



City Council Agenda 10/15/2019

Notice is hereby given of a regular meeting of the City Council of City of San Angelo to be held October 15, 2019 at 8:30 AM at the McNease Convention Center – South Meeting Room, 501 Rio Concho Drive, San Angelo, Texas, for the purpose of considering the following agenda items.

1. Call to Order

2. Chaplain Prayer

3. Pledges

4. Proclamations/Recognitions

- a. Proclamation of October 23 - October 31, 2019 as Red Ribbon Week

5. Public Comment

Issues or concerns not on the Regular Agenda may be raised by the public at this time. Citizens should speak from the podium, address all comments to the dais, begin by stating their name and address or Single Member District, and limit remarks to less than three minutes.

6. Consent Agenda

- a. Consider approving the October 1, 2019 City Council regular meeting minutes (Julia Antilley)
- b. Consider authorizing the City Attorney to begin termination of Lake Nasworthy Residential Lot Lease and eviction proceedings for non-payment of annual rent (more than 100 days delinquent) on the following properties: (Cindy Preas)
1. 1706 Shad Rd.; Lot 2, Group Shady Point; Carol L. Buie, Estate (\$1,500)
 2. 6638 Knickerbocker Rd.; Lot 114, Group Shady Point; Gayla S. Cook (\$922)
 3. 1816 Shady Point Cir.; Lot 20, Group Shady Point; Joe Koby & Becky Koby (\$923)
 4. 1850 Shady Point Cir.; Lot 21, Group Shady Point; Kippy Joiner & Israel Joiner (\$1,208)
 5. 6606 Knickerbocker Rd.; Lot 122, Group Shady Point; Conor Owen (\$820)
- c. Consider authorizing the City Attorney to terminate the Recreational and Agricultural Lease of approximately 2.214 acres of land, adjacent to Lot 10, Pecan Ridge Estates, for non-payment of annual rent (more than 160 days delinquent) (Cindy Preas)
- d. Consider a resolution authorizing a tax resale deed (Quitclaim) to be executed by the Mayor on behalf of the city and all taxing units in the Tax Foreclosure Judgment or Tax Warrant for 920 W. 17th St., being Lot 6, Block 2, T L Salvato Addition (\$1,000) (Cindy Preas)
- e. Consider authorizing the City Manager to execute a 15' Easement and Right-of-Way with AEP Texas, Inc. for the benefit of City's Tenant, Sports Next Level LLC, on property commonly known as 2838 College Hills Blvd. (Cindy Preas)

- f. Consider approving BuyBoard Contract #555-18 with Insituform Technologies, LLC, for sewer infrastructure rehabilitation in the amount of \$708,655 and authorizing the City Manager to negotiate and execute all related documents (Andy Vecellio)
- g. Consider awarding RFB FS-11-19 Patrol Utility Vehicles to Jim Bass Ford (San Angelo, TX) in the amount of \$527,445, for the purchase of 12 units with the option to purchase 3 additional units annually, and authorizing the City Manager to negotiate and execute all related documents (Ryan Kramer)
- h. Consider awarding RFB FS-13-19 Medium Pickups to Jim Bass Ford (San Angelo, TX) in the amount of \$527,000, for the purchase of 14 units with the option to purchase 3 additional units annually, and authorizing the City Manager to negotiate and execute all related documents (Ryan Kramer)
- i. Consider awarding RFB FS-14-19 Half Ton Pickups to Jim Bass Ford (San Angelo, TX) in the amount of \$704,000, for the purchase of 18 units with the option to purchase 4 additional units annually, and authorizing the City Manager to negotiate and execute all related documents (Ryan Kramer)
- j. Consider a resolution accepting the donation of two treadmills to the San Angelo Police Department (Frank Carter)
- k. Consider authorizing the San Angelo Fire Department to participate in the 2019 Muscular Dystrophy Association (MDA) Fill the Boot Campaign (Brian Dunn)
- l. Consider approving a Memorandum of Understanding between the City of San Angelo and Downtown San Angelo, Inc. for the construction of an entryway into downtown San Angelo (Shane Kelton)
- m. Consider approving Tax Increment Reinvestment Zone (TIRZ) incentive funding for four private projects in the North TIRZ area for the properties located at 1715 N. Chadbourne, 1816 N. Chadbourne, 1822 N. Chadbourne, and 2934 N. Chadbourne totaling \$233,985 (Jon James)
- n. Consider approving the following:
 - 1. Second 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
 - 2. A resolution approving the Schedule of Fees and Charges
 - 3. A resolution approving the Budget Policy (Theresa James and Tina Dierschke)

7. Regular Agenda

Comments regarding items on the Regular Agenda may be made by the public when each item is discussed as outlined above. Applicants, proponents, and appellants are excepted from the time limit above and instead must limit their remarks to less than five minutes.

- a. Report from the Convention & Visitors Bureau (CVB) and Chamber of Commerce Economic Development Council (Presentations made by CVB Director Diann Bayes and Chamber Vice President for Economic Development Michael Looney)

- b. Public hearing on proposed development and consideration of a resolution of general support for a Low Income Housing Tax Credit (LIHTC) project in SMD2 by SA Villas at Shriner's Point, L.P. to construct affordable housing apartments in San Angelo on 37th St. and 40th St. (Presentation made by Neighborhood Services Director Bob Salas)
- c. Consider adopting an ordinance authorizing the issuance and sale of City of San Angelo, Texas Waterworks and Sewer System Improvement Revenue Bonds, Series 2019; establishing procedures for the sale and delivery of the Bonds; providing for the security for and payment of such Bonds; and authorizing and enacting other matters and provisions relating to the subject (Presentation made by Finance Director Tina Dierschke)
- d. First reading and public hearing of:
 - 1. An ordinance approving CP19-02, an amendment to the Comprehensive Plan, changing certain lands from the Neighborhood Future Land Use to the Commercial Future Land Use, being the east 5.9 acres of an unaddressed 11.3374 acre tract located approximately 250-ft west of the intersection of Sunset Dr. and YMCA Dr.
 - 2. An ordinance for Z19-15, a rezoning from the Heavy Commercial (CH) Zoning District to the General Commercial (CG) Zoning District, being an unaddressed 11.3374 acre tract located approximately 250-ft west of the intersection of Sunset Dr. and YMCA Dr. (Presentation made by Planning & Development Services Director Jon James)
- e. First reading and public hearing of an ordinance approving a rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District to the Planned Development (PD19-08) Zoning District to allow for an indoor entertainment facility with accessory alcoholic beverage sales for on-premise consumption, outdoor recreation and entertainment, and mobile food units, being 1.0720 acres located at 4382 Southwest Blvd. (Presentation made by Planning & Development Services Director Jon James)
- f. First reading and public hearing of an ordinance approving the abandonment and vacation of a 20-ft wide by 190-ft long, 0.0872 acres (3,800-sq ft) north/south alley located within Block 30 of Angelo Heights Addition (Presentation made by Planning & Development Services Director Jon James)
- g. Consider an appeal of the Planning Commission's decision to deny the applicant's request for an amendment to Planned Development PD19-04 to modify an approved off-site monument sign to allow a digital monument sign in the triangle generally bound by Sherwood Ave. to the north, W. Beauregard Ave. to the south, S. Tyler St. to the west and S. Harrison St. to the east, at 1909 W. Beauregard Ave. (Presentation made by Planning & Development Services Director Jon James)
- h. Consider a resolution authorizing the City Manager, or designee, to apply for and accept a Texas Historical Commission Certified Local Government Program Grant for fiscal year 2019-2020 for a total project amount of \$35,000; approving provision for matching funds equal to fifty percent of the project costs in the form of a combination of matching funds and value of in kind services; and designating the City Manager as the City's Authorized Grant Official (Presentation made by Planning & Development Services Director Jon James)

- i. Update on Sales Tax revenue performance (Presentation made 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:

- a. 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:
 - Millspaugh Addition, Block 24
 - 1521/1525 S. Concho Park Dr.
 - 141.670 +/- acres out of WC RR Co Survey and 200.1100 +/- acres out of W Johnson Survey
- b. Section 551.089(1) to deliberate regarding security assessments or deployments relating to information resources technology, regarding: Avolve Agreement

9. Follow Up and Administrative Issues

- a. Consider items discussed in Closed Session, if needed
- b. 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 City Hall in the City of San Angelo, Texas, on the 10th day of October 2019, at 2:42 p.m.



Julia Antilley, City Clerk

All agenda items are subject to action. 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.

Citizen requests to display materials on the city's monitors must submit the request 96 hours prior to the meeting by email to Julia.Antilley@cosatx.us. Time limits for discussion are as stated above and materials cannot exceed 10-pages. Citizens bringing materials for distribution to City Council members during the meeting must bring a minimum of 12 copies.

City Council regular meetings are broadcast on SATV Channel 17-Government Access at 10:30 a.m. and 7:00 p.m. every day, beginning the evening of the meeting until the evening of the next meeting.

Proclamation

Substance use disorder is particularly damaging to one of our most valuable resources, our children, and is a contributing factor in the three leading causes of death for teenagers – accidents, homicides, and suicides.

It is imperative that visible, unified prevention education efforts by community members be launched to eliminate the demand for drugs.

It is the goal of Red Ribbon Week and the Alcohol & Drug Abuse Council for the Concho Valley to involve families, schools, businesses, churches, law enforcement agencies, and service organizations in all aspects of this campaign and establish an atmosphere that supports awareness, education, and on-going initiatives to prevent illegal drug use.

The Red Ribbon Week Campaign theme promotes family and individual responsibilities for living healthy, drug-free lifestyles, without illegal drugs or the illegal use of legal drugs.

There are many activities planned during the Red Ribbon Week Campaign in Tom Green County. The Alcohol & Drug Abuse Council for the Concho Valley and Concho Valley CARES are asking the residents of the city of San Angelo to observe Red Ribbon Week October 23-31, 2019.

Therefore, I Harry Thomas, Mayor Pro Tem of the City of San Angelo, Texas, on behalf of the City Council, do hereby proclaim October 23rd through October 31st, 2019 as

RED RIBBON WEEK 2019

in San Angelo, Texas and call upon all residents, parents, governmental agencies, public and private institutions, businesses, hospitals, schools and colleges in the City of San Angelo to support and increase community awareness and prevention efforts 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 15th day of October, 2019.

Harry Thomas
Mayor Pro Tempore of the City of San Angelo

City of San Angelo, Texas
Regular City Council Meeting
Tuesday, October 1, 2019

Present:

Mayor Pro tem Harry Thomas, SMD 3
Council Member Tom Thompson, SMD 2
Council Member Lucy Gonzales, SMD 4
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 Pro Tem Thomas called the regular session of the San Angelo City Council to order at 8:31 a.m. on Tuesday, October 1, 2019, in the San Angelo McNease Convention Center, 501 Rio Concho Drive, San Angelo, Texas 76903.

2. Legislative Prayer

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

3. Pledges

Pledges were led by Cornerstone Christian School students Lorelei Bryant (4th grade) and triplets Preslee, Paxton, and Paislee Rios (3rd grade).

4. Proclamations/Recognitions

October 6 - 12, 2019 was proclaimed Fire Prevention Week

October 7, 2019 was proclaimed World Habitat & Affordable Housing Day

Goodyear San Angelo Proving Grounds was recognized for their 75th Anniversary

The NAACP State Convention was welcomed to San Angelo

5. Public Comment

Republic Services Municipal Services Manager Joe Spano introduced new General Manager of the San Angelo area Brittany Reichenau. Ms. Reichenau introduced herself to the Council.

Chamber of Commerce President/CEO Bruce Partain reminded everyone of the Business Expo held October 8th at the Convention Center.

6. Consent Agenda

- a. Approval of the September 17, 2019 City Council regular meeting minutes (Julia Antilley)
- b. Authorization of the City Manager to execute a 15' Easement and Right-of-Way with AEP Texas, Inc. on property managed by Fairmount Cemetery (Cindy Preas)
- c. Adoption of a resolution authorizing a tax resale deed (Quitclaim) to be executed by the Mayor on behalf of the City and all taxing units in the Tax Foreclosure Judgement or Tax Warrant to the following property:
all of Lots 1 and 2, and part of the adjacent street and alley, Block C, Spencer Addition No. 1 (\$750) (Cindy Preas) (Pg. 482, 2019-127)
- d. Award of RFB: CFM-02-19 Plumbing Maintenance and Repair Services to 3D's Plumbing, Black Plumbing, Sunshine Plumbing, and Kolster Plumbing and authorizing the City Manager to negotiate and execute all related documents (Ron Lewis)

- e. Award of RFB: CFM-03-19 HVAC Maintenance and Repair Service to Clare's Heating and Air and authorizing the City Manager to negotiate and execute all related documents (Ron Lewis)
- f. Award of RFQ: IT-02-19 IDIQ for Mobile Telecommunications Devices to West Central Wireless and authorizing the City Manager to negotiate and execute all related documents (Bucky Hasty)
- g. Approval of purchases with Xylem/Flygt related to new and existing water and wastewater pumps for captive replacement parts, repairs, rebuilds, and replacements budgeted in fiscal years 2020, 2021, and 2022 in the amount of \$250,000 annually (Allison Strube)
- h. Adoption of a resolution declaring the City of San Angelo's intent to continue collecting bingo fees (Tina Dierschke) (Pg. 483, 2019-128)
- i. Ratification of COSADC's approval of an extension of the 2018-2019 San Angelo Chamber of Commerce Services Agreement to December 31, 2019 (Guy Andrews)
- j. Ratification of COSADC's approval of a Services Agreement with the San Angelo Chamber of Commerce for Calendar Year 2020 that includes an increase from \$225,000 to \$250,000 annually (Guy Andrews)
- k. Second reading and adoption of an ordinance amending PD18-03, a rezoning from the Single-Family Residential (RS-1) Zoning District to the Planned Development (PD) Zoning District to expand the existing PD18-03 boundary to allow for uses permitted in the General Commercial (CG) Zoning District, with a principal use of Campground/Recreational Vehicle Park, being 40.58 acres located at 2680 and 2698 Camper Rd. (Jon James) (Pg. 484, 2019-129)
- l. Approval of:
 - 1. Second reading and adoption of an ordinance approving the abandonment of approximately 14,778-sq ft of King Mill Cir. (formerly King Mill Dr.) and 14,777-sq ft of King Mill Cir. (formerly Wedgewood Ct.) public right-of-ways; located within Block 101, Section 16C, Bentwood Country Club Estates (Pg. 489, 2019-130)
 - 2. Adoption of a resolution approving an easement release of approximately 12,416-sq ft of a 20-ft wide drainage easement and 1,688-sq ft of a 10-ft wide drainage easement within Bentwood Country Club Estates, Section eleven and Section sixteen-C, generally located at King Mill Cir. (formerly King Mill Dr. and Wedgewood Ct.) (Jon James) (Pg. 492, 2019-131)

Motion: Council Member Thompson made a motion, seconded by Council Member Carter, to approve the Consent Agenda with no changes. The motion carried unanimously (5) ayes to (0) nays.

7. Regular Agenda

- a. Award of AP-02-19: Runway 18-36 and Commercial Apron Rehabilitation to American Road Maintenance in the amount of \$1,260,732 for Airport Improvement Project 39 and authorizing the City Manager to negotiate and execute all related documents (Presentation made by Airport Director Jeremy Valgardson)

Motion: Council Member Carter made a motion, seconded by Council Member DeWitt, to approve the item, as presented. The motion carried unanimously (5) ayes to (0) nays.

- b. Approval of the purchase of Public Safety Equipment from Axon Enterprises, Inc. in the amount of \$1,681,894.29 through BuyBoard Contract # 568-18 and authorizing the City Manager to negotiate and execute all related documents (Presentation made by Police Chief Frank Carter)

Motion: Council Member Carter made a motion, seconded by Council Member Gonzales, to approve the item, as presented. The motion carried unanimously (5) ayes to (0) nays.

- c. **FAILED MOTIONS:** Second reading and public hearing of an ordinance approving the abandonment of approximately 105,000-sq ft of the E. Ave. D public right-of-way; generally located between S. Oakes St. and Rust St. in the Fort Concho Addition (Presentation made by Planning & Development Services Director Jon James)

Citizens Daniel Cardenas (SMD3), Mark Brown (Baker St.), Fred Dietz (Powell St.), Pat Quint (E. Ave. D), Javier Morales (Ave. D), Rosendo Valadez (Powell St.), Michelle Malone (Christoval, TX), Rod Fentner (grandfather of Fort Concho students), Steve Hampton (SMD6), and Leroy Anderson (Powell St.) expressed concern regarding closing Ave. D.

Wayland Cooksey (Fort Concho Board Member and neighborhood resident), Citizen Joyce Lowe, Sherley Spears (Fort Concho Board Member), and Roger Banks (Fort Concho Board Member) all spoke in favor of closing Ave. D.

Motion: Council Member Thomas made a motion, seconded by Council Member DeWitt, to deny the ordinance. The motion failed (3) ayes to (2) nays, with Council Members Thompson and Carter dissenting.

Motion: Council Member Thompson made a motion, seconded by Council Member Carter, to approve the ordinance. The motion failed (2) ayes to (3) nays, with Council Members Thomas, Gonzales, and DeWitt dissenting.

[Having both motions fail, the item was neither approved nor denied and cannot return to the City Council for six months (Code of Ordinances Article 1.03 – ORDINANCES)]

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 Executive Session

No Items Discussed in Executive Session

- b. Announcements and consideration of Future Agenda Items

No Announcements Made

10. Adjournment

Motion: Council Member Carter made a motion, seconded by Council Member Gonzales, to adjourn the meeting. The motion carried unanimously (5) ayes to (0) nays.

There being no further business, the meeting adjourned at 9:55 a.m.

THE CITY OF SAN ANGELO

Harry Thomas, Mayor Pro tem

ATTEST:

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.)

DRAFT

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: October 15, 2019

Item type: Consent Item

Caption:

Consider authorizing the City Attorney to begin termination of Lake Nasworthy Residential Lot Lease and eviction proceedings for non-payment of annual rent (more than 100 days delinquent) on the following properties: (Cindy Preas)

1. 1706 Shad Rd.; Lot 2, Group Shady Point; Carol L. Buie, Estate (\$1,500)
2. 6638 Knickerbocker Rd.; Lot 114, Group Shady Point; Gayla S. Cook (\$922)
3. 1816 Shady Point Cir.; Lot 20, Group Shady Point; Joe Koby & Becky Koby (\$923)
4. 1850 Shady Point Cir.; Lot 21, Group Shady Point; Kippy Joiner & Israel Joiner (\$1,208)
5. 6606 Knickerbocker Rd.; Lot 122, Group Shady Point; Conor Owen (\$820)

Summary/History:

Tenants are more than 100 days delinquent in paying annual Lake Nasworthy residential lot lease fees. All reasonable collection efforts made by the Real Estate Division have failed. It is the recommendation of the Real Estate Division that the City Attorney's Office terminate the Lake Nasworthy Residential Lot Lease and begin the eviction process. Total amount due includes annual rent and delinquent fees.

February 6, 2007 City Council approved the Procedure for Lake Nasworthy Delinquent Billing and Termination Notices. Staff has followed the established procedures, in include a 30-day notice to Tenant advising of the default, to date all collection efforts have failed.

Financial Impact:

1. 1706 Shad Road; Carol L. Buie, Estate (\$1,500)
2. 6638 Knickerbocker Rd; Gayla S. Cook (\$922)
3. 1816 Shady Point Cir; Joe Koby & Becky Koby (\$923)
4. 1850 Shady Point Cir; Kippy Joiner & Israel Joiner (\$1,208)
5. 6606 Knickerbocker Rd; Conor Owen (\$820)

Other Information/Recommendation:

Staff recommends City Attorney's Office terminate the Lake Nasworthy Residential Lot Lease for failure to pay annual lot lease fees and begin the eviction process.

Attachments:

Presentation:

Approvals/Reviews:

Cynthia Preas
Cynthia Preas
Theresa James
Tina Dierschke
Theresa James
Julia Antilley

Created/Initiated
Approved
Approved
Approved
Approved
Final Approval

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: October 15, 2019

Item type: Consent Item

Caption:

Consider authorizing the City Attorney to terminate the Recreational and Agricultural Lease of approximately 2.214 acres of land, adjacent to Lot 10, Pecan Ridge Estates, for non-payment of annual rent (more than 160 days delinquent) (Cindy Preas)

Summary/History:

Tenants, Andrew Blankenship and Camile Blankenship, entered into a Recreational and Agricultural Lease Agreement with the City of San Angelo, Landlord, for lease of approximately 2.214 acres of land adjacent to Lot 10, Pecan Ridge Estates and the South Concho River.

Annual rent fee due on or before June 1, 2019, remains unpaid. Total amount due (\$529) includes annual rent and delinquent fees.

Failure of Tenant to timely pay annual rent constitutes a default of the Lease by Tenant.

Financial Impact:

Lease to a new Tenant and collect annual rent fee of \$369.

Other Information/Recommendation:

Staff recommends termination of the Recreational and Agricultural Lease Agreement for failure to pay annual rent.

Attachments:

- | | | |
|----|-------------------------------|-----------------------------------|
| 1. | 2.214 AC Survey & Field Notes | 2.214 AC Survey & Field Notes.pdf |
|----|-------------------------------|-----------------------------------|

Presentation:

Approvals/Reviews:

Cynthia Preas	Created/Initiated
Cynthia Preas	Approved
Theresa James	Approved
Tina Dierschke	Approved
Theresa James	Approved
Julia Antilley	Final Approval

EXHIBIT "A"

DESCRIPTION OF TRACT

2.214 Acres

Being an area of 2.214 acres of land out of and a part of M. Mayer Survey 169, Abstract No. 1647, Tom Green County, Texas and said 2.214 acre tract also being out of that certain Thirty-Eighth tract to the City of San Angelo described by deed and recorded in Volume 295, Page 526, Deed Records of Tom Green County, Texas and said 2.214 acre tract being more particularly described by metes and bounds as follows;

Beginning at a ½" iron rod with cap found for the northeast corner of this tract and the northwest corner of certain Lot 10 (1.284 Ac.), Block 1, Pecan Ridge Estates, as per plat recorded in Cabinet G, Slide 87, Plat Records of Tom Green County, Texas;

Thence with the east line of this tract and west line of said Lot 10 (1.284 Ac.), S. 09° 11' 57" W. 161.84 feet to a ½" iron rod with cap found for the southeast corner of this tract and the southwest corner of said Lot 10 (1.284 Ac.) and the northwest corner of certain Lot 11 (1.181 Ac.) of said Block 1;

Thence with the south line of this tract and across said City of San Angelo tract, N. 89° 26' 45" W. 626.35 feet to the southwest corner of this tract and in the east bank of South Concho River;

Thence with the west line of this tract and said City of San Angelo tract and the east bank of said South Concho River, N. 24° 37' 46" E. 175.24 feet to the northwest corner of this tract;

Thence with the north line of this tract, S. 89° 26' 45" E. 579.19 feet to the place of beginning and containing an area of 2.214 acres of land.

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: October 15, 2019

Item type: Consent Item

Caption:

Consider a resolution authorizing a tax resale deed (Quitclaim) to be executed by the Mayor on behalf of the city and all taxing units in the Tax Foreclosure Judgment or Tax Warrant for 920 W. 17th St., being Lot 6, Block 2, T L Salvato Addition (\$1,000) (Cindy Preas)

Summary/History:

Subject property was auctioned at Sheriff's Sale on October 1, 2013. No offers were received causing the subject property to be struck-off to the City, as Trustee for the other taxing entities.

Financial Impact:

Upon approval: (1) The City will retain a \$500 administration fee; (2) The balance will be distributed according to the judgment or tax warrant on the Sheriff's Return; (3) Property will be reinstated back onto tax roll. Savings to the City includes a minimum \$90 per year maintenance charge.

Other Information/Recommendation:

Staff recommends approval.

Attachments:

- | | |
|---------------------------------|----------------------------------|
| 1. Property Analysis TL Salvato | Property Analysis TL Salvato.pdf |
| 2. Tax Resale Resolution | Tax Resale Resolution.docx |
| 3. Map Tax Resale | Map Tax Resale .pdf |

Presentation:

Approvals/Reviews:

Cynthia Preas	Created/Initiated
Cynthia Preas	Approved
Theresa James	Approved
Tina Dierschke	Approved
Theresa James	Approved
Julia Antilley	Final Approval

PROPERTY ANALYSIS

For Tax Resale Property

Legal Description: Lot 6, Block 2, T L Salvato Addition, City of San Angelo, Tom Green County, Texas, being described in a deed recorded in Volume 427, Page 36, Official Public Records of Real Property, Tom Green County, Texas.

Improved/Unimproved Unimproved

Tax Suit Number: B-10-0182-TAX

Location: 920 W. 17th Street

City of San Angelo, et al. Vanessa Kay Cole
vs.

Tax ID Number: Acct #23-41500-0002-006-00

Judgment Date: June 24, 3013

Date of Sheriff's Sale: October 1, 2013

Sheriff's Deed Recorded: October 10, 2013

Years Held in Trust

6 years

Adjudge Value: \$ 2,800.00

Urban Redevelopment Program?

No

Amount of Offer: \$ 1,000.00

Purchaser: Veronica Pedroza

	Amounts Due		Priority	% of	Pro Rata	Amounts
	Fees	Judgment	Allocations	Remainder	Allocations	Distributed
Administration Fee	\$500.00		\$500.00	100.00%		\$500.00
Maintenance Fee			\$0.00	100.00%		
District Clerk	\$798.00		\$798.00	30.00%		\$239.40
Sheriff's Fee	\$100.00		\$100.00	30.00%		\$30.00
Attorney Fee	\$385.00		\$385.00	30.00%		\$115.50
Municipal Liens						\$0.00
Taxes		\$1,517.00		7.59%		\$115.10
Total	\$1,783.00	\$1,517.00	\$1,783.00		\$0.00	\$1,000.00
Actual Total Amt Due		\$3,300.00				

Offer will satisfy a portion of the court costs and Taxes, according to the Judgment.

**A RESOLUTION OF THE CITY OF SAN ANGELO AUTHORIZING THE
MAYOR TO EXECUTE TAX-RESALE (QUITCLAIM) DEED
CONVEYING ALL RIGHT, TITLE AND INTEREST OF THE CITY OF
SAN ANGELO, AND ALL OTHER TAXING UNITS INTERESTED IN THE
TAX FORECLOSURE JUDGMENT**

WHEREAS, by Sheriff's Sale, the property described below was struck-off to the City of San Angelo, Trustee, pursuant to a delinquent tax foreclosure decree of the 119th Judicial District, Tom Green County, Texas; and

WHEREAS, an offer has been made for the purchase of said property pursuant to Section 34.05, Texas Tax Code Ann.(Vernon, 1982); and

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANGELO that its Mayor, Brenda Gunter, is hereby authorized to execute a Tax-Resale (quitclaim) Deed conveying all of the right, title, and interest of the City of San Angelo, and all other taxing units interested in the below described real property to the named individual or entity:

Conveying to:

Veronica Pedroza (\$1,000)

Lot 6, Block 2, T L Salvato Addition, City of San Angelo, Tom Green County, Texas, being described in deed recorded in Volume 427, Page 36, Official Public Records of Real Property, Tom Green County, Texas, described in Judgment foreclosing tax lien entered June 24, 2013, 119th District Court, Tom Green County, Cause No. B-10-0182-TAX, and conveyed by Sheriff's Deed dated October 9, 2013, recorded as Instrument No. 745292. Acct. #23-41500-0002-006-00

APPROVED AND ADOPTED ON THE _____ DAY OF _____, 2019.

THE CITY OF SAN ANGELO

Attest:

Brenda Gunter, Mayor

Julia Antilley, City Clerk

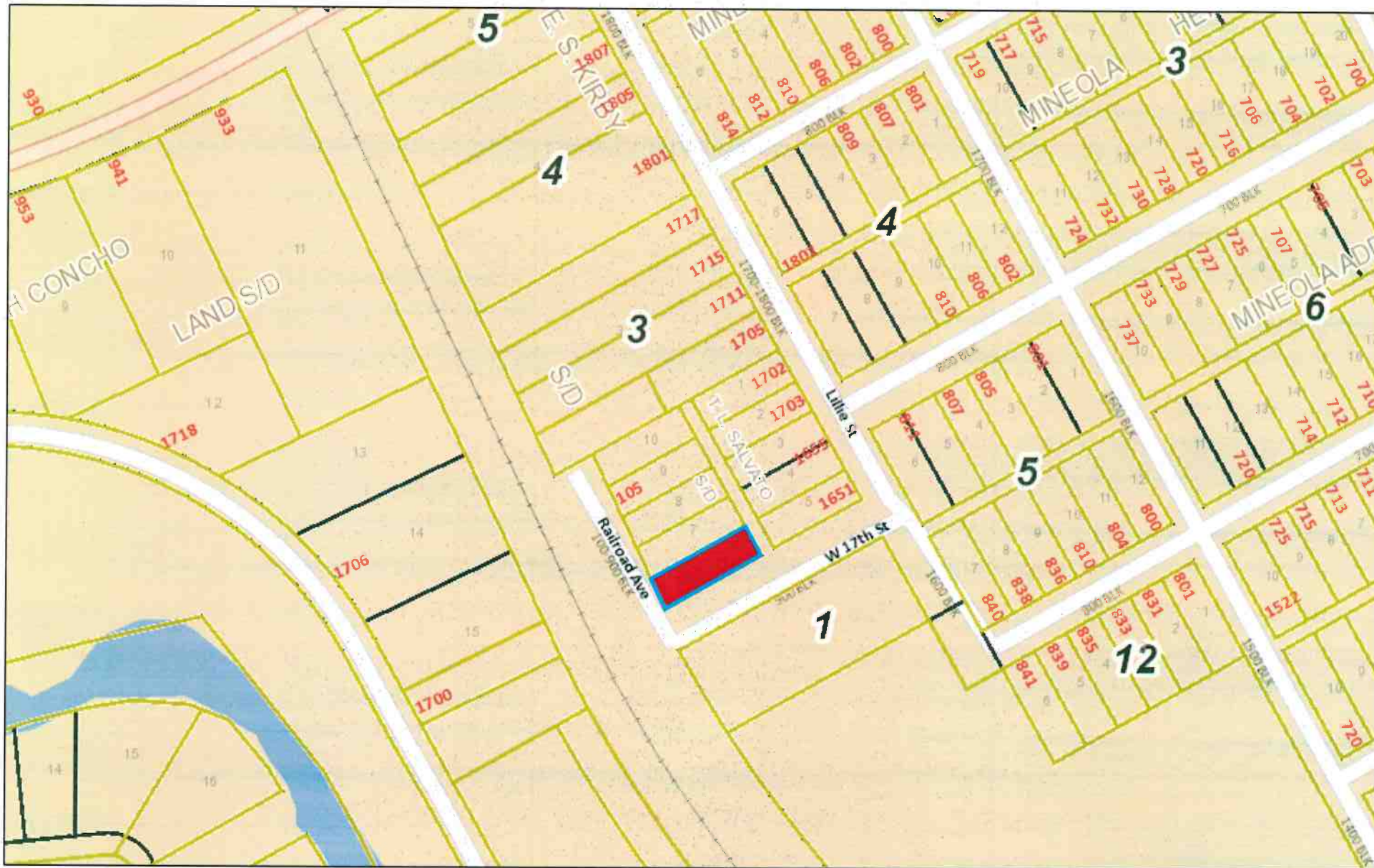
Approved As to Content:

Approved As to Form:

Cynthia S. Preas, Real Estate Manager

Theresa James, City Attorney

920 W 17th Street, Lot 6, Block 2, Salvato Addition 46' x 100'



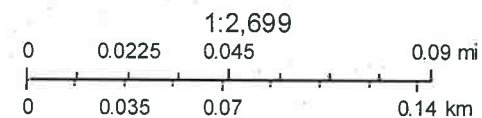
October 11, 2013

Address Points

City Address Points

Pending City Addresses

Retired City Addresses



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: October 15, 2019

Item type: Consent Item

Caption:

Consider authorizing the City Manager to execute a 15' Easement and Right-of-Way with AEP Texas, Inc. for the benefit of City's Tenant, Sports Next Level LLC, on property commonly known as 2838 College Hills Blvd. (Cindy Preas)

Summary/History:

City of San Angelo owns 21.536 acres out of William Nevels, Survey 2, commonly known as 2838 College Hills Blvd. Said 21.536 acres is under a commercial lease agreement with Sports Next Level, LLC.

May 21, 2019, City Council approved a new lease and development plan for an athletic and multi-sports complex to be located on the leased premises.

Prior to construction on the site, Tenant is required to receive approval from the City's Operations and Storm Water Departments regarding placement of the new improvements. Development plans have been approved, which include relocating an AEP 15' utility easement and right-of-way across the leased premises.

Financial Impact:

None.

Other Information/Recommendation:

Staff recommends approval of the 15' utility easement with AEP, Texas.

Attachments:

- | | | |
|----|------------------|----------------------|
| 1. | Map 15' Easement | Map 15' Easement.pdf |
|----|------------------|----------------------|

Presentation:

Approvals/Reviews:

Cynthia Preas	Created/Initiated
Cynthia Preas	Approved
Shane Kelton	Approved
Theresa James	Approved
Tina Dierschke	Approved
Theresa James	Approved
Julia Antilley	Final Approval

STARTING POINT
Latitude 31.4338036572072
Longitude -100.480345622441

Latitude 31.4338856919805
Longitude -100.479608455324

Latitude 31.4338131045507
Longitude -100.479453735625

ENDING POINT
Latitude 31.4334294846475
Longitude -100.479389013235

EXHIBIT "A"

Abst: A-1641 S-0176.25, J MC
NEECE, 70.1660 ACRES IN
J MCNEECE SURVEY & COGSWELL
SURVEY 3 (IN RED ARROYO)
WR74622441
SRM
D.D. LAT/LONG
WGS 1984

COLLEGE HILLS BLVD

(901,614)
14114821
10 C

(970,583)

6 AL

2838-2

1-2 AS
1-2 AL
CN

(945,403)

1-2 AS
1-2 AL
CN

COLLEGE HILLS STA
6145 CKT
97SA6145

COLLEGE HILLS STA
6145 CKT
97SA6145

(159,594)
068772
(159,594)
75 C
400W MH

2838-A
2838
40 AL

2838-R
2 AL

(855,497)
70W HS

(900,433)
6 AL TD

(900,433)
400W MH

(900,417)

3206

(147,424)

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Andy Vecellio, Project Engineer, Water Utilities, 325-657-4218

Meeting Date: October 15, 2019

Item type: Consent Item

Caption:

Consider approving BuyBoard Contract #555-18 with Insituform Technologies, LLC, for sewer infrastructure rehabilitation in the amount of \$708,655 and authorizing the City Manager to negotiate and execute all related documents (Andy Vecellio)

Summary/History:

Aging sewer infrastructure that has deteriorated due to corrosion of metallic pipe and cracks in clay pipe have resulted in inflow/infiltration (I & I) and structural concerns. The project focuses on the Central High School campus area, an aerial line on the Harris Street bridge crossing the Concho River, and a portion of the Bentwood area to utilize industry recognized rehabilitation methods. This rehabilitation method is known as Cured In Place Pipe (CIPP). This allows for rehabilitation with minimal to no ground disturbance. The City would be utilizing BuyBoard bid options with Insituform Technologies, LLC, to provide structural stability and reduce I & I for both existing pipes and manholes to the areas as described above and attached maps.

The projects consists of the rehabilitation of approximately 1,680 feet of 18-inch sewer pipe, 2,020 feet of 12-inch sewer pipe, and five manholes.

City Staff and the Contractor have coordinated with San Angelo ISD to have the work completed during the winter break to minimize disturbances to school related activities. The video and cleaning of the lines is scheduled to be completed in November, with the rehabilitation scheduled for late December and early January.

Financial Impact:

Funding for the project is from FY19 unused capital. The funding would be carried over during Finance's carryover process in November/December for consideration and approval by City Council.

Other Information/Recommendation:

Staff recommends that the contract be awarded to Insituform Technologies, LLC and the City Manager be authorized to execute any related documents.

Attachments:

- | | | |
|----|---|---|
| 1. | Insituform Buyboard Proposal- San Angelo Tx - Central High School_W Harris_Brentwood Sewer Rehab - 8Oct2019 | Insituform Buyboard Proposal- San Angelo Tx - Central High School_W Harris_Brentwood Sewer Rehab - 8Oct2019.pdf |
| 2. | 2019 October 15 CC Insituform 6.f | 2019 October 15 CC Insituform 6.f.pdf |

Presentation:

Approvals/Reviews:

Andy Vecellio	Created/Initiated
Allison Strube	Approved
Theresa James	Approved
Nolan Sosa	Approved
Tina Dierschke	Approved
Theresa James	Approved
Allison Strube	Approved
Julia Antilley	Final Approval



17988 Edison Ave.
Chesterfield, Mo
63005

Tel: (713) 845-3002
Fax: (713) 980-0782
www.insituform.com

October 8, 2019

ACES# AAJA-YNE08Y

Buyboard Proposal

Ms. Allison Strube, P.E.
Director of Water Utilities
City of San Angelo
Water Utilities Department
301 W. Beauregard Ave.
San Angelo, Tx 76903

Project Name: Central High School, W. Harris Ave. and Bentwood Sanitary Sewer Rehabilitation

Insituform Technologies, LLC. (Insituform) herein proposes to furnish all labor, materials, equipment and services for accomplishing the referenced task (as described in the project location maps presented by the Owner) utilizing The Local Government Purchasing Cooperative Contract #555-18 administered through the Buyboard.

Assumptions and Qualifications

We have based this proposal on a nominal wall thickness for the Insitutube as shown in the price. This is based on the best available information at the time of this proposal. Existing pipe deterioration in excess of the conditions assumed, ground water loads in excess of those assumed, or other loads or conditions may increase the recommended thickness for all or portions of the work. Final recommendations may be submitted to you following the completion of the preliminary video inspection phase of the project. Stated prices are subject to adjustment if design changes are agreed upon.

The pricing in this proposal assumes that all Technical Specifications set forth by the Buyboard and City of San Angelo (COSA), where applicable, will be strictly adhered to. Any changes to these specifications must be noted and agreed upon by both parties prior to finalizing proposal pricing. Workable access to manholes and the pipe shall be provided by COSA. Multiple mobilizations are required due to work day restraints. Quantities and durations for the tuberculation removal and bypass pumping operation are estimated and may vary. Work on the High School Campus shall be permitted, shall be performed outside of normal school classroom hours and at any time, mutually agreed upon by COSA, throughout the Winter break. It is understood that the flow on the 12-inch sewer under the High School tennis courts and segments upstream will be shut off during the Winter break by COSA or the School District (SAISD). Therefore, we will not be required to provide a bypass on these segments, and we intend to complete the Insituform Cured-In-Place-Pipe (CIPP) installs on these segments prior to 26Dec2019. COSA shall provide for the installation of a new manhole on the 18-inch segment just North of W. Harris and a point repair at the shifted joint on the 12-inch Bentwood segment as well as any other point repairs that may be required on other segments to facilitate the CIPP installs. The City will install exterior clamps, if required, on the iron pipe under the bridge should the mechanical cleaning cause any leaking or damage to the host pipe. All work permits (including any required by TxDOT, SAISD and private parties) shall be secured and provided by COSA. A dumpsite shall be provided at no cost to Insituform by COSA for the appropriate disposal of debris removed from the pipe. Tax exempt certificate to be provided by COSA. Water shall be provided at no cost to Insituform for all construction phases of this project. Insituform will follow all required deposit, backflow prevention, and metering procedures.

Insituform will supply the City of San Angelo, Payment, Performance Bonds and Certificate of Insurance, if necessary, following acceptance of this proposal. A pay item is provided herein, for bond cost.

Proposal Terms and Conditions

Terms and Conditions from The Local Government Purchasing Cooperative Contract are available upon request from the Buyboard. The terms and conditions from the City of San Angelo shall be subsequent to that of the Buyboard and subject to acceptance by Insituform. Any changes to these conditions must be noted and agreed upon by both parties.

Proposal Pricing

San Angelo					
Central HS					
		Unit of	Per Bid		
Bid Item per Docs	Description	Measure	Quantity	Bid Price	Total
1	Travel and Mobilization- Clean and TV Crew	EA	2	\$ 5,000.00	\$ 10,000.00
2	12" Clean and TV	LF	2,020	\$ 5.00	\$ 10,100.00
3	18" Clean and TV	LF	1,680	\$ 10.00	\$ 16,800.00
4	Tuberculation Removal (Pressure & Gravity Pipelines)	IN/DIA/LF	23,460	\$ 1.65	\$ 38,709.00
5	Travel and Mobilization- CIPP Crew	EA	3	\$ 7,500.00	\$ 22,500.00
6	12" x 6.0mm	LF	2,020	\$ 45.00	\$ 90,900.00
7	6" - 12" CIPP Setup Charge Per Install Length	LF	2,020	\$ 15.00	\$ 30,300.00
8	18" x 9.0mm	LF	1,680	\$ 65.00	\$ 109,200.00
9	15" - 21" CIPP Setup Charge Per Install Length	LF	1,680	\$ 25.00	\$ 42,000.00
10	CIPP Short Length Add-On (<300 LF)	IN/DIA/FT	12,360	\$ 5.00	\$ 61,800.00
11	Non-Standard Resin System Add-On	IN/DIA/FT	4,500	\$ 5.25	\$ 23,625.00
12	Internal reconnects	EA	7	\$ 275.00	\$ 1,925.00
13	6" - 18" Post TV Inspection After Rehabilitation	LF	3,700	\$ 2.00	\$ 7,400.00
14	Travel and Mobilization- Bypass Crew	EA	3	\$ 6,000.00	\$ 18,000.00
15	Bypass System Equip/pipe delivery, tear down, pick up 6"	EA	2	\$ 15,000.00	\$ 30,000.00
16	Set Up 6" Pump (Per Pump)(3 pumps per 3 setups)	EA	9	\$ 1,250.00	\$ 11,250.00
17	Set Up 6" Piping	LF	1,100	\$ 7.00	\$ 7,700.00
18	Set Up 8" Piping	LF	1,100	\$ 11.00	\$ 12,100.00
19	Operate 6" pumping System (Fuel & Maint. Per pump)	DAY	13	\$ 650.00	\$ 8,450.00
20	Bypass Pump watch labor	DAY	13	\$ 2,100.00	\$ 27,300.00
21	Bypass Line watch labor	DAY	13	\$ 1,100.00	\$ 14,300.00
22	Bypass - Ramp (Setup, Operate, Maintain)	DAY	5	\$ 450.00	\$ 2,250.00
23	Traffic control (High School Area)	Day	5	\$ 1,000.00	\$ 5,000.00
24	Travel and Mobilization- MH Rehab Crew	EA	1	\$ 4,500.00	\$ 4,500.00
25	Manhole, Pipe or Other Structures - Geo Polymer Rehabilitation	SQFT	377	\$ 48.00	\$ 18,096.00
26	MH Bench Rebuild	EA	5	\$ 750.00	\$ 3,750.00
27	Coat Exterior of exposed pipe with Tnemec	LS	1	\$ 3,500.00	\$ 3,500.00
28	Plug Rental	Day	2	\$ 125.00	\$ 250.00
29	Owner Contingency Allowance	AL	1	\$ 50,000.00	\$ 50,000.00
30	Traffic control (Harris St Area)	Day	20	\$ 425.00	\$ 8,500.00
31	Lighted Arrow Board (Per Arrow Board)	DAY	20	\$ 185.00	\$ 3,700.00
32	Traffic Control Plan (Sealed by Engineer)	EA	1	\$ 3,000.00	\$ 3,000.00
33	Bond	LS	1	\$ 11,750.00	\$ 11,750.00
					\$ 708,655.00

Offered By:

INSITUFORM TECHNOLOGIES, LLC.



TIMOTHY NAYLOR
512-677-8732

Accepted By:

City of San Angelo, Tx

Signature

Date

Allison Strube, P.E.
Director of Water Utilities

This accepted proposal constitutes a formal agreement. If you initiate a purchase order or other contract document, it shall not be acknowledged without this accepted proposal as an attachment.



City Council

October 15, 2019



Project Scope

- Rehabilitation of approximately 3,700 feet of sewer line and five manholes
- Central High School Campus, W. Harris Ave., Bentwood Area
- Scheduling to minimize impact to San Angelo ISD
- Project cost of \$708,655



Project Location – Central HS Campus/W. Harris



Project Location – Bentwood Area



Central High School Campus



Central High School Campus



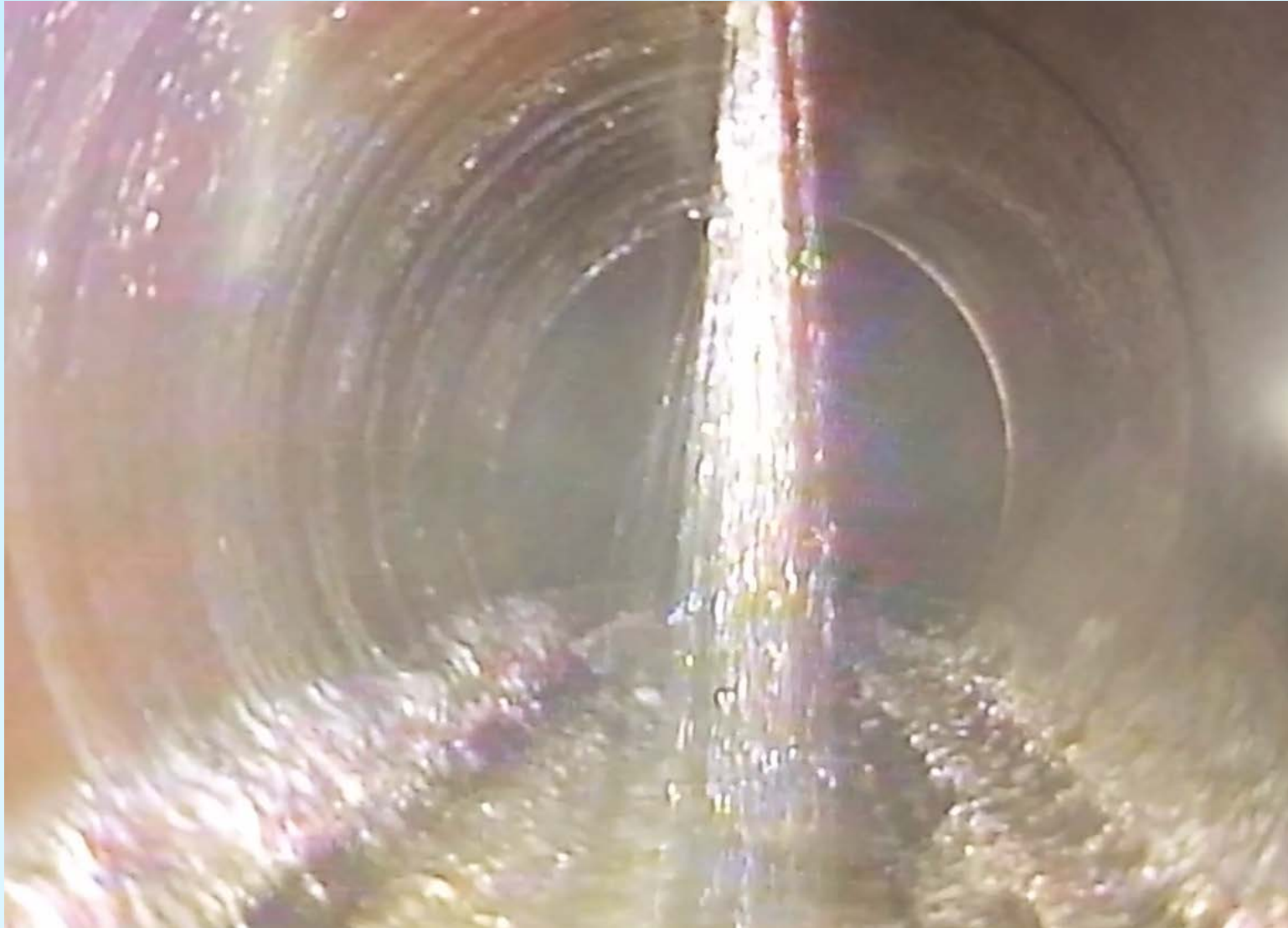
Central High School Campus



West Harris Ave. Aerial Crossing



Bentwood Area





City Council

October 15, 2019



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: October 15, 2019

Item type: Consent Item

Caption:

Consider awarding RFB FS-11-19 Patrol Utility Vehicles to Jim Bass Ford (San Angelo, TX) in the amount of \$527,445, for the purchase of 12 units with the option to purchase 3 additional units annually, and authorizing the City Manager to negotiate and execute all related documents (Ryan Kramer)

Summary/History:

Bids were requested and received for the purchase of Police Patrol vehicles. Two responses were received (Jim Bass Ford, San Angelo and Four Stars Ford, Jacksboro). Units purchased under this award will replace units that have exceeded their intended life expectancy or for use as needed by the Police Department.

Council approval is requested to purchase 12 units and includes the option to purchase 3 additional units as needed due to unexpected events. This bid includes a second year escalation clause that would allow for purchases through FY21. Requirements of this escalation include pricing increases of 4% or less of the bid amount with no major changes to the specifications of the vehicle.

This RFB was sent to multiple local and out of town vendors, with two responses received.

Financial Impact:

Staff recommends award of RFB FS-11-19 Patrol Utility Vehicles to Jim Bass Ford (San Angelo, TX) in the amount of \$527,445, budgeted annually. This bid includes a second year escalation clause.

Other Information/Recommendation:

Staff recommends award of RFB FS-11-19 Patrol Utility Vehicles to Jim Bass Ford (San Angelo, TX) for the purchase of 12 units, with the option to purchase 3 additional units.

Attachments:

- | | | |
|----|------------------|----------------------|
| 1. | FS-11-19 Bid Tab | FS-11-19 Bid Tab.pdf |
|----|------------------|----------------------|

Presentation:

Approvals/Reviews:

Ryan Kramer	Created/Initiated
Patrick Frerich	Approved
Shane Kelton	Approved
Theresa James	Approved
Nolan Sosa	Approved

Tina Dierschke
Theresa James
Julia Antilley

Approved
Approved
Final Approval



CITY OF SAN ANGELO
RFB Bid Tabulation * FS-11-19/ Police Vehicles
 September 18, 2019 2 p.m.

		Jim Bass Ford		4 Stars Ford	
Item	DESCRIPTION	YES	NO	YES	NO
A	New and Unused Current Year Model Ford Police Interceptor Utility (K8A) or approved equivalent. (Ford Option Codes are shown)				
	Removal of Standard Factory Equipment Not Allowed				
	Mechanical				
1	AWD Drivetrain	x		x	
2	3.7 Liter Gasoline Engine (Police Calibrated)	x		x	
3	Police Braking System	x		x	
4	6-speed Automatic Transmission, Column Shift	x		x	
5	220 Amp Alternator	x		x	
6	Heavy Duty Cooling System with Engine Oil Cooler and Transmission Cooler	x		x	
7	Engine Hour Meter	x		x	
8	Heavy Duty Powertrain Mounts	x		x	
9	Heavy Duty 18" Steel Wheels with Full Size Spare, including TPMS	x		x	
10	Pursuit Rated Tires	x		x	
	Interior				
1	Heavy Duty Vinyl Flooring	x		x	
2	Power Adjustable Pedals	x			x
3	Front Seats: Cloth Buckets, No Console, Power Driver's, Manual Passenger's	x		x	
4	Rear Seats: Cloth 60/40 Split (FW/88F)	x			x
5	9 Inch Space Between Front Seats	x		x	
6	Console Mounting Plate	x		x	
7	Rear View Camera, Monitor in Rear View Mirror (87R)	x		x	
	Upfit Equipment				
1	Factory Installed Headlamp and Tail Lamp Wig-Wag Function (66A)	x		x	
2	Factory Installed Dark Car Feature, to Allow for Courtesy Lamp to be Disabled (43D)	x		x	
3	Factory Installed Driver's Side Spot lamp with LED Bulb (Unity - 51R)	x		x	
4	Factory Installed Hidden Door Lock Hinges with Rear Door Handles Inoperable (52P)	x		x	
5	Factory Installed Rear Window Power Delete, Operable from Front Driver Side Switches (18W)	x		x	
6	Remote Keyless Entry (55F)	x		x	
7	Auxiliary Air Conditioning: to provide air conditioning to rear seat when equipped with a prisoner cage (17A)	x		x	
	Options				
1	Factory Installed Ultimate Wiring Package to Include: rear console mounting plate; pre-wiring for grille lights and speaker; wire harness to rear cargo area with two light cables, two 50 amp battery and ground circuits, and one 10 amp siren circuit; rear cargo area wiring for up to six LEDs. (67U) (remove/replace all requirements listed above as needed to add this option)	x		x	
2	Factory Installed Rear Lighting Solution to Include: two LED flashing linear high intensity lights (Driver's side red/Passenger side blue) mounted in liftgate glass; two LED flashing linear high intensity lights (Driver's side red/Passenger side blue) mounted on inside lip of liftgate. (66C)	x		x	
3	Factory Installed Rear Console Plate (85R)	x		x	
4	5 Year Extended Bumper to Bumper Warranty (no deductible)	x		x	
5	Factory Installed Bluetooth Capability	x		x	
6	Factory Service Information	x		x	
7	Delivery to 1727 Saint Ann St, San Angelo TX 76905	x		x	

Notes:
 Interior, Item 4 is 35/30/35
 Upfit Equipment, Item 5 is
 included in Item 4
 Options, Item 1, recommends
 67V connector kit - \$174.00



CITY OF SAN ANGELO

RFB Bid Tabulation * FS-11-19/ Police Vehicles

September 18, 2019 2 p.m.

A – Police Interceptor Utility

Jim Bass Ford

Item	Description	Unit Price	Estimated Quantity	Extended Price
	A – Police Interceptor Utility	\$ 34,072.00	1	\$ 34,072.00
	Make and Model Quoted	2020 Police Interceptor Utility Ford		
	Delivery Lead Time	155-170 Days		
		6/30/2020		
1	Ultimate Wiring Package (67U)	\$ 527.00	1	\$ 527.00
2	Rear Lighting Solution (66C)	\$ 428.00	1	\$ 428.00
3	Rear Console Plate (85R)	\$ 136.00	1	\$ 136.00
4	5 Year Extended Warranty	\$ 2,825.00	1	\$ 2,825.00
5	Bluetooth	N/C	1	N/C
6	Service Information	\$ 225.00	1	\$ 225.00
7	Delivery	N/C	1	N/C
TOTAL BID				\$ 38,213.00

Four Stars Ford

Unit Price	Estimated Quantity	Extended Price
\$ 34,659.00	1	\$ 34,659.00
Ford Police Interceptor Utility		
22-24 weeks		
6-2019		
\$ 560.00	1	\$ 560.00
\$ 455.00	1	\$ 455.00
\$ 145.00	1	\$ 145.00
\$ 2,800.00	1	\$ 2,800.00
Standard/included	1	Standard/included
\$ 280.00	1	\$ 280.00
Included	1	Included
TOTAL BID		\$ 38,899.00

Allow piggy-back procurements

Yes

Cooperative

No

Payment Terms/Discount

Net 30 Days

Yes

No

Net 30 Days

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: October 15, 2019

Item type: Consent Item

Caption:

Consider awarding RFB FS-13-19 Medium Pickups to Jim Bass Ford (San Angelo, TX) in the amount of \$527,000, for the purchase of 14 units with the option to purchase 3 additional units annually, and authorizing the City Manager to negotiate and execute all related documents (Ryan Kramer)

Summary/History:

Bids were requested and received for the purchase of Medium Duty Pickups. One response was received (Jim Bass Ford, San Angelo). Units purchased under this award will replace units that have exceeded their intended life expectancy or for use as needed by multiple divisions.

Council approval is requested to purchase 14 units and includes the option to purchase 3 additional units as needed due to unexpected events. This bid includes a second year escalation clause that would allow for purchases through FY21. Requirements of this escalation include pricing increases of 4% or less of the bid amount with no major changes to the specifications of the vehicle.

This RFB was sent to multiple local and out of town vendors, with one response received.

Financial Impact:

Staff recommends award of RFB FS-13-19 Medium Pickups to Jim Bass Ford (San Angelo, TX) in the amount of \$527,000 annually. This bid includes a second year escalation clause.

Other Information/Recommendation:

Staff recommends award of RFB FS-13-19 Medium Pickups to Jim Bass Ford (San Angelo, TX) for the purchase of 14 units with the option to purchase 3 additional units annually.

Attachments:

- | | | |
|----|------------------|----------------------|
| 1. | FS-13-19 Bid Tab | FS-13-19 Bid Tab.pdf |
|----|------------------|----------------------|

Presentation:

Approvals/Reviews:

Ryan Kramer	Created/Initiated
Patrick Frerich	Approved
Shane Kelton	Approved
Theresa James	Approved
Nolan Sosa	Approved

Tina Dierschke
Theresa James
Julia Antilley

Approved
Approved
Final Approval



City of San Angelo
RFB Bid Tabulation * FS-13-19/ Medium Pickup
 September 18, 2019 2:30 p.m.

Jim Bass Ford

Item	DESCRIPTION	YES	NO
A.1	New and Unused Current Year Model 3/4 Ton Regular Cab Pickup. Ford F-250, Chevrolet Silverado 2500, Dodge Ram 2500, or approved equivalent.		
	BODY, INTERIOR, AND EXTERIOR		
1	Exterior Color: White	✓	
2	Interior Color: Grey Preferred	✓	
3	Seating: Bench Type Heavy Duty Vinyl	✓	
4	Floor Covering: Heavy Duty Rubber	✓	
5	Heating and Air Conditioning	✓	
6	Factory Installed Upfitter Switches	✓	
7	Steering Wheel Tilt	✓	
8	3 Year/36,000 Mile Warranty; No Deductible	✓	
9	State Inspection: 2 Year	✓	
10	Factory Towing Package with Factory Trailer Brake Controller	✓	
	POWERTRAIN		
1	Engine: Gasoline Powered V-8, 6.2 Liter Minimum; E-85 Compatible	✓	
2	Transmission: Automatic	✓	
3	Cooling System: Heavy Duty	✓	
4	Engine Oil System: 5w20 Heavy Duty Oil w/ Auxiliary Oil Cooler	✓	
	CHASSIS		
1	Bed Length: 8' Minimum	✓	
	BRAKES, WHEELS, SUSPENSION, AND STEERING		
1	Brakes: Four (4) Wheel Disk, Anti-Lock	✓	
2	Wheels: Five (5) Each 17" Heavy Duty Steel	✓	
3	Tires: Five (5) Each; LT245-75-R17	✓	
4	Spare Tire Mounted Under Bed	✓	
5	Suspension: 4x2 Single Rear Wheel	✓	
	ELECTRICAL		
1	Alternator: Heavy Duty, 200 Amp. Minimum	✓	
2	Radio: AM/FM - Factory Installed	✓	
3	Daytime Running Lights	✓	
	OPTIONS		
1	Parts, Service, and Repair Manuals	✓	
2	Delivery to 1727 Saint Ann, San Angelo, TX 76905	✓	
3	5 Year/100,000 Mile Bumper-to-Bumper Extended Warranty; No Deductible (provide terms)	✓	
4	Power Door Locks, Windows, Mirrors	✓	
5	Cruise Control	✓	
6	Four Wheel Drive: Shift on the Fly	✓	
7	Factory Installed Bluetooth with Auto-Pairing, Voice Recognition and Activation, and compatible with Apple iPhone for Hands-Free Calling	✓	
8	Pre-collision Assist with Automatic Emergency Braking	✓	
9	Factory Installed Platform Running Boards	✓	
10	Audible Lane Departure Warning	✓	

Notes: A1, Options, Item 10 -
 Requires 66D, bed delete



CITY OF SAN ANGELO
RFB Bid Tabulation * FS-13-19/ Medium Pickup
 September 18, 2019 2:30 p.m.

Jim Bass Ford

Item	DESCRIPTION	YES	NO
B.1	New and Unused Current Year Model 3/4 Ton Crew Cab Pickup (4 Full Size Doors). Ford F-250, Chevrolet Silverado 2500, Dodge Ram 2500, or approved equivalent.		
	BODY, INTERIOR, AND EXTERIOR		
1	Exterior Color: White	✓	
2	Interior Color: Grey Preferred	✓	
3	Seating: Bench Type Heavy Duty Vinyl	✓	
4	Floor Covering: Heavy Duty Rubber	✓	
5	Heating and Air Conditioning	✓	
6	Factory Installed Upfitter Switches	✓	
7	Steering Wheel Tilt	✓	
8	3 Year/36,000 Mile Warranty; No Deductible	✓	
9	State Inspection: 2 Year	✓	
10	Factory Towing Package with Factory Trailer Brake Controller	✓	
	POWERTRAIN		
1	Engine: Gasoline Powered V-8, 6.2 Liter Minimum; E-85 Compatible	✓	
2	Transmission: Automatic	✓	
3	Cooling System: Heavy Duty	✓	
4	Engine Oil System: 5w20 Heavy Duty Oil w/ Auxiliary Oil Cooler	✓	
	CHASSIS		
1	Bed Length : 6.5' (Preferred)	✓	
	BRAKES, WHEELS, SUSPENSION, AND STEERING		
1	Brakes: Four (4) Wheel Disk, Anti-Lock	✓	
2	Wheels: Five (5) Each 17" x 7" Heavy Duty Steel	✓	
3	Tires: Five (5) Each; LT245-75-R17	✓	
4	Spare Tire Mounted Under Bed	✓	
5	Suspension: 4x2 Single Rear Wheel	✓	
	ELECTRICAL		
1	Alternator: Heavy Duty, 200 Amp. Minimum	✓	
2	Radio: AM/FM - Factory Installed	✓	
3	Daytime Running Lights	✓	
	OPTIONS		
1	Parts, Service, and Repair Manuals	✓	
2	Delivery to 1727 Saint Ann, San Angelo, TX 76905	✓	
3	5 Year/100,000 Mile Bumper-to-Bumper Extended Warranty; No Deductible (provide terms)	✓	
4	Power Door Locks, Windows, Mirrors	✓	
5	Cloth Seats; 40/Console/40	✓	
6	Carpet floor covering		✓
7	Cruise Control	✓	
8	Four Wheel Drive: Shift on the Fly	✓	
9	Factory Installed Bluetooth with Auto-Pairing, Voice Recognition and Activation, and compatible with Apple iPhone for Hands-Free Calling	✓	
10	8' Bed	✓	
11	Locking Rear Differential	✓	
12	Alternate Standard Color	✓	
13	Pre-collision Assist with Automatic Emergency Braking	✓	
14	Factory Installed Platform Running Boards	✓	
15	Audible Lane Departure Warning		✓

Notes: B1, Options, Item 5 - 40, mini console, 40
 B1, Options, Item 15 - requires 66D, bed delete
 B1, Options, Item 5 - Requires STX package



CITY OF SAN ANGELO
RFB Bid Tabulation * FS-13-19/ Medium Pickup
 September 18, 2019 2:30 p.m.

Jim Bass Ford

Item	DESCRIPTION	YES	NO
C.1	New and Unused Current Year Model 1 Ton DRW Chassis Cab - Regular Cab. Ford F-350, Chevrolet Silverado 3500, Dodge Ram 3500, or approved equivalent.		
	BODY, INTERIOR, AND EXTERIOR		
1	Exterior Color: White	✓	
2	Interior Color: Grey Preferred	✓	
3	Seating: Bench Type Heavy Duty Vinyl	✓	
4	Floor Covering: Heavy Duty Rubber	✓	
5	Heating and Air Conditioning	✓	
6	Factory Installed Upfitter Switches	✓	
7	Mirrors: Manually Telescoping Trailer Tow Mirrors w/ Fold-Away	✓	
8	Bumper: Front	✓	
9	Backup Alarm – Factory Installed	✓	
10	3 Year/36,000 Mile Warranty; No Deductible	✓	
11	Factory Towing Package with Factory Trailer Brake Controller	✓	
12	Steering Wheel Tilt	✓	
	POWERTRAIN		
1	Engine: Gasoline Powered V-8, 6.2 Liter Minimum; E-85 Compatible	✓	
2	Transmission: Automatic	✓	
3	Cooling System: Heavy Duty	✓	
4	Engine Oil System: 5w20 Heavy Duty Oil w/ Auxiliary Oil Cooler	✓	
	CHASSIS		
1	Cab to Axle: 60"	✓	
	BRAKES, WHEELS, SUSPENSION, AND STEERING		
1	Brakes: Four (4) Wheel Disk, Anti-Lock	✓	
2	Wheels: Six (6) Each 17" x 7" Heavy Duty Steel; Eight (8) Hole	✓	
3	Tires: Six (6) Each; LT245-75-R17	✓	
4	No Spare Tire	✓	
5	Suspension: 4x2 Dual Rear Wheel	✓	
	ELECTRICAL		
1	Alternator: 200 Amp Minimum Heavy Duty	✓	
2	Radio: AM/FM - Factory Installed	✓	
3	Daytime Running Lights	✓	
	OPTIONS		
1	Parts, Service, and Repair Manuals	✓	
2	Delivery to 1727 Saint Ann, San Angelo, TX 76905	✓	
3	5 Year/100,000 Mile Bumper-to-Bumper Extended Warranty; No Deductible (provide terms)	✓	
4	Power Door Locks, Windows, Mirrors	✓	
5	Factory Rear View Camera Prep Kit: to include camera and all components for adding camera to installed bed	✓	
6	Cruise Control	✓	
7	Four Wheel Drive – Shift on the Fly	✓	
8	Cab to Axle: 84"	✓	
9	Limited Slip Differential	✓	
10	Pre-collision Assist with Automatic Emergency Braking	✓	
11	Factory Installed Platform Running Boards	✓	
12	Audible Lane Departure Warning	✓	
13	Factory Installed Bluetooth with Auto-Pairing, Voice Recognition and Activation, and compatible with Apple iPhone for Hands-Free Calling	✓	
14	Factory Installed Exterior Backup Alarm	✓	

Notes: C1, Options, Item 12 - Requires 94P, Pre-Collision Assist



CITY OF SAN ANGELO
RFB Bid Tabulation * FS-13-19/ Medium Pickup
 September 18, 2019 2:30 p.m.

Jim Bass Ford

Item	DESCRIPTION	YES	NO
D.1	New and Unused Current Year Model 1 Ton DRW Chassis Cab - Crew Cab. Ford F-350, Chevrolet Silverado 3500, Dodge Ram 3500, or approved equivalent.		
	BODY, INTERIOR, AND EXTERIOR		
1	Exterior Color: White	✓	
2	Interior Color: Grey Preferred	✓	
3	Seating: Bench Type Heavy Duty Vinyl	✓	
4	Floor Covering: Heavy Duty Rubber	✓	
5	Heating and Air Conditioning	✓	
6	Factory Installed Upfitter Switches	✓	
7	Mirrors: Manually Telescoping Trailer Tow Mirrors w/ Fold-Away	✓	
8	Bumper: Front	✓	
9	Backup Alarm – Factory Installed	✓	
10	3 Year/36,000 Mile Warranty; No Deductible	✓	
11	Factory Towing Package with Factory Trailer Brake Controller		✓
12	Steering Wheel Tilt	✓	
	POWERTRAIN		
1	Engine: Gasoline Powered V-8, 6.2 Liter Minimum; E-85 Compatible	✓	
2	Transmission: Automatic	✓	
3	Cooling System: Heavy Duty	✓	
4	Engine Oil System: 5w20 Heavy Duty Oil w/ Auxiliary Oil Cooler	✓	
	CHASSIS		
1	Cab to Axle: 60"	✓	
	BRAKES, WHEELS, SUSPENSION, AND STEERING		
1	Brakes: Four (4) Wheel Disk, Anti-Lock	✓	
2	Wheels: Six (6) Each 17" x 7" Heavy Duty Steel; Eight (8) Hole	✓	
3	Tires: Six (6) Each; LT245-75-R17	✓	
4	No Spare Tire	✓	
5	Suspension: 4x2 Dual Rear Wheel	✓	
	ELECTRICAL		
1	Alternator: 200 Amp Minimum Heavy Duty	✓	
2	Radio: AM/FM - Factory Installed	✓	
3	Daytime Running Lights	✓	
	OPTIONS		
1	Parts, Service, and Repair Manuals	✓	
2	Delivery to 1727 Saint Ann, San Angelo, TX 76905	✓	
3	5 Year/100,000 Mile Bumper-to-Bumper Extended Warranty; No Deductible (provide terms)	✓	
4	Power Door Locks, Windows, Mirrors	✓	
5	Rear View Camera Prep Kit: to include camera and all components for adding camera to installed bed	✓	
6	Cruise Control	✓	
7	Four Wheel Drive – Shift on the Fly	✓	
8	Cab to Axle: 84"		✓
9	Limited Slip Differential	✓	
10	Diesel Engine	✓	
11	Pre-collision Assist with Automatic Emergency Braking	✓	
12	Factory Installed Platform Running Boards	✓	
13	Audible Lane Departure Warning	✓	
14	Factory Installed Bluetooth with Auto-Pairing, Voice Recognition and Activation, and compatible with Apple iPhone for Hands-Free Calling	✓	
15	Factory Installed Exterior Backup Alarm	✓	

Notes: D1, Body, Int. and Ext., Item 11 - Only brake controller is available
 D1, Options, Item 8 - 84" cab to axle not available for F-350, only F-450 and F-550
 D1, Options, Item 13 - Requires 94P, Pre-Collision Assist



CITY OF SAN ANGELO

RFB Bid Tabulation * FS-13-19/ Medium Pickup

September 18, 2019 2:30 p.m.

