form CIQ questionnaire that you must complete, if applicable, to comply with this new law, are available and explained in more detail at the Texas Ethics Commission website at [https://www.ethics.state.tx.us/filinginfo/conflict\\_forms.htm](https://www.ethics.state.tx.us/filinginfo/conflict_forms.htm).

A current list of City of San Angelo and City of San Angelo Development Corporation officers is available in the office of the City of San Angelo City Clerk, Room 201 of City Hall or on the City's website at <http://cosatx.us>. If you are considering doing business with the City of San Angelo or the City of San Angelo Development Corporation and have an affiliation or business relationship that requires you to submit a completed Form CIQ, it must be filed with the records administrator (City Clerk) of the City of San Angelo not later than the 7<sup>th</sup> business day after the date you become aware of facts that require the form to be filed. See Section 176.006, Texas Local Government Code. It is a Class C misdemeanor to violate this provision.

By submitting a response to a City of San Angelo or City of San Angelo Development Corporation Request for Bid proposals, Request for Bids, or Request for Qualifications or by conducting business with either of those two entities, you are representing that you are in compliance with the requirements of Chapter 176 of the Texas Local Government Code.

Nolan A. Sosa  
Purchasing Manager

---

**LOCAL GOVERNMENT OFFICERS OF THE CITY OF SAN ANGELO**  
**As defined by Chapter 176 of the Texas Local Government Code**  
**(Revised 03/05/19)**

For purposes of completion of the required Conflict of Interest Questionnaire for the City of San Angelo (required by all buyers who submit bids/proposals), Local Government Officers are:

**City of San Angelo City Council:**

Mayor: Brenda Gunter, Mayor  
Councilmembers: Tommy Hiebert, SMD 1  
Tom Thompson, SMD 2  
Harry Thomas, SMD 3  
Lucy Gonzales, SMD 4  
Lane Carter, SMD5 (Mayor Pro Tem)  
Billie DeWitt, SMD 6  
City Manager: Daniel Valenzuela

**Development Corporation officers are:**

Todd R. Kolls, President  
Bill Dendle, First Vice President  
David Cummings, Second Vice President  
Edward Carrasco, Director.  
Garland Freeze, Director  
Max Puello, Director  
Executive Director: Guy Andrews





**CONFLICT OF INTEREST QUESTIONNAIRE**  
For vendor doing business with local governmental entity

**FORM CIQ**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |  |                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|----------------------------------------------------|
| <p>This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.</p> <p>This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).</p> <p>By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.</p> <p>A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.</p>                                                                                                                                                        |  | <p><b>OFFICE USE ONLY</b></p> <p>Date Received</p> |
| <p><b>1</b> Name of vendor who has a business relationship with local governmental entity.</p> <p>N/A</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |                                                    |
| <p><b>2</b> <input type="checkbox"/> Check this box if you are filing an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  |                                                    |
| <p><b>3</b> Name of local government officer about whom the information is being disclosed.</p> <p>_____</p> <p>Name of Officer</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  |                                                    |
| <p><b>4</b> Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.</p> <p>A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> |  |                                                    |
| <p><b>5</b> Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  |                                                    |
| <p><b>6</b> <input type="checkbox"/> Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |                                                    |
| <p><b>7</b></p> <p>Signature of vendor doing business with the governmental entity _____ Date _____</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  |                                                    |



**CONFLICT OF INTEREST QUESTIONNAIRE**  
**For vendor doing business with local governmental entity**

A complete copy of Chapter 176 of the Local Government Code may be found at <http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.176.htm>. For easy reference, below are some of the sections cited on this form.

**Local Government Code § 176.001(1-a):** "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

- (A) a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
- (B) a transaction conducted at a price and subject to terms available to the public; or
- (C) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

**Local Government Code § 176.003(a)(2)(A) and (B):**

- (a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

\*\*\*

- (2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that

- (i) a contract between the local governmental entity and vendor has been executed;
- or

- (ii) the local governmental entity is considering entering into a contract with the vendor;

(B) has given to the local government officer or a family member of the officer one or more gifts that have an aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that:

- (i) a contract between the local governmental entity and vendor has been executed; or
- (ii) the local governmental entity is considering entering into a contract with the vendor.

**Local Government Code § 176.006(a) and (a-1)**

- (a) A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and:

- (1) has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(A);
- (2) has given a local government officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value specified by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1); or
- (3) has a family relationship with a local government officer of that local governmental entity.

- (a-1) The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

- (1) the date that the vendor:

(A) begins discussions or negotiations to enter into a contract with the local governmental entity; or

(B) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or

- (2) the date the vendor becomes aware:

(A) of an employment or other business relationship with a local government officer, or a family member of the officer, described by Subsection (a);

(B) that the vendor has given one or more gifts described by Subsection (a); or

(C) of a family relationship with a local government officer.



**CITY OF SAN ANGELO**  
**PURCHASING DIVISION**  
72 West College Avenue, San Angelo, Texas 76903  
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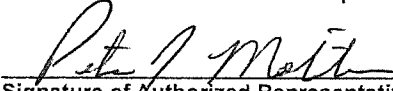
**Debarment and Suspension Certification**

- (1) The prospective primary vendor certifies to the best of its knowledge and belief that it and its principals:
- (a) Are not presently debarred, suspended, proposed for disbarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
  - (b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
  - (d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default.
- (2) Where the prospective primary vendor is unable to certify to any of the statements in this certification, such prospective primary vendor shall attach an explanation to this bid proposal.

Business Name Andale Construction, Inc.

06/20/2019  
Date

By: Pete J Molitor / President  
Name and Title of Authorized Representative

  
Signature of Authorized Representative



**CITY OF SAN ANGELO**  
PURCHASING DIVISION  
72 West College Avenue, San Angelo, Texas 76903  
Tel: (325) 657-4219

## **Debarment and Suspension Certification**

### **INSTRUCTIONS**

1. By signing and submitting this proposal, the prospective vendor is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective vendor shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the determination whether to enter into this transaction. However, failure of the prospective vendors to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the City of San Angelo determined to enter into this transaction. If it is later determined that the prospective vendor knowingly rendered an erroneous certification, in addition to other remedies available, the City of San Angelo may terminate this transaction for cause.
4. The prospective vendor shall provide immediate written notice to the City of San Angelo to which this proposal is submitted if at any time the prospective vendor learns that its certification was erroneous when submitted or has become erroneous because of changed circumstances.
5. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "vendor," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549(13 CFR Part 145). You may contact the City of San Angelo for assistance in obtaining a copy of these regulations.
6. The prospective vendor agrees by submitting this proposal that, should the proposed transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the City of San Angelo.
7. The prospective vendor further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment and Suspension" provided by the City of San Angelo, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. A vendor in a covered transaction may rely upon a certification of a prospective vendor in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A vendor may decide the method and frequency by which it determines the ineligibility of its principals. Each vendor may, but is not required to, check the Non-procurement List.
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a vendor is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a vendor in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the City of San Angelo, the City of San Angelo may terminate this transaction for cause.



## CITY OF SAN ANGELO

### PURCHASING DIVISION

72 West College Avenue, San Angelo, Texas 76903

Tel: (325) 657-4219

#### Local Preference Consideration

Section 271.9051 of the Texas Local Government Code "CONSIDERATION OF LOCATION OF RESPONDENTS PRINCIPAL PLACE OF BUSINESS":

In accordance with Section 271.9051 of the Texas Local Government Code, if a local government receives one or more competitive sealed bids from a bidder whose principal place of business is in the municipality and whose bid is within five (5%) percent of the lowest bid price received from a bidder who is not a resident of the municipality, on contracts less than \$500,000 and three percent (3%) on contracts over \$500,000.00 the municipality may enter into a contract with (a) the lowest bidder or (b) the bidder whose principal place of business is in the municipality if the governing body of the local government determines, in writing, that the local bidder offers the local government the best combination of contract price and additional economic development opportunities for the local government created by the contract award, including the employment of residents of the local government and increased tax revenues to the local government.

Local Preference Consideration DOES NOT apply to Construction Projects over \$100,000 or Telecommunication and Information Technology Bids/Purchases.

**If you DO NOT have your principal place of business located within the City of San Angelo city limits – STOP – do not fill out this form.**

This "Application for Local Preference Consideration" does *not* mean that the City of San Angelo is limiting responses to this request for bids/proposals to only those businesses located within the city limits. All bids/proposals are welcome.

Respondents who wish to qualify under the local preferences law must have their principal place of business located within the San Angelo city limits.

**If your principal place of business is within the San Angelo city limits and you want to apply for local preference consideration, then you must:**

1. Complete the **Local Preference Consideration Application**, and
2. **Describe in writing and attach supporting documentation**, the additional economic development opportunities for the City of San Angelo that will be created if you are awarded this contract. Include the number of City of San Angelo residents that you will employ to complete this contract and the increased tax revenues that will be generated for the City of San Angelo if you are awarded this contract.





**CITY OF SAN ANGELO**  
**PURCHASING DIVISION**  
72 West College Avenue, San Angelo, Texas 76903  
Tel: (325) 657-4219

**Local Preference Consideration Application**

**Business Name:** N/A

**Physical Address:** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

**City, State, Zip Code:** \_\_\_\_\_

**Business Type:**

- ☐ Corporation – Indicate state of incorporation \_\_\_\_\_
- ☐ Partnership – Indicate "general" or "limited" \_\_\_\_\_
- ☐ Sole proprietorship \_\_\_\_\_

**Attachments:** *Describe in writing, and attach supporting documentation*, the additional economic development opportunities for the City of San Angelo that will be created if you are awarded this contract. Include the number of City of San Angelo residents that you will employ to complete this contract and the increased tax revenues that will be generated for the City of San Angelo if you are awarded this contract.

**CERTIFICATION:** I hereby certify under penalty of perjury that the information which I have provided on this form is true and correct, that I am authorized to sign on behalf of the business set out above and if requested by the city will provide, within 10 days of notice, the necessary documents to substantiate the information provided.

(Please print)

\_\_\_\_\_  
Authorized Representative Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

(Attach description and documentation of economic impact as outlined on previous page)



CITY OF SAN ANGELO  
PURCHASING DIVISION  
72 West College Avenue, San Angelo, Texas 76903  
Tel: (325) 657-4219

**Vendor Compliance with Reciprocity On Non-Resident Vendors**

Government Code 2252.002 provides that, in order to be awarded a contract as low bidder, a non-resident vendor must bid projects for construction, improvements, supplies or services in Texas at an amount lower than the lowest Texas resident vendor by the same amount that a Texas resident vendor would be required to underbid a non-resident vendor in order to obtain a comparable contract in the state in which the non-resident's principal place of business is located. A non-resident vendor is a contractor whose corporate offices or principal place of business is outside of the state of Texas. This requirement does not apply to a contract involving Federal funds. The appropriate blanks in Section A must be filled out by all out-of-state or non-resident vendors in order for your bid to meet specifications. The failure of out-of-state or non-resident contractors to do so will automatically disqualify that vendor. Resident vendors must check the blank in Section B.

- A. Non-resident Vendors in \_\_\_\_\_ (give state), our principal place of business, are required to be \_\_\_\_\_ percent lower than resident vendors by state law. A copy of the statute is attached.

Non-resident Vendors in Kansas (give state), our principal place of business, are not required to underbid resident vendors.

- B. Our principal place of business or corporate offices are in the State of Texas: \_\_\_\_\_.

VENDOR:

(Please print)

Andale Construction, Inc.  
Company Name  
Pete J. Molitor  
Signature  
Pete J. Molitor  
Printed Name  
President  
Title  
3170 N. Ohio St  
Address  
Wichita, KS 67219  
City, State Zip Code



**ANDALE**  
**CONSTRUCTION**

3170 N Ohio St • Wichita, KS 67219 • 316-832-0063 (Office)

### **City References List**

We do not have any City of San Angelo References.