Company	Jim Bass Ford
Allow piggy-back procurements	Yes
Cooperative	No
Payment Terms/Discounts	Net 30 Days

A.2 - 3/4 Ton Regular Cab

Item	Description	Unit Price	Estimated Quantity	Extended Price
	A.2 - 3/4 Ton Regular Cab	\$ 23,987.00	1	\$ 23,987.00
	Make and Model Quoted	2020 Ford F-250		
	Delivery Lead Time	100-115 Days		
	Last Date to Order Current Model Year	Not available yet		
1.	Parts, Service, and Operators Manuals	\$ 225.00	1	\$ 225.00
2.	Delivery	N/C	1	N/C
3.	Extended Warranty	\$ 2,320.00	1	\$ 2,320.00
4.	Power Door Locks, Windows, Mirrors	\$ 832.00	1	\$ 832.00
5.	Cruise Control	\$ 214.00	1	\$ 214.00
6.	Four Wheel Drive	\$ 2,587.00	1	\$ 2,587.00
7.	Hands Free Bluetooth Package	N/C	1	N/C
8.	Pre-collision Assist with Automatic Emergency Braking	\$ 104.00	1	\$ 104.00
9.	Factory Installed Platform Running Boards	\$ 292.00	1	\$ 292.00
10.	Factory Installed Exterior Backup Alarm	\$ 127.00	1	\$ 127.00
Total Bid				\$ 30,688.00

Notes Item 10 - "Not in bid specs"

B.2 - 3/4 Ton Crew Cab

Item	Description	Unit Price	Estimated Quantity	Extended Price
	B.2- 3/4 Ton Crew Cab	\$ 26,537.00	1	\$ 26,537.00
	Make and Model Quoted	2020 Ford F-250		
	Delivery Lead Time	100-115		
	Last Date to Order Current Model Year	Not available yet		
1.	Parts, Service, and Operators Manuals	\$ 225.00	1	\$ 225.00
2.	Delivery	N/C	1	N/C
3.	Extended Warranty	\$ 2,320.00	1	\$ 2,320.00
4.	Power Door Locks, Windows, Mirrors	\$ 1,024.00	1	\$ 1,024.00
5.	Cloth Seats; 40/Console/40	\$ 559.00	1	\$ 559.00
6.	Carpet	\$ -	1	\$ -
7.	Cruise Control	\$ 214.00	1	\$ 214.00
8.	Four Wheel Drive	\$ 2,470.00	1	\$ 2,470.00
9.	Hands Free Bluetooth Package	N/C	1	N/C
10.	8' Bed	\$ 190.00	1	\$ 190.00
11.	Locking Rear Differential	\$ 355.00	1	\$ 355.00
12.	Alternate Color	N/C	1	N/C
13.	Pre-collision Assist with Automatic Emergency Braking	\$ 104.00	1	\$ 104.00
14.	Factory Installed Platform Running Boards	\$ 405.00	1	\$ 405.00
15.	Factory Installed Exterior Backup Alarm	\$ 127.00	1	\$ 127.00
Total Bid				\$ 34,530.00

Notes Item 15 - "Not in bid specs"

List color options at the price quoted
 Agate Black (N/C), Blue Jeans (N/C), Iconic Silver (N/C), Magnetic (N/C), Race Red (N/C), Stone Gray (N/C), Velocity Blue (N/C)



CITY OF SAN ANGELO

RFB Bid Tabulation * FS-13-19/ Medium Pickup

September 18, 2019 2:30 p.m.

C.2 - 1 Ton DRW Regular Chassis Cab

Item	Description	Unit Price	Estimated Quantity	Extended Price
	C.2 - 1 Ton DRW Regular Chassis Cab	\$ 27,121.00	1	\$ 27,121.00
	Make and Model Quoted	2020 Ford F-350 CC		
	Delivery Lead Time	100-115 Days		
	Last Date to Order Current Model Year	Not available yet		
1.	Parts, Service, and Operators Manuals	\$ 225.00	1	\$ 225.00
2.	Delivery	N/C	1	N/C
3.	Extended Warranty	\$ 3,235.00	1	\$ 3,235.00
4.	Power Door Locks, Windows, Mirrors	\$ 832.00	1	\$ 832.00
5.	Rear View Camera Prep Kit	\$ 377.00	1	\$ 377.00
6.	Cruise Control	\$ 214.00	1	\$ 214.00
7.	Four Wheel Drive	\$ 3,300.00	1	\$ 3,300.00
8.	Cab to Axle: 84"	\$ 166.00	1	\$ 166.00
9.	Limited Slip Differential	\$ 319.00	1	\$ 319.00
10.	Pre-collision Assist with Automatic Emergency Braking	\$ 104.00	1	\$ 104.00
11.	Factory Installed Platform Running Boards	\$ 292.00	1	\$ 292.00
12.	Factory Installed Exterior Backup Alarm	\$ 127.00	1	\$ 127.00
13.	Hands Free Bluetooth Package	N/C	1	N/C
Total Bid				\$ 36,312.00

Notes

Item 14 - duplicate removed

D.2 - 1 Ton DRW Crew Chassis Cab

Item	Description	Unit Price	Estimated Quantity	Extended Price
	D.2- 1 Ton DRW Crew Chassis Cab	\$ 30,004.00	1	\$ 30,004.00
	Make and Model Quoted	2020 Ford F-350		
	Delivery Lead Time	100-115 Days		
	Last Date to Order Current Model Year	Not yet available		
1.	Parts, Service, and Operators Manuals	\$ 225.00	1	\$ 225.00
2.	Delivery	N/C	1	N/C
3.	Extended Warranty	\$ 4,320.00	1	\$ 4,320.00
4.	Power Door Locks, Windows, Mirrors	\$ 1,024.00	1	\$ 1,024.00
5.	Rear View Camera Prep Kit	\$ 377.00	1	\$ 377.00
6.	Cruise Control	\$ 214.00	1	\$ 214.00
7.	Four Wheel Drive	\$ 3,492.00	1	\$ 3,492.00
8.	Cab to Axle: 84"	Not available	1	Not available
9.	Limited Slip Differential	\$ 319.00	1	\$ 319.00
10.	Diesel Engine	\$ 9,551.00	1	\$ 9,551.00
11.	Pre-collision Assist with Automatic Emergency Braking	\$ 104.00	1	\$ 104.00
12.	Factory Installed Platform Running Boards	\$ 405.00	1	\$ 405.00
13.	Factory Installed Exterior Backup Alarm	\$ 127.00	1	\$ 127.00
14.	Hands Free Bluetooth Package	N/C	1	N/C
Total Bid 2				\$ 50,162.00

Notes

Item 15 - duplicate removed

Item 8 not available

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: October 15, 2019

Item type: Consent Item

Caption:

Consider awarding RFB FS-14-19 Half Ton Pickups to Jim Bass Ford (San Angelo, TX) in the amount of \$704,000, for the purchase of 18 units with the option to purchase 4 additional units annually, and authorizing the City Manager to negotiate and execute all related documents (Ryan Kramer)

Summary/History:

Bids were requested and received for the purchase of Half Ton Pickups. One response was received (Jim Bass Ford, San Angelo). Units purchased under this award will replace units that have exceeded their intended life expectancy or for use as needed by multiple divisions.

Council approval is requested to purchase 18 units and includes the option to purchase 4 additional units as needed due to unexpected events. This bid includes a second year escalation clause that would allow for purchases through FY21. Requirements of this escalation include pricing increases of 4% or less of the bid amount with no major changes to the specifications of the vehicle.

This RFB was sent to multiple local and out of town vendors, with one response received.

Financial Impact:

Staff recommends award of RFB FS-14-19 Half Ton Pickups to Jim Bass Ford (San Angelo, TX) in the amount of \$704,000. This bid includes a second year escalation clause.

Other Information/Recommendation:

Staff recommends award of RFB FS-14-19 Half Ton Pickups to Jim Bass Ford (San Angelo, TX) for the purchase of 18 units with the option to purchase 4 additional units annually

Attachments:

- | | | |
|----|------------------|----------------------|
| 1. | FS-14-19 Bid Tab | FS-14-19 Bid Tab.pdf |
|----|------------------|----------------------|

Presentation:

Approvals/Reviews:

Ryan Kramer	Created/Initiated
Patrick Frerich	Approved
Shane Kelton	Approved
Theresa James	Approved
Nolan Sosa	Approved

Tina Dierschke
Theresa James
Julia Antilley

Approved
Approved
Final Approval



CITY OF SAN ANGELO
RFB Bid Tabulation * FS-14-19/ Half Ton Trucks
 September 18, 2019 2:45 p.m.

Jim Bass Ford

Item	DESCRIPTION	YES	NO
A	New and Unused Current Year Model 1/2 Ton Regular Cab Pickup. Ford F-150, Chevrolet Silverado 1500, Dodge Ram 1500, or approved equivalent.		
	BODY, INTERIOR, AND EXTERIOR		
1	Exterior Color: White	x	
2	Interior Color: Grey Preferred	x	
3	Seating: 40/20/40 Type, Heavy Duty Vinyl	x	
4	Floor Covering: Heavy Duty Rubber	x	
5	Heating and Air Conditioning	x	
6	3 Year / 36,000 Mile Warranty (Bumper to Bumper); No Deductible	x	
7	State Inspection: 2 Year	x	
8	2" Trailer Receiver Hitch with Factory Tow Package and Factory Installed Trailer Brake Controller	x	
9	Steering Wheel Tilt	x	
10	Pre-Collision Assist with Automatic Emergency Braking	x	
	POWERTRAIN		
1	Engine: Gasoline Powered V-8, 5.3 Liter Maximum; E-85 Compatible	x	
2	Transmission: Automatic, Column Shift, Factory Installed Auxiliary Oil Cooler	x	
3	Engine Oil System to Include Factory Installed Auxiliary Oil Cooler	x	
4	Fuel Tank Capacity: 35 gallon minimum	x	
	CHASSIS		
1	Wheel Base: 140" Minimum	x	
2	Bed Length: 8' Minimum	x	
	BRAKES, WHEELS, SUSPENSION, AND STEERING		
1	Wheels: Five (5) Each 17" Heavy Duty Steel	x	
2	Tires: Five (5) Each; LT245-70-R17	x	
3	Spare Tire Mounted Under Bed	x	
4	Suspension: 4x2	x	
	ELECTRICAL		
1	Alternator: Heavy Duty	x	
2	Radio: AM / FM - Factory Installed	x	
3	Daytime Running Lights	x	
	OPTIONS		
1	Parts, Service, and Repair Manuals	x	
2	Delivery to 1727 Saint Ann, San Angelo, TX 76905	x	
3	5 Year / 100,000 Mile Bumper-to-Bumper Extended Warranty; No Deductible (provide terms)	x	
4	Power Door Locks, Windows, Mirrors	x	
5	Cruise Control	x	
6	Cloth Seats; 40/Console/40 Type Seating	x	
7	Four Wheel Drive: Shift on the Fly		x
8	Factory Installed Bluetooth with Auto-Pairing, Voice Recognition and Activation, and compatible with Apple iPhone for Hands-Free Calling	x	
9	Factory Installed Platform Running Boards	x	

Note: Options, #6 - Not available with regular cab



CITY OF SAN ANGELO
RFB Bid Tabulation * FS-14-19/ Half Ton Trucks
 September 18, 2019 2:45 p.m.

Jim Bass Ford

Item	DESCRIPTION	YES	NO
B	New and Unused Current Year Model 1/2 Ton Extended Cab Pickup. Ford F-150, Chevrolet Silverado 1500, Dodge Ram 1500, or approved equivalent.		
	BODY, INTERIOR, AND EXTERIOR		
1	Exterior Color: White	X	
2	Interior Color: Grey Preferred	X	
3	Seating: 40/20/40 Type, Heavy Duty Vinyl	X	
4	Floor Covering: Heavy Duty Rubber	X	
5	Heating and Air Conditioning	X	
6	3 Year / 36,000 Mile Warranty (Bumper to Bumper); No Deductible	X	
7	State Inspection: 2 Year	X	
8	2" Trailer Receiver Hitch with Factory Tow Package and Factory Installed Trailer Brake Controller	X	
9	Steering Wheel Tilt	X	
10	Pre-Collision Assist with Automatic Emergency Braking	X	
	POWERTRAIN		
1	Engine: Gasoline Powered V-8, 5.3 Liter Maximum; E-85 Compatible	X	
2	Transmission: Automatic, Column Shift, Factory Installed Auxiliary Oil Cooler	X	
3	Engine Oil System to Include Factory Installed Auxiliary Oil Cooler	X	
4	Fuel Tank Capacity: 35 gallon minimum	X	
	CHASSIS		
1	6.5' Bed	X	
	BRAKES, WHEELS, SUSPENSION, AND STEERING		
1	Wheels: Five (5) Each 17" Heavy Duty Steel	X	
2	Tires: Five (5) Each; LT245-70-R17	X	
3	Spare Tire Mounted Under Bed	X	
4	Suspension: 4x2	X	
	ELECTRICAL		
1	Alternator: Heavy Duty	X	
2	Radio: AM / FM - Factory Installed	X	
3	Daytime Running Lights	X	
	OPTIONS		
1	Parts, Service, and Repair Manuals	X	
2	Delivery to 1727 Saint Ann, San Angelo, TX 76905	X	
3	5 Year / 100,000 Mile Bumper-to-Bumper Extended Warranty; No Deductible (provide terms)	X	
4	Power Door Locks, Windows, Mirrors	X	
5	Cruise Control	X	
6	Four Wheel Drive: Shift on the Fly	X	
7	8' Bed	X	
8	Cloth Seats; 40/Console/40 Type Seating	X	
9	Factory Installed Bluetooth with Auto-Pairing, Voice Recognition and Activation, and compatible with Apple iPhone for Hands-Free Calling	X	
10	Alternate Exterior Color	X	
11	Factory Installed Platform Running Boards	X	

Notes: Options, Alternate Color - No charge for standard colors



CITY OF SAN ANGELO
RFB Bid Tabulation * FS-14-19/ Half Ton Trucks
 September 18, 2019 2:45 p.m.

Jim Bass Ford

Item	DESCRIPTION	YES	NO
C	New and Unused Current Year Model 1/2 Ton Crew Cab Pickup (4 Full Size Doors). Ford F-150, Chevrolet Silverado 1500, Dodge Ram 1500, or approved equivalent.		
	BODY, INTERIOR, AND EXTERIOR		
1	Exterior Color: White	X	
2	Interior Color: Grey Preferred	X	
3	Seating: 40/20/40 Type, Heavy Duty Vinyl	X	
4	Floor Covering: Heavy Duty Rubber	X	
5	Heating and Air Conditioning	X	
6	3 Year / 36,000 Mile Warranty (Bumper to Bumper); No Deductible	X	
7	State Inspection: 2 Year	X	
8	2" Trailer Receiver Hitch with Factory Tow Package and Factory Installed Trailer Brake Controller	X	
9	Steering Wheel Tilt	X	
10	Pre-Collision Assist with Automatic Emergency Braking	X	
	POWERTRAIN		
1	Engine: Gasoline Powered V-8, 5.3 Liter Maximum; E-85 Compatible	X	
2	Transmission: Automatic, Column Shift, Factory Installed Auxiliary Oil Cooler	X	
3	Engine Oil System to Include Factory Installed Auxiliary Oil Cooler	X	
4	Fuel Tank Capacity: 35 gallon minimum	X	
	CHASSIS		
1	Wheel Base: 145" Minimum	X	
2	Bed Length: 5.5' (preferred)	X	
	BRAKES, WHEELS, SUSPENSION, AND STEERING		
1	Wheels: Five (5) Each 17" Heavy Duty Steel	X	
2	Tires: Five (5) Each; LT245-70-R17	X	
3	Spare Tire Mounted Under Bed	X	
4	Suspension: 4x2	X	
	ELECTRICAL		
1	Alternator: Heavy Duty	X	
2	Radio: AM / FM - Factory Installed	X	
3	Daytime Running Lights	X	
	OPTIONS		
1	Parts, Service, and Repair Manuals	X	
2	Delivery to 1727 Saint Ann, San Angelo, TX 76905	X	
3	5 Year / 100,000 Mile Bumper-to-Bumper Extended Warranty; No Deductible (provide terms)	X	
4	Power Door Locks, Windows, Mirrors	X	
5	Carpet Floor Covering	X	
6	Cruise Control	X	
7	Four Wheel Drive: Shift on the Fly	X	
8	6.5' Bed	X	
9	Cloth Seats; 40/Console/40 Type Seating	X	
10	Factory Installed Bluetooth with Auto-Pairing, Voice Recognition and Activation, and compatible with Apple iPhone for Hands-Free Calling	X	
11	Special Package geared towards Police, Fire, and Response Organizations to include upgraded alternator, 40/Blank/40 Front Seating, 240 Amp Alternator	X	
12	Alternate Exterior Color	X	
13	Remote Keyless Entry	X	
14	Factory Installed Platform Running Boards	X	

Note: Options, #13 - Included with powerlock, window, mirrors, #4



Jim Bass Ford

Item	DESCRIPTION	YES	YES
D	New and Unused Current Year Model 1/2 Ton Crew Cab Police Pursuit Rated Pickup (4 Full Size Doors). Ford F-150, Chevrolet Silverado 1500, Dodge Ram 1500, or approved equivalent.		
	BODY, INTERIOR, AND EXTERIOR		
1	Exterior Color: White	X	
2	Interior Color: Grey Preferred	X	
3	Seating: Front Cloth Buckets; Rear Bench, heavy duty vinyl	X	
4	Floor Covering: Heavy Duty Rubber	X	
5	Heating and Air Conditioning	X	
6	3 Year / 36,000 Mile Warranty (Bumper to Bumper); No Deductible	X	
7	State Inspection: 2 Year	X	
8	2" Trailer Receiver Hitch with Factory Tow Package and Factory Installed Trailer Brake Controller	X	
	POWERTRAIN		
1	Engine: Gasoline Powered V-8, 5.3 Liter Maximum; E-85 Compatible	X	
2	Transmission: Automatic, Column Shift, Factory Installed	X	
3	Engine Oil System to Include Factory Installed Auxiliary Oil Cooler	X	
4	Fuel Tank Capacity: 35 gallon minimum		X
	CHASSIS		
1	Bed Length: 5.5' (preferred)	X	
	BRAKES, WHEELS, SUSPENSION, AND STEERING		
1	Wheels: Five (5) Each 17" Heavy Duty Steel	X	
2	Tires: Five (5) Each; LT245-70-R17E All Terrain Required	X	
3	Spare Tire Mounted Under Bed	X	
4	Suspension: 4x2		X
5	Four Wheel Drive: Shift on the Fly, Electronic Push Button	X	
	ELECTRICAL		
1	Alternator: 240 Amp (minimum) Heavy Duty	X	
2	Radio: AM / FM - Factory Installed	X	
3	Daytime Running Lights	X	
4	Power Windows, Locks, Mirrors	X	
5	Factory Installed Bluetooth for Phone Connectivity	X	
6	Cruise Control	X	
7	Remote Keyless Entry	X	
8	Reverse Sensing System	X	
	OPTIONS		
1	Parts, Service, and Repair Manuals	X	
2	Delivery to 1727 Saint Ann, San Angelo, TX 76905	X	
3	5 Year / 100,000 Mile Bumper-to-Bumper Extended Warranty; No Deductible (provide terms)	X	
4	Four Wheel Drive: Shift on the Fly, Electronic Push Button	X	
5	Factory Installed Platform Running Boards	X	

Notes:
Powertrain Item 4: Not available for Police F-150
Brakes, wheels, suspension, steering. Item 4: Only 4WD available for Police F-150



CITY OF SAN ANGELO

RFB Bid Tabulation * FS-14-19/ Half Ton Trucks

September 18, 2019 2:45 p.m.

Company	JIM BASS FORD
Allow piggy-back procurements	Yes
Cooperative	No
Payment Terms/Discounts	Net 30

A - 1/2 Ton Regular Cab

Item	Description	Unit Price	Estimated Quantity	Extended Price
	A - 1/2 Ton Regular Cab	\$ 23,241.00	1	\$ 23,241.00
	Make and Model Quoted	2020 Ford F-150		
	Delivery Lead Time	115-130 Days		
	Last Order Date for Current Model Year	Not Available		
1.	Parts, Service, and Operators Manuals	\$ 225.00	1	\$ 225.00
2.	Delivery	N/C	1	N/C
3.	Extended Warranty	\$ 2,058.00	1	\$ 2,058.00
4.	Power Door Locks, Windows, Mirrors	\$ 883.00	1	\$ 883.00
5.	Cruise Control	\$ 205.00	1	\$ 205.00
6.	Cloth Seats; 40/Console/40 Type Seating	N/A	1	N/A
7.	Four Wheel Drive	\$ 4,436.00	1	\$ 4,436.00
8.	Hands Free Bluetooth Package	\$ 588.00	1	\$ 588.00
9.	Factory Installed Platform Running Boards	\$ 228.00	1	\$ 228.00
Total Bid				\$ 31,864.00

B - 1/2 Ton Extended Cab

Item	Description	Unit Price	Estimated Quantity	Extended Price
	B - 1/2 Ton Extended Cab	\$ 24,782.00	1	\$ 24,782.00
	Make and Model Quoted	2020 Ford F-150		
	Delivery Lead Time	115-130 Days		
	Last Order Date for Current Model Year	Not available		
1.	Parts, Service, and Operators Manuals	\$ 225.00	1	\$ 225.00
2.	Delivery	N/C	1	N/C
3.	Extended Warranty	\$ 2,058.00	1	\$ 2,058.00
4.	Power Door Locks, Windows, Mirrors	\$ 1,065.00	1	\$ 1,065.00
5.	Cruise Control	\$ 205.00	1	\$ 205.00
6.	Four Wheel Drive	\$ 3,275.00	1	\$ 3,275.00
7.	8' Bed	\$ 1,246.00	1	\$ 1,246.00
8.	Cloth Seats; 40/Console/40 Type Seating	\$ 269.00	1	\$ 269.00
9.	Hands Free Bluetooth Package	\$ 588.00	1	\$ 588.00
10.	Alternate Color	N/C	1	N/C
11.	Factory Installed Platform Running Boards	\$ 228.00		\$ 228.00
Total Bid				\$ 33,941.00

Agate Black, Blue Jeans, Iconic Silver,
Magnetic, Oxford White, Race Red, Stone
Gray, Velocity Blue

List color options at the price quoted



CITY OF SAN ANGELO
RFB Bid Tabulation * FS-14-19/ Half Ton Trucks
 September 18, 2019 2:45 p.m.

C - 1/2 Ton Crew Cab

Item	Description	Unit Price	Estimated Quantity	Extended Price
	C - 1/2 Ton Crew Cab	\$ 26,149.00	1	\$ 26,149.00
	Make and Model Quoted			
	Delivery Lead Time			
	Last Order Date for Current Model Year			
1.	Parts, Service, and Operators Manuals	\$ 225.00	1	\$ 225.00
2.	Delivery	N/C	1	N/C
3.	Extended Warranty	\$ 2,058.00	1	\$ 2,058.00
4.	Power Door Locks, Windows, Mirrors	\$ 1,065.00	1	\$ 1,065.00
5.	Carpet	\$ 132.00	1	\$ 132.00
6.	Cruise Control	\$ 205.00	1	\$ 205.00
7.	Four Wheel Drive	\$ 3,351.00	1	\$ 3,351.00
8.	6.5' Bed	\$ 1,245.00	1	\$ 1,245.00
9.	Cloth Seats; 40/Console/40 Type Seating	\$ 269.00	1	\$ 269.00
10.	Hands Free Bluetooth Package	\$ 588.00	1	\$ 588.00
11.	Special Police/Response Package	\$ 46.00	1	\$ 46.00
12.	Alternate Color	N/C	1	N/C
13.	Remote Keyless Entry	N/C	1	N/C
14.	Factory Installed Platform Running Boards	\$ 132.00	1	\$ 132.00
Total Bid				\$ 35,465.00

Agate Black, Blue Jeans, Iconic Silver,
 Magnetic, Oxford White, Race Red, Stone
 Gray, Velocity Blue

List color options at the price quoted

D - 1/2 Ton Crew Cab PPV

Item	Description	Unit Price	Estimated Quantity	Extended Price
	D - 1/2 Ton Crew Cab PPV	\$ 34,457.00	1	\$ 34,457.00
	Make and Model Quoted	2020 Ford F-150 Police Responder		
	Delivery Lead Time	115-130 Days		
	Last Order Date for Current Model Year	Not Available		
1.	Parts, Service, and Operators Manuals	\$ 225.00	1	\$ 225.00
2.	Delivery	N/C	1	N/C
3.	Extended Warranty	\$ 2,825.00	1	\$ 2,825.00
4.	Four Wheel Drive	N/C	1	N/C
5.	Factory Installed Platform Running Boards	\$ 228.00		\$ 228.00
Total Bid				\$ 37,735.00

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: David Howard, Assistant Chief / Support Services, Police, (325) 659-8011

Meeting Date: October 15, 2019

Item type: Consent Item

Caption:

Consider a resolution accepting the donation of two treadmills to the San Angelo Police Department (Frank Carter)

Summary/History:

Scott Wisniewski wishes to donate two treadmills to the San Angelo Police Department exercise facilities. We ask Council consider a resolution authorizing the SAPD to accept the donation.

Financial Impact:

No fiscal impact.

Other Information/Recommendation:

There is no fiscal impact to the Police Departments Budget.

Attachments:

- | | |
|----------------------------------|------------------------------------|
| 1. Resolution accepting donation | Resolution accepting donation.DOCX |
|----------------------------------|------------------------------------|

Presentation:

Frank Carter

Approvals/Reviews:

David Howard	Created/Initiated
Frank Carter	Approved
Theresa James	Approved
Nolan Sosa	Approved
Tina Dierschke	Approved
Theresa James	Approved
Julia Antilley	Final Approval

A RESOLUTION BY THE CITY OF SAN ANGELO CITY COUNCIL ACCEPTING THE DONATION OF TREADMILLS TO THE SAN ANGELO POLICE DEPARTMENT

WHEREAS, Section 51.076(a) of the Texas Local Government Code provides that a municipality may hold property that it receives by gift, deed, devise, or other manner; and

WHEREAS, Scott Wisniewski, a citizen of San Angelo would like to donate two treadmills for use in the San Angelo Police Department exercise facility; and

WHEREAS, the San Angelo Police Department has use for the treadmills to further the mission and purpose of the department and the health of department employees.

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

Part 1: That the City of San Angelo hereby accepts a donation of two treadmills from Scott Wisniewski.

Part 2: That the treadmills shall be used in the San Angelo Police Department exercise facilities.

PASSED and APPROVED THIS 15th Day of October, 2019.

CITY OF SAN ANGELO, TEXAS

ATTEST:

Brenda Gunter, Mayor

Julia Antilley, City Clerk

APPROVED AS TO FORM

Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Stephanie Collins, Office Manager, Fire Department, 325-657-4355

Meeting Date: October 15, 2019

Item type: Consent Item

Caption:

Consider authorizing the San Angelo Fire Department to participate in the 2019 Muscular Dystrophy Association (MDA) Fill the Boot Campaign (Brian Dunn)

Summary/History:

SAFD is tentatively looking at participating in the MDA Fill the Boot campaign November 6th, 7th and 8th. The fire fighters will be at 4 locations around the city. The fire fighters have worked this cause since 1999. This effort has helped the city get a MDA clinic here so families won't have to travel out of town for treatment. (MDA Muscular Dystrophy Association)

The 4 locations are:

- 29th and Bryant
- Abe and Harris
- Johnson and Knickerbocker
- Sherwood Way and Avenue N

Financial Impact:

Zero Cost

Other Information/Recommendation:

The San Angelo Fire Department recommends approval.

Attachments:

Presentation:

Approvals/Reviews:

Stephanie Collins
Brian Dunn
Theresa James
Julia Antilley

Created/Initiated
Approved
Approved
Final Approval

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Patrick Frerich, Asst. Director of Operations, Operations, (325) 657-4206

Meeting Date: October 15, 2019

Item type: Consent Item

Caption:

Consider approving a Memorandum of Understanding between the City of San Angelo and Downtown San Angelo, Inc. for the construction of an entryway into downtown San Angelo (Shane Kelton)

Summary/History:

The recent reconstruction of Concho Avenue has allowed improved access to the downtown area of San Angelo. To coordinate with that project, Downtown San Angelo, Inc. would like to construct an arched entryway to further enhance the aesthetic value for San Angelo's citizens and visitors.

Downtown San Angelo has proposed a stone and metal structure that will span the width of Concho Avenue at Randolph Street. The structure will be lit and include materials and elements that tie with downtown's historic aesthetic.

The City of San Angelo and Downtown San Angelo, Inc. seeks the establishment of a Memorandum of Understanding that addresses the logistics of the entryway's location, costs, construction, and upkeep. The MOU will allow for the foundation to be located in the City's right-of-way, will include detailed plans for the structure and its construction, allow for Downtown San Angelo, Inc. to bear all costs associated with its construction, and outline the assignment of ownership to the City after its completion.

Financial Impact:

Downtown San Angelo Inc. will bear all costs related to the entryway's design and engineering, purchase, and construction. The City will assume ongoing maintenance on the structure.

Other Information/Recommendation:

Staff recommends approval of the Memorandum of Understanding between the City of San Angelo and Downtown San Angelo, Inc.

Attachments:

- | | | |
|----|--------------------------------|------------------------------------|
| 1. | COSA DSA MOU for entryway ARCH | COSA DSA MOU for entryway ARCH.doc |
| 2. | Exhibit A | Exhibit A.pdf |

Presentation:

Approvals/Reviews:

Patrick Frerich	Created/Initiated
Shane Kelton	Approved
Theresa James	Approved

Nolan Sosa
Tina Dierschke
Theresa James
Julia Antilley

Approved
Approved
Approved
Final Approval

**MEMORANDUM OF UNDERSTANDING
FOR CONSTRUCTION OF AN ENTRYWAY ARCH ON CONCHO AVENUE
BETWEEN
THE CITY OF SAN ANGELO AND THE DOWNTOWN SAN ANGELO, INC.**

This memorandum of understanding (MOU), by and between the CITY OF SAN ANGELO (“CITY”) and the DOWNTOWN SAN ANGELO, INC (“DSA”). In consideration of the mutual promises and agreements set forth, CITY and DSA agree as follows:

I. GENERAL PROVISIONS

- A. This affiliation is for the sole and limited purpose of constructing an entryway arch (“ARCH”) on Concho Avenue.
- B. This agreement shall be effective on _____, 2019, and continue until such time the ARCH has been fully constructed and accepted by CITY or both parties agree in writing to terminate the agreement.
- C. Nothing herein shall be deemed to create an association, partnership, or joint venture between CITY and DSA.
- D. Point of contact for activities conducted under this memorandum shall be the Director of Operations and the Downtown San Angelo Executive Director

II. CITY SHALL:

- A. Allow the construction of an entryway ARCH within CITY right-of-way at a location approved by the City Engineer.
- B. Provide input and direction into the design and construction of the ARCH from designated CITY personnel.
- C. Provide professional engineering and inspection services to DSA related to the project as agreed between the City Engineer and DSA manager.
- D. Review and approve all engineering plans in accordance with City processes and ensure through inspection of the project that the ARCH is constructed in accordance with such plans. The city engineer has the authority to reject plans that in their sole discretion are deficient or do not meet city standards or regulations.
- E. Integrate the construction of the ARCH into ongoing street modifications to the largest extent possible.
- F. Upon final acceptance of the project and transfer of all ownership of the ARCH to the CITY from DSA, City shall be solely responsible for all ongoing maintenance related to the ARCH.

All authority related to the future disposition of the ARCH, including its repair or removal, shall lie solely with CITY.

III. DSA SHALL:

- A. Design and construct the ARCH with input and direction of the City of San Angelo City Council and staff as well as any other person the CITY requests provide input into the design and construction process.
- B. Ensure any substantive changes to the approved concept plan attached hereto as Exhibit "A" are approved by City Staff or City Council. Proper approval shall be in the manner determined solely by the City Manager.
- C. Be responsible for all costs and activities associated with the design, bidding, insurance, and construction of the ARCH. Insurance requirements are attached to this agreement as Exhibit A.
- D. Ensure the CITY is listed as an additional insured on any insurance policies related to the design or construction of the ARCH. Copies of such insurance shall be provided to the City Risk Manager prior to any construction activities taking place and shall remain in place until such time the ARCH is dedicated to and accepted by the CITY.
- E. DSA shall provide to the CITY a performance bond in the amount of the project. Such bond shall be provide prior to work commencing on the ARCH.
- F. Work with the City Engineer to ensure the plans for the ARCH are properly engineered by a licensed professional engineer and built to the agreed specifications.
- G. Comply with all City permitting and approval processes.
- H. Upon completion of the construction of the ARCH and acceptance by the CITY, DSA shall formally in writing transfer all ownership and responsibility for the ARCH to the CITY.

IV. IT IS FURTHER AGREED THAT:

- A. The terms and conditions of this MOU may be amended, deleted or expanded only by written agreement of the parties approved by the respective boards.
- B. The MOU shall be construed under laws of Texas, and if any provisions shall be invalid under the laws, such invalidity shall not violate the entire agreement, but it shall be construed as if not containing the particular provisions held to be invalid, and all rights and obligations of the parties shall be construed and enforced accordingly.
- C. Both of the parties hereto and the individuals executing this agreement for them represent to the party that it has the requisite power and authority to make and enter this agreement, and said agreement does not violate any provisions of the corporate charter or by-laws of any corporate party or statute, act or ordinance under which any unincorporated institution or party hereto is organized, or violate any agreement or commitment executed or made by any party.

- D. Notices required to be sent hereunder shall be sent prepaid registered mail with return receipt requested, and are effective upon receipt.

Notices sent to CITY shall be sent to:

Shane Kelton, Director of Operations
301 W. Beauregard
San Angelo, TX 76903
325-657-4206

Notices sent to DSA shall be sent to:

Del Velasquez, Executive Director
24 W. Concho Avenue
San Angelo, Tx 76903
(325) 655-2345

- E. This writing shall constitute the sole agreement between the parties.

- F. This agreement was approved by the Board of DSA on _____.

Executed this _____ day of _____ 2019, after approval by the San Angelo City Council.

DOWNTOWN SAN ANGELO, INC.

By: Del Velasquez, Executive Director

CITY OF SAN ANGELO

ATTEST:

Daniel Valenzuela, City Manager

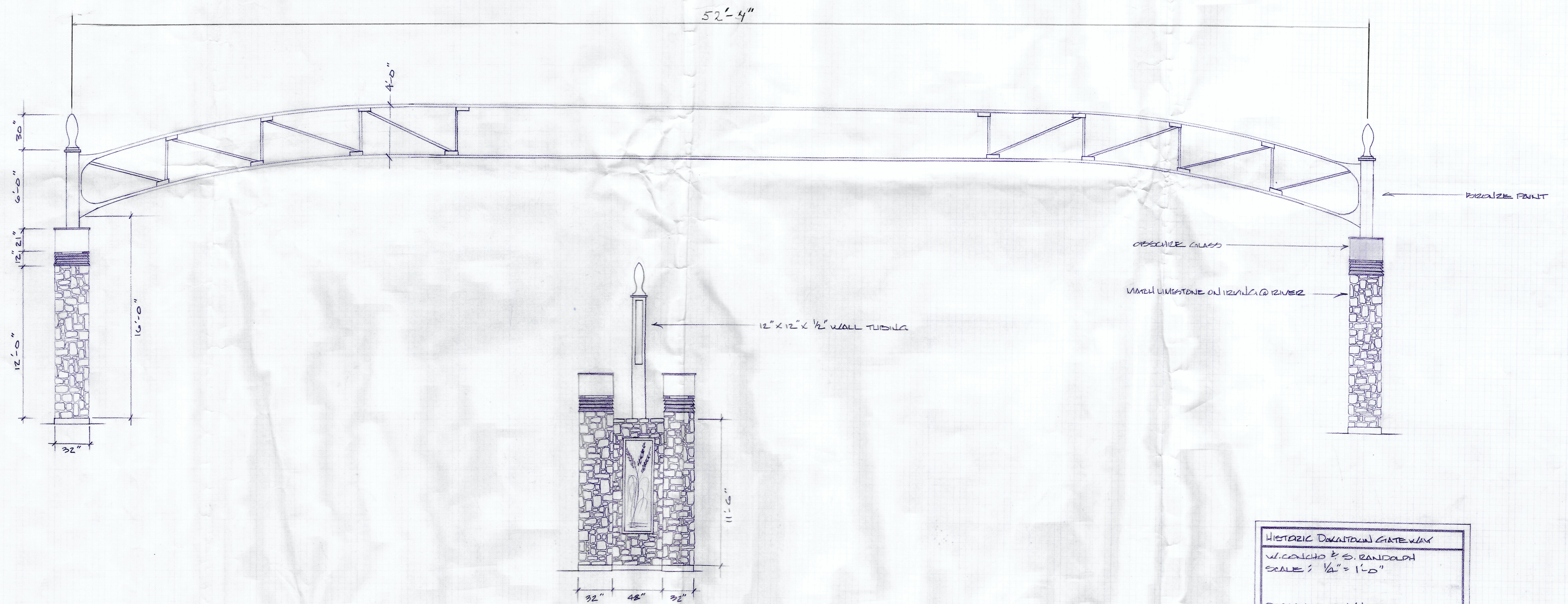
Julia Antilley, City Clerk

APPROVED AS TO FORM:

Theresa James, City Attorney

APPROVED AS TO CONTENT:

Rick Weiss, Assistant City Manager



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Shannon Scott, Economic Development Specialist, Development Services, 325.653.7197

Meeting Date: October 15, 2019

Item type: Consent Item

Caption:

Consider approving Tax Increment Reinvestment Zone (TIRZ) incentive funding for four private projects in the North TIRZ area for the properties located at 1715 N. Chadbourne, 1816 N. Chadbourne, 1822 N. Chadbourne, and 2934 N. Chadbourne totaling \$233,985 (Jon James)

Summary/History:

At the monthly TIRZ Board meeting conducted August 24th, 2019 the TIRZ Board approved funding 4 TIRZ North Projects out of the North TIRZ Private funds for a total of \$233,985. The details of these projects include:

1715 N. Chadbourne (JKLS Properties, LLC). The funding amount requested from the applicant is \$9,080 and the TIRZ Board approved unanimously 8-0 to fund the entirety of the project. The summary of work to be performed by the applicant includes improvements and updates to the façade that include painting of the exterior brick and stucco as well as new storefront windows, frames, sconce lighting and planters.

1816 N. Chadbourne (The Gentleman). The funding amount requested from the applicant is \$75,000 and the TIRZ Board approved unanimously 8-0 to fund the entirety of the project. The summary of work to be performed by the applicant includes improvements to the façade in the form of new windows, doors, awnings, siding, paint and signage as well as asbestos abatement, landscaping and re-sealing and re-stripping the parking lot.

1822 N. Chadbourne (Senor Changs). The funding amount requested from the applicant is \$74,905 and the TIRZ Board approved unanimously 8-0 to fund the entirety of the project. The summary of work to be performed by the applicant includes improvements to the façade in the form of new windows, doors, awnings, siding, paint and signage as well as the installation of new landscaping.

2934 N. Chadbourne (Dollar General). The funding amount requested from the applicant is \$75,000 and the TIRZ Board approved unanimously 8-0 to fund the entirety of the project. The summary of work to be performed by the applicant includes improvements to the façade that include painting and new lighting as well as the installation of new landscaping in the form of xeriscaping/rock and paving of the parking lot.

Financial Impact:

4 TIRZ North projects out of the TIRZ North Private Incentives in the amount of \$233,985

Other Information/Recommendation:

At the monthly TIRZ Board meeting conducted August 24th, 2019 the TIRZ Board approved funding 4 TIRZ North Projects out of the North TIRZ Private funds for a total of \$233,985.

Attachments:

1. Project Slides for 10-15-19 C.C.

Project Slides for 10-15-19 C.C..pptx

Presentation:

Approvals/Reviews:

Shannon Scott
Jon James
Theresa James
Nolan Sosa
Tina Dierschke
Theresa James
Julia Antilley

Created/Initiated
Approved
Approved
Approved
Approved
Approved
Final Approval

1715 N. Chadbourne – JKLS Properties, LLC

Funding Requested: \$9,080

Match: \$0 (No match required if funding requested is less than \$10,000)

Total Project Cost: \$9,080

Summary of Work: Improvements and updates to the façade that include painting of the exterior brick and stucco as well as new storefront windows, frames, sconce lighting and planters

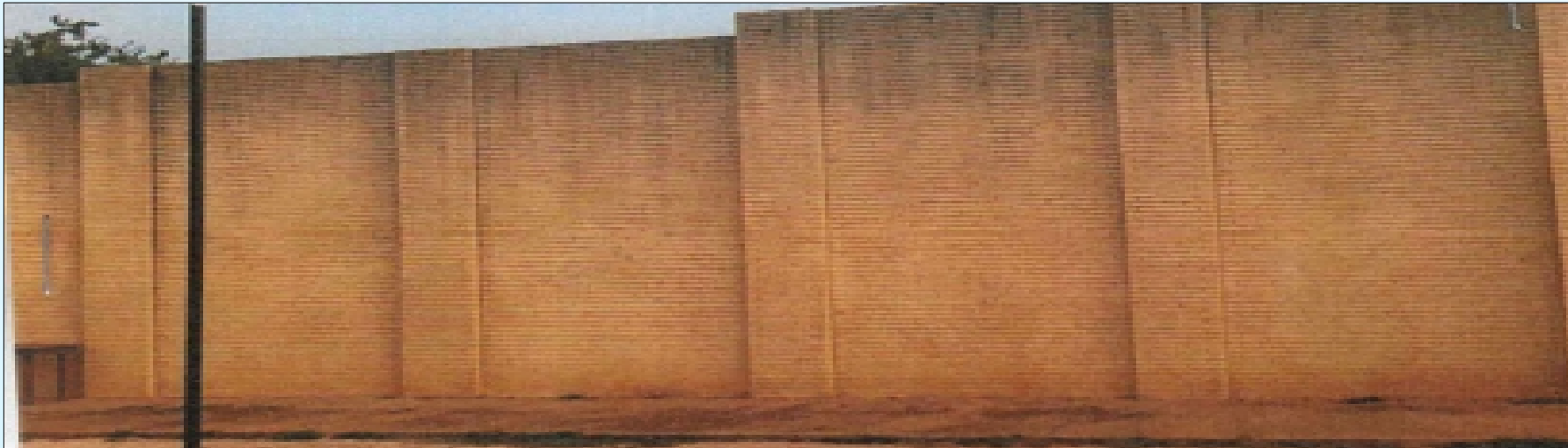
Project Criteria: Meets 3 of 14



1715 N. Chadbourne – JKLS Properties, LLC



Right Side



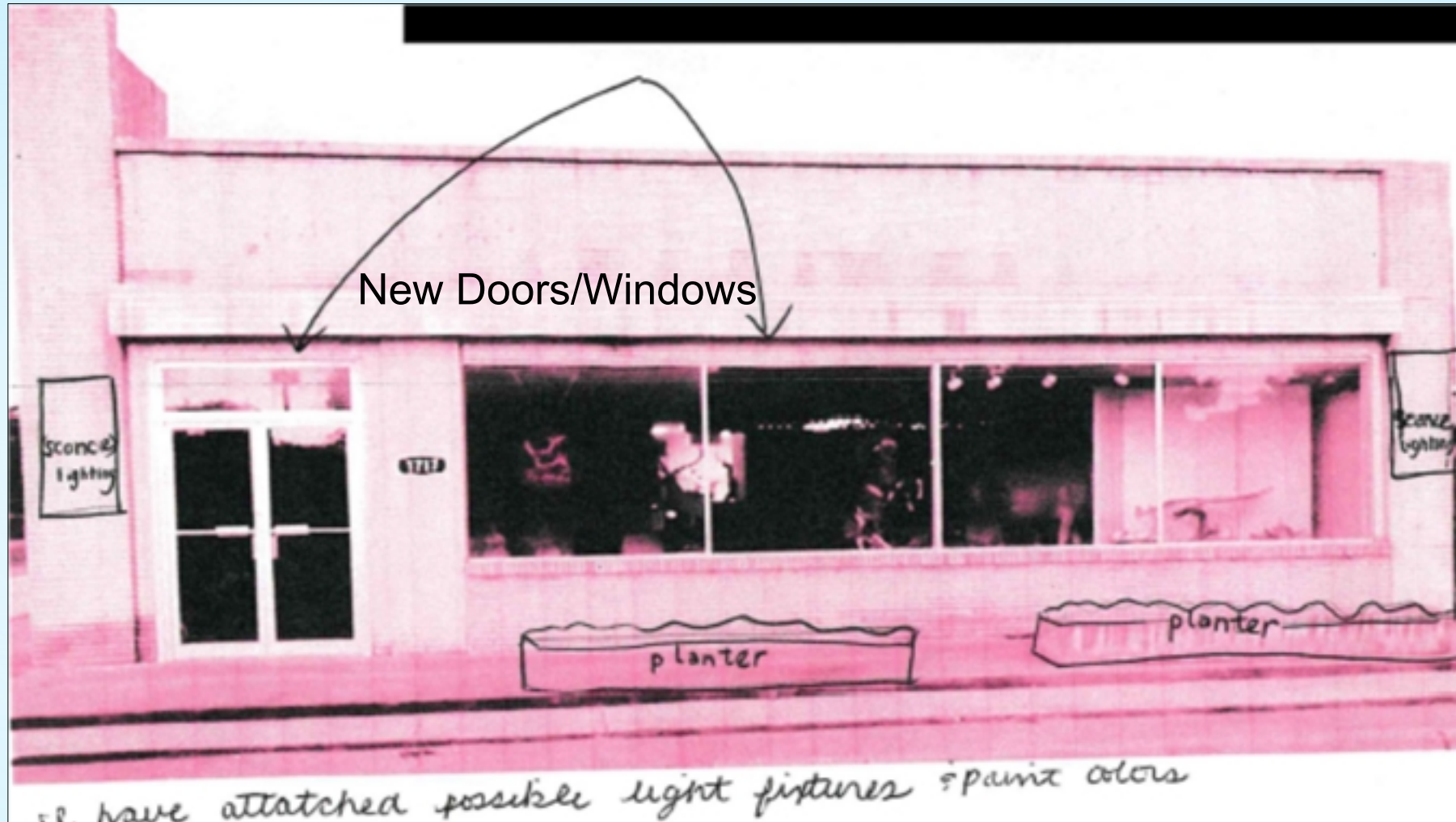
Left Side



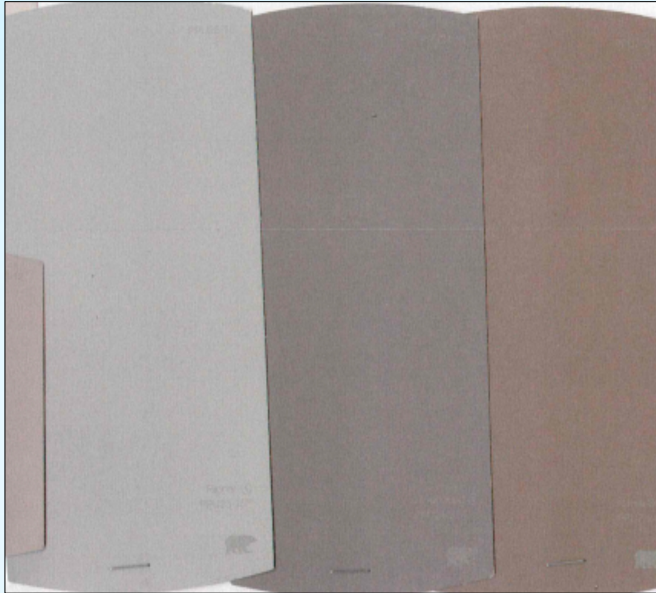
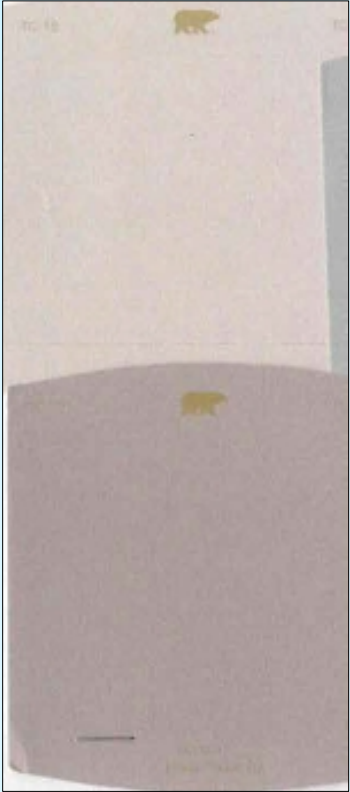
1715 N. Chadbourne – JKLS Properties, LLC



1715 N. Chadbourne – JKLS Properties, LLC



1715 N. Chadbourne – JKLS Properties, LLC



Paint Samples



Light Fixtures



1816 N. Chadbourne – The Gentleman

Funding Requested: \$75,000

Match: \$65,900 (47%)

Total Project Cost: \$140,900

Summary of Work: Improvements to the façade in the form of new windows, doors, awnings, siding, paint and signage as well as asbestos abatement, landscaping and re-sealing and re-stripping the parking lot

Project Criteria: Meets 5 of 14



1816 N. Chadbourne – The Gentleman



1816 N. Chadbourne – The Gentleman



1822 N. Chadbourne – Senior Changs

Funding Requested: \$74,905

Match: \$179,800 (71%)

Total Project Cost: \$254,705

Summary of Work: Improvements to the façade in the form of new windows, doors, awnings, siding, paint and signage as well as the installation of new landscaping

Project Criteria: Meets 5 of 14



1822 N. Chadbourne – Senior Changs



1822 N. Chadbourne – Senior Changs



1822 N. Chadbourne – Senior Changs



2934 N. Chadbourne – Dollar General

Funding Requested: \$75,000

Match: \$25,000

Total Project Cost: \$100,000

Summary of Work: Improvements to the façade that include painting and new lighting as well as the installation of new landscaping in the form of xeriscaping/rock and paving of the parking lot

Project Criteria: Meets 4 of 14

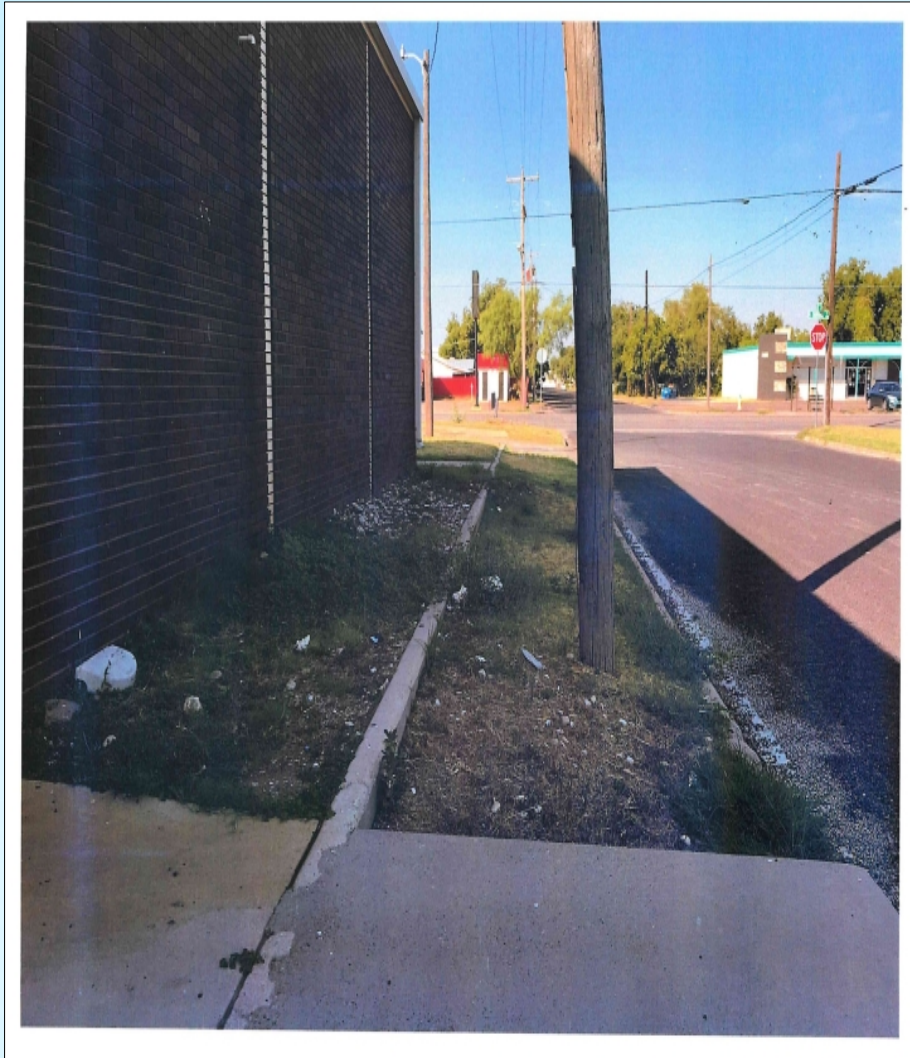
****Recently invested around \$64,000 for new roof and AC***



2934 N. Chadbourne – Dollar General



2934 N. Chadbourne – Dollar General



2934 N. Chadbourne – Dollar General



2934 N. Chadbourne – Dollar General



2934 N. Chadbourne – Dollar General



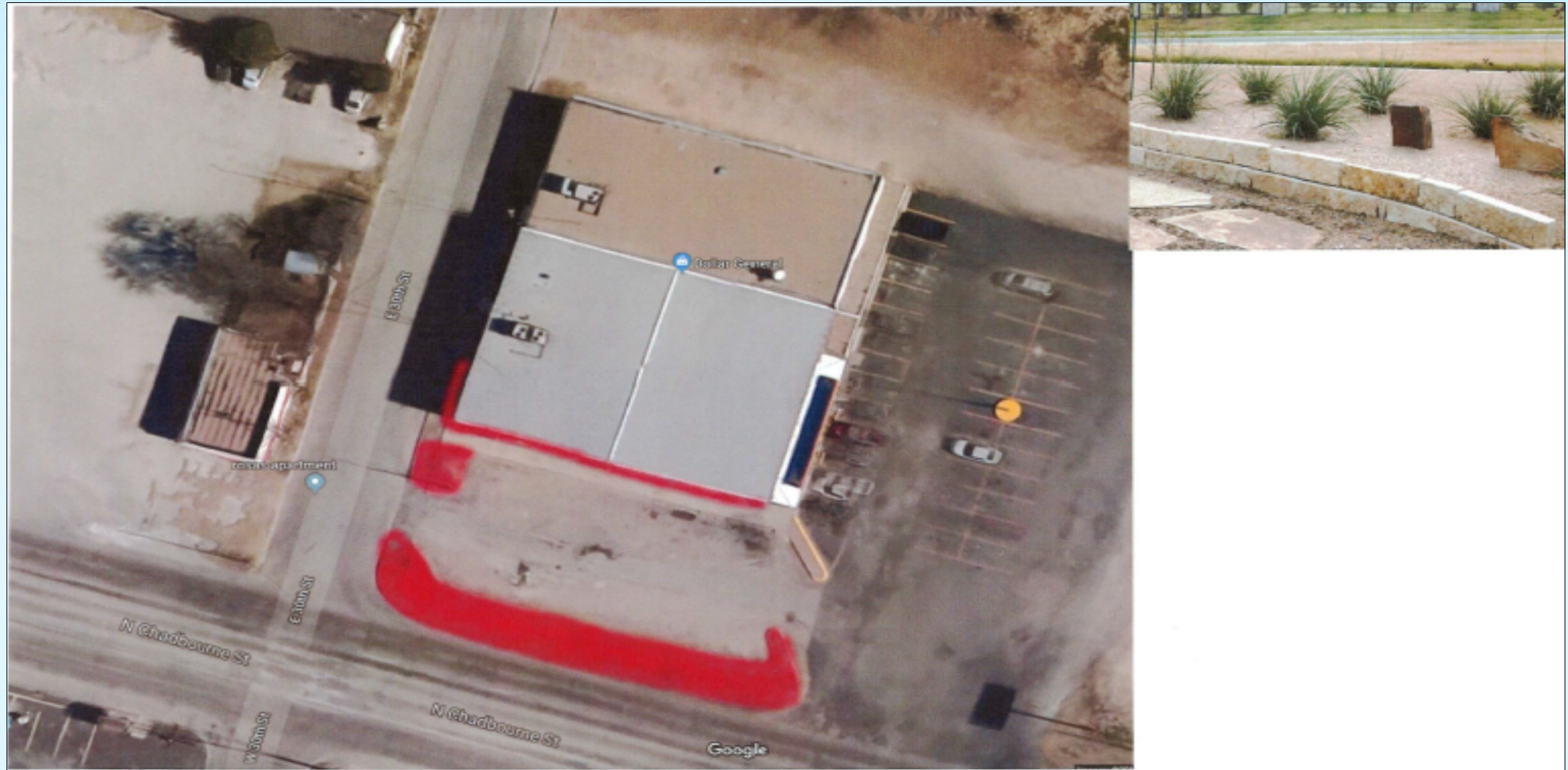
2934 N. Chadbourne – Dollar General



2934 N. Chadbourne – Dollar General



2934 N. Chadbourne – Dollar General



2934 N. Chadbourne – Dollar General



2934 N. Chadbourne – Dollar General



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Theresa James, City Attorney, Legal, X1413

Meeting Date: October 15, 2019

Item type: Consent Item

Caption:

Consider approving the following:

1. Second 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
2. A resolution approving the Schedule of Fees and Charges
3. A resolution approving the Budget Policy (Theresa James and Tina Dierschke)

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. See section VII. REVENUE F. SETTING CHARGES AND FEES of the attached budget policy for substantive updates.

The resolution adopting the fee schedule and a proposed amendment to the budget policy is included for the 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 07.24.19 | Ordinance removing fee schedule 07.24.19.docx |
| 2. Resolution adopting the Budget Policy | Resolution adopting budget policy.docx |
| 3. Resolution adopting schedule of fees and charges | Resolution adopting schedule of fees and charges.docx |
| 4. Appendix A Budget Policy | Appendix A Budget Policy.pdf |
| 5. Schedule of Fees and Charges | Schedule of Fees and Charges.doc |

Presentation:

Approvals/Reviews:

Theresa James

Theresa James

Tina Dierschke

Theresa James

Julia Antilley

Created/Initiated

Approved

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:

	2019	2020
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.):

	2019	2020
--	-------------	-------------

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):

2019	2020
\$6.45	\$6.92

(D) Landscape volumetric, rate per 1,000 gallons:

	2019	2020
Winter		
0—89	\$6.23	\$6.68
>89	\$13.93	\$14.94
Summer		
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.

**Winter is the billing period of October through April.

*** Summer is the billing period of May through September.

(E) Untreated water volumetric, rater per 1,000 gallons (all customers):

2019	2020
------	------

\$6.23	\$6.68
--------	--------

- (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* .

Meter Size	2019	2020
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.

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 (1x week trash & every other week recycling)	\$15.10	\$15.54	\$15.99	\$16.45	\$16.93	\$17.42	\$17.93
Bulk collections (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

	2018	2019	2020	2021	2022	2023	2024
96 Gallon cart							

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
2 Cubic Yard Dumpster							
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
3 Cubic Yard Dumpster							
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
4 Cubic Yard Dumpster							
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
6 Cubic Yard Dumpster							
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
8 Cubic Yard Dumpster							
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
Container Lock Bar Rental	\$11.21	\$11.54	\$11.87	\$12.22	\$12.57	\$12.93	\$13.31
Extra yardage fee per occurrence	\$31.77	\$32.69	\$33.63	\$34.61	\$35.61	\$36.65	\$37.71
Temporary 4 CY container (max 60 days for residential use only, excludes construction debris)							
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

	2018	2019	2020	2021	2022	2023	2024
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

	2018	2019	2020	2021	2022	2023	2024
Industrial charge over 10 tons (per ton)	\$52.94	\$54.48	\$56.06	\$57.68	\$59.36	\$61.08	\$62.85
15 cubic yard container							
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		-	-	-	-	-	-
20 cubic yard container							
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		-	-	-	-	-	-
30 cubic yard container							
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		-	-	-	-	-	-
40 cubic yard container							
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	-	-	-	-	-	-	-
Compactors							

July 2013–June 2014 (12 month avg)* \$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 (Aug thru July)				Incremental Change	Total Rate Adjustment %		
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

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%							\$15.29
	\$5.70	\$1.80	4.15%							
	\$5.80	\$1.90	4.38%		1-Oct-17	Residential Rate				\$15.29
	\$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% *			3.36%	\$0.51

						current rate)				
	\$6.20	\$2.30	5.31%							\$15.80
	\$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

	Municipal Tipping Fee (per ton)	County Tipping Fee (per ton)	Area Tipping Fee (per ton)	Municipal Host Fee (per ton)	County Host Fee (per ton)	Area Host Fee (per ton)	Trust Payment Factor (per ton)

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

	Tire Municipal Tipping Fee (Small Tire)	Tire Municipal Tipping Fee (Truck Tires)	Tire Municipal Tipping Fee (Off- Road Tires)	Tire Municipal Tipping Fee (Tires on Rims)	Tire County /Area Tipping Fee (Small Tire)	Tire County /Area Tipping Fee (Truck Tire)	Tire County /Area Tipping Fee (Off- Road Tires)	Tire County /Area Tipping Fee (Tires on Rims)
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

	2018	2019	2020	2021	2022	2023	2024
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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.

Article A9.000 through A15.000 - 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:

APPROVED AS TO FORM:

Julia Antilley, City Clerk

Theresa James, City Attorney

**A RESOLUTION OF THE CITY OF SAN ANGELO CITY COUNCIL
APPROVING ADOPTION OF AN AMENDED SAN ANGELO BUDGET
POLICY.**

WHEREAS, the City of San Angelo has adopted a budget policy that guides the development of the City's budget and helps manage the financial pressures to address growing demands upon City resources, while preserving long-term fiscal stability; and

WHEREAS, the Finance Department has undergone recent operational changes and positions due to reorganization of the department and direction provided by City Council in reference to charges and fees; and

WHEREAS, these recent changes require modifications to the adopted Budget Policy.

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

That, the City of San Angelo Budget Policy as amended and attached hereto as Exhibit "A", is hereby adopted, effective immediately.

PASSED, APPROVED and ADOPTED on this the 6th day of August 2019.

**ATTEST:
TEXAS:**

CITY OF SAN ANGELO,

Julia Antilley, City Clerk

Brenda Gunter, Mayor

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:

Tina Dierschke, Finance Director

Theresa James, City Attorney

A RESOLUTION OF THE CITY OF SAN ANGELO CITY COUNCIL ADOPTING A SCHEDULE OF FEES AND CHARGES.

WHEREAS, the City of San Angelo has adopted an ordinance which removes many of the fees and charges from the San Angelo Code of Ordinances and instead requires the schedule of fees and charges to be adopted by Resolution; and

WHEREAS, the fees and charges shown on Exhibit “A” to this Resolution were formerly adopted by Ordinance by the City of San Angelo City Council.

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

Part 1. That, the City of San Angelo Schedule of Fees and Charges attached hereto as Exhibit “A”, is hereby adopted, effective immediately.

Part 2. The adopted fees shall be updated each year in accordance with the adopted budget policy.

PASSED, APPROVED and ADOPTED on this the 15th day of October, 2019.

ATTEST:

CITY OF SAN ANGELO, TEXAS:

Julia Antilley, City Clerk

Brenda Gunter, Mayor

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:

Tina Dierschke, Finance Director

Theresa James, City Attorney

City of San Angelo

Budget Policy

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I. PURPOSE

To establish policies related to the budget for the City of San Angelo.

II. SCOPE

These policies apply to both operating and capital budgets. Capital budgets include expenditures for items such as heavy equipment and machinery.

III. OBJECTIVES

The budget policies for the City of San Angelo will guide the development of the City's budget and help manage financial pressures to address growing demands upon City resources, while preserving long-term fiscal stability.

IV. BUDGET PROCESS

The purpose of the budget process is to help decision makers make informed choices about the provision of services and capital assets and to promote stakeholder participation in the process. The following is a summary of policies that will guide the process.

- A. The City Manager and Council may set parameters, priorities, and/or goals at the beginning of each budget cycle.
- B. The Budget staff will host an annual training that will guide division managers with the development of their budgets. Training will include a budget preparation calendar.
- C. Upon submission of the division's proposals, the budget review members convene to evaluate all budget requests to determine whether they fulfill goals and objectives, improve management effectiveness, and service delivery. The budget review members may include the City Manager, Assistant City Managers, Finance Director, Assistant Finance Director, Budget Manager, other Budget staff, and others as appointed by the City Manager.
- D. The City Manager shall submit a proposed balanced budget to City Council for approval as required by City Charter. This proposal should include:
 - 1. A summary of the major changes in priorities or service levels from the current year and the factors leading to those changes;
 - 2. The priorities and key issues for the new budget period;
 - 3. Major financial factors and trends affecting the budget, such as economic factors, long-range outlook, significant changes in revenue collections, tax rates, or other changes, current and future debt obligations, and significant use of or increase in unreserved fund balance;

4. Financial summary data on revenues, other resources, and expenditures for at least a three-year period, including prior year actual, current year budget and/or estimated current year actual and the proposed budget.

V. BALANCED BUDGET

- A. The General Fund, which is the main operating fund of the City, is required to annually have a balanced budget. Expenditures shall be equal to resources in the proposed City Manager's budget submitted for review and approval.

Resources that may be used to fund City services include beginning fund balance, operating revenues, and transfers in. These resources may be used for transfers out, operating expenditures, and capital expenditures.

- B. Council will adopt a balanced budget by ordinance in accordance with State law.
- C. Unreserved fund balance in the general fund should only be appropriated for one-time expenditures at the request of the City Manager and with approval of Council.

While in any given year, all or a portion of the unreserved balance in a fund may be appropriated for expenditure. The long-term goal is that operating expenditures will not exceed operating revenues on an annualized basis to ensure structural balance is maintained within each fund.

Consistent with this long-term goal, the better practice is to appropriate portions of the beginning balance only to the extent they support non-recurring expenditures, replace temporary declines in revenue, or are reasonably anticipated to be offset by increased revenue not yet officially recognized in a revenue estimate.

- D. The budget for each fund shall be balanced in that the expenditures from each fund for the fiscal year not exceed the resources available to that fund for the year, including estimated revenues and any unreserved balance in the fund at the beginning of the year. This policy safeguards against the City spending beyond its means.

VI. LONG-TERM PLANNING

It is the policy of the City to maintain a multi-year financial projection of revenues, expenditures, and reserves. The multi-year revenue and expenditures projection shall be reviewed at least annually, prior to the budget process and after adoption of the budget. The multi-year financial projection will also be updated upon the approval of the capital improvement plan and should be updated based on any substantial changes in policy, legislation, or the economy. The projection will cover a minimum of three years. The Finance Director may present the multi-year projections to the City Manager as needed.

VII. REVENUE

A. REVENUE DIVERSIFICATION

The City Manager will utilize revenue practices which prevent undue or unbalanced reliance on any one funding source. A diversified and stable revenue system will be maintained to shelter the government from short-run fluctuations in any one revenue source.

During each year of a budget process, budget staff will review the current tax exemptions and will submit recommendations to the City Manager identifying possible increases or decreases in the approved exemptions or any new exemptions being proposed. Budget staff will also identify both the short- and long-range effects on City resources available to fund existing and proposed programs. City Council will review tax exemptions only as needed during the budget process.

Based on economic conditions, budget staff will identify specific revenue sources that may be severely impacted by elasticity. Revenue sources are reviewed on a monthly basis to report any significant changes that may impact the budget and identify corrective action, if necessary, to the Finance Director. Potential new revenue sources are to be submitted when identified and evaluated.

B. RESTRICTED FUNDS

Revenue directly related to a restricted fund shall only be used for purposes legally permissible and in a fiscally responsible manner for that fund. Programs and services funded by restricted revenue will be clearly designated as such. Programs with available restricted funds shall expend restricted monies before utilizing general monies.

C. ONE-TIME REVENUES

One-time revenue sources shall be solely utilized for the purchase of one-time expenditures, such as capital items or short-term contractual obligations of duration of less than twelve months. The City will avoid using temporary revenues to fund mainstream services and ongoing programs.

D. UNPREDICTABLE REVENUE

The City shall identify major revenue sources it considers unpredictable and prescribe how these revenues may be used. It is important to consider how a significant variation in revenue receipts may affect the City's financial outlook and ability to operate programs in the current and future budget periods. The City should decide in advance on a set of proposed actions to be taken if one or more of these sources generate revenues substantially higher or lower than projected. The plans should be publicly discussed and used in budget decision making.

E. REVENUE ESTIMATES

City division managers who generate revenue are required to submit revenue estimates annually during the budget process for the next fiscal year with supporting documentation identifying the methodology utilized in preparing revenue estimates. Budget staff will review the estimates and include them in the budget proposal.

Revenues should be estimated using a realistic approach to avoid any budget shortfalls during the fiscal year. There should be a consensus by the division, Budget staff, and management on the estimate prior to inclusion in the proposed budget submitted to Council for adoption.

F. SETTING CHARGES AND FEES

1. Division managers together with Budget staff will review any fees associated with their division and make changes based on factors such as the impact of inflation, indirect cost adjustments, and any other related expenses that impact the cost of providing services to the public. Proposed changes must be submitted during the annual fee review process with full disclosure on proposed changes. All changes are to be included in the following fiscal year's budget going into effect on October 1st.
2. New fees and the elimination of any fees require City Council approval.
3. The method of assessing and collecting fees should be as simple as possible in order to reduce the administrative cost of collection.
4. A unified approach should be used in determining the cost recovery which will be based on the total cost of delivering the service including direct costs, departmental administration costs, and organization-wide support costs such as finance, human resources, information technology, fleet services, and insurance. Fees should be set to cover 100% of cost of service.

Revenues should not exceed the reasonable cost of providing the service; and likewise the fee should be relevant to the cost of service. Therefore, **if staff does not recommend** charging 100% cost of service, the fee amount must be approved by City Council.

Staff will review fees to accomplish the 100% cost recovery goal. In order to avoid drastic fee increases, some fees will be phased in with incremental increases annually, with all fees being at the cost recovery goal by fiscal year 2025. Once fees are at 100% cost of service, fees will be reviewed every other year to maintain the cost recovery goal. All fees will be submitted to the City Manager for review and approval prior to implementation through the annual budget process.

5. Enterprise Funds shall be self-supporting so that the relationship between costs and revenues is clearly identified.
 - a. The City sets fees and rates for Water, Water Reclamation, Solid Waste, and Stormwater at levels which fully cover the total direct and indirect costs including operations, capital outlay, and debt service.
 - b. In accordance with long-standing practices, the City will treat the Water, Water Reclamation, Solid Waste, and Stormwater funds in the same manner as if they were privately owned and operated. In addition to setting rates at levels necessary to fully cover the cost of providing Water, Water Reclamation, and Solid Waste services, this means assessing reasonable franchise fees.

The appropriateness of charging the Water, Water Reclamation, and Solid Waste funds a reasonable franchise fee for the use of City streets is further supported by the results of studies in Arizona, California, Ohio, and Vermont which concluded that the leading cause for street resurfacing and reconstruction is street cuts and trenching for utilities.

- c. The City will review and adjust enterprise fees and rate structures as required to ensure that they remain appropriate and equitable.
- 6. Rate structures should be sensitive to the “market” for similar services as well as to smaller, infrequent users of the service. Where appropriate, a cost index may be attached to a fee so the City can recoup costs during extraordinary market highs and the customers can realize savings when prices shift downward.

G. COLLECTION

The Budget staff monitors revenue collection throughout the fiscal year. When revenue is less than estimated, management is notified of the expected impact on the current fiscal year budget and provides recommended corrective action. The City Manager initiates action consistent with prudent financial management and notifies Council of such action.

H. INDIRECT COSTS

Indirect costs should be recovered from other funds. This is done in accordance with the Office of Management and Budget 2 CFR Part 200 circular compliant indirect cost recovery plan.

VIII. EXPENDITURE

A. EXPENDITURE ESTIMATES

Expenditures shall be sufficient to provide quality services at a reasonable cost and within available financial resources. All new requests for program funding must be submitted during the budget process as a target increase request and include concise statements of the program’s mission, objectives, and intended measurable outcomes.

B. PERSONNEL

Salaries and benefits such as health insurance, workers’ compensation, and retirement will be calculated by Budget staff. Increases to the personnel budget must be submitted during the budget process and be fully justified to show that they will either meet new program purposes or maintain or enhance service delivery. The Compensation and Classification Committee will analyze requested positions for appropriateness and recommend approval or denial.

C. BUDGET REDUCTIONS

In developing recommendations that may require operational reductions, division managers should ensure that administrative and non-essential areas have been reduced to the maximum

extent possible. In general, any service reduction should include reductions in administrative functions such as management/supervisory, payroll, or other support staff.

All reductions should include an overall review of management structure to ensure efficiency and economy of resources. Further reductions should focus on positions most recently added and/or programs most recently augmented or identified as non-core function.

The focus should be on programs which are discretionary or where the service level is discretionary, and are not mandated by charter or other law or does not address one of Council's vision items.

D. CAPITAL IMPROVEMENT PLAN

The City Manager shall prepare and submit to the City Council a multi-year capital improvement plan. The capital improvement plan shall comply with policies and procedures as set forth in the city charter.

IX. CONTINGENCY PLANNING

A. The City Manager may establish a plan including definitions, policies, and procedures to address financial conditions which could result in a net shortfall of resources as compared to requirements. The plan is divided into three components – indicators, phases, and actions.

1. Indicators serve as warnings that potential budget impacts are increasing in probability. The City will monitor key revenue sources such as sales tax, property tax, and building activity as well as inflation factors and national and state trends. A set of standard indicators will be developed.
2. Phases serve to classify and communicate the severity of the situation as well as identify the actions to be taken. Listed from least severe to most severe, the phases are: alert, minor, moderate, major, and crisis.
3. Actions are the preplanned steps to be taken in order to prudently address and counteract the anticipated shortfall.

B. Below is a summary of the phase classifications and the corresponding actions which may be taken.

1. ALERT – an anticipated net reduction in available reserves or reduction in major revenue source(s) from 1% to 9%.
 - Delay expenditures where reasonably possible while maintaining the same level of service. Each division is responsible for monitoring its budget to ensure that only essential expenditures are made.
 - Transfer capital funds allocated for future projects to the affected fund.

2. MINOR – a reduction in reserves from 10% to 23%. The objective at this level is still to maintain the same level of service where possible. Implement the actions listed for ALERT plus:
 - Intensify the review process for large expenditures such as contract services, consulting services, and capital expenditures including capital improvements;
 - Closely scrutinize hiring for vacant positions, delay the recruitment process, and use temporary help where possible.
 3. MODERATE – a reduction in reserves from 24% to 50% which necessitates cuts of service levels by:
 - Requiring greater justification for large expenditures;
 - Deferring capital expenditures;
 - Reducing capital improvement appropriations;
 - Filling vacant positions only with special justification and authorization;
 - Restricting use of overtime;
 - Closely monitoring and reducing travel and training.
 4. MAJOR – a reduction in reserves of 51% to 99% which requires major service cuts:
 - Institute a hiring freeze;
 - Reduce the temporary work force;
 - Defer salary increases;
 - Further reduce capital expenditures;
 - Prepare a strategy for reduction in force.
 5. CRISIS – reserves have been 100% depleted and the potential for having a deficit is present. Implement all actions listed above plus:
 - Execute reduction in force and/or other personnel cost-reduction strategies;
 - Eliminate programs;
 - Eliminate capital expenditures including capital improvements.
- C. The recession plan and classification of the severity of the economic downturn may be used in conjunction with the City's fund balance policy which addresses the importance of

maintaining reserves to address economic uncertainties. As any recessionary impact reduces the City's fund balance, corrective action may be implemented to increase the fund balance proportionately.

X. FUND BALANCE

The objective of this policy is to establish target fund balance levels.

This policy sets the City's goal for fund balance amounts. It is not designed to limit Council's authority. The City Council shall retain the authority to commit any amount of fund balances for services or purchases as it deems appropriate.

- A. All operating funds shall have a goal of 75 days of the current year's original budget.
- B. Capital, capital projects, and grant funds shall have a goal of zero.
 - 1. Capital and capital project funds exist to track monies spent on capital items. They normally have no operating purpose and therefore have no regular need for fund balances. However, when planning projects long-term, variances in fund balance should be considered when establishing tax rates and usage fees to adequately fund projects over time.
 - 2. Grant funds exist to track revenues and expenditures of monies that are restricted for a particular use. Additionally, reimbursement type grant funds that do not have program income would be unable to accumulate a fund balance.
- C. Insurance funds shall have a fund balance goal at an adequate level to provide reasonable protection against exposure to claims. The goal will be established annually corresponding to the actuary report for a particular fund.

All fund balances for the purposes of this policy will be defined as liquid, unreserved fund balance. The method to calculate such fund balance will be determined by the Finance Director.

After completion of the annual audit, the Finance Director may present to the City Manager an analysis of fund balances if warranted. If a surplus or shortfall is identified in any fund, staff will prepare a plan for appropriate action to reduce or increase the relevant fund balance. After the plan is presented to the City Manager and direction is given by the City Manager, the Finance Director may execute the approved plan.

XI. BUDGET ADOPTION

As a home rule municipality, the budget shall be adopted by ordinance in accordance with state statute, city charter, and all other governing documents.

XII. BUDGET CONTROLS

The division manager is ultimately responsible for making sure his/her division does not exceed budgeted expenditures. The division manager should work with supervisors and Budget staff to address unplanned events.

XIII. AMENDMENTS TO THE BUDGET

Budget staff annually provides the Council, City Manager, department directors, and division managers with adequate background so that division managers may prepare a budget that maintains its current performance level.

- A. Division managers are allowed to request amendments to the budget to improve efficiency and productivity or due to unforeseen circumstances.
- B. A budget amendment must be approved prior to the occurrence of the expenditure except for emergency expenditures when approved by the City Manager or his/her designee.
- C. Budget amendment requests shall include an explanation from the division, approval by the Finance Director or his/her designee, and a recommendation from the Budget Manager. The explanation must be clear and provide sufficient detail. Certain approval authority is assigned in the annual budget ordinance. In general, the following amendments require Council approval:
 - 1. An increase to the revenue budget;
 - 2. An increase to the expense budget;
 - 3. A decrease to the revenue budget without an equal decrease to the expense budget;
 - 4. A movement between funds.
- D. In general, the following amendments may be approved City Manager or his/her designee:
 - 1. Any change to the personnel budget;
 - 2. An increase or decrease to the utility (electricity, natural gas, water, , gasoline) budgets;
 - 3. A movement between divisions;
 - 4. Decrease to revenues and expenditures in the same amount.
- E. In general, the following amendments may be approved by the Finance Director or his/her designee:
 - 1. An amendment within a division;
 - 2. An amendment among like divisions.

XIV. PERFORMANCE MEASURES

Division managers will include performance measures for each major function within the division. Performance measures quantitatively tell us something important about our products, services, and the processes that produce them.

Performance measures are used to indicate whether and to what extent departments are accomplishing a mission and are tools for management to measure the effectiveness of services in order to make strategic decisions.

Performance measures are maintained for critical services over a period of time in order to establish a service standard, to show historical deviation, and for use as a benchmark of City services against those of other government entities. Performance measures must be updated annually at a minimum.

XV. DISTINGUISHED BUDGET PRESENTATION

The City will seek to comply with suggested criteria of the Government Finance Officer's Association in producing a budget document that meets the Distinguished Budget Presentation criteria as a policy document, an operating guide, a financial plan, and a communication device.

APPENDIX A

City of San Angelo Schedule of Fees and Charges

ANIMAL CONTROL SERVICES FEES (Previously Article A1.000 in Appendix A - Fee Schedule)

Animal adoption fees

- (a) *Adoption by individual.* The adoption fee for adoption of animals by individuals under section 3.02.042 of the Code of Ordinances is:
 - (1) Cats or ferrets: \$50.00.
 - (2) Dogs: \$85.00.
- (b) *Adoption by qualified rescue organization.* The adoption fee for adoption of animals by qualified rescue organizations under section 3.02.043 of the Code of Ordinances is:
 - (1) Cats or ferrets: \$50.00.
 - (2) Dogs: \$85.00.
- (c) *Sterilized, microchipped animal.* The adoption fee for a previously sterilized and microchipped animal is:
 - (1) Dog, cat or ferret: \$15.00.
- (d) *Sterilized, non-microchipped animal.* The adoption fee for a previously sterilized, non-microchipped animal is:
 - (1) Dog, cat or ferret: \$28.00.
- (e) The animal shelter manager at his/her discretion may sell any animal that has been resident at the shelter for more than fifteen (15) days at a reduced price.

Microchip fee

Dog or cat: \$13.00.

Impoundment fees

Any animal or fowl running at large may be taken up by the animal services director or the director's designee or by any police officer or other person designated by the city manager and held for a period of seventy-two (72) hours, during which time the owner, upon satisfactory proof of ownership, may redeem his animal or fowl upon payment of the following impounding fees: thirty-six dollars (\$36.00) for a small animal or fowl impounded and a boarding fee of ten dollars (\$10.00) per day per animal beginning at 1 minute after twelve o'clock (12:01) a.m. the day following impoundment, plus a fee for necessary health care during impoundment. Board for a full day shall be charged for any part of a day. Impounding fees for livestock shall be thirty-six dollars (\$36.00). If any animal or fowl has not been so redeemed, the animal services director may sell or destroy said animal or fowl.

Heartworm/fleas/ticks

- (a) Heartworm test: \$10.00.
- (b) Owner requested flea/tick dipping or treatment: \$8.00.

Animal pickup/removal/transport/surrender

- (a) Estray livestock: \$25.00.
- (b) Animal pickup at owner's request: \$25.00.
- (c) Removal of dead animals/livestock: \$25.00.

(d) Transport fee to vet: \$25.00.

(e) Animal surrender: \$10.00.

Euthanasia

The fees for euthanasia are as follows:

(1) Owner requested:

(A) 0—20 lbs.: \$10.00.

(B) 21—50 lbs.: \$15.00.

(C) 51—100 lbs.: \$20.00.

(D) 101+ lbs.: \$25.00.

Spay and neuter program

The fee for the spay or neuter of a pet shall be from \$10.00 to \$65.00 depending on the federal poverty level.

Miscellaneous

The following fees shall apply for the services listed:

(1) Trap deposit: \$20.00.

(2) Rabies submission head test: \$40.00.

BUILDING AND CONSTRUCTION RELATED FEES (Previously Article A2.000 in Appendix A - Fee Schedule)

General provisions

- (a) The minimum permit fee is \$25.00 unless otherwise noted herein.
- (b) All costs are per unit basis unless otherwise noted herein.
- (c) Building valuations shall be calculated based upon the most current International Code Conference Building Valuation Data.

Building permit fees

- (a) *Residential construction fees.*
 - (1) Base fee: \$50.00.
 - (2) Residential structures (single-family and duplex):
 - (A) Living area - per square feet: \$0.13 per square foot.
 - (B) Garage, carports, porches, patios and accessory buildings - per square feet: \$0.10 per square foot.
 - (C) Residential remodel, repairs, etc.: \$0.05 per square foot of entire building under repair or remodel.
- (b) *Other construction permit fees.* All other construction permit fees (including commercial buildings, repairs and alterations to existing structures and completion of shell buildings): Base fee \$100.00 for the first \$2,000 valuation and \$5.00 for each additional thousand or fraction thereof.
- (c) *Site plan review fee.*
 - (1) Site plan review tier one = project valuation \$0.00 to \$100,000.00: \$50.00;
 - (2) Site plan review tier two = project valuation \$100,000.00 to \$500,000.00: \$100.00;
 - (3) Site plan review tier three = project valuation more than \$500,000.00: \$250.00.
- (d) *Change of occupancy.*
 - (1) No alterations (building and fire inspection only): \$105.00.
 - (2) Minor alterations - non-structural (building and fire inspections only): \$170.00.
 - (3) Minor alterations - non-structural (increase in occupancy classification, multiple inspectors): \$495.00.
- (e) *Foundation only.* Requires building official approval with complete plans for construction within 30 days of being approved and permitted.
 - (1) Residential - single-family dwelling: \$55.00.
 - (2) Commercial: \$0.10 per square foot. Maximum \$900.00.
 - (3) Accessory structure - residential only: \$40.00.
- (f) *Expedited plan review.* For expedited plan reviews the customer has the option to use a city-approved third-party plan review service. The cost will be that of the most currently published plan review rates of the third-party plan review service plus 15% of the initial plan review fee.
- (g) *Intermodal container placement.*
 - (1) Permanent placement of an intermodal container: \$75.00.
 - (2) Temporary placement of an intermodal container: \$35.00.

Demolition fees

City-funded projects are exempt from deposit requirements. A permit is not required for accessory structures with less than 120 square feet and no utilities.

- (1) Commercial:
 - (A) Demolition: \$115.00.
 - (B) Deposit (refundable upon approved final): \$250.00.
- (2) Residential:
 - (A) Demolition: \$55.00.
 - (B) Deposit (refundable upon approved final): \$100.00.
- (3) Accessory structures: \$30.00.

Miscellaneous permit fees

- (a) *Approach - curb cut*:
 - (1) Residential: \$30.00.
 - (2) Commercial: \$55.00.
 - (3) In state right-of-way: Add \$5.00.
- (b) *Moving*: No structure is allowed to be moved into the city without a certificate of compliance or certificate of occupancy from another municipality or unless otherwise approved by the building official.
 - (1) Residential compliance inspection: \$500.00.
 - (2) Commercial compliance inspection: \$1,250.00.
 - (3) Moving permit (12 feet and wider): \$75.00.
- (c) *Swimming pool*:
 - (1) Commercial: \$75.00.
 - (2) Residential:
 - (A) Above ground: \$35.00.
 - (B) In ground: \$40.00.
- (d) *Thirty day partial or temporary occupancy permit*: Partial or temporary thirty day occupancy permit and extensions (requires building official approval. no additional plan review):
 - (1) Commercial: \$100.00.
 - (2) Residential: \$50.00.
 - (3) Each 30 days of extension on a temporary or partial certificate of occupancy: \$100.00.
- (e) Reserved.
- (f) *Street use permit*: \$35.00.
- (g) *Street closure permit*: \$35.00.
 - (1) Barricade fee per location: \$25.00.
 - (2) Barricade deposit: \$100.00.
- (h) *Special event permit (type I or type II)*: \$25.00.

- (i) Voucher: \$20.00.
- (j) Parking lot permit fee: \$150

Building permit fee - electrical

- (a) Electrical permit: \$40.00 base fee + work performed.
- (b) For renovations and additions only:
 - (1) Installation requiring two inspections, with no increase in service size: \$30.00.
 - (2) Installation requiring more than two inspections, with no increase in service size: \$50.00 plus 50% existing ampere rate charge.
- (c) 120/240 volt single or three phase: \$0.30 per ampere plus permit fee.
- (d) 480 volt: \$0.50 per ampere plus permit fee.

Building permit fee - plumbing and fuel/gas

- (a) Plumbing, fuel/gas permit: \$40.00 base fee + work performed.
- (b) Small fixture (bathtub, drinking fountain, floor sink, floor drain, sink, lavatory, shower, urinal, backflow device assembly, water heater, water treatment, water closet, etc.): \$3.00 each.
- (c) Large fixture (grease trap, waste interceptor, sewer line, water line, gas line, etc.): \$7.50 each.

Building permit fee - mechanical

- (a) Mechanical permit: \$40.00 base fee + work performed.
- (b) 0 to 5 tons cooling: \$10.00.
 - (1) 150,000 Btu's gas or 25 KW electric heating: \$10.00.
 - (2) Package unit or rooftop unit (RTU) with or without heat (includes duct openings): \$20.00.
- (c) 5-1/2 to 15 tons cooling: \$25.00.
 - (1) 150,001 to 250,000 Btu's gas or 26 to 50 KW electric heating: \$25.00.
 - (2) Package unit or rooftop unit (RTU) with or without heat (includes duct openings): \$45.00.
- (d) 15.1 and up tons cooling: \$4.00 per ton.
 - (1) 251,000 Btu's gas or 51 and up KW electric heating: \$50.00.
 - (2) Package unit or rooftop unit (RTU) with or without heat (includes duct openings): \$4.00 per ton.
- (e) Commercial vent-a-hood: \$25.00.
- (f) System retrofit:
 - (1) 5 to 40 openings: \$30.00.
 - (2) 41 openings and up: \$150.00.
- (g) All other equipment not specifically listed (ex. boiler, cooling towers, refrigeration, etc.): \$45.00.

Tent permit fees

Temporary tents: \$40.00.

Sign permit fees

- (a) Billboards: \$165.00.
- (b) Wall signs: \$50.00.

- (c) Freestanding signs:
 - (1) 2 to 50 square feet: \$60.00.
 - (2) 51 square feet and up: \$70.00.
- (d) Portable signs: \$40.00.
- (e) Public event banner:
 - (1) Applicant must employ a contractor pre-approved by the building official for erection and taking down of the banner over a public right-of-way within the term permitted for display.
 - (2) Permit fee: \$15.00.

General fees

- (a) Re-inspection or failed inspection: \$39.00.
- (b) Permits or inspections outside city limits:
 - (1) With city utility: 150% regular rate (may be adjusted proportionally according to city tax rate).
 - (2) Without city utility: 200% regular rate.
- (c) Emergency inspections (requested with less than 1/2 days' notice): \$25.00.
- (d) Overtime: \$42.00 per hour.
- (e) Inspections requested for after 4:30 p.m. (2-hour minimum plus emergency inspection fee): \$106.00 for first two hours, plus inspection fee, \$53.00 per hour thereafter.
- (f) Hourly rate in excess of two hours (re-review of plans, code compliance review assistance, expedited review, etc.): \$42.00 per hour.
- (g) Appeals from decisions of the building official or code official to the board of adjustments and appeals: \$70.00.

Additional inspection fees

- (a) Additional inspection fee for work commenced without a permit. Whenever any work for which a permit is required by the city has commenced without first obtaining the required permit, a special inspection shall be made before a permit may be issued for such work. An additional inspection fee shall be required whether or not a subsequent permit is issued. The additional inspection fee for work commenced without a required permit shall be equal to two (2) times the full amount of any permit that would have been required had the project been fully permitted prior to beginning said work. This additional inspection fee shall be in addition to any actual permit fee required.
- (b) Additional inspection fee for work concealed prior to obtaining a required inspection. Whenever any work has been concealed without first obtaining a required inspection an additional inspection fee shall be assessed. The additional inspection fee for work concealed without first obtaining a required inspection shall be equal to \$252.00. This additional inspection fee shall be in addition to any other inspection fee required under this Code of Ordinances. The payment of this additional inspection fee shall be in addition to any other inspection fee required. The payment of this additional inspection fee shall not exempt any person from compliance with all provisions of applicable codes, nor shall it exempt them from any penalty prescribed by law.

Permit renewals

- (a) *Request for renewals.* The holder of an expired permit may request a renewal of the permit. Requests shall be in writing on applications approved by the building official. The application shall include a statement of the date work commenced, an account of delays, the time reasonably necessary to complete the project, and such other information necessary to justify the requested

renewal and term as determined in the sound discretion of the building official. In no event shall a renewal be approved for a term that exceeds the term of the original permit.

- (b) *Permit renewal fee.* 50% of the original permit fee.

Registration

All registrations expire December 31st of each year. Homeowners and not-for-profit organizations are not required to register. Only contractors that are required to acquire permits need be registered.

- (1) *Contractor annual fee:* \$30.00 (includes all general contractors, builders, fence, sign, swimming pool, movers, mechanical, roofers, irrigators and water treatment installers).
- (2) *Maintenance person annual fee:* \$10.00.

Refunds

- (a) Refunds must meet the following criteria:
- (1) No work has started;
 - (2) The permit has not expired;
 - (3) All refunds must be approved by the office manager, inspector and building official; and
 - (4) The request must be in writing on the form provided.
- (b) Refunds are refunded at 90% of the original permit fee less \$25.00 and less plan review and applicable trip charges. Permits with no plan review are credited in full less \$5.00 processing fee.
- (c) Refunds are processed by the city finance department only. No cash refunds will be allowed for accounting purposes.

Boarded buildings

The city shall charge an annual fee for boarded building certificates as follows:

- (1) *Initial certificate:*
- (A) Residential structure up to 2,500 square feet, including accessory structures less than 100 square feet in area: \$150.00.
 - (B) Residential structure from 2,501 square feet to 5,000 square feet, including accessory structures less than 100 square feet in area: \$200.00.
 - (C) Residential structure greater than 5,000 square feet, including accessory structures less than 100 square feet in area: \$200.00 plus \$50.00 per 500 square feet over 5,000 square feet, not to exceed \$750.00.
 - (D) Accessory structures greater than 100 square feet in area: \$50.00 each.
 - (E) Commercial structure(s)* up to 2,500 square feet: \$150.00.
 - (F) Commercial structure(s)* from 2,501 square feet to 5,000 square feet: \$200.00.
 - (G) Commercial structure(s)* greater than 5,000 square feet: \$200.00 plus \$50.00 per 500 square feet over 5,000 square feet, not to exceed \$750.00.
 - (H) New owner fee: 50% of original fee.

*When calculating the square footage, the total cumulative square footage of all structures located at one street address will be used.

- (2) *Subsequent certificates:* Each subsequent certificate fee will be the last certificate fee plus an additional \$25.00.

- (3) *Exception:* If an owner expends \$2,500.00 or more for construction improvements before the expiration of a valid certificate, the fee for the next certificate due shall be waived upon the timely filing of an application for certificate and inspection of the improvements. Proof of the improvements and expenditures shall be to the satisfaction of the fire marshal's office.

Mobile home park, manufactured housing park and recreational vehicle park annual operator's permit

The city shall charge an annual fee for an operator's permit, required for the operation of any mobile home, manufactured housing or recreational vehicle park as follows:

- (1) *Administrative processing fee:*
- (A) Permit for new parks or expansion of existing parks, excluding parks existing prior to April 15, 2014: \$1,000.00.
 - (B) Permit for renewal when transfer or expansion is not taking place: \$600.00.
- (2) *Supplemental fee:* In addition to the applicable administrative processing fee, a charge of \$5.00/space shall be charged, based upon the number of authorized spaces shown on the site plan accompanying the application for permit.

Stormwater quality reinspection fee

The fee for reinspections for violations of stormwater quality control provisions shall be \$75.00.

BUSINESS RELATED FEES (Previously Article A3.000 in Appendix A - Fee Schedule)

Itinerant merchant and street solicitor fee

The fee for any license required under article 5.04 of the Code of Ordinances or permit under section 8.05.011 of the Code of Ordinances shall be a standard fee for all applicants and shall be such as to cover the cost of processing said application. The license or permit fee shall be ten dollars (\$10.00) per application. An additional fee of two dollars and fifty cents (\$2.50) shall be assessed for each identification card issued after the first issued, per license application submitted.

Oil or gas well inspection fee

Annual inspection fee shall be five hundred dollars (\$500.00).

Alarm permit fees

- (a) Alarm permit user's fees:
 - (1) Residential alarm user's fee: \$25.00.
 - (2) Commercial alarm user's fee: \$50.00.
- (b) Special alarm user's permit: An alarm user required by federal or state statute, regulation or rule to install, maintain and operate an alarm system shall be subject to this section, provided:
 - (1) A permit shall be designated a special alarm user's permit.
 - (2) A special alarm user's permit for a system which has six (6) or more false alarms in a permit year shall not be subject to revocation under section 5.09.008 of the Code of Ordinances, but the holder of the permit shall pay a fee of \$40.00 with the submission of the report required by section 5.09.008 of the Code of Ordinances.
 - (3) Upon written demand by the police chief, the holder of a special user's permit shall pay a fee of \$40.00 for each false alarm after the fifth (5th) false alarm in the permit year.
- (c) Service fees for each false alarm after the first five (5) false alarms:
 - (1) Sixth (6th) false alarm: \$50.00.
 - (2) Each false alarm thereafter: \$50.00.
- (d) Revoked alarm user's permit (after the sixth (6th) false alarm): \$50.00.
- (e) False fire alarms because of failure to notify public safety communications when system is being worked on: \$50.00.

Fee for requested hearing appealing director's decision regarding bus, taxi, limousine or shuttle permit

A minimum fee of \$100.00 shall be charged the holder if the holder requests reinstatement of his permit. The purpose of the fee is to cover the administrative costs of preparing for and holding a hearing before the city council and the fee may be increased based on actual costs to the city of suspending the permit, monitoring the suspended company for compliance with the suspension, reinspection and report preparation. The city manager shall recommend an appropriate fee and the city council shall assess the fee based on evidence of actual cost to the city as specified above. The council may waive the hearing fee if it finds that the suspension was unjustified or for other good cause.

Chauffeur's license application and renewal fees

- (a) Each applicant shall pay a service charge of twenty-five dollars (\$25.00) for the cost of fingerprinting, taking the applicant's picture, and other services necessary to procure the license.
- (b) The license may be renewed upon application, accompanied by a renewal service charge of ten dollars (\$10.00), unless the original license has been revoked for good cause or has expired for failure to renew prior to expiration.

Taxicab permit fees

- (a) A holder of an annual permit shall pay the city a nonrefundable permit fee of three hundred and fifty dollars (\$350.00) a year for each vehicle authorized by the permit; provided, however, if the vehicle used for the transportation of persons is drawn by animals, the holder shall pay the city a nonrefundable permit fee of fifty dollars (\$50.00) a year for each vehicle authorized by the permit. The permit fee is payable at the time the annual permit is issued or renewed. Where a holder wishes to add vehicles to his fleet, the holder shall pay the city three hundred and fifty dollars (\$350.00) for each additional vehicle or fifty dollars (\$50.00) for each additional animal-drawn vehicle; provided, however, said fee shall be prorated if such additions are made after the annual permit fee is due.
- (b) A holder of an annual permit shall pay the health director or his designee a processing fee of twenty dollars (\$20.00) per vehicle upon the substitution of a vehicle or carriage for a previously permitted vehicle or carriage.

Limousine permit application fee; renewal fee

- (a) Each applicant shall pay a service charge of twenty-five dollars (\$25.00) for the cost of fingerprinting, taking the applicant's picture, and other services necessary to procure the license.
- (b) The license may be renewed upon application, accompanied by a renewal service charge of ten dollars (\$10.00), unless the original license has been revoked for good cause or has expired for failure to renew prior to expiration.

Bus or shuttle permit fees

- (a) A holder of an annual permit shall pay the city a nonrefundable permit fee of three hundred and fifty dollars (\$350.00) a year for each vehicle authorized by the permit. The permit fee is payable at the time the annual permit is issued or renewed. Where a holder wishes to add vehicles to his fleet, the holder shall pay the city three hundred and fifty dollars (\$350.00) for each additional vehicle; however, said fee shall be prorated if such additions are made after the annual permit fee is due.
- (b) A holder of an annual permit shall pay the health director or his designee a processing fee of twenty dollars (\$20.00) per vehicle upon the substitution of a vehicle for a previously permitted vehicle.

Airport parking spaces for taxicabs

It shall be unlawful for any taxicab driver to pick up passengers or wait for fares at Mathis Field Airport unless the permit holder for whom the driver works has paid twenty-five dollars (\$25.00) per month for use of the reserved parking queue.

Airport parking spaces for buses or shuttle services

It shall be unlawful for any bus or shuttle driver to pick up passengers or wait for passengers at Mathis Field Airport unless the permit holder for whom the driver works has paid \$25.00 per month for use of the designated reserved shuttle parking queue.

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	\$45*
Security Identification Display Area (SIDA)	\$60*

*City Council approved fees below cost of service by ordinance 07/02/2019.

Ambulance license fee

An application under section 6.05.033 of the Code of Ordinances shall be accompanied by a license fee of \$50.00.

Golf cart registration fee

A golf cart registration application hereunder shall be accompanied by a golf cart registration fee of \$20.00.

Credit access business fee

An application under section 5.11.006 of this code shall be accompanied by a license fee of \$25.00

Alcoholic beverages license/permit fees

The fees for the two-year alcoholic beverages licenses for premises within the city limits shall be as follows:

License Issuance or Renewal	Fee Collected
<i>Mixed Beverage Licenses/Permits</i>	
Beverage cartage permit	\$20.00
Caterer's permit (3rd year in business)	\$250.00
Caterer's permit (4th and 5th year in business)	\$500.00
Local distributor's permit	\$100.00
Mixed beverage permit (3rd year in business)	\$1,125.00
Mixed beverage permit (4th and 5th year in business)	\$1,500.00
Mixed beverage permit (6th and up year in business)	\$750.00
Mixed business late hours (3rd year)	\$75.00
Mixed business late hours (4th and 5th year)	\$150.00
Package store permit and beer off-premises	\$500.00
Package store tasting permit	\$25.00
Wine only package store	\$75.00
Wholesaler's permit	\$1,875.00
General class B wholesaler's permit	\$300.00
Winery permit	\$75.00
<i>Beer Licenses/Permits</i>	
Branch distributor's license	\$75.00
Importer's license	\$20.00

Beer retailer's off-premises license	\$60.00
Beer retailer's on-premises	\$150.00
Retail dealer's on-premises late hours	\$250.00
Wine and beer retailer's permit	\$175.00
Wine and beer retailer's off-premises	\$60.00

FEES FOR ABATEMENT OF JUNK AND IMPOUNDMENT AND SALE OF PROPERTY (Previously Article A4.000 in Appendix A - Fee Schedule)

Impoundment and sale of property

The following fees shall be charged and paid into the city treasury:

- (1) For taking and impounding any personal property: \$2.00.
- (2) For preparing advertisements of sale for each article: \$0.50.
- (3) For selling each article: \$0.50.
- (4) For posting notices of sale relating to any one article: \$0.50.

Garbage, weeds, junk and unsanitary conditions abatement fees

An administrative fee of \$150.00 dollars per non-complied violation shall be assessed to the property owner of a lot, tract or parcel of land for the cost of abatement under section 7.02.070 of the Code of Ordinances, plus:

- (1) \$372.60 per 6-yard dump truck load for junk or trash that is removed from a lot, tract or parcel of land.
- (2) \$572.60 per 12-yard dump truck load for junk or trash that is removed from a lot, tract or parcel of land.
- (3) \$45.00 per hour for mowing services performed on a lot, tract or parcel of land.

RESERVED - ARTICLE A5.000

PARKS AND RECREATION FEES (Previously Article A6.000 in Appendix A - Fee Schedule)

Campsite fees

A charge will be made for the use of designated public camping areas. The fee per campsite shall be:

- (1) San Angelo residents: \$6.00/day.
- (2) Out-of-town residents: \$12.00/day.

Entrance fees

Lake Nasworthy: The following schedule of fees will be charged for entrance into certain areas at Lake Nasworthy. The fees shall be paid at entrance gates designated by the city council from the first weekend in March through Labor Day of each year. Any person holding a valid camping permit shall be exempt from paying said fees.

- (1) Three dollars (\$3.00) per day per vehicle for city residents and six dollars (\$6.00) per day per vehicle for out-of-town residents on Saturdays, Sundays, and the following holidays: Good Friday, Easter, Memorial Day, 4th of July and Labor Day, during the period beginning the first weekend in March and continuing through Labor Day of each year.
- (2) Twenty dollars (\$20.00) per vehicle for an annual permit.
- (3) Ten dollars (\$10.00) per vehicle for an annual permit for persons over the age of sixty-five (65).
- (4) Ten dollars (\$10.00) per vehicle for an annual permit for handicapped persons. For purposes of this section, "handicapped" shall mean any person presenting a letter from a licensed medical doctor or the Veterans Administration when applying for a permit, which said letter certifies that the person has a permanent disability.

Park vendor's permit fee

- (a) The cost of each seasonal vendor's permit shall be \$100.00 per vehicle, which shall be paid at the time application is made.
- (b) A permit for three (3) consecutive days can be issued at a cost of \$35.00 per vehicle, which shall be paid at the time application is made.

Park facility and activity fees

- (a) Fees for sports tournaments and leagues:

Baseball	
Youth league ages 13-14	\$850.00/team
Adaptive t-ball*	\$30.00/player
Youth league ages 8-12	\$650.00/team
Fields - improved	\$20.00/hour
Fields - lighted (Bell St., Glenmore, Padrone, Mountain View)	\$1.00/hour
Fields - marking (TLCA - any outside tournament)	\$25.00
Fields-unimproved	\$1.00/hour

Basketball	
Adaptive*	\$30.00/player
Adult league	\$250.00/team
Youth league/individual	\$60.00/player
Youth league/team	\$450.00/team
Youth league/team with uniforms	\$550.00/team
Youth preseason tournament	\$175.00/team
Youth regional tournament	\$150.00/team
Gate fees	\$3.00/day; \$5.00/weekend
Flag football	
Adult league	\$275.00/team
Adult tournament	\$175.00/team
Youth league	\$60.00/player; \$500.00/team
Youth league early registration	\$55.00/player
Youth league late registration	\$80.00/player
Youth league with uniforms	\$600.00/team
Youth preseason tournament	\$100.00/team
Kickball	\$200.00/team
Soccer	
Adaptive*	\$30.00/player
Softball	
Adult league	\$325.00/team
Youth girls league	\$450.00/team
Softball resale	\$6.00 for 1 ball; \$30.00 for 6; \$55.00 for 12; + tax
Volleyball	\$300.00/team
With jerseys	\$360/team

Adaptive*	\$30.00/player
Adult league	\$190.00/team
Adult tournament	\$10.00/player
Other	
Summer track meet events	\$5.00/spectator \$10.00/athlete
Athletic leagues/tournaments	\$50.00/entry
Future adaptive added	\$30.00

* City Council approved fees below cost of service by ordinance 05/21/2019.

(b) Swimming pool fees:

Admissions/daily entry	\$5.00 - ages 3—64 \$3.00 - over 65
Admissions/daily entry - group rate (20+ ppl)	\$3.00
Family pool pass (4 ppl)	\$200.00
Family pool pass - additional people	\$25.00/person
Individual pool pass	\$75.00
Private rental	\$250.00—\$600.00; \$100.00 deposit
Private rental - additional people	\$100.00/additional 100 people
Rotunda only rental off season	\$75.00/hour*; \$100.00 deposit
Semi-private rental	\$20.00/hour* + \$3.00/guest
Swim lesson registration	\$60.00/person

* 2 hour minimum

(c) *Nature center fees:*

Birthday parties	\$80.00 for 12 people + \$1 per additional person
General admission - 13 +	\$3.00
General admission - 4-12	\$2.00
Offsite tour	\$75.00
Onsite tour (25 people)	\$60.00
Onsite tour - additional people	\$1.25/person

Sleepovers	\$25.00 - 35
Summer camp/critter crawl, etc.	\$80.00/week
Adoption - basic	\$10.00
Adoption - memorable	\$25.00
Adoption - plus	\$50.00
Membership - benefactor	\$75.00
Membership - corporate	\$150.00
Membership - family	\$50.00
Membership - individual	\$25.00

(d) *Texas Sports Bank Complex Rental Fees:*

Field rental /day no lights	\$75.00/day; \$10.00/hour
Field rental/day with lights	\$81.25/day; \$25.00/hour
San Angelo Girls Fast Pitch Association field rental	\$500.00/field for 30 days
Southern little league rental	\$500.00/field for 3 days
Southern little league t-ball field rental	\$250.00/field for 3 days
Tournament fees	\$175.00—\$250.00 tournament fee; \$50.00—\$75.00 bracket fee
Tournament gate fees	\$150.00 flat rate per gate/per quad/per day

(e) Facility rental fees (rentals subject to department rules and regulations for use.):

Venue	Rate	Deposit
<i>Carl Ray Johnson Gym Rentals</i>	\$25.00	N/A
<i>Private party use</i>		
City park pavilion *	\$15.00/hour	N/A
Civic league park bridal path and garden area (2 hour rental)	\$50.00	N/A
Civic league park pavilion (2 hour rental)	\$50.00	N/A
College Hills/Unidad Park Pavilion *	\$15.00/hour	N/A
Glenmore Park Pavilion *	\$15.00/hour	N/A

Jaime Padron Memorial Park Pavilion *	\$15.00/hour	N/A
James M. Rogers Garden Gazebo at Rio Concho Park (2 hour rental)	\$50.00	N/A
Kids' Kingdom Pavilion *	\$15.00/hour	N/A
Kirby Park In-Line Hockey Rink (2 hour minimum)	\$15.00/hour	N/A
Kirby Park Pavilion (12 hour rental)	\$300.00	\$100.00
Kirby Park Pavilion and Concession (12 hour rental)	\$400.00	\$100.00
Lone Wolf Bridge (2 hour rental)	\$50.00	N/A
Martin Luther King Jr. Memorial Park Pavilion *	\$15.00/hour	N/A
Producers Pavilion *	\$15.00/hour	N/A
Tiered Plaza/Celebration Bridge (2 hour rental)	\$50.00	N/A
Visitor's center grounds (1 hour rental)	\$50.00	N/A
<i>Rec center room rental</i>		
Carl Ray Johnson (2 hour minimum)	\$25.00/hour	N/A
South Side (2 hour minimum)	\$50.00/hour	\$50.00
SS with Dance/DJ (2 hour minimum)	\$50.00/hour	\$100.00
<i>Santa Fe Crossing</i>		
Activity room rental (3 hour minimum)	\$35.00/hour	\$100.00
Activity room rental - all day	\$275.00	N/A
Conference room rental (3 hour minimum)	\$25.00/hour	\$50.00
Dining room rentals (3 hour minimum)	\$45.00/hour	\$100.00
Dining room rentals - all day	\$350.00	N/A
<i>Station 618</i>		
Activity room rental (3 hour minimum)	\$100.00/hour	\$300.00
Ceramic room rental (3 hour minimum)	\$25.00/hour	\$50.00
Computer room rental (3 hour minimum)	\$50.00/hour	\$100.00
Nonprofit discount	No charge	N/A
Senior related activities discount	N/A	50% of deposit

* Limited to a two (2) hour minimum and four (4) hour maximum rental.

- (f) *Miscellaneous event fees* (fees for events not listed shall be as established by the director of parks and recreation with concurrence of the city manager):

Date night admission - daddy/daughter or mother/son	\$12.00
Date night admission - family night	\$20.00
Movie/camp out in the park	\$5.00/person
Senior programs (per month)	\$4.00-\$10.00
Summer camp - registration fee	\$45.00/person
Summer camp - weekly fee	\$65.00/person
Summer camp weekly holding fee	\$20.00
Summer camp track	\$80.00/person

- (g) *Nutrition lunches fees:*

Nutrition lunches - registered members over 55 years	\$3.00 suggested donation
Nutrition lunches - nonregistered members	\$6.00

MOTOR VEHICLE ESCORT FEES (Previously Article A7.000 in Appendix A - Fee Schedule)

License fee

The fee for any license granted to a private motor vehicle escort service shall be the sum of fifty dollars (\$50.00) per annum, which sum shall be paid before such license certificate is issued.

Driver's permit fees

Upon application for an escort driver's permit in accordance with the provisions of article 10.08 of the Code of Ordinances, each applicant shall pay a service charge of twenty-five dollars (\$25.00) for the cost of fingerprinting and other services necessary to procure the permit. The permit, when issued, shall not be transferable; however, it shall be lawful for the holder of such permit to use the same permit if he changes employment from one motor vehicle escort service to another. Every such permit shall be for a term of one (1) year from the date of issuance and may be renewed for a service fee of five dollars (\$5.00) provided the person seeking renewal has not violated any terms of article 10.08.

UTILITY RELATED FEES (Previously Article A8.000 in Appendix A - Fee Schedule. See Code of Ordinances for additional rate schedules)

Injury to or obstruction of apparatus, equipment or facilities

An administrative penalty of two hundred dollars (\$200.00) shall be assessed for injury to or obstruction of apparatus, except in those cases where the fair market value of the damage done to the apparatus is greater than two hundred dollars (\$200.00), in which case the administrative penalty shall be the full fair market value of the damage done as determined by the city manager or the city manager's designee.

Water service and meter charges

(a) *Fees for connection and reconnection.*

- (1) During regular business hours, there shall be a charge of twenty dollars (\$20.00) for the activation (turn on) of a water account and no charge for discontinuance of service.
- (2) After regular business hours, there shall be an additional charge of fifty dollars (\$50.00) to the above charges.
- (3) For temporary disconnection and reconnection of water service, there shall be a single charge of fifteen dollars (\$15.00).

(b) *Meter fees.* Any person purchasing a meter shall have the option to pay for such meter and expenses in interest-free installments on the following schedules:

- (1) If the cost of the meter and expenses is no more than \$300.00, the payments shall be made in three (3) equal monthly installments. The first installment shall be due on the 5th day of the month following the month the meter is installed. The remaining installments shall be due on the 5th day of the next two (2) months until paid in full.
- (2) If the cost of the meter and expenses is between \$300.01 and \$600.00, the payments shall be made in six (6) equal monthly installments. The first installment shall be due on the 5th day of the month following the month the meter is installed. The remaining installments shall be due on the 5th day of the next five (5) months until paid in full.
- (3) If the cost of the meter and expenses is between \$600.01 and \$900.00, the payments shall be made in nine (9) equal monthly installments. The first installment shall be due on the 5th day of the month following the month the meter is installed. The remaining installments shall be due on the 5th day of the next eight (8) months until paid in full.
- (4) If the cost of the meter and expenses is greater than \$900.01, the payments shall be made in twelve (12) equal monthly installments. The first installment shall be due on the 5th day of the month following the month the meter is installed. The remaining installments shall be due on the 5th day of the next eleven (11) months until paid in full.
- (5) A person wishing to defer payment under this subsection shall be required to execute appropriate documentation setting forth his/her obligation to pay within the time periods specified above.

Water tap connections

(a) Any person ordering a water tap connection at premises within the city shall be charged for such water tap connection in accordance with the following schedule:

3/8"	\$100.00 where stubbed out by developer
3/8"	\$150.00 plus cost of trench repair

1"	\$250.00 plus cost of trench repair
1½"	\$450.00 plus cost of trench repair
2" turbine	\$575.00 plus cost of trench repair
2" compound	\$1,225.00 plus cost of trench repair
3" turbine	\$1,875.00 plus cost of trench repair
3" compound	\$2,625.00 plus cost of trench repair
4" turbine	\$2,350.00 plus cost of trench repair
4" compound	\$3,300.00 plus cost of trench repair
6" turbine	\$3,500.00 plus cost of trench repair
6" compound	\$5,500.00 plus cost of trench repair
1½" lake meter	\$450.00
1" fire service tap	\$800.00
4" fire service tap	\$1,600.00
6" fire service tap	\$2,500.00

- (b) Any person ordering a water tap connection at premises located outside the city shall be charged for such water tap connection one and one-half (1½) times the above-stated schedule for each size tap.
- (c) Any person leasing a lake lot from the city shall not be required to pay the tap connection fee when requesting approval for capital improvements; provided, however, if such improvement is a lawn sprinkler system which uses raw water, payment of the fee will not be required at that time.

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.

Water, sewer and trash service deposits

- (a) *Water service.* Each and every water meter shall require the following minimum cash deposit:

Meter Size	Residential	Commercial*
5/8"	\$100.00	\$160.00
1"	\$110.00	\$330.00
1½"	\$120.00	\$340.00
2"	\$150.00	\$640.00
3"	\$525.00	\$830.00
4"	\$650.00	\$900.00
6"	\$1,000.00	\$1,070.00

*The amounts shown for commercial deposits shall be the minimum allowed. The actual deposit will be determined by the water utility department based on similar types of uses.

- (b) *Sewer service.* Each and every customer establishing sewer service without water service, whether with or without trash service, shall make a minimum cash deposit with the water department of the following amount:
 - (1) Residential: \$50.00.
 - (2) Commercial: \$100.00.
- (c) *Trash service.* Each and every customer establishing trash service without water or sewer service shall make a minimum cash deposit with the water department of the following amount:
 - (1) Residential: \$50.00.
 - (2) Commercial: \$100.00.
- (d) *Waiver.*
 - (1) Residential customers may request a waiver of the deposit requirement.
 - (2) A waiver will be granted upon confirmation of a history of no delinquencies on the requestor's prior or active accounts with the water utilities department.
- (e) *Interest.* All cash utility deposits made prior to October 1, 2004, shall accrue simple interest at the annual rate of four percent (4%) until September 30, 2004. No deposit shall accrue any interest nor shall any interest amount be paid on amounts on deposit after September 30, 2004.

Reactivation of multiple meters

Discontinued use of one of multiple meters located on a premises, for a period of less than six (6) months, shall require a fifty dollar (\$50.00) reactivation fee.

Meter test fees; repair fee

- (a) Any person requesting that a meter be tested for accuracy shall deposit with the water utilities department a security of forty dollars (\$40.00), plus any additional amount deemed necessary by the city manager or his designated agent to pay the cost of said meter test.
- (b) The account at a location at which damage has been done to the city meter or facilities shall be subject to a repair fee of thirty-five dollars (\$35.00), or the actual cost of the repair, whichever amount is greater. In determining whether a fee shall be assessed, the apparent source of the damage shall be considered.

Fire hydrant permit fee

Said permit shall be in writing and shall contain such terms, conditions and regulations as may be prescribed by the city council to use water from fire hydrants.

- (1) The applicant shall pay to the city a permit fee of fifteen dollars (\$15.00).
- (2) A deposit of one thousand dollars (\$1,000.00) shall be paid prior to the placement of each fire hydrant meter. Removal of a meter from the authorized location may result in forfeiture of the deposit. Repair costs necessary on a returned meter may be deducted from the deposit at the discretion of the director of water billing.
- (3) A twenty dollar (\$20.00) connection fee shall be charged for each meter set. Installed meters may only be moved by city personnel.
- (4) Use of a fire hydrant meter at an unauthorized location or by an unauthorized party or tampering with or damaging a meter may result in an administrative penalty of no more than one hundred dollars (\$100.00) per day or occurrence. Appeal of the assessed administrative penalty may be had by making written application to the director of water billing no later than ten days from the assessment of the penalty.

Sewer connection permit fee

- (a) All persons, firms or corporations who desire to tie on or to connect with the sewer mains of the city so that the premises owned or controlled by such persons, firms and corporations shall be serviced by said sewer mains shall, before connecting with or tying on to said sewer mains, obtain a permit therefor from the city, and upon obtaining such permit shall pay a fee of five dollars (\$5.00) to the city.
- (b) In the event that a person, firm or corporation desires to drain or backwash a swimming pool into the sewer mains of the city, such persons, firms or corporations shall, before connecting with or tying onto said sewer mains (either by adding the swimming pool drainage or backwash onto such person's, firm's or corporation's private sewer service line or connecting onto the city's sewer main), obtain a permit for each swimming pool to be connected from the city, and upon obtaining such permit shall pay a fee of five dollars (\$5.00) to the city, which fee shall be in addition to the fee for connecting any other wastewater to the city's sanitary sewer system.
- (c) Any person, firm or corporation owning or controlling property on which a swimming pool is located is hereby required to notify the city if said swimming pool drainage or backwash has been previously connected to the city's sanitary sewer system.

Sewer line extension fees to Lake Nasworthy

As sewer service is extended to areas of Lake Nasworthy, each leaseholder shall be assessed a per-lot fee of five hundred eighty-three dollars (\$583.00), which shall be paid upon service availability.

Designation of sewer charges to special fund

The following portion of the monthly base fee billed under section A8.002(b)(1) shall be designated to a special account for wastewater capital improvements (CIP account):

Water Meter Size	Portion of Base Rate to CIP Account
$\frac{5}{8}$ "	\$4.64
1"	\$5.37
1½"	\$6.10

2"	\$7.67
3"	\$20.16
4"	\$24.88
6"	\$35.69
8"	\$47.96

PLANNING RELATED FEES (Previously Article A9.000 in Appendix A - Fee Schedule)

Trailer coach park license fee; transfer fee

The annual license fee for each trailer coach park shall be fifty dollars (\$50.00). The fee for the transfer of the license shall be five dollars (\$5.00).

Planning and development fees

Applications for change of zoning classification (not including planned development districts and certain exceptions specified below in this same section), applications for special use approval, and applications for conditional use approval:

- (1) Zone change: \$500.00.
- (2) Special use: \$400.00.
- (3) Conditional use: \$385.00.

Planned development fees

- (a) Application for zone change to a PD district, requiring an area of 1.0 acre or more: \$600.00.
- (b) Application for site plan review of proposed development in PD district: \$125.00.
- (c) Application to amend PD ordinance: \$225.00.
- (d) Required Sign Fee: \$20.00

Zoning board of adjustment application fees

- (a) Request for variance from zoning regulations: \$250.00.
- (b) Request for administrative adjustment to zoning regulation: \$170.00.

Preliminary plats, final plats and variances

- (a) Plats (preliminary, final, or replats): \$275.00.
- (b) First variance: \$125.00.
- (c) Additional variance (each): \$75.00.
- (d) Supplemental fee for replats requiring notification: \$106.25.

Final plats or replats of administrative subdivisions

- (a) Any size of subdivision or resubdivision: \$250.00.
- (b) Supplemental fee for replats requiring notification: \$241.00.

Miscellaneous planning fees

- (a) Request for expansion of nonconforming use: \$353.00.
- (b) Request for consideration of sign variance: \$200.00.
- (c) Request for temporary permit: \$118.75.
- (d) Street name change: \$500.00 (plus cost of official city signage).
- (e) Release of easement: \$500.00.
- (f) Request for right-of-way abandonment or encroachment: \$450.00.
- (g) Request for design & historic review commission review: \$385.00.
- (h) Request for comprehensive plan amendment: \$500.00.

- (i) Request for zoning verification letter: \$25.00.
- (j) Request for annexation: \$1,000.00.
- (k) Design & historic review, administratively eligible: \$195.00.
- (l) Urban design review: \$125.00.
- (m) Amendments: \$200.00.
- (n) Third-party appeal*: \$200.00.
- (o) Certificate of appropriateness: \$100.00.
- (p) Disannexation: \$600.00.
- (q) Newspaper publication of notice: \$125.00.
- (r) Administrative amendment: \$130.00.
- (s) Design & historic review – like for like \$90.00.

* On appeal by a third party not the applicant, the appeal fee is due and payable on or before the deadline for filing the appeal. Notice of appeal by a third party not accompanied with payment of the applicable appeal fee shall be deemed incomplete and any right to appeal waived if the fee is not paid in full prior to expiration of the time permitted for appeal.

Conveyance of property interest in right-of-way abandoned by city

The following fees shall be required for conveyance (by quit-claim deed) of interest in rights-of-way abandoned by the city council:

- (1) *For improved streets and alleys:* Three-quarters ($\frac{3}{4}$) the average assessed value of abutting land, by square foot, according to the most recently approved property tax roll compiled by the Tom Green County appraisal district, multiplied by the square feet of land in the right-of-way abandoned and thence conveyed to the applicant as an abutting owner of property, plus appropriate administrative fees charged on an hourly basis.
- (2) *For unimproved streets and alleys:* One-half ($\frac{1}{2}$) the average assessed value of abutting land, by square foot, according to the most recently approved property tax roll compiled by the Tom Green County appraisal district, multiplied by the square feet of land in the right-of-way abandoned and thence conveyed to the applicant as an owner of abutting property, plus appropriate administrative fees charged on an hourly basis.
- (3) *For streets and alleys where significant easements for access by the public and/or utilities are reserved :* One-half ($\frac{1}{2}$) the cost applicable to either circumstance described in subsection (1) or (2) above, plus appropriate administrative fees charged on an hourly basis.

RETURNED CHECK FEES AND LATE FEES (Previously Article A10.000 in Appendix A - Fee Schedule)

Returned check fee

The fee for each check tendered to the city, its departments or divisions and returned for insufficient funds or because the account is closed shall be twenty-five dollars (\$25.00).

Late fee

The fee for late payments, as further specified in section 2.03.062 of the Code of Ordinances, shall be five dollars (\$5.00) or five percent (5%) of the sum due, whichever is greater.

FIRE AND RESCUE SERVICE FEES (Previously Article A11.000 in Appendix A - Fee Schedule)***Service fees*****(a) Vehicles.**

Vehicle Type	Apparatus	Price
1	Class A engine	\$500.00
1	Aerial	\$500.00
2	Rescue (heavy)	\$600.00
3	Brush truck	\$400.00
4	Command car/truck	\$200.00
1	Ladder (L-1)	\$500.00
1	Engine 2 (E-2)	\$500.00
1	Engine 3 (E-3)	\$500.00
1	Engine 4 (E-4)	\$500.00
1	Engine 5 (E-5)	\$500.00
1	Engine 6 (E-6)	\$500.00
1	Engine 7 (E-7)	\$500.00
1	Reserve 21 (R-21)	\$500.00
1	Reserve 22 (R-22)	\$500.00
1	Reserve 23 (R-23)	\$500.00
2	Rescue 1 (R-1)	\$600.00
3	Brush 1 (Brsh-1)	\$400.00
4	Battalion chief (Batt-1)	\$200.00

(b) Hand tools.

Tool	Price
Flathead axe	\$17.00
Pickhead axe	\$17.00
Long pike pole	\$17.00
Sheetrock pike pole	\$17.00

Short pike pole	\$17.00
Pry axe	\$17.00
Hooligan tool	\$17.00
Bolt cutters	\$17.00
Pry bar	\$17.00
Fire rake	\$17.00
Shovels	\$17.00
Scoops	\$17.00
Brooms	\$12.00
All hand tools	\$12.00

(c) *Fire equipment.*

Tool	Price
Foam nozzle	\$55.00
Foam eductor	\$50.00
AFFF foam - per gallon	\$40.00
Class A foam - per gallon	\$25.00
Piercing nozzle	\$40.00
M/S fog nozzle	\$55.00
M/S straight bore nozzle	\$30.00
Salvage cover	\$28.00
SCBA pack	\$85.00
Hall runner	\$18.00
Portable tank	\$75.00
PPV fan - per hour	\$55.00
Generator, portable - per hour	\$55.00
Generator - per hour	\$55.00
Chain saw - per hour	\$45.00

Water extinguisher	\$22.00
Dry chemical extinguisher	\$45.00
CO2 extinguisher	\$45.00
Scene lights	\$22.00
Portable pump - per hour	\$95.00
Float pump - per hour	\$65.00
Water vests	\$30.00
Thermal imaging camera	\$75.00
Heat detection gun	\$75.00
Sawzall	\$55.00

(d) *Hazardous material equipment.*

Supplies/Service	Price
Absorbent - per bag	\$23.00
Absorbent booms	\$60.00
Top sol	\$35.00
Disposable coveralls	\$30.00
Neoprene gloves	\$20.00
Latex gloves	\$6.00
Over boots	\$25.00
Disposable goggles	\$15.00
Gas plug kit	\$50.00
Plug and dike	\$65.00
Drum liners	\$10.00
Barricade tape	\$22.00
Poly sheeting	\$55.00
Removal of hazardous material	\$150.00
Disposal of hazardous material	\$150.00

Gas multi meter	\$65.00
CO2 meter	\$65.00
Terrazyme	\$70.00
Microblaze - per quart	\$10.00
Microblaze - per 5 gallons	\$150.00

(e) *Rescue equipment.*

Tool	Price
Spreaders	\$250.00
Cutters	\$250.00
Rams	\$250.00
Air bags	\$250.00
K-12 saw	\$55.00
Target saw	\$55.00
Ajax tool	\$25.00
K-tool	\$25.00
Windshield tool	\$15.00
Rescue blanket	\$32.00
Rope	\$25.00

(f) *Ambulance/transport/transfer fees.*

(1) *Fee table:*

Transfer/transport for ambulance aircrew	\$337.00
Institutional charge for nonreimbursed patient	\$337.00
BLS non-emergency	\$640.00
BLS emergency	\$1,025.00
ALS non-emergency	\$800.00
ALS 1 emergency	\$1,215.00
ALS 2 emergency	\$1,760.00

Transport medical team: with or without patient; to or from destination (one way)	\$350.00
Mileage fee (per patient mile)	\$14.00
Out of city, still in county *Additional charge	\$150.00
Out of county transport over 150 miles *Additional charge	\$250.00
Standby services *Four (4) hour minimum	\$400.00 minimum charge for four hours. Each additional hour \$100.00

- (2) *Review annually:* Review annually, commencing on or before April 16, 2019, city council shall conduct a public hearing for review of ambulance and transportation fees under this subpart (f) of section A11.001, to consider the current costs and revenues relating to those services and reaffirm or amend the fees for such services as necessary to establish fees that reasonably reflect the cost to the city of providing the service.

FIRE SAFETY INSPECTION FEES (Previously Article A12.000 in Appendix A - Fee Schedule)***Inspection fees***

- (a) The city shall charge an inspection fee for each fire safety inspection of the facilities or operations listed in subsection (c).
- (b) If a facility or an operation qualifies for a facility or an operation inspection fee under more than one category listed in subsection (c), the highest fee shall be assessed. Inspection fees shall not be cumulative for a single inspection.
- (c) The inspection fees are:

Type of Facility or Operation	Operational Fee
Registered homes, foster homes and adoptive services	\$25.00
Institutions requiring a state inspection (e.g., the girls' home)	\$50.00
Schools, day care centers, and Head Starts	\$172.00
Apartment complexes	\$172.00
Hotel/motel	\$134.00
Aviation facilities	\$98.00
Alcoholic beverages licensed establishments	\$100.00
Hospitals and nursing homes	\$317.00
Amusement buildings	\$50.00
Automatic fire-extinguishing systems	\$25.00
Carnivals and fairs	\$300.00
Combustible dust-producing operations	\$50.00
Compressed gases	\$50.00
Cryogenic fluids	\$50.00
Dry cleaning plants	\$50.00
Explosives	\$50.00
Exhibits and trade shows	\$86.00
Fire alarm and detection systems and related equipment	\$40.00
Flammable and combustible liquids	\$50.00
Hazardous materials	\$50.00
High-piled storage	\$95.00

Industrial ovens	\$50.00
Lumber yards and wood-working plants	\$95.00
LP gas	\$50.00
Miscellaneous combustible storage	\$50.00
Open burning	\$100.00
Pyrotechnic special effects material	\$75.00
Repair garages and motor fuel dispensing facilities	\$76.00
Spraying and dipping	\$76.00
Storage of scrap tires and tire products	\$86.00
Tire-rebuilding plants	\$50.00
Waste handling/recycling facilities	\$95.00
Wood products	\$50.00
Wrecking yards	\$95.00
Fire watch (2-hour minimum)	\$65.00 per hour
Fire code compliance (includes plan review and final inspection)	\$172.00
Other facilities and operations	\$25.00

Fire prevention permit fees

The city shall charge the following permit fees for the installation of fire protection systems in the city:

- (1) Sprinkler system installation: \$182.00.
- (2) Fire alarm systems: \$172.00.
- (3) Hood system installation - witness the acceptance test of the system: \$86.00.
- (4) After-hours inspections: \$50.00 per hour with a minimum charge of \$100.00.

HEALTH AND SANITATION RELATED FEES (Previously Article A13.000 in Appendix A - Fee Schedule)

Restaurant permit fee

- (a) Annual food establishment permit: \$150.00.
- (b) Annual food establishment permit fee for each additional service area: \$25.00.
- (c) 6-month seasonal food establishment permit: \$100.00.
- (d) 14-day temporary food establishment permit fee: \$70.00
- (e) 3-day temporary food establishment permit fee: \$50.00
- (f) Late fee: \$25.00.

Fee for permit to transport septic tank contents

- (a) Application fee: \$50.00.
- (b) Each additional vehicle: \$10.00 each.
- (c) Such permit shall be in force for one (1) year after the issuance thereof.

Private sewage facility license fees

- (a) Residential: \$200.00.
- (b) Commercial: \$400.00.
- (c) Reinspection: \$50.00.

Pool and spa permit fees

- (a) Permit: \$100.00 per facility per year.
- (b) Each additional pool or spa at each facility: \$25.00 each.
- (c) Reinstatement of permit following a suspension or revocation: \$50.00.

Nursing division fees

- (a) Copies of medical records: \$5.00.
- (b) Sampling collection: \$20.00.
- (c) STD appointment/testing: \$25.00.
- (d) STD follow-up appointment: \$10.00.
- (e) TB testing: \$20.00.
- (f) Lab services: Actual cost plus sampling collection fee.

* The health services director shall have the authority to reduce or waive fee schedule fees designated under this section for services provided at scheduled STD Outreach Clinics, and services provided through the in-house STD and immunizations clinics.

CEMETERY FEES (Previously Article A14.000 in Appendix A - Fee Schedule)

Burial

- (a) Opening and closing (includes tent, chairs): \$1,250.00.
- (b) Opening and closing stacking (includes tent, chairs): \$1,350.00.
- (c) Opening and closing columbarium: \$650.00.
- (d) Opening and closing (infant): \$300.00.
- (e) Concrete box: \$600.00.
- (f) Concrete vault: \$675.00
- (g) Outside container setting fee (steel vault): \$100.00.

Cremation

Cremation burial opening and closing: \$500.00.

Set up

- (a) Tent set-up: \$300.00.
- (b) Second tent: \$150.00.

Overtime

- (a) Saturday funerals 8:00 a.m. to 12:00 p.m.: \$325.00.
- (b) Weekend grave opening for day after holiday or Monday funerals: \$175.00.
- (c) Overtime hourly (weekdays after 4:30, Saturday after 12:00): \$175.00.

Burial spaces

- (a) Adult spaces - includes perpetual care: \$2,500.00 (\$2,000.00 space and \$500.00 p.c.).
- (b) Adult spaces used for stacking: \$4,500.00.
- (c) Columbarium 12 x 12 niche: \$2,400.00.
- (d) Columbarium 8 x 8 (double): \$1,800.00.
- (e) Columbarium 8 x 8 (single): \$1,200.00.
- (f) Cremation burial spaces: \$900.00 (\$810.00 space and \$90.00 p.c.).
- (g) Infant burial spaces: \$300.00.

Disinterment

- (a) Disinterment - re-interment (adult) (half of fee to disinter only): \$3,500.00.
- (b) Disinterment - re-interment (infant) (half of fee to disinter only): \$685.00.

Marker fees

- (a) Niche face plate engraving: \$550.00.
- (b) Veterans marker setting fee: \$25.00.
- (c) Marker survey fee: \$100.00.

Lot transfers

Lot transfer fee: \$75.00.

FACILITY USE FEES (Previously Article A15.000 in Appendix A - Fee Schedule)

Airport conference room

Conference room fee per hour: \$16.00.

Fort Concho Facility Fees

(a) Fees for rental of Fort Concho facilities shall be as follows:

Venue	Daily Rate*	Additional Partial Days*	Deposit
Barracks 6	\$300.00	\$150.00	\$150.00
Commissary	\$600.00	\$300.00	\$300.00
Courtyard	\$150.00	\$75.00	\$75.00
Officer Quarters 1	\$125.00—\$175.00	\$100 .00	\$100.00
Officer Quarters 8	\$250.00	\$125.00	\$125.00
Quartermaster	\$500.00	\$250.00	\$250.00
Stables	\$1,500.00	\$750.00	\$750.00

*501(c)(3) organizations shall be eligible for a discount of 50% from the fee schedule for Monday through Thursday.

(b) Fees for event attendance, event rentals and membership:

Children's workshops/youth—attendance	\$10.00—\$35.00
Christmas Event - attendance	\$3.00—\$7.00
Christmas Event - food booth—rental	\$250.00—\$400.00
Christmas Event - space rental	\$300.00—\$400.00
Christmas Event - Sutler Fee—rental	\$100.00
Event food sales	20% of gross
Frontier Day - booth rentals	\$10.00—\$100.00
Frontier Day - pancake breakfast—attendance	\$6.00
Halloween theme - night programs—attendance	\$5.00—\$15.00
Memberships	\$35.00—\$5,000.00
National Cowboy Day—attendance	\$8.00—\$10.00
Regional Cavalry competition Registration	\$85.00—\$150.00
Tours - guided	\$5.00 adults, \$4.00 seniors/military,

	\$3.00 children 7-17
Tours - self guided	\$3.00 adults, \$2.00 seniors/military, \$1.50 children 7-17
Event tours - docent	\$5.00/person; \$150.00 min charge
Evening at Fort Concho-including use of Barracks 6 or officers' quarters 8	\$8.00/person; \$350.00 min charge
Baseball demonstration—attendance	\$6.00/person; \$300.00 min charge
Baseball demonstration with artillery demonstration—attendance	\$150.00 additional
Artillery demonstration—attendance	\$300.00

Civic events facility use fees

(a) *El Paseo:*

Camper space	\$20.00
Courtyard	\$25.00
Electrical hookup	\$25.00
Grounds	\$50.00/day
Rental - base rate	\$100.00/day *
Rental - convention	\$150.00/day *
Rental - ticketed events	\$200.00/day *

* 10% discount for Monday-Thursday rentals.

(b) *Farmer's Market Pavilion:*

Rental - base rate	\$50.00/day *
Rental - convention	\$100.00/day *
Rental - ticketed events	\$200.00/day; 10% of sales * **

* 10% discount for Monday-Thursday rentals.

** Civic events manager has the authority to negotiate a capped rate for public ticketed events that cannot be less than the rental fee.

(c) *Foster Coliseum:*

Horse stalls	\$10.00/night
Movie-in/move-out	\$1,750.00/day
Rental - commercial, nonticketed	\$1,250.00/day* **
Rental - commercial, ticketed	\$1,750.00/day; 10% of sales * ** ****
Rental - noncommercial, nonticketed	\$1,000.00/day * **
Rental - noncommercial, ticketed	\$1,500.00/day; 10% of sales * ** ****

* 10% discount for Monday-Thursday rentals.

** 50% discount for Monday-Thursday half day rentals.

*** Civic events manager has the authority to negotiate a capped rate for public ticketed events that cannot be less than the rental fee.

(d) *Indoor Arena:*

Rental - commercial, nonticketed	\$150.00/day*
Rental - commercial, ticketed	\$300.00/day; 10% of sales * **
Rental - noncommercial, nonticketed	\$100.00/day *
Rental - noncommercial, ticketed	\$200.00/day; 10% of sales * **

* 10% discount for Monday-Thursday rentals.