**ANDALE**  
**CONSTRUCTION**

3170 N Ohio St • Wichita, KS 67219 • 316-832-0063 (Office)

## **PROPOSED SUBCONTRACTORS / SUPPLIERS**

**N/A**



April 16, 2019

Andale Ready Mix Central, Inc.  
Andale Construction, Inc.  
3170 North Ohio Street  
Wichita, KS 67219

RE: Experience Modification History

To whom it may concern:

The Workers' Compensation experience modification rates (EMRs) as promulgated by the Interstate Rating Bureau for Andale Construction, Inc. are as follows:

- 10/1/18-19: 0.60
- 1/1/18- 10/1/18: 0.60
- 1/1/17-18: 0.60
- 1/1/16-17: 0.63
- 12/1/14-15: 0.85
- 12/1/13-14: 0.98

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

Sincerely,

*Cheyenne Schulte*

Cheyenne Schulte, CRIS, ARM,  
Account Manager  
816-960-9317





# CERTIFICATE OF LIABILITY INSURANCE

10/1/2019

DATE (MM/DD/YYYY)

6/12/2019

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

|                                                                                                                       |                                                                    |                   |
|-----------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|-------------------|
| PRODUCER<br>Lockton Companies<br>444 W. 47th Street, Suite 900<br>Kansas City MO 64112-1906<br>(816) 960-9000         | CONTACT<br>NAME:<br>PHONE<br>(A/C, No, Ext):<br>E-MAIL<br>ADDRESS: | FAX<br>(A/C, No): |
|                                                                                                                       | INSURER(S) AFFORDING COVERAGE                                      |                   |
| INSURED<br>1360446<br>ANDALE READY MIX CENTRAL, INC.<br>ANDALE CONSTRUCTION, INC.<br>3170 N. OHIO<br>WICHITA KS 67219 | INSURER A : Zurich American Insurance Company                      | NAIC #<br>16535   |
|                                                                                                                       | INSURER B : Indian Harbor Insurance Company                        | 36940             |
|                                                                                                                       | INSURER C : Travelers Property Casualty Co of America              | 25674             |
|                                                                                                                       | INSURER D :                                                        |                   |
|                                                                                                                       | INSURER E :                                                        |                   |
|                                                                                                                       | INSURER F :                                                        |                   |

COVERAGES \* CERTIFICATE NUMBER: 16139972 REVISION NUMBER: XXXXXXXX

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<br>LTR | TYPE OF INSURANCE                                                                                                                                                                                                                                                                                                                                                  | ADDL<br>INSD | SUBR<br>WVD | POLICY NUMBER      | POLICY EFF<br>(MM/DD/YYYY) | POLICY EXP<br>(MM/DD/YYYY) | LIMITS                                                                                                                                                                                                                                          |
|-------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|-------------|--------------------|----------------------------|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A           | <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY<br><input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR<br><br>GEN'L AGGREGATE LIMIT APPLIES PER:<br><input checked="" type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC<br><input type="checkbox"/> OTHER: | Y            | Y           | GLO0183143-02      | 10/1/2018                  | 10/1/2019                  | EACH OCCURRENCE \$ 1,000,000<br>DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000<br>MED EXP (Any one person) \$ 10,000<br>PERSONAL & ADV INJURY \$ 1,000,000<br>GENERAL AGGREGATE \$ 2,000,000<br>PRODUCTS - COMP/OP AGG \$ 2,000,000<br>\$ |
| A           | <input checked="" type="checkbox"/> AUTOMOBILE LIABILITY<br><input checked="" type="checkbox"/> ANY AUTO<br><input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS<br><input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY                                                    | Y            | Y           | BAP0183144-02      | 10/1/2018                  | 10/1/2019                  | COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000<br>BODILY INJURY (Per person) \$ XXXXXXXX<br>BODILY INJURY (Per accident) \$ XXXXXXXX<br>PROPERTY DAMAGE (Per accident) \$ XXXXXXXX<br>\$ XXXXXXXX                                             |
| B           | <input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> EXCESS LIAB<br><input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$                                                                                                                                                                                            | N            | N           | SXS0052728         | 10/1/2018                  | 10/1/2019                  | EACH OCCURRENCE \$ 5,000,000<br>AGGREGATE \$ 5,000,000<br>\$ XXXXXXXX                                                                                                                                                                           |
| A           | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY<br>ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)<br>If yes, describe under DESCRIPTION OF OPERATIONS below                                                                                                                                                                             | Y/N<br>N     | Y           | WC0183142-02       | 10/1/2018                  | 10/1/2019                  | <input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER<br>E.L. EACH ACCIDENT \$ 1,000,000<br>E.L. DISEASE - EA EMPLOYEE \$ 1,000,000<br>E.L. DISEASE - POLICY LIMIT \$ 1,000,000                                       |
| C           | INSTALLATION FLOATER                                                                                                                                                                                                                                                                                                                                               | N            | N           | QT6302L726757TIL18 | 10/1/2018                  | 10/1/2019                  | LIMIT: \$250,000                                                                                                                                                                                                                                |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
RE: RFB: ES-05-19/ HIGH DENSITY MINERAL BOND SURFACE TREATMENT. CITY OF SAN ANGELO IS ADDITIONAL INSURED ON GENERAL AND AUTO LIABILITY COVERAGE, ON A PRIMARY, NON-CONTRIBUTORY BASIS, AS REQUIRED BY WRITTEN CONTRACT. WAIVER OF SUBROGATION IN FAVOR OF THE ADDITIONAL INSURED APPLIES ON WORKERS COMPENSATION, GENERAL AND AUTO LIABILITY COVERAGE, AS REQUIRED BY WRITTEN CONTRACT AND WHERE ALLOWED BY LAW. COVERAGE IS SUBJECT TO THE TERMS AND CONDITIONS OF THE POLICY. FOR CANCELLATION FOR ANY REASON OTHER THAN NONPAYMENT OF PREMIUM, THE INSURER(S) WILL SEND 30 DAYS NOTICE OF CANCELLATION TO THE CERTIFICATE HOLDER.

## CERTIFICATE HOLDER

## CANCELLATION

|                                                                                                       |                                                                                                                                                                |
|-------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 16139972<br>CITY OF SAN ANGELO<br>ATTN: RISK MANAGER<br>72 WEST COLLEGE AVENUE<br>SAN ANGELO TX 76903 | 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<br>                                                                                                                                  |

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CITY OF SAN ANGELO  
PURCHASING DIVISION  
72 West College Avenue, San Angelo, Texas 76903  
Tel: (325) 657-4219

Verification Relating to Prohibited Contracts – Israel

City of San Angelo, Texas, RFB ES-05-19

My name is Pete J Molitor, "Declarant";  
(First) (Middle) (Last)

My date of birth is 04/21/1978; and,

My address is P O Box 65 Andale Kansas  
(Street) (City) (State)  
67001, and United States  
(Zip Code) (Country)

My position with Andale Construction, Inc., contracting company, is President.  
(contracting company) (office held)

(1) The foregoing named contracting Company does not now and will not during the term of this contract, have contracts with or provide supplies or services to, an entity or company known to have contracts with or to provide supplies or services to a foreign terroristic organization or with an entity or company identified as providing such on a list prepared and maintained by the Texas Comptroller pursuant to Subchapter "F", Sections 2252.151 et. seq., Chapter 2252 "Contracts with Governmental Entity" of the Texas Government Code; neither is contracting Company identified as an entity providing such supplies or services on said list.

(2) The foregoing named contracting Company does not boycott Israel; and will not boycott Israel during the term of the contract with the City of San Angelo.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Sedgwick County, State of Kansas, on the 19th day of

June, 20 19.  
(Month)

Pete J Molitor  
Declarant Peté J Molitor / President

Project: High Denisty Mineral Bond Surface Treatment (RFB# ES-05-19)

June 20, 2019

Pete J. Molitor  
Andale Construction, Inc.  
3170 N. Ohio St.  
Wichita, KS 67219

Dear Mr. Molitor

This letter shall serve as the official Notice of Bid Award to Andale Construction, Inc., on the above referenced RFB. Attached is a copy of the bid tab results. The contract for RFB: ES-05-19 was awarded by the City Council on \_\_\_\_\_, in the amount of \$ \_\_\_\_\_.

The contract documents consist of RFB: ES-05-19, your responsive bid, the award and your acceptance. The term of the contract will be for \_\_\_\_\_ effective \_\_\_\_\_.

Please execute the acceptance of the Bid Award below and return it to my attention. If you have any questions, please feel free to contact me at \_\_\_\_\_.

Sincerely,

\_\_\_\_\_  
Contract Administrator  
City of San Angelo

**Acceptance**

The foregoing Bid Award is hereby accepted on behalf of Andale Construction, Inc. Provider, by Pete J. Molitor, the undersigned, its President, on this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Pete J. Molitor  
President



**CITY OF SAN ANGELO**  
**PURCHASING DIVISION**  
72 West College Avenue, San Angelo, Texas 76903  
Tel: (325) 657-4219

### Survey

How did you hear about this RFB?

- ☐ Newspaper
- ☐ Email
- ☐ Letter
- ☒ City Website
- ☐ Person: \_\_\_\_\_
- ☐ Other: \_\_\_\_\_

# CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.  
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

## OFFICE USE ONLY CERTIFICATION OF FILING

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

Andale Construction, Inc.  
Wichita, KS United States

Certificate Number:  
2019-503691

Date Filed:  
06/12/2019

Date Acknowledged:

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

City of San Angelo, TX

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

RFB No. ES-05-19  
High Density Mineral Bond Surface Treatment

| 4 | Name of Interested Party | City, State, Country (place of business) | Nature of interest<br>(check applicable) |              |
|---|--------------------------|------------------------------------------|------------------------------------------|--------------|
|   |                          |                                          | Controlling                              | Intermediary |
|   |                          |                                          |                                          |              |
|   |                          |                                          |                                          |              |
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|   |                          |                                          |                                          |              |
|   |                          |                                          |                                          |              |
|   |                          |                                          |                                          |              |

5 Check only if there is NO Interested Party.



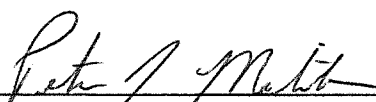
## 6 UNSWORN DECLARATION

My name is Pete J Molitor, and my date of birth is 04/21/1978.

My address is P O Box 65, Andale, KS, 67001, USA.  
(street) (city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Sedgwick County, State of Kansas, on the 19th day of June, 20 19.  
(month) (year)

  
\_\_\_\_\_  
Signature of authorized agent of contracting business entity  
(Declarant)



A RESOLUTION OF THE CITY OF SAN ANGELO CITY COUNCIL APPROVING THE AWARD OF BID, RFB ES-05-19, HIGH DENSITY MINERAL BOND SURFACE TREATMENT, TO ANDALE CONSTRUCTION, INC. AS QUALIFIED LOW BIDDER; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO NEGOTIATE AND EXECUTE A CONSTRUCTION CONTRACT THEREFORE, AND RELATED LEGAL DOCUMENTS, IN AN AMOUNT OF UP TO \$218,083.48.

WHEREAS, the City of San Angelo issued a Request for Bid ES-05-19, for High Density Mineral Bond Surface Treatment , having a submittal deadline of June 20, 2019 at 2:00 PM local time; and

WHEREAS the response received from qualified bidders receiving the highest evaluation and providing the lowest bid price was received from ANDALE CONSTRUCTION, INC.;

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

The City Council hereby approves the award of RFB ES-03-19, 2019 “Annual Sealcoat Project” to ANDALE CONSTRUCTION, INC The City Manager or his designee is hereby authorized to negotiate and execute a construction contract and related legal documents for such services as may be required in a total sum of the bid price of up TWO HUNDRED AND EIGHTEEN THOUSAND EIGHTY THREE AND 48/100 DOLLARS (\$218,083.48),

PASSED and APPROVED THIS 2<sup>nd</sup> DAY OF July, 2019.

CITY OF SAN ANGELO, TEXAS

ATTEST:

\_\_\_\_\_  
Brenda Gunter, Mayor

\_\_\_\_\_  
Julia Antilley, City Clerk

APPROVED AS TO CONTENT

APPROVED AS TO FORM

\_\_\_\_\_  
Lance Overstreet, City Engineer

\_\_\_\_\_  
Theresa James, City Attorney

# REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

---



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

Meeting Date: July 2, 2019

Item type: Regular Item

---

## **Caption:**

Consider approval of the following:

1. Second reading of an ordinance removing the lease and sale of residential and commercial lots at Lake Nasworthy, and the lease of city-owned property through short term recreational leases from the Code of Ordinances and requiring the policy to be adopted by City Council through resolution
2. Approval of a resolution adopting the Policy and Procedures Manual for Lake Nasworthy Lease and Sale of Residential and Commercial Lot Leases and Short Term Recreational Lease of City-Owned Property (Presentation made by Real Estate Manager Cindy Preas)

## **Summary/History:**

The Code of Ordinances spells out a detailed policy for the lease or sale of residential and commercial lots at Lake Nasworthy, along with the lease of city-owned properties through short term recreational leases. Changes to the Code of Ordinances requires two readings of Council to modify. Throughout the updating of the Code of Ordinances, the City Attorney has recommended removing all policy level items from the City's Code of Ordinances.

Therefore, the attached ordinance creates a procedure by which the City Attorney and real estate manager will develop a policy for the lease and sale of residential and commercial lots at Lake Nasworthy, and the lease of city-owned property through short term recreational leases. The policy will reflect City Council directives.

The policy will be approved by Council by written resolution and will thereafter govern the lease and sale of residential and commercial lots at Lake Nasworthy and the lease of city-owned property through recreational leases. Changes to the adopted policy will require approval by the City Council.

## **Financial Impact:**

## **Other Information/Recommendation:**

## **Attachments:**

- |                                               |                                                |
|-----------------------------------------------|------------------------------------------------|
| 1. Ordinance to Amend Chapter 9.0             | [Ordinance to Amend Chapter 9.0.docx           |
| 2. Resolution Lake Nasworthy and Concho River | Resolution Lake Nasworthy and Concho River.pdf |

## **Presentation:**

## **Approvals/Reviews:**

|                |                   |
|----------------|-------------------|
| Cynthia Preas  | Created/Initiated |
| Cynthia Preas  | Approved          |
| Theresa James  | Approved          |
| Brian Groves   | Approved          |
| Tina Dierschke | Approved          |
| Theresa James  | Approved          |
| Becky Dunn     | Approved          |
| Julia Antilley | Final Approval    |

**AN ORDINANCE AMENDING CHAPTER 9, ARTICLE 9.03 "LAKE NASWORTHY-TWIN BUTTES" OF THE SAN ANGELO CODE OF ORDINANCES BY REMOVING AND REPLACING SECTIONS 9.03.002 THROUGH 9.03.004; DELETING SECTION A6.001 APPENDIX A OF THE SAN ANGELO CODE OF ORDINANCES "LAKE NASWORTHY AND SOUTH CONCHO RIVER LEASE FEES", PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE**

**BE IT ORDAINED BY THE CITY OF SAN ANGELO:**

- 1) That**, Article 9.03, Sections 9.03.002 through Section 9.03.004 of the San Angelo Code of Ordinances is hereby amended by deleting those sections in the entirety and replacing with the following:

**"Section 9.03.002 Lot Leases and Sale of Leased Lots at Lake Nasworthy**

The City Manager of the City of San Angelo is authorized to negotiate and execute all documents related to the sale and lease of lots owned by the City of San Angelo in accordance with a policy adopted by the City Council by Resolution.