** Civic events manager has the authority to negotiate a capped rate for public ticketed events that cannot be less than the rental fee.

(e) *McNease Convention Center:*

Kitchen fee	\$100.00
Move-in/move-out	Half of rental fee
Rental - entire building - base rate	\$2,000.00/day *
Rental - entire building - convention rate	\$2,250.00/day; 10% of sales * ****
Rental - entire building - ticketed rate	\$2,500.00/day; 10% of sales * ****
Rental - ballroom - base rate	\$1,500.00/day * **
Rental - ballroom - convention rate	\$1,500.00/day; 10% of sales * ** ****
Rental - ballroom - ticketed rate	\$1,650.00/day; 10% of sales * ** ****
Rental - ½ ballroom - base rate	\$500.00/day * **
Rental - ½ ballroom - convention rate	\$500.00/day; 10% of sales * ** ****

Rental - ½ ballroom - ticketed rate	\$550.00/day; 10% of sales * * * * *
Rental - ¾ ballroom - base rate	\$1,000.00/day * **
Rental - ¾ ballroom - convention rate	\$1,000.00/day; 10% of sales * * * * *
Rental - ¾ ballroom - ticketed rate	\$1,100.00/day; 10% of sales * * * * *
Rental - north meeting room	\$600.00/day; \$300.00/4 hrs *
Rental - north ½ small meeting room	\$200.00/day; \$125.00/4 hrs *
Rental - north ¾ small meeting room	\$400.00/day; \$250.00/4 hrs *
Rental - south meeting room	\$350.00/day; \$200.00/4 hrs *
Rental - south ¼ small meeting room	\$100.00/day; \$50.00/4 hrs *
Rental - south ½ small meeting room	\$200.00/day; \$100.00/4 hrs *
Rental - south ¾ small meeting room	\$300.00/day; \$150.00/4 hrs *
Rental - entire upstairs meeting rooms	\$450.00/day; \$225.00/4 hrs *
Rental - single upstairs meeting room	\$200.00/day; \$100.00/4 hrs *

* 10% discount for Monday-Thursday rentals.

** 50% discount for Monday-Thursday half-day rentals.

*** Civic events manager has the authority to negotiate a capped rate for public ticketed events that cannot be less than the rental fee.

(f) *Pecan Creek:*

Rental weekdays (Monday-Thursday)	\$250.00/day
Rental weekends (Friday-Sunday)	\$350.00/day

(g) *River Stage:*

Rental - base rate	\$500.00/day * **
Rental - convention rate	\$750.00/day; 10% of sales * * * * *
Rental - ticketed rate	\$1,000.00/day; 10% of sales * * * * *

* 10% discount for Monday-Thursday rentals

** 50% discount for Monday-Thursday half-day rentals

*** Civic events manager has the authority to negotiate a capped rate for public ticketed events that cannot be less than the rental fee.

(h) *Other rental fees:*

Rental - city hall east mezzanine	\$200.00/day; \$125.00/4 hrs
Facility fees - base rate	\$2.00/ticket over \$5.00 \$.50/ticket \$5.00 or less
Facility fees - multiple date users	\$0.75/ticket
Facility fees - nonprofits	\$0.50/ticket
Facility fees - non-profits & multiple date users	\$0.25/ticket

(i) *Miscellaneous:*

Additional staffing (ticket sellers & takers, sound tech, ushers, stagehands, loaders, etc.)	\$15.00/hour (4 hr minimum)
Novelties	20% of gross sales *

* Civic events manager has the authority to negotiate a capped rate.

(j) *Extras:* Civic events board may increase a fee for any listed extra, not to exceed 25% of the fee effective on date of this amendment.

Additional tables after 20 complementary	Set by civic events board
Chairs - after 150	Set by civic events board
Dinnerware	Set by civic events board
Fencing	Set by civic events board
Forklift	Set by civic events board
Linen napkins	Set by civic events board
Stage lighting	Set by civic events board
Staging/risers	Set by civic events board
Table skirts	Set by civic events board
Tablecloths	Set by civic events board
Water and coffee set up	Set by civic events board

(k) *Discounts and supplemental user fees:*

- (1) Any rental of two or more consecutive days is eligible for a 5% discount on the rental fee.

- (2) All rental agreements are from 8:00 a.m. to 12:00 a.m. midnight. An additional \$100.00/hour will be charged to open prior to 8:00 a.m. on any day.
- (3) Facility discount: Organizers/promoters of existing established events will be offered a 50-percent discount from the daily rental rates of Civic Events facilities if they meet the qualification listed in the Civic Events policies.
- (4) Multiple use discount: Clients may be offered a 25-percent discount (during weekday business hours) from the daily rental rates of civic events facilities if they meet the qualification listed in the civic events policies.

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Bob Salas, Neighborhood Services Director, Neighborhood and Family Services, 325-655-0824

Meeting Date: October 15, 2019

Item type: Regular Item

Caption:

Public hearing on proposed development and consideration of a resolution of general support for a Low Income Housing Tax Credit (LIHTC) project in SMD2 by SA Villas at Shriner's Point, L.P. to construct affordable housing apartments in San Angelo on 37th St. and 40th St. (Presentation made by Neighborhood Services Director Bob Salas)

Summary/History:

Each year, the Texas Department of Housing and Community Affairs (TDHCA) makes funding available for single and multi-family rental construction projects through a very competitive project selection process. A resolution of support from the city helps projects score higher on the state's scoring process. The proposed Villas at Shriner's Point project is a mixed income, 156-unit rental apartment complex on the corner of 37th and 40th Streets in the Lakeview neighborhood.

LIHTC projects are awarded funding through a complex point system which includes monetary and non-monetary city government support. One of the scoring criteria is the amount of city contributions and support. SA Villas at Shriner's Point, L.P. is asking council for a general resolution of support in order to make the Villas at Shriner's Point project more competitive.

Financial Impact:

No direct financial impact.

Other Information/Recommendation:

Approve resolution of support.

Attachments:

- | | |
|---|---|
| 1. Shriners Point TDHCA Resolution 20190920 | Shriners Point TDHCA Resolution 20190920.docx |
|---|---|

Presentation:

by Bob Salas and Justin MacDonald

Approvals/Reviews:

Bob Salas	Created/Initiated
Theresa James	Approved
Tina Dierschke	Approved
Theresa James	Approved
Julia Antilley	Final Approval

Resolution No. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN ANGELO TEXAS OF NO OBJECTION TO SA-VILLAS AT SHRINER'S POINT, LP APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS NON-COMPETITIVE FOUR PERCENT 2020 HOUSING TAX CREDITS PROGRAM FOR THE DEVELOPMENT OF 156 UNITS OF AFFORDABLE RENTAL HOUSING LOCATED SOUTHEAST OF THE INTERSECTION OF E. 40TH STREET WITH BLUM STREET, IN SMD NO. 2

WHEREAS, SA Villas at Shriner's Point, L.P. has proposed a development for affordable rental housing of 156 units that will be located southeast of the intersection of 40th Street with Blum Street, in the City of San Angelo, Tom Green County, Texas, City Council SMD #2; and,

WHEREAS, SA Villas at Shriner's Point, L.P. has submitted an application to the Texas Department of Housing and Community Affairs for the 2020 non-competitive four percent Housing Tax Credits Program for the development of 156 units of affordable rental housing known as Villas at Shriner's Point;

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

Section 1. In accordance with the requirements of Tex. Gov't Code §2306.67071 and Texas Administrative Code Rule §11.204(4), it is hereby found that:

1. Notice has been provided to the Governing Body in accordance with Tex. Gov't Code, §2306.67071(a); and
2. The Governing Body has had sufficient opportunity to obtain a response from the Applicant regarding any questions or concerns about the proposed Development; and
3. The Governing Body has held a hearing at which public comment may be made on the proposed Development in accordance with Tex. Gov't Code, §2306.67071(b); and
4. After due consideration of the information provided by the Applicant and public comment, the Governing Body does not object to the proposed Application; and

Section 2. The City Clerk is hereby authorized and directed to certify this Resolution for and on behalf of the City of San Angelo, Texas, to the Texas Department of Housing and Community Affairs.

Section 3. This Resolution shall be effective upon its adoption.

PASSED AND ADOPTED on this 15th day of October 2019.

CITY OF SAN ANGELO

ATTEST:

BY:

Brenda Gunter, Mayor

Julia Antilley, City Clerk

APPROVED AS TO FORM

Theresa James City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Tina Dierschke, Finance Director, Finance, 325-657-4268

Meeting Date: October 15, 2019

Item type: Regular Item

Caption:

Consider adopting an ordinance authorizing the issuance and sale of City of San Angelo, Texas Waterworks and Sewer System Improvement Revenue Bonds, Series 2019; establishing procedures for the sale and delivery of the Bonds; providing for the security for and payment of such Bonds; and authorizing and enacting other matters and provisions relating to the subject (Presentation made by Finance Director Tina Dierschke)

Summary/History:

The Texas Water Development Board (TWDB) has approved financial assistance in the amount of \$65,750,000 for water system improvements for the expansion of the well-fields at the Hickory Aquifer. The final amount of the bond issue is \$56,075,000. The rate will be set at 0.472% over a period of 25 years.

The TWDB is the state agency charged with collecting and disseminating water-related data, assisting with regional planning, and preparing the state water plan for the development of the state's water resources. The TWDB administers cost-effective financial assistance programs for the construction of water supply, wastewater treatment, flood control, and agricultural water conservation projects.

The proposed project is the second phase of expanding the City's groundwater supply from the Hickory Aquifer. The project will involve improvements at multiple locations spanning over 60 miles. The City's wellfield, raw water collection system, transmission line, and Groundwater Treatment Plant will be upgraded to ensure the needed production rate of the Phase II design can reliably be achieved. To accomplish this, five new wells are proposed at the wellfield, bringing the total production capacity to 10,000 gallons per minute. New interconnecting piping will tie the new wells into the existing collection system infrastructure, with several improvements recommended to improve the reliability of the collection system. Additional optimization efforts will also be evaluated to improve the service life of the equipment and minimize influent groundwater iron concentrations.

Financial Impact:

The amount of the bond issue is \$56,075,000. The rate will be set at 0.472% over a period of 25 years.

Other Information/Recommendation:

Attachments:

- | | | |
|----|---|---|
| 1. | Final Numbers - \$56,075,000 San Angelo Water & Sewer Revenue Bonds 2019 DWSRF (Project Number 62856) | Final Numbers - \$56,075,000 San Angelo Water & Sewer Revenue Bonds 2019 DWSRF (Project Number 62856).pdf |
| 2. | Timeline San Angelo-Hickory TWDB DWSRF | Timeline San Angelo-Hickory TWDB DWSRF.pdf |
| 3. | Ordinance v4 | Ordinance v4.pdf |

Presentation:

Approvals/Reviews:

Tina Dierschke	Created/Initiated
Allison Strube	Approved
Tina Dierschke	Approved
Theresa James	Approved
Nolan Sosa	Approved
Tina Dierschke	Approved
Theresa James	Approved
Julia Antilley	Final Approval

\$56,075,000

City of San Angelo, Texas

Waterworks and Sewer System Revenue Improvement Bonds, Series 2019

Drinking Water State Revolving Fund (Project Number 62856)

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Final Numbers

\$56,075,000

City of San Angelo, Texas

Waterworks and Sewer System Revenue Improvement Bonds, Series 2019

Drinking Water State Revolving Fund (Project Number 62856)

Sources & Uses

Dated 12/05/2019 | Delivered 12/05/2019

Sources Of Funds

Par Amount of Bonds	\$56,075,000.00
Texas Water Development Board Loan Origination Fee	(1,180,237.00)

Total Sources	\$54,894,763.00
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Uses Of Funds

Costs of Issuance	301,442.50
Deposit to Debt Service Reserve Fund (DSRF)	2,293,776.56
Deposit to Project Construction Fund	52,298,143.00
Rounding Amount	1,400.94

Total Uses	\$54,894,763.00
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Final Numbers

\$56,075,000

City of San Angelo, Texas

Waterworks and Sewer System Revenue Improvement Bonds, Series 2019

Drinking Water State Revolving Fund (Project Number 62856)

Pricing Summary

Maturity	Type of Bond	Coupon	Yield	Maturity Value	Price	Dollar Price
02/15/2021	Serial Coupon	-	-	2,195,000.00	100.000%	2,195,000.00
02/15/2022	Serial Coupon	-	-	2,195,000.00	100.000%	2,195,000.00
02/15/2023	Serial Coupon	-	-	2,195,000.00	100.000%	2,195,000.00
02/15/2024	Serial Coupon	-	-	2,195,000.00	100.000%	2,195,000.00
02/15/2025	Serial Coupon	-	-	2,195,000.00	100.000%	2,195,000.00
02/15/2026	Serial Coupon	-	-	2,195,000.00	100.000%	2,195,000.00
02/15/2027	Serial Coupon	-	-	2,195,000.00	100.000%	2,195,000.00
02/15/2028	Serial Coupon	0.050%	0.050%	2,195,000.00	100.000%	2,195,000.00
02/15/2029	Serial Coupon	0.110%	0.110%	2,195,000.00	100.000%	2,195,000.00
02/15/2030	Serial Coupon	0.180%	0.180%	2,200,000.00	100.000%	2,200,000.00
02/15/2031	Serial Coupon	0.240%	0.240%	2,205,000.00	100.000%	2,205,000.00
02/15/2032	Serial Coupon	0.290%	0.290%	2,210,000.00	100.000%	2,210,000.00
02/15/2033	Serial Coupon	0.340%	0.340%	2,215,000.00	100.000%	2,215,000.00
02/15/2034	Serial Coupon	0.380%	0.380%	2,225,000.00	100.000%	2,225,000.00
02/15/2035	Serial Coupon	0.420%	0.420%	2,235,000.00	100.000%	2,235,000.00
02/15/2036	Serial Coupon	0.460%	0.460%	2,245,000.00	100.000%	2,245,000.00
02/15/2037	Serial Coupon	0.500%	0.500%	2,255,000.00	100.000%	2,255,000.00
02/15/2038	Serial Coupon	0.540%	0.540%	2,265,000.00	100.000%	2,265,000.00
02/15/2039	Serial Coupon	0.580%	0.580%	2,280,000.00	100.000%	2,280,000.00
02/15/2040	Serial Coupon	0.610%	0.610%	2,295,000.00	100.000%	2,295,000.00
02/15/2041	Serial Coupon	0.640%	0.640%	2,305,000.00	100.000%	2,305,000.00
02/15/2042	Serial Coupon	0.670%	0.670%	2,320,000.00	100.000%	2,320,000.00
02/15/2043	Serial Coupon	0.700%	0.700%	2,340,000.00	100.000%	2,340,000.00
02/15/2044	Serial Coupon	0.710%	0.710%	2,355,000.00	100.000%	2,355,000.00
02/15/2045	Serial Coupon	0.720%	0.720%	2,370,000.00	100.000%	2,370,000.00
Total	-	-	-	\$56,075,000.00	-	\$56,075,000.00

Bid Information

Par Amount of Bonds	\$56,075,000.00
Gross Production	\$56,075,000.00
Bid (100.000%)	56,075,000.00
Total Purchase Price	\$56,075,000.00
Bond Year Dollars	\$749,203.47
Average Life	13.361 Years
Average Coupon	0.4755972%
Net Interest Cost (NIC)	0.4755972%
True Interest Cost (TIC)	0.4723739%

2019 DWSRF - Final Number | SINGLE PURPOSE | 10/ 9/2019 | 12:24 PM

Final Numbers

\$56,075,000

City of San Angelo, Texas

Waterworks and Sewer System Revenue Improvement Bonds, Series 2019

Drinking Water State Revolving Fund (Project Number 62856)

Debt Service Schedule

Part 1 of 3

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
12/05/2019	-	-	-	-	-
08/15/2020	-	-	129,210.42	129,210.42	-
09/30/2020	-	-	-	-	129,210.42
02/15/2021	2,195,000.00	-	93,031.50	2,288,031.50	-
08/15/2021	-	-	93,031.50	93,031.50	-
09/30/2021	-	-	-	-	2,381,063.00
02/15/2022	2,195,000.00	-	93,031.50	2,288,031.50	-
08/15/2022	-	-	93,031.50	93,031.50	-
09/30/2022	-	-	-	-	2,381,063.00
02/15/2023	2,195,000.00	-	93,031.50	2,288,031.50	-
08/15/2023	-	-	93,031.50	93,031.50	-
09/30/2023	-	-	-	-	2,381,063.00
02/15/2024	2,195,000.00	-	93,031.50	2,288,031.50	-
08/15/2024	-	-	93,031.50	93,031.50	-
09/30/2024	-	-	-	-	2,381,063.00
02/15/2025	2,195,000.00	-	93,031.50	2,288,031.50	-
08/15/2025	-	-	93,031.50	93,031.50	-
09/30/2025	-	-	-	-	2,381,063.00
02/15/2026	2,195,000.00	-	93,031.50	2,288,031.50	-
08/15/2026	-	-	93,031.50	93,031.50	-
09/30/2026	-	-	-	-	2,381,063.00
02/15/2027	2,195,000.00	-	93,031.50	2,288,031.50	-
08/15/2027	-	-	93,031.50	93,031.50	-
09/30/2027	-	-	-	-	2,381,063.00
02/15/2028	2,195,000.00	0.050%	93,031.50	2,288,031.50	-
08/15/2028	-	-	92,482.75	92,482.75	-
09/30/2028	-	-	-	-	2,380,514.25
02/15/2029	2,195,000.00	0.110%	92,482.75	2,287,482.75	-
08/15/2029	-	-	91,275.50	91,275.50	-
09/30/2029	-	-	-	-	2,378,758.25
02/15/2030	2,200,000.00	0.180%	91,275.50	2,291,275.50	-
08/15/2030	-	-	89,295.50	89,295.50	-
09/30/2030	-	-	-	-	2,380,571.00
02/15/2031	2,205,000.00	0.240%	89,295.50	2,294,295.50	-
08/15/2031	-	-	86,649.50	86,649.50	-
09/30/2031	-	-	-	-	2,380,945.00
02/15/2032	2,210,000.00	0.290%	86,649.50	2,296,649.50	-
08/15/2032	-	-	83,445.00	83,445.00	-
09/30/2032	-	-	-	-	2,380,094.50
02/15/2033	2,215,000.00	0.340%	83,445.00	2,298,445.00	-
08/15/2033	-	-	79,679.50	79,679.50	-

2019 DWSRF - Final Number | SINGLE PURPOSE | 10/9/2019 | 12:24 PM

Final Numbers

\$56,075,000

City of San Angelo, Texas

Waterworks and Sewer System Revenue Improvement Bonds, Series 2019

Drinking Water State Revolving Fund (Project Number 62856)

Debt Service Schedule

Part 2 of 3

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
09/30/2033	-	-	-	-	2,378,124.50
02/15/2034	2,225,000.00	0.380%	79,679.50	2,304,679.50	-
08/15/2034	-	-	75,452.00	75,452.00	-
09/30/2034	-	-	-	-	2,380,131.50
02/15/2035	2,235,000.00	0.420%	75,452.00	2,310,452.00	-
08/15/2035	-	-	70,758.50	70,758.50	-
09/30/2035	-	-	-	-	2,381,210.50
02/15/2036	2,245,000.00	0.460%	70,758.50	2,315,758.50	-
08/15/2036	-	-	65,595.00	65,595.00	-
09/30/2036	-	-	-	-	2,381,353.50
02/15/2037	2,255,000.00	0.500%	65,595.00	2,320,595.00	-
08/15/2037	-	-	59,957.50	59,957.50	-
09/30/2037	-	-	-	-	2,380,552.50
02/15/2038	2,265,000.00	0.540%	59,957.50	2,324,957.50	-
08/15/2038	-	-	53,842.00	53,842.00	-
09/30/2038	-	-	-	-	2,378,799.50
02/15/2039	2,280,000.00	0.580%	53,842.00	2,333,842.00	-
08/15/2039	-	-	47,230.00	47,230.00	-
09/30/2039	-	-	-	-	2,381,072.00
02/15/2040	2,295,000.00	0.610%	47,230.00	2,342,230.00	-
08/15/2040	-	-	40,230.25	40,230.25	-
09/30/2040	-	-	-	-	2,382,460.25
02/15/2041	2,305,000.00	0.640%	40,230.25	2,345,230.25	-
08/15/2041	-	-	32,854.25	32,854.25	-
09/30/2041	-	-	-	-	2,378,084.50
02/15/2042	2,320,000.00	0.670%	32,854.25	2,352,854.25	-
08/15/2042	-	-	25,082.25	25,082.25	-
09/30/2042	-	-	-	-	2,377,936.50
02/15/2043	2,340,000.00	0.700%	25,082.25	2,365,082.25	-
08/15/2043	-	-	16,892.25	16,892.25	-
09/30/2043	-	-	-	-	2,381,974.50
02/15/2044	2,355,000.00	0.710%	16,892.25	2,371,892.25	-
08/15/2044	-	-	8,532.00	8,532.00	-
09/30/2044	-	-	-	-	2,380,424.25
02/15/2045	2,370,000.00	0.720%	8,532.00	2,378,532.00	-
09/30/2045	-	-	-	-	2,378,532.00
Total	\$56,075,000.00	-	\$3,563,190.42	\$59,638,190.42	-

2019 DWSRF - Final Number | SINGLE PURPOSE | 10/9/2019 | 12:24 PM

Final Numbers

\$56,075,000

City of San Angelo, Texas

Waterworks and Sewer System Revenue Improvement Bonds, Series 2019

Drinking Water State Revolving Fund (Project Number 62856)

Debt Service Schedule

Part 3 of 3

Yield Statistics

Bond Year Dollars	\$749,203.47
Average Life	13.361 Years
Average Coupon	0.4755972%
DV01	71,511.00
Net Interest Cost (NIC)	0.4755972%
True Interest Cost (TIC)	0.4723739%
Bond Yield for Arbitrage Purposes	0.6378444%
All Inclusive Cost (AIC)	0.6808804%

IRS Form 8038

Net Interest Cost	0.4755972%
Weighted Average Maturity	13.361 Years

Final Numbers

\$56,075,000

City of San Angelo, Texas

Waterworks and Sewer System Revenue Improvement Bonds, Series 2019

Drinking Water State Revolving Fund (Project Number 62856)

Proof of Reserve Fund Requirement

Date	Principal	Interest	TOTAL P+I
09/30/2020	-	129,210.42	129,210.42
09/30/2021	2,195,000.00	186,063.00	2,381,063.00
09/30/2022	2,195,000.00	186,063.00	2,381,063.00
09/30/2023	2,195,000.00	186,063.00	2,381,063.00
09/30/2024	2,195,000.00	186,063.00	2,381,063.00
09/30/2025	2,195,000.00	186,063.00	2,381,063.00
09/30/2026	2,195,000.00	186,063.00	2,381,063.00
09/30/2027	2,195,000.00	186,063.00	2,381,063.00
09/30/2028	2,195,000.00	185,514.25	2,380,514.25
09/30/2029	2,195,000.00	183,758.25	2,378,758.25
09/30/2030	2,200,000.00	180,571.00	2,380,571.00
09/30/2031	2,205,000.00	175,945.00	2,380,945.00
09/30/2032	2,210,000.00	170,094.50	2,380,094.50
09/30/2033	2,215,000.00	163,124.50	2,378,124.50
09/30/2034	2,225,000.00	155,131.50	2,380,131.50
09/30/2035	2,235,000.00	146,210.50	2,381,210.50
09/30/2036	2,245,000.00	136,353.50	2,381,353.50
09/30/2037	2,255,000.00	125,552.50	2,380,552.50
09/30/2038	2,265,000.00	113,799.50	2,378,799.50
09/30/2039	2,280,000.00	101,072.00	2,381,072.00
09/30/2040	2,295,000.00	87,460.25	2,382,460.25
09/30/2041	2,305,000.00	73,084.50	2,378,084.50
09/30/2042	2,320,000.00	57,936.50	2,377,936.50
09/30/2043	2,340,000.00	41,974.50	2,381,974.50
09/30/2044	2,355,000.00	25,424.25	2,380,424.25
09/30/2045	2,370,000.00	8,532.00	2,378,532.00
Total	\$56,075,000.00	\$3,563,190.42	\$59,638,190.42

PROOF OF RESERVE FUND

AVERAGE PERIODIC DEBT SERVICE

Total P+I	59,638,190.42
Fiscal Years (Delivery Date)	26.00
100 % of the Average Annual Debt Service	2,293,776.55

Final Numbers

\$56,075,000

City of San Angelo, Texas

Waterworks and Sewer System Revenue Improvement Bonds, Series 2019

Drinking Water State Revolving Fund (Project Number 62856)

Derivation Of Form 8038 Yield Statistics

Maturity	Issuance Value	Coupon	Price	Issuance Price	Exponent	Bond Years
12/05/2019	-	-	-	-	-	-
02/15/2021	2,195,000.00	-	100.000%	2,195,000.00	1.1944444x	2,621,805.56
02/15/2022	2,195,000.00	-	100.000%	2,195,000.00	2.1944444x	4,816,805.56
02/15/2023	2,195,000.00	-	100.000%	2,195,000.00	3.1944444x	7,011,805.56
02/15/2024	2,195,000.00	-	100.000%	2,195,000.00	4.1944444x	9,206,805.56
02/15/2025	2,195,000.00	-	100.000%	2,195,000.00	5.1944444x	11,401,805.56
02/15/2026	2,195,000.00	-	100.000%	2,195,000.00	6.1944444x	13,596,805.56
02/15/2027	2,195,000.00	-	100.000%	2,195,000.00	7.1944444x	15,791,805.56
02/15/2028	2,195,000.00	0.050%	100.000%	2,195,000.00	8.1944444x	17,986,805.56
02/15/2029	2,195,000.00	0.110%	100.000%	2,195,000.00	9.1944444x	20,181,805.56
02/15/2030	2,200,000.00	0.180%	100.000%	2,200,000.00	10.1944444x	22,427,777.78
02/15/2031	2,205,000.00	0.240%	100.000%	2,205,000.00	11.1944444x	24,683,750.00
02/15/2032	2,210,000.00	0.290%	100.000%	2,210,000.00	12.1944444x	26,949,722.22
02/15/2033	2,215,000.00	0.340%	100.000%	2,215,000.00	13.1944444x	29,225,694.44
02/15/2034	2,225,000.00	0.380%	100.000%	2,225,000.00	14.1944444x	31,582,638.89
02/15/2035	2,235,000.00	0.420%	100.000%	2,235,000.00	15.1944444x	33,959,583.33
02/15/2036	2,245,000.00	0.460%	100.000%	2,245,000.00	16.1944444x	36,356,527.78
02/15/2037	2,255,000.00	0.500%	100.000%	2,255,000.00	17.1944444x	38,773,472.22
02/15/2038	2,265,000.00	0.540%	100.000%	2,265,000.00	18.1944444x	41,210,416.67
02/15/2039	2,280,000.00	0.580%	100.000%	2,280,000.00	19.1944444x	43,763,333.33
02/15/2040	2,295,000.00	0.610%	100.000%	2,295,000.00	20.1944444x	46,346,250.00
02/15/2041	2,305,000.00	0.640%	100.000%	2,305,000.00	21.1944444x	48,853,194.44
02/15/2042	2,320,000.00	0.670%	100.000%	2,320,000.00	22.1944444x	51,491,111.11
02/15/2043	2,340,000.00	0.700%	100.000%	2,340,000.00	23.1944444x	54,275,000.00
02/15/2044	2,355,000.00	0.710%	100.000%	2,355,000.00	24.1944444x	56,977,916.67
02/15/2045	2,370,000.00	0.720%	100.000%	2,370,000.00	25.1944444x	59,710,833.33
Total	\$56,075,000.00	-	-	\$56,075,000.00	-	\$749,203,472.22

Description of Bonds

Final Maturity Date	2/15/2045
Issue price of entire issue	56,075,000.00
Stated Redemption at Maturity	56,075,000.00
Weighted Average Maturity = Bond Years/Issue Price	13.361 Years
Bond Yield for Arbitrage Purposes	0.6378444%

Final Numbers

\$56,075,000

City of San Angelo, Texas

Waterworks and Sewer System Revenue Improvement Bonds, Series 2019

Drinking Water State Revolving Fund (Project Number 62856)

Proof Of Bond Yield @ 0.6378444%

Part 1 of 2

Date	Cashflow	PV Factor	Present Value	Cumulative PV
12/05/2019	-	1.0000000x	-	-
08/15/2020	129,210.42	0.9955873x	128,640.26	128,640.26
02/15/2021	2,288,031.50	0.9924223x	2,270,693.44	2,399,333.70
08/15/2021	93,031.50	0.9892673x	92,033.02	2,491,366.72
02/15/2022	2,288,031.50	0.9861223x	2,256,278.95	4,747,645.67
08/15/2022	93,031.50	0.9829874x	91,448.79	4,839,094.46
02/15/2023	2,288,031.50	0.9798624x	2,241,955.95	7,081,050.41
08/15/2023	93,031.50	0.9767473x	90,868.27	7,171,918.68
02/15/2024	2,288,031.50	0.9736421x	2,227,723.88	9,399,642.56
08/15/2024	93,031.50	0.9705468x	90,291.43	9,489,933.99
02/15/2025	2,288,031.50	0.9674614x	2,213,582.16	11,703,516.15
08/15/2025	93,031.50	0.9643858x	89,718.25	11,793,234.40
02/15/2026	2,288,031.50	0.9613199x	2,199,530.21	13,992,764.61
08/15/2026	93,031.50	0.9582638x	89,148.72	14,081,913.33
02/15/2027	2,288,031.50	0.9552174x	2,185,567.46	16,267,480.79
08/15/2027	93,031.50	0.9521807x	88,582.80	16,356,063.58
02/15/2028	2,288,031.50	0.9491536x	2,171,693.35	18,527,756.93
08/15/2028	92,482.75	0.9461362x	87,501.27	18,615,258.20
02/15/2029	2,287,482.75	0.9431283x	2,157,389.76	20,772,647.97
08/15/2029	91,275.50	0.9401300x	85,810.84	20,858,458.81
02/15/2030	2,291,275.50	0.9371413x	2,147,248.87	23,005,707.67
08/15/2030	89,295.50	0.9341620x	83,416.47	23,089,124.14
02/15/2031	2,294,295.50	0.9311923x	2,136,430.20	25,225,554.34
08/15/2031	86,649.50	0.9282319x	80,430.83	25,305,985.18
02/15/2032	2,296,649.50	0.9252810x	2,125,046.13	27,431,031.31
08/15/2032	83,445.00	0.9223394x	76,964.62	27,507,995.92
02/15/2033	2,298,445.00	0.9194073x	2,113,207.01	29,621,202.93
08/15/2033	79,679.50	0.9164844x	73,025.02	29,694,227.94
02/15/2034	2,304,679.50	0.9135708x	2,105,487.90	31,799,715.84
08/15/2034	75,452.00	0.9106665x	68,711.61	31,868,427.45
02/15/2035	2,310,452.00	0.9077714x	2,097,362.25	33,965,789.70
08/15/2035	70,758.50	0.9048855x	64,028.34	34,029,818.04
02/15/2036	2,315,758.50	0.9020088x	2,088,834.57	36,118,652.61
08/15/2036	65,595.00	0.8991413x	58,979.17	36,177,631.78
02/15/2037	2,320,595.00	0.8962828x	2,079,909.40	38,257,541.18
08/15/2037	59,957.50	0.8934334x	53,568.04	38,311,109.22
02/15/2038	2,324,957.50	0.8905931x	2,070,591.22	40,381,700.44
08/15/2038	53,842.00	0.8877619x	47,798.88	40,429,499.32
02/15/2039	2,333,842.00	0.8849396x	2,065,309.23	42,494,808.55
08/15/2039	47,230.00	0.8821263x	41,662.83	42,536,471.38

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Final Numbers

\$56,075,000

City of San Angelo, Texas

Waterworks and Sewer System Revenue Improvement Bonds, Series 2019

Drinking Water State Revolving Fund (Project Number 62856)

Proof Of Bond Yield @ 0.6378444%

Part 2 of 2

Date	Cashflow	PV Factor	Present Value	Cumulative PV
02/15/2040	2,342,230.00	0.8793220x	2,059,574.28	44,596,045.66
08/15/2040	40,230.25	0.8765265x	35,262.88	44,631,308.54
02/15/2041	2,345,230.25	0.8737400x	2,049,121.42	46,680,429.95
08/15/2041	32,854.25	0.8709623x	28,614.81	46,709,044.77
02/15/2042	2,352,854.25	0.8681934x	2,042,732.58	48,751,777.34
08/15/2042	25,082.25	0.8654334x	21,707.02	48,773,484.36
02/15/2043	2,365,082.25	0.8626821x	2,040,314.07	50,813,798.43
08/15/2043	16,892.25	0.8599395x	14,526.31	50,828,324.74
02/15/2044	2,371,892.25	0.8572057x	2,033,199.60	52,861,524.34
08/15/2044	8,532.00	0.8544806x	7,290.43	52,868,814.77
02/15/2045	2,378,532.00	0.8517641x	2,025,948.23	54,894,763.00
Total	\$59,638,190.42	-	\$54,894,763.00	-

Derivation Of Target Amount

Par Amount of Bonds	\$56,075,000.00
Texas Water Development Board Loan Origination Fee	(1,180,237.00)
Original Issue Proceeds	\$54,894,763.00

\$65,000,000*
CITY OF SAN ANGELO – HICKORY PROJECT
TEXAS WATER DEVELOPMENT BOARD – DRINKING WATER STATE REVOLVING FUND
REVENUE BONDS, SERIES 2019
Updated Financing Schedule
As of September 25, 2019

October							November							December						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
		1	2	3	4	5						1	2	1	2	3	4	5	6	7
6	7	8	9	10	11	12	3	4	5	6	7	8	9	8	9	10	11	12	13	14
13	14	15	16	17	18	19	10	11	12	13	14	15	16	15	16	17	18	19	20	21
20	21	22	23	24	25	26	17	18	19	20	21	22	23	22	23	24	25	26	27	28
27	28	29	30	31			24	25	26	27	28	29	30	29	30	31				

Date	Task
Tuesday, March 5, 2019	<u>Council Meeting</u> – Financing update from Specialized Public Finance Inc. (“SPFI”). 8:30 am
March 2019	Enprotec/Hibbs & Todd, Inc. (“eHT”) to submit the Project Information Form (“PIF”) to the TWDB.
April 2019	The San Angelo Hickory Project is added to the Intended Use Plan (“IUP”) and the Invitation from the Texas Water Development Board (“TWDB”) to apply is received.
May 2019	The Financing Application is submitted to the TWDB.
August 2019	Review of the Financing Application by the TWDB is complete.
Thursday, October 3, 2019	TWDB approval is received.
Tuesday, October 8, 2019	<u>Interest</u> rates on the Bonds are set by the TWDB. SPFI to distribute final debt service schedules to the working group.
Tuesday, October 15, 2019	<u>Council Meeting; Award</u> – The City Council will consider an Ordinance authorizing the issuance of the Bonds to the TWDB. 8:30 am
Week of: Monday, October 21, 2019	SPFI submits the Private Placement Memorandum to the TWDB.
Thursday, December 5, 2019	<u>Closing Date</u> – Proceeds from the Bonds will be delivered.

*Preliminary subject to change.

 Denotes City Council Meeting Date

 Denotes Closing Date

ORDINANCE NO. 2019-10-_____

AUTHORIZING THE ISSUANCE AND SALE OF CITY OF SAN ANGELO, TEXAS WATERWORKS AND SEWER SYSTEM IMPROVEMENT REVENUE BONDS, SERIES 2019; ESTABLISHING PROCEDURES FOR THE SALE AND DELIVERY OF THE BONDS; PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SUCH BONDS; AND AUTHORIZING AND ENACTING OTHER MATTERS AND PROVISIONS RELATING TO THE SUBJECT

THE STATE OF TEXAS	§
COUNTY OF TOM GREEN	§
CITY OF SAN ANGELO	§

WHEREAS, Chapter 1502, Texas Government Code, as amended (“Chapter 1502”), provides that the governing body of a municipality may issue public securities for the purposes hereinafter provided, and the City Council (the “City Council”) of the City of San Angelo, Texas (the “Issuer”) finds and determines that it is necessary, useful and appropriate for the Issuer’s public purposes to authorize and provide for the issuance and sale of revenue bonds of the Issuer for such purposes, as hereinafter provided;

WHEREAS, the revenue bonds hereinafter authorized to be issued and are to be issued, sold and delivered pursuant to the general laws of the State of Texas, including Texas Government Code, Chapter 1502, as amended, and the Issuer’s Home Rule Charter;

WHEREAS, by its adoption of Resolution No. 19-093 entitled “A Resolution of the Texas Water Development Board Approving an Application for Financial Assistance in the amount of \$65,750,000”, dated October 3, 2019 (the “TWDB Resolution”), the Texas Water Development Board (“TWDB”) has agreed to purchase the Issuer’s Waterworks and Sewer System Revenue Improvement Bonds, Series 2019 (the “Bonds”); and

WHEREAS, it is considered to be to the best interest of the Issuer that said revenue bonds be issued; and

WHEREAS, it is officially found, determined, and declared that the meeting at which this Ordinance has been adopted was open to the public and public notice of the time, place and subject matter of the public business to be considered and acted upon at said meeting, including this Ordinance, was given, all as required by the applicable provisions of Texas Government Code, Chapter 551; Now, Therefore

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

Section 1. DEFINITIONS.

“*2019 Reserve Fund*” means the special fund created, established and maintained by the provisions of Sections 7 and 11 of this Ordinance.

“*Accountant*” means an independent certified public accountant or accountants or a firm of independent certified public accountants, in either case, with demonstrated expertise and competence in public accountancy.

“*Additional First Lien Obligations*” means bonds, notes, warrants, certificates of obligation, contractual obligations or other Debt which the Issuer reserves the right to issue or enter into, as the case may be, in the future under the terms and conditions provided in Section 16 of this Ordinance and which obligations are equally and ratably secured solely by a first lien on and pledge of the Pledged Revenues on a parity with the Bonds and other First Lien Obligations.

“Annual Debt Service Requirements” means, as of the date of calculation, the principal of and interest on all First Lien Obligations coming due at Maturity or Stated Maturity (or that could come due on demand of the owner thereof or other demand conditioned upon default by the Issuer on such Debt, or be payable in respect of any required purchase of such Debt by the Issuer) in such Year, and, for such purposes, any one or more of the following rules shall apply at the election of the Issuer:

(1) Balloon Debt. If the principal (including the accretion of interest resulting from original issue discount or compounding of interest) of any series or issue of Funded Debt due (or payable in respect of any required purchase of such Funded Debt by the Issuer) in any Year either is equal to at least 25% of the total principal (including the accretion of interest resulting from original issue discount or compounding of interest) of such Funded Debt or exceeds by more than 50% the greatest amount of principal of such series or issue of Funded Debt due in any preceding or succeeding Year (such principal due in such Year for such series or issue of Funded Debt being referred to herein and throughout this Ordinance as “Balloon Debt”), the amount of principal of such Balloon Debt taken into account during any Year shall be equal to the debt service calculated using the original principal amount of such Balloon Debt amortized over the Term of Issue on a level debt service basis at an assumed interest rate equal to the rate borne by such Balloon Debt on the date of calculation;

(2) Consent Sinking Fund. In the case of Balloon Debt, if a Designated Financial Officer shall deliver to the Issuer a certificate providing for the retirement of (and the instrument creating such Balloon Debt shall permit the retirement of), or for the accumulation of a sinking fund for (and the instrument creating such Balloon Debt shall permit the accumulation of a sinking fund for), such Balloon Debt according to a fixed schedule stated in such certificate ending on or before the Year in which such principal (and premium, if any) is due, then the principal of (and, in the case of retirement, or to the extent provided for by the sinking fund accumulation, the premium, if any, and interest and other debt service charges on) such Balloon Debt shall be computed as if the same were due in accordance with such schedule, provided that this clause (2) shall apply only to Balloon Debt for which the installments previously scheduled have been paid or deposited to the sinking fund established with respect to such Debt on or before the times required by such schedule; and provided further that this clause (2) shall not apply where the Issuer has elected to apply the rule set forth in clause (1) above;

(3) Prepaid Debt. Principal of and interest on Bonds and Additional First Lien Obligations, or portions thereof, shall not be included in the computation of the Annual Debt Service Requirements for any Year for which such principal or interest are payable from funds on deposit or set aside in trust for the payment thereof at the time of such calculations (including without limitation capitalized interest and accrued interest so deposited or set aside in trust) with a financial institution acting as fiduciary with respect to the payment of such Debt; and

(4) Variable Rate. As to any First Lien Obligations that bear interest at a variable interest rate which cannot be ascertained at the time of calculation of the Annual Debt Service Requirement then, at the option of the Issuer, either (A) an interest rate equal to the average rate borne by such First Lien Obligations (or by comparable debt in the event that such First Lien Obligations has not been outstanding during the preceding 24 months) for any 24 month period ending within 30 days prior to the date of calculation, or (B) an interest rate equal to the 30-year Revenue Bond Index (as most recently published in The Bond Buyer), shall be presumed to apply for all future dates, unless such index is no longer published in The Bond Buyer, in which case an index of revenue bonds with maturities of at least 20 years which is published in a financial newspaper or journal with national circulation may be used for this purpose (if two Series of First Lien Obligations which bear interest at variable interest rate, or one or more maturities within a Series, of equal par amounts, are issued simultaneously with inverse floating interest rates providing a composite fixed interest rate for such

First Lien Obligations taken as a whole, such composite fixed rate shall be used in determining the Annual Debt Service Requirement with respect to such First Lien Obligations);

With respect to any calculation of historic data, only those payments actually made in the subject period shall be taken into account in making such calculation and, with respect to prospective calculations, only those payments reasonably expected to be made in the subject period shall be taken into account in making the calculation.

“Average Annual Debt Service Requirements” means that average amount which, at the time of computation, will be required to pay the Annual Debt Service Requirements when due (either at Stated Maturity or mandatory redemption) and derived by dividing the total of such Annual Debt Service Requirements by the number of Years then remaining before Stated Maturity of such First Lien Obligations. For the purposes of this definition, a fractional period of a Year shall be treated as an entire Year. Capitalized interest payments provided from bond proceeds, accrued interest on any Debt, and interest earnings thereon shall be excluded in making such computation.

“Bonds” means, the City of San Angelo, Texas Waterworks and Sewer System Improvement Revenue Bonds, Series 2019 authorized by this Ordinance and in the amounts and containing the terms set forth herein.

“Capital Addition” means a reservoir or an interest therein, a water treatment plant or an interest therein, a wastewater treatment plant or an interest therein, the acquisition of rights or improvements that will increase the capacity and/or water supply of the System or an interest therein, and associated transmission facilities with respect to each and any combination thereof, and which shall become a part of the System.

“City Council” means the governing body of the Issuer.

“Code” means the Internal Revenue Code of 1986, as amended, and the applicable regulations and rules promulgated in connection therewith.

“Debt” means:

(1) all indebtedness payable from Pledged Revenues incurred or assumed by the Issuer for borrowed money and all other financing obligations of the System payable from Pledged Revenues that, in accordance with generally accepted accounting principles, are shown on the liability side of a balance sheet; and

(2) all other indebtedness payable from Pledged Revenues for borrowed money or for the acquisition, construction or improvement of property or capitalized lease obligations pertaining to the System that is guaranteed, directly or indirectly, in any manner by the Issuer, or that is in effect guaranteed, directly or indirectly, by the Issuer through an agreement, contingent or otherwise, to purchase any such indebtedness or to advance or supply funds for the payment or purchase of any such indebtedness or to purchase property or services primarily for the purpose of enabling the debtor or seller to make payment of such indebtedness, or to assure the owner of the indebtedness against loss, or to supply funds to or in any other manner invest in the debtor (including any agreement to pay for property or services irrespective of whether or not such property is delivered or such services are rendered), or otherwise.

For the purpose of determining Debt, there shall be excluded any particular Debt if, upon or prior to the Maturity thereof, there shall have been deposited with the proper depository (a) in trust the necessary funds (or investments that will provide sufficient funds, if permitted by the instrument creating such

Debt) for the payment, redemption, or satisfaction of such Debt or (b) evidence of such Debt deposited for cancellation; and thereafter it shall not be considered Debt. No item shall be considered Debt unless such item constitutes indebtedness under generally accepted accounting principles applied on a basis consistent with the financial statements of the System in prior Years.

“Defeasance Securities” means a security described in Section 20 of this Ordinance.

“Depository” means one or more official depository banks of the Issuer.

“DTC” means The Depository Trust Company, New York, New York.

“DTC Participant” means securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations on whose behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions among DTC Participants.

“Designated Financial Officer” means the City Manager, Assistant City Manager, or the Finance Director of the Issuer, or such other financial or accounting official of the Issuer so designated by the Issuer.

“Event of Default” means an event as described in Section 26 of this Ordinance.

“First Lien Obligations” means the Series 2017 Bonds, the Bonds and any Additional First Lien Obligations hereafter issued by the Issuer or obligations issued to refund any of the foregoing (as determined within the sole discretion of the City Council in accordance with applicable law) if issued in a manner that provides that the refunding bonds are payable from and equally and ratably secured by a first lien on and pledge of the Pledged Revenues.

“First Lien Obligation Reserve Requirement” means the amount or a manner of calculating the amount established by each ordinance authorizing the issuance of First Lien Obligations that are to be secured by a debt service reserve fund to be held and maintained on deposit therein. With respect to the Bonds, such amount is the Required Reserve Amount established in Section 11(a) hereof.

“Funded Debt” means all First Lien Obligations created or assumed by the Issuer that mature by their terms (in the absence of the exercise of any earlier right of demand), or that are renewable at the option of the Issuer to a date, more than one year after the original creation or assumption of such Debt by the Issuer.

“Gross Revenues” mean all revenues, income and receipts of every nature derived or received by the Issuer from the operation and ownership of the System (other than grant monies, customer deposits, and other similar funds that cannot lawfully be used to pay debt service), including the interest income from investment or deposit of money in any fund created by this Ordinance or maintained by the Issuer in connection with the System.

“Holder” or *“Holders”* means the registered owner, whose name appears in the Registration Books, for any First Lien Obligation.

“Interest and Sinking Fund” means the special fund maintained by the provisions of Sections 7 and 10 of the Series 2017 Ordinance and reconfirmed in this Ordinance.

“Issuer” means the City of San Angelo, Texas, in Tom Green County, Texas.

“Maturity” means, when used with respect to any Debt, the date on which the principal of such Debt or any installment thereof becomes due and payable as therein provided, whether at the Stated Maturity thereof, or call for redemption, or otherwise.

“Maximum Annual Debt Service Requirements” means the greatest requirement of Annual Debt Service Requirements (taking into account all mandatory principal redemption requirements) scheduled to occur in any future Year or in the then current Year for the particular obligations for which such calculation is made. Capitalized interest payments provided from Debt proceeds, accrued interest on any Debt, and interest earnings thereon shall be excluded in making such computation.

“Net Earnings” means the Gross Revenues of the System after deducting the Operating Expenses of the System but not depreciation or other expenditures which, under standard accounting practice, should be charged to capital expenditures.

“Net Revenues” mean all Gross Revenues remaining after deducting Operating Expenses.

“Operating Expenses” means the reasonable and necessary expenses of operation and maintenance of the System, including all salaries, labor, materials, repairs and extensions necessary to render efficient service (but only such repairs and extensions as, in the judgment of the Issuer, are necessary to keep the System in operation and render adequate service or such as might be necessary to meet some physical accident or conditions which would otherwise impair the First Lien Obligations), and all payments under contracts for materials and services (including water supply contracts) provided to the Issuer that are required to enable the Issuer to render efficient service. Depreciation shall never be considered as an Operating Expense.

“Ordinance” means this ordinance finally adopted by the City Council on October 15, 2019.

“Outstanding” means, when used with respect to First Lien Obligations, as of the date of determination, all First Lien Obligations theretofore delivered under this Ordinance and any ordinance authorizing Additional First Lien Obligations, except:

- (1) First Lien Obligations theretofore cancelled and delivered to the Issuer or delivered to the Paying Agent/Registrar for cancellation;
- (2) First Lien Obligations deemed paid pursuant to the provisions of Section 20 of this Ordinance or any comparable section of any ordinance authorizing Additional First Lien Obligations;
- (3) First Lien Obligations upon transfer of or in exchange for and in lieu of which other First Lien Obligations have been authenticated and delivered pursuant to this Ordinance and any ordinance authorizing Additional First Lien Obligations; and
- (4) First Lien Obligations under which the obligations of the Issuer have been released, discharged or extinguished in accordance with the terms thereof.

“Paying Agent/Registrar” means the bank initially selected by the Issuer to serve as paying agent and registrar for the Bonds, being BOKF, N.A. in Dallas, Texas, or any successor thereto as provided in this Ordinance.

“Permitted Investments” means any security or obligation or combination thereof permitted under the Public Funds Investments Act, Chapter 2256, Texas Government Code, as amended or other applicable law.

“Pledged Revenues” means

- (1) the Net Revenues, plus

(2) any additional revenues, income, receipts, or other resources, including, without limitation, any grants, donations or income received or to be received from the United States Government, or any other public or private source, whether pursuant to an agreement or otherwise, which hereafter are pledged by the Issuer to the payment of the First Lien Obligations, and excluding those revenues excluded from Gross Revenues or excluded from Net Revenues.

“Rating Agency” means any nationally recognized securities rating agency which has assigned, at the request of the Issuer, a rating to the First Lien Obligations.

“Record Date” means Record Date as defined in the Form of Bonds in Section 5 of this Ordinance.

“Registration Books” means the books or records for the registration of the transfer, conversion and exchange of the Bonds kept by the Paying Agent/Registrar.

“Required Reserve Amount” means an amount equal to the Average Annual Debt Service Requirements on the Bonds outstanding as of the Required Reserve Amount Computation Date.

“Required Reserve Amount Computation Date” means the Delivery Date of the Bonds, and each date Bonds are redeemed pursuant to Section 5 hereof or the earlier date such Bonds are defeased pursuant to Section 20 hereof.

“Required Reserve Fund Deposits” means the deposits and credits, if any, required to be made to the 2019 Reserve Fund pursuant to the provisions of Section 11 of this Ordinance.

“Reserve Fund Obligation” means, to the extent permitted by law, (i) a policy of insurance or a surety bond, issued by an issuer of policies of insurance insuring the timely payment of debt service on governmental obligations, provided that a Rating Agency having an outstanding rating on First Lien Obligations would rate the First Lien Obligations fully insured by a standard policy issued by the issuer of such Reserve Fund Obligation in its two highest generic rating categories for such obligations; and (ii) a letter or line of credit issued by any financial institution, provided that a Rating Agency having an outstanding rating on the First Lien Obligations would rate the First Lien Obligations in any one of its two highest generic rating categories for such obligations if the letter or line of credit proposed to be issued by such financial institution secured the timely payment of the entire principal amount of the First Lien Obligations and the interest thereon.

“Reserve Fund Obligation Payment” means any subrogation payment the Issuer is obligated to make from Pledged Revenues deposited in the 2019 Reserve Fund with respect to a Reserve Fund Obligation.

“Series” or *“Series of Bonds”* means any designated series of Bonds issued pursuant to this Ordinance.

“Series 2017 Bonds” means the “City of San Angelo, Texas Waterworks and Sewer System Improvement Revenue Bonds, Taxable Series 2017,” dated as of May 15, 2017.

“Series 2017 Ordinance” means the ordinance adopted by the City Council on December 6, 2016, authorizing the issuance and sale of the Series 2017 Bonds.

“Special Project” means any water, sewer, wastewater reuse system property, improvement or facility or other public improvement declared by the Issuer not to be part of the System, for which the costs of acquisition, construction and installation are paid from proceeds of Special Project Bonds and for which all maintenance and operation expenses are payable from sources other than Pledged Revenues, but only to the extent that and for so long as all or any part of the revenues or proceeds of which are or will be pledged to

secure the payment or repayment of such costs of acquisition, construction and installation under such financing transaction.

“*Special Project Bonds*” means special revenue obligations of the Issuer which are not secured by the Pledged Revenues, but which are secured by and payable solely from special contract revenues or payments received from the System, any other legal entity, or any combination thereof, in connection with a Special Project; and such revenues or payments shall not be considered as or constitute Gross Revenues of the System, unless and to the extent otherwise provided in the ordinance or ordinances authorizing the issuance of such Special Project Bonds.

“*Stated Maturity*” means the annual principal payments of the First Lien Obligations payable on the respective dates set forth in the ordinances which authorized the issuance of such First Lien Obligations.

“*Subordinate Lien Obligations*” means any bonds, notes, warrants, certificates of obligation, contractual obligations or other Debt issued by the Issuer that are payable from or reasonably expected to be payable in whole from, and equally and ratably secured by a lien on and pledge of the Pledged Revenues, such pledge being subordinate and inferior to the lien on and pledge of the Pledged Revenues that are or will be pledged to the payment of any First Lien Obligations issued by the Issuer.

“*System*” means the Issuer’s existing combined water and sewer system, together with all future extensions, improvements, enlargements, and additions thereto, and all replacements thereof; provided that, notwithstanding the foregoing, and to the extent now or hereafter authorized or permitted by law, the term System shall not include any Special Projects which are hereafter acquired or constructed by the Issuer with the proceeds of Special Project Bonds.

“*System Fund*” means the special fund created by the provisions of Sections 7 and 8 of this Ordinance.

“*Term of Issue*” means with respect to any Balloon Debt, a period of time equal to the greater of (i) the period of time commencing on the date of issuance of such Balloon Debt and ending on the final maturity date of such Balloon Debt or (ii) twenty-five years.

“*Year*” means the regular fiscal year used by the Issuer in connection with the operation of the System, currently September 30 of each year, which may be any twelve consecutive month period established by the Issuer.

Section 2. RECITALS, AMOUNT, DESIGNATION, DATE, AND PURPOSE OF THE BONDS.

(a) The recitals set forth in the preamble hereof are incorporated herein and shall have the same force and effect as if set forth in this Section.

(b) The bonds of the City of San Angelo, Texas (the “Issuer”) are hereby authorized to be issued and delivered in one or more Series in the aggregate principal amount of \$56,075,000 (determined without regard to premium or discount affecting the sale price) for the public purposes of (i) constructing, installing, acquiring and equipping additions, extensions and improvements to the Issuer’s System, to wit: improvements to the Issuer’s wellfield in the Hickory Aquifer, raw water collection lines, transmission lines, and water treatment plant (ii), to fund the 2019 Reserve Fund, and (iii) to pay the costs incurred in connection with the issuance of the Bonds (the “Project”).

(c) Each bond issued pursuant to this Ordinance shall be designated: “CITY OF SAN ANGELO, TEXAS, WATERWORKS AND SEWER SYSTEM IMPROVEMENT REVENUE BOND, SERIES 2019”, and initially there shall be issued, sold and delivered hereunder one fully registered Bond, without interest

coupons, dated October 15, 2019, in the entire principal amount of the Bonds, numbered T-1, and in the denomination hereinafter stated (the "Initial Bond"), with Bonds issued in replacement thereof being in the denominations and principal amounts hereinafter stated, numbered consecutively from R-1 upward, payable to the respective Registered Owners thereof, or to the registered assignee or assignees of said bonds or any portion or portions thereof (in each case, the "Registered Owner"). The terms "Bonds" as used herein shall mean and include collectively all bonds initially issued hereunder (the "Initial Bonds") and all substitute bonds exchanged therefor, as well as all other substitute bonds and replacement bonds issued pursuant hereto, and the term "Bond" shall mean any of the Bonds.

Section 3. MATURITY DATES, PRINCIPAL AMOUNTS, AND INTEREST RATES. Interest on the Bonds shall accrue from the Delivery Date printed on the Bonds and shall be payable February 15 and August 15 of each year, commencing August 15, 2020. The Bonds shall mature and be payable on the Maturity Dates and in the Principal Amounts, respectively, and shall bear interest in the manner provided, on the dates stated, and from the dates set forth, in the FORM OF BOND set forth in Section 5 of this Ordinance to their respective Maturity Dates or redemption prior to maturity at the rates per annum, as set forth in the following schedule:

Maturity Date (Feb. 15)	Principal Amount	Interest Rate	Maturity Date (Feb. 15)	Principal Amount	Interest Rate
2021	2,195,000	0.000%	2034	\$2,225,000	0.380%
2022	2,195,000	0.000	2035	2,235,000	0.420
2023	2,195,000	0.000	2036	2,245,000	0.460
2024	2,195,000	0.000	2037	2,255,000	0.500
2025	2,195,000	0.000	2038	2,265,000	0.540
2026	2,195,000	0.000	2039	2,280,000	0.580
2027	2,195,000	0.000	2040	2,295,000	0.610
2028	2,195,000	0.050	2041	2,305,000	0.640
2029	2,195,000	0.110	2042	2,320,000	0.670
2030	2,200,000	0.180	2043	2,340,000	0.700
2031	2,205,000	0.240	2044	2,355,000	0.710
2032	2,210,000	0.290	2045	2,370,000	0.720
2033	2,215,000	0.340			

Section 4. CHARACTERISTICS OF THE BONDS.

(a) Registration, Transfer, Conversion and Exchange. The Issuer shall keep or cause to be kept at the principal corporate trust office of the Paying Agent/Registrar, books or records for the registration of the transfer, conversion and exchange of the Bonds (the "Registration Books"), and the Issuer hereby appoints the Paying Agent/Registrar as its registrar and transfer agent to keep such books or records and make such registrations of transfers, conversions and exchanges under such reasonable regulations as the Issuer and Paying Agent/Registrar may prescribe; and the Paying Agent/Registrar shall make such registrations, transfers, conversions and exchanges as herein provided within three days of presentation in due and proper form. The Paying Agent/Registrar shall obtain and record in the Registration Books the address of the registered owner of each Bond to which payments with respect to the Bonds shall be mailed, as herein provided; but it shall be the duty of each registered owner to notify the Paying Agent/Registrar in writing of the address to which payments shall be mailed, and such interest payments shall not be mailed unless such notice has been given. The Issuer shall have the right to inspect the Registration Books during regular business hours of the Paying Agent/Registrar, but otherwise the Paying Agent/Registrar shall keep the Registration Books confidential and, unless otherwise required by law, shall not permit their inspection by any other entity. The Issuer shall pay the Paying Agent/Registrar's standard or customary fees and charges

for making such registration, transfer, conversion, exchange and delivery of a substitute Bond or Bonds. Registration of assignments, transfers, conversions and exchanges of Bonds shall be made in the manner provided and with the effect stated in the FORM OF BOND set forth in this Ordinance. Each substitute Bond shall bear a letter and/or number to distinguish it from each other Bond.

(b) Authentication. Except as provided in subsection (m) of this Section, an authorized representative of the Paying Agent/Registrar shall, before the delivery of any such Bond, date and manually sign said Bond, and no such Bond shall be deemed to be issued or outstanding unless such Bond is so executed. The Paying Agent/Registrar promptly shall cancel all paid Bonds and Bonds surrendered for conversion and exchange. No additional ordinances, orders or resolutions need be passed or adopted by the governing body of the Issuer or any other body or person so as to accomplish the foregoing conversion and exchange of any Bond or portion thereof, and the Paying Agent/Registrar shall provide for the printing, execution and delivery of the substitute Bonds in the manner prescribed herein. Pursuant to Subchapter D, Chapter 1201, Texas Government Code, the duty of conversion and exchange of Bonds as aforesaid is hereby imposed upon the Paying Agent/Registrar, and, upon the execution of said Bond, the converted and exchanged Bond shall be valid, incontestable, and enforceable in the same manner and with the same effect as the Bonds which initially were issued and delivered pursuant to this Ordinance, approved by the Office of the Attorney General of the State of Texas (the "Attorney General"), and registered by the Office of the Comptroller of Public Accounts of the State of Texas (the "Comptroller").

(c) Payment of Principal and Interest. The Issuer hereby further appoints the Paying Agent/Registrar to act as the paying agent for paying the principal of and interest on the Bonds, all as provided in this Ordinance. The Paying Agent/Registrar shall keep proper records of all payments made by the Issuer and the Paying Agent/Registrar with respect to the Bonds, and of all conversions and exchanges of Bonds, and all replacements of Bonds, as provided in this Ordinance. However, in the event of a nonpayment of interest on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the Issuer. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five (5) business days prior to the Special Record Date by United States mail, first class postage prepaid, to the address of each registered owner appearing on the Registration Books at the close of business on the last business day next preceding the date of mailing of such notice.

(d) Payment to Registered Owner. Notwithstanding any other provision of this Ordinance to the contrary, the Issuer and the Paying Agent/Registrar shall be entitled to treat and consider the person in whose name each Bond is registered in the Registration Books as the absolute owner of such Bond for the purpose of payment of principal and interest with respect to such Bond, for the purpose of registering transfers with respect to such Bond, and for all other purposes whatsoever. The Paying Agent/Registrar shall pay all principal of and interest on the Bonds only to or upon the order of the registered owners, as shown in the Registration Books as provided in this Ordinance, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the Issuer's obligations with respect to payment of principal of and interest on the Bonds to the extent of the sum or sums so paid. No person other than a registered owner, as shown in the Registration Books, shall receive a Bond certificate evidencing the obligation of the Issuer to make payments of principal and interest pursuant to this Ordinance.

(e) Paying Agent/Registrar. The Issuer covenants with the registered owners of the Bonds that at all times while the Bonds are outstanding the Issuer will provide a competent and legally qualified bank, trust company, financial institution or other agency to act as and perform the services of Paying Agent/Registrar for the Bonds under this Ordinance, and that the Paying Agent/Registrar will be one entity. By accepting the position and performing as such, each Paying Agent/Registrar shall be deemed to have agreed to the provisions of this Ordinance, and a certified copy of this Ordinance shall be delivered to each Paying Agent/Registrar.

(f) Substitute Paying Agent/Registrar. The Issuer reserves the right to, and may, at its option, change the Paying Agent/Registrar upon not less than 120 days written notice to the Paying Agent/Registrar, to be effective not later than 60 days prior to the next principal or interest payment date after such notice. In the event that the entity at any time acting as Paying Agent/Registrar (or its successor by merger, acquisition, or other method) should resign or otherwise cease to act as such, the Issuer covenants that promptly it will appoint a competent and legally qualified bank, trust company, financial institution, or other agency to act as Paying Agent/Registrar under this Ordinance. Upon any change in the Paying Agent/Registrar, the previous Paying Agent/Registrar promptly shall transfer and deliver the Registration Books (or a copy thereof), along with all other pertinent books and records relating to the Bonds, to the new Paying Agent/Registrar designated and appointed by the Issuer. Upon any change in the Paying Agent/Registrar, the Issuer promptly will cause a written notice thereof to be sent by the new Paying Agent/Registrar to each registered owner of the Bonds, by United States mail, first-class postage prepaid, which notice also shall give the address of the new Paying Agent/Registrar.

(g) Book-Entry Only System. The Bonds issued in exchange for the Bonds initially issued to the purchaser or purchasers specified herein shall be initially issued in the form of a separate single fully registered Bond for each of the maturities thereof and the ownership of each such Bond shall be registered in the name of Cede & Co., as nominee of DTC, and except as provided in subsections (i) and (j) of this Section, all of the outstanding Bonds shall be registered in the name of Cede & Co., as nominee of DTC.

(h) Blanket Letter of Representations. The previous execution and delivery of the Blanket Issuer Letter of Representations with respect to obligations of the Issuer is hereby ratified and confirmed; and the provisions thereof shall be fully applicable to the Bonds. Notwithstanding anything to the contrary contained herein, while the Bonds are subject to DTC's Book-Entry Only System and to the extent permitted by law, the Blanket Issuer Letter of Representations is hereby incorporated herein and its provisions shall prevail over any other provisions of this Ordinance in the event of conflict.

(i) Bonds Registered in the Name of Cede & Co. With respect to Bonds registered in the name of Cede & Co., as nominee of DTC, the Issuer and the Paying Agent/Registrar shall have no responsibility or obligation to any DTC Participant to hold securities to facilitate the clearance and settlement of securities transactions among DTC Participants or to any person on behalf of whom such a DTC Participant holds an interest in the Bonds. Without limiting the immediately preceding sentence, the Issuer and the Paying Agent/Registrar shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any DTC Participant with respect to any ownership interest in the Bonds, (ii) the delivery to any DTC Participant or any other person, other than a registered owner of Bonds, as shown on the Registration Books, of any notice with respect to the Bonds, or (iii) the payment to any DTC Participant or any other person, other than a registered owner of Bonds, as shown in the Registration Books of any amount with respect to principal of or interest on the Bonds. Upon delivery by DTC to the Paying Agent/Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions in this Ordinance with respect to interest checks being mailed to the registered owner at the close of business on the Record date, the words "Cede & Co." in this Ordinance shall refer to such new nominee of DTC.

(j) Successor Securities Depository; Transfers Outside Book-Entry Only System. In the event that the Issuer determines that DTC is incapable of discharging its responsibilities described herein and in the representation letter of the Issuer to DTC or that it is in the best interest of the beneficial owners of the Bonds that they be able to obtain certificated Bonds, the Issuer shall (i) appoint a successor securities depository, qualified to act as such under Section 17A of the Securities and Exchange Act of 1934, as amended, notify DTC and DTC Participants of the appointment of such successor securities depository and transfer one or more separate Bonds to such successor securities depository or (ii) notify DTC and DTC Participants of the availability through DTC of Bonds and transfer one or more separate Bonds to DTC Participants having Bonds credited to their DTC accounts. In such event, the Bonds shall no longer be restricted to being

registered in the Registration Books in the name of Cede & Co., as nominee of DTC, but may be registered in the name of the successor securities depository, or its nominee, or in whatever name or names registered owners transferring or exchanging Bonds shall designate, in accordance with the provisions of this Ordinance.

(k) Payments to Cede & Co. Notwithstanding any other provision of this Ordinance to the contrary, so long as any Bond is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of and interest on such Bond and all notices with respect to such Bond shall be made and given, respectively, in the manner provided in the Blanket Issuer Letter of Representations of the Issuer to DTC.

(l) General Characteristics of the Bonds. The Bonds (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on such Bonds to be payable only to the Registered Owners thereof, (ii) may and shall be redeemed prior to their scheduled maturities, (iii) may be transferred and assigned, (iv) may be converted and exchanged for other Bonds, (v) shall have the characteristics, (vi) shall be signed, sealed, executed and authenticated, (vii) the principal of and interest on the Bonds shall be payable, and (viii) shall be administered and the Paying Agent/Registrar and the Issuer shall have certain duties and responsibilities with respect to the Bonds, all as provided, and in the manner and to the effect as required or indicated, in the FORM OF BOND set forth in this Ordinance. The Bonds initially issued and delivered pursuant to this Ordinance is not required to be, and shall not be, authenticated by the Paying Agent/Registrar, but on each substitute Bond issued in conversion of and exchange for any Bond or Bonds issued under this Ordinance the Paying Agent/Registrar shall execute the Paying Agent/Registrar's Authentication Bond, in the FORM OF BOND set forth in this Ordinance.

(m) Cancellation of Initial Bonds. On the closing date, one initial Bond (the "Initial Bond") representing the entire principal amount of a Series of the Bonds, payable in stated installments to the Texas Water Development Board, executed by manual or facsimile signature of the Mayor and City Clerk of the Issuer, approved by the Attorney General, and registered and manually signed by the Comptroller, will be delivered to such purchaser or its designee. Upon payment for such Initial Bond, the Paying Agent/Registrar shall cancel such Initial Bond and deliver to DTC on behalf of such purchaser one registered definitive Bond for each year of maturity of such Bonds, in the aggregate principal amount of all of the Bonds for such maturity, registered in the name of Cede & Co., as nominee of DTC. To the extent that the Paying Agent/Registrar is eligible to participate in DTC's FAST System, pursuant to an agreement between the Paying Agent/Registrar and DTC, the Paying Agent/Registrar shall hold the definitive Bonds in safekeeping for DTC.

Section 5. FORM OF BONDS. The form of the Bonds, including the form of Paying Agent/Registrar's Authentication Certificate, the form of Assignment and the form of the Comptroller's Registration Certificate to be attached to the Initial Bond, shall be, respectively, substantially as follows, with such appropriate variations, omissions or insertions as are permitted or required by this Ordinance.

(a) Form of Bond.

NO. R-	UNITED STATES OF AMERICA	PRINCIPAL
	STATE OF TEXAS	AMOUNT
		\$ _____
	CITY OF SAN ANGELO, TEXAS	
	WATERWORKS AND SEWER SYSTEM IMPROVEMENT REVENUE BOND	
	SERIES 2019	

<u>Interest Rate</u>	<u>Delivery Date</u>	<u>Maturity Date</u>	<u>CUSIP No.</u>
		February 15, 20__	

REGISTERED OWNER:

PRINCIPAL AMOUNT:

DOLLARS

ON THE MATURITY DATE specified above, the City of San Angelo, in Tom Green County, Texas (the “Issuer”), being a political subdivision and municipal corporation of the State of Texas, hereby promises to pay to the Registered Owner specified above, or registered assigns (hereinafter called the “Registered Owner”), on the Maturity Date specified above, the Principal Amount specified above. The Issuer promises to pay interest on the unpaid principal amount hereof (calculated on the basis of a 360-day year of twelve 30-day months) from the Delivery Date set forth above at the Interest Rate per annum specified above. Interest is payable on August 15, 2020 and semiannually on each February 15 and August 15 thereafter to the Maturity Date specified above, or the date of redemption prior to maturity; except, if this Bond is required to be authenticated and the date of its authentication is later than the first Record Date (hereinafter defined), such principal amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment date, in which case such principal amount shall bear interest from such next following interest payment date; provided, however, that if on the date of authentication hereof the interest on the Bond or Bonds, if any, for which this Bond is being exchanged is due but has not been paid, then this Bond shall bear interest from the date to which such interest has been paid in full.

THE PRINCIPAL OF AND INTEREST ON this Bond are payable in lawful money of the United States of America, without exchange or collection charges. The principal of this Bond shall be paid to the Registered Owner hereof upon presentation and surrender of this Bond at maturity, or upon the date fixed for its redemption prior to maturity, at the principal corporate trust office of BOKF, N.A. in Dallas, Texas, which is the “Paying Agent/Registrar” for this Bond. The payment of interest on this Bond shall be made by the Paying Agent/Registrar to the Registered Owner hereof on each interest payment date by check or draft, dated as of such interest payment date, drawn by the Paying Agent/Registrar on, and payable solely from, funds of the Issuer required by the ordinance authorizing the issuance of this Bond (the “Bond Ordinance”) to be on deposit with the Paying Agent/Registrar for such purpose as hereinafter provided; and such check or draft shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, on each such interest payment date, to the Registered Owner hereof, at its address as it appeared at the close of business on the last business day of the month preceding each such date (the “Record Date”) on the Registration Books kept by the Paying Agent/Registrar, as hereinafter described. In addition, interest may be paid by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the Registered Owner. Notwithstanding the foregoing, in the event that the Texas Water Development Board (the “TWDB”) is the Registered Owner of all of the Bonds, all payments of principal and interest on the Bonds shall be made by wire transfer of funds to the TWDB at no cost to the TWDB.

IN THE EVENT OF A NON-PAYMENT OF INTEREST on a scheduled payment date, and for 30 days thereafter, a new record date for such interest payment (a “Special Record Date”) will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the Issuer. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five business days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of each owner of a Bond appearing on the Registration Books at the close of business on the last business day next preceding the date of mailing of such notice.

ANY ACCRUED INTEREST due at maturity or upon the redemption of this Bond prior to maturity as provided herein shall be paid to the Registered Owner upon presentation and surrender of this Bond for payment or redemption at the principal corporate trust office of the Paying Agent/Registrar. The Issuer covenants with the Registered Owner of this Bond that on or before each principal payment date and interest

payment date for this Bond it will make available to the Paying Agent/Registrar, from the "Interest and Sinking Fund" created by the Bond Ordinance, the amounts required to provide for the payment, in immediately available funds, of all principal of and interest on the Bonds, when due.

IF THE DATE for any payment of the principal of or interest on this Bond shall be a Saturday, Sunday, a legal holiday or a day on which banking institutions in the city where the principal corporate trust office of the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day that is not such a Saturday, Sunday, legal holiday or day on which banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due.

THIS BOND is one of a series of Bonds dated October 15, 2019, authorized in accordance with the Constitution and laws of the State of Texas in the principal amount of \$56,075,000 for the public purposes of (i) constructing, installing, acquiring and equipping additions, extensions and improvements to the Issuer's System, to wit: improvements to the Issuer's wellfield in the Hickory Aquifer, raw water collection lines, transmission lines, and water treatment plant, (ii), to fund the 2019 Reserve Fund, and (iii) to pay the costs incurred in connection with the issuance of the Bonds (the "Project").

ON FEBRUARY 15, 2030, or on any date thereafter, the Bonds of this series may be redeemed prior to their scheduled maturities, at the option of the Issuer, with funds derived from any available and lawful source, as a whole, or in part, and, if in part, the particular Bonds, or portions thereof, to be redeemed shall be selected and designated by the Issuer (provided that a portion of a Bond may be redeemed only in an integral multiple of \$5,000), at a redemption price equal to the principal amount to be redeemed plus accrued interest to the date fixed for redemption.

AT LEAST 30 days prior to the date fixed for any redemption of Bonds or portions thereof prior to maturity a written notice of such redemption shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, at least 30 days prior to the date fixed for any such redemption, to the Registered Owner of each Bond to be redeemed at its address as it appeared on the 45th day prior to such redemption date; provided, however, that the failure of the Registered Owner to receive such notice, or any defect therein or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of any Bond. By the date fixed for any such redemption due provision shall be made with the Paying Agent/Registrar for the payment of the required redemption price for the Bonds or portions thereof that are to be so redeemed. If such written notice of redemption is sent and if due provision for such payment is made, all as provided above, the Bonds or portions thereof that are to be so redeemed thereby automatically shall be treated as redeemed prior to their scheduled maturities, and they shall not bear interest after the date fixed for redemption, and they shall not be regarded as being outstanding except for the right of the Registered Owner to receive the redemption price from the Paying Agent/Registrar out of the funds provided for such payment. If a portion of any Bond shall be redeemed, a substitute Bond or Bonds having the same maturity date, bearing interest at the same rate, in any denomination or denominations in any integral multiple of \$5,000, at the written request of the Registered Owner, and in aggregate principal amount equal to the unredeemed portion thereof, will be issued to the Registered Owner upon the surrender thereof for cancellation, at the expense of the Issuer, all as provided in the Bond Ordinance.

IF AT THE TIME OF MAILING of notice of optional redemption there shall not have either been deposited with the Paying Agent/Registrar or legally authorized escrow agent immediately available funds sufficient to redeem all the Bonds called for redemption, such notice may state that it is conditional, and is subject to the deposit of the redemption moneys with the Paying Agent/Registrar or legally authorized escrow agent at or prior to the redemption date, and such notice shall be of no effect unless such moneys are so deposited on or prior to the redemption date. If such redemption is not effectuated, the Paying Agent/Registrar shall, within five days thereafter, give notice in the manner in which the notice of redemption was given that such moneys were not so received and shall rescind the redemption.

ALL BONDS OF THIS SERIES are issuable solely as fully registered bonds, without interest coupons, in the denomination of any integral multiple of \$5,000. As provided in the Bond Ordinance, this Bond may, at the request of the Registered Owner or the assignee or assignees hereof, be assigned, transferred, converted into and exchanged for a like aggregate principal amount of fully registered Bonds, without interest coupons, payable to the appropriate Registered Owner, assignee or assignees, as the case may be, having the same denomination or denominations in any integral multiple of \$5,000 as requested in writing by the appropriate Registered Owner, assignee or assignees, as the case may be, upon surrender of this Bond to the Paying Agent/Registrar for cancellation, all in accordance with the form and procedures set forth in the Bond Ordinance. Among other requirements for such assignment and transfer, this Bond must be presented and surrendered to the Paying Agent/Registrar, together with proper instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of this Bond or any portion or portions hereof in any integral multiple of \$5,000 to the assignee or assignees in whose name or names this Bond or any such portion or portions hereof is or are to be registered. The form of Assignment printed or endorsed on this Bond may be executed by the Registered Owner to evidence the assignment hereof, but such method is not exclusive, and other instruments of assignment satisfactory to the Paying Agent/Registrar may be used to evidence the assignment of this Bond or any portion or portions hereof from time to time by the Registered Owner. The Paying Agent/Registrar's reasonable standard or customary fees and charges for assigning, transferring, converting and exchanging any Bond or portion thereof will be paid by the Issuer. In any circumstance, any taxes or governmental charges required to be paid with respect thereto shall be paid by the one requesting such assignment, transfer, conversion or exchange, as a condition precedent to the exercise of such privilege. The Paying Agent/Registrar shall not be required to make any such transfer, conversion, or exchange (i) during the period commencing with the close of business on any Record Date and ending with the opening of business on the next following principal or interest payment date, or (ii) with respect to any Bond or any portion thereof called for redemption prior to maturity, within 45 days prior to its redemption date.

IN THE EVENT any Paying Agent/Registrar for the Bonds is changed by the Issuer, resigns, or otherwise ceases to act as such, the Issuer has covenanted in the Bond Ordinance that it promptly will appoint a competent and legally qualified substitute therefor, and cause written notice thereof to be mailed to the Registered Owners of the Bonds.

THE BONDS are special obligations of the Issuer payable solely from and equally secured by a first lien on and pledge of the Pledged Revenues of the Issuer's Waterworks and Sewer System. Reference is hereby made to the Bond Ordinance for a more complete statement of the covenants and provisions securing the payment of this Bond and the series of which it is one.

THE ISSUER EXPRESSLY RESERVES the right to issue further and additional special revenue obligations equally secured by a lien on and pledge of the Pledged Revenues of the Issuer's Waterworks and Sewer System on a parity with the Bonds of this issue; provided, however, that any and all such additional First Lien Obligations may be issued only in accordance with and subject to the covenants, conditions, limitations and restrictions relating thereto which are set out and contained in the Bond Ordinance, to which reference is hereby made for more complete and full particulars. The Issuer has further reserved the right in the Bond Ordinance to issue Subordinate Lien Obligations and to finance Special Projects that are not part of the System and not payable from Pledged Revenues and for which all maintenance and operation expenses are payable from sources other than Pledged Revenues.

THE HOLDER HEREOF shall never have the right to demand payment of this obligation out of any funds raised or to be raised by taxation or from any sources whatsoever other than those described in the Bond Ordinance.

IT IS HEREBY certified, recited and covenanted that this Bond has been duly and validly authorized, issued and delivered; that all acts, conditions and things required or proper to be performed, exist and be done

precedent to or in the authorization, issuance and delivery of this Bond have been performed, existed and been done in accordance with law.

THE ISSUER HAS RESERVED THE RIGHT to amend the Bond Ordinance as provided therein, and under some (but not all) circumstances amendments thereto must be approved by the Registered Owners of a majority in aggregate principal amount of the outstanding Bonds.

BY BECOMING the Registered Owner of this Bond, the Registered Owner thereby acknowledges all of the terms and provisions of the Bond Ordinance, agrees to be bound by such terms and provisions, acknowledges that the Bond Ordinance is duly recorded and available for inspection in the official minutes and records of the governing body of the Issuer, and agrees that the terms and provisions of this Bond and the Bond Ordinance constitute a contract between each Registered Owner hereof and the Issuer.

IN WITNESS WHEREOF, the Issuer has caused this Bond to be signed with the manual or facsimile signature of the Mayor of the Issuer (or in the Mayor's absence, the Mayor Pro Tem of the Issuer) and countersigned with the manual or facsimile signature of the City Clerk of said Issuer, and has caused the official seal of the Issuer to be duly impressed, or placed in facsimile, on this Bond.

(signature)
City Clerk

(signature)
Mayor

(SEAL)

(b) Form of Paying Agent/Registrar's Authentication Certificate.

PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE
(To be executed if this Bond is not accompanied by an executed Registration Certificate
of the Comptroller of Public Accounts of the State of Texas)

It is hereby certified that this Bond has been issued under the provisions of the Bond Ordinance described in the text of this Bond; and that this Bond has been issued in conversion or replacement of, or in exchange for, a bond, bonds, or a portion of a bond or bonds of a series that originally was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

Dated:_____.

BOKE, N.A.
Dallas, Texas
Paying Agent/Registrar

By: _____
Authorized Representative

(c) Form of Assignment.

ASSIGNMENT
(Please print or type clearly)

For value received, the undersigned hereby sells, assigns and transfers unto: _____

Transferee's Social Security or Taxpayer Identification Number: _____

Transferee's name and address, including zip code: _____

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____, attorney, to register the transfer of the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____.

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by an eligible guarantor institution participating in a securities transfer association recognized signature guarantee program.

NOTICE: The signature above must correspond with the name of the Registered Owner as it appears upon the front of this Bond in every particular, without alteration or enlargement or any change whatsoever.

(d) Form of Registration Certificate of the Comptroller of Public Accounts.

COMPTROLLER'S REGISTRATION CERTIFICATE: REGISTER NO. _____

I hereby certify that there is on file and of record in my office a true and correct copy of the opinion of the Attorney General of the State of Texas approving this Bond and that this Bond has been registered this day by me.

Witness my signature and seal this _____.

Comptroller of Public Accounts of the State of Texas

(COMPTROLLER'S SEAL)

(e) Initial Bond Insertions.

(i) The initial Bond shall be in the form set forth is paragraph (a) of this section, except that:

A. immediately under the name of the Bond, the headings "Interest Rate" and "Maturity Date" shall both be completed with the words "As shown below" and "CUSIP No. _____" shall be deleted.

B. the first paragraph shall be deleted and the following will be inserted:

"THE CITY OF SAN ANGELO, TEXAS, in Tom Green County, Texas (the "Issuer"), being a political subdivision and municipal corporation of the State of Texas, hereby promises to pay to the Registered Owner specified above, or registered assigns (hereinafter called the "Registered Owner"), on February 15 in each of the years, in the principal installments and bearing interest at the per annum rates set forth in the following schedule:

Maturity Date	Principal Amount	Interest Rate
(Feb. 15)	_____	_____

(Information from Section 3 to be inserted)

The Issuer promises to pay interest on the unpaid principal amount hereof (calculated on the basis of a 360-day year of twelve 30-day months) from the Delivery Date set forth above at the respective Interest Rate per annum specified above. Interest is payable on August 15, 2020, and semiannually on each February 15 and August 15 thereafter to the date of payment of the principal installment specified above, or the date of redemption prior to maturity; except, that if this Bond is required to be authenticated and the date of its authentication is later than the first Record Date (hereinafter defined), such Principal Amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment date, in which case such principal amount shall bear interest from such next following interest payment date; provided, however, that if on the date of authentication hereof the interest on the Bond or Bonds, if any, for which this Bond is being exchanged is due but has not been paid, then this Bond shall bear interest from the date to which such interest has been paid in full.”

C. The Initial Bond shall be numbered “T-1.”

Section 6. PLEDGE OF PLEDGED REVENUES.

(a) The Issuer hereby covenants and agrees that the Pledged Revenues are hereby irrevocably pledged to the payment and security of the First Lien Obligations, including the establishment and maintenance of the special funds created, established and maintained for the payment and security thereof, all as hereinafter provided; and it is hereby ordered that the First Lien Obligations, and the interest thereon, shall constitute a lien on and pledge of the Pledged Revenues and be valid and binding without any physical delivery thereof or further act by the Issuer, and the lien created hereby on the Pledged Revenues for the payment and security of the First Lien Obligations, including the establishment and maintenance of the special funds created, established and maintained for the payment and security thereof, shall be superior to the lien on and pledge of the Pledged Revenues securing payment of any Subordinate Lien Obligations heretofore or hereafter issued by the Issuer.

(b) Chapter 1208, Government Code, applies to the issuance of the Bonds and the pledge of the Pledged Revenues granted by the Issuer under this Section, and is therefore valid, effective, and perfected. Should Texas law be amended at any time while the Bonds are outstanding and unpaid, the result of such amendment being that the pledge of the Pledged Revenues granted by the Issuer under this Section is to be subject to the filing requirements of Chapter 9, Business & Commerce Code, in order to preserve to the Holders of the Bonds a security interest in said pledge, the Issuer agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9, Business & Commerce Code and enable a filing of a security interest in said pledge to occur.

Section 7. SPECIAL FUNDS. To provide for the payment of the Series 2017 Bonds, the Bonds and any Additional First Lien Obligations, the following limited special funds have been ordered to be established and maintained by the adoption of the Series 2017 Ordinance and are reconfirmed hereby and shall be maintained so long as First Lien Obligations are outstanding:

(a) San Angelo Waterworks and Sewer System Fund, hereinafter called the “System Fund.”

(b) San Angelo Waterworks and Sewer System Revenue Bonds Interest and Sinking Fund, hereinafter called the “Interest and Sinking Fund.”

(c) San Angelo Waterworks and Sewer System Revenue Bonds 2019 Reserve Fund, hereinafter called the “2019 Reserve Fund.”

Each such Fund shall be accounted for separate and apart from all other funds of the Issuer, and shall be maintained in a Depository of the Issuer.

Section 8. SYSTEM FUND. The Issuer hereby covenants, agrees and establishes that the Gross Revenues shall be deposited and credited to the System Fund immediately as collected and received. All Operating Expenses are and shall be paid from such Gross Revenues as a first charge against same.

Section 9. FLOW OF FUNDS.

(a) All Gross Revenues deposited and credited to the System Fund shall be pledged and appropriated to the extent required for the following uses and in the order of priority shown:

First: to the payment of all necessary and reasonable Operating Expenses as defined herein, and the payment of such Operating Expenses shall be a first charge on and claim against the Gross Revenues.

Second: to the payment of the amounts required to be deposited and credited to the Interest and Sinking Fund created and established for the payment of the First Lien Obligations and any Additional First Lien Obligations issued by the Issuer as the same become due and payable.

Third: pro rata to the payment of the amounts required to be deposited and credited (i) to the 2019 Reserve Fund created and established in accordance with the provisions of this Ordinance to maintain the Required Reserve Amount therein, and (ii) to each other reserve fund created and established to maintain a reserve in accordance with the provisions of the Series 2017 Ordinance and ordinances relating to the issuance of any Additional First Lien Obligations hereafter issued by the Issuer.

Fourth: to make payment, including payment of amounts required for reserve fund requirements, of Subordinate Lien Obligations.

(b) Any Pledged Revenues remaining in the System Fund after satisfying the foregoing payments, or making adequate and sufficient provision for the payment thereof, may be appropriated and used for any other Issuer purpose now or hereafter permitted by law.

Section 10. INTEREST AND SINKING FUND.

(a) For purposes of providing funds to pay the principal of, premium, if any, and interest on the First Lien Obligations as the same become due and payable, including any mandatory sinking fund redemption payments, the Issuer agrees that it shall maintain the Interest and Sinking Fund. The Issuer covenants to deposit and credit to the Interest and Sinking Fund prior to each principal, interest payment or redemption date from the available Pledged Revenues an amount equal to one hundred percent (100%) of the amount required to fully pay the interest on and the principal of the First Lien Obligations then coming due and payable.

(b) The required deposits and credits to the Interest and Sinking Fund shall continue to be made as hereinabove provided until such time as (i) the total amount on deposit in and credited to the Interest and Sinking Fund and the 2019 Reserve Fund (and in any reserve fund created pursuant to Section 11(g) hereof, taking into account any Reserve Fund Obligation held in or for the benefit of any such reserve fund) is equal to the amount required to fully pay and discharge all outstanding First Lien Obligations (principal, premium, if any, and interest) or (ii) the First Lien Obligations are no longer outstanding.

(c) Accrued interest and capitalized interest, if any, received from the purchaser of any First Lien Obligation shall be taken into consideration and reduce the amount of the deposits and credits hereinabove required into the Interest and Sinking Fund.

Section 11. 2019 RESERVE FUND.

(a) There is hereby created and ordered held at a Depository of the Issuer, for the benefit of the Bonds, the 2019 Reserve Fund. As provided in Section 9, from proceeds of the sale of the Bonds, on the Delivery Date, the Issuer shall deposit and credit to the Series 2019 Reserve Fund the amount required to fund the Series 2019 Reserve Fund in an amount equal to Required Reserve Amount as of such Required Reserve Amount Computation Date. The Required Reserve Amount shall be maintained in the 2019 Reserve Fund at all times after the delivery of the Bonds, and the Required Reserve Amount shall be computed on each Required Reserve Amount Computation Date. There shall be deposited into the 2019 Reserve Fund any Reserve Fund Obligations so designated by the Issuer. All funds, investments and Reserve Fund Obligations on deposit and credited to the 2019 Reserve Fund shall be used solely for (i) the payment of the principal of and interest on the Bonds, when and to the extent other funds available for such purposes are insufficient, (ii) to make Reserve Fund Obligation Payments, and (iii) to retire the last Stated Maturity or Stated Maturities of or interest on the Bonds.

(b) When and for so long as the cash, investments and Reserve Fund Obligations in the 2019 Reserve Fund equal the Required Reserve Amount or the portion then required to be on deposit therein, no deposits need be made to the credit of the 2019 Reserve Fund; but, if and when the 2019 Reserve Fund at any time contains less than the Required Reserve Amount then required to be on deposit therein, the Issuer covenants and agrees that the Issuer shall cure the deficiency in the 2019 Reserve Fund by making Required Reserve Fund Deposits to such fund from the Pledged Revenues in accordance with Section 9 by monthly deposits in amounts equal to not less than 1/60th of the Required Reserve Amount, with any such deficiency payments being made on or before the last day of each month until the Required Reserve Amount has been fully funded or restored. In addition, in the event that a portion of the Required Reserve Amount is represented by a Reserve Fund Obligation, the Required Reserve Amount shall be restored as soon as possible from monthly deposits of Pledged Revenues on deposit in the System Fund in accordance with Section 9, but subject to making the full deposits and credits to the Interest and Sinking Fund required to be made by Section 10. The Issuer further covenants and agrees that, subject only to the prior deposits to be made to the Interest and Sinking Fund, the Pledged Revenues shall be applied and appropriated and used to establish and maintain the Required Reserve Amount, including by paying Reserve Fund Obligation Payments when due, and any reserve established for the benefit of any issue or series of Additional First Lien Obligations and to cure any deficiency in such amounts as required by the terms of this Ordinance and any other ordinance pertaining to the issuance of Additional First Lien Obligations. Reimbursements to the provider, if any, of a Reserve Fund Obligation shall constitute the making up of a deficiency in the 2019 Reserve Fund to the extent that such reimbursements result in the reinstatement, in whole or in part, as the case may be, of the amount of the Reserve Fund Obligation.

(c) Earnings and income derived from the investment of amounts held for the credit of the 2019 Reserve Fund shall be retained in the 2019 Reserve Fund until the 2019 Reserve Fund contains the Required Reserve Amount. During such time as the 2019 Reserve Fund contains the Required Reserve Amount or any cash or Permitted Investment is replaced with a Reserve Fund Obligation pursuant to subsection (d) below, the Issuer may, at its option, withdraw all surplus funds in the 2019 Reserve Fund and deposit such surplus in the System Fund; provided that the face amount of any Reserve Fund Obligation may be reduced at the option of the Issuer in lieu of such transfer. Notwithstanding the foregoing, any surplus funds in the 2019 Reserve Fund that consist of proceeds of the Bonds or interest thereon shall be used for purposes for which the Bonds were issued or deposited to the Interest and Sinking Fund.

(d) The Issuer may at any time deposit, supplement, replace or substitute a Reserve Fund Obligation for cash or Permitted Investments on deposit in the 2019 Reserve Fund or in substitution for or replacement of any existing Reserve Fund Obligation, provided, that the deposit, supplement, replacement or substitution of the Reserve Fund Obligation will not, in and of itself, cause any ratings then assigned to the Bonds by any Rating Agency to be lowered and the ordinance authorizing the substitution of the Reserve Fund Obligation for all or part of the Required Reserve Amount contains a finding that such substitution is cost effective. Notwithstanding any other provision of this Ordinance, if a Reserve Fund Obligation is utilized in connection with the Bonds after the issuance date of the Bonds, the Issuer must specifically approve any such Reserve Fund Obligation and any such Reserve Fund Obligation must be submitted to the Attorney General of Texas (if submission is then required by law) for approval.

(e) If the Issuer is required to make a withdrawal from the 2019 Reserve Fund for any of the purposes described in this Section, the Issuer shall promptly notify the issuer of such Reserve Fund Obligation of the necessity for a withdrawal from the 2019 Reserve Fund for any such purposes, and shall make such withdrawal FIRST from available moneys or Permitted Investments then on deposit in the 2019 Reserve Fund, and NEXT from a drawing under any Reserve Fund Obligation to the extent of such deficiency.

(f) In the event there is a draw upon the Reserve Fund Obligation, the Issuer shall reimburse the issuer of such Reserve Fund Obligation for such draw, in accordance with the terms of any agreement pursuant to which the Reserve Fund Obligation is used, from Pledged Revenues, however, such reimbursement from Pledged Revenues shall be in accordance with the provisions of Section 11(b) hereof and shall be subordinate and junior in right of payment to the payment of principal of and premium, if any, and interest on the then outstanding First Lien Obligations.

(g) The Issuer may create and establish a debt service reserve fund pursuant to the provisions of any ordinance or other instrument authorizing the issuance of First Lien Obligations for the purpose of securing that particular issue or series of First Lien Obligations or any specific group of issues or series of First Lien Obligations (including the combining of debt service reserve funds for First Lien Obligations so long as the requirements of each ordinance authorizing such First Lien Obligations are satisfied), and the amounts once deposited or credited to said debt service reserve funds shall no longer constitute Pledged Revenues and shall be held solely for the benefit of the owners of the particular First Lien Obligations for which such debt service reserve fund was established. Each debt service reserve fund shall receive a pro rata amount of the Pledged Revenues after the requirements of the Interest and Sinking Fund, which secures all First Lien Obligations, have first been met. Each such debt service reserve fund shall be designated in such manner as is necessary to identify the First Lien Obligations it secures and to distinguish such debt service reserve fund from the debt service reserve funds created for the benefit of other First Lien Obligations. Each ordinance authorizing the issuance of First Lien Obligations that are to be secured by a debt service reserve fund shall specify the amount or a manner of calculating the amount to be held and maintained on deposit therein.

Section 12. DEFICIENCIES; EXCESS PLEDGED REVENUES.

(a) Deficiencies. If on any occasion there shall not be sufficient Pledged Revenues (after making all payments pertaining to all First Lien Obligations) to make the required deposits and credits to the Interest and Sinking Fund and the 2019 Reserve Fund, then such deficiency shall be cured as soon as possible from the next available unallocated Pledged Revenues, or from any other sources available for such purpose, and such deposits and credits shall be in addition to the amounts otherwise required to be deposited and credited to such funds.

(b) Excess Pledged Revenues. Subject to making the deposits and credits required by this Ordinance or any ordinances authorizing the issuance of Additional First Lien Obligations, or the payments and credits

required by the provisions of the ordinances authorizing the issuance of Subordinate Lien Obligations heretofore or hereafter issued by the Issuer, the excess Pledged Revenues may be used for any lawful purpose.

Section 13. INVESTMENT OF FUNDS; VALUATION; FUNDS SECURED; TRANSFER OF INVESTMENT INCOME.

(a) Moneys in any fund established pursuant to this Ordinance may, at the option of the Issuer, be invested in Permitted Investments, provided that all such deposits and investments shall have a market value exclusive of accrued interest at all times at least equal to the amount of money credited to such funds, and shall be made in such manner that the money required to be expended from any Fund will be available at the proper time or times. Moneys in the 2019 Reserve Fund shall not be invested in securities maturing later than the final maturity of the Bonds. Such investments shall be valued in terms of current market value as of the last day of each Year, except that direct obligations of the United States (State and Local Government Series) in book-entry form shall be continuously valued at their par or face principal amount. Such investments shall be sold promptly when necessary to prevent any default in connection with the Bonds or any Additional First Lien Obligations issued. To the extent not invested, moneys in any fund established pursuant to this Ordinance shall be secured in the manner prescribed by law for securing funds of the Issuer.

(b) All interest and income derived from such investments (other than interest and income derived from amounts credited to the 2019 Reserve Fund or any other reserve fund created in accordance with Section 11(g) hereof, if the 2019 Reserve Fund or such other reserve fund, as the case may be, does not contain the Required Reserve Amount or the First Lien Obligation Reserve Requirement, as the case may be) shall be credited to the System Fund semi-annually and shall constitute Gross Revenues.

Section 14. PAYMENT OF FIRST LIEN OBLIGATIONS. While any of the First Lien Obligations are outstanding, the Issuer shall transfer to the respective paying agent/registrar therefor, from funds on deposit in and credited to the Interest and Sinking Fund, and, if necessary, in the 2019 Reserve Fund with respect to the Bonds, amounts sufficient to fully pay and discharge promptly the interest on and principal of the First Lien Obligations as shall become due on each interest or principal payment date, or date of redemption of the First Lien Obligations; such transfer of funds must be made in such manner as will cause immediately available funds to be deposited with each respective paying agent/registrar for the First Lien Obligations not later than the business day next preceding the date such payment is due on the First Lien Obligations. The Paying Agent/Registrar shall destroy all paid First Lien Obligations and furnish the Issuer with an appropriate certificate of cancellation or destruction.

Section 15. ISSUER COVENANTS. The Issuer further covenants and agrees that in accordance with and to the extent required or permitted by law:

(a) Performance. It will faithfully perform at all times any and all covenants, undertakings, stipulations and provisions contained in any ordinance authorizing the issuance of First Lien Obligations, including this Ordinance, and in each and every First Lien Obligation; it will promptly pay or cause to be paid the principal of and interest on every First Lien Obligation on the dates and in the places and manner prescribed in such ordinances and obligations; and it will, at the times and in the manner prescribed, deposit and credit or cause to be deposited and credited the amounts required to be deposited and credited to the Interest and Sinking Fund and the 2019 Reserve Fund.

(b) Issuer's Legal Authority. It is a duly created and existing home rule city of the State of Texas, and is duly authorized under the laws of the State of Texas to issue the Bonds; that all action on its part for the issuance of the Bonds has been duly and effectively taken, and that the Bonds in the hands of the Holders thereof are and will be valid and enforceable special obligations of the Issuer in accordance with their terms.

(c) Title. It has or will obtain lawful title to the lands, buildings, structures and facilities constituting the System, that it warrants that it will defend the title to all the aforesaid lands, buildings, structures and facilities, and every part thereof, for the benefit of the Holders of the First Lien Obligations, against the claims and demands of all persons whomsoever, that it is lawfully qualified to pledge the Pledged Revenues to the payment of the First Lien Obligations in the manner prescribed herein, and has lawfully exercised such rights.

(d) Liens. It will from time to time and before the same become delinquent pay and discharge all taxes, assessments and governmental charges, if any, which shall be lawfully imposed upon it, or the System; it will pay all lawful claims for rents, royalties, labor, materials and supplies which if unpaid might by law become a lien or charge thereon, the lien of which would be prior to or interfere with the liens hereof, so that the priority of the liens granted hereunder shall be fully preserved in the manner provided herein, and it will not create or suffer to be created any mechanic's, laborer's, materialman's or other lien or charge which might or could be prior to the liens hereof, or do or suffer any matter or thing whereby the liens hereof might or could be impaired; provided, however, that no such tax, assessment or charge, and that no such claims which might be used as the basis of a mechanic's, laborer's, materialman's or other lien or charge, shall be required to be paid so long as the validity of the same shall be contested in good faith by the Issuer.

(e) Operation of System; No Free Service. It will, while any First Lien Obligations are outstanding, continuously and efficiently operate the System, and shall maintain the System in good condition, repair and working order, all at reasonable cost. No free service of the System shall be allowed, and should the Issuer or any of its agencies or instrumentalities make use of the services and facilities of the System, payment of the reasonable value shall be made by the Issuer out of funds from sources other than the Gross Revenues of the System, unless made from surplus or excess Pledged Revenues as permitted in Section 12.

(f) Further Encumbrance. While any First Lien Obligations are outstanding, it will not additionally encumber the Pledged Revenues in any manner, except as permitted in this Ordinance in connection with Additional First Lien Obligations, unless said encumbrance is made junior and subordinate in all respects to the liens, pledges, covenants and agreements of this Ordinance; but the right of the Issuer to issue or incur obligations payable from a subordinate lien on the Pledged Revenues is specifically recognized and retained.

(g) Sale or Disposal of Property. While any First Lien Obligations are outstanding, it will not sell, convey, mortgage, encumber, lease or in any manner transfer title to, or release without due consideration in whole or in part contractual rights constituting part of the System, or any significant or substantial part thereof; provided that whenever the Issuer deems it necessary to dispose of any other property, machinery, fixtures or equipment, it may sell or otherwise dispose of such property, machinery, fixtures or equipment when it has made arrangements to replace the same or provide substitutes therefor, unless it is determined that no such replacement or substitute is necessary. Proceeds from any sale hereunder not used to replace or provide for substitution of such property sold, shall be used for improvements to the System or to purchase or redeem First Lien Obligations.

(h) Insurance. (1) The Issuer shall insure such parts of the System as would usually be insured by corporations operating like properties, with responsible insurance companies, against loss to the extent insurance is usually carried by corporations operating like properties. To the extent reasonably obtainable, it shall include insurance against the perils of fire, extended coverage and flooding and use and occupancy insurance. Public liability and property damage insurance shall also be carried unless the Issuer's attorney gives a written opinion to the effect that the Issuer is not liable for claims which would be protected by such insurance. At any time while any contractor engaged in construction work shall be fully responsible therefor, the Issuer shall not be required to carry insurance on the work being constructed if the contractor is required to carry appropriate insurance. All such policies shall be open to the inspection of the bondholders and their agents and representatives at all reasonable times. Upon the happening of any loss or damage covered by insurance from one or more of said causes, the Issuer shall make due proof of loss and shall do all things

necessary or desirable to cause the insuring companies to make payment in full directly to the Issuer. The proceeds of insurance covering such property, together with any other funds necessary and available for such purpose, shall be used forthwith by the Issuer for repairing the property damaged or replacing the property destroyed; provided, however, that if said insurance proceeds and other funds are insufficient for such purpose, then said insurance proceeds pertaining to the System shall be used promptly as follows:

(i) for the redemption prior to maturity of the First Lien Obligations, ratably in the proportion that the outstanding principal of each series of First Lien Obligations bears to the total outstanding principal of all First Lien Obligations, provided that, if on any such occasion the principal of any such series is not subject to redemption, it shall not be regarded as outstanding in making the foregoing computation; or

(ii) if none of the outstanding First Lien Obligations is subject to redemption, then for the purchase on the open market and retirement of said First Lien Obligations in the same proportion as prescribed in the foregoing clause (i), to the extent practicable; provided, however, that the purchase price for any First Lien Obligation shall not exceed the redemption price of such First Lien Obligation on the first date upon which it becomes subject to redemption; or

(iii) to the extent that the foregoing clauses (i) and (ii) cannot be complied with at the time, the insurance proceeds, or the remainder thereof, shall be deposited in a special and separate trust fund, at a Depository, to be designated the Insurance Account. The Insurance Account shall be held until such time as the foregoing clauses (i) and/or (ii) can be complied with, or until other funds become available which, together with the Insurance Account, will be sufficient to make the repairs or replacements originally required, whichever of said events occurs first.

(2) The foregoing provisions of (1) above notwithstanding, the Issuer shall have authority to enter into coinsurance or similar plans where risk of loss is shared in whole or in part by the Issuer.

(3) The annual audit hereinafter required shall contain a section commenting on whether or not the Issuer has complied with the requirements of this Section with respect to the maintenance of insurance, and listing all policies carried, and whether or not all insurance premiums upon the insurance policies to which reference is hereinbefore made have been paid.

(i) Governmental Agencies. It will comply with all of the terms and conditions of any and all franchises, permits and authorizations applicable to or necessary with respect to the System, and which have been obtained from any governmental agency; and the Issuer has or will obtain and keep in full force and effect all franchises, permits, authorization and other requirements applicable to or necessary with respect to the acquisition, construction, equipment, operation and maintenance of the System.

(j) No Competition. That so far as it legally may, it will not grant any franchise or permit for the acquisition, construction or operation of any competing facilities which might be used as a substitute for the System's facilities and, to the extent that it legally may, the Issuer will prohibit any such competing facilities.

(k) Records. It will keep proper books of record and account in which full, true and correct entries will be made of all dealings, activities and transactions relating to the System, the Pledged Revenues, and the funds created pursuant to this Ordinance, and all books, documents and vouchers relating thereto shall at all reasonable times be made available for inspection upon request of a Holder of First Lien Obligations.

(l) Audits. After the close of each Year while any First Lien Obligation is outstanding, it will cause an audit to be made of the books and accounts relating to the Authority, including the System and the Pledged Revenues by an Accountant. As soon as practicable after the close of each such Year, and when said audit

has been completed and made available to the Issuer, a copy of such audit for the preceding Year shall be mailed to the Municipal Advisory Council of Texas. Such annual audit reports shall be open to the inspection of the Holders of First Lien Obligations and their agents and representatives at all reasonable times.

(m) Rate Covenant. It will fix, establish, maintain and collect such rates, charges and fees for the use and availability of the System at all times as are necessary to produce Gross Revenues equal to the greater of amounts sufficient:

- (a) (1) to pay all current Operating Expenses, and (2) to produce Net Revenues for each Year at least equal to 1.15 times the Average Annual Debt Service Requirements of all then outstanding First Lien Obligations, or
- (b) to pay the sum of: (i) all current Operating Expenses, (ii) the Average Annual Debt Service Requirements of all then outstanding First Lien Obligations and Subordinate Lien Obligations, (iii) required deposits to a reserve fund for any First Lien Obligations and Subordinate Lien Obligations then outstanding, and (iv) amounts required to pay all other obligations of the System reasonably anticipated to be paid from Gross Revenues during the current Year.

Section 16. ISSUANCE OF ADDITIONAL FIRST LIEN OBLIGATIONS.

(a) The Issuer shall have the right and power at any time and from time to time and in one or more series or issues, to authorize, issue and deliver Additional First Lien Obligations, in accordance with law, in any amounts, for purposes of extending, improving or repairing the System or for the purpose of refunding of any First Lien Obligations, Subordinate Lien Obligations or other obligations of the Issuer incurred in connection with the ownership or operation of the System. Such Additional First Lien Obligations, if and when authorized, issued and delivered in accordance with this Ordinance, shall be secured by and made payable equally and ratably on a parity with all other First Lien Obligations at the time outstanding and unpaid, from a first lien on and pledge of the Pledged Revenues herein granted.

(b) The Interest and Sinking Fund shall secure and be used to pay all First Lien Obligations. Each ordinance under which Additional First Lien Obligations are issued shall provide and require that, in addition to the amounts required by the provisions of this Ordinance and the provisions of any other ordinance or ordinances authorizing Additional First Lien Obligations to be deposited to the credit of the Interest and Sinking Fund, the Issuer shall deposit to the credit of the Interest and Sinking Fund at least such amounts as are required for the payment of all principal of and interest on said Additional First Lien Obligations then being issued, as the same come due.

(c) Additional First Lien Obligations shall be issued only in accordance with this Ordinance, but notwithstanding any provisions of this Ordinance to the contrary, no installment, series or issue of Additional First Lien Obligations shall be issued or delivered unless:

- (i) The Designated Financial Officer shall have executed a certificate stating (A) (i) that, to the best of such person's knowledge and belief, the Issuer is not then in default as to any covenant or requirement contained in any ordinance authorizing the issuance of outstanding First Lien Obligations, and (ii) payments into all special funds or accounts created and established for the payment and security of all outstanding First Lien Obligations have been made and that the amounts on deposit in such special funds or accounts are the amounts then required to be on deposit therein or (B) the application of the proceeds of sale of such obligations then being issued will cure any such default or deficiency; and

(ii) The Designated Financial Officer shall have executed a certificate stating that based on the books and records of the Issuer, during either the preceding Year, or any twelve (12) consecutive months out of the fifteen (15) months immediately preceding the date of the then proposed Additional First Lien Obligations, the Net Earnings are at least equal to 1.15 times the Average Annual Debt Service Requirements (computed on a fiscal year basis) of the First Lien Obligations to be outstanding **after the** issuance of the then proposed Additional First Lien Obligations.

(d) If the proceeds of the Additional First Lien Obligations are to be used to construct or acquire a Capital Addition, the following two certificates may be provided in lieu of the certificate required by (c)(ii) above:

(i) The Designated Financial Officer shall have executed a certificate stating that based on the books and records of the Issuer, during either the preceding Year, or any twelve (12) consecutive months out of the fifteen (15) months immediately preceding the date of the then proposed Additional First Lien Obligations, the Net Earnings are at least equal to 1.15 times the Average Annual Debt Service Requirements (computed on a fiscal year basis) of the First Lien Obligations to be outstanding **at the time** of issuance of the Additional First Lien Obligations then being issued; and

(ii) a certificate of an Accountant to the effect that the projected Net Earnings will be, in his or its opinion, for each of the five (5) Years subsequent to the date the Capital Addition becomes commercially operative (as estimated in the engineering report pertaining thereto) equal to at least 1.15 times the Average Annual Debt Service Requirements for First Lien Obligations then outstanding and all Additional First Lien Obligations estimated to be issued, if any, for all improvements to the System and for all Capital Additions then in progress or then being initiated during the period from the date the first series of obligations for the Capital Addition is to be delivered through the fifth Year subsequent to the date the Capital Addition is estimated to become commercially operative.

(e) In making a determination of Net Earnings for any of the purposes described in this Section, the Designated Financial Officer may take into consideration a change in the rates and charges for services and facilities afforded by the System that became effective at least sixty (60) days prior to the date the ordinance authorizing the issuance of the Additional First Lien Obligations is adopted and, for purposes of satisfying the Net Earnings tests described above, make a pro forma determination of the Net Earnings of the System for the period of time covered by said Designated Financial Officer's certification or opinion based on such change in rates and charges being in effect for the entire period covered by said Designated Financial Officer's certificate or opinion.

(f) First Lien Obligations may be refunded (pursuant to any law then available) upon such terms and conditions as the Issuer may deem to be in the best interest of the Issuer and its inhabitants, and if less than all such outstanding First Lien Obligations are refunded, the proposed refunding bonds shall be considered as "Additional First Lien Obligations" under the provisions of this Section and the certificate required in subsection (c)(ii) shall give effect to the issuance of the proposed refunding bonds (and shall not give effect to the bonds being refunded following their cancellation or provision being made for their payment).

(g) All calculations of Average Annual Debt Service Requirements made pursuant to this Section shall be made as of and from the date of the Additional First Lien Obligations then proposed to be issued.

Section 17. NO ISSUANCE OF OBLIGATIONS SENIOR TO THE FIRST LIEN OBLIGATIONS. That the Issuer covenants and agrees that it will not issue any obligations payable from and secured, in whole or in part, by a lien on and pledge of the Pledged Revenues, senior in rank and dignity to the lien on and pledge of such Pledged Revenues securing the payment of the First Lien Obligations, it being the intent of the

Issuer that upon the issuance of the Bonds, the Issuer will finance improvements and extensions of the System and refinance obligations issued for the purpose of improving and extending the System with First Lien Obligations.

Section 18. ISSUANCE OF SUBORDINATE OBLIGATIONS. The Issuer hereby reserves the right to issue, at any time, obligations including, but not limited to, Subordinate Lien Obligations, payable from and equally and ratably secured, in whole or in part, by a lien on and pledge of the Pledged Revenues, subordinate and inferior in rank and dignity to the lien on and pledge of such Pledged Revenues securing the payment of the First Lien Obligations, as may be authorized by the laws of the State of Texas.

Section 19. ISSUANCE OF SPECIAL PROJECT BONDS. Nothing in this Ordinance shall be construed to deny the Issuer the right and it shall retain, and hereby reserves unto itself, the right to issue Special Project Bonds secured by liens on and pledges of revenues and proceeds derived from Special Projects.

Section 20. DEFEASANCE OF BONDS.

(a) Any Bond and the interest thereon shall be deemed to be paid, retired and no longer outstanding (a "Defeased Bond") within the meaning of this Ordinance, except to the extent provided in subsection (d) of this Section, when payment of the principal of such Bond, plus interest thereon to the due date (whether such due date be by reason of maturity or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof, or (ii) shall have been provided for on or before such due date by irrevocably depositing with or making available to the Paying Agent/Registrar in accordance with an escrow agreement or other instrument (the "Future Escrow Agreement") for such payment (1) lawful money of the United States of America sufficient to make such payment or (2) Defeasance Securities that mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money to provide for such payment, and when proper arrangements have been made by the Issuer with the Paying Agent/Registrar for the payment of its services until all Defeased Bonds shall have become due and payable. At such time as a Bond shall be deemed to be a Defeased Bond hereunder, as aforesaid, such Bond and the interest thereon shall no longer be secured by, payable from, or entitled to the benefits of, the funds created and the revenues herein pledged as provided in this Ordinance, and such principal and interest shall be payable solely from such money or Defeasance Securities. Notwithstanding any other provision of this Ordinance to the contrary, it is hereby provided that any determination not to redeem Defeased Bonds that is made in conjunction with the payment arrangements specified in subsections (a)(i) or (ii) of this Section shall not be irrevocable, provided that: (1) in the proceedings providing for such payment arrangements, the Issuer expressly reserves the right to call the Defeased Bonds for redemption; (2) gives notice of the reservation of that right to the owners of the Defeased Bonds immediately following the making of the payment arrangements; and (3) directs that notice of the reservation be included in any redemption notices that it authorizes.

(b) Any moneys so deposited with the Paying Agent/Registrar may at the written direction of the Issuer be invested in Defeasance Securities, maturing in the amounts and times as hereinbefore set forth, and all income from such Defeasance Securities received by the Paying Agent/Registrar that is not required for the payment of the Bonds and interest thereon, with respect to which such money has been so deposited, shall be turned over to the Issuer, or deposited as directed in writing by the Issuer. Any Future Escrow Agreement pursuant to which the money and/or Defeasance Securities are held for the payment of Defeased Bonds may contain provisions permitting the investment or reinvestment of such moneys in Defeasance Securities or the substitution of other Defeasance Securities upon the satisfaction of the requirements specified in subsection (a)(i) or (ii) of this Section. All income from such Defeasance Securities received by the Paying Agent/Registrar which is not required for the payment of the Defeased Bonds, with respect to which such money has been so deposited, shall be remitted to the Issuer or deposited as directed in writing by the Issuer.

(c) The term “Defeasance Securities” means any securities and obligations now or hereafter authorized by the laws of the State of Texas that are eligible to refund, retire or otherwise discharge obligations such as the Bonds.

(d) Until all Defeased Bonds shall have become due and payable, the Paying Agent/Registrar shall perform the services of Paying Agent/Registrar for such Defeased Bonds the same as if they had not been defeased, and the Issuer shall make proper arrangements to provide and pay for such services as required by this Ordinance.

(e) In the event that the Issuer elects to defease less than all of the principal amount of Bonds of a maturity, the Paying Agent/Registrar shall select, or cause to be selected, such amount of Bonds by such random method as it deems fair and appropriate.

Section 21. DAMAGED, MUTILATED, LOST, STOLEN, OR DESTROYED BONDS.

(a) Replacement Bonds. In the event any outstanding Bond is damaged, mutilated, lost, stolen or destroyed, the Paying Agent/Registrar shall cause to be printed, executed and delivered, a new Bond of the same principal amount, maturity and interest rate, as the damaged, mutilated, lost, stolen or destroyed Bond, in replacement for such Bond in the manner hereinafter provided.

(b) Application for Replacement Bonds. Application for replacement of damaged, mutilated, lost, stolen or destroyed Bonds shall be made by the registered owner thereof to the Paying Agent/Registrar. In every case of loss, theft or destruction of a Bond, the registered owner applying for a replacement Bond shall furnish to the Issuer and to the Paying Agent/Registrar such security or indemnity as may be required by them to save each of them harmless from any loss or damage with respect thereto. Also, in every case of loss, theft or destruction of a Bond, the registered owner shall furnish to the Issuer and to the Paying Agent/Registrar evidence to their satisfaction of the loss, theft or destruction of such Bond, as the case may be. In every case of damage or mutilation of a Bond, the registered owner shall surrender to the Paying Agent/Registrar for cancellation the Bond so damaged or mutilated.

(c) No Default Occurred. Notwithstanding the foregoing provisions of this Section, in the event any such Bond shall have matured, and no default has occurred that is then continuing in the payment of the principal of, redemption premium, if any, or interest on the Bond, the Issuer may authorize the payment of the same (without surrender thereof except in the case of a damaged or mutilated Bond) instead of issuing a replacement Bond, provided security or indemnity is furnished as above provided in this Section.

(d) Charge for Issuing Replacement Bonds. Prior to the issuance of any replacement Bond, the Paying Agent/Registrar shall charge the registered owner of such Bond with all legal, printing, and other expenses in connection therewith. Every replacement Bond issued pursuant to the provisions of this Section by virtue of the fact that any Bond is lost, stolen or destroyed shall constitute a contractual obligation of the Issuer whether or not the lost, stolen or destroyed Bond shall be found at any time, or be enforceable by anyone, and shall be entitled to all the benefits of this Ordinance equally and proportionately with any and all other Bonds duly issued under this Ordinance.

(e) Authority for Issuing Replacement Bonds. In accordance with Section 1206.022, Texas Government Code, this Section 21 of this Ordinance shall constitute authority for the issuance of any such replacement Bond without necessity of further action by the governing body of the Issuer or any other body or person, and the duty of the replacement of such Bonds is hereby authorized and imposed upon the Paying Agent/Registrar, and the Paying Agent/Registrar shall authenticate and deliver such Bonds in the form and manner and with the effect, as provided in Section 4(a) of this Ordinance for Bonds issued in conversion and exchange for other Bonds.

Section 22. CUSTODY, APPROVAL, AND REGISTRATION OF BONDS; BOND COUNSEL'S OPINION; CUSIP NUMBERS AND CONTINGENT INSURANCE PROVISION, IF OBTAINED; ENGAGEMENT OF BOND COUNSEL.

(a) The Mayor and Finance Director of the Issuer are hereby authorized to have control of the Initial Bond and all necessary records and proceedings pertaining to the Initial Bond pending its delivery and its investigation, examination, and approval by the Attorney General and registration by the Comptroller. Upon registration of the Initial Bonds said Comptroller (or a deputy designated in writing to act for said Comptroller) shall manually sign the Comptroller's Registration Certificate attached to the Initial Bond, and the seal of said Comptroller shall be impressed, or placed in facsimile, on such Initial Bond. The approving legal opinion of the Issuer's Bond Counsel and the assigned CUSIP numbers may, at the option of the Issuer, be printed on the Bonds issued and delivered under this Ordinance, but neither shall have any legal effect, and shall be solely for the convenience and information of the registered owners of the Bonds. In addition, if bond insurance is obtained, the Bonds may bear an appropriate legend as provided by the insurer.

(b) The obligation of the initial purchaser to accept delivery of the Bonds is subject to the initial purchaser being furnished with the final, approving opinion of McCall, Parkhurst & Horton L.L.P., bond counsel to the Issuer, which opinion shall be dated as of and delivered on the date of initial delivery of the Bonds to the initial purchaser. The engagement of such firm as bond counsel to the Issuer in connection with issuance, sale and delivery of the Bonds is hereby approved and confirmed. The execution and delivery of an engagement letter between the Issuer and such firm, with respect to such services as bond counsel, is hereby authorized in such form as may be approved by the Mayor or the City Manager, and the Mayor or the City Manager is hereby authorized to execute such engagement letter.

Section 23. COVENANTS REGARDING TAX EXEMPTION OF INTEREST ON THE BONDS.

(a) Covenants. The Issuer covenants to take any action necessary to assure, or refrain from any action that would adversely affect, the treatment of the Bonds as obligations described in section 103 of the Code, the interest on which is not includable in the "gross income" of the holder for purposes of federal income taxation. In furtherance thereof, the Issuer covenants as follows:

(1) to take any action to assure that no more than 10 percent of the proceeds of the Bonds (less amounts deposited to a reserve fund, if any) are used for any "private business use," as defined in section 141(b)(6) of the Code or, if more than 10 percent of the proceeds or the projects financed or refinanced by the Bonds or the Refunded Bonds (the "Project") are so used, such amounts, whether or not received by the Issuer, with respect to such private business use, do not, under the terms of this Ordinance or any underlying arrangement, directly or indirectly, secure or provide for the payment of more than 10 percent of the debt service on the Bonds, in contravention of section 141(b)(2) of the Code;

(2) to take any action to assure that in the event that the "private business use" described in subsection (1) hereof exceeds 5 percent of the proceeds of the Bonds or the projects financed therewith (less amounts deposited into a reserve fund, if any) then the amount in excess of 5 percent is used for a "private business use" that is "related" and not "disproportionate," within the meaning of section 141(b)(3) of the Code, to the governmental use;

(3) to take any action to assure that no amount that is greater than the lesser of \$5,000,000, or 5 percent of the proceeds of the Bonds (less amounts deposited into a reserve fund, if any) is directly or indirectly used to finance loans to persons, other than state or local governmental units, in contravention of section 141(c) of the Code;

(4) to refrain from taking any action that would otherwise result in the Bonds being treated as "private activity bonds" within the meaning of section 141(b) of the Code;

(5) to refrain from taking any action that would result in the Bonds being “federally guaranteed” within the meaning of section 149(b) of the Code;

(6) to refrain from using any portion of the proceeds of the Bonds, directly or indirectly, to acquire or to replace funds that were used, directly or indirectly, to acquire investment property (as defined in section 148(b)(2) of the Code) that produces a materially higher yield over the term of the Bonds, other than investment property acquired with -

(A) proceeds of the Bonds invested for a reasonable temporary period of 3 years or less or, in the case of a refunding bond, for a period of 90 days or less until such proceeds are needed for the purpose for which the Bonds or refunding bonds are issued,

(B) amounts invested in a bona fide debt service fund, within the meaning of section 1.148-1(b) of the rules and regulations of the United States Department of the Treasury (the “Treasury Regulations”), and

(C) amounts deposited in any reasonably required reserve or replacement fund to the extent such amounts do not exceed 10 percent of the proceeds of the Bonds;

(7) to otherwise restrict the use of the proceeds of the Bonds or amounts treated as proceeds of the Bonds, as may be necessary, so that the Bonds do not otherwise contravene the requirements of section 148 of the Code (relating to arbitrage); and

(8) to refrain from using the proceeds of the Bonds or proceeds of any prior bonds to pay debt service on another issue more than 90 days after the date of issue of the Bonds in contravention of the requirements of section 149(d) of the Code (relating to advance refundings); and

(9) to pay to the United States of America at least once during each five-year period (beginning on the date of delivery of the Bonds) an amount that is at least equal to 90 percent of the “Excess Earnings,” within the meaning of section 148(f) of the Code and to pay to the United States of America, not later than 60 days after the Bonds have been paid in full, 100 percent of the amount then required to be paid as a result of Excess Earnings under section 148(f) of the Code.

(10) to assure that the proceeds of the Bonds will be used solely for new money projects.

(11) to assure that the Issuer will not acquire any of the Texas Water Development Board’s source series bonds in an amount related to the amount of Bonds acquired by the Texas Water Development Board.

(12) to file or cause to be filed with the Secretary of the Treasury, not later than the 15th day of the second calendar month after the close of the calendar quarter in which the Bonds are issued, an information statement concerning the Bonds, all under and in accordance with section 149(e) of the Code and the applicable Treasury Regulations promulgated thereunder;

(b) Rebate Fund. In order to facilitate compliance with the above covenant (a)(9), a “Rebate Fund” is hereby established by the Issuer for the sole benefit of the United States of America, and such Fund shall not be subject to the claim of any other person, including without limitation the Bondholders. The Rebate Fund is established for the additional purpose of compliance with section 148 of the Code.

(c) Use of Proceeds. For purposes of the foregoing covenants (a)(1) and (a)(2), the Issuer understands that the term “proceeds” includes “disposition proceeds” as defined in the Treasury Regulations and, in the case of the Bonds, transferred proceeds (if any) and proceeds of the Refunded Bonds expended prior to the date of issuance of the Bonds. It is the understanding of the Issuer that the covenants contained

herein are intended to assure compliance with the Code and any regulations or rulings promulgated by the U.S. Department of the Treasury pursuant thereto. In the event that regulations or rulings are hereafter promulgated that modify or expand provisions of the Code, as applicable to the Bonds, the Issuer will not be required to comply with any covenant contained herein to the extent that such failure to comply, in the opinion of nationally recognized bond counsel, will not adversely affect the exemption from federal income taxation of interest on the Bonds under section 103 of the Code. In the event that regulations or rulings are hereafter promulgated that impose additional requirements applicable to the Bonds, the Issuer agrees to comply with the additional requirements to the extent necessary, in the opinion of nationally recognized bond counsel, to preserve the exemption from federal income taxation of interest on the Bonds under section 103 of the Code. In furtherance of such intention, the Issuer hereby authorizes and directs the Mayor, City Manager, or Finance Director to execute any documents, certificates or reports required by the Code and to make such elections, on behalf of the Issuer, that may be permitted by the Code as are consistent with the purpose for the issuance of the Bonds.

(d) Disposition of Projects. The Issuer covenants that the property constituting the Projects will not be sold or otherwise disposed in a transaction resulting in the receipt by the Issuer of cash or other compensation, unless any action taken in connection with such disposition will not adversely affect the tax-exempt status of the Bonds. For purpose of the foregoing, the Issuer may rely on an opinion of nationally-recognized bond counsel that the action taken in connection with such sale or other disposition will not adversely affect the tax-exempt status of the Bonds. For purposes of the foregoing, the portion of the property comprising personal property and disposed in the ordinary course shall not be treated as a transaction resulting in the receipt of cash or other compensation. For purposes hereof, the Issuer shall not be obligated to comply with this covenant if it obtains a legal opinion that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

Section 24. CONSTRUCTION FUND; INVESTMENT EARNINGS; SECURITY FOR DEPOSITS.

(a) The Issuer hereby creates and establishes and shall maintain on the books of the Issuer a separate fund to be entitled the "Series 2019 Revenue Bond Construction Fund" for use by the Issuer for payment of all lawful costs associated with the acquisition and construction of the Project as hereinbefore provided, and to pay the costs of issuance of the Bonds. Upon payment of all such costs, any moneys remaining on deposit in said Fund shall be transferred to the Interest and Sinking Fund

(b) The Issuer may place proceeds of the Bonds (including investment earnings thereon) and amounts deposited into the Interest and Sinking Fund in investments authorized by the Public Funds Investment Act, Chapter 2256, Texas Government Code, as amended; provided, however, that the Issuer hereby covenants that the proceeds of the sale of the Bonds will be used as soon as practicable for the purposes for which the Bonds are issued. Interest earnings derived from the investment of proceeds from the sale of the Bonds shall be used along with other Bond proceeds for the Project; provided that after completion of such purpose, if any of such interest earnings remain on hand, such interest earnings shall be deposited in the Interest and Sinking Fund. It is provided, however, that any interest earnings on Bond proceeds that are required to be rebated to the United States of America pursuant to Section 23 hereof in order to prevent the Bonds from being arbitrage bonds shall be so rebated and not considered as interest earnings for the purposes of this Section.

(c) All deposits authorized or required by this Ordinance shall be secured to the fullest extent required by law for the security of public funds as provided in Chapters 2256 and 2257, Texas Government Code, as amended.

Section 25. SALE OF BONDS; FURTHER PROCEDURES.

(a) The Bonds are hereby sold and shall be delivered to or pursuant to the directions of the TWDB at a purchase price equal to 100% of the principal amount thereof. The Bonds have been purchased by the

TWDB pursuant to the TWDB Resolution, and in accordance with such resolution the Issuer shall pay an origination charge to the TWDB in the amount specified therein, if any.

(d) The Mayor and Mayor Pro Tem, the City Clerk, City Manager and Finance Director of the Issuer shall be and they are hereby expressly authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name and on behalf of the Issuer such documents, certificates and other instruments, whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance, the Bonds, the sale of the Bonds, the Paying Agent/Registrar Agreement, and the Blanket Issuer Letter of Representations of the Issuer to DTC. In case any officer whose signature shall appear on any Bond shall cease to be such officer before the delivery of such Bond, such signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

Section 26. DEFAULT AND REMEDIES

(a) Events of Default. Each of the following occurrences or events for the purpose of this Ordinance is hereby declared to be an Event of Default:

(i) the failure to make payment of the principal of or interest on any of the Bonds when the same becomes due and payable; or

(ii) default in the performance or observance of any other covenant, agreement or obligation of the Issuer, the failure to perform which materially, adversely affects the rights of the registered owners of the Bonds, including, but not limited to, their prospect or ability to be repaid in accordance with this Ordinance, and the continuation thereof for a period of 60 days after notice of such default is given by any Registered Owner to the Issuer.

(b) Remedies for Default.

(i) Upon the happening of any Event of Default, then and in every case, any Registered Owner or an authorized representative thereof, including, but not limited to, a trustee or trustees therefor, may proceed against the Issuer for the purpose of protecting and enforcing the rights of the Registered Owners under this Ordinance, by mandamus or other suit, action or special proceeding in equity or at law, in any court of competent jurisdiction, for any relief permitted by law, including the specific performance of any covenant or agreement contained herein, or thereby to enjoin any act or thing that may be unlawful or in violation of any right of the Registered Owners hereunder or any combination of such remedies.

(ii) It is provided that all such proceedings shall be instituted and maintained for the equal benefit of all Registered Owners of Bonds then outstanding.

(c) Remedies Not Exclusive.

(i) No remedy herein conferred or reserved is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or under the Bonds or now or hereafter existing at law or in equity; provided, however, that notwithstanding any other provision of this Ordinance, the right to accelerate the debt evidenced by the Bonds shall not be available as a remedy under this Ordinance.

(ii) The exercise of any remedy herein conferred or reserved shall not be deemed a waiver of any other available remedy.

(iii) By accepting the delivery of a Bond authorized under this Ordinance, such Registered Owner agrees that the certifications required to effectuate any covenants or representations contained in this Ordinance do not and shall never constitute or give rise to a personal or pecuniary liability or charge against the officers, employees or trustees of the Issuer or the City Council.

(iv) None of the members of the City Council, nor any other official or officer, agent, or employee of the Issuer, shall be charged personally by the registered owners with any liability, or be held personally liable to the registered owners under any term or provision of this Ordinance, or because of any Event of Default or alleged Event of Default under this Ordinance.

Section 27. COMPLIANCE WITH RULE 15c2-12.

(a) Definitions. As used in this Section, the following terms have the meanings ascribed to such terms below:

“MSRB” means the Municipal Securities Rulemaking Board.

“Rule” means SEC Rule 15c2-12, as amended from time to time.

“SEC” means the United States Securities and Exchange Commission.

(b) Annual Reports.

(i) The Issuer shall provide annually to the MSRB, within twelve months after the end of each Fiscal Year ending in or after 2019, financial information and operating data with respect to the Issuer of the general type included in the Issuer’s application to the Texas Water Development Board, provided that such information and data is customarily prepared by the Issuer and publicly available.

Any financial statements so to be provided shall be (1) prepared in accordance with the accounting principles described in the notes to the financial statements filed with the TWDB as part of the Issuer’s application for financial assistance, or such other accounting principles as the Issuer may be required to employ from time to time pursuant to state law or regulation, and (2) audited, if the Issuer commissions an audit of such statements and the audit is completed within the period during which they must be provided. If the audit of such financial statements is not complete within such period, then the Issuer shall provide unaudited financial statements by the required time and will provide audited financial statements for the applicable Fiscal Year to the MSRB, when and if the audit report on such statements become available. Such information shall be transmitted electronically to the MSRB, in such format and accompanied by such identifying information as prescribed by the MSRB.

(ii) If the Issuer changes its fiscal year, it will notify the MSRB of the change (and of the date of the new fiscal year end) prior to the next date by which the Issuer otherwise would be required to provide financial information and operating data pursuant to this Section. The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any document that is available to the public on the MSRB’s internet website or filed with the SEC. All documents provided to the MSRB pursuant to this Section shall be accompanied by identifying information as prescribed by the MSRB.

(c) Notice of Certain Events.

(i) The Issuer shall file notice of any of the following events with respect to the Bonds with the MSRB in a timely manner and not more than 10 business days after occurrence of the event:

(1) Principal and interest payment delinquencies;

- (2) Non-payment related defaults, if material;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB), or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
- (7) Modifications to rights of holders of the Bonds, if material;
- (8) Bond calls, if material, and tender offers;
- (9) Defeasances;
- (10) Release, substitution, or sale of property securing repayment of the Bonds, if material;
- (11) Rating changes;
- (12) Bankruptcy, insolvency, receivership, or similar event of the Issuer;
- (13) The consummation of a merger, consolidation, or acquisition involving the Issuer or the sale of all or substantially all of the assets of the Issuer, other than in the ordinary course of business, the entry into of a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material;
- (15) Incurrence of a Financial Obligation of the Issuer, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the Issuer, any of which affect security holders, if material; and
- (16) Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a Financial Obligation of the Issuer, any of which reflect financial difficulties.

For these purposes, (i) any event described in the immediately preceding paragraph (12) is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent, or similar officer for the Issuer in a proceeding under the United States Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the Issuer, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers of the Issuer in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement, or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the Issuer., and (ii) the Issuer intends the words used in the immediately preceding paragraphs (15) and (16) and the definition of Financial Obligation in this Section to have the same meanings as when they are used in the Rule, as evidenced by SEC Release No. 34-83885, dated August 20, 2018.

The Issuer shall notify the MSRB, in an electronic format as prescribed by the MSRB, in a timely manner, of any failure by the Issuer to provide financial information or operating data in accordance with this subsection by the time required. All documents provided to the MSRB pursuant to this subsection shall be accompanied by identifying information as prescribed by the MSRB.

(d) Limitations, Disclaimers, and Amendments.

(i) The Issuer shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the Issuer remains an “obligated person” with respect to the Bonds within the meaning of the Rule, except that the Issuer in any event will give notice of

any deposit made in accordance with this Ordinance or applicable law that causes Bonds no longer to be outstanding.

(ii) The provisions of this Section are for the sole benefit of the registered owners and beneficial owners of the Bonds, and nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The Issuer undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the Issuer's financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Section or otherwise, except as expressly provided herein. The Issuer does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Bonds at any future date.

(iii) UNDER NO CIRCUMSTANCES SHALL THE ISSUER BE LIABLE TO THE REGISTERED OWNER OR BENEFICIAL OWNER OF ANY BOND OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE ISSUER, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.

(iv) No default by the Issuer in observing or performing its obligations under this Section shall comprise a breach of or default under this Ordinance for purposes of any other provision of this Ordinance. Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the Issuer under federal and state securities laws.

(v) Should the Rule be amended to obligate the Issuer to make filings with or provide notices to entities other than the MSRB, the Issuer hereby agrees to undertake such obligation with respect to the Bonds in accordance with the Rule as amended. The provisions of this Section may be amended by the Issuer from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the Issuer, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Bonds in the primary offering of the Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule since such offering as well as such changed circumstances and (2) either (a) the registered owners of a majority in aggregate principal amount (or any greater amount required by any other provision of this Ordinance that authorizes such an amendment) of the outstanding Bonds consent to such amendment or (b) a person that is unaffiliated with the Issuer (such as nationally recognized bond counsel) determined that such amendment will not materially impair the interest of the registered owners and beneficial owners of the Bonds. The Issuer may also amend or repeal the provisions of this continuing disclosure agreement if the SEC amends or repeals the applicable provision of the Rule or a court of final jurisdiction enters judgment that such provisions of the Rule are invalid, but only if and to the extent that the provisions of this sentence would not prevent an underwriter from lawfully purchasing or selling Bonds in the primary offering of the Bonds. If the Issuer so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided in accordance with subsection (b) of this Section an explanation, in narrative form, of the reason for the amendment and of the impact of any change in the type of financial information or operating data so provided.

Section 28. METHOD OF AMENDMENT. The Issuer hereby reserves the right to amend this Ordinance subject to the following terms and conditions, to wit:

(a) The Issuer may from time to time, without the consent of any holder of a First Lien Obligation, except as otherwise required by paragraph (b) below, amend or supplement this Ordinance in order to (i) cure any ambiguity, defect or omission in this Ordinance that does not materially adversely affect the interests of the holders of First Lien Obligations, (ii) grant additional rights or security for the benefit of the holders of First Lien Obligations, (iii) add events of default as shall not be inconsistent with the provisions of this Ordinance and that shall not materially adversely affect the interests of the holders of First Lien Obligations, (iv) qualify this Ordinance under the Trust Indenture Act of 1939, as amended, or corresponding provisions of federal laws from time to time in effect, or (v) make such other provisions in regard to matters or questions arising under this Ordinance as shall not be inconsistent with the provisions of this Ordinance and that shall not in the opinion of the Issuer's Bond Counsel materially adversely affect the interests of the holders of First Lien Obligations.

(b) That the owners of First Lien Obligations aggregating in principal amount 51% of the aggregate principal amount of then outstanding First Lien Obligations (for purposes of this sentence only, 100% of the aggregate principal amount of First Lien Obligations which are insured by a bond insurance provider at the time that the Issuer seeks approval of an amendment shall be deemed to be owned by such bond insurance provider) shall have the right from time to time to approve any amendment to this Ordinance which may be deemed necessary or desirable by the Issuer; provided, however, that without the consent of the owners of all of the First Lien Obligations at the time outstanding, nothing herein contained shall permit or be construed to permit the amendment of the terms and conditions in this Ordinance or in the First Lien Obligations so as to:

- (1) Make any change in the maturity of any of the outstanding First Lien Obligations;
- (2) Reduce the rate of interest borne by any of the outstanding First Lien Obligations;
- (3) Reduce the amount of the principal payable on the outstanding First Lien Obligations;
- (4) Modify the terms of payment of principal of or interest on the outstanding First Lien Obligations or impose any conditions with respect to such payment;
- (5) Affect the rights of the holders of less than all of the First Lien Obligations then outstanding;
- (6) Change the minimum percentage of the principal amount of First Lien Obligations necessary for consent to such amendment; or
- (7) Amend this subsection (b) of this Section 28.

(c) If at any time the Issuer shall desire to amend this Ordinance under this Section, the Issuer shall send by U.S. mail to each registered owner of the affected First Lien Obligations a copy of the proposed amendment. Such notice shall briefly set forth the nature of the proposed amendment.