**Section 9.03.003 Reserved.**

**Section 9.03.004 Reserved."**

- 2) That** Article A6.001 of the San Angelo Code of Ordinances, is hereby deleted in its entirety.

- 3) That**, the following severability clause is hereby adopted with this amendment:

Severability:

That 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.

- 4) That**, this Ordinance shall be effective on, from and after the date of approval of the policy regarding the sale and lease of lots at Lake Nasworthy.

INTRODUCED on the \_\_\_\_ day of \_\_\_\_\_, 2019, and finally PASSED, APPROVED and ADOPTED on this the \_\_\_\_ day of \_\_\_\_\_, 2019.

**THE CITY OF SAN ANGELO**

**Attest:**

\_\_\_\_\_  
Julia Antilley, City Clerk

\_\_\_\_\_  
Brenda Gunter, Mayor

**Approved As to Form:**

\_\_\_\_\_  
Theresa James, City Attorney



**A RESOLUTION OF THE CITY OF SAN ANGELO CITY COUNCIL  
APPROVING ADOPTION OF POLICY GOVERNING THE SALE AND  
LEASE OF LAKE LOTS AT LAKE NASWORTHY AND THE CONCHO  
RIVER**

**WHEREAS**, Section 9.03.002 of the San Angelo Code of Ordinances requires that a policy be adopted that governs the sale and lease of lots owned by the City of San Angelo at Lake Nasworthy and along the Concho River; and

**WHEREAS**, the City Attorney's office and Real Estate Division have drafted the policy attached as Exhibit A to this resolution to comply with Section 9.03.002 of the Code.

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

That, the City of San Angelo Real Estate Policy and Procedures for Lake Nasworthy and Concho River attached hereto as Exhibit "A", is hereby adopted, effective immediately.

**PASSED, APPROVED and ADOPTED** on this the \_\_\_\_ day of \_\_\_\_\_, 2019.

CITY OF SAN ANGELO, TEXAS

\_\_\_\_\_  
Brenda Gunter, Mayor

ATTEST:

\_\_\_\_\_  
Julia Antilley, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Theresa James, City Attorney

**Exhibit "A"**

**CITY OF SAN ANGELO**



**REAL ESTATE POLICY and PROCEDURES  
LAKE NASWORTHY and CONCHO RIVER**

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## REAL ESTATE POLICY AND PROCEDURES

### SALE AND/OR LEASE OF RESIDENTIAL, COMMERCIAL AND ORGANIZATIONAL LOTS ON OR NEAR LAKE NASWORTHY AND LEASE OF CITY-OWNED LAND ON OR NEAR THE CONCHO RIVER

Adopted by the San Angelo City Council on \_\_\_\_\_

#### 1. APPLICABILITY OF RULES AND REGULATIONS

The following rules and regulations shall govern the use of city-owned property(s) located in the Lake Nasworthy subdivision and adjacent thereto where specifically provided. These rules shall also be applicable to the use of other city-owned lands adjacent to or near the Concho River unless a numbered section or letter subsection is designated as being applicable to only Lake Nasworthy.

#### 2. DEFINITIONS

- 2.1 Annual rent. Rent paid annually to the city by lessees for use of real property at Lake Nasworthy or the South Concho River, also known as annual lease fees.
- 2.2 Granting fees. Fees paid to the city, as grantor or lessor, by grantee(s) or lessee(s) each time a new lease with a new term is executed.
- 2.3 Premises. The lands and waters referred to under Section 1 (applicability of rules and regulations)
- 2.4 Transfer fees. Fees paid to the city each time a lease is transferred from a lessee to another individual or entity.
- 2.5 Late fees. Fees paid to the city if the annual lease fee is not paid in full on or before the due date specified in the lease.

#### 3. LOT LEASES

- 3.1. The City Manager or his designee has authority to enter into new Lake Nasworthy residential leases for a term not to exceed ten (10) years.
- 3.2. Classifications and restrictions of leases:
  - 3.2.1. Residential
    - 3.2.1.1. Residential leases are limited to single-family usage
    - 3.2.1.2. Residential lots shall be leased to no more than four individuals. It shall not be a violation of this article to lease such lots to legal entities or other persons if required by operation of law.

3.2.1.3. Maximum length of lease is ten (10) years.

3.2.2. Organizational.

3.2.2.1. Formally organized nonprofit groups with their primary objective of serving the citizens of the city and its immediate area.

3.2.2.2. Maximum length of a lease is ten (10) years.

3.2.3. Commercial.

3.2.3.1. Businesses which shall primarily serve the recreational and family living needs of the area.

3.2.3.2. Commercial leasing for the purpose of manufacturing for any light to heavy industry shall not be permitted.

3.2.3.3. Maximum length of lease is twenty (20) years plus one five (5) year option.

3.2.4. Agricultural and/or grazing.

3.2.4.1. Leases are restricted to areas not fronting on water and are to be used expressly for the grazing of livestock or the production of crops.

3.2.4.2. Maximum length of lease is five (5) years.

3.2.4.3. Authorization is required for all construction, including roads, fences, removal of trees except for mesquites less than five inches (5") in diameter, and the alteration of any ground surfaces that will change existing drainage patterns.

3.2.5. Recreational/other.

3.2.5.1. Leases not covered above which may or may not front on the lake and/or rivers.

3.2.5.2. No permanent structures will be allowed on these leases.

3.2.5.3. Authorization is required for portable structures or the alteration of any ground surface.

3.2.5.4. Maximum length of lease is five (5) years.

#### **4. SALE OF LEASED LOTS AT LAKE NASWORTHY TO LEASEHOLDERS**

4.1. Authority.

4.1.1. As provided by the Texas Local Government Code section 272.001(h), as amended, the city is authorized to sell leased lake property, without notice or the solicitation of bids, to the person leasing such lake property for the fair market value of the land as determined by a certified appraiser.

4.1.2. The City Manager or his designee has authority to execute and sign all documents necessary to sell the surface estate only in a Lake Nasworthy residential lot to the current residential lot lease holder for the appraised value.



- 4.2. Residential lot leaseholders. A Lake Nasworthy residential lot leaseholder who desires to buy his or her lot from the city may do so under the following conditions:
- 4.2.1. If the leaseholder's lease, on the effective date of this section, will expire after December 31, 2019, and there are more than fifteen (15) years remaining on the lease term when the lessee notifies the city of his/her desire to purchase the leased lot, the lessee shall surrender the lease and execute a new fifteen (15) year lease, which shall provide that if the lessee, during the sale process, elects not to proceed with the sale, the lease will terminate on the date the surrendered lease would have terminated.
- 4.3. Commercial lot leaseholders. A commercial leaseholder, excluding any leaseholder of Spring Creek Marina, who desires to buy his or her lot from the city shall advise the city council through the City of San Angelo Real Estate Division, and the city council shall consider whether it desires to sell such lot and, if so, under what conditions.
- 4.4. Organizational lot leaseholders. Any Lake Nasworthy organizational lot leaseholder desiring to buy its lot from the city, shall advise the city council through the City of San Angelo Real Estate Division, and the city council shall consider whether it desires to sell such lot and, if so, under what conditions, excluding any leaseholder of the following lots: (i) approximately 20.24 acres (currently leased to the Boy Scouts of America), (ii) approximately 0.709 acres (currently leased to the Concho Bass Club), (iii) approximately 81.99 acres (currently leased to the Concho Valley Archery Association), and (iv) approximately 15.35 acres (currently leased to the United States government as the Goodfellow Rest Camp),
- 4.5. Other leaseholders. Any other leaseholder who desires to buy his or her lot from the city shall advise the city council through the City of San Angelo Real Estate Division, and the city council shall consider whether it desires to sell such individual lot and, if so, under what conditions.
- 4.6. Sale price. The sale price of any lot shall be the fair market value of the city's interest in the lot as determined by an MAI certified appraiser, who shall be hired and paid by the city.
- 4.7. Additional appraisals. The city manager shall determine whether additional appraisals shall be performed.

## **5. LAKE NASWORTHY AND CONCHO RIVER LEASE FEES**

The fees to be paid relating to Lake Nasworthy and Concho River leases shall be as follows:

- 5.1. *Annual rent.* The following are calculations used to establish annual rental fee for Lake Nasworthy residential lots when the annual rental fee is based on market value:
- 5.1.1. Rent escalation based on appraised market value.

- 5.1.1.1. Commencing January 1, 2017 and ending December 31, 2019, annual rent shall be calculated based upon the appraised market value of the land multiplied by a factor of 0.015 (1.5%).
    - 5.1.1.2. Commencing January 1, 2020 and ending December 31, 2020, annual rent shall be calculated based upon the appraised market value of the land multiplied by a factor of 0.02 (2%).
    - 5.1.1.3. Commencing January 1, 2021 and ending December 31, 2022, annual rent shall be calculated based upon the appraised market value of the land multiplied by a factor of 0.04 (4%).
    - 5.1.1.4. Commencing January 1, 2023 and thereafter, annual rent shall be calculated based upon the appraised market value of the land multiplied by a factor of 0.06 (6%)
  - 5.1.2. Appraisals to determine market value.
    - 5.1.2.1. City-owned lots at Lake Nasworthy shall be appraised at intervals of not less than ten (10) years to determine the market value of the land.
    - 5.1.2.2. Upon completion of each appraisal of the land, the annual rent will be adjusted utilizing the newly determined market value and the multiplication factor detailed in Section 5.1.1. above.
    - 5.1.2.3. At no time shall annual rent based on appraised market value be less than seven hundred dollars (\$700.00) per year.
- 5.2 *Recreational, grazing or agricultural.* The following is the established annual rental fee for recreational, grazing or agricultural leases at Lake Nasworthy and along the South Concho River:
  - 5.2.1. Fourteen dollars (\$14.00) per acre for the land.
  - 5.2.2. Two hundred fifty dollars (\$250.00) recreational charge regardless of acres.
  - 5.2.3. Fifty-cents (\$0.50) per linear foot on the water.
  - 5.2.4. Seventy-five dollars (\$75.00) per family unit involved in an adjacent subdivision
- 5.3 Transfer fees.
  - 5.3.1. Transfer fee for transfer of residential leases shall be two hundred fifty dollars (\$250.00).
  - 5.3.2. Transfer fee for transfers of commercial leases shall be one thousand dollars (\$1,000.00).
  - 5.3.3. Transfer fee for organizational leases shall be one hundred thirteen dollars (\$113.00) and subject to approval of the city council.
  - 5.3.4. Transfer fee for recreational, grazing or agricultural leases shall be one hundred thirteen dollars (\$113.00).
- 5.4. Granting fees.
  - 5.4.1. Granting fee for a residential lease shall be five hundred seventy-seven dollars (\$577.00).
  - 5.4.2. Granting fee for a commercial lease shall be eight hundred seventy-seven dollars (\$877.00).
  - 5.4.3. Granting fee for organizational, recreational, grazing or agricultural lease shall be two hundred seventy-six dollars (\$276.00).

5.5. Late fees. Any Lake Nasworthy or Concho River annual lease fee not paid in full on or before the due date specified in the lease, in addition to any other penalty or remedy available under the lease, will accrue a late fee of forty dollars (\$40.00) per month for each month or part of month that the annual lease fee remains unpaid and shall be collected from the person or entity owing the sum.

## **6. MISCELLANEOUS PROVISIONS**

- 6.1. No structure shall be erected within 75 feet measured horizontally of the edge of the water at elevation 1,872.2 feet. Deviations from this rule must be approved by City Council.
- 6.2. Future amendments to the sales process or terms of sale shall not apply to those sales which have been completed prior to such amendments.

# REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

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Requestor: Julia Antilley, City Clerk, Legal, 325-657-4405

Meeting Date: July 2, 2019

Item type: Regular Item

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## **Caption:**

Public hearing and first reading of an ordinance amending Appendix A "Fee Schedule" in the Code of Ordinances and requiring a fee schedule to be adopted by Resolution of Council (Presentation made by City Attorney Theresa James)

## **Summary/History:**

In an ongoing effort to clean up the Code of Ordinances, we are systemically removing information that can be included in a policy from the Code.

This item removes the majority of Appendix A, "Fee Schedule" from the Code and requires the fee schedule to be adopted by council resolution.

Once adopted, the fees will be updated in accordance with the City of San Angelo adopted budget policy.

The resolution adopting the fee schedule and a proposed amendment to the budget policy will be brought for consideration with second reading of this ordinance.

The items that will remain part of the Code of Ordinances are rates that are either governed by state statute or contract. This includes the water rates, stormwater fees, and solid waste rates and charges.