(d) Whenever at any time within one year from the date of the mailing of such notice the Issuer shall receive an instrument or instruments executed by the holders of at least 51% in aggregate principal amount of all of the First Lien Obligations then outstanding that are required for the amendment, which instrument or instruments shall refer to the proposed amendment and that shall specifically consent to and approve such amendment, the Issuer may adopt the amendment in substantially the same form.

(e) Upon the adoption of any amendatory Ordinance pursuant to the provisions of this Section, this Ordinance shall be deemed to be modified and amended in accordance with such amendatory Ordinance, and the respective rights, duties, and obligations of the Issuer and all holders of such affected First Lien Obligations shall thereafter be determined, exercised, and enforced, subject in all respects to such amendment.

(f) Any consent given by the holder of a First Lien Obligation pursuant to the provisions of this Section shall be irrevocable for a period of six months from the date of the mailing of notice as provided for in this Section, and shall be conclusive and binding upon all future holders of the same First Lien Obligation during such period. Such consent may be revoked at any time after six months from the date of mailing of said notice by the holder who gave such consent, or by a successor in title, by filing notice with the Issuer, but such revocation shall not be effective if the holders of 51% in aggregate principal amount of the affected First Lien Obligations then outstanding, have, prior to the attempted revocation, consented to and approved the amendment.

(g) For the purposes of establishing ownership of the First Lien Obligations, the Issuer shall rely solely upon the registration of the ownership of such First Lien Obligation on the registration books kept by the respective paying agent/registrar of such First Lien Obligations.

(h) That the foregoing provisions of this Section notwithstanding, the Issuer by action of the City Council may amend this Ordinance for any one or more of the following purposes:

(1) To add to the covenants and agreements of the Issuer in this Ordinance contained, other covenants and agreements thereafter to be observed, grant additional rights or remedies to bondholders or to surrender, restrict or limit any right or power herein reserved to or conferred upon the Issuer;

(2) To make such provisions for the purpose of curing any ambiguity, or curing, correcting or supplementing any defective provision contained in this Ordinance, or in regard to clarifying matters or questions arising under this Ordinance, including, without limitation, those matters described in Section 27(d)(v) hereof, or those matters necessary to obtain a rating on the Bonds or to obtain the approving opinion of the Attorney General of Texas as required by law, as are necessary or desirable and not contrary to or inconsistent with this Ordinance and which shall not adversely affect the interests of the holders of the First Lien Obligations;

(3) To make such amendments to this Ordinance as may be required, in the opinion of nationally-recognized bond counsel selected by the Issuer, to ensure compliance with sections 103 and 141 through 150 of the Code and the regulations promulgated thereunder and applicable thereto;

(4) To modify any of the provisions of this Ordinance in any other respect whatever, provided that (i) such modification shall be, and be expressed to be, effective only after all First Lien Obligations outstanding at the date of the adoption of such modification shall cease to be outstanding, and (ii) such modification shall be specifically referred to in the text of all First Lien Obligations issued after the date of the adoption of such modification.

Section 29. COMPLIANCE WITH THE TWDB'S RULES AND REGULATIONS. The provisions of this Section shall apply in addition to any other Section hereof which provides rights to the TWDB so long as the Bonds, or any of them, are owned by the TWDB. The Issuer hereby agrees to comply with all conditions set forth in the TWDB Resolution, which conditions are incorporated herein.

(a) Annual Audit Reporting. The Issuer shall provide the Texas Water Development Board with an annual report prepared in accordance with generally accepted auditing standards by a certified public accountant or licensed public accountant, to be submitted without charge within 120 days of the close of each fiscal year.

(b) Covenant to Abide with Rules. The Issuer will abide with all applicable laws of the State of Texas and Rules of the Texas Water Development Board relating to the loan of funds evidenced by the Bonds and the Project for which the Bonds are issued, sold and delivered.

(c) Water Conservation Program. The Issuer agrees and covenants that it will implement an approved water conservation program in accordance with 31 TAC § 371.71.

(d) Records and Accounts. The Issuer agrees and covenants that it will maintain current, accurate and complete records and accounts regarding the System in accordance with 31 TAC § 371.71.

(e) Environmental Determinations. The Issuer agrees and covenants that it will comply with any special conditions of the environmental determination of the Executive Administrator in accordance with 31 TAC § 371.71.

(f) Prohibition on Use of Proceeds. The Issuer covenants and agrees that none of the proceeds of the Bonds will be expended on costs incurred or to be incurred relating to the sampling, testing, removing or disposing of potentially contaminated soils and/or media at the project site.

(g) Indemnification. The Issuer further agrees, to the extent permitted by law, to indemnify, hold harmless and protect the Texas Water Development Board from any and all claims or causes of action or damages to the person or property of third parties arising from the sampling, analysis, transport, storage, treatment, removal and off site disposition of any contaminated sewage sludge, contaminated sediments and/or contaminated media that may be generated by the Issuer, its contractors, consultants, agents, officials and employees as a result of activities relating to the Project.

(h) Conveyance of Obligations. Prior to any action by the Issuer to convey its obligations under the Bonds to another entity, if permitted by law, the conveyance and the assumption of such obligations must be approved by the Texas Water Development Board. The Issuer shall notify the Executive Administrator prior to taking any actions to alter its legal status in any manner, such a sale-transfer-merger with another retail public utility.

(i) Davis-Bacon Act Compliance. All laborers and mechanics employed by contractors and subcontractors for the Project who are paid from proceeds of the Bonds on deposit in the Construction Fund shall be paid wages at rates not less than those prevailing on projects of a similar character in the locality of the Issuer in accordance with the federal Davis-Bacon Act and the U.S. Department of Labor's implementing regulations pertaining thereto.

(j) Federal Funding Accountability and Transparency Act. The Issuer shall provide the Texas Water Development Board with all information required by the Federal Funding Accountability and Transparency Act of 2006, Pub. L. 109-282.

(k) DUNS Number and CAGE Code. The Issuer shall obtain a Data Information Numbering System (DUNS) Number and shall register with the System for Award Management to obtain a Commercial and Government Entity (CAGE) Code, and maintain current registration at all times during which the Bonds are outstanding.

(l) Timely Expenditures. All proceeds of the Bonds will be timely and expeditiously used, as required by applicable federal statutes and U.S. Environmental Protection Agency regulations, and the Issuer shall adhere to a project construction schedule acceptable to the Executive Administrator that facilitates timely use of funds and project completion.

(m) As-Built Plans. The Issuer shall provide to the Texas Water Development Board a full and complete set of "as-built" plans relating to the Project, promptly upon completion of the Project.

(n) Final Accounting. The Issuer shall render a final accounting of the cost of the Project to the Texas Water Development Board within 60 days of the completion of the Project. If the total cost of the Project, as finally completed, is less than originally estimated, so that the proper share of the participation by the Texas Water Development Board in the Project is reduced, such surplus proceeds shall be used in accordance with subsection (o) below.

(o) Surplus Proceeds. Notwithstanding any other provision of this Order or the Bonds restricting early redemption of the Bonds, the Issuer shall use any surplus proceeds from the Bonds that are determined to be surplus funds remaining after completion of the project and completion of a final accounting in a manner as approved by the Texas Water Development Board's ("TWDB") Executive Administrator (the "Executive Administrator"), including without limitation to redeem, on any date, the Bonds owned by the TWDB, at a price of par plus accrued interest to the date fixed for redemption.

(p) Insurance. Insurance coverage be obtained and maintained by the Issuer in an amount sufficient to protect the interest of the Texas Water Development Board in the Project.

(q) Remedies. The TWDB may exercise all remedies available to it in law or equity, and any provision of the Bonds or this Resolution that restricts or limits the TWDB's full exercise of such remedies shall be of no force and effect.

(r) American Iron and Steel Requirements. The Issuer will abide by all applicable construction contract requirements related to the use of iron and steel products in the United States, as required by the 2014 Federal Appropriations Act and related State Revolving Fund Policy Guidelines.

(s) Covenant Regarding Taxes and System Rates. The Issuer hereby agrees that, for so long as the Bonds are outstanding, to maintain and collect sufficient rates and charges to produce System revenues in an amount necessary to meet the debt service requirements of all First Lien Obligations and to maintain the funds established and required by this Ordinance and the Bonds.

(t) Outlay Reports. The Issuer shall submit outlay reports with sufficient documentation on costs on a quarterly or monthly basis in accordance with TWDB outlay report guidelines.

Section 30. SEVERABILITY. If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereof to any persons or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portion of this Ordinance, despite such invalidity, which remaining portions shall remain in full force and effect.

Section 31. NO PERSONAL LIABILITY. No recourse shall be had for payment of the principal of or interest on any Bonds or for any claim based thereon, or on this Ordinance, against any official or employee of the Issuer or any person executing any Bond.

Section 33. OPEN MEETING. It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public, and that public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

Section 34. IMMEDIATE EFFECTIVE DATE. This Ordinance shall take effect and be in force immediately upon and after its adoption by the City Council in accordance with the provisions of Section 1201.028, Texas Government Code and the provisions of the City Charter of the Issuer, and it is accordingly so ordained.

(Execution Page Follows)

APPROVED AND ADOPTED ON THE 15TH DAY OF OCTOBER, 2019

Brenda Gunter, Mayor
City of San Angelo, Texas

Attest

Julia Antilley, City Clerk
City of San Angelo, Texas

Approved As to Form:

Approved As to Content:

Rodolfo Segura Jr
McCall, Parkhurst & Horton L.L.P.

Tina Dierschke, Finance Director
City of San Angelo, Texas

[CITY SEAL]

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: October 15, 2019

Item type: Regular Item

Caption:

First reading and public hearing of:

1. An ordinance approving CP19-02, an amendment to the Comprehensive Plan, changing certain lands from the Neighborhood Future Land Use to the Commercial Future Land Use, being the east 5.9 acres of an unaddressed 11.3374 acre tract located approximately 250-ft west of the intersection of Sunset Dr. and YMCA Dr.
2. An ordinance for Z19-15, a rezoning from the Heavy Commercial (CH) Zoning District to the General Commercial (CG) Zoning District, being an unaddressed 11.3374 acre tract located approximately 250-ft west of the intersection of Sunset Dr. and YMCA Dr. (Presentation made by Planning & Development Services Director Jon James)

Summary/History:

The applicant has applied for a Comprehensive Plan Amendment and associated rezoning to facilitate a future dental office and retail/commercial development on the 11.3374-acre property. The applicant intends to re-designate the east 5.9 acres of the property from Neighborhood to "Commercial" in order to facilitate rezoning the entire property from Heavy Commercial (CH) to General Commercial (CG) which would allow the intended uses.

Financial Impact:

N/A

Other Information/Recommendation:

On September 16, 2019, the Planning Commission unanimously recommended by a 5-0 vote APPROVAL of an amendment to the City of San Angelo Comprehensive Plan, changing the east 5.9 acres from the Neighborhood Future Land Use to the Commercial Future Land Use.

On September 16, 2019, the Planning Commission unanimously recommended by a 5-0 vote APPROVAL of a rezoning from the Heavy Commercial (CH) Zoning District to the General Commercial (CG) Zoning District on the entire 11.3374 acres.

Attachments:

- | | |
|------------------------------------|--------------------------------------|
| 1. Staff Report (CP19-02 & Z19-15) | Staff Report (CP19-02 & Z19-15).docx |
| 2. Ordinance (CP19-02) | Ordinance (CP19-02).docx |
| 3. Ordinance (Z19-15) | Ordinance (Z19-15).docx |

Presentation:

Jon James

Approvals/Reviews:

Jeff Fisher

Created/Initiated

Hillary Bueker
Jon James
Brandon Dyson
Jon James
Theresa James
Julia Antilley

Approved
Approved
Approved
Approved
Approved
Final Approval

CITY COUNCIL – October 15, 2019

STAFF REPORT



APPLICATION TYPE:		CASES:	
Comprehensive Plan Amendment & Rezoning		CP19-02/Z19-15: Blaneck	
SYNOPSIS:			
The applicant has applied for a Comprehensive Plan Amendment and associated Rezoning to facilitate a future dental office and retail/commercial development on the 11.3374-acre property. The applicant intends to re-designate the east 5.9 acres of the property from Neighborhood to “Commercial” in order to facilitate rezoning the entire property from Heavy Commercial (CH) to General Commercial (CG) which would allow the intended uses.			
LOCATION:		LEGAL DESCRIPTION:	
An unaddressed 11.3374-acre property located approximately 250 feet west of the intersection of Sunset Drive and YMCA Drive.		Being 11.3374 acres in Tract 2 of the J.C.M. Addition, Section Two	
SM DISTRICT / NEIGHBORHOOD:	ZONING	FUTURE LAND USE:	SIZE:
SMD District #1 – Tommy Hiebert Rio Vista Neighborhood	CH	West 5.37 ac. - Commercial East 5.9 ac. - Neighborhood	11.3374 acres
THOROUGHFARE PLAN:			
Sunset Drive – Urban Collector Street Required: 60’ right-of-way, 50’ pavement; Provided: 80’ right-of-way, 64’ pavement			
NOTIFICATIONS:			
6 notifications were mailed within a 200-foot radius on August 29, 2019. No responses in support or against.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of a Comprehensive Plan Amendment changing the Future Land Use designation from “Neighborhood” to “Commercial,” and APPROVAL of a Rezoning from the Heavy Commercial (CH) Zoning District to the General Commercial (CG) Zoning District.			
PROPERTY OWNER/PETITIONER:			
Owner: Duncan Interests LP Applicant: Louis Blaneck			
STAFF CONTACT:			
Jeff Fisher, AICP Principal Planner (325) 657-4210, Extension 1550 jeff.fisher@cosatx.us			

Comprehensive Plan Amendments and 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 as outlined in #1 through #7 below. Comprehensive Plan Amendments are reviewed in the context of the San Angelo Strategic Plan, the 2009 Update to the Comprehensive Plan and outlined in #1 below:

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.**

Comprehensive Plan Amendment: The proposed Comprehensive Plan Amendment from Neighborhood to Commercial would be consistent with the surrounding development pattern in the area and facilitate the associated rezoning to CG. Commercial designations “often are single-use centers consisting of large retail and office clusters that seek visibility and convenient access onto the major street network” and transition areas are encouraged to “improve the relationship and connectivity between neighborhoods and Commercial areas” including “new pedestrian and/or vehicular connections”. The Comprehensive Plan Amendment would allow commercial development on the east 5.9 acres of the property and the entire property has remained vacant since it was platted in 1986. This new commercial development will provide a transition between the Community Medical Campus to the west, Glazers distribution facility to the south, and the existing Quadrangle Apartments to the east. As part of any future development, Planning Staff will require a sidewalk along Sunset Drive which already has a heavily travelled pedestrian path and is located along a Concho Valley Transit bus route.

Rezoning: The associated Rezoning from Heavy Commercial (CH) to General Commercial (CG) removes the CH zoning which is incompatible with the adjacent Quadrangle apartment complex. The CG zone provides an effective transition to the apartments from the more intense land uses to the west and south, and provides additional commercial amenities to the apartments and larger residential community to the east. The CG zoning allows the intended uses of a medical office and retail/commercial development and prohibits more intense uses such as industrial service, warehousing, and wholesale trade.

2. **Consistent with Zoning Ordinance.** **Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.** The subject property at 11.3374 acres in size would easily comply with the minimum lot area of 6,000 square feet, minimum lot frontage of 50 feet, minimum lot depth of 80 feet, and all required setbacks in the CG zoning district (25 foot front yard facing Sunset Drive; 10-foot side yard abutting the apartments to the east). At time of permitting, the applicant will be required to install a minimum six-foot high opaque privacy fence along the east property line adjacent to the RM-1 zoning district and apartments as required

by Section 509 of the Zoning Ordinance. Also at time of permitting, adequate parking will be required to be installed. Retail uses require one parking space per 200 square feet of gross floor area for the first 20,000 square feet, and one parking space per 250 square feet above the first 20,000 square feet. Medical offices require one parking space per 500 square feet of gross floor area. It is noted that the applicant has had discussions with Planning Staff of replatting the subject property. Any future replat would require all new lots and remainders to be platted.

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 proposed retail commercial would be compatible with the apartments and nearby residential community. The requirement to install a six-foot high privacy fence along the east property line will provide an additional buffer from the apartment complex.
4. **Changed Conditions.** *Whether and the extent to which there are changed conditions that require an amendment.* Aerial photography confirms that the property has remained vacant since 1972, and since 1979 when it was rezoned from R-1 residential to C-H Heavy Commercial (now CH). Rezoning to CG will allow new retail opportunities and remove the CH zoning which is incompatible with the adjacent residential apartments.
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 subject lot is not located within any floodway or floodplain and there is no anticipated adverse impacts on the environment. A review of grading, drainage, and stormwater would be conducted at time of permitting, or at the platting stage of the property is subdivided.
6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.* Planning Staff believe there is a demonstrated community need for the associated Comprehensive Plan Amendment and associated rezoning. As indicated, the property has remained vacant since it was rezoned in 1972. A rezoning would provide additional retail opportunities and medical offices close to the existing residential area, avoiding the need to commute northwest to Knickerbocker Road to service their needs.
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.* If these applications are approved, future retail commercial uses would be consistent with the existing development pattern, utilizing Sunset Drive, a major collector street for access. This collector street functions

as an arterial street at 64 feet in width with two lanes of traffic on either side, a total of four lanes. This street can accommodate higher traffic volumes and Staff believes that given the width and functionality of this street, additional commercial development can be accommodated in this location.

Planning Commission Recommendation:

On September 16, 2019, the Planning Commission recommended unanimous **APPROVAL by a vote of 5-0** of an amendment to the City of San Angelo Comprehensive Plan, changing the east 5.9 acres from the Neighborhood Future Land Use to the Commercial Future Land Use; and recommend unanimous **APPROVAL by a vote of 5-0** of a rezoning from the Heavy Commercial (CH) Zoning District to the General Commercial (CG) Zoning District on the entire 11.3374-acre tract. The following is the complete excerpt of the draft minutes from the September 16, 2019, meeting for this case:

Jeff Fisher, Principal Planner, presented the proposed Comprehensive Plan amendment and associated Rezoning. He explained that the applicant is applying to redesignate the east 5.9 acres of the property to Commercial to facilitate the Rezoning on the entire 11.3374 acres to CG. Mr. Fisher indicated that the applicant intended to construct a dental office on a portion of the property and use the remainder for future commercial development.

Mr. Fisher outlined Staff's rationale to approve the rezoning on the grounds that the Commercial designation and underlying CG zoning will provide a transition between the apartments and more intense uses to the west and south; that the property will be able to comply with the CG zoning; that the required six-foot high privacy fence will provide screening between the apartments and future commercial uses; and that the property has remained vacant since 1979 when it was rezoned to CH.

Vice Chair Spano opened public comment.

There was no public comment and Vice Chair Spano closed public comment.

Commissioner Brooks made a Motion to recommend APPROVAL of an amendment to the City of San Angelo Comprehensive Plan, changing the east 5.9 acres from the Neighborhood Future Land Use to the Commercial Future Land Use as presented. Commissioner Smith seconded the motion. The Motion passed unanimously 5-0.

Commissioner Jackson made a Motion to recommend APPROVAL of a rezoning from the Heavy Commercial (CH) Zoning District to the General Commercial (CG) Zoning District on the entire 11.3374-acre tract. Commissioner Smith seconded the motion. The Motion passed unanimously 5-0.

Recommendation:

Staff's recommendation is for **City Council** to:

1. **APPROVE** a Comprehensive Plan Amendment, changing the Future Land Use designation from "Neighborhood" to "Commercial" on the east 5.9 acres of the subject property.
2. **APPROVE** a Rezoning from the Heavy Commercial (CH) Zoning District to the General Commercial (CG) Zoning District for the entire 11.3374-acre property.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Photographs
Zone Change Criteria Sheet
Applications



Comp. Plan Amendment and Rezoning

CP19-08 / Z19-18: BlaneK

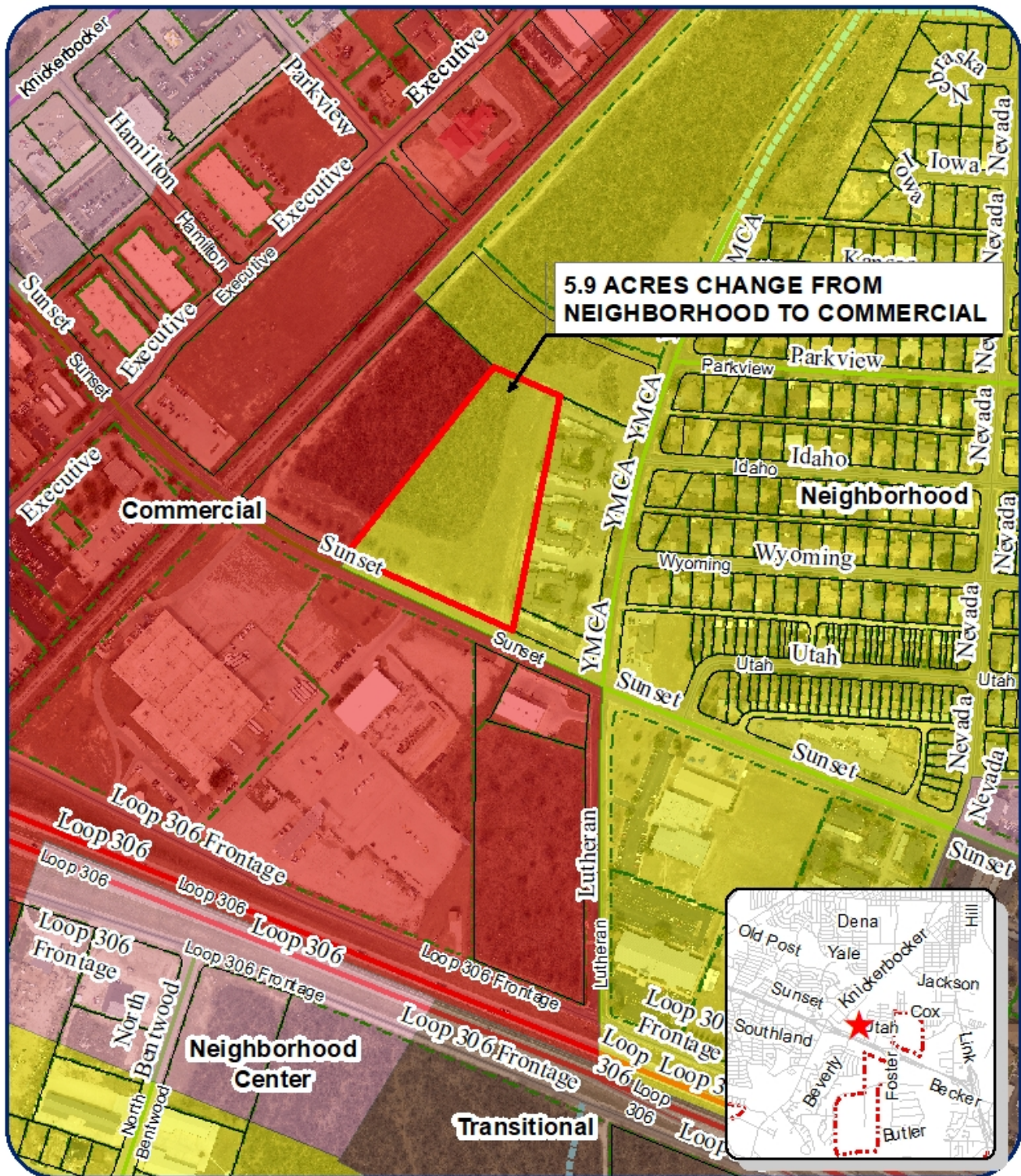
Council District: Tommy Hiebert -District 1
Neighborhood: Rio Vista
Scale: 1" approx. = 300 ft

Legend

Subject Properties: —
Current Zoning: **CH**
Requested Zoning Change: **CG**
Vision: **Commercial and Neighborhood**



An 11.3374-acre tract, portion of Tr. 2, Blk 1 of JCM Addition, Section 2



Amendment to Comprehensive Plan

CP19-02: BlaneK

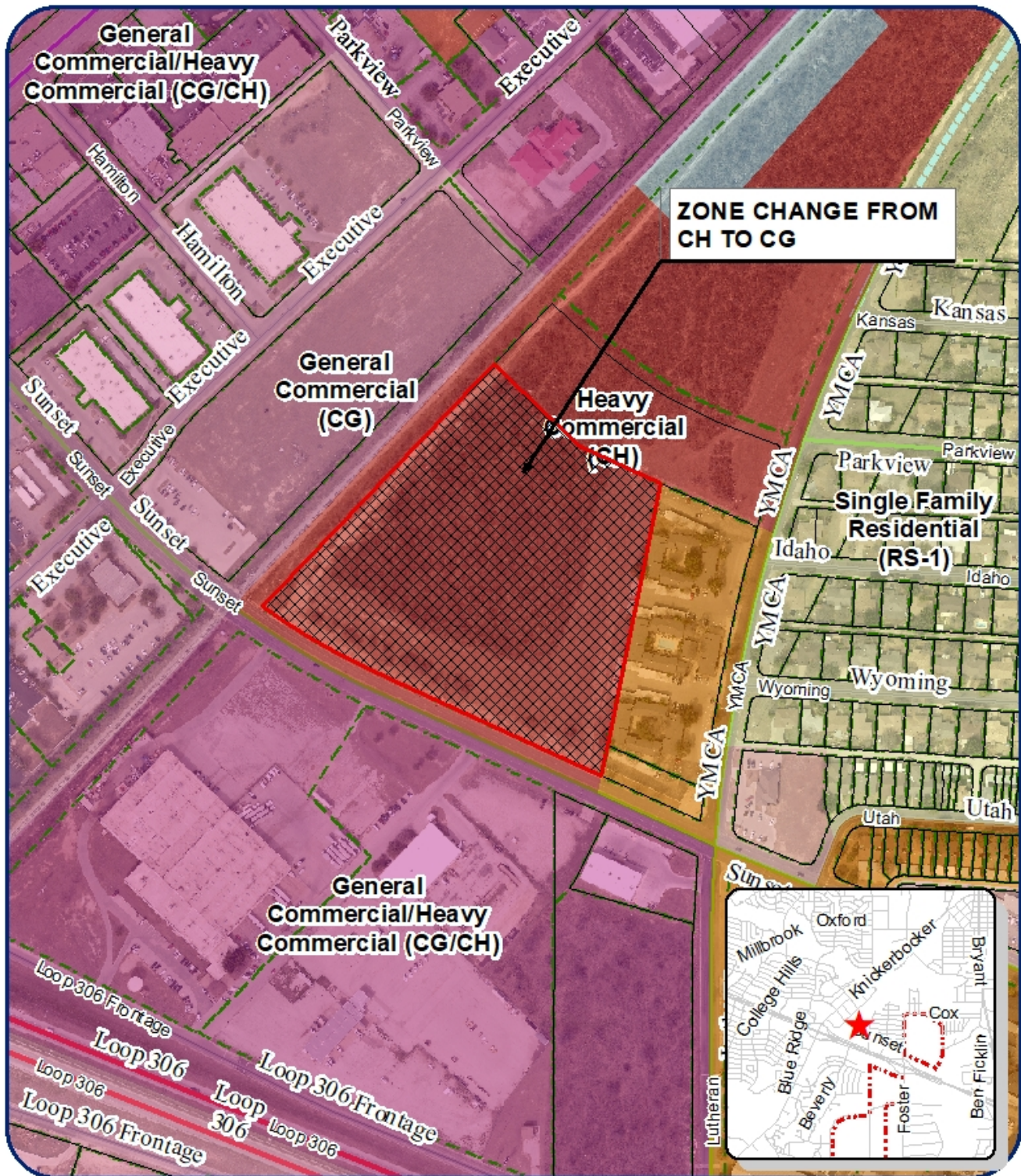
Council District: Tommy Hiebert - District 1
 Neighborhood: Rio Vista
 Scale: 1" approx. = 375 ft

Legend

Subject Properties: —
 Current Zoning: **CH**
 Vision: **Neighborhood**
 Requested Vision Change: **Commercial**



5.9 acres out of a 11.3374-acre tract, portion of Tr. 2, Blk 1 of JCM Addition, Section 2



Rezoning

Z19-18: Blanek

Council District: Tommy Hiebert - District 1
 Neighborhood: Rio Vista
 Scale: 1" approx. = 300 ft

Legend

Subject Properties: —
 Current Zoning: CH
 Requested Zoning Change: CG
 Vision: Commercial and Neighborhood



An 11.3374-acre tract, portion of Tr. 2, Blk 1 of JCM Addition, Section 2

Photos of Site and Surrounding Area

WEST



EAST



SOUTH (GLAZERS)



EAST AT SUBJECT PROPERTY FACING APARTMENTS



NORTHWEST AT PROPERTY



NORTHEAST AT PROPERTY



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.

Compatible - West side already designated commercial. East will be redesignated to neighborhood center to support re-zoning.
Commercial

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

CB & CM zoning will allow future retail - commercial development.

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.

Proposed zoning - compatible with commercial and institutional uses in area. CB will provide transition between CB and apartment.

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

*Current zoning CH not appropriate
given apartments close by with door.*

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.

*Area to East is heavy residential, so
would be beneficial for their needs*

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.

No anticipated change.

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): Louis Blanek
☐ Owner ☐ Representative (Notarized Affidavit Required)
Mailing Address: 6841 Templeton Rd. Box P San Angelo TX 76904
City: San Angelo State: TX Zip Code: 76904
Contact Phone Number: 325-895-1070 Contact E-mail Address: ljb@7172@gmail.com
Subject Property Address: 41st assigned 11.3374 acres GCH Subd Sec 2 Tract 2 San Angelo, TX 76904
City: San Angelo State: TX Zip Code: 76904

Legal Description (can be found on property tax statement or at www.tamgreencad.com)

Existing Zoning: CTH Proposed Zoning: CG+CA Lot size: 11.3374 acres
(Zoning Map available on City Maps) (see attached map)

Section 2: Site Specific Details

Existing Use of Property: Blank
*Proposed Use of Property: Retail Commercial Use
*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)	Signature	Company/Organization (If Applicable)	Date
<u>X Lewis J. BlaneK Jr.</u>	<u>[Signature]</u>	<u>X BlaneK Const. Inc</u>	<u>X 8/15/19</u>
Representative Name (Print)	Signature	Company/Organization	Date

FOR OFFICE USE ONLY:

☒ Verified Complete ☐ Verified Incomplete

Date of Application: 8 / 15 / 19

Case No.: Z 19 - 15

Fully-dimensioned site plan: ☐ N/A

Nonrefundable fee: \$ 625.00

Receipt #: 339772 Date paid: 8 / 15 / 19

Sign Deposit \$37.50

Receipt #: _____ Date paid: 8 / 15 / 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: 9 / 16 / 19 Date notifications due: ____/____/____

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

Publication date: ____/____/____

Reviewed/Accepted by: J. Fisher Date: 8 / 15 / 19

Effective January 3, 2017



City of San Angelo, Texas – Planning Division
52 West College Avenue



Application for Request to Amend Comprehensive Plan

Section 1: Basic Information

Name of Applicant(s): Louis BlaneK
☐ Owner ☒ Representative (Notarized Affidavit Required)
Mailing Address: 6841 Templeline Rd. Bldg P San Angelo, TX 76904
City: _____ State: _____ Zip Code: _____
Contact Phone Number: 325-895-1070 Contact E-mail Address: ljbj717@gmail.com
Subject Property Address: Unsurveyed 11.3374 acres JCH Subd. Sec 2 Tract 2 San Angelo, TX 76904
City: _____ State: _____ Zip Code: _____
Lot Size: 5.9 out of 11.3374 Zoning: CH

Section 2: Site Specific Details

Existing Use of Property: Current: Sect 2.74 acres commercial
Sect 3.26 acres neighborhood center.
Proposed Use of Property: Retail/Commercial
Existing Comprehensive Plan Land Use Designation: Neighborhood
Requested Comprehensive Plan Land Use Designation: Neighborhood Center and Commercial

Reason(s) and justification(s) for requesting Comprehensive Plan Amendment:

Change from neighborhood center and commercial to
facilitate zone changes to allow for retail
development. Current CH zoning inappropriate
for close by residential housing.

Effective January 3, 2017

Section 3: Applicant(s) Acknowledgement

Please initial the following:

_____ This process does NOT change the zoning on the property. Future applications filed for zone change will be evaluated by comparing the request against the Comprehensive Plan category, to insure consistency as required by the Local Government Code. This Code directs cities to make zoning decisions in accordance with this planning document.

_____ Filing of this application is simply a request that the Planning Commission consider an amendment to the Comprehensive Plan map. Both the Planning Commission and City Council have the option to determine no amendment is necessary. If amendment is deemed necessary, staff will recommend updates based on the facts and evidence collected, and in accordance with the principles of the Comprehensive Plan adopted in 2009.

_____ If approved, the Comprehensive Plan Amendment is applied to the property and runs with the land; it does not apply to the property owner(s).

_____ The Planning Commission makes recommendations to City Council. If the Planning Commission recommends approval of a Comprehensive Plan Amendment request, the request must still go before City Council for final action.

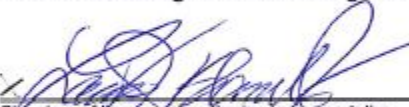
_____ If a Comprehensive Plan Amendment request is granted by City Council, a Zone Change application must still be filed to begin the rezoning process. While such applications may be filed concurrently, refund of a rezoning application fee is not possible; as such, it may be advisable to wait for a final decision on said Comprehensive Plan Amendment before proceeding with a rezoning request.

_____ Comprehensive Plan Amendments are not done on a property by property basis, since zoning is largely based upon anticipating & mitigating the effects and unintended consequences land uses have on their surroundings. The neighborhood or area where your property lies will be evaluated and studied by staff, the Planning Commission, and City Council.

_____ Areas will be examined no more than once per calendar year. The analysis, study, and evaluation by staff, the Planning Commission is a three month process; City Council must also adopt any changes.

_____ 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.



Signature of licensee or authorized representative

✓ 8/15/19

Date

✓ Louis J. BlaneK Jr.

Printed name of licensee or authorized representative

✓ BlaneK Construction Inc

Name of business/Entity of representative

FOR OFFICE USE ONLY:

Case No.: CPA.: 19 -- 02

Planning Commission Date: 9 / 16 / 2019

City Council Date(s): ____ / ____ / ____

Non-Refundable Fee: \$ 625.00

Receipt #: _____

Date paid: 8 / 15 / 19

Reviewed/Accepted by: J. Fisher

Date: 8 / 15 / 19

AN ORDINANCE OF THE CITY OF SAN ANGELO, TEXAS, AMENDING THE CITY'S COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE PLAN MAP DESIGNATION OF CERTAIN LANDS LOCATED WEST OF THE INTERSECTION OF SUNSET DRIVE AND YMCA DRIVE BEING THE EAST 5.9 ACRES OF AN UNADDRESSED 11.3374-ACRE TRACT, FROM "NEIGHBORHOOD" TO "COMMERCIAL;" PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

CP-19-02

WHEREAS, the City Council for the City of San Angelo, Texas, in accordance with the City Charter and Chapter 213 of the Texas Local Government Code, has adopted a Comprehensive Plan (Vision Plan and Future Land Use Map within the San Angelo Strategic Plan adopted by City Council as updated on October 20, 2009) to guide the long-range development of the City, manage the future growth of the City and promote the health, safety and welfare of its citizens; and

WHEREAS, the Comprehensive Plan includes a Future Land Use Map to serve as a geographical representation of anticipated land use patterns and long range development for the City; and

WHEREAS, inconsistencies have developed between current long standing land use and development patterns and development envisioned by the Future Land Use Map, which inconsistencies call for compatible revisions to the Future Land Use Map; and

WHEREAS, the Planning Commission and the City Council for the City of San Angelo, in compliance with the City Charter and Chapter 213 of the Texas Local Government Code regarding adoption and amendment of the City's Comprehensive Plan, having given requisite notice of public hearing by publication and otherwise, and having afforded a full and fair hearing to all property owners and persons interested, including persons situated in the vicinity of the affected area, being of the opinion that revision of the Comprehensive Plan and Future Land Use Map changes should be made as set out herein;

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

SECTION 1: The Future Land Use Plan Map, a component of the adopted Comprehensive Plan for the City of San Angelo be and the same is hereby amended to change the Future Land Use designations of the following described parcels as outlined below:

The East 5.9 acres out of an 11.3374 acre tract in Tract 2, Block 1 of the J.C.M. Addition, Section Two, City of San Angelo, Tom Green County, Texas, generally located west of the intersection of Sunset Drive and YMCA Drive from “Neighborhood” to “Commercial;”

SECTION 2: The Director of the Planning and Development Services Department is hereby authorized and directed to amend the Future Land Use Planning Map maintained in the Office of the Director to incorporate the foregoing amendments, as further depicted on **Exhibit “A”** of this Ordinance.

SECTION 3: 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 4: This Ordinance shall be effective on, from and after the date of adoption.

INTRODUCED on the **15th day of October, 2019**, and finally ADOPTED on this the **12th day of November, 2019**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

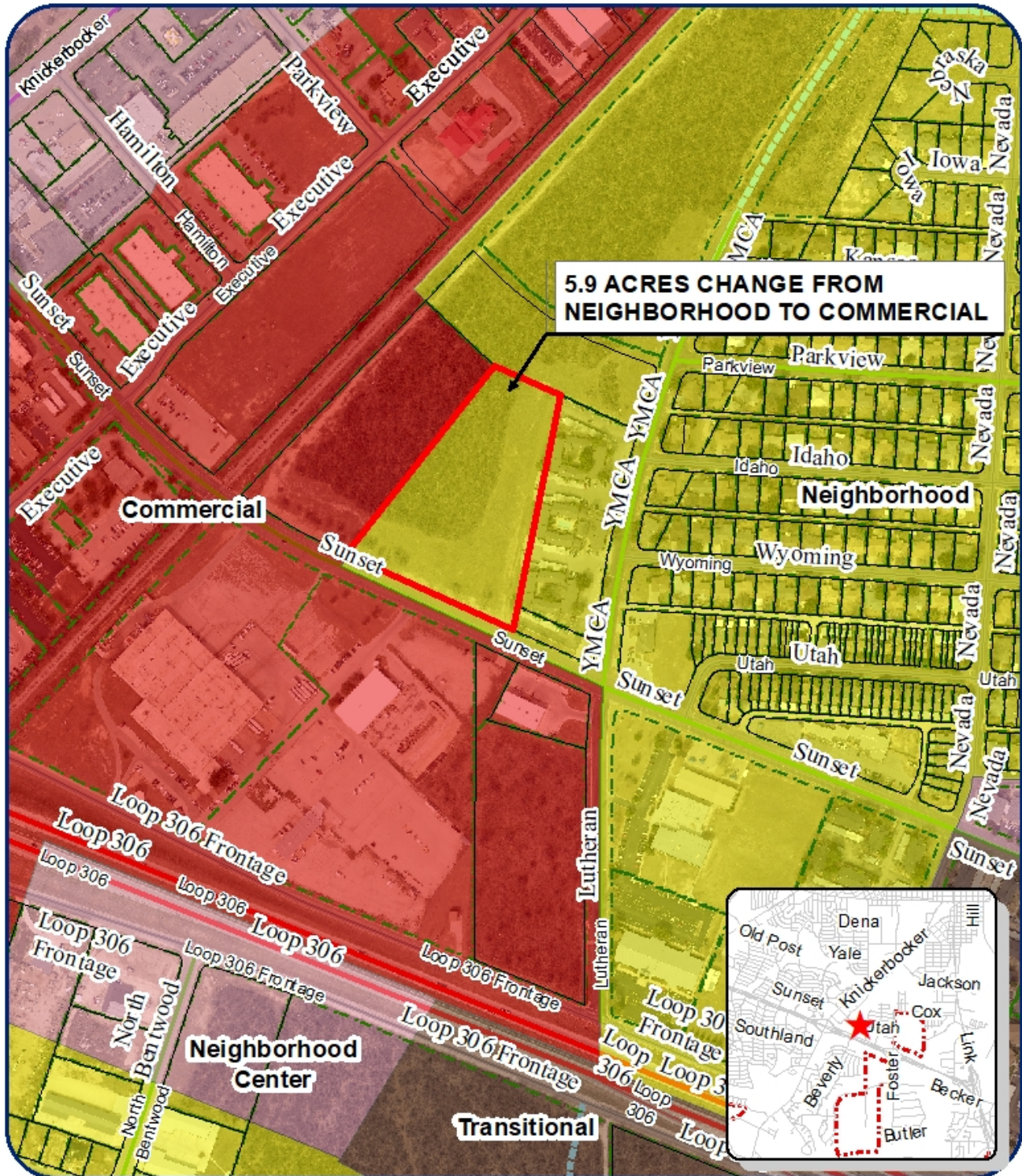
ATTEST:

APPROVED AS TO FORM:

Julia Antilley, City Clerk

Theresa James, City Attorney

EXHIBIT "A"



Amendment to Comprehensive Plan

CP19-02: Blanek

Council District: Tommy Hiebert - District 1

Neighborhood: Rio Vista

Scale: 1" approx. = 375 ft

5.9 acres out of a 11.3374-acre tract, portion of Tr. 2, Blk 1 of JCM Addition, Section 2

Legend

Subject Properties: —

Current Zoning: **CH**

Vision: **Neighborhood**

Requested Vision Change: **Commercial**



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: **11.3374 ACRES LOCATED WEST OF THE INTERSECTION OF SUNSET DRIVE AND YMCA DRIVE**, FROM THE HEAVY COMMERCIAL (CH) ZONING DISTRICT TO THE GENERAL COMMERCIAL (CG) ZONING DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Z19-15: Blanek

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

WHEREAS, on the 15th day of October, 2019, City Council held a public hearing on Z19-15, pursuant to published notice, and has considered the application, comments, reports and recommendations of the Planning Commission and staff, public testimony, and other relevant support materials;

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

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

The real property generally located west of the intersection of Sunset Drive and YMCA Drive, specifically being 11.3374 acres in Tract 2, Block 1 of the J.C.M. Addition, Section Two, 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 **15th day of October, 2019**, and finally PASSED, on this the **12th day of November, 2019**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

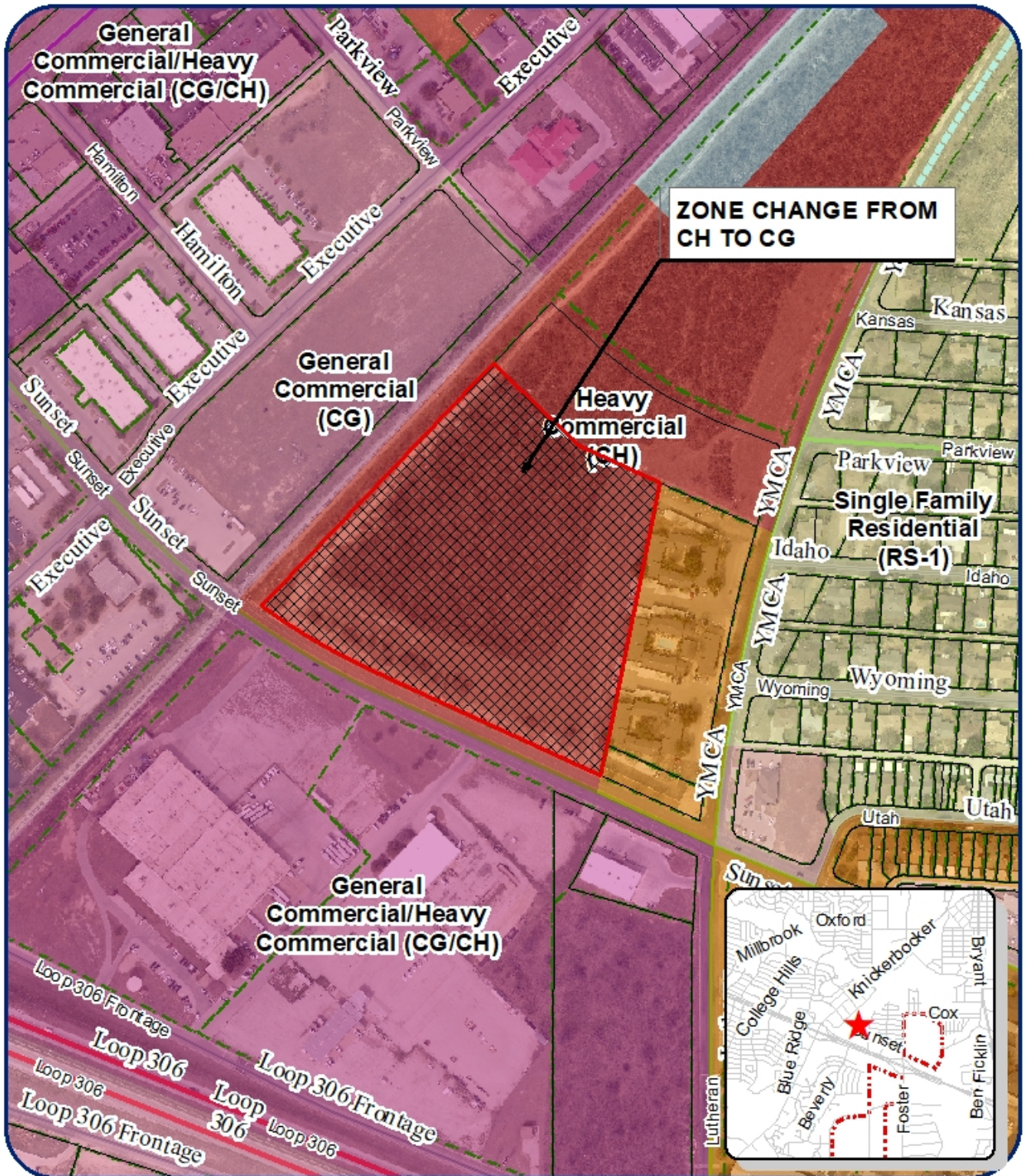
ATTEST:

APPROVED AS TO FORM:

Julia Antilley, City Clerk

Theresa James, City Attorney

EXHIBIT "A"



Rezoning

Z19-18: BlaneK

Council District: Tommy Hiebert - District 1

Neighborhood: Rio Vista

Scale: 1" approx. = 300 ft

An 11.3374-acre tract, portion of Tr. 2, Blk 1 of JCM Addition, Section 2

Legend

Subject Properties:

Current Zoning: CH

Requested Zoning Change: CG

Vision: Commercial and Neighborhood

N



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: October 15, 2019

Item type: Regular Item

Caption:

First reading and public hearing of an ordinance approving a rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District to the Planned Development (PD19-08) Zoning District to allow for an indoor entertainment facility with accessory alcoholic beverage sales for on-premise consumption, outdoor recreation and entertainment, and mobile food units, being 1.0720 acres located at 4382 Southwest Blvd. (Presentation made by Planning & Development Services Director Jon James)

Summary/History:

The applicants have applied for a Rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District to a Planned Development (PD) Zoning District to allow for an indoor entertainment facility with accessory alcoholic beverage sales for on-premises consumption, outdoor recreation and entertainment, and mobile food units on the subject property. The applicants intend to convert the existing vacant buildings and open space on the property into a family entertainment venue.

After the Planning Commission Meeting of September 16, 2019, Staff received several opposition letters which included concerns about sufficient parking on the property. The original concept plan delineated 15 parking spaces. In response to these concerns, the applicants submitted a revised concept plan on October 7, 2019 delineating an additional 11 spaces for a total of 26 spaces (see attached staff report). In addition, the applicant has agreed to open no earlier than 11am each day to address resident concerns about hours of operation.

Financial Impact:

N/A

Other Information/Recommendation:

On September 16, 2019, the Planning Commission voted unanimously to recommended APPROVAL of the rezoning, subject to seven conditions of approval as outlined in the Staff Report.

Attachments:

- | | | |
|----|------------------------|-----------------------------|
| 1. | Ordinance (PD19-08) | Ordinance (PD19-08).docx |
| 2. | Staff Report (PD19-08) | Staff Report (PD19-08).docx |

Presentation:

Jon James

Approvals/Reviews:

Jeff Fisher	Created/Initiated
Hillary Bueker	Approved
Jon James	Approved

Brandon Dyson
Jon James
Theresa James
Julia Antilley

Approved
Approved
Approved
Final Approval

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: **4382 SOUTHWEST BOULEVARD; LOCATED AT THE IMMEDIATE NORTHEAST CORNER OF SOUTHWEST BOULEVARD AND GREEN MEADOW DRIVE;** FROM THE GENERAL COMMERCIAL/HEAVY COMMERCIAL (CG/CH) ZONING DISTRICT TO A PLANNED DEVELOPMENT (PD19-08) ZONING DISTRICT TO ALLOW FOR AN INDOOR ENTERTAINMENT FACILITY WITH ACCESSORY ALCOHOLIC BEVERAGE SALES FOR ON-PREMISE CONSUMPTION, OUTDOOR RECREATION AND ENTERTAINMENT, AND MOBILE FOOD UNITS; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE

RE: PD19-08: Ionita/Benson

WHEREAS, on the 16th day of September, 2019, 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 (PD19-08) Zoning District to allow for an indoor entertainment facility with accessory alcoholic beverage sales for on-premise consumption, outdoor recreation and entertainment, and mobile food units, and in conformance with the overall use in accordance with the approved Concept Plan, as further depicted on **Exhibit “A”** of this Ordinance (**“PD Concept Plan”**); and,

WHEREAS, on the 15^h day of October, 2019, City Council held a public hearing on PD19-08, 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 properties permanently zoned PLANNED DEVELOPMENT (PD19-08) ZONING DISTRICT;

The real property generally located at 4382 Southwest Boulevard; at the immediate northeast corner of Southwest Boulevard and Green Meadow Drive; being 1.0720 acres in Tract C of the Meadowcreek Addition, Section Three, City of San Angelo, Tom Green County, Texas as more particularly described and depicted on Exhibit “B” of this Ordinance, shall henceforth be permanently zoned as follows: Planned Development (PD19-08) 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 “B”** of this Ordinance (**“PD Boundary Map”**).

SECTION 3: The use of the hereinabove described properties shall be subject to all applicable regulations contained in **Exhibit “C”** of this Ordinance (**“Applicable Regulations”**), and 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 herein 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 **15th day of October, 2019**, and finally PASSED, APPROVED AND ADOPTED on this the **12th day of November, 2019**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

ATTEST:

APPROVED AS TO FORM:

Julia Antilley, City Clerk

Theresa James, City Attorney

Exhibit “A” (PD Concept Plan)



Note: A revised Concept Plan to be approved by Planning Director and filed in Planning Division Office per Condition #4 in Exhibit “A”.

Exhibit "B" (PD Boundary Map)

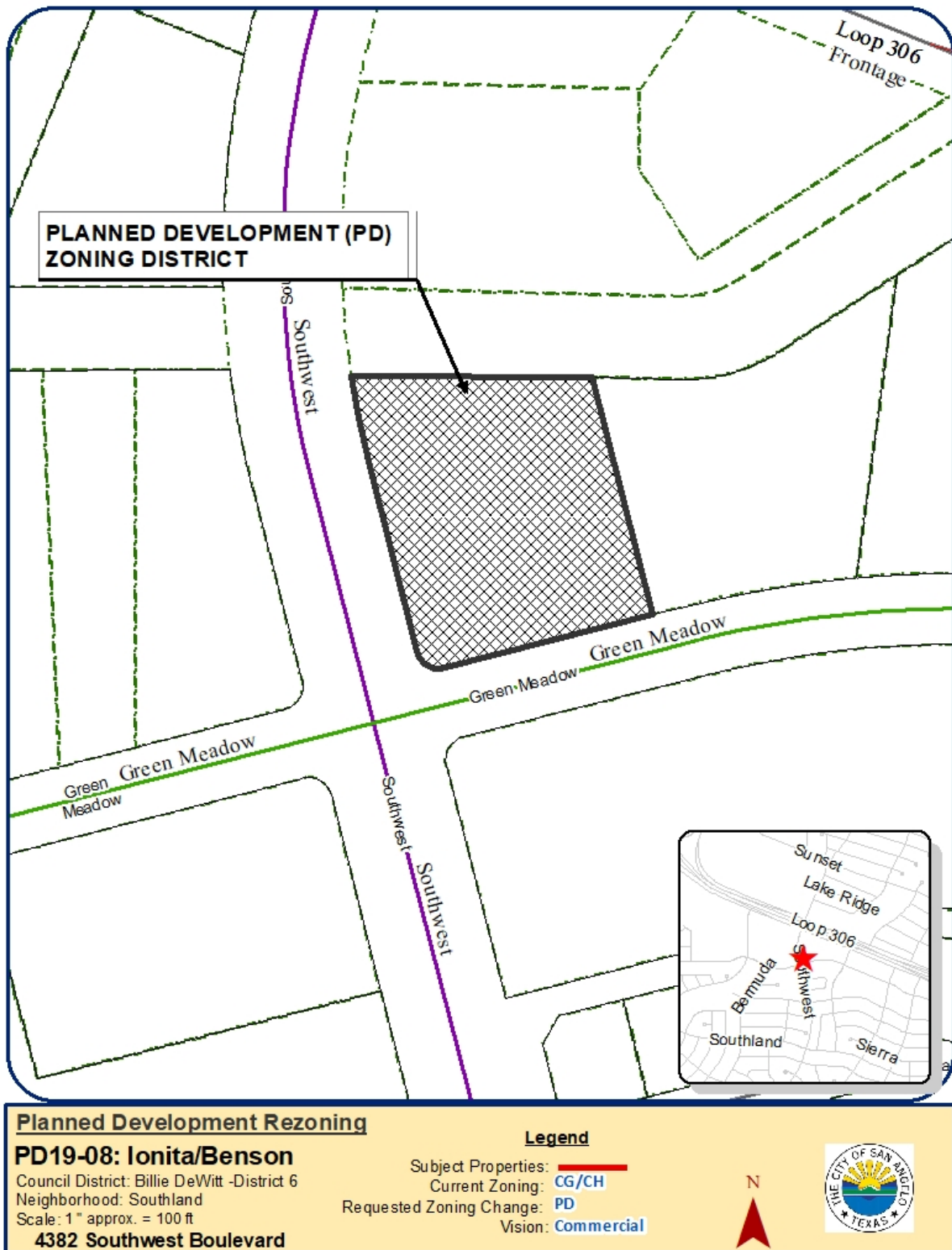


Exhibit “C”

Applicable Regulations

1. Except as otherwise specified or limited below, the development of the subject property shall generally conform to the General Commercial (CG) Zoning District.
2. Overall site use shall be in accordance with the approved Concept Plan. Major changes to the usage of this property shall be approved through an amendment to this Planned Development District with approval from the Planning Commission and City Council. Minor deviations may be approved by the Planning Director, provided no changes to the Zoning Ordinance are required.
3. Outdoor storage or display of merchandise, material, or equipment shall be limited to Type 1 as outlined in Section 504 of the Zoning Ordinance. There shall be no salvage or junk vehicles stored on the premise.
4. Prior to any future development and/or building permits being issued on the property, the applicants shall submit the following to the Planning Director for approval which includes:
 - a. A revised concept plan that includes required sidewalks and curb ramps adjacent to Southwest Boulevard and Green Meadow Drive; delineation of all proposed outdoor amenity areas; and required additional parking or obtain an alternative parking approval from the Planning Director; and,
 - b. A landscaping plan which shall include a combination of trees and/or shrubs and grass and/or xeriscaping adjacent to Southwest Boulevard and Green Meadow Drive
5. All exterior lighting be shielded, downward emitting and configured in such a manner as to satisfactorily minimize or eliminate light trespass onto surrounding properties. The City has the right to periodically inspect the property to verify compliance.
6. Hours of operation shall be limited from 11:00am to 10:30pm Sunday to Wednesday; and 11:00am to 12:00am on Thursday, Friday and Saturday.
7. The applicant shall obtain a new permit for the existing eight-foot tall fence along the north property line, and any associated floodplain development permits from City Engineering.

CITY COUNCIL – October 15, 2019
STAFF REPORT



APPLICATION TYPE:		CASE:	
Planned Development (Rezoning)		PD19-08: Ionita/Benson	
SYNOPSIS:			
The applicants have applied for a Rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District to a Planned Development (PD) Zoning District to allow for an indoor entertainment facility with accessory alcoholic beverage sales for on-premises consumption, outdoor recreation and entertainment, and mobile food units on the subject property. The applicants intend to convert the existing vacant buildings and open space on the property into a family entertainment venue. A concept plan and background summary have been provided (see Additional Information).			
LOCATION:		LEGAL DESCRIPTION:	
4382 Southwest Boulevard; located at the northeast corner of the intersection of Southwest Boulevard and Green Meadow Drive		Being 1.0720 acres in Tract C of the Meadowcreek Addition, Section 3	
SM DISTRICT / NEIGHBORHOOD:		ZONING:	FUTURE LAND USE:
SMD District #6 – Billie DeWitt Southland Neighborhood		CG/CH	C – Commercial
			SIZE:
			1.070 ac.
THOROUGHFARE PLAN:			
Southwest Boulevard – Urban Minor Arterial Street; Required: 80’ right-of-way, 64’ pavement; Provided: 100’ right-of-way, 64’ pavement Green Meadow Drive – Urban Minor Collector Street; Required: 60’ right-of-way, 50’ pavement; Provided: 60’ right-of-way, 40’ pavement			
NOTIFICATIONS:			
11 notifications mailed within 200-foot radius on August 29, 2019. To date, five letters have been received in support (One within the 200’ radius); and 20 letters have been received in opposition (Two within the 200’ radius). Of these 20 letters, 16 were from the Green Meadow Church of Christ which is located within the 200’ radius (See attached).			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the Rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District to a Planned Development (PD) Zoning District to allow for an indoor entertainment facility with accessory alcoholic beverage sales for on-premises consumption, outdoor recreation and entertainment, and mobile food units on the subject property, subject to seven conditions of approval.			
PROPERTY OWNER/PETITIONER:			
Property Owner: Mr. Wesley Kelley Applicants: Brittany Ionita and Bryan Benson			
STAFF CONTACT:			
Jeff Fisher, AICP Principal Planner (325) 657-4210, Extension 1550 jeff.fisher@cosatx.us			

Additional Information: The property was formerly the All About Signs location and has remained vacant for approximately two years. The existing buildings and structures would be used for the new entertainment facility, as well as a portion of the outdoor area. The concept plan delineates the existing 2,450-square foot main building facing Green Meadow Drive will be used for a bar area with indoor seating and an office/storage area. The applicants intend to serve beer and wine from this building. The 1,800-square foot building facing Southwest Boulevard will be used for an indoor game area. The 2,200-square foot metal structure behind the main building will be used for the outdoor seating area. The site will include an area for mobile food units (food trucks) along the east side to provide food to customers. Behind the existing buildings will be an area for outdoor recreation and entertainment. Conceptual renderings provided by the applicant show this outdoor area includes children's playground equipment, games, and a small outdoor event stage to be used Fridays and Saturdays. The applicants intend to operate from Tuesdays to Sundays, closing by 10:00pm on Tuesday-Thursday, by 11:00pm Friday and Saturday, and by 9:00pm on Sundays. Examples of other family venues were provided by the applicant, including in Boerne, Dallas, Austin, Santa Fe, NM, and Oklahoma City, OK.

Changes after Planning Commission: After the Planning Commission Meeting of September 16, 2019, Staff received several opposition letters which included concerns about sufficient parking on the property. The original concept plan delineated 15 parking spaces. In response to these concerns, the applicants submitted a revised concept plan on October 7, 2019 delineating an additional 11 spaces for a total of 26 spaces (see attached revised concept plan). In addition, the applicant has agreed to open no earlier than 11am each day to address resident concerns about hours of operation.

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 "Commercial" in the City's Comprehensive Plan which are often "single-use centers consisting of large retail and office clusters that seek visibility and convenient access offered by frontage on the major street network" and call to "establish transition areas between commercial areas and nearby neighborhoods." Commercial areas should "create new physical connections to neighborhoods" including "pedestrian and/or vehicular connections". The proposed entertainment facility is consistent with these objectives. The property is part of a Commercial area which extends for over two miles north of Green Meadow Drive between Loop 306 and Knickerbocker Road. It provides a transition between heavier commercial uses including a gas station, drive-thru restaurant, and vehicle service facility facing Loop 306 to the north and multi-family apartments to the south. As a condition of approval, Planning Staff recommend sidewalks and landscaping adjacent to Southwest Boulevard and Green Meadow Drive. The sidewalks will provide more safe and efficient pedestrian movement through the area which connects to multifamily apartments and other commercial uses. There is already a sidewalk adjacent to the McDonalds restaurant to the north, and a footpath has already been established south of this sidewalk. Landscaping will enhance the visual

appeal of the property as well as enhance the transition from the commercial area to the neighborhood to the 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 proposed PD is consistent with the Zoning Ordinance. Planning Staff recommend that the CG zoning standards apply to the new development. This would remove the heavy commercial (CH) zoning from the property, protecting the multifamily apartments to the south from incompatible uses. The property is greater than one acre in size with over 170 feet of frontage on Green Meadow Drive and over 240 feet of frontage on Southland Boulevard, exceeding the minimum 6,000 square feet of lot area, 50 feet of frontage, and 80 feet of depth requirements in the CG Zoning District. There is an existing eight-foot high opaque metal fence facing Green Meadow Drive behind the parking area which will screen the facility from the multi-family apartments. Eight-foot tall wood privacy fencing has also been installed along the west side facing Southwest Boulevard and along the north property line. Aerial photography confirms that the north fence was installed recently and Staff determined that a permit was obtained but expired. As a condition of approval, the applicant shall obtain a new permit for this existing eight-foot tall fence, and any associated floodplain development permits from City Engineering as the fence is located within the FEMA floodway. The applicants also intend to install a six-foot high privacy fence along the east side of the property which is currently a chain-link fence. The existing main building is located 50 feet back from Green Meadow Drive in compliance with the required 25-foot front yard setback. Section 511 of the Zoning Ordinance requires an entertainment facility to provide a minimum of one parking space for every 400 square feet for indoor and outdoor areas. The concept plan delineates a total building area of 6,450 square feet requiring 16 paved parking spaces. The total outdoor entertainment was not provided on the plan. **The original concept plan delineated 15 parking spaces. The revised concept plan has a total of 26 spaces. As a condition of approval, the applicants are required to submit a revised concept plan that identifies the total outdoor entertainment floor area and delineates any additional parking necessary to comply with the Zoning Ordinance.** Alternatively, the applicants may apply for an alternative parking plan to the Planning Director by providing a rationale to justify any reduced parking. Finally, the mobile food units (food trucks) are allowed to park up to 3 consecutive days per week as there is no commissary at this location. An all-weather surface is required for each food truck as per Section 419 of 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 proposed development will be consistent with the surrounding area. The existing privacy fencing provides screening from the multi-family apartments and installation of new sidewalks will ensure greater and safe connectivity between commercial and residential uses. Planning Staff is satisfied with the applicants' proposed hours of operation between Tuesday to Sunday, closing by 10pm, by 11pm Friday and Saturday, and by 9pm on Sunday. Given close proximity to the apartments to the south, Planning Staff recommends that between Sunday-Wednesday that the venue is closed by 10:30pm, and by 12:00am on Thursdays, Fridays and Saturdays to reduce any noise impact on residents and

consistent with the noise regulations in the City Code of Ordinances. This would also be within the applicants' current proposal. If the Planning Commission or City Council believes that the venue should close earlier due to noise impacts, Planning Staff would consider amending this proposed condition, consistent with these recommendations.

4. **Changed Conditions.** *Whether and the extent to which there are changed conditions that require an amendment.* The CH portion of the current CG/CH zoning is incompatible with the multifamily apartments to the south and would allow vehicle repair, industrial service, and warehousing. Changing the zoning to a PD for a family entertainment facility would provide an additional recreational opportunity for the residents and visitors to San Angelo and be compatible with other retail/commercial uses north of Green Meadow Drive.
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 majority of the property is located within the 1% FEMA floodplain with a 10-20 foot area to the north in the FEMA floodway. The applicants will require a commercial floodplain development permit from City Engineering for any new permanent structures such as outdoor playground equipment. However, this would be done through a separate process and should not have an impact on this rezoning approval. Consultations with Engineering Services have confirmed that these structures may be erected in the floodplain which encompasses most of the outdoor area, but not the floodway.
6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.* Planning Staff believe there is a community need the proposed facility. San Angelo currently has a lack of family entertainment facilities. The 2010 revised Census Count for the San Angelo Metropolitan Statistical Area (MSA) shows a population of 112,966. Staff believes this is a sufficient size population that can benefit from a new family entertainment venue.
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.* Current patterns are not anticipated to change if this development was approved. There are two accesses off of Green Meadow Drive, a collector street which is close to Loop 306 and can accommodate heavy traffic. The applicant intends to create a one-way entry and exist to improve traffic safety and flow to and from the property.

Planning Commission Recommendation:

On September 16, 2019, the Planning Commission recommended unanimous **APPROVAL** of the rezoning from the General Commercial / Heavy Commercial (CG/CH) Zoning District to a Planned Development (PD) Zoning District to allow for an indoor entertainment facility with accessory alcoholic beverage sales for on-premises consumption, outdoor recreation and entertainment, and mobile food units on the subject property, **subject to seven conditions of approval (see below).**

The following is the complete excerpt of the draft minutes from the September 16, 2019, meeting for this case:

Jeff Fisher, Principal Planner, presented the proposed amendment to allow a family entertainment facility on the property. He explained that all of the proposed uses were allowed by right in the CG/CH Zoning District, except for the alcoholic beverage sales and outdoor entertainment component which triggered the PD rezoning. Mr. Fisher displayed the applicant's concept plan for the Commission which included utilizing the existing buildings for indoor seating, games, and beer and wine sales, the existing parking area in front, an outdoor games area with covered seating, and an area along the east side for food trucks.

Mr. Fisher outlined Staff's rationale to approve the rezoning with seven conditions of approval as presented, on the grounds that the request is compatible with the Commercial designation in the City's Comprehensive Plan providing a transition from more intense commercial uses to the north and apartments to the south; that the proposed development will comply with underlying CG zoning; that there is a community need for more family entertainment facilities; and that the development will be compatible with the surrounding once Planning conditions are imposed that include sidewalks adjacent to both street frontages, landscaping; new fencing and early closing hours, by 10:30pm Sunday to Wednesday, and 12:00am on Thursday, Friday and Saturday.

Vice Chair Spano asked if the limited hours of operation would be restricting the business operation, and that we would not ask McDonalds or another restaurant to have early closing hours.

Mr. Fisher responded that the difference is that McDonalds does not sell alcohol. He also mentioned that the proposed hours submitted by the applicant includes that the business will be closed on Mondays; closed by 10pm Tuesday to Thursday; closed by 11pm on Fridays and Saturdays; and closed by 9pm on Sundays, all of which are within the times Staff is proposing.

Ms. Hillary Bueker, Planning Manager, expanded that the business includes an outdoor component.

Vice Chair Spano asked if anything took place inside.

Ms. Bueker responded that there is some indoor activity as well. She mentioned that the earlier closing hours would better protect the nearby residents across the street.

Vice Chair Spano expressed concerns about being too prohibitive on hours of operation.

Commissioner Jackson explained that the hours proposed by staff is past what the applicants were asking for.

Commissioner Smith asked about whether there was sufficient parking based on the proposed

square footage.

Mr. Fisher responded the applicant is short one parking space based on proposed square footage but that an alternative parking plan or shared parking with another business would be an option.

Vice Chair Spano opened public comment.

Ms. Brittany Ionita, one of the applicants, indicated that there was a lack of family entertainment facilities in the City and believed that this project would serve the community. She explained that the applicants will enclose the current chain link fence abutting the east side of the property.

Chair Stribling closed public comment.

Commissioner Brooks made a Motion to recommend APPROVAL of a rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District to the Planned Development (PD) Zoning District to allow for an indoor entertainment facility with accessory alcoholic beverage sales for on-premise consumption, outdoor recreation and entertainment, and mobile food units, subject to the seven conditions of approval as presented. Commissioner Jackson seconded the motion. The Motion passed unanimously 5-0.

Recommendation:

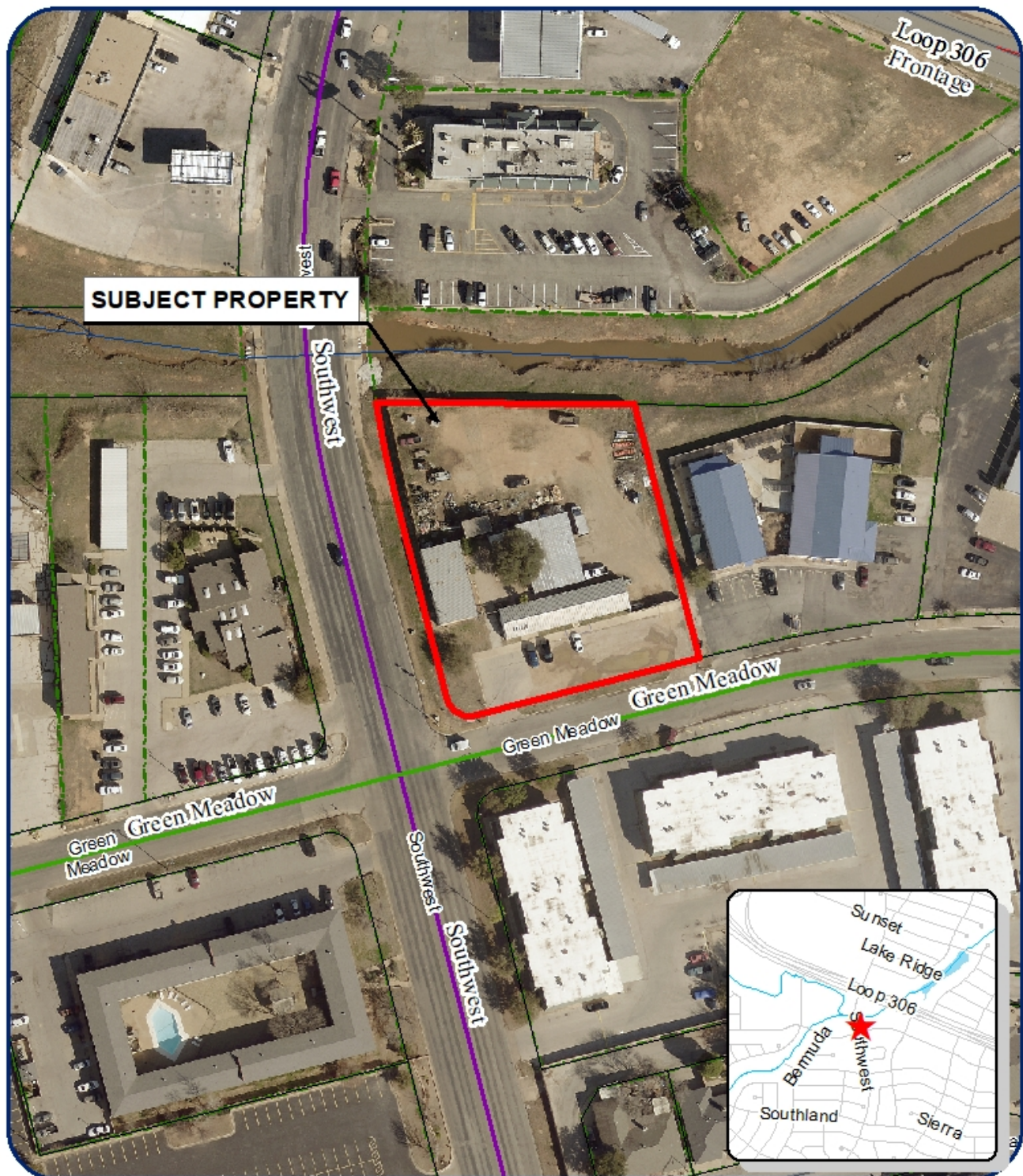
Staff's recommendation is for the Planning Commission to recommend **APPROVAL** of the Rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District to a Planned Development (PD) Zoning District to allow for an indoor entertainment facility with accessory alcoholic beverage sales for on-premises consumption, outdoor recreation and entertainment, and mobile food units on the subject property, **subject to seven conditions of approval:**

1. Except as otherwise specified or limited below, the development of the subject property shall generally conform to the General Commercial (CG) Zoning District.
2. Overall site use shall be in accordance with the approved Concept Plan. Major changes to the usage of this property shall be approved through an amendment to this Planned Development District with approval from the Planning Commission and City Council. Minor deviations may be approved by the Planning Director, provided no changes to the Zoning Ordinance are required.
3. Outdoor storage or display of merchandise, material, or equipment shall be limited to Type 1 as outlined in Section 504 of the Zoning Ordinance. There shall be no salvage or junk vehicles stored on the premise.
4. Prior to any future development and/or building permits being issued on the property, the applicants shall submit the following to the Planning Director for approval which includes:
 - a. A revised concept plan that includes required sidewalks and curb ramps adjacent to

- Southwest Boulevard and Green Meadow Drive; delineation of all proposed outdoor amenity areas; and required additional parking or obtain an alternative parking approval from the Planning Director; and,
- b. A landscaping plan which shall include a combination of trees and/or shrubs and grass and/or xeriscaping adjacent to Southwest Boulevard and Green Meadow Drive
 5. All exterior lighting be shielded, downward emitting and configured in such a manner as to satisfactorily minimize or eliminate light trespass onto surrounding properties. The City has the right to periodically inspect the property to verify compliance.
 6. Hours of operation shall be limited from **11:00am** to 10:30pm Sunday to Wednesday; and **11:00am** to 12:00am on Thursday, Friday and Saturday.
 7. The applicant shall obtain a new permit for the existing eight-foot tall fence along the north property line, and any associated floodplain development permits from City Engineering.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Photographs
Response Letters
Revised Concept Plan (Oct. 7/2019)
Original Concept Plan
Conceptual Renderings
Zone Change Criteria Sheet
Application



Planned Development Rezoning

PD19-08: Ionita/Benson

Council District: Billie DeWitt -District 6

Neighborhood: Southland

Scale: 1" approx. = 100 ft

4382 Southwest Boulevard

Legend

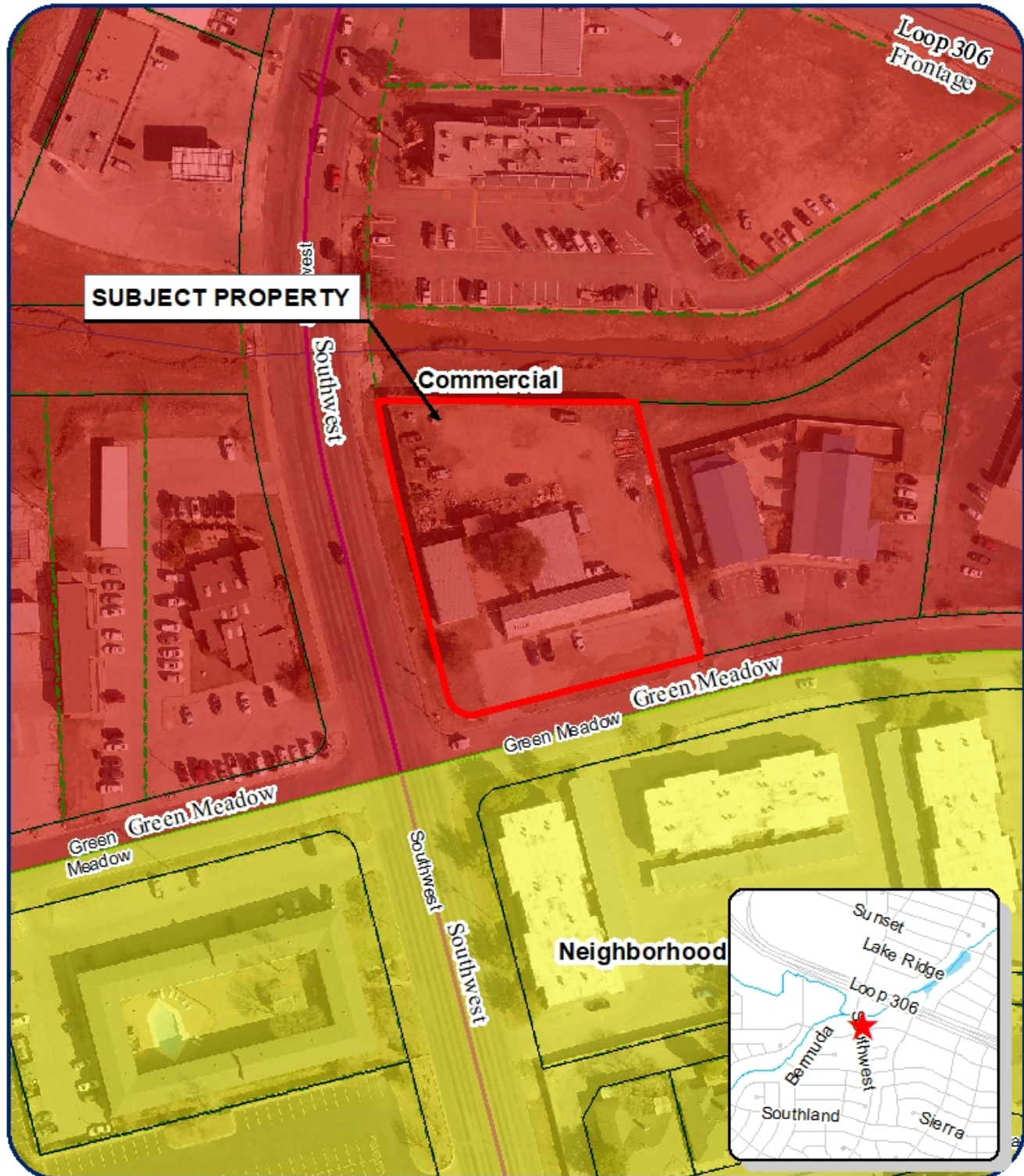
Subject Properties: —

Current Zoning: CG/CH

Requested Zoning Change: PD

Vision: Commercial





Planned Development Rezoning

PD19-08: Ionita/Benson

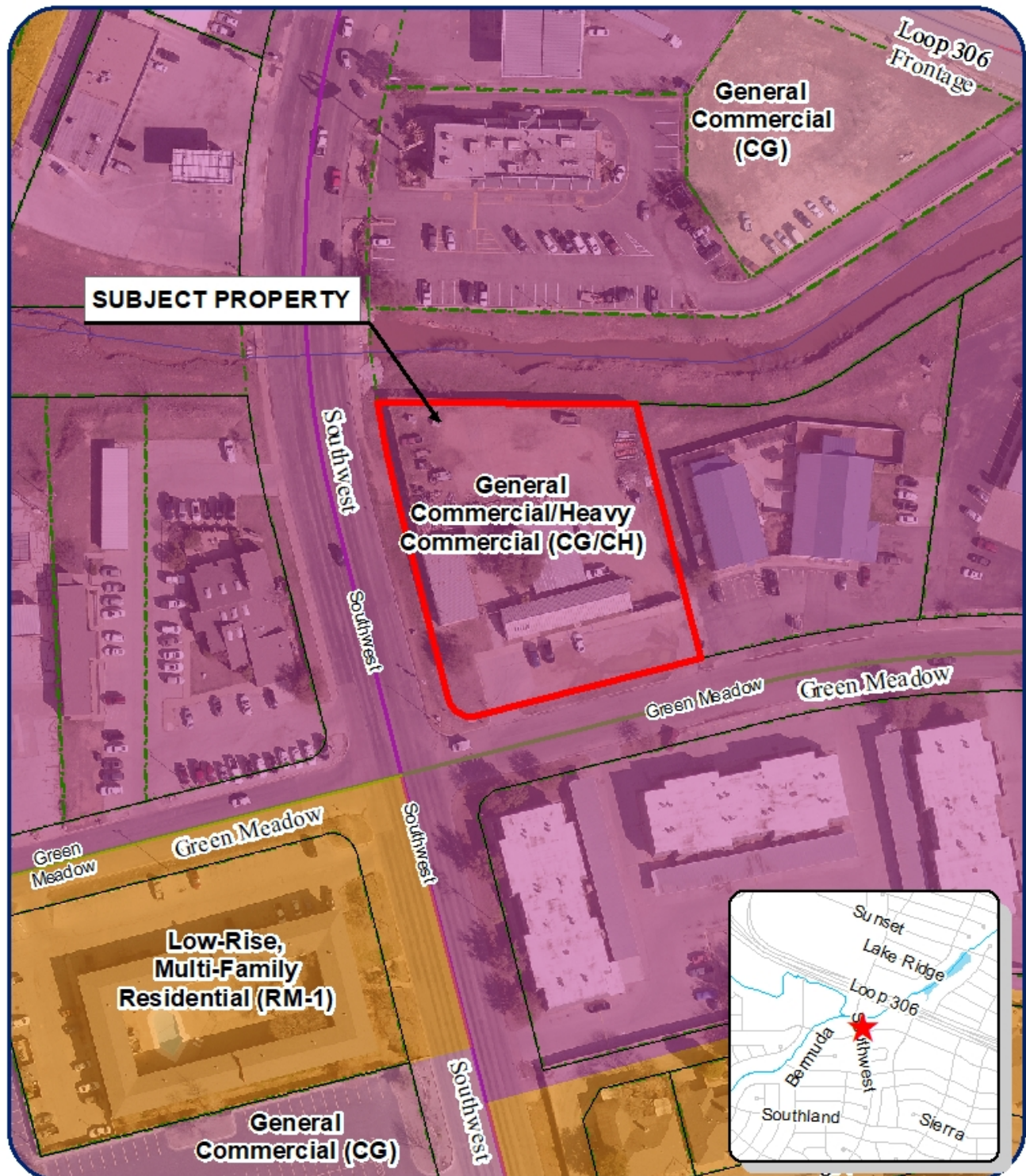
Council District: Billie DeWitt -District 6
Neighborhood: Southland
Scale: 1" approx. = 100 ft

4382 Southwest Boulevard

Legend

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





Planned Development Rezoning

PD19-08: Ionita/Benson

Council District: Billie DeWitt -District 6

Neighborhood: Southland

Scale: 1" approx. = 100 ft

4382 Southwest Boulevard

Legend

Subject Properties:
Current Zoning: **CG/CH**
Requested Zoning Change: **PD**
Vision: **Commercial**



Photos of Site and Surrounding Area

WEST



EAST



SOUTH



SUBJECT PROPERTY FROM GREEN MEADOW DR.



EXISTING PARKING LOT ON PROPERTY



SUBJECT PROPERTY FROM GREEN MEADOW



Photos of Site and Surrounding Area

REAR OF PROPERTY (FUTURE OUTDOOR AREA)



REAR OF PROPERTY (FUTURE OUTDOOR AREA)



SUBJECT PROPERTY FROM SOUTHWEST BLVD.



EAST SIDE OF PROPERTY



Letter of Support 1 (within 200')

9/4/19

To whom it may concern;

My name is Brittney Schniers, I am the owner of Reflections Salon, directly across the road from 4382 Southwest Blvd, I am in favor of the zone change request on this building.

For years the community has needed a fun place for parents to take their children to run around and play. Currently there are limited options.

I believe that this will assist in the recognition and growth of our business as well with an increase in patrons to the new venue. I look forward to seeing my clients who bring their children to appointments being able to go across the street for lunch and a fun afternoon of outdoor games and entertainment.

I fully support the zone change.

Sincerely,

Brittney Schniers

A handwritten signature in black ink, appearing to read "Brittney Schniers", written in a cursive style.

Letter of Support 2

8/29/19

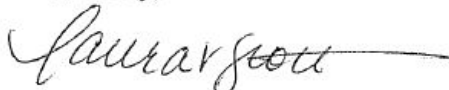
To whom it may concern;

My name is Laura Vincent Scott, I am the owner of Berkshire Hathaway Home Services, Addresses REALTORS®, our office location is down the street at 3005 Green Meadow Dr. I heard about the zone change request and am in favor!

Part of my job as a REALTOR® is to be a local expert and recommend great places to eat, shop and visit. There are so many new families moving into our community asking “what is there to do with children.” Our options are limited. Having this venue down the street from our business will make a great recommendation for families to visit after a day of house hunting.

I look forward to seeing what the venue has to offer!

Sincerely,

A handwritten signature in cursive script, appearing to read 'Laura Vincent Scott', followed by a horizontal line.

Laura Vincent Scott

Letter of Support 3

9/6/19

To whom it may concern;

My name is Jim Osborn, I am a local business owner (Concho Valley Collision) and live down the road from 4382 Southwest Blvd on Sequoia Circle.

Brittany Ionita is a friend of mine, she outlined the vision they have for the event venue and I think this is a great idea. This building has been vacant for years. It will be nice to have a local establishment within walking distance.

Best,


Jim Osborn

Letter of Support 4

8/26/19

To whom it may concern;

My name is Verba Pape, I reside at 5816C Wilde Rye Trail.

In regards to the zoning change request for the property located at 4382 Southwest Blvd, I am in favor of the location being zoned into usable space for a family establishment.

The current building has been left disheveled for the past few years and I feel having a venue for families to go and enjoy will benefit the neighborhood and the community greatly.

I have 2 boys of my own, anytime we leave town, we try to attend venues similar to this concept in Dallas, Austin and San Antonio. It will be nice to have a place of our own that we can even walk to.

I look forward to seeing the progress of the project over the next few months.

Sincerely,

Verba Pape

A handwritten signature in cursive script, appearing to read "Verba Pape", written in dark ink.

Letter of Support 5

Sept 10, 2019

To Whom it May Concern,

My name is CoCo Simpson and I own Angelo Tax Service at 3115 Loop 306 Suite 100B.

As a business owner in this area, the idea of a family venue close by with food and entertainment is exciting.

As a parent, having an option for dining and entertainment for my family is really exciting. We need more places to in San Angelo take the kids where we don't have to worry about them making a little noise or enjoying themselves. A place where my husband & I can have a beer and enjoy some good food is just bonus!

All these things aside, supporting local residents who want to make a gem out of an eyesore will always be a priority in my mind. The building on the corner of Green Meadow & Southwest has been an eyesore for years (even when it was occupied), so to have an investor interested in making it wonderful is great.

Sincerely,

A handwritten signature in black ink, appearing to read 'CoCo Simpson', with a large, stylized flourish at the end.

CoCo Simpson
Angelo Tax Service

325-703-2112

**Letter of Opposition 1 - representing Scott Blanton,
Green Meadow Veterinary Hospital
(A property owner within 200' of subject property)**

 Reply  Reply All  Forward



Fri 9/27/2019 9:46 AM

scott@gmvvet.com

Business proposal on Green Meadow Dr.

To Fisher, Jeff

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

Jeff,

I am writing you in regard to the proposed utilization of the land directly west of my property on Green Meadow Dr. As I have stated I am very pro-business, and would welcome any new business to San Angelo, but the more information that I discovered about the proposal the more concerns I have. I have been at my current location for 20 years, and have very little strife, actually the businesses as well as the churches in the area, have cooperated very well together over that time frame. My major concerns are twofold. One: Parking. I do not see any plans in the proposal for additional parking on the property, which, in my opinion, will allow this venue to flourish. The additionally needed parking will have to be utilized on my property. With or Without an agreement with the business, my parking lot will be used with or without my permission. The wear and tear of my parking lot, the inevitable additional trash, the inconvenience of my clients trying to access my business especially on Sundays, added security measures needed, are just a few of the problems that I can anticipate with the lack of planning for parking. Two: The noise produced by an outdoor music venue. The kennel houses up to 35 to 45 dogs and cats every weekend through-out the year. During the business day, ambient noise is expected, but in the evening hours it is relatively quiet in the neighborhood. In this proposal I can expect music possibly until midnight during the weekends. Boarded animals initially have some anxiety since they are away from their normal environment, but now there will be an additional time frame that they will be subject to extra noise during a time they are expecting quiet rest, which may produce undue stress on the boarding animals. These are my two main concerns about the proposed business, but it is not an exhaustive list. Alcohol sales on and near an accident prone intersection, patrons possible throwing foodstuffs over my fence to "feed the dogs", mischief on my property which will require additional security. As I have stated I am pro-business, but in this instance, I will have to decline support for this new venture.

Scott Blanton D.V.M.

**Letter of Opposition 2 - representing Green Meadow Church of Christ
(A property owner within 200' of subject property)**

October 3, 2019

Neddo, Delbert J., Trustee
Green Meadow church of Christ
3438 Green Meadow Dr.
San Angelo, TX 76904

City Council
San Angelo, TX

Ma'am/Sir

As a trustee for the physical property of Green Meadow church of Christ, I Delbert J. Neddo, hereby appoint the Elders of the Green Meadow church of Christ congregation, Steve Cozad, Jeff Trees, and Don Knight to represent me as I oppose the rezoning request PD19-08: Ionita/Benson.

Thank you,



Delbert J. Neddo
Trustee
Green Meadow church of Christ

Other Letters of Opposition (from members of Green Meadow Church of Christ) (3)



Wed 10/2/2019 11:00 AM

Don Knight <3106dk@gmail.com>

PD19-08 New business corner of Southwest Blvd 7 Green Meadow Dr.

To: Fisher, Jeff; James, Jon; Dewitt, Billie

 You replied to this message on 10/2/2019 11:07 AM.

[Bing Maps](#)

+ Get more a

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

Dear Sirs and Madam,

My name is Don Knight and I serve as one of the elders (leaders) at Green Meadow church of Christ. I was planning to be at the Planning Commission meeting but illness kept me away. I would like to let it be known at this time my opposition to the rezoning and my reasoning. I oppose the rezoning because of the admitted loud noise from this new venue. We are a quiet church with no instrumental music. We have regular scheduled bible study for adults and children that requires quietness. We have an evangelist that uses his office for preaching preparations and periodic personal bible studies when others want to learn of the Gospel. Quietness is required for these activities. Worshiping God, praying to God, and studying about God all require quietness.

I oppose the rezoning because of the parking problems that will arise. They are required to have 16 parking places on premises. They will have tables and seating for at least 60 people and that does not include any inside tables and seating. Parking necessary for employees and patrons will be at least 60 spaces and special events, which they have stated they will have, will require even more.

I oppose this rezoning because of the dangerous intersection of Green Meadow and Southwest. From experience, even now without any extra bottleneck it is very difficult to go straight on Green Meadow or turn left onto Southwest. If this new business generates the kind of volume that will be needed for success there will be huge problems at that intersection. I respectfully ask that this rezoning be denied.

Thank you for your considerations of my opposition.

Respectfully,

Don Knight

Elder, Green Meadow church of Christ

3438 Green Meadow DR.

San Angelo, TX 76904

Same as above (3)

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) _____

This new "business" is less than 100 Ft from a church, "Green Meadow church of Christ." This should not be allowed to happen. Aside from it being against our beliefs, it poses the problems of overflow parking on our parking lot, noise from the business interfering with our worshipping God, trash + debris discarded by their patrons, danger to us + our young by those that become intoxicated and also businesses of this nature would be difficult to communicate with if problems arose.

NAME: Green Meadow church of Christ

ADDRESS: 3438 Green Meadow Dr.

San Angelo, TX 76904

SIGNATURE: Don F. Knight (one of 3 elders)

PD19-08: Ionita/Benson

Property owner number: 5

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.

(4)

 Reply  Reply All  Forward



Fri 9/27/2019 3:47 PM

Ben G Turn Jr <bgtturn@suddenlink.net>

Proposed Re-zoning_Case PD19-08

To Fisher, Jeff

 You replied to this message on 9/30/2019 7:23 AM.

[Bing Maps](#)

+ Get more a

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

Dear Mr. Fisher,

My name is Gerald Turn and I attend Church at Green Meadow Church of Christ located at [3438 Green Meadow Dr.](#) I live in Councilman Harry Thomas' District.

It has been brought to my attention the city is considering rezoning the property at [4382 Southwest Blvd. San Angelo, TX 76904](#). I am concerned such a rezoning will create a real problem for the residents, businesses and organizations in the area. I urge you to reconsider and keep the current zoning. A few of my concerns are as follows:

1. Considerable noise can be expected, even by the Planning

Staff's own admission in it's summation. The noise would

certainly have a detrimental impact on our worship service and

study.

2. The parking for such an enterprise is totally inadequate. The

patrons will certainly begin to overflow into the other parking

facilities of other businesses and organizations.

3. The corner of Green Meadow and Southwest is already a

dangerous intersection without a traffic light. This type of

business would add even more congestion and make it even

more dangerous.

4. There is a problem with underground water flow in the area

that causes extreme potholes and erosion in the existing streets

and parking lots. Additional traffic created by this type of

business will exacerbate the problem.

5. Last but certainly not least, I do not see the wisdom in re-zoning a residential/business area for the sole purpose of allowing a bar for adults and entertainment for children in the same venue.

I urge you to leave the zoning in its current form and in the event the issue does go to the Full Council, I urge Council Woman DeWitt and Councilman Thomas to vote against the issue.

Sincerely,

Gerald Turn

325-374-4774

1502 Koberlin St.

San Angelo, TX 76903

(5)

 Reply  Reply All  Forward



Mon 9/30/2019 1:42 PM

Dixie Lea <dixcoz2@suddenlink.net>

Re-zoning in District Six

To: Fisher, Jeff; James, Jon; Dewitt, Billie

Cc: Dixie Cozad

 You forwarded this message on 9/30/2019 2:55 PM.

Action Items

+ Get more apps

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

Jeff Fisher, Principal Planner
Jon James, Director of Planning and Development Services
Billie DeWitt, Councilwoman, District Six

I am writing to you today to voice my concern over the proposition to change the zoning of our city district six, Case No. PD 19-08.

“To allow for an indoor entertainment facility with accessory alcoholic beverage sales for on-premises consumption, outdoor recreation and entertainment, and mobile food units being 1.0720 acres located at [4382 Southwest Boulevard](#)”.

I attend the Green Meadow church of Christ located just down the street from that address and I feel that the noise from the outdoor music might very well affect our church services on both Wednesday and Sunday. Also, a venue that large would probably result in overflow parking in our lot, causing considerably more expense for yearly repair which is already considerable due to an underground water problem.

Please address these difficulties before making your decision regarding the re-zoning. If you need to contact me for any reason, my telephone number is (325) 227-4723.

Sincerely,
Dixie Cozad

Sent from my iPad

(6)

 Reply  Reply All  Forward



Wed 10/2/2019 12:07 PM

Richard Perkins <RAP@Perkinses.com>

Rezoning

To: Fisher, Jeff; James, Jon; Dewitt, Billie

 Click here to download pictures. To help protect your privacy, Outlook prevented automatic download of some pictures in this message.

[Bing Maps](#)

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

I am sending this message to express my concern at the proposed rezoning of the tract at the corner of Green Meadow Drive and Southwest Boulevard. The proposed use of this location as a recreational area would, in all probability, generate excessive noise that would create a nuisance in the neighborhood. This is a quiet area that contains several religious places of worship as well as personal residences.

I believe that this rezoning would be a serious mistake and I am requesting that this change not be made.

Thank you.

Richard Perkins
3414 Clearview Drive
San Angelo, Tx 76904



This email has been checked for viruses by Avast antivirus software.
www.avast.com

(7)

 Reply  Reply All  Forward



Wed 10/2/2019 12:22 PM

Ginger Harrell <gingerharrell@suddenlink.net>

Re-zoning in District Six, Case No. PD 19-08

To: Fisher, Jeff

Cc: James, Jon; Dewitt, Billie

[Action Items](#)

[Bing Maps](#)

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

I would like to submit my opposition to the proposed above mentioned case. I attend worship services at the Green Meadow church of Christ, and the noise of this venue would surely be quite disruptive. Also, the over flow of parking would be another problem. PLEASE consider and address these issues when making your decision and vote NO to the re-zoning.

Thank you for serving our part of the county.

Ginger Harrell

1628 Oregon Ave,

San Angelo – 76904

(8)

 Reply  Reply All  Forward



Wed 10/2/2019 1:05 PM

Lois Knight <ljknight@live.com>

Proposed Re-zoning Case PD19-08

To Fisher, Jeff; James, Jon; Dewitt, Billie

Action Items

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

Sent from [Mail](#) for Windows 10

Hello,

I am a member of Green Meadow Church of Christ located at 3438 Green Meadow Drive. We are a small church within 200 feet of the proposed new entertainment facility. This business plans to have outdoor music and entertainment that will destroy our ability to worship our Lord and Savior as we believe the bible teaches. Adding alcohol will increase the noise. Also, there is the problem of parking and traffic. I feel when there is not enough parking in front of this entertainment facility so party goers will be parking on the street and anywhere close. That means our parking lot will be used. If a driver after having consumed a few drinks should run over one of our little children it would be sorrow beyond words.

I read where great care was taken for the apartment project across the street but none for our church. Please, please reconsider re-zoning this property for the purposed planned use.

There are other reasons I could give for not having this property at the corner of Green Meadow Drive and Southwest Boulevard rezoned but I feel I have stated reasons enough. I have lost much sleep over this and pray for your understanding and consideration.

It is with the upmost respect I write this letter.

Thank you and God Bless you all as you care for our city,

Lois Knight

ljknight@live.com

(9)

 Reply  Reply All  Forward

Wed 10/2/2019 1:25 PM



Hugh DeLong <hugh.delong@gmail.com>

ReZoning case PD19-08

To: Fisher, Jeff

[Bing Maps](#)

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Hugh DeLong
6248 Indian Path
San Angelo, TX 76901

TO Jeff Fisher, Principal Planner

This is a note concerning the re-zoning case PD19-08. I am a member of the Green Meadows church of Christ which meets nearly next to this plot. I have some serious concerns about putting in this 'indoor-outdoor' recreational facility that serves alcoholic beverages and will provide outdoor music for their customers.

First, the zoning information indicated the problem of noise was already acknowledged by wanting to put limits on the hours that such music could be played. Being broadcast on outdoor speakers loud enough to overcome the considerable road noise that already is heard here, this will be a conflict with our church services and a nuisance for the vet hospital that is next to it.

Second, having looked at the required parking, and realizing that the staff that works there will also use these parking spaces, there will simply be an overflow problem that will be parking wherever they find 'space'. Such means that the parking that has been provided for our own use and those of the neighboring businesses to this re-zoned lot will be used by the customers of this new business. There does not seem to be nearly enough parking for such an establishment and all of its workers.

Third, the intersection here at Southwest and Green Meadow is already a dangerous intersection. It is often difficult to find a break in the traffic in order to get through this intersection, throwing in all of the extra traffic (not to speak of those who have had a few drinks) will only make this much worse.

Fourth, if you look at the streets in this area you will see the road conditions are extremely poor due to the drainage and run-off. Adding all the traffic that is anticipated by this new business will make matters worse. We already have problems and the city already has problems maintaining and upgrading the streets like this one, why exacerbate the problem.

So, noting the lack of parking, the dangers of the intersection, the problem that the noise will bring to the apartments, vet hospital, and churches in this area, and the added problems the increased traffic will bring to the road conditions, I strongly appeal to you to not allow such a business to be put here.

Hugh DeLong

(10)

 Reply  Reply All  Forward

Thu 10/3/2019 12:26 PM



Don Knight <3106dk@gmail.com>

Jo Henderson's letter of opposition

To Fisher, Jeff; James, Jon; Dewitt, Billie

Action Items

Bing Maps

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

Dear City Council,

Green Meadow church of Christ is my church home. I and my late husband moved here to retire and started attending there many years ago. I have read and been told what is being planned for the lot at the corner of Southwest Blvd. and Green Meadow Dr. I adamantly oppose this rezoning because of the noise implications which will certainly disrupt our worship, prayers and bible study, traffic problems at that intersection that already exist will be even worse and the concept of mixing children with alcohol. PLEASE DENY THIS REZONING. They need to find a more suitable location for such a business.

Thank you,

Jo Henderson

6106 Stage Coach

San Angelo, TX 76901

(11)

 Reply  Reply All  Forward



Fri 10/4/2019 12:49 PM

Mitchell Freeman <mfreeman49@outlook.com>

Green Meadow Church of Christ

To: Fisher, Jeff

 You replied to this message on 10/4/2019 4:22 PM.

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10/4/19

To Whom It May Concern:

I am an elder on staff for the Johnson Street Church of Christ. This letter is to show concern for our brothers at the Green Meadow Church of Christ, and the proposed zoning change request for the property located at 4382 Southwest Blvd. We would like to join our voice with them in not being in favor of this zone change.

The Green Meadow Church has been in their location for several years. It is our view that the loud music played during the evening times would directly impact their services. We also fear that the sale of alcohol at this place would take away from the theme of being a family like atmosphere.

We at the churches of Christ firmly believe in the family-oriented organization for this town. We are not convinced that this facility will meet those needs. Please consider the impact this establishment would have on the Green Meadow Church of Christ.

Thank you,

Mitch Freeman
Elder on Staff
Johnson Street Church of Christ

(12)

 Reply  Reply All  Forward



Fri 10/4/2019 7:45 PM

Jeff Trees <trees.jeff@gmail.com>

Concern over Proposed Rezoning

To: Fisher, Jeff

Dear Mr. Fisher,

My name is Jeff Trees and I am a member and one of the elders of the Green Meadow Church of Christ here in San Angelo. I am writing to you to express my concerns over the proposed rezoning of some property on Green Meadow Drive for the purpose of allowing an indoor/outdoor entertainment complex to open on the corner of Green Meadow and Southwest Boulevard.

My first concern is over the noise that such a business will create for the residents, businesses, and worshipers in the immediate area. As you can imagine there is a significant amount of traffic noise in this area due to the proximity to Loop 306. In order to compete with that road noise, a business providing outside entertainment (music, etc.) would need to increase the volume. This, in turn, would create a noise disturbance for the residents, businesses, and churches nearby. As a member of Green Meadow Church of Christ, I can say that the proposed hours of operation for the new business coincide with some of our worship services and Bible studies. Having to compete with an increased noise factor would not be conducive to productive worship or study. There are most likely families with school age and small children living in the apartments across the street. Having to contend with the noise of an outside entertainment venue at night would not be helpful for those children to rest as they should. Dr. Blanton's veterinary clinic also provides outside boarding services for pets; constant noise from an outside entertainment venue would not be beneficial for the well-being of those pets. It seems that the noise factor alone would affect a good many people in the area.

Another concern is with the lack of adequate parking for the proposed new venue. According to the schematics, they would only provide 15-16 parking spaces. For a venue of this size and providing the proposed services, this will not be adequate parking. This will, in turn, lead to parking overflowing into neighboring parking lots, including the parking lot for our church building. This will pose a problem and an inconvenience for those who own and use these neighboring parking lots. Something that goes along with this is the increased traffic that will be created on Green Meadow. Green Meadow Drive has drainage issues and potholes have opened up several times over the years due to these issues. With increased traffic, this problem will only worsen and become more frequent.

A third concern is with the increased safety issues at the corner of Green Meadow and Southwest. This corner is already a dangerous intersection. With the increased traffic that an entertainment complex will generate, it will only become more dangerous; that danger will further increase with an establishment providing alcohol to its customers.

I greatly appreciate you taking the time to read this. I have enjoyed the privilege of worshiping in peace and quietness on Green Meadow Drive for 20 years. My earnest prayer is that the peace and quiet in which we worship may be preserved.

Sincerely,
Jeff Trees

(13)

Reply Reply All Forward



Sat 10/5/2019 8:24 PM

steve cozad <cozads@LIVE.COM>

Proposed Re-zoning Case PD19-08_Objections

To Fisher, Jeff

Cc James, Jon; Dewitt, Billie; steve cozad

Suggested Meetings

+ Get more ap

October 5, 2019

Jeff Fisher, Principal Planner
Jon James, Director of Planning and Development
Billie DeWitt, Councilwoman District 6

Re. Proposed Re-zoning Case PD19-08

Gentlemen and Councilwoman,

I am one of three elders at the church of Christ located at 3438 Green Meadow. It was brought to our attention recently plans to rezone the area around the property of 4382 Southwest Blvd **"To allow for an indoor entertainment facility with accessory alcoholic beverage sales for on-premises consumption, outdoor recreation and entertainment, and mobile food units being 1.0720 acres located at 4382 Southwest Boulevard"**. There are a number of concerns and objections that I have personally with this rezoning.

From the information we have received concerning the proposed venue, there would be considerable noise that could be generated through the entertainment and loud speakers. Having been at this location for almost 20 years we have learned to deal with the noise generated by Loop 306 traffic and recognize it is quite continuous. For any venue to have a successful sound system that can be heard by their patrons over the outdoor noise created by Loop 306, it will need a considerable amount of volume generated that will affect our worship hours and other residents in the area.

Our services are held on Wednesday between 7:00 PM – 8:30 PM. And on Sundays mornings 9:30 AM – 12:30 PM and Sunday evening 6:00 PM – 7:30 PM. Considerable noise can only be expected from the new venue. One of the reports I read from the Planning Staff identified concern for "noise impact on residents and consistent with the noise regulations in the City Code of Ordinances".

I also recognize there is limited parking in this area. Our neighbors parking and our parking lot have considerable amount of damage due to traffic and an underground water source that continually erodes these paved areas. Any overflow from this business would further damage our lots and streets on Green Meadow.

There is a considerable amount of congestion at the corner of Southwest and Green Meadow. With a business serving multiple patrons coming and going it will just make the already dangerous intersection even more so.

Finally, the rezoning for the purpose to provide a "family oriented" business is not my objection (if the other concerns did not exist), but I do not see the wisdom rezoning in this area for the purposes stated in my first paragraph. I do not feel adult entertainment with alcohol sales mixed with outdoor recreation for children meets the needs of a "family oriented" facility. Rezoning for these reasons could make other properties around us vulnerable in similar ways that could impact our purpose and worship in the future.

I would respectfully request that you reconsider the rezoning effort.

Sincerely,

Stephen Cozad
Elder, Green Meadow church of Christ

325-234-4190 Mobile

(14)



Mon 10/7/2019 1:50 PM

Lorna Harris <lharris@sgcoc.com>

Paul Shero's letter opposing the use of property at Southwest Blvd.

To Lorna Harris

[Bing Maps](#)

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To

I am writing concerning the proposed use of the property at 4382 Southwest Blvd. I have included the description of changes and the recommendations from the planning commission. I would like to voice my opposition to this idea. Beside the additional traffic and noise this kind of enterprise would produce, it is right across the street from peoples' homes. These apartments are full of families with children. Outdoor music production and the availability of alcohol is not a good idea. Putting playground equipment does not change the danger. I know there is a church nearby and a lot of children near. In the 42 years I have lived and preached in San Angelo, I have buried 7 teenagers. Alcohol was involved in 4 of those deaths. Some were drinking and some were hit by people who were drinking. San Angelo is a lovely city and is family friendly. But you have a responsibility to be vigilant in protecting our children. No amount of revenue is worth endangering these children by putting such a venue across the street from their homes.

**Sincerely,
Paul Shero
Minister
Southgate Church of Christ
528 Country Club Rd.
San Angelo, TX. 76904**

325-651-8122

(15)



Tue 10/8/2019 1:38 PM

jneddo@juno.com

I'm opposed to the rezoning request PD19-08: Ionita/Benson

To Fisher, Jeff; James, Jon; Dewitt, Billie

Cc 3106dk@gmail.com

Click here to download pictures. To help protect your privacy, Outlook prevented automatic download of some pictures in this message.

[Bing Maps](#)

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

Sirs & Ma'am,

I just want to express my strong feelings for opposing the rezoning request PD19-08: Ionita/Benson. We have been attending Green Meadow church of Christ since it started and it has been a pleasant place to worship with little noise with the exception of traffic driving by with radios blaring. I suspect this would happen even more if this establishment is allowed to build near us. Speaking of the traffic, Green Meadow Drive has had problems with pot holes with just the traffic we have now. We heard from the city that this was partially due to an underground river that flows there and under our parking lot. We are always having to repair our parking lot. If they are allowed to build the traffic will be a lot more and the damage to the road will be worse.

We also have meetings, Bible studies, and Gospel meetings sometimes during the week and the noise from this establishment would be very distracting. I can't believe the businesses and apartments (with some living there working shift work) near by will enjoy the loud music either. I was a teacher for 17 years in SAISD and know the problems our youth have with alcohol. Having a place designated for young people and then to have a bar in it for the parents will only promote alcohol. We don't need more alcohol related problems in our city and definitely not near a church building.

I would ask you to reconsider approving this rezoning. The traffic at the intersection of Green Meadow Dr. and Southwest is a very dangerous intersection. People drive very fast on Southwest and it's very hard to turn off of Green Meadow Dr. on to Southwest especially when traffic on the other side are trying to turn left onto Southwest too.

We all want what is best for San Angelo and I do not believe this rezoning would be what's best for anyone other than the ones wanting to have it rezoned.

Delbert J. (Jim) Neddo
3914 High Meadow Dr.
San Angelo, TX 76904
325-650-2559

(16)



Tue 10/8/2019 9:50 PM

Nowell Black <rotag7@aol.com>

Rezoning of 4382 Southwest Boulevard

To: Fisher, Jeff

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

Dear Mr. Jeff Fisher,

My name is Jenny Black and I am a member of Green Meadow Church of Christ. It has come to my attention that 4382 Southwest Boulevard is pursuing being rezoned to allow alcoholic beverage at an indoor entertainment facility within 200 feet of where we worship (our church building).

I'm extremely concerned with this for the following reasons. The intersection of Green Meadow and Southwest Boulevard is a busy and at times dangerous intersection due to traffic, no traffic light, and because of all of the traffic coming and going from the McDonald's near it. If this new business comes there will be even more traffic and more possible dangers. There is also a flooding problem in this location too and with more traffic that will bring more danger.

Another concern is the problem with the underground water flow that causes extreme potholes and erosion on Green Meadow street and the parking lots. As the traffic increases this problem will only become worse.

The parking lot for that potential business is small. It will not provide its customers enough parking. So they will then start parking in the parking lots of the apartments across the street, the vets office, and our parking lot. This potential business hours of operation are the same as the business hours of the vets office and when we meet to worship. This will then make it difficult for us to find parking for church services.

Another reason of concern is the amount of noise that would be expected from this type of business. This could impact our bible study and worship. Even putting up something to reduce the noise levels would still potentially interfere with our worship.

Lastly, I do not feel that this decision is best for our community. They are wanting to provide alcoholic beverages in a neighborhood with apartments and near a church building. If this place is to be truly family entertainment, alcoholic beverages doesn't need to be involved.

I appreciate you taking the time to read my letter and listening to my concerns.

Sincerely,
Jenny Black

Sent from my iPhone

(17)



Tue 10/8/2019 10:32 PM

Deborah Neddo <debbien010@gmail.com>

Opposition to Proposed Re-Zoning Request PD19-08 Ionita/Benson

To: Fisher, Jeff; James, Jon; Dewitt, Billie

Cc: 3106dk@gmail.com

[Bing Maps](#)

+ Get more

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

Dear Sirs and Ma'am,

I strongly oppose the rezoning request PD19-08 Ionita/Benson.

I am a member of the church of Christ that meets at 3438 Green Meadow Drive. I feel that our worship services and Bible studies would be negatively impacted and hindered by the noise level this new business would create because of the proximity to our building.

Because of the potential of large crowds for a new business at the proposed location, parking would also be a problem.

I also have concerns regarding the combination of children's activities with an area designed for drinking and the business being located near a daycare and apartments. Unfortunately, the potential for endangering children, as well as adults, due to the effects of alcohol consumption is of great concern.

Thank you for serving San Angelo, and thank you for your consideration of these concerns.

Sincerely,
Deborah Neddo
3914 High Meadow Dr.
San Angelo, TX 76904

Other Letter of Opposition (18)

 Reply  Reply All  Forward



Sat 10/5/2019 2:41 PM

Bradley Boxa <matchboxa@protonmail.com>

Rezoning of Southwest and Green Meadow dr

To Fisher, Jeff

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

Dear Mr. Jeff Fisher

I am writing you concerning the rezoning of the property on the corner of Southwest and Green Meadow drive. It is my understanding that the proposed business would be a family attraction that includes the sale and consumption of alcohol. I believe that this is unwise and dangerous. The selling of alcohol for recreational purposes coupled with children seems to me to be a great risk. I believe this also sets a poor example for the children. **Pro 20:1 Wine is a mocker, Strong drink is a brawler, And whoever is led astray by it is not wise.** In addition the added traffic to the already busy intersection would increase the likelihood of accidents. Please deny the proposed rezoning for the benefit of the community as well as the safety of the neighborhood and children.

Thank you,
Brad Boxa

Sent with [ProtonMail](#) Secure Email.

Other Letter of Opposition (19)

 Reply  Reply All  Forward



Sat 10/5/2019 8:40 PM

Boxaliving(NicoleBoxa) <boxaliving@protonmail.com>

Rezoning of SOutwest and Greenmeadow Dr.

To Fisher, Jeff

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

Dear Mr. Fisher,

I am writing you concerning the rezoning of the property on the corner of Southwest and Green Meadow drive. My Husband Brad Boxa has also written to you, and I will mimic his concerns because they are also my concerns as well, a long with an additional one. It is my understanding that the proposed business would be a family attraction that includes the sale and consumption of alcohol. I believe that this is unwise and dangerous. The selling of alcohol for recreational purposes coupled with children seems to me to be a great risk. I believe this also sets a poor example for the children. **Pro 20:1 Wine is a mocker, Strong drink is a brawler, And whoever is led astray by it is not wise.** In addition I feel like the noise level coming from such a business will hinder our worship to God and affect those in the apartments across the street. Also the added traffic to the already busy intersection would increase the likelihood of accidents. Please deny the proposed rezoning for the benefit of the community as well as the safety of the neighborhood and children.

Thank you for your time and consideration
of my concerns,
Nicole Boxa

Other Letter of Opposition (20)

 Reply  Reply All  Forward



Wed 10/2/2019 11:45 AM

Ginny Kinnard <ginny.kinnard@gmail.com>

To: Fisher, Jeff

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

Sir, I am asking you to not change the zoning on the corner of Southwest & Green Meadow. The noise and parking is a concern for the 2 apartment complexes as well as the businesses on the same block. Sincerely,

Ginny Kinnard

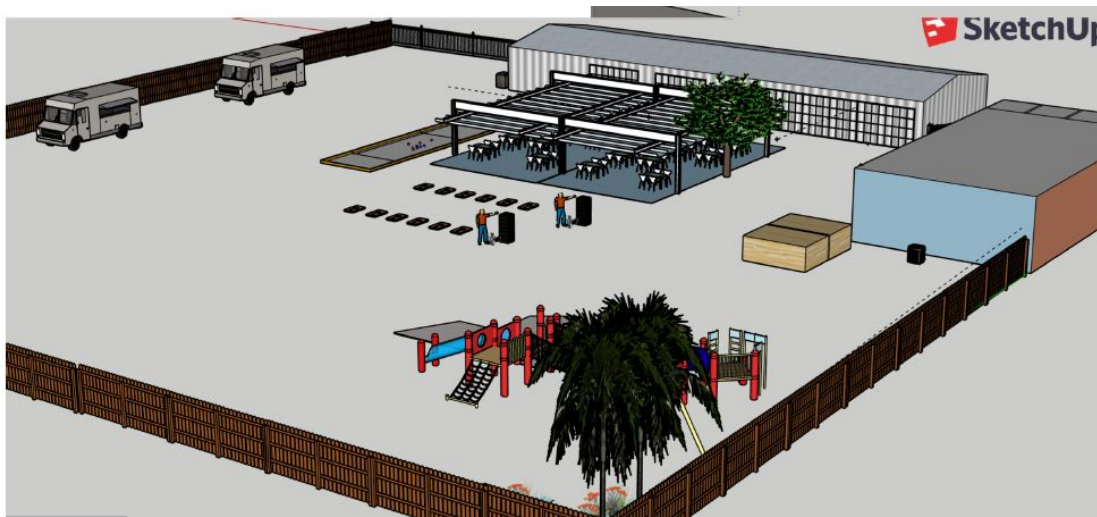
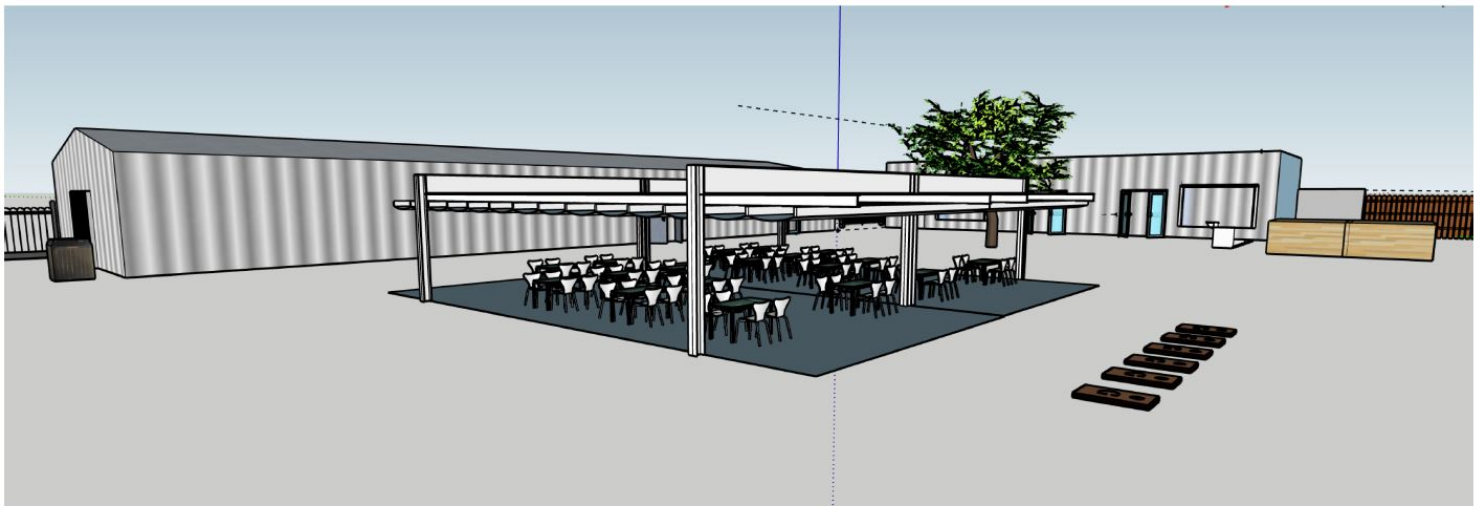
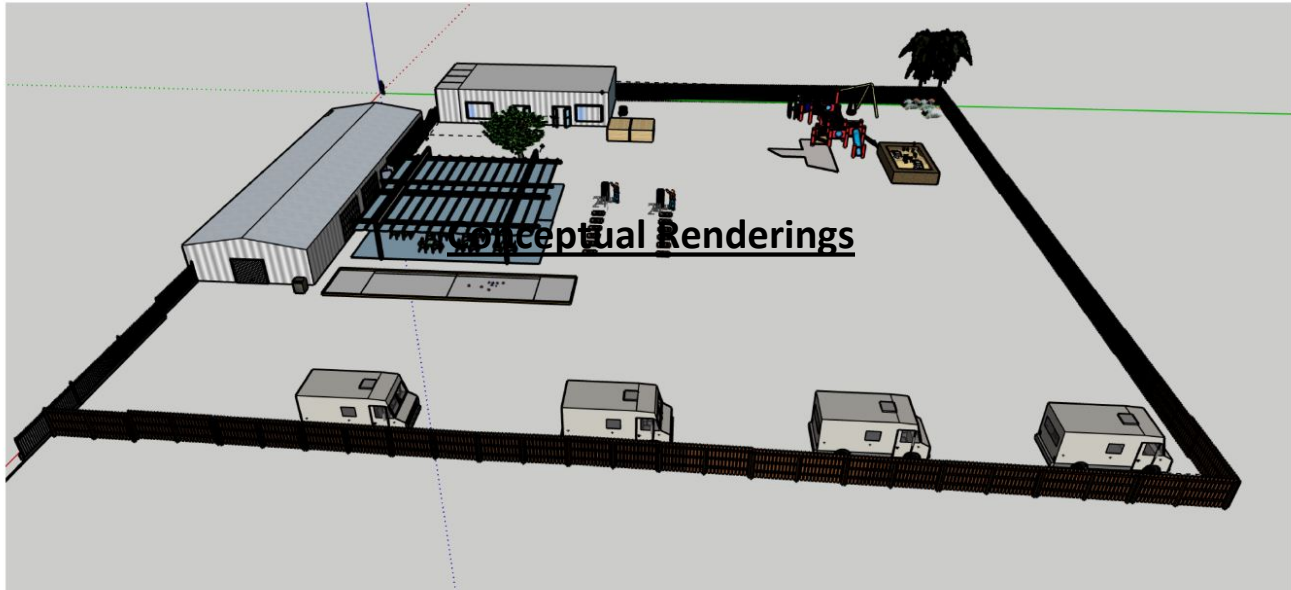
Sent from my iPhone

Revised Concept Plan – October 9, 2019

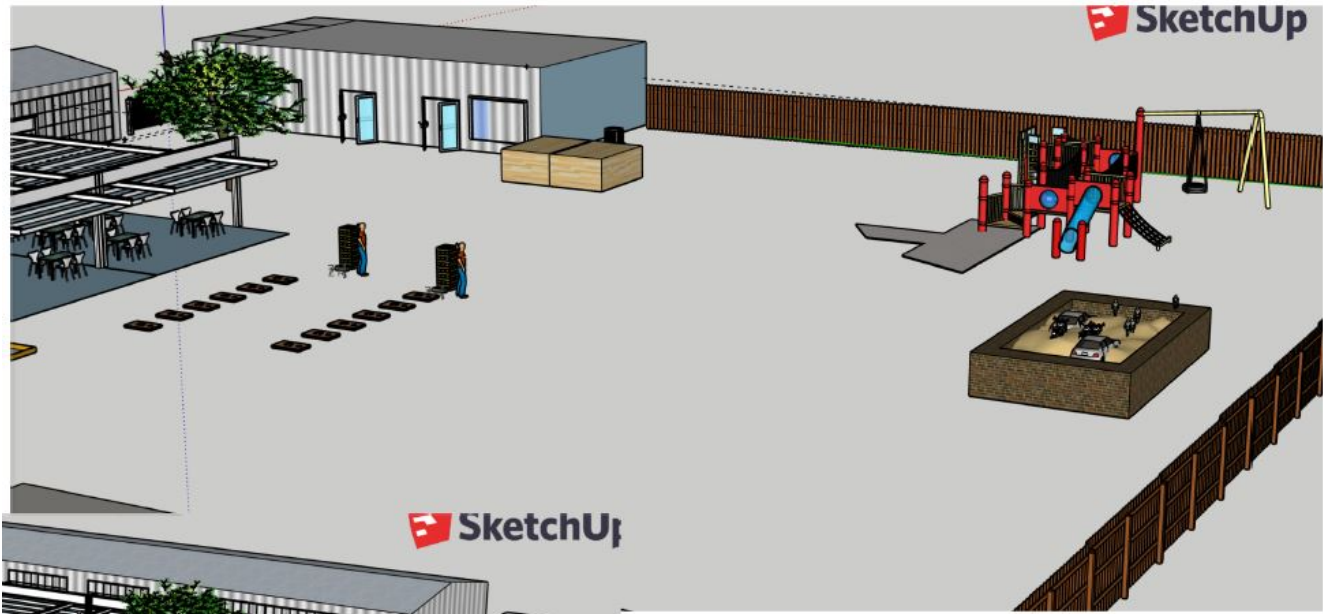


Original Concept Plan





Conceptual Renderings



Concept Ideas



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.

The current zoning allows for Heavy Commercial development which does not conform to the surrounding businesses in the area. The proposed amendment will take away the CH zoning and add the PD zoning that will allow the additional uses that CG does not cover including beer/wine sales and indoor and outdoor activities.

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

The current zoning is CG/CH. All of the surrounding structures are currently zones the same, aside from an apartment complex caddy corner from the property which is zoned RM-1. The PD will take away the CH zoning and allow many of the uses that are already in the surrounding area, while eliminating the CH, which isn't compatible for the neighborhood.

The proposed development will comply with all PD standards for zoning. It will also allow all uses in the CG zoning while adding additional uses that currently aren't allowed under the CG zoning.

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 current zoning of the building is CG/CH. Since the proposed vision falls under multiple categories, we are requesting the zoning be amended to PD, since no single category would encompass all aspects of the business. The intended use will be similar to other neighborhood uses.

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

The current CH zoning is not compatible with neighboring businesses and the surrounding area. The change to the PD zoning will allow for the additional uses of outdoor activities as well as beer/wine sales. This will conform to the neighborhood better than the current CH zoning.

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.

The proposed business will not be building any additional structures on the property that would negatively impact the environment. We intend to utilize the existing structures and add landscaping along the fence line to create a buffer for any potential noise. We will also be added a 6' privacy fence along the East side of the property, it is currently chainlink. Hours of operation will also be limited to 10pm-11pm on weekdays and 11pm-12pm on weekends.

The back portion of the property does fall into the flood way. We do not intend on moving dirt or adding any structure that would alter the current flow pattern of the water way.

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

Currently there are not a lot of establishments that cater specifically to families. Many people leave town in order to spend time as a family. Whether its heading to Abilene to go to Prime Time and the Zoo or out to San Antonio for a fun time on the River Walk, our goal is to create a fun and safe environment for families to come and gather.

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 property currently resides in an established area of town where 90% of the surrounding land is already developed into commercial or residential use. The building has been vacant for over 2 years. Our parking lot will be angled with a one way entry and exit in order to assist with a smooth flow of traffic onto Green Meadow and eventually onto Southwest.

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): Brittany Ionita ; Bryan Benson
☐ Owner ☒ Representative (Notarized Affidavit Required)

Mailing Address: 5302 Green Valley Trail San Angelo TX 76904
 City State Zip Code

Contact Phone Number: 325-340-2962 Contact E-mail Address: Brittany@WelcomeHomeAngelo.com

Subject Property Address: 4382 Southwest Blvd San Angelo TX 76904
 City State Zip Code

Legal Description (can be found on property tax statement or at www.tamgreencad.com):
Acres: 1.072, Subdivision: Meadow Creek Add. SW 1.0720 acres in
Tract C Sec. 3

Existing Zoning: GC/CH Proposed Zoning: PD Lot size: 1.072

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

Section 2: Site Specific Details

Existing Use of Property: Storage / retail

*Proposed Use of Property: Commercial entertainment facility with outdoor recreation areas, food trucks, wine / beer & indoor games
 *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.

<u>Wesley Kelly</u> Owner Name (Print)	<u>[Signature]</u> Signature	<u>N/A</u> Company/Organization (If Applicable)	<u>8/14/19</u> Date
<u>Brittany Ionita</u> Representative Name (Print)	<u>[Signature]</u> Signature	<u>EPB Newlin Company</u> Company/Organization	<u>8/14/19</u> Date

FOR OFFICE USE ONLY:

☒ Verified Complete ☐ Verified Incomplete

Date of Application: 8/16/2019

Case No.: PD 19-08

Fully-dimensioned site plan: ☐

Nonrefundable fee: \$ 745.00

Receipt #: 339763 Date paid: 8/16/2019

Sign Deposit \$37.50

Receipt #: 339761 Date paid: 8/16/2019

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.: _____

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

Planning Commission hearing date: 9/16/2019 Date notifications due: ____/____/____

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

Publication date: ____/____/____

Reviewed/Accepted by: J. Fisher Date: 8/16/19

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: October 15, 2019

Item type: Regular Item

Caption:

First reading and public hearing of an ordinance approving the abandonment and vacation of a 20-ft wide by 190-ft long, 0.0872 acres (3,800-sq ft) north/south alley located within Block 30 of Angelo Heights Addition (Presentation made by Planning & Development Services Director Jon James)

Summary/History:

The applicant has requested the abandonment of a 20' x 190' unpaved alley within Block 30 of the Angelo Heights Addition. The applicants own the property on both sides of the alley and want to use the alley property as part of a replat they intend to do with all of their property. The property owned by the applicant that surrounds this alley is part of the Blk. 30 plat that shows access from Cottonwood. St. Technically that is almost impossible since Cottonwood drops drastically to the river. The southern half of this same alley was abandoned in 2012. No utilities are present in the alley. When the owners replat they will then have access through either Hickory Street or Elm Street to all of the property they own.

Financial Impact:

N/A

Other Information/Recommendation:

At their September 16, 2019 meeting the Planning Commission voted unanimously (5-0) to recommend approval.

Attachments:

- | | | |
|----|-------------------|--|
| 1. | Staff Report (RA) | Angelo Heights Addition BLK 30 Staff Report CC.pdf |
| 2. | Ordinance (RA) | Angelo Heights Blk 30 - Ordinance.docx |

Presentation:

Jon James

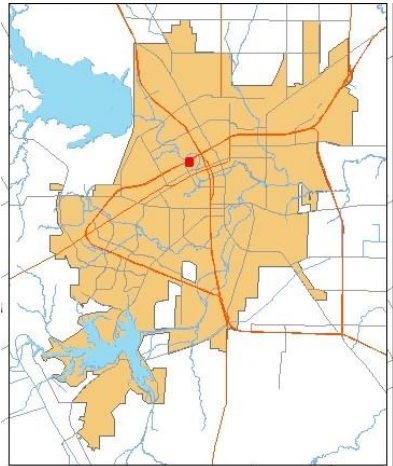
Approvals/Reviews:

Sherry Bailey	Created/Initiated
Hillary Bueker	Approved
Jon James	Approved
Brandon Dyson	Approved
Jon James	Approved
Theresa James	Approved
Julia Antilley	Final Approval

CITY COUNCIL – October 15, 2019

STAFF REPORT



APPLICATION TYPE:		CASE:	
Alley Right-of-way Abandonment		Angelo Heights Addition Blk. 30: Fausnacht	
SYNOPSIS:			
The applicant has requested the abandonment of a 20' x 190' unpaved alley within Block 30 of the Angelo Heights Addition. The reasons for the request is for use of the alley property and the fact that the remained of the alley to the south has already been abandoned. No utilities are present in the alley. The applicant owns Lots 1 thru 4 and 11 thru 14 located on the east and west of the alley abandonment. They are requesting abandonment of the entire remaining alley to then replat their property into larger lots in keeping with development that has occurred to the west. The applicants also own the property to the east.			
LOCATION:		LEGAL DESCRIPTION:	
190 Ft. north of the intersection of Cottonwood St. and Shiloh St.		Being a 0.0872 acres (3,800 square feet) north/south alley located within Block 30 of Angelo Heights Addition.	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District 4 – Lucy Gonzales Central Neighborhood	Zero Lot Line/Twin Homes (RS-3)	Neighborhood Center and Neighborhood	0.0872 acres (3,800 square feet)
THOROUGHFARE PLAN:			
Alley was approved as part of the Angelo Heights Addition, filed for record November 23, 1908 with the Tom Green County Clerk.			
NOTIFICATIONS:			
N/A, The applicant owns the property on both sides of the undeveloped alley to be abandoned.			
STAFF RECOMMENDATION:			
Staff recommends <u>APPROVAL</u> of the Alley Right-of-Way Abandonment request, subject to three Conditions of Approval .			
PROPERTY OWNER/PETITIONER:			
Keith & Cheryl Fausnacht – owners Herb Hook, SKG Engineering - Agent			
STAFF CONTACT:			
Sherry Bailey Principal Planner (325) 657-4210, Ext. 1546 Sherry.bailey@cosatx.us			

Additional Information:

The applicant indicated that this alley is not used in the traditional manner for an alley. There are no utilities in the platted alley and the original part of the alley to the south has already been abandoned. The northern portion of the alley, if abandoned, will be acquired and utilized by the adjoining property owner.

Utility Comments:

There are no utilities in the alley.

Rationale:

Planning Staff reviewed all relevant history, ordinances, policies, and conducted a site visit to the property on August 30, 2019 and September 7, 2019, to determine the appropriateness of abandoning this public alley right-of-way.

- *Traffic patterns:* There is some evidence that some people use the east west portion of the alley to the south of the subject alley abandonment and then park in what would be the alley. However, the use is sporadic.
- *Utilities:* There is no evidence of public or private utilities in the alley area.
- *Community Impact:* There does not appear to be any negative impact to what the property owner intends.
- *Public Benefit:* The positive impact would be the availability of some land for development similar to the property to the west.

Recommendation:

Staff's recommendation is to **APPROVE** of the proposed abandonment and vacation of a 20-foot wide by 190-foot long, 0.0872-acre (3,800-square foot) public alley; generally located running north/south in Block 30 of Angelo Heights Addition, 190 feet north of the Cottonwood St. and Shiloh St. intersection, **subject to three Conditions of Approval:**

1. Per the Code of Ordinances, Section A9.008, payment per the assessment formula outlined in the fee schedule shall be remitted for all of the abandoned alley right-of-way, should the vacation and abandonment be approved.
2. Verification of the recordation of quit claim deed(s) officially abandoning the City's claim to the entirety of the abandoned alley shall be provided.
3. Submit, obtain approval, and officially record a subdivision replat absorbing all of the abandoned right-of-way into adjacent lot(s) and reconfiguration of the allots along with the adjacent property in order to have primary access off of Hickory St. or Elm St., meeting all requirements of the Land Development and Subdivision Ordinance within 18 months of City Council's decision.

Planning Commission Recommendation

On September 16, 2019, the Planning Commission recommended unanimous **APPROVAL** of the Alley Right-of-Way Abandonment. The following is the complete excerpt of the draft minutes from the September 16, 2019, meeting for this case:

**Staff Report – Alley Abandonment – Block 30, Angelo Heights Addition
October 15, 2019**

Sherry Bailey, Principal Planner, presented the proposed alley right-of-way amendment. She explained that the original part of the alley was abandoned in 2012. Ms. Bailey displayed photographs of the undeveloped alley and the property which has a significant portion that drops off in the floodplain. Ms. Bailey outlined Staff's rationale to approve the right-of-way abandonment with three conditions of approval as presented, on the grounds that the alley is not used for access; that there are no utilities located in the alley; that there is no evidence that there would be any negative impacts; and that the alley area once combined and replatted will be available for future development.

Vice Chair Spano opened public comment. There was no public comment and Vice Chair Spano closed public comment.

Commissioner Smith made a Motion to recommend APPROVAL the alley abandonment subject to the three conditions of approval as presented. Commissioner Jackson seconded the motion. The Motion passed unanimously 5-0.