## **Financial Impact:**

## **Other Information/Recommendation:**

## **Attachments:**

- |                                            |                                             |
|--------------------------------------------|---------------------------------------------|
| 1. Ordinance removing fee schedule 6.28.19 | Ordinance removing fee schedule 6.28.19.pdf |
|--------------------------------------------|---------------------------------------------|

## **Presentation:**

## **Approvals/Reviews:**

|                |                   |
|----------------|-------------------|
| Julia Antilley | Created/Initiated |
| Theresa James  | Approved          |
| Brian Groves   | Approved          |
| Nolan Sosa     | Approved          |
| Tina Dierschke | Approved          |

Theresa James  
Becky Dunn  
Julia Antilley

Approved  
Approved  
Final Approval



**AN ORDINANCE AMENDING APPENDIX A “FEE SCHEDULE” OF THE SAN ANGELO CODE OF ORDINANCES PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE**

**BE IT ORDAINED BY THE CITY OF SAN ANGELO:**

- 1) That,** Appendix A “Fee Schedule” the San Angelo Code of Ordinances is hereby amended as follows:

**“APPENDIX A - FEE SCHEDULE**

***Article A1.000 through A7.000 - Reserved. See adopted*** Schedule of Fees and Charges.

**ARTICLE A8.000 - UTILITY RELATED FEES**

***Sec. A8.001 – Reserved. See adopted*** Schedule of Fees and Charges.

**Sec. A8.002 - Monthly water rates; sanitary sewer discharge charges; industrial waste charges; sewer tap charges**

- (a) All persons supplied with water by the city shall be billed for water at the following monthly rates for water.

(1) *Rate schedule:*

(A) Inside city, fixed charge - meter size:

|      | <b>2019</b> | <b>2020</b> |
|------|-------------|-------------|
| 5/8" | \$28.62     | \$30.69     |
| 1"   | \$34.63     | \$37.15     |
| 1½"  | \$40.70     | \$43.65     |
| 2"   | \$53.67     | \$57.56     |
| 3"   | \$156.72    | \$168.08    |
| 4"   | \$195.67    | \$209.85    |
| 6"   | \$284.84    | \$305.49    |
| 8"   | \$386.11    | \$414.10    |

- (B) Residential volumetric, rate per 1,000 gallons (single-family residence, duplex, or other individually metered residential unit. Residential usage shall be the combined usage of the building meter and any landscape meter(s) serving the tract.):

|       | <b>2019</b> | <b>2020</b> |
|-------|-------------|-------------|
| 0—2   | \$3.54      | \$3.80      |
| 3—5   | \$5.16      | \$5.54      |
| 6—15  | \$6.03      | \$6.47      |
| 16—39 | \$6.45      | \$6.92      |
| >39   | \$11.82     | \$12.68     |

(C) Nonresidential volumetric, rate per 1,000 gallons (commercial, apartment, mobile home park, fire hydrants, industrial, hotel/motel, hospital, school, and government):

| <b>2019</b> | <b>2020</b> |
|-------------|-------------|
| \$6.45      | \$6.92      |

(D) Landscape volumetric, rate per 1,000 gallons:

|               | <b>2019</b> | <b>2020</b> |
|---------------|-------------|-------------|
| <b>Winter</b> |             |             |
| 0—89          | \$6.23      | \$6.68      |
| >89           | \$13.93     | \$14.94     |
| <b>Summer</b> |             |             |
| 0—89          | \$6.51      | \$6.98      |
| >89           | \$14.56     | \$15.62     |

\* For all landscape meters at schools, colleges, parks, or other city-owned facilities all usage will be billed at the "0—89" rate.

- (2) Manufacturing companies which depend on water use for the construction, manufacturing, assembly or processing of products, such as creameries, medical sutures, wood and cotton processing, packing plants, commercial laundries and carwashes, shall pay the industrial water rate.
- (3) Angelo State University, San Angelo Independent School District, Tom Green County, Goodfellow Air Force Base and the city shall pay the governmental/schools rate.

- (4) Where the city pays all pumping and distribution costs of untreated water, an additional charge shall be added to the untreated water rate in an amount equal to the average cost per one thousand (1,000) gallons for pumping and distributing said water.
- (5) The charge for fire sprinkler service shall be one dollar (\$1.00) per inch diameter of the main fire service feed line. This charge shall be for each line service per month.
- (6) The charge for water service to users outside the city limits shall be one and one-half (1½) times the rate charged to users within the city limits.
- (7) The water rate schedule shall also be adjusted as set out below pursuant to section 11.05.002 of this code entitled "water conservation measures."

(A) *Drought level 1*

(i) Residential:

|       |      |
|-------|------|
| 0—2   | 1.0  |
| 3—5   | 1.05 |
| 6—15  | 1.05 |
| 16—39 | 1.10 |
| >39   | 1.20 |

(ii) Nonresidential: 1.05.

(iii) Landscape (winter and summer): 1.10.

(iv) Fire hydrants: 1.00.

(v) Untreated water: 1.00.

(B) *Drought level 2*

(i) Residential:

|       |      |
|-------|------|
| 0—2   | 1.10 |
| 3—5   | 1.10 |
| 6—15  | 1.20 |
| 16—39 | 1.20 |
| >39   | 1.30 |

(ii) Nonresidential: 1.05.

(iii) Landscape (winter and summer): 1.20.

(iv) Fire hydrants: 1.00.

(v) Untreated water: 1.10.

(C) *Drought level 3*

(i) Residential:

|       |      |
|-------|------|
| 0—2   | 1.20 |
| 3—5   | 1.20 |
| 6—15  | 1.30 |
| 16—39 | 1.30 |
| >39   | 1.40 |

(ii) Nonresidential: 1.10.

(iii) Landscape (winter and summer): 1.30.

(iv) Fire hydrants: 1.00.

(v) Untreated water: 1.20.

(b) Any person contributing wastewater to the city's sanitary wastewater system shall be billed for wastewater so contributed at the following monthly rates:

(1) *Base fee* .

| <b>Meter Size</b> | <b>2019</b> | <b>2020</b> |
|-------------------|-------------|-------------|
| 5/8"              | \$28.86     | \$29.72     |
| 1"                | \$33.40     | \$34.41     |
| 1½"               | \$37.99     | \$39.13     |
| 2"                | \$47.77     | \$49.20     |
| 3"                | \$125.52    | \$129.28    |
| 4"                | \$154.90    | \$159.55    |
| 6"                | \$222.19    | \$228.85    |
| 8"                | \$298.61    | \$307.57    |

(2) *Usage fee*.

(A) *Single-family residence*:

- (i) A fixed monthly amount of usage shall be established for each user by averaging the user's billed water consumption for the previous months of December, January and February. The fixed monthly average shall be recalculated each year on March 1st. If a user does not have three months of water consumption history that can be used in the averaging, then the amount of data available will be utilized.

- (ii) Blocks (1,000 gallons):

|                | 2019   | 2020   |
|----------------|--------|--------|
| 4—15 (maximum) | \$3.64 | \$3.75 |

The monthly usage fee shall be as stated above per each 1,000 gallons of average water usage above 4,000 gallons up to a maximum of 15,000 gallons average usage. This charge applies to wastewater that does not exceed the strength of normal domestic wastewater as defined in section 11.02.121 of this code.

- (iii) A user may separately meter usage of water for outside irrigation. Such separately metered water shall not be utilized in calculating wastewater fees.

- (B) *Multifamily residence* (duplex, apartment house, mobile home park, boardinghouse), San Angelo public schools, Angelo State University, and Goodfellow Air Force Base.

- (i) A fixed monthly amount of usage shall be established for each user by averaging the user's billed water consumption for the previous months of December, January and February. The fixed monthly average shall be recalculated each year on March 1st. If a user does not have three months of water consumption history that can be used in the averaging, then the amount of data available will be utilized.

- (ii) Blocks (1,000 gallons):

|             | 2019   | 2020   |
|-------------|--------|--------|
| 4 and above | \$3.64 | \$3.75 |

The monthly usage fee shall be as stated above per each 1,000 gallons of average water usage above 4,000 gallons. This charge applies to wastewater that does not exceed the strength of normal domestic wastewater as defined in section 11.02.121 of this code.

- (iii) A user may separately meter usage of water for outside irrigation. Such separately metered water shall not be utilized in calculating wastewater fees.

- (C) *Commercial, industrial, hospitals, churches, hotels, motels, and governmental users* (with the exception of those governmental users in subsection (B) above).

- (i) Blocks (1,000 gallons):

|             | 2019   | 2020   |
|-------------|--------|--------|
| 4 and above | \$3.64 | \$3.75 |



The monthly usage fee shall be as stated above per each 1,000 gallons of water usage above 4,000 gallons. This charge applies to wastewater that does not exceed the strength of normal domestic wastewater as defined in section 11.02.121 of this code.

- (ii) A user may separately meter usage of water that does not enter the sewer. Such separately metered water shall not be utilized in calculating wastewater fees.

(D) *Swimming pools:*

| 2019   | 2020   |
|--------|--------|
| \$3.64 | \$3.75 |

Any user with a swimming pool will be charged as stated above per month for each swimming pool which discharges backwash waters or drainage water into the city's sanitary wastewater system.

- (E) Treated effluent disposal. For treated wastewater which meets water quality requirements as set forth in the city's reclaimed water permit and is delivered directly to the final effluent pumping station at the city's wastewater treatment plant by means other than the city's collection system, the following monthly rates shall be assessed:

|               |                                                                                                                                                                                                                                                                                                                 |
|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Base fee      | \$75.00                                                                                                                                                                                                                                                                                                         |
| Usage rate    | \$0.44 per 1,000 gallons delivered                                                                                                                                                                                                                                                                              |
| Surcharge fee | For treated wastewater delivered to the city's plant that exceeds a biochemical oxygen demand (BOD) of 30 mg/l and/or a total suspended solids (TSS) of 250 mg/l, a surcharge shall be made and calculated according to the following formula. This charge shall be in addition to the base fee and usage rate. |

$$\text{Surcharge} = [0.9347 (\text{BOD} - 30) + 0.48 (\text{TSS} - 250)] \times 8.34 \times \text{Volume (million gallons)}$$

If TSS is less than 250, use 250.

If BOD is less than 30, use 30.

- (c) *Industrial waste charge (surcharge)* . For wastewater which exceeds normal domestic sewage concentrations of 275 mg/l BOD, 250 mg/l total suspended solids, or 800 mg/l COD, a surcharge (additional charge) shall be made and calculated according to one of the following formulas. This charge shall be in addition to the basic rate as described in this section.

- (1) *Formula A* : When the chemical oxygen demand (COD) in mg/l is greater than 2.9 times the biochemical oxygen demand (BOD) in mg/l, the surcharge shall be based on the following formula, formula A:

$$\text{Surcharge (\$)} = [\$0.023 (\text{COD} - 800) + \$0.048 (\text{TSS} - 250)] \times V \times 8.34$$

Note: If COD is less than 800, use 800.

- (2) *Formula B* : When the chemical oxygen demand (COD) in mg/l is equal to or less than 2.9 times the biochemical oxygen demand (BOD) in mg/l, the surcharge shall be based on the following formula, formula B:

$$\text{Surcharge (\$)} = [\$0.065 (\text{BOD} - 275) + \$0.048 (\text{TSS} - 250)] \times V \times 8.34$$

Note: If BOD is less than 275, use 275.

Note: If TSS is less than 250, use 250 in both of above formulas.

V in above formulas = Volume of water in million gallons.

***Sec. A8.003 through A8.006 - Reserved. See adopted*** Schedule of Fees and Charges.

**Sec. A8.007 - Water billing charges**

(a) *Delinquent accounts; other charges.*

- (1) Any water utilities bill not paid within twenty-five (25) days after the billing date shall be deemed delinquent and a late fee of 15% on the total new charges for the month of delinquency shall be added to the account for the expense of handling the delinquent account.
- (2) Any customer whose water service has been discontinued due to a delinquency shall be required to pay the accrued bill, including the late charge, plus a reconnect charge of thirty dollars (\$30.00), before water service will be reactivated for the account.
- (3) A charge will be added to a customer's account for each returned check as provided in section 2.03.061 of the Code of Ordinances and section A10.001 hereof.

***Sec. A8.008 through A8.016 - Reserved. See adopted*** Schedule of Fees and Charges.

**Sec. A8.017 - Charge for collection of garbage and trash**

- (a) *Residential service.* It shall be the duty of all residential customers to subscribe to a commercial garbage collection service which is licensed by the city. The city council may authorize an individual to dispose of his own garbage and trash where hardship is shown. The city manager shall cause an investigation to be made of the circumstances surrounding any application for exception and shall report to the city council on the results of his investigation. A list of such exempt persons shall be kept and given to any city garbage company monthly. The city council may revoke said exemption at any time.

**Residential Service Charges**

|                                                           | 2018    | 2019    | 2020    | 2021    | 2022    | 2023    | 2024    |
|-----------------------------------------------------------|---------|---------|---------|---------|---------|---------|---------|
| Base rate<br>(1x week trash & every other week recycling) | \$15.10 | \$15.54 | \$15.99 | \$16.45 | \$16.93 | \$17.42 | \$17.93 |
| Bulk collections<br>(every other week)                    | \$0.56  | \$0.58  | \$0.59  | \$0.61  | \$0.63  | \$0.65  | \$0.67  |
| Additional cart fee - trash                               | \$5.61  | \$5.77  | \$5.94  | \$6.11  | \$6.28  | \$6.47  | \$6.65  |

|                                                               |         |         |         |         |         |         |         |
|---------------------------------------------------------------|---------|---------|---------|---------|---------|---------|---------|
| Additional cart fee - recycling (beyond 2 carts)              | \$1.40  | \$1.44  | \$1.48  | \$1.53  | \$1.57  | \$1.62  | \$1.66  |
| Replacement cart fee                                          | \$72.87 | \$74.99 | \$77.16 | \$79.40 | \$81.70 | \$84.07 | \$86.51 |
| Cart delivery fee                                             | \$22.42 | \$23.07 | \$23.74 | \$24.43 | \$25.14 | \$25.87 | \$26.62 |
| Out-of-cycle bulk                                             |         |         |         |         |         |         |         |
| Trip charge                                                   | \$84.09 | \$86.52 | \$89.03 | \$91.62 | \$94.27 | \$97.01 | \$99.82 |
| Per cubic yard                                                | \$28.03 | \$28.84 | \$29.68 | \$30.54 | \$31.42 | \$32.34 | \$33.27 |
| Charge for recyclables tonnage <500 tons/month for prior year |         | \$0.50  | \$0.50  | \$0.50  | \$0.50  | \$0.50  | \$0.50  |

(b) *Commercial service.* It shall be the duty of all commercial customers to subscribe to a commercial garbage collection service which is licensed by the city. Those commercial customers that generate special types of garbage that are not covered by an exclusive contract entered into by the city shall be allowed to use any other garbage collection service duly permitted by the city.

(1) *Exception.* Notwithstanding the foregoing, a commercial, institutional or industrial business may, by obtaining a permit from the sanitation inspector, haul its own garbage, trash and debris provided it uses its own employees and vehicles for hauling, and those vehicles conform to the requirements of vehicles used by licensed collectors as set forth in article 11.04 of the Code of Ordinances; provided, however, no business engaged in food handling, such as a restaurant, quick food or take-out food business, may haul its own garbage but must subscribe to a licensed hauler to insure the orderly and regular removal of rapidly deteriorating garbage.

(2) *Nonresidential service charges.*

#### **Nonresidential Collections - Trash**

|                       | <b>2018</b> | <b>2019</b> | <b>2020</b> | <b>2021</b> | <b>2022</b> | <b>2023</b> | <b>2024</b> |
|-----------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| <b>96 Gallon cart</b> |             |             |             |             |             |             |             |
| 1x per week           | \$25.79     | \$26.53     | \$27.30     | \$28.10     | \$28.91     | \$29.75     | \$30.61     |
| 2x per week           | \$51.57     | \$53.07     | \$54.61     | \$56.19     | \$57.82     | \$59.50     | \$61.22     |
| 3x per week           | \$77.36     | \$79.60     | \$81.91     | \$84.29     | \$86.73     | \$89.25     | \$91.83     |
| 4x per week           |             | -           | -           | -           | -           | -           | -           |
| 5x per week           |             | -           | -           | -           | -           | -           | -           |

|                              |          |          |          |          |          |          |          |
|------------------------------|----------|----------|----------|----------|----------|----------|----------|
| 6x per week                  |          | -        | -        | -        | -        | -        | -        |
| Extra pick up                | \$16.82  | \$17.30  | \$17.81  | \$18.32  | \$18.85  | \$19.40  | \$19.96  |
| Extra cart                   | \$19.06  | \$19.61  | \$20.18  | \$20.77  | \$21.37  | \$21.99  | \$22.63  |
| <b>2 Cubic Yard Dumpster</b> |          |          |          |          |          |          |          |
| 1x per week                  | \$81.84  | \$84.22  | \$86.66  | \$89.17  | \$91.76  | \$94.42  | \$97.16  |
| 2x per week                  | \$134.54 | \$138.44 | \$142.45 | \$146.58 | \$150.84 | \$155.21 | \$159.71 |
| 3x per week                  | \$171.25 | \$176.22 | \$181.33 | \$186.59 | \$192.00 | \$197.57 | \$203.30 |
| 4x per week                  | \$209.65 | \$215.73 | \$221.99 | \$228.43 | \$235.05 | \$241.87 | \$248.88 |
| 5x per week                  | \$243.29 | \$250.34 | \$257.60 | \$265.07 | \$272.76 | \$280.67 | \$288.81 |
| 6x per week                  | \$283.65 | \$291.88 | \$300.34 | \$309.05 | \$318.01 | \$327.23 | \$336.72 |
| Extra pick up                | \$25.23  | \$25.96  | \$26.71  | \$27.48  | \$28.28  | \$29.10  | \$29.95  |
| <b>3 Cubic Yard Dumpster</b> |          |          |          |          |          |          |          |
| 1x per week                  | \$106.51 | \$109.60 | \$112.78 | \$116.05 | \$119.41 | \$122.87 | \$126.44 |
| 2x per week                  | \$167.89 | \$172.76 | \$177.77 | \$182.93 | \$188.23 | \$193.69 | \$199.31 |
| 3x per week                  | \$223.25 | \$229.73 | \$236.39 | \$243.25 | \$250.30 | \$257.56 | \$265.03 |
| 4x per week                  | \$281.69 | \$289.86 | \$298.26 | \$306.91 | \$315.81 | \$324.97 | \$334.40 |
| 5x per week                  | \$333.82 | \$343.50 | \$353.46 | \$363.71 | \$374.26 | \$385.11 | \$396.28 |
| 6x per week                  | \$382.59 | \$393.69 | \$405.10 | \$416.85 | \$428.94 | \$441.38 | \$454.18 |
| Extra pick up                | \$33.07  | \$34.03  | \$35.02  | \$36.04  | \$37.08  | \$38.16  | \$39.26  |
| <b>4 Cubic Yard Dumpster</b> |          |          |          |          |          |          |          |
| 1x per week                  | \$131.17 | \$134.98 | \$138.89 | \$142.92 | \$147.06 | \$151.33 | \$155.72 |

|                              |          |          |          |            |            |            |            |
|------------------------------|----------|----------|----------|------------|------------|------------|------------|
| 2x per week                  | \$201.25 | \$207.08 | \$213.09 | \$219.27   | \$225.63   | \$232.17   | \$238.90   |
| 3x per week                  | \$275.24 | \$283.22 | \$291.44 | \$299.89   | \$308.58   | \$317.53   | \$326.74   |
| 4x per week                  | \$353.72 | \$363.98 | \$374.53 | \$385.40   | \$396.57   | \$408.07   | \$419.91   |
| 5x per week                  | \$424.35 | \$436.66 | \$449.32 | \$462.35   | \$475.76   | \$489.56   | \$503.76   |
| 6x per week                  | \$481.53 | \$495.50 | \$509.87 | \$524.65   | \$539.87   | \$555.52   | \$571.63   |
| Extra pick up                | \$40.36  | \$41.53  | \$42.74  | \$43.98    | \$45.25    | \$46.56    | \$47.91    |
| <b>6 Cubic Yard Dumpster</b> |          |          |          |            |            |            |            |
| 1x per week                  | \$163.97 | \$168.72 | \$173.62 | \$178.65   | \$183.83   | \$189.16   | \$194.65   |
| 2x per week                  | \$277.48 | \$285.53 | \$293.81 | \$302.33   | \$311.10   | \$320.12   | \$329.40   |
| 3x per week                  | \$378.39 | \$389.36 | \$400.65 | \$412.27   | \$424.23   | \$436.53   | \$449.19   |
| 4x per week                  | \$496.67 | \$511.07 | \$525.89 | \$541.14   | \$556.84   | \$572.98   | \$589.60   |
| 5x per week                  | \$603.46 | \$620.96 | \$638.96 | \$657.49   | \$676.56   | \$696.18   | \$716.37   |
| 6x per week                  | \$707.72 | \$728.25 | \$749.37 | \$771.10   | \$793.46   | \$816.47   | \$840.15   |
| Extra pick up                | \$50.45  | \$51.91  | \$53.42  | \$54.97    | \$56.56    | \$58.20    | \$59.89    |
| <b>8 Cubic Yard Dumpster</b> |          |          |          |            |            |            |            |
| 1x per week                  | \$196.76 | \$202.47 | \$208.34 | \$214.38   | \$220.60   | \$226.99   | \$233.58   |
| 2x per week                  | \$353.72 | \$363.98 | \$374.53 | \$385.40   | \$396.57   | \$408.07   | \$419.91   |
| 3x per week                  | \$481.53 | \$495.50 | \$509.87 | \$524.65   | \$539.87   | \$555.52   | \$571.63   |
| 4x per week                  | \$639.61 | \$658.16 | \$677.25 | \$696.89   | \$717.10   | \$737.89   | \$759.29   |
| 5x per week                  | \$782.56 | \$805.25 | \$828.61 | \$852.63   | \$877.36   | \$902.80   | \$928.99   |
| 6x per week                  | \$933.63 | \$960.71 | \$988.57 | \$1,017.24 | \$1,046.74 | \$1,077.09 | \$1,108.33 |



|                                                                                                      |         |         |         |         |         |         |         |
|------------------------------------------------------------------------------------------------------|---------|---------|---------|---------|---------|---------|---------|
| Extra pick up                                                                                        | \$61.66 | \$63.45 | \$65.29 | \$67.18 | \$69.13 | \$71.14 | \$73.20 |
| <b>Container Lock Bar Rental</b>                                                                     | \$11.21 | \$11.54 | \$11.87 | \$12.22 | \$12.57 | \$12.93 | \$13.31 |
| <b>Extra yardage fee per occurrence</b>                                                              | \$31.77 | \$32.69 | \$33.63 | \$34.61 | \$35.61 | \$36.65 | \$37.71 |
| <b>Temporary 4 CY container (max 60 days for residential use only, excludes construction debris)</b> |         |         |         |         |         |         |         |
| Delivery                                                                                             | \$56.06 | \$57.68 | \$59.36 | \$61.08 | \$62.85 | \$64.67 | \$66.55 |
| Removal                                                                                              | \$56.06 | \$57.68 | \$59.36 | \$61.08 | \$62.85 | \$64.67 | \$66.55 |
| Collection Fee - per collection                                                                      | \$40.36 | \$41.53 | \$42.74 | \$43.98 | \$45.25 | \$46.56 | \$47.91 |

#### Nonresidential Container Movement Fee

|                                 | <b>2018</b> | <b>2019</b> | <b>2020</b> | <b>2021</b> | <b>2022</b> | <b>2023</b> | <b>2024</b> |
|---------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Delivery                        | \$56.06     | \$57.68     | \$59.36     | \$61.08     | \$62.85     | \$64.67     | \$66.55     |
| Swap/Exchange                   | \$84.09     | \$86.52     | \$89.03     | \$91.62     | \$94.27     | \$97.01     | \$99.82     |
| Removal                         | \$56.06     | \$57.68     | \$59.36     | \$61.08     | \$62.85     | \$64.67     | \$66.55     |
| Relocate                        | \$56.06     | \$57.68     | \$59.36     | \$61.08     | \$62.85     | \$64.67     | \$66.55     |
| Container lock bar installation | \$84.09     | \$86.52     | \$89.03     | \$91.62     | \$94.27     | \$97.01     | \$99.82     |

#### Roll-Off Collections

|                                                 | <b>2018</b> | <b>2019</b> | <b>2020</b> | <b>2021</b> | <b>2022</b> | <b>2023</b> | <b>2024</b> |
|-------------------------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| <b>Industrial charge over 10 tons (per ton)</b> | \$52.94     | \$54.48     | \$56.06     | \$57.68     | \$59.36     | \$61.08     | \$62.85     |

|                                                                    |                     |          |          |          |          |          |          |
|--------------------------------------------------------------------|---------------------|----------|----------|----------|----------|----------|----------|
| <b>15 cubic yard container</b>                                     |                     |          |          |          |          |          |          |
| Haul rate                                                          | \$153.53            | \$157.98 | \$162.57 | \$167.28 | \$172.13 | \$177.12 | \$182.26 |
| Delivery                                                           | \$84.09             | \$86.52  | \$89.03  | \$91.62  | \$94.27  | \$97.01  | \$99.82  |
| Relocate                                                           | \$84.09             | \$86.52  | \$89.03  | \$91.62  | \$94.27  | \$97.01  | \$99.82  |
| Rolloff dry run (Customer called but container not ready for haul) | \$84.09             | \$86.52  | \$89.03  | \$91.62  | \$94.27  | \$97.01  | \$99.82  |
| Disposal                                                           | Current tipping fee |          |          |          |          |          |          |
| Daily rental                                                       | \$3.36              | \$3.46   | \$3.56   | \$3.66   | \$3.77   | \$3.88   | \$3.99   |
| Installation/ Maintenance                                          |                     | -        | -        | -        | -        | -        | -        |
| <b>20 cubic yard container</b>                                     |                     |          |          |          |          |          |          |
| Haul rate                                                          | \$196.20            | \$201.89 | \$207.74 | \$213.77 | \$219.97 | \$226.35 | \$232.91 |
| Delivery                                                           | \$84.09             | \$86.52  | \$89.03  | \$91.62  | \$94.27  | \$97.01  | \$99.82  |
| Relocate                                                           | \$84.09             | \$86.52  | \$89.03  | \$91.62  | \$94.27  | \$97.01  | \$99.82  |
| Rolloff dry run (Customer called but container not ready for haul) | \$84.09             | \$86.52  | \$89.03  | \$91.62  | \$94.27  | \$97.01  | \$99.82  |
| Disposal                                                           | Current tipping fee |          |          |          |          |          |          |
| Daily rental                                                       | \$3.36              | \$3.46   | \$3.56   | \$3.66   | \$3.77   | \$3.88   | \$3.99   |
| Installation/ Maintenance                                          |                     | -        | -        | -        | -        | -        | -        |
| <b>30 cubic yard container</b>                                     |                     |          |          |          |          |          |          |
| Haul rate                                                          | \$196.20            | \$201.89 | \$207.74 | \$213.77 | \$219.97 | \$226.35 | \$232.91 |

|                                                                    |                     |          |          |          |          |          |          |
|--------------------------------------------------------------------|---------------------|----------|----------|----------|----------|----------|----------|
| Delivery                                                           | \$84.09             | \$86.52  | \$89.03  | \$91.62  | \$94.27  | \$97.01  | \$99.82  |
| Relocate                                                           | \$84.09             | \$86.52  | \$89.03  | \$91.62  | \$94.27  | \$97.01  | \$99.82  |
| Rolloff dry run (customer called but container not ready for haul) | \$84.09             | \$86.52  | \$89.03  | \$91.62  | \$94.27  | \$97.01  | \$99.82  |
| Disposal                                                           | Current tipping fee |          |          |          |          |          |          |
| Daily rental                                                       | \$3.36              | \$3.46   | \$3.56   | \$3.66   | \$3.77   | \$3.88   | \$3.99   |
| Installation/ Maintenance                                          |                     | -        | -        | -        | -        | -        | -        |
| <b>40 cubic yard container</b>                                     |                     |          |          |          |          |          |          |
| Haul rate                                                          | \$196.20            | \$201.89 | \$207.74 | \$213.77 | \$219.97 | \$226.35 | \$232.91 |
| Delivery                                                           | \$84.09             | \$86.52  | \$89.03  | \$91.62  | \$94.27  | \$97.01  | \$99.82  |
| Relocate                                                           | \$84.09             | \$86.52  | \$89.03  | \$91.62  | \$94.27  | \$97.01  | \$99.82  |
| Rolloff dry run (Customer called but container not ready for haul) | \$84.09             | \$86.52  | \$89.03  | \$91.62  | \$94.27  | \$97.01  | \$99.82  |
| Disposal                                                           | Current tipping fee |          |          |          |          |          |          |
| Daily rental                                                       | \$3.36              | \$3.46   | \$3.56   | \$3.66   | \$3.77   | \$3.88   | \$3.99   |
| Installation/ maintenance                                          | -                   | -        | -        | -        | -        | -        | -        |
| <b>Compactors</b>                                                  |                     |          |          |          |          |          |          |
| Haul rate                                                          | \$252.26            | \$259.57 | \$267.10 | \$274.85 | \$282.82 | \$291.02 | \$299.46 |
| Delivery                                                           | \$84.09             | \$86.52  | \$89.03  | \$91.62  | \$94.27  | \$97.01  | \$99.82  |
| Relocate                                                           | \$84.09             | \$86.52  | \$89.03  | \$91.62  | \$94.27  | \$97.01  | \$99.82  |

|                                                                    |                                          |         |         |         |         |         |         |
|--------------------------------------------------------------------|------------------------------------------|---------|---------|---------|---------|---------|---------|
| Rolloff dry run (Customer called but container not ready for haul) | \$84.09                                  | \$86.52 | \$89.03 | \$91.62 | \$94.27 | \$97.01 | \$99.82 |
| Disposal                                                           | Current tipping fees                     |         |         |         |         |         |         |
| Daily rental                                                       | Negotiated between customer and Republic |         |         |         |         |         |         |
| Installation/Maintenance                                           | Negotiated between customer and Republic |         |         |         |         |         |         |

### **Delinquent Accounts Fees**

|                            |                     |
|----------------------------|---------------------|
| Non-sufficient funds (NSF) | \$35.00             |
| Late fees (past 30 days)   | 5% (\$5.00 minimum) |
| Service interrupt          | \$35.00             |

(c) *Residential and nonresidential diesel fuel surcharges.*

### **Residential and Nonresidential Diesel Fuel Surcharge**

|                                               |            |                              |                         |                                                                    |          |                                                                    |       |                    |                         |         |
|-----------------------------------------------|------------|------------------------------|-------------------------|--------------------------------------------------------------------|----------|--------------------------------------------------------------------|-------|--------------------|-------------------------|---------|
| July 2013–June 2014 (12 month avg)*<br>\$3.80 |            |                              |                         |                                                                    |          |                                                                    |       |                    |                         |         |
| Benchmark Price per Gallon \$3.90             |            |                              |                         |                                                                    |          |                                                                    |       |                    |                         |         |
|                                               | Fuel Price | Price Change From Bench-mark | Add'l Increase for Fuel | Calculation Example                                                |          |                                                                    |       |                    |                         |         |
|                                               |            |                              |                         | Hypothetical Diesel Fuel Price 12 Month Average<br>(Aug thru July) |          |                                                                    |       | Incremental Change | Total Rate Adjustment % |         |
| Benchmark                                     | \$3.90     |                              |                         |                                                                    |          |                                                                    |       |                    |                         |         |
|                                               | \$4.00     | \$0.10                       | 0.23%                   |                                                                    | 1-Aug-14 | Residential Rate                                                   |       |                    |                         | \$13.97 |
|                                               | \$4.10     | \$0.20                       | 0.46%                   |                                                                    |          | Annual fixed adjustment                                            | 2.9%  |                    |                         |         |
|                                               | \$4.20     | \$0.30                       | 0.69%                   | \$4.20                                                             |          | Fuel factor (Aug 2014 thru July 2015)                              | 0.69% | 0.69%              |                         |         |
|                                               | \$4.30     | \$0.40                       | 0.92%                   |                                                                    |          | Total rate adjustment (2.9% + (.69%-0) = 3.59% * current rate)     |       |                    | 3.59%                   | \$0.50  |
|                                               | \$4.40     | \$0.50                       | 1.15%                   |                                                                    |          |                                                                    |       |                    |                         | \$14.47 |
|                                               | \$4.50     | \$0.60                       | 1.38%                   |                                                                    |          |                                                                    |       |                    |                         |         |
|                                               | \$4.60     | \$0.70                       | 1.62%                   |                                                                    | 1-Oct-15 | Residential Rate                                                   |       |                    |                         | \$14.47 |
|                                               | \$4.70     | \$0.80                       | 1.85%                   |                                                                    |          | Annual fixed adjustment                                            | 2.9%  |                    |                         |         |
|                                               | \$4.80     | \$0.90                       | 2.08%                   | \$4.75                                                             |          | Fuel factor (Aug 2015 thru July 2016)                              | 1.85% | 1.15%              |                         |         |
|                                               | \$4.90     | \$1.00                       | 2.31%                   |                                                                    |          | Total rate adjustment (2.9% + (1.85%-.69%) = 4.06% * current rate) |       |                    | 4.06%                   | \$0.59  |
|                                               | \$5.00     | \$1.10                       | 2.54%                   |                                                                    |          |                                                                    |       |                    |                         | \$15.06 |
|                                               | \$5.10     | \$1.20                       | 2.77%                   |                                                                    |          |                                                                    |       |                    |                         |         |
|                                               | \$5.20     | \$1.30                       | 3.00%                   |                                                                    | 1-Oct-16 | Residential Rate                                                   |       |                    |                         | \$15.06 |
|                                               | \$5.30     | \$1.40                       | 3.23%                   |                                                                    |          | Annual fixed adjustment                                            | 2.9%  |                    |                         |         |
|                                               | \$5.40     | \$1.50                       | 3.46%                   | \$4.15                                                             |          | Fuel factor (Aug 2016 thru July 2017)                              | 0.46% | -1.38%             |                         |         |



|  |        |        |       |        |                                                                                                                                                         |                                                                    |       |       |       |                |
|--|--------|--------|-------|--------|---------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|-------|-------|-------|----------------|
|  | \$5.50 | \$1.60 | 3.69% |        |                                                                                                                                                         | Total rate adjustment (2.9% + (.46%-1.85%) = 1.51% * current rate) |       |       | 1.51% | \$0.23         |
|  | \$5.60 | \$1.70 | 3.92% |        |                                                                                                                                                         |                                                                    |       |       |       | <b>\$15.29</b> |
|  | \$5.70 | \$1.80 | 4.15% |        |                                                                                                                                                         |                                                                    |       |       |       |                |
|  | \$5.80 | \$1.90 | 4.38% |        | 1-Oct-17                                                                                                                                                | <b>Residential Rate</b>                                            |       |       |       | <b>\$15.29</b> |
|  | \$5.90 | \$2.00 | 4.62% |        |                                                                                                                                                         | Annual fixed adjustment                                            | 2.9%  |       |       |                |
|  | \$6.00 | \$2.10 | 4.85% | \$4.36 |                                                                                                                                                         | Fuel factor (Aug 2017 thru July 2018)                              | 0.92% | 0.46% |       |                |
|  | \$6.10 | \$2.20 | 5.08% |        |                                                                                                                                                         | Total rate adjustment (2.9% + (.92%-.46%) = 3.36% * current rate)  |       |       | 3.36% | \$0.51         |
|  | \$6.20 | \$2.30 | 5.31% |        |                                                                                                                                                         |                                                                    |       |       |       | <b>\$15.80</b> |
|  | \$6.30 | \$2.40 | 5.54% |        |                                                                                                                                                         |                                                                    |       |       |       |                |
|  | \$6.40 | \$2.50 | 5.77% |        |                                                                                                                                                         |                                                                    |       |       |       |                |
|  | \$6.50 | \$2.60 | 6.00% |        |                                                                                                                                                         |                                                                    |       |       |       |                |
|  | \$6.60 | \$2.70 | 6.23% |        |                                                                                                                                                         |                                                                    |       |       |       |                |
|  | \$6.70 | \$2.80 | 6.46% |        |                                                                                                                                                         |                                                                    |       |       |       |                |
|  | \$6.80 | \$2.90 | 6.69% |        |                                                                                                                                                         |                                                                    |       |       |       |                |
|  | \$6.90 | \$3.00 | 6.92% |        | Although example above is for residential, the fuel calculation method applies to all rates for services with the exception of delinquent account fees. |                                                                    |       |       |       |                |
|  | \$7.00 | \$3.10 | 7.15% |        |                                                                                                                                                         |                                                                    |       |       |       |                |
|  | \$7.10 | \$3.20 | 7.38% |        | Look back period: August – July                                                                                                                         |                                                                    |       |       |       |                |
|  | \$7.20 | \$3.30 | 7.62% |        |                                                                                                                                                         |                                                                    |       |       |       |                |
|  | \$7.30 | \$3.40 | 7.85% |        |                                                                                                                                                         |                                                                    |       |       |       |                |
|  | \$7.40 | \$3.50 | 8.08% |        | *Source: Weekly Gulf Coast No 2 Diesel ultra low sulfur (0-15 ppm) retail prices (dollars per gallon)                                                   |                                                                    |       |       |       |                |

### Sec. A8.018 - Fee for permit to collect garbage

Permits shall be issued to qualified applicants for a period of one year; provided, however, that qualified holders of a permit shall be required to pay an initial permit fee of two hundred dollars (\$200.00) for the first year. Thereafter an annual fee of twenty-five dollars (\$25.00) or two percent (2%) of the gross receipts, whichever is larger, shall be charged. All permits granted shall be non-

transferable and may be revoked by the council after ten (10) days' notice and hearing before the council upon a finding by the council that the holder thereof is operating under his permit in such a manner as to be detrimental to the public safety, health or the general welfare of the city.

#### **Sec. A8.019 - Landfill charges**

##### **Landfill Tipping Fees**

|      | <b>Municipal<br/>Tipping<br/>Fee<br/>(per ton)</b> | <b>County<br/>Tipping<br/>Fee<br/>(per ton)</b> | <b>Area<br/>Tipping<br/>Fee (per<br/>ton)</b> | <b>Municipal<br/>Host Fee<br/>(per ton)</b> | <b>County<br/>Host Fee<br/>(per ton)</b> | <b>Area Host<br/>Fee<br/>(per ton)</b> | <b>Trust<br/>Payment<br/>Factor<br/>(per ton)</b> |
|------|----------------------------------------------------|-------------------------------------------------|-----------------------------------------------|---------------------------------------------|------------------------------------------|----------------------------------------|---------------------------------------------------|
| 2018 | \$39.57                                            | \$42.36                                         | \$45.14                                       | \$2.52                                      | \$2.71                                   | \$2.90                                 | \$1.17                                            |
| 2019 | \$40.66                                            | \$43.52                                         | \$46.38                                       | \$2.59                                      | \$2.78                                   | \$2.98                                 | \$1.20                                            |
| 2020 | \$41.78                                            | \$44.72                                         | \$47.66                                       | \$2.66                                      | \$2.86                                   | \$3.06                                 | \$1.24                                            |
| 2021 | \$42.92                                            | \$45.95                                         | \$48.97                                       | \$2.73                                      | \$2.94                                   | \$3.14                                 | \$1.27                                            |
| 2022 | \$44.10                                            | \$47.21                                         | \$50.32                                       | \$2.81                                      | \$3.02                                   | \$3.23                                 | \$1.30                                            |
| 2023 | \$45.32                                            | \$48.51                                         | \$51.70                                       | \$2.88                                      | \$3.10                                   | \$3.32                                 | \$1.34                                            |
| 2024 | \$46.56                                            | \$49.84                                         | \$53.12                                       | \$2.96                                      | \$3.19                                   | \$3.41                                 | \$1.38                                            |

##### **Tire Tipping Fees**

|      | <b>Tire<br/>Municipal<br/>Tipping<br/>Fee<br/>(Small<br/>Tire)</b> | <b>Tire<br/>Municipal<br/>Tipping<br/>Fee<br/>(Truck<br/>Tires)</b> | <b>Tire<br/>Municipal<br/>Tipping<br/>Fee<br/>(Off-Road<br/>Tires)</b> | <b>Tire<br/>Municipal<br/>Tipping<br/>Fee<br/>(Tires on<br/>Rims)</b> | <b>Tire<br/>County<br/>/Area<br/>Tipping<br/>Fee<br/>(Small<br/>Tire)</b> | <b>Tire<br/>County<br/>/Area<br/>Tipping<br/>Fee<br/>(Truck<br/>Tire)</b> | <b>Tire<br/>County<br/>/Area<br/>Tipping<br/>Fee<br/>(Off-Road<br/>Tires)</b> | <b>Tire<br/>County<br/>/Area<br/>Tipping<br/>Fee<br/>(Tires on<br/>Rims)</b> |
|------|--------------------------------------------------------------------|---------------------------------------------------------------------|------------------------------------------------------------------------|-----------------------------------------------------------------------|---------------------------------------------------------------------------|---------------------------------------------------------------------------|-------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| 2018 | \$4.46                                                             | \$8.92                                                              | \$23.41                                                                | \$24.52                                                               | \$6.69                                                                    | \$11.15                                                                   | \$33.44                                                                       | \$27.87                                                                      |
| 2019 | \$4.58                                                             | \$9.16                                                              | \$24.05                                                                | \$25.20                                                               | \$6.87                                                                    | \$11.45                                                                   | \$34.36                                                                       | \$28.63                                                                      |
| 2020 | \$4.71                                                             | \$9.41                                                              | \$24.71                                                                | \$25.89                                                               | \$7.06                                                                    | \$11.77                                                                   | \$35.30                                                                       | \$29.42                                                                      |
| 2021 | \$4.84                                                             | \$9.67                                                              | \$25.39                                                                | \$26.60                                                               | \$7.25                                                                    | \$12.09                                                                   | \$36.27                                                                       | \$30.23                                                                      |

|      |        |         |         |         |        |         |         |         |
|------|--------|---------|---------|---------|--------|---------|---------|---------|
| 2022 | \$4.97 | \$9.94  | \$26.09 | \$27.33 | \$7.45 | \$12.42 | \$37.27 | \$31.06 |
| 2023 | \$5.11 | \$10.21 | \$26.81 | \$28.08 | \$7.66 | \$12.77 | \$38.30 | \$31.91 |
| 2024 | \$5.25 | \$10.49 | \$27.54 | \$28.86 | \$7.87 | \$13.12 | \$39.35 | \$32.79 |

**\*\*All other tipping fees subject to one-half ton minimum fee (0 lbs-1,000 lbs = 1/2 of 1 ton tipping fee; over 1,000 lbs-2,000 lbs = 1 ton tipping fee). Fee over 1 ton will be prorated.**

#### **Other Tipping Fees**

|                                  | <b>2018</b> | <b>2019</b> | <b>2020</b> | <b>2021</b> | <b>2022</b> | <b>2023</b> | <b>2024</b> |
|----------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Brush (per ton)                  |             |             |             |             |             |             |             |
| Municipal tipping fee            | \$39.57     | \$40.66     | \$41.78     | \$42.92     | \$44.10     | \$45.32     | \$46.56     |
| County tipping fee               | \$42.36     | \$43.52     | \$44.72     | \$45.95     | \$47.21     | \$48.51     | \$49.84     |
| Area tipping fee                 | \$45.14     | \$46.38     | \$47.66     | \$48.97     | \$50.32     | \$51.70     | \$53.12     |
| Class II special waste (per ton) |             |             |             |             |             |             |             |
| Municipal tipping fee            | \$47.65     | \$48.96     | \$50.31     | \$51.69     | \$53.11     | \$54.57     | \$56.07     |
| County tipping fee               | \$50.44     | \$51.82     | \$53.25     | \$54.71     | \$56.22     | \$57.76     | \$59.35     |
| Area tipping fee                 | \$50.44     | \$51.82     | \$53.25     | \$54.71     | \$56.22     | \$57.76     | \$59.35     |
| Liquids (per gallon)             |             |             |             |             |             |             |             |
| Municipal tipping fee            | \$0.35      | \$0.36      | \$0.36      | \$0.37      | \$0.39      | \$0.40      | \$0.41      |
| County tipping fee               | \$0.39      | \$0.40      | \$0.41      | \$0.42      | \$0.43      | \$0.45      | \$0.46      |
| Area tipping fee                 | \$0.39      | \$0.40      | \$0.41      | \$0.42      | \$0.43      | \$0.45      | \$0.46      |
| Asbestos-non-friable (per yard)  |             |             |             |             |             |             |             |
| Municipal tipping fee            | \$41.24     | \$42.38     | \$43.54     | \$44.74     | \$45.97     | \$47.23     | \$48.53     |
| County tipping fee               | \$55.62     | \$57.15     | \$58.72     | \$60.34     | \$61.99     | \$63.70     | \$65.45     |

|                                             |         |         |         |         |         |         |         |
|---------------------------------------------|---------|---------|---------|---------|---------|---------|---------|
| Area tipping fee                            | \$55.62 | \$57.15 | \$58.72 | \$60.34 | \$61.99 | \$63.70 | \$65.45 |
| Animal waste-paunch recycled (per yard)     |         |         |         |         |         |         |         |
| Municipal tipping fee                       | \$5.63  | \$5.78  | \$5.94  | \$6.11  | \$6.27  | \$6.45  | \$6.62  |
| County tipping fee                          | \$8.47  | \$8.70  | \$8.94  | \$9.19  | \$9.44  | \$9.70  | \$9.97  |
| Area tipping fee                            | \$8.47  | \$8.70  | \$8.94  | \$9.19  | \$9.44  | \$9.70  | \$9.97  |
| White goods/appliances-freon removed (each) |         |         |         |         |         |         |         |
| Municipal tipping fee                       | \$7.80  | \$8.02  | \$8.24  | \$8.46  | \$8.70  | \$8.94  | \$9.18  |
| County tipping fee                          | \$11.15 | \$11.45 | \$11.77 | \$12.09 | \$12.42 | \$12.77 | \$13.12 |
| Area tipping fee                            | \$11.15 | \$11.45 | \$11.77 | \$12.09 | \$12.42 | \$12.77 | \$13.12 |
| White goods/appliances-with freon (each)    |         |         |         |         |         |         |         |
| Municipal tipping fee                       | \$22.29 | \$22.91 | \$23.54 | \$24.18 | \$24.85 | \$25.53 | \$26.23 |
| County tipping fee                          | \$27.87 | \$28.63 | \$29.42 | \$30.23 | \$31.06 | \$31.91 | \$32.79 |
| Area tipping fee                            | \$27.87 | \$28.63 | \$29.42 | \$30.23 | \$31.06 | \$31.91 | \$32.79 |
| Untarped/unsecured load fees                | \$11.15 | \$11.45 | \$11.77 | \$12.09 | \$12.42 | \$12.77 | \$13.12 |

### Host Fees for Other Tipping Fees

|                                  | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 | 2024 |
|----------------------------------|------|------|------|------|------|------|------|
| Brush (per ton)                  |      |      |      |      |      |      |      |
| Municipal host fee               | -    | -    | -    | -    | -    | -    | -    |
| County host fee                  | -    | -    | -    | -    | -    | -    | -    |
| Area host fee                    | -    | -    | -    | -    | -    | -    | -    |
| Class II special waste (per ton) |      |      |      |      |      |      |      |

|                                             |        |        |        |        |        |        |        |
|---------------------------------------------|--------|--------|--------|--------|--------|--------|--------|
| Municipal host fee                          | \$1.44 | \$1.48 | \$1.52 | \$1.56 | \$1.60 | \$1.65 | \$1.69 |
| County host fee                             | \$1.47 | \$1.51 | \$1.55 | \$1.60 | \$1.64 | \$1.69 | \$1.73 |
| Area host fee                               | \$1.47 | \$1.51 | \$1.55 | \$1.60 | \$1.64 | \$1.69 | \$1.73 |
| Liquids (per gallon)                        |        |        |        |        |        |        |        |
| Municipal host fee                          | \$0.01 | \$0.01 | \$0.01 | \$0.01 | \$0.01 | \$0.01 | \$0.01 |
| County host fee                             | \$0.01 | \$0.01 | \$0.01 | \$0.01 | \$0.01 | \$0.01 | \$0.01 |
| Area host fee                               | \$0.01 | \$0.01 | \$0.01 | \$0.01 | \$0.01 | \$0.01 | \$0.01 |
| Asbestos-Non-friable (per yard)             |        |        |        |        |        |        |        |
| Municipal host fee                          | \$2.40 | \$2.46 | \$2.53 | \$2.60 | \$2.67 | \$2.74 | \$2.82 |
| County host fee                             | \$2.51 | \$2.58 | \$2.65 | \$2.72 | \$2.80 | \$2.87 | \$2.95 |
| Area host fee                               | \$2.51 | \$2.58 | \$2.65 | \$2.72 | \$2.80 | \$2.87 | \$2.95 |
| Animal waste-paunch recycled (per yard)     |        |        |        |        |        |        |        |
| Municipal host fee                          | \$0.36 | \$0.37 | \$0.38 | \$0.39 | \$0.40 | \$0.41 | \$0.42 |
| County host fee                             | \$0.40 | \$0.41 | \$0.42 | \$0.44 | \$0.45 | \$0.46 | \$0.47 |
| Area host fee                               | \$0.40 | \$0.41 | \$0.42 | \$0.44 | \$0.45 | \$0.46 | \$0.47 |
| White goods/appliances-freon removed (each) |        |        |        |        |        |        |        |
| Municipal host fee                          | -      | -      | -      | -      | -      | -      | -      |
| County host fee                             | -      | -      | -      | -      | -      | -      | -      |
| Area host fee                               | -      | -      | -      | -      | -      | -      | -      |
| White goods/appliances-with freon (each)    |        |        |        |        |        |        |        |
| Municipal host fee                          | -      | -      | -      | -      | -      | -      | -      |
| County host fee                             | -      | -      | -      | -      | -      | -      | -      |

|                              |         |         |         |         |         |         |         |
|------------------------------|---------|---------|---------|---------|---------|---------|---------|
| Area host fee                | -       | -       | -       | -       | -       | -       | -       |
| Untarped/unsecured load fees | \$11.15 | \$11.45 | \$11.77 | \$12.09 | \$12.42 | \$12.77 | \$13.12 |

***Sec. A8.020 – Reserved.***

**Sec. A8.021 - Municipal drainage utility system fees**

- (a) *Established; collection* . The following fees are hereby established and shall be collected through the city's bill for water utilities pursuant to article 11.03 of the Code of Ordinances, which was adopted pursuant to the Municipal Drainage Utility System Act and other applicable law.
- (b) *Impervious area; rate schedule* .
- (1) Rates shall be charged monthly based on a property's contribution to the public stormwater drainage utility system. The contribution shall be based on the impervious area for the property.
  - (2) The stormwater drainage utility fee shall be established according to the following schedule on a monthly basis:

| <u>Property Type</u>      | <u>Impervious Area (sq. ft.)</u> | <u>Monthly Rate</u> |
|---------------------------|----------------------------------|---------------------|
| Single-family residential |                                  |                     |
| Tier 1                    | ≤ 1,000                          | \$2.00              |
| Tier 2                    | 1,001-2,000                      | \$3.00              |
| Tier 3                    | 2,001-3,000                      | \$4.00              |
| Tier 4                    | > 3,000                          | \$5.00              |
| Nonresidential            |                                  |                     |
| Tier 1                    | ≤ 5,000                          | \$7.50              |
| Tier 2                    | 5,001-15,000                     | \$15.00             |
| Tier 3                    | 15,001-50,000                    | \$30.00             |
| Tier 4                    | 50,001-150,000                   | \$100.00            |
| Tier 5                    | 150,001-500,000                  | \$300.00            |
| Tier 6                    | > 500,000                        | \$500.00            |



- (3) A minimum charge equivalent to the Tier 1 rate shall be applied to each non-exempt developed property, regardless of classification.
- (4) Each developed land parcel shall be charged a monthly proportionate stormwater drainage utility fee on its respective utility account or accounts based upon impervious areas as delineated by the city for nonresidential areas and square footage of improvements for residential areas.
- (c) *Exemptions.* The following shall not be assessed a municipal drainage utility system fee:
  - (1) Property held and maintained in its natural state, until such time that the property is developed and all of the public infrastructure constructed has been accepted by the city in which the property is located for maintenance;
  - (2) A subdivided lot, until a structure has been built on the lot and a certificate of occupancy has been issued by the city;
  - (3) Property with proper construction and maintenance of a wholly sufficient and privately owned drainage system;
  - (4) State property exempted under state law; and
  - (5) Public or private institutions of higher education property.
- (d) *Fee credits.*
  - (1) A property owner may petition to the city to reduce the stormwater drainage utility fee for an individual property to account for on-site stormwater management controls that reduce the property's impact to the stormwater drainage utility system.
  - (2) The petition shall be evaluated and the fee adjustment decision determined by the city engineer or the city engineer's designated representative. The city engineer's evaluation and determination shall be based on nondiscriminatory, reasonable and equitable terms in accordance with the Act, the city's municipal stormwater drainage utility system ordinance and this section.
- (e) *Accounts.* The rates established above apply to the accounts maintained by the city for water utility services.
- (f) *Procedures.* All billings, credits, exemptions and other procedures relating to this fee shall be subject to the provisions of the Act.

***Articles 9.000 through 15.000 - Reserved. See adopted Schedule of Fees and Charges."***

- 2) That,** the City council shall adopt by resolution a schedule of fees and charges for all services not set out in the Code of Ordinances.
- 3) That,** any reference to a fee not included in the Code of Ordinances shall be deemed to be a reference to the adopted Schedule of Fees and Charges.
- 4) That,** all future changes to fees shall be in accordance to the adopted budget policy and presented during the City of San Angelo Budget process.
- 5) That,** the following severability clause is hereby adopted with this amendment:

Severability:

That 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.

- 6) That**, this Ordinance shall be effective on, from and after the date of approval of the resolution adopting a Schedule of fees and Charges.

**INTRODUCED with public hearing the \_\_\_\_\_ day of \_\_\_\_\_, 2019, and finally PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.**

**THE CITY OF SAN ANGELO, TEXAS:**

\_\_\_\_\_  
Brenda Gunter, Mayor

**ATTEST:**

\_\_\_\_\_  
Julia Antilley, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Theresa James, City Attorney

# REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

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

Meeting Date: July 2, 2019

Item type: Regular Item

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## **Caption:**

First reading and public hearing of an ordinance amending Appendix A "Fee Schedule", Article A8.000 "Utility Related Fees", A8.002(a)(1) "Rate Schedule", by amending the untreated water rates (Presentation made by Water Utilities Director Allison Strube)

## **Summary/History:**

The City provides untreated (raw) water to customers around Lake Nasworthy and also to property owners along the Hickory transmission line. In the rates adopted by City Council in December 2015, the untreated water rates went from a tiered rate structure to a flat rate per 1,000 gallons. With the intent to keep this water customer class revenue neutral, this resulted in a higher rate than the treated water rates. In the later part of 2017, the raw water rates were changed to be the same as the landscape rates.

In addition to keeping this class revenue neutral, the higher rate originally established by the rate plan for the untreated water reflects the value of the water to the City. These are the City's important water supply sources and any use of them counts against the City's water right allocation and diminishes the amount we have available to serve the entire city. Therefore, the utility wanted everyone to be diligent in the use of this water, and even though it is untreated, use it in the most conservative manner.

After analysis of the past few years of raw water usage, it is recommended to revert back to a flat rate per 1,000 gallons. The proposed flat rate for raw water is the lower tier of the winter landscape rates. This would be \$6.23 per 1,000 gallons in 2019 and \$6.68 per 1,000 gallons starting January 1, 2020.

## **Financial Impact:**

Based upon the untreated water usage for the past three years, adjusting the rates as proposed will allow this particular billing class to closely meet the revenue projections from the 2015 rate study.

## **Other Information/Recommendation:**

Staff recommends approval to change the untreated water rates and for these rates to be effective August 1, 2019. The second reading of this ordinance will occur on July 16, 2019.

## **Attachments:**

- |                              |                                |
|------------------------------|--------------------------------|
| 1. Raw water rates amendment | Raw water rates amendment.docx |
|------------------------------|--------------------------------|

## **Presentation:**

## **Approvals/Reviews:**

|                |                   |
|----------------|-------------------|
| Allison Strube | Created/Initiated |
| Theresa James  | Approved          |
| Brian Groves   | Approved          |
| Nolan Sosa     | Approved          |
| Tina Dierschke | Approved          |
| Theresa James  | Approved          |
| Becky Dunn     | Approved          |
| Julia Antilley | Final Approval    |

**AN ORDINANCE AMENDING APPENDIX A, ARTICLE A8.000,  
SECTION A8.002(a)(1) "RATE SCHEDULE"; PROVIDING FOR  
SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE**

**BE IT ORDAINED BY THE CITY OF SAN ANGELO:**

**1) THAT**, Appendix A, Section A8.002(a)(1) of the Code of Ordinances, City of San Angelo, Texas is hereby amended as follows:

"Sec. A8.002 - Monthly water rates; sanitary sewer discharge charges; industrial waste charges; sewer tap charges

(a) All persons supplied with water by the city shall be billed for water at the following monthly rates.

(1) *Rate schedule :*

(A) Inside city, fixed charge - meter size:

|      | <b>2016</b> | <b>2017</b> | <b>2018</b> | <b>2019</b> | <b>2020</b> |
|------|-------------|-------------|-------------|-------------|-------------|
| 5/8" | \$21.37     | \$23.88     | \$26.68     | \$28.62     | \$30.69     |
| 1"   | \$25.86     | \$28.90     | \$32.29     | \$34.63     | \$37.15     |
| 1½"  | \$30.38     | \$33.96     | \$37.94     | \$40.70     | \$43.65     |
| 2"   | \$40.07     | \$44.78     | \$50.04     | \$53.67     | \$57.56     |
| 3"   | \$117.01    | \$130.76    | \$146.13    | \$156.72    | \$168.08    |
| 4"   | \$146.09    | \$163.26    | \$182.44    | \$195.67    | \$209.85    |
| 6"   | \$212.67    | \$237.66    | \$265.59    | \$284.84    | \$305.49    |
| 8"   | \$288.28    | \$322.15    | \$360.01    | \$386.11    | \$414.10    |

(B) Residential volumetric, rate per 1,000 gallons (single-family residence, duplex, or other individually metered residential unit. Residential usage shall be the combined usage of the building meter and any landscape meter(s) serving the tract.):

|       | <b>2016</b> | <b>2017</b> | <b>2018</b> | <b>2019</b> | <b>2020</b> |
|-------|-------------|-------------|-------------|-------------|-------------|
| 0—2   | \$2.74      | \$3.00      | \$3.30      | \$3.54      | \$3.80      |
| 3—5   | \$3.99      | \$4.38      | \$4.81      | \$5.16      | \$5.54      |
| 6—15  | \$4.66      | \$5.12      | \$5.62      | \$6.03      | \$6.47      |
| 16—39 | \$4.99      | \$5.48      | \$6.02      | \$6.45      | \$6.92      |
| >39   | \$9.13      | \$10.03     | \$11.02     | \$11.82     | \$12.68     |

(C) Nonresidential volumetric, rate per 1,000 gallons (commercial, apartment, mobile home park, fire hydrants, industrial, hotel/motel, hospital, school, and government):

| 2016   | 2017   | 2018   | 2019   | 2020   |
|--------|--------|--------|--------|--------|
| \$4.62 | \$5.27 | \$6.01 | \$6.45 | \$6.92 |

(D) Landscape volumetric, rate per 1,000 gallons:

|                  | 2016    | 2017    | 2018    | 2019    | 2020    |
|------------------|---------|---------|---------|---------|---------|
| <b>Winter**</b>  |         |         |         |         |         |
| 0—89             | \$4.46  | \$5.09  | \$5.81  | \$6.23  | \$6.68  |
| >89              | \$9.98  | \$11.39 | \$12.99 | \$13.93 | \$14.94 |
| <b>Summer***</b> |         |         |         |         |         |
| 0—89             | \$4.66  | \$5.32  | \$6.07  | \$6.51  | \$6.98  |
| >89              | \$10.43 | \$11.90 | \$13.58 | \$14.56 | \$15.62 |

\* For all landscape meters at schools, colleges, parks, or other city-owned facilities all usage will be billed at the "0—89" rate.

\*\*Winter is the billing period of October through April.

\*\*\*Summer is the billing period of May through September.

(E) Untreated water volumetric, rate per 1,000 gallons (all customers):

| 2019   | 2020   |
|--------|--------|
| \$6.23 | \$6.68 |

**2) THAT**, the following severability clause is hereby adopted with this amendment:

SEVERABILITY:

That 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.

**3) THAT**, this Ordinance shall be effective on August 1, 2019.

INTRODUCED on the \_\_\_\_\_ day of \_\_\_\_\_, 2019, and finally PASSED, APPROVED and ADOPTED on this the \_\_\_\_\_ day of \_\_\_\_\_, 2019.



CITY OF SAN ANGELO

ATTEST:

\_\_\_\_\_  
Brenda Gunter, Mayor

\_\_\_\_\_  
Julia Antilley, City Clerk

Approved as to Form:

\_\_\_\_\_  
Theresa James, City Attorney

# REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

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

Meeting Date: July 2, 2019

Item type: Regular Item

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## **Caption:**

Second reading of an ordinance amending Appendix A "Fee Schedule", by deleting article A3.011 "Bus Fares" and replacing it with article A3.011 "Airport Badge Fees" (Presentation by Finance Director Tina Dierschke)

## **Summary/History:**

Each year, fees and charges are reviewed to ensure current rates are appropriate for the services rendered. Through this process, we explore new fees to charge for existing services, increases to fees for existing services, and adoption of existing fees which are not yet in an ordinance.

For Airport, the following changes were recommended on first reading:

Increase existing fees:

- General Aviation and Federal Enforcement badge: \$60
- Security Identification Display Area (SIDA) badge: \$85

On second reading, staff recommends keeping fees at the existing levels of \$45 and \$60, respectively.

## **Financial Impact:**

There is no financial impact associated with adopting the existing fees.

## **Other Information/Recommendation:**

## **Attachments:**

- |                                         |                                    |
|-----------------------------------------|------------------------------------|
| 1. Proposed Fee Changes Worksheet FINAL | Proposed Fee Changes Worksheet.pdf |
| 2. Airport - Ordinance FINAL            | Airport - Ordinance.docx           |

## **Presentation:**

Tina Dierschke

## **Approvals/Reviews:**

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

# City of San Angelo

## Fee Review

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Department: Airport

Fee Title: Security Badge

Current Fee: General Aviation and Federal Enforcement badge: \$45

Security Identification Display Area (SIDA) badge: \$60

Proposed Fees: General Aviation and Federal Enforcement badge: \$60

Security Identification Display Area (SIDA) badge: \$85

Cost of Service: General Aviation and Federal Enforcement badge: \$84.73

Security Identification Display Area (SIDA) badge: \$135.76

Volume per year: General Aviation and Federal Enforcement badge: 137

Security Identification Display Area (SIDA) badge: 81

Financial Impact: General Aviation and Federal Enforcement badge: \$2,055

Security Identification Display Area (SIDA) badge: \$2,025

Survey of Benchmark Cities:

| City          | Fee Amount                      | Notes                                                                                                                              |
|---------------|---------------------------------|------------------------------------------------------------------------------------------------------------------------------------|
| Abilene       | \$15/\$12/\$55                  | \$15 for new badge, \$12 for badge renewal, \$55 for fingerprint background check                                                  |
| Midland       | \$50/\$29/\$100/\$5             | \$29 for city employees/ \$50 everyone else/ \$100 if lost /\$5 replace if you can't read or see the picture                       |
| Wichita Falls | \$35/\$45/\$20/\$50/\$100/\$150 | \$35 For ID/ \$45 for Fingerprint/\$20 ramp permit/ Lost 1 <sup>st</sup> time-\$50, 2 <sup>nd</sup> -\$100, 3 <sup>rd</sup> -\$150 |

Additional Information:

**AN ORDINANCE AMENDING APPENDIX A “FEE SCHEDULE” OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO TEXAS, BY DELETING ARTICLE A3.011 “BUS FARES” AND REPLACING IT WITH ARTICLE A3.011 “AIRPORT BADGE FEES”; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE**

**BE IT ORDAINED BY THE CITY OF SAN ANGELO:**

**1) THAT**, the Code of Ordinances is hereby amended by DELETING Article A3.011“ in it’s entirety and REPLACING it as set out below:

**A3.011 Airport Badge Fees**

Each holder of a security badge for the San Angelo Airport shall pay the following badge fee:

|                                             |      |
|---------------------------------------------|------|
| General Aviation and Federal Enforcement    | \$60 |
| Security Identification Display Area (SIDA) | \$85 |

**2) THAT**, the following severability clause is hereby adopted with this amendment:

**SEVERABILITY:**

That 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.

**3) THAT**, this Ordinance shall be effective on, from and after the 21<sup>st</sup> day of May, 2019.

INTRODUCED with public hearing on the 7<sup>th</sup> day of May 2019, and finally PASSED, APPROVED and ADOPTED on this the 2<sup>nd</sup> day of July, 2019.

CITY OF SAN ANGELO

ATTEST:

\_\_\_\_\_  
Brenda Gunter, Mayor

\_\_\_\_\_  
Julia Antilley, City Clerk

Approved as to Form:

\_\_\_\_\_  
Theresa James  
City Attorney



APPLICATION FOR  
BOARDS and COMMISSIONS

Name: Jason Fernandez

Address: [REDACTED]

City: San Angelo State: TX Zip: 76903

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

Resident of San Angelo since: 1983 SMD: 4

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

Occupation/Business Affiliation: Fernandez Restaurant

Occupation/Business Address: 817 N Chadbourne

Title/Position: Manager

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

Date

06-28-19

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](mailto: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:

Councilman Harry Thomas

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: Associate of Finance-Angelo State University

Current Municipal and Civic Organization Memberships (position and dates): Young Professionals of San Angelo, San Angelo Performing Arts Center Board of Directors, Chairman of the El Puente Foundation

Previous Municipal Experience (position, location, and dates): n/a

What personal qualifications can you bring to this board? management skills, leadership, reliability, critical thinking, commercial and residential property owner

What is your personal vision for the City? a growing more productive and safe city for current and new coming citizens

Why do you want to serve on this board? to work closely with the citizens of my community and assist with decisions that will positively impact our city

Additional relevant information: Tax Increment Reinvestment Zoning board service for the last 2 years

\*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.