Attachments:

Aerial Map
Floodplain Map
Future Land Use Map
Zoning Map
Original Plat
Photos
Application



Location Map

Alley Abandonment: Fausnacht

Council District 4 - Lucy Gonzales

Neighborhood: Central

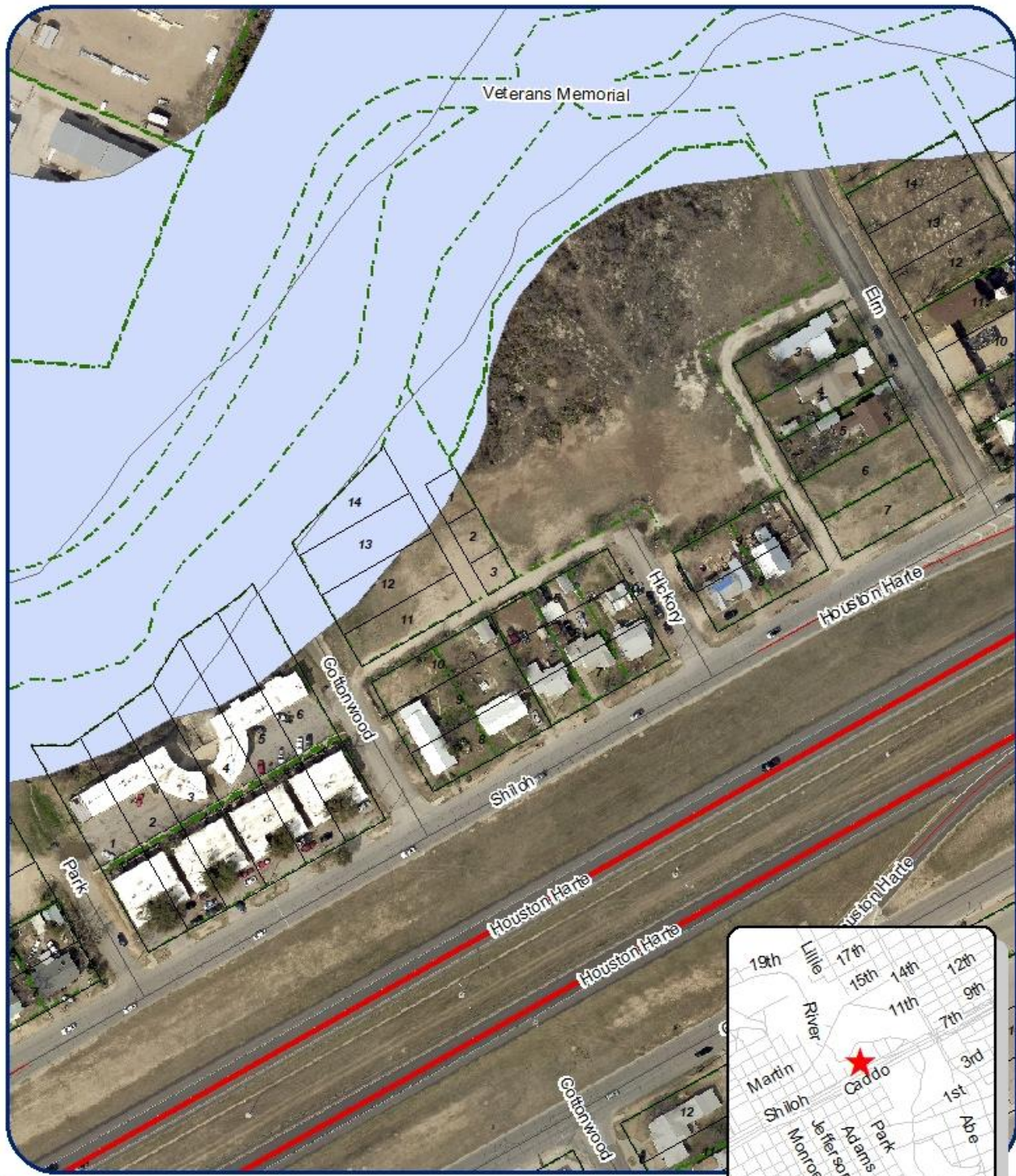
Scale: 1" approx. = 150 ft

20 ft. by 190 ft. alley adjacent to Lots 1-4 & 11-14 Blk. 30,
 Angelo Heights Addition, City of San Angelo, Tom Green County, Texas

Legend

Subject Properties: — RS-3
 Current Zoning: N/A
 Requested Zoning Change: — Neighborhood &
 Vision: — Neighborhood Center





Location Map ROW Abandonment

Alley Abandonment: Fausnacht

Council District 4 - Lucy Gonzales

Neighborhood: Central

Scale: 1" approx. = 140 ft

20 ft. by 190 ft. alley adjacent to Lots 1-4 & 11-14 Blk. 30, Angelo Heights Addition, City of San Angelo, Tom Green County, Texas

Legend

Subject Properties: 

Current Zoning: **RS-3**

Requested Zoning Change: **N/A**

Vision: **Neighborhood & Neighborhood Center**





Location Map

Alley Abandonment: Fausnacht

Council District 4 - Lucy Gonzales

Neighborhood: Central

Scale: 1" approx. = 150 ft

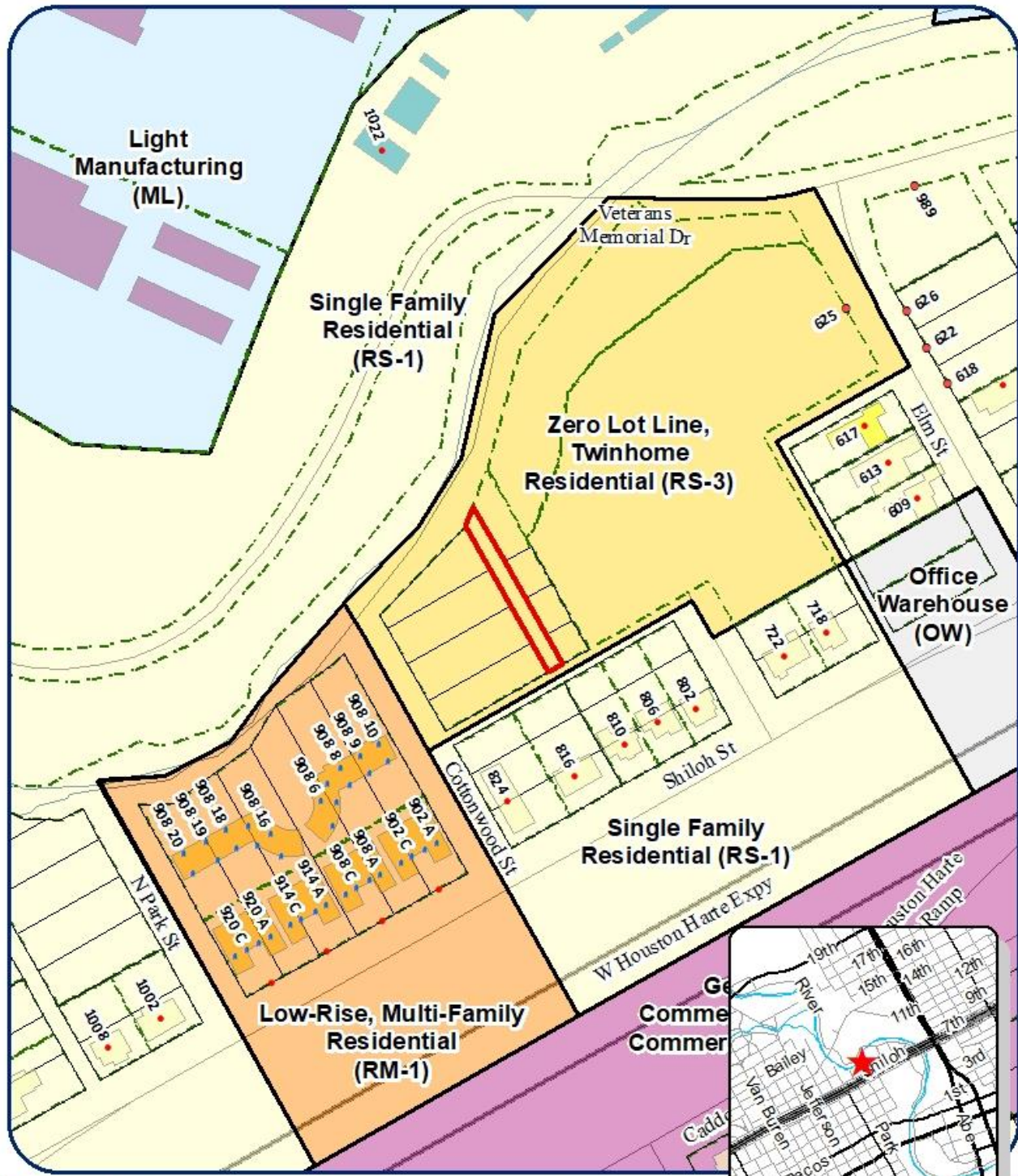
20 ft. by 190 ft. alley adjacent to Lots 1-4 & 11-14 Blk. 30,
 Angelo Heights Addition, City of San Angelo, Tom Green County, Texas

Legend

Subject Properties: —
 Current Zoning: RS-3
 Requested Zoning Change: N/A
 Vision: Neighborhood &
 Neighborhood Center

N





Location Map

Alley Abandonment: Fausnacht

Council District 4 - Lucy Gonzales

Neighborhood: Central

Scale: 1" approx. = 150 ft

20 ft. by 190 ft. alley adjacent to Lots 1-4 & 11-14 Blk. 30,
 Angelo Heights Addition, City of San Angelo, Tom Green County, Texas

Legend

Subject Properties:

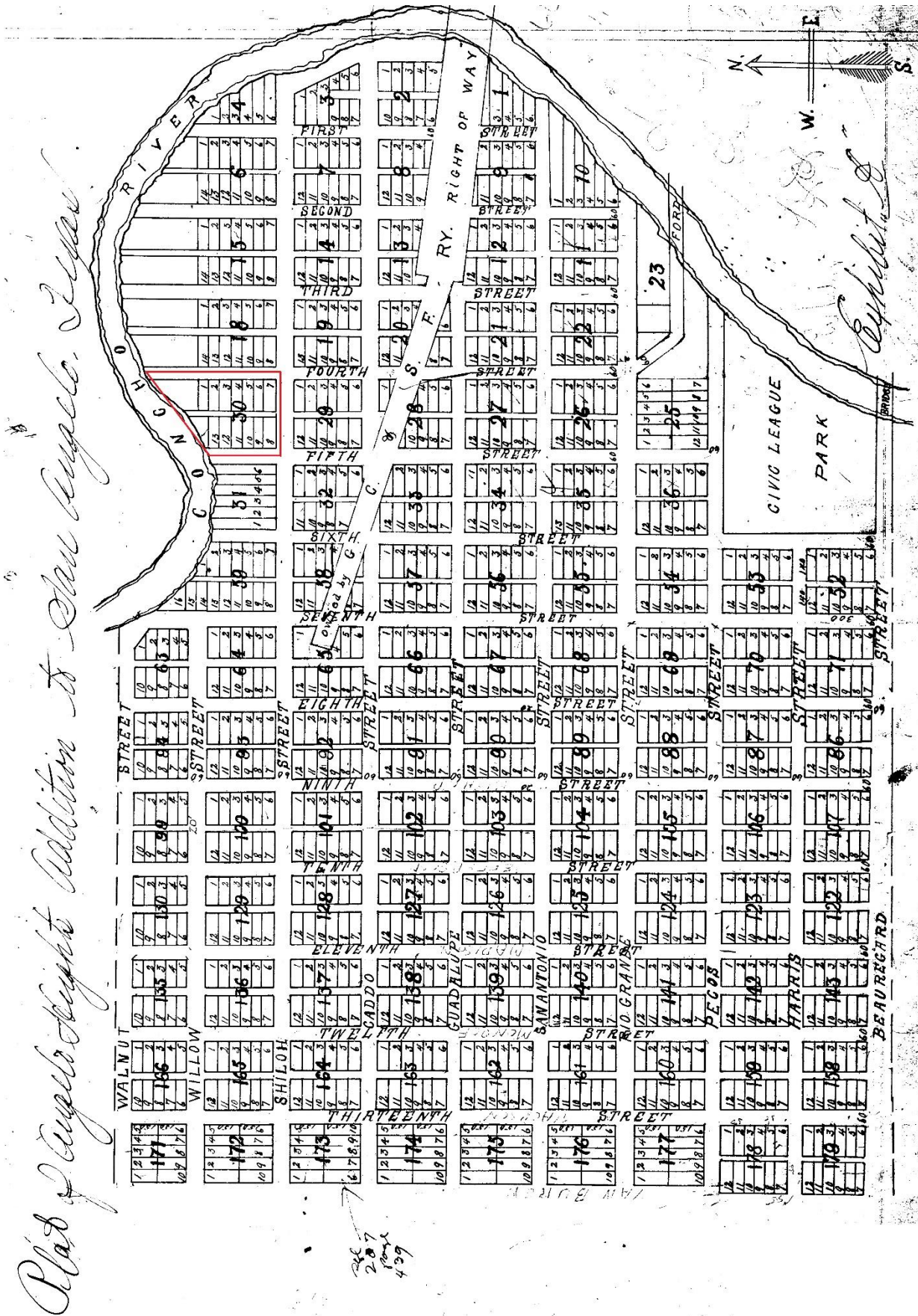
Current Zoning: **RS-3**

Requested Zoning Change: **N/A**

Vision: **Neighborhood & Neighborhood Center**

N







Google map view of the property in question and the development adjacent.



Alley approximate location at the rear of the picture.



Property where alley bisects.



The end of Cottonwood Street and the property edge.

Effective January 3, 2017



City of San Angelo, Texas – Planning Division
52 West College Avenue

**Application to Abandon Right-of-way for
Street(s) and/or Alley(s)**



Section 1: Basic Information

Name of Applicant(s): Keith and Cheryl Fausnacht

☒ Owner ☐ Representative (Affidavit Required)

6205 Hidden Valley Dr. Temple TX 76502
Mailing Address City State Zip Code

254.541.9215 k9fausmacht@yahoo.com
Contact Phone Number Contact E-mail Address

alley in Blk.30 Angelo Hts.Addn. 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)
The north 190' of the north-south alley in Block 30, Angelo Heights Addition

Lot Size: 20' x 190' Zoning: RS-3

Section 2: Site Specific Details

Subdivision Name: Angelo Heights Addition

Lots and/or Blocks Affected*: Block 30, Lots 1 - 4 & 11 - 14

General Description of Location*: The North 190' of the north-south alley in Block 30, adjoining Lots 1 thru 4 and Lots 11 thru 14, Angelo Heights Addition, City of San Angelo, Tom Green County, Texas

Reason for Abandonment*: Alley is unused as alley, does not have any known utilities, and the abandonment will allow for a contiguous piece of property that will be more suitable for development.

*Use attachment if necessary.

Hours of Operation: 8 AM -12 PM & 1PM – 5 PM 325-657-4210, #2 www.cosatx.us/planning

Staff Report – Alley Abandonment – Block 30, Angelo Heights Addition
October 15, 2019

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

6-8-19

Printed name of licensee or authorized representative

SKG ENGINEERING

Name of business/Entity of representative

FOR OFFICE USE ONLY:

Date of Application: 8 / 7 / 19

Non-Refundable Fee: \$ 575

Receipt #:

Date paid: 8 / 7 / 19

Date of hearing by Planning Commission: 9 / 16 / 19

Date of hearing by City Council: 10 / 15 / 19

Reviewed/Accepted by: H. Becker

11 / 5 / 19

Rcpt #s 328122
328123

AN ORDINANCE PROVIDING FOR CONDITIONAL ABANDONMENT AND VACATION OF A 20-FOOT WIDE, 190 FOOT LONG (3,800-SQUARE FOOT) 0.0872-ACRE PUBLIC ALLEY RIGHT-OF-WAY RUNNING NORTH/SOUTH BETWEEN LOTS 1 THROUGH 4 AND 11 THROUGH 14, BLOCK 30, ANGELO HEIGHTS ADDITION NORTHEAST OF THE COTTONWOOD STREET AND SHILOH STREET INTERSECTION; AUTHORIZING CONVEYANCE THEREOF BY QUITCLAIM DEED TO ABUTTING PROPERTY OWNERS; AND PROVIDING TERMS AND CONDITIONS OF ABANDONMENT AND CONVEYANCE.

WHEREAS, the City Council of the City of San Angelo, Texas, acting pursuant to law, is of the opinion that a 20-foot wide, 190 foot long (3,800-square foot) 0.0872 acre, public alley right-of-way running north/south between Lots 1 through 4 and 11 through 14, Block 30, Angelo Heights Addition; northeast of the intersection of Cottonwood St. and Shiloh St., is no longer needed for public use and therefore deems it advisable to abandon said portion of alley right-of-way; and,

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

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

SECTION 1: The public alley right-of-way located in the City of San Angelo, generally described to be a 20-foot wide, 190 foot long (3,800-square foot) 0.0872 acre public alley right-of-way running north/south between Lots 1 through 4 and 11 through 14, Block 30 Angelo Heights Addition northeast of the Cottonwood Street and Shiloh Street intersection to the City of San Angelo, Tom Green County, Texas depicted in **Exhibit “A”**, attached hereto and made a part hereof for all purposes, be and the same is hereby vacated, abandoned and closed insofar as the right, title and easement of the public is concerned, subject to the conditions and restrictions precedent herein set forth.

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

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

SECTION 4: The following conditions precedent to the abandonment shall apply and be part of the consideration for conveyance by quitclaim deed(s) of the underlying tracts of land to owners of abutting properties:

- 4.1. Owners shall submit to the Planning Director for approval and official recording a subdivision replat of all lots adjoining the alley right-of-way to be abandoned complying with the following:
 - (a) Absorbing the full width of the abandoned alleyway right-of-way adjoining lots 1, 2, 3, 4, 11, 12, 13 and 14 into one or more adjoining lots in the replat.
 - (b) Reconfiguration of all lots along with adjacent property owned by the same owners so that primary access can be off of Hickory St. or Elm St. within 18 months of the City Council's decision.
- 4.2 Prior to delivery of any quitclaim deeds conveying abandoned alley right-of-way described herein the adjoining property owner must accept all of the vacated right-of-way in proportion to their interests or any combination thereof as consented to by such property owners, and depositing with the Planning Director the fees required as set forth at Subsection 4.3 as part of the replatting process.
- 4.3. Remit payment for the assessment applicable under the City of San Angelo Code of Ordinances, Appendix "A", Fee Schedule for the entire abandoned areas [*Code of Ordinances, Appendix "A", Section A9.008*].

SECTION 5: The terms and conditions set forth hereinabove shall be applicable to the conveyances of rights-of-way herein provided for, and shall be binding upon Grantees thereof and their heirs, successors and assigns.

SECTION 6: Upon confirmation from the Planning Director of compliance with conditions hereinabove set forth with respect to the entire alley the Mayor of the City of San Angelo is hereby authorized to execute and deliver quit claim deeds conveying the respective parts of abandoned rights-of-way depicted on **Exhibit “A”** to the owner of the designated abutting properties.

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

INTRODUCED on the **15th day of October, 2019**, and finally PASSED, APPROVED AND ADOPTED on this the **12th day of November, 2019**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

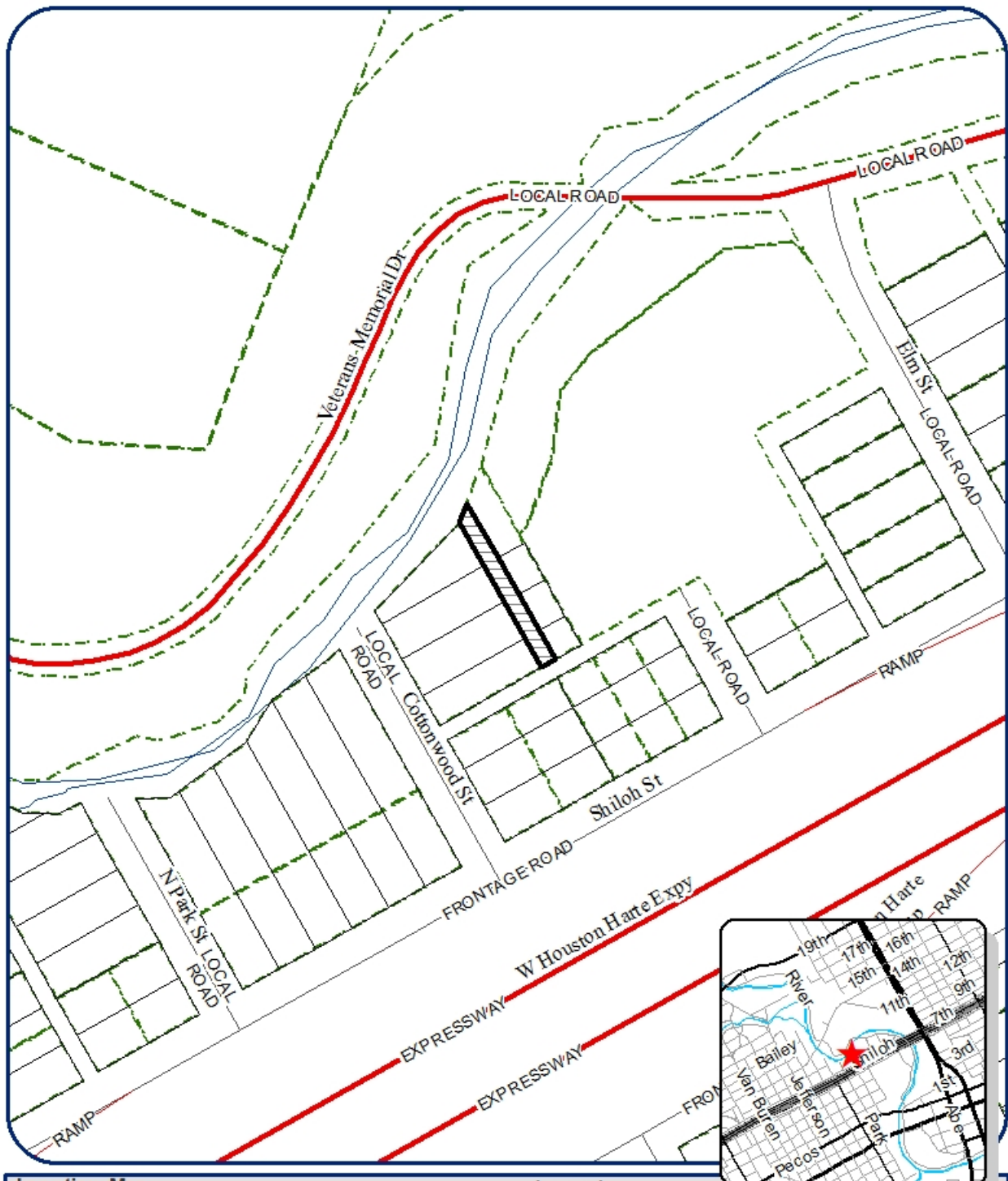
ATTEST:

APPROVED AS TO FORM:

Julia Antilley, City Clerk

Theresa James, City Attorney

Exhibit "A"



Location Map

Alley Abandonment: Fausnacht

Council District 4 - Lucy Gonzales

Neighborhood: Central

Scale: 1" approx. = 150 ft

20 ft. by 190 ft. alley adjacent to Lots 1-4 & 11-14 Blk. 30,
Angelo Heights Addition, City of San Angelo, Tom Green County, Texas

Legend

Subject Properties:

Current Zoning: RS-3

Requested Zoning Change: N/A

Vision: Neighborhood &

Neighborhood Center



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: October 15, 2019

Item type: Regular Item

Caption:

Consider an appeal of the Planning Commission's decision to deny the applicant's request for an amendment to Planned Development PD19-04 to modify an approved off-site monument sign to allow a digital monument sign in the triangle generally bound by Sherwood Ave. to the north, W. Beauregard Ave. to the south, S. Tyler St. to the west and S. Harrison St. to the east, at 1909 W. Beauregard Ave. (Presentation made by Planning & Development Services Director Jon James)

Summary/History:

The applicant has submitted a request for an amendment to the Planned Development (PD19-04) Zoning District to allow for a two-sided digital monument sign at the triangle north of 1909 W. Beauregard and south of Sherwood Ave. between Tyler St. and Harrison St. which was **defeated by a vote of the Planning Commission (2 in favor, 3 opposed)**. **The applicant has appealed this decision to the City Council.**

Financial Impact:

N/A

Other Information/Recommendation:

On September 16, 2019 a motion was made by Commissioner Self and seconded by Commissioner Jackson to approve the request (Commissioners Self and Jackson voted to approve; Commissioners Brooks, Spano, and Smith voted to oppose). Therefore, the motion to approve the amendment failed.

Attachments:

- | | | |
|----|-------------------|--|
| 1. | Staff Report (PD) | PD19-04 Amendment_Concho Collison CC_final.pdf |
| 2. | Ordinance (PD) | PD19-04 Amendment ordinance.docx |

Presentation:

Jon James

Approvals/Reviews:

Sherry Bailey	Created/Initiated
Hillary Bueker	Approved
Jon James	Approved
Brandon Dyson	Approved
Jon James	Approved
Theresa James	Approved
Julia Antilley	Final Approval

CITY COUNCIL – October 15, 2019
STAFF REPORT



APPLICATION TYPE:	CASE:		
Amendment to PD	PD19-04 Amendment: Concho Collision		
SYNOPSIS:			
The applicant has submitted a request for an amendment to the Planned Development (PD19-04) Zoning District to allow for a two-sided digital monument sign at the triangle north of 1909 W. Beauregard and south of Sherwood Ave. between Tyler St. and Harrison St. .			
LOCATION:		LEGAL DESCRIPTION:	
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.	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND	SIZE:
SMD District 5 – Lane Carter Neighborhood: Santa Rita	Planned Development (PD19-04)	Neighborhood Center	2.38 acres
THOROUGHFARE PLAN:			
Sherwood Way – Urban Major Arterial Street, Provided: 90’ right-of-way, 64’ pavement W. Beauregard Ave. Urban Minor Arterial Street, Provided: 60’ right-of-way, 50 pavement Colorado Ave., S. Tyler St. & S Harrison St.– Urban Local Street, Provided: 50’ right-of-way, 40’ pavement or 30’ pavement on S. Tyler (some sidewalk)			
NOTIFICATIONS:			
43 notifications mailed within 200-foot radius August 26, 2019. Three notifications were received in favor and one against the request.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the amendment to the Planned Development Zoning District (PD19-04) to allow for a two side digital monument sign generally at 1909 W. Beauregard.			
PROPERTY OWNER/PETITIONER:			
Jim Osborn - owner			
STAFF CONTACT:			
Sherry Bailey Principal Planner (325) 657-4210, Extension 1546 sherry.bailey@cosatx.us			



Additional Information: The applicant rezoned this property in June of 2019 to the Planned Development District in order to combine his facilities and the new areas he purchased in order to expand his business. Also approved was a request to abandon the existing unpaved alley off S Tyler with the intent to acquire that property. The applicant has acquired the triangle piece at the Sherwood/Beauregard split that has a cement pad with the intent to have it landscaped and to have his business monument sign placed there. He is requesting to amend the existing Planned Development District to allow the sign approved at that location to be a digital sign instead of the original static design. The entire monument structure would be five feet high by ten feet wide. However, the digital face would be 3' 2" by 6' 4". The support structure would be stucco covered square light sand colored pillars with slightly darker caps holding the black surround frame that holds the digital sign. The sign and the landscaping are to follow this amendment procedure.

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 primary factor in the request for a Planned Development District zoning amendment is to create a unique monument sign that is a positive addition to this commercial area. The triangle piece between Beauregard and Sherwood Way will act as a landscaped entrance into this section of the commercial district and will tie Mr. Osborn's 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 applicants use for this property are consistent and compatible. The sign is intended to provide the best professional exposure for the business.
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 applicant intends on continuing to expand in this area 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 applicant wants to be allowed to expand his original concept in a creative way that reflects positively on his business and this commercial area of the city.
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 are 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 landscaped entrance of the triangle piece that provides the entrance into the Sherwood Way/Beauregard Ave. commercial street split area and wants his monument sign to reflect this commercial center.
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 amendment 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 amendment to the Planned Development Zoning District (PD19-04), on the subject property with a digital monument sign generally at 1909 W. Beauregard with the following **four** conditions:

1. 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 placement.
2. Due to its position, shape, color, format, or illumination, it cannot create an unsafe distraction for motor vehicle operations.
3. The sign copy shall be displayed for a minimum of eight (8) seconds.
4. The sign shall include photocell technology to control and vary the intensity of lighting depending on the amount of ambient light that is present (e.g. daytime, nighttime, cloudy conditions). The intensity of the lighting shall not exceed three hundred (300) nits from dusk until dawn.

Planning Commission Recommendation:

On September 16, 2019, the Planning Commission **failed to approve by a vote of 2-3** of an amendment to Planned Development (PD19-04) to modify an approved off-site monument sign. The following is the complete excerpt of the draft minutes from the September 16, 2019, meeting for this case:

Sherry Bailey, Principal Planner, presented the proposed amendment to allow a new monument sign. She explained that the Planning Commission has approved the original PD which allowed a previous static monument sign and the new monument sign will be digital on a stucco base. Ms. Bailey displayed a graphic showing the proposed location of the new sign in a triangle along West Beauregard Avenue. She explained that the applicant will also landscape the sight triangle.

Ms. Bailey outlined Staff's rationale to approve the PD amendment with four conditions of approval as presented, on the grounds that the request is in keeping with the intent of the City's Comprehensive Plan; that the sign will meet ordinance requirements; that the applicant is working on landscaping the triangle; and the sign will reflect positively in this commercial area.

Commissioner Jackson asked how tall the sign was.

Ms. Bailey responded that the sign is five feet tall including the base.

Vice Chair Spano expressed concerns whether this sign was a good idea given its location in the triangle and drivers trying to traverse this triangle.

Commissioner Brooks indicated that he did not see a blind spot.

Ms. Bailey indicated that the Planning Commission already approved a previous sign about the same size as this one.

Mr. Jon James, Planning and Development Services, indicated that staff was concerned about the digital nature of the sign and traffic distractions. He explained that this is why staff recommended the sign be limited to the same static image for at least eight seconds.

Vice Chair Spano explained that even if the sign was not illuminated that he would still have concerns.

Hillary Bueker, Planning Manager, indicated that the digital sign area is only six square feet, and that the Commission already approved a sign with the original PD but that it was not digital.

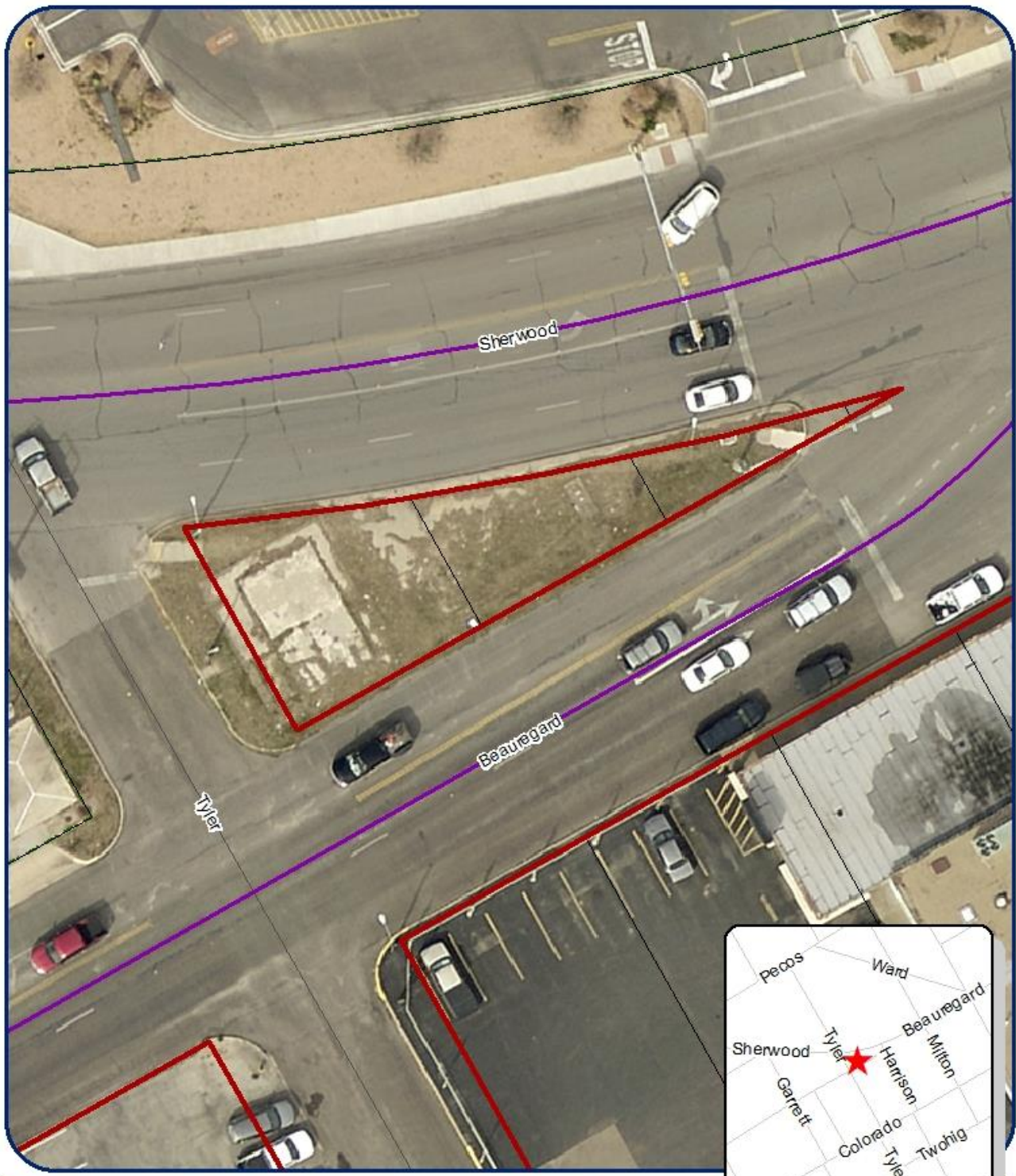
Vice Chair Spano opened public comment.

There was no public comment and Vice Chair Spano closed public comment.

Commissioner Self made a Motion to recommend APPROVAL of an amendment to a Planned Development (PD19-04) to modify an approved off-site monument sign subject to the four conditions of approval as presented. Commissioner Jackson seconded the motion. The Motion FAILED 2-3 and the item was not approved, with Vice Chair Spano, Commissioners Brooks and Smith voting against.

Attachments:

Aerial Map Zoom In
Aerial Map Overall
Future Land Use Map
Zoning Map
Notification Map
Proposed sign Exhibits
Photos
Application



Future Land Use PD19-04: Amendment

Concho Collision

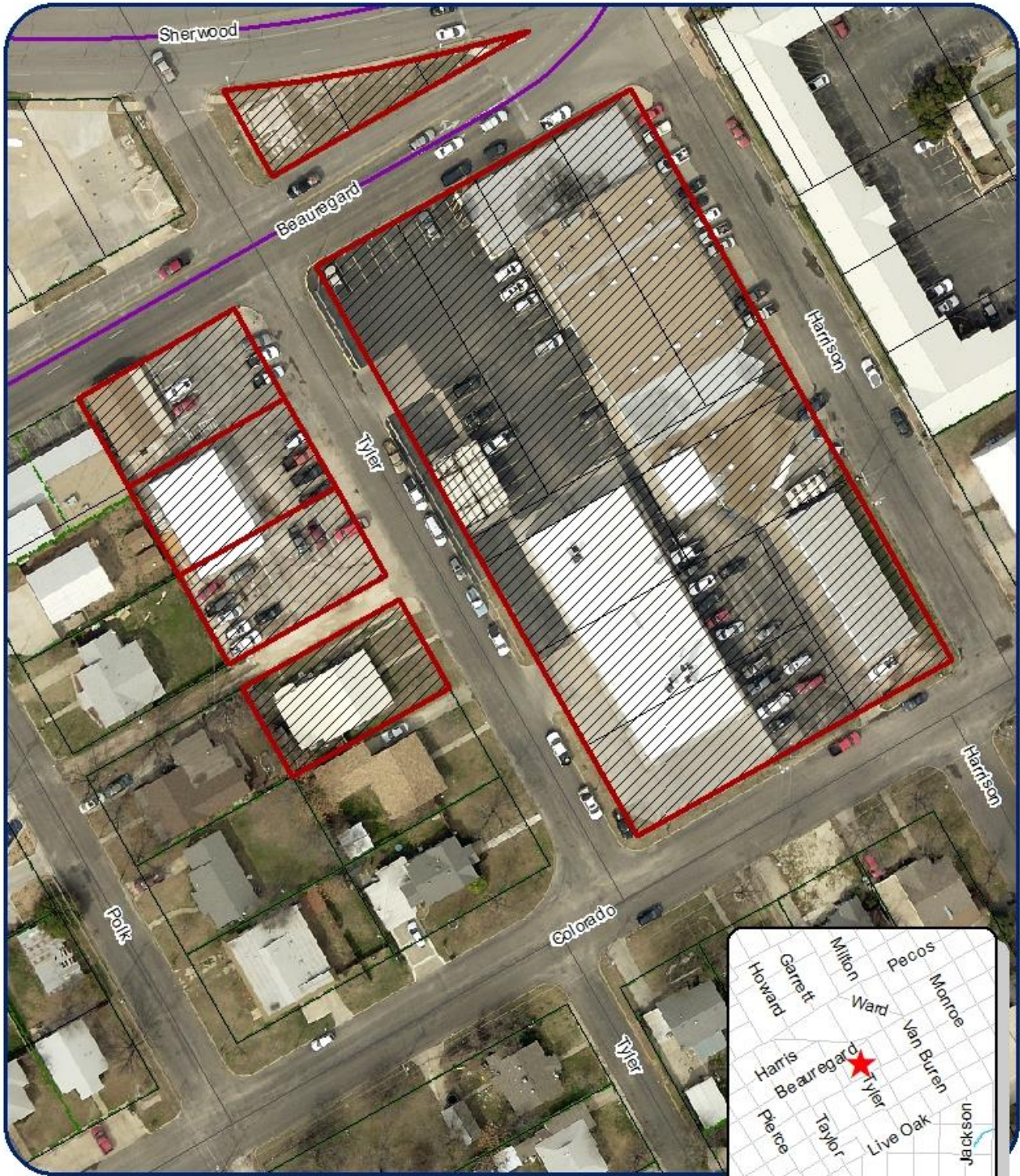
Council District 5 - Lane Carter
Neighborhood: Santa Rita
Scale: 1" approx. = 30 ft

1909 W Beauregard Ave - Sign site

Legend

Subject Properties: 
Current Zoning: **CG/CH**
Requested Zoning Change: **Planned Development**
Vision: **Neighborhood**





Location Map PD19-04: Amendment

Concho Collision

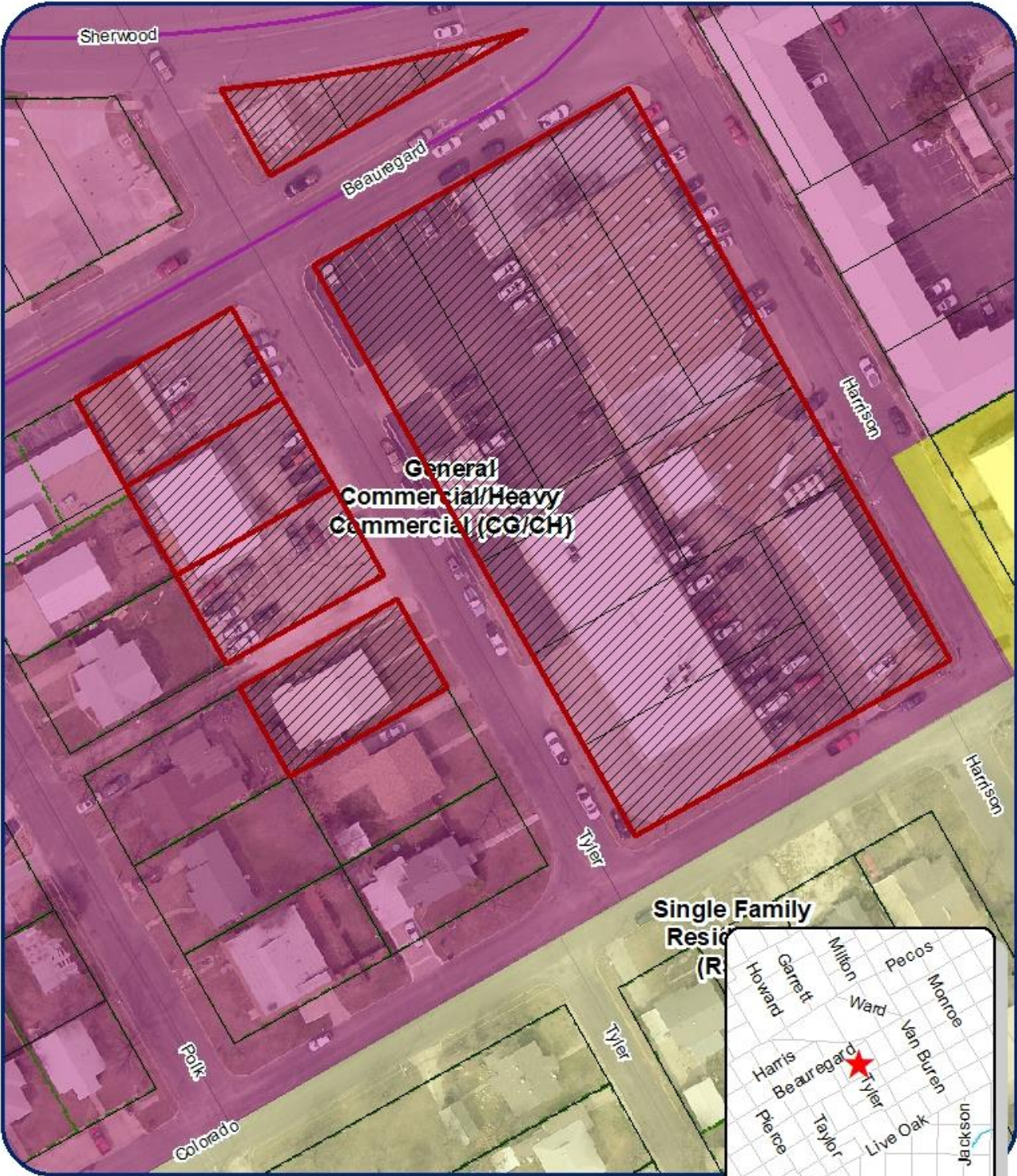
Council District 5 - Lane Carter
Neighborhood: Santa Rita
Scale: 1" approx. = 70 ft

1909 W Beauregard Ave

Legend

Subject Properties:
Current Zoning: **CG/CH**
Requested Zoning Change: **Planned Development**
Vision: **Neighborhood**





Zoning Map PD19-04: Amendment

Concho Collision

Council District 5 - Lane Carter
Neighborhood: Santa Rita
Scale: 1" approx. = 70 ft

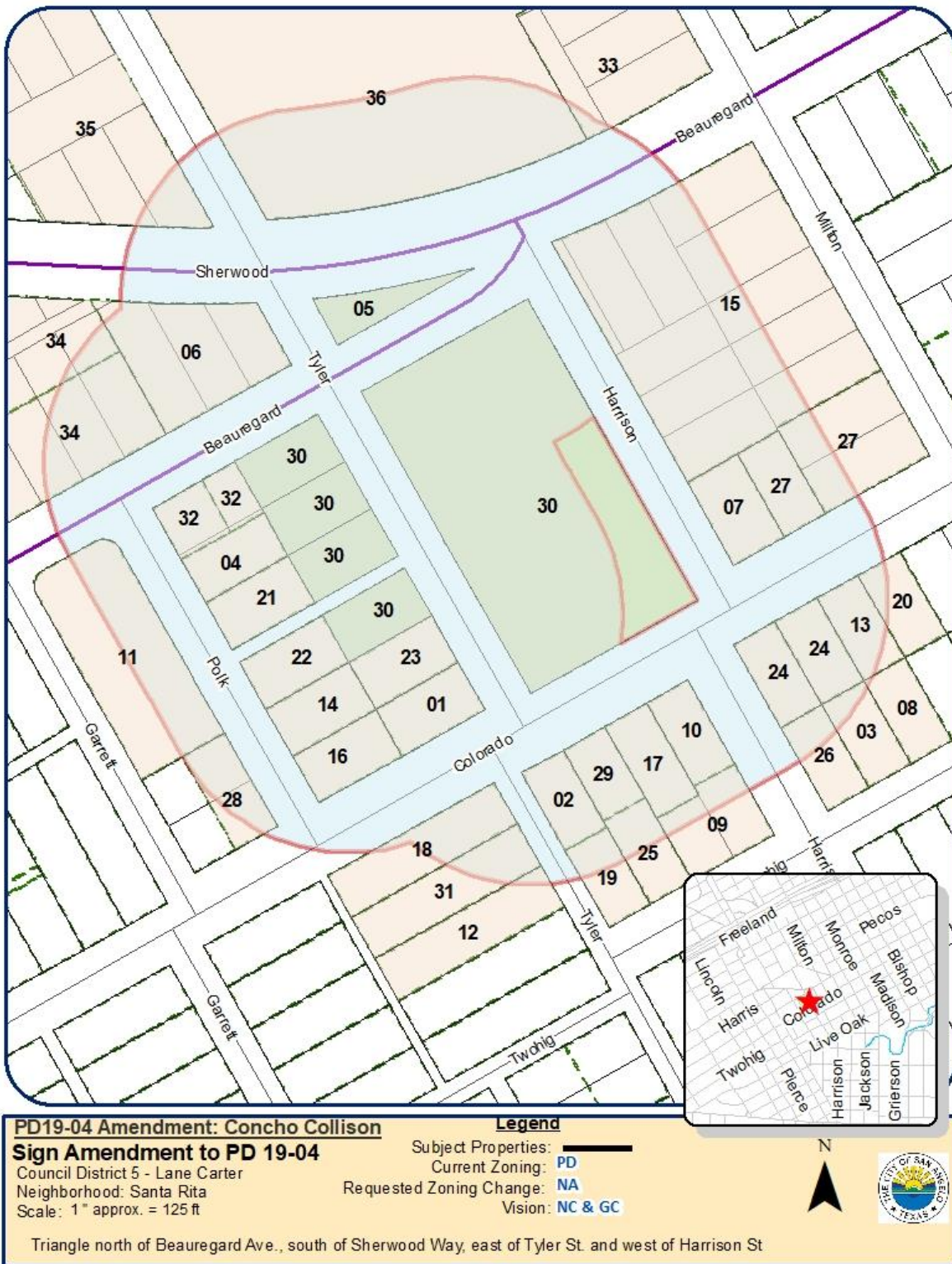
1909 W Beauregard Ave

Legend

Subject Properties:
Current Zoning: **CG/CH**
Requested Zoning Change: **Planned Development**
Vision: **Neighborhood**



Notification Map of Property





5'H x 10'W

*Sign Size
3'2" x 6'4"*





3534 Sherwood Way
San Angelo Texas 76901
325-949-7168
www.allaboutsingstx.com



August 12th, 2019

Order Item	Product																																						
1	FLEX V-Series: Outdoor 16mm RGB 60x120 Double Face Low Power - Reduced costs for electrical service from initial setup through the lifetime of operation of the display. Flex Module - Uniform module size across all models allows for future upgrades of display. Upgrade from single color to full color or to an improved resolution. Cloudware Software - Collaborate with your team on creating and scheduling content anywhere/anytime with access via PC, MAC, IPAD, or Mobile Device Easy-to-use intuitive application built to meet any need; from simple scheduling and content creation to integrated live information (RSS and other feeds) and advanced scheduling (conditional messages based on temperature, weather, and more). Emergency Alerts - Amber Alerts and more using FEMA IPAWS (Integrated Public Alert Warning System) service. Enable automatic amber/silver, severe weather, local, state, and federal emergency alerts. No manual entry required (no delays or incorrect information when it matters most). Flex V-Series Full Color Outdoor Display Display Specifications <table> <tr><td>Physical Pitch.....</td><td>16mm</td></tr> <tr><td>Physical Matrix.....</td><td>60x120</td></tr> <tr><td>Virtual Pitch.....</td><td>8mm</td></tr> <tr><td>Virtual Matrix.....</td><td>120x240</td></tr> <tr><td>LEDs Per Pixel.....</td><td>R1G1B1</td></tr> <tr><td>Cabinet Dimensions.....</td><td>3 ft. 1 13/16 in. x 6 ft. 3 9/16 in.</td></tr> <tr><td>Active Display Area.....</td><td>3 ft. 1 13/16 in. x 6 ft. 3 9/16 in.</td></tr> <tr><td>Est. Weight per Face.....</td><td>228.16 lbs.</td></tr> <tr><td>Square Feet per Face.....</td><td>19.84</td></tr> <tr><td>Service Access.....</td><td>Front Service, Rear Service Available on Request</td></tr> </table> Display Capabilities <table> <tr><td>Color Capability.....</td><td>281 Trillion Colors</td></tr> <tr><td>Viewing Angle.....</td><td>160 Degrees Horizontal</td></tr> <tr><td>Brightness.....</td><td>>= 10,000 NITS</td></tr> </table> Electrical Specifications <table> <tr><td>Max. Load 120.....</td><td>5.7 Amps per Face</td></tr> <tr><td>Typical Load 120.....</td><td>1.7 Amps per Face</td></tr> <tr><td>Max. Load 240.....</td><td>2.8 Amps per Face</td></tr> <tr><td>Typical Load 240.....</td><td>0.8 Amps per Face</td></tr> </table> Default Input Voltage..... 120V AC Single Phase Input Power Only Warranty Coverages <table> <tr><td>Parts Warranty Period.....</td><td>7 Years</td></tr> <tr><td>On-Site Service Period.....</td><td>7 Years</td></tr> </table>	Physical Pitch.....	16mm	Physical Matrix.....	60x120	Virtual Pitch.....	8mm	Virtual Matrix.....	120x240	LEDs Per Pixel.....	R1G1B1	Cabinet Dimensions.....	3 ft. 1 13/16 in. x 6 ft. 3 9/16 in.	Active Display Area.....	3 ft. 1 13/16 in. x 6 ft. 3 9/16 in.	Est. Weight per Face.....	228.16 lbs.	Square Feet per Face.....	19.84	Service Access.....	Front Service, Rear Service Available on Request	Color Capability.....	281 Trillion Colors	Viewing Angle.....	160 Degrees Horizontal	Brightness.....	>= 10,000 NITS	Max. Load 120.....	5.7 Amps per Face	Typical Load 120.....	1.7 Amps per Face	Max. Load 240.....	2.8 Amps per Face	Typical Load 240.....	0.8 Amps per Face	Parts Warranty Period.....	7 Years	On-Site Service Period.....	7 Years
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2	Triple Threat Plus: Wireless Ethernet Kit Included for all orders submitted before July 31, 2019 as part of the Triple Threat Plus Promotion. Secure 802.11 a/n 5.4 GHz Wireless Communications Kit. Transmit messages to a Vantage LED display without the need to run additional communications cable. Max. Range up to 1,000 feet* Includes: (1) Wireless Access Point (Sign End) (1) Wireless Client Bridge (Computer End) (2) Mounting Brackets (2) 25 ft. Outdoor Rated CAT5e Cables * Requires a Clear Line of Sight between the antennas for optimum operation.																																						



3534 Sherwood Way
San Angelo Texas 76901
325-949-7168
www.allaboutsingstx.com



August 12th, 2019

-
- 4 Triple Threat Plus: 7 Year SM Content
Content Creation Packages
Packages below are per LED Digital Display location (single or multiple sided). A point system is used to purchase custom Static Images and Animations.
Point Values: Static Images: 50 points | Animations: 100 points (length of 8 seconds)
- Silver: 500 Base Points per month
- After the initial term the customer may continue at the rates published at the time of renewal.
- Static Images: 50 Points each.
Animations: 100 Points each. Maximum of (8) seconds duration.
-

CONCHO COLLISION OPERATION AND PROPERTY



MAIN STRUCTURE AND OFFICE



STRUCTURE OFF TYLER



TRIANGLE AREA AT SHERWOOD AND BEAUREGARD – WALMART ACROSS SHERWOOD

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)

Mailing Address: 1909 W. Beauregard San Angelo TX 76901

Contact Phone Number: 325-947-9473 Contact E-mail Address: Jim@ConchoCollision.com

Subject Property Address: 1915 W. Beauregard San Angelo TX 76901

Legal Description (can be found on property tax statement or at www.tamgreencad.com):
All Block 189, John A. Wards Resubdivision of World's Annex
City of San Angelo, Tom Green County Texas Vol 1 pg. 391

Existing Zoning: Planned Development Proposed Zoning: PD Amendment Lot size: _____

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

Section 2: Site Specific Details

Existing Use of Property: None

*Proposed Use of Property: Monument LED Signage And Beautification Project

*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) Jim Osborn Signature [Signature] Company/Organization (If Applicable) Concho Collision Date 8-13-19

Representative Name (Print) _____ Signature _____ Company/Organization _____ Date _____

FOR OFFICE USE ONLY:

☐ Verified Complete ☐ Verified Incomplete

Date of Application: 8/14/19

Case No.: Z 19-15

Fully-dimensioned site plan: ☐

Nonrefundable fee: \$ 225+125

Receipt #: 339781

Date paid: 8/19/19

Sign Deposit \$37.50 ZC

Receipt #: 339776

Date paid: 8/19/19

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: 9/16/2019 Date notifications due: ____/____/____

City Council hearing date: 10/15/2019 Packets due date: ____/____/____

Publication date: ____/____/____

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

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 THE PLANNED DEVELOPMENT ZONING DISTRICT PREVIOUSLY APPROVED ON JULY 2, 2019, CONCERNING 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** TO ALLOW FOR AN OFF-SITE TWO-SIDED DIGITAL MONUMENT SIGN; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE

RE: PD19-04 Amendment: Concho Collision

WHEREAS, PD 19-04 received final approval from the Planning Commission on May 20, 2019, and by City Council thereafter on July 2, 2019;

WHEREAS, as part of the prior approval, a single off-site monument sign was permitted on the property, but applicant seeks to amend PD 19-04 to instead allow for an off-site two-sided digital monument sign;

WHEREAS, on September 16, 2019, 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 deny the proposed Planned Development Zoning District Amendment to allow for an off-site two-sided digital monument sign;

WHEREAS, on October 15, 2019, City Council held a public hearing on the proposed amendment to 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: PD 19-04, as previously approved by City Council on July 2, 2019, is hereby amended to allow for an off-site two-sided digital monument sign to be placed in the

triangle at the W. Beauregard and W. Sherwood Way split 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 1through 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.

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 Showing Sign Placement).

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: The use of the hereinabove described property shall be subject to all applicable regulations contained in the original Ordinance approving PD 19-04 on July 2, 2019, the regulations contained herein, and Chapter 12 of the Code of Ordinances for the City of San Angelo, as amended.

SECTION 5. One off-site two-sided digital 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 incorporated in the Council Staff Report PD package presented to City Council and pertaining to size, height and message limited to Concho Collison.

SECTION 6. Due to its position, shape, color, format, or illumination, it cannot create an unsafe distraction for motor vehicle operations.

SECTION 7. The sign copy shall be displayed for a minimum of eight (8) seconds.

SECTION 8. The sign shall include photocell technology to control and vary the intensity of lighting depending on the amount of ambient light that is present (e.g. daytime, nighttime, cloudy conditions). The intensity of the lighting shall not exceed three hundred (300) nits from dusk until dawn.

SECTION 9. 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 10: This Ordinance shall be effective on, from and after the date of adoption.

INTRODUCED on the **15th day of October, 2019**, and finally PASSED,
APPROVED AND ADOPTED on this the **12th day of November, 2019**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

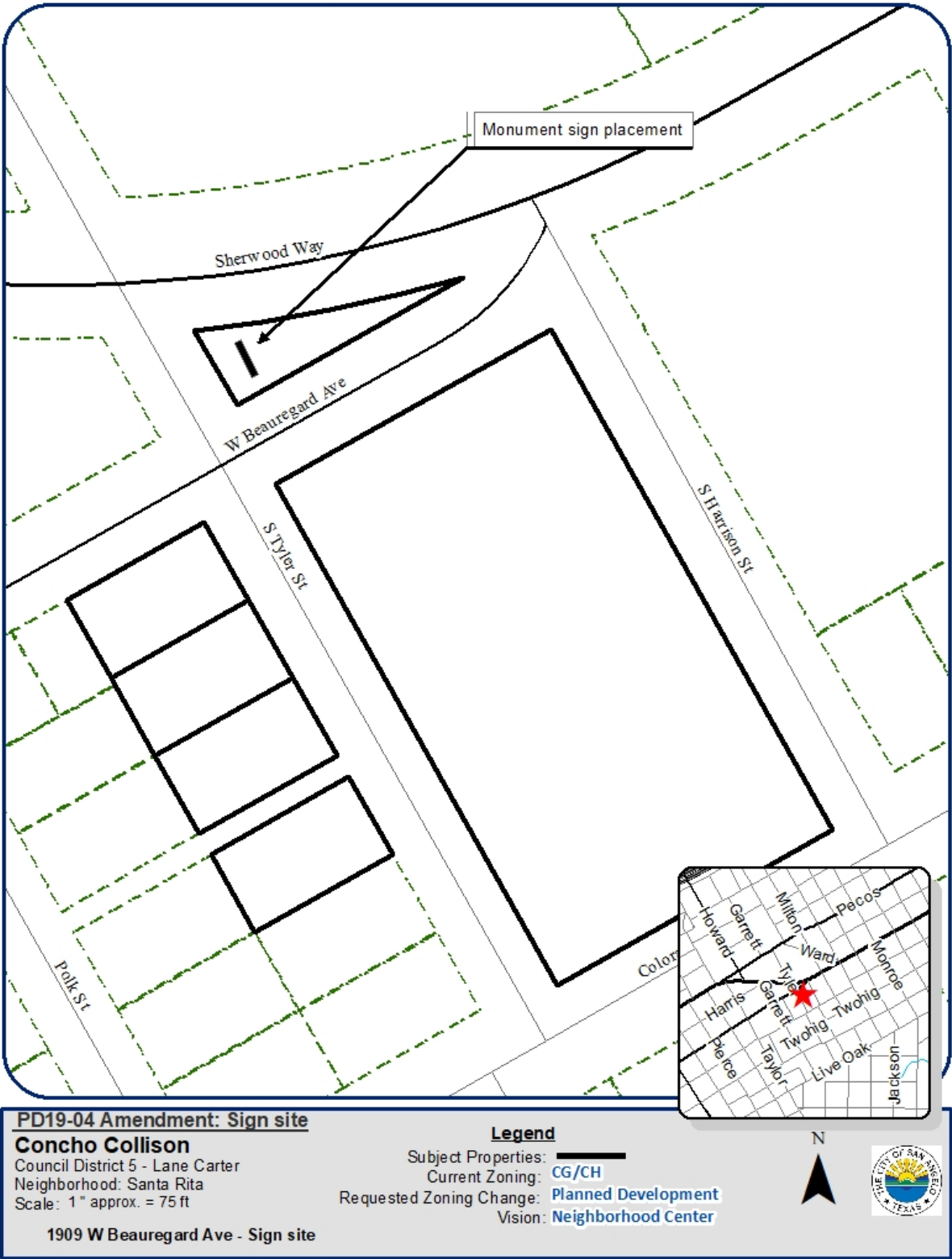
ATTEST:

APPROVED AS TO FORM:

Julia Antilley, City Clerk

Theresa James, City Attorney

Exhibit “A” (PD Boundary Map Showing Sign Placement)



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: October 15, 2019

Item type: Regular Item

Caption:

Consider a resolution authorizing the City Manager, or designee, to apply for and accept a Texas Historical Commission Certified Local Government Program Grant for fiscal year 2019-2020 for a total project amount of \$35,000; approving provision for matching funds equal to fifty percent of the project costs in the form of a combination of matching funds and value of in kind services; and designating the City Manager as the City's Authorized Grant Official (Presentation made by Planning & Development Services Director Jon James)

Summary/History:

The Planning Division, with input from the Design and Historic Review Commission (DHRC), Downtown San Angelo (DTSA), and other interested parties, recently began looking into establishing a Historic Overlay Downtown District. This would allow more protections for the Historic City Center. Staff is recommending hiring a consultant with Texas Historical Commission grant funds to establish a district boundary as well as decide which buildings would be considered "contributing" vs. "non-contributing." With current standards for certificate of appropriateness, there could be a higher standard for "contributing" historic buildings. With this information, Staff would be set to begin the application process for a National Register nomination for this district.

Financial Impact:

The grant request would be for \$17,500, which is 50% of the total estimated project cost of \$35,000. The City would be responsible for a 50% match (\$10,000 in cash source; plus \$7,500 local in-kind).

Other Information/Recommendation:

Attachments:

- | | | |
|----|-------------------|---|
| 1. | Resolution (GA) | Historical Preservation Grant Resolution (REDLINE).docx |
| 2. | Staff Report (GA) | Memo_CLG Grant.pdf |

Presentation:

Jon James

Approvals/Reviews:

Hillary Bueker	Created/Initiated
Hillary Bueker	Approved
Jon James	Approved
Brandon Dyson	Approved
Jon James	Approved
Theresa James	Approved

Julia Antilley

Final Approval

A RESOLUTION OF THE SAN ANGELO CITY COUNCIL AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO APPLY FOR AND ACCEPT A TEXAS HISTORICAL COMMISSION CERTIFIED LOCAL GOVERNMENT PROGRAM GRANT FOR FISCAL YEAR 2019-2020 FOR A TOTAL PROJECT AMOUNT OF \$35,000; APPROVING PROVISION FOR MATCHING FUNDS AND IN-KIND SERVICES EQUAL TO FIFTY PERCENT OF PROJECT COSTS; AND DESIGNATING THE CITY MANAGER AS THE CITY'S AUTHORIZED GRANT OFFICIAL

WHEREAS, the City Council of the City of San Angelo, Texas, finds that development of a more comprehensive historic and cultural preservation program that will enhance and perpetuate places and areas that represent distinctive, historical, cultural, and architectural elements of the City is in the best interest of the citizens of San Angelo; and,

WHEREAS, the re-designation and redefinition of the City's Planning and Development overlay zones to provide for a Historic Overlay Downtown District and the development of applicable design standards will advance the historical and cultural preservation objectives of the City; and,

WHEREAS, the State of Texas Historical Commission, in partnership with federal and local government, administers a Certified Local Government Program that provides the Historical Preservation Grant ("Grant"), which assists local governments in the development and maintenance of their historical and cultural preservation programs; and,

WHEREAS, award of the Grant is conditioned upon the City's match of fifty percent (50%) of the project costs, which may be made in a combination of matching funds and in kind services during the 2019-2020 fiscal year; and,

WHEREAS, the City Council desires to designate the City Manager as the City's authorized official with authority to apply for and accept the Grant.

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

- Section 1. The City Manager is hereby designated as the City's authorized official under the Texas Certified Local Government Program, and is directed and authorized to execute any and all documents necessary to apply for, accept, reject, alter or terminate the Historical Preservation Grant in the sum of Seventeen Thousand Five Hundred Dollars (\$17,500), being one half of the project costs; and,
- Section 2. The City Manager is further authorized to provide for the City's match equal to the remaining fifty percent (50%) of the project costs, in the form of Ten Thousand Dollars (\$10,000) and in-kind services totaling a monetary value of Seven Thousand Five Hundred Dollars (\$7,500) for a total combined match of \$17,500.

PASSED, APPROVED, AND ADOPTED this 15th day of October, 2019.

CITY OF SAN ANGELO

BY: _____

Brenda Gunter, Mayor

ATTEST:

APPROVED AS TO FORM:

BY: _____

Julia Antilley, City Clerk

Theresa James, City Attorney

MEMO

**Meeting**

Date: October 15, 2019

To: City Council

From: Hillary Bueker
Planning Manager

Agenda Item: A resolution of the City of San Angelo, Texas, City Council authorizing the City Manager, or designee, to apply for and accept a Texas Historical Commission Certified Local Government Program Historical Preservation Grant for fiscal year 2019-2020; approving provision for matching funds equal to fifty percent of project costs; and designating the City Manager as the city's authorized grant official

Background:

The Planning Division, with input from the Design and Historic Review Commission (DHRC), Downtown San Angelo (DTSA), and other interested parties, recently began looking into establishing a Historic Overlay Downtown District. This would allow more protections for the Historic City Center. Staff is recommending hiring a consultant with Texas Historical Commission grant funds to establish a district boundary as well as decide which buildings would be considered "contributing" vs. "non-contributing." With current standards for certificate of appropriateness, there could be a higher standard for "contributing" historic buildings. With this information, Staff would be set to begin the application process for a National Register nomination for this district.

Proposed timeline for the project:

- Conduct meetings with City Staff to review current historical information within Historic Overlay Downtown Districts. (April 2020)
- Research current additional historic information in regards to potential new "contributing" buildings. (May 2020)
- Conduct historical inventory of occupied and unoccupied buildings, and public and private properties to determine potential new historic district. (May 2020)
- Hold public meeting(s) and planning charrette(s) with neighborhood and community groups, Downtown San Angelo, San Angelo Development Corporation (COSADC),

environmental preservation groups, and others interested parties for comments, feedback, and suggestions. (Public meetings and charrettes in June-July 2020)

- Begin working on Historic District boundaries and compiling information. (July-October 2020)
- Present draft of Historic Overlay Downtown District for discussion at City's Design and Historic Review Commission (DHRC) for comments, feedback, and suggestions. (Public meetings in November/December 2020)
- Revise Historic Overlay Downtown District, as needed. (January-February 2021)
- Present final draft of Historic Overlay Downtown District discussion at City's Design and Historic Review Commission (DHRC) for comments, feedback, and suggestions. (Public meeting in March 2021)
- Present final draft of Historic Overlay Downtown District for public hearing and consideration at City's Planning Commission. (Public meeting in April 2021)
- Present final draft of Historic Overlay Downtown District for final public hearings and consideration at City Council Meetings. (two Council meetings in May/July 2021)

City Council Requested Action:

Staff is requesting that the City Council recommend approval of a resolution:

1. authorizing the City Manager, or designee, to apply for and accept a Texas Historical Commission Certified Local Government Program Historical Preservation Grant for fiscal year 2019-2020;
2. approving provision for matching funds equal to fifty percent of project costs; and
3. designating the City Manager as the city's authorized grant official.

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Tina Dierschke, Finance Director, Finance, 325-657-4268

Meeting Date: October 15, 2019

Item type: Regular Item

Caption:

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

Summary/History:

Sales Tax Revenue has performed as follows this fiscal year:

October - an increase of 2.94%

Year to date, revenue is \$69,460 more than budgeted.

Financial Impact:

Sales Tax revenue for fiscal year 2019 is over year-to-date budget by 7.85% and \$69,460 after October 2019 receipts.

Other Information/Recommendation:

Attachments:

- | | | |
|----|----------------------------|---------------------------------|
| 1. | 1 October Sales Tax Report | 1 October Sales Tax Report.pdf |
| 2. | 191015 Sales Tax Update | 1 October Sales Tax Update.pptx |

Presentation:

Tina Dierschke

Approvals/Reviews:

Tina Dierschke	Created/Initiated
Kimberly Holle	Approved
Tina Dierschke	Approved
Julia Antilley	Final Approval

MEMO TO CITY COUNCIL



To: Mayor and City Council Members
CC: Daniel Valenzuela, Michael Dane, Rick Weise, Tina Dierschke, Ryan Gaddy, Guy Andrews
From: Kimberly Holle, Budget Manager
Date: October 9, 2019
Re: Sales Tax Collections Summary for the month ended August 31, 2019

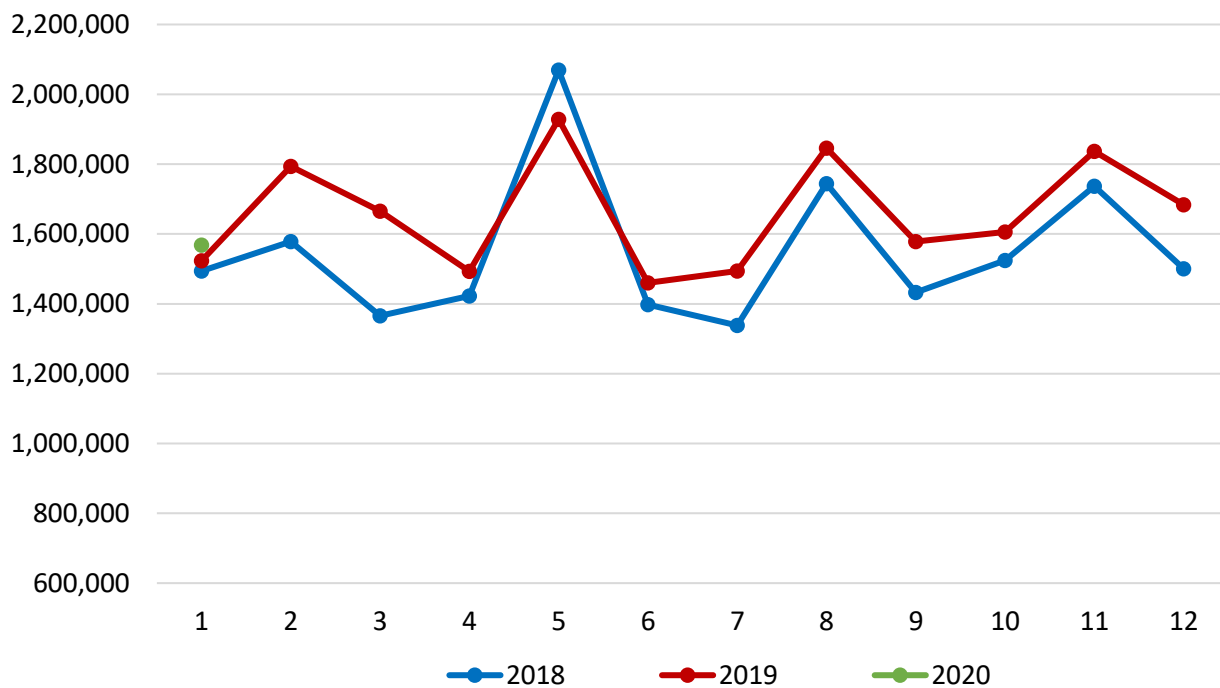
Overview: The City of San Angelo imposes a City sales tax on all retail sales, leases and rentals of most goods, as well as taxable services. The current City rate is 1.5%. The City's portion is 1% with the remaining 0.5% allotted to the City of San Angelo Development Corporation.

October 2019 Sales Tax Analysis

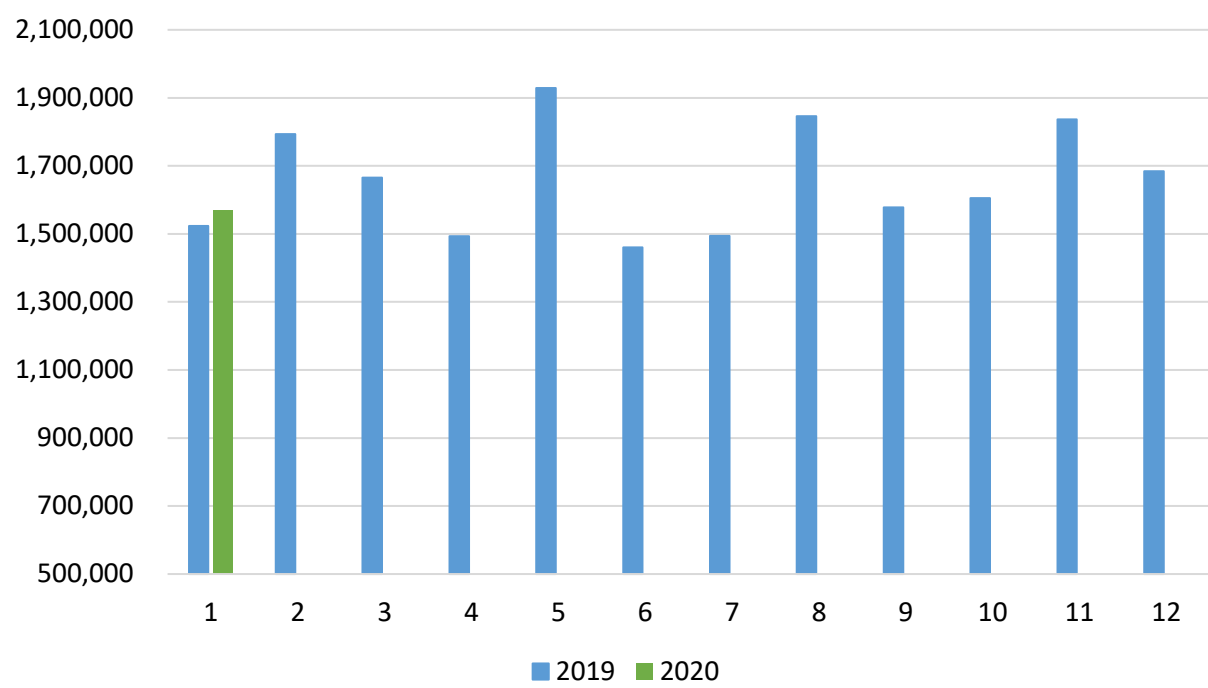
For the month, collections are up 2.94% relative to October 2018. Total collections for fiscal year 2019-20 are 2.94% or \$44,734, over collections for fiscal year 2018-19.

Sales tax revenue for fiscal year 2019-20 is over budget by \$69,460. The graphs below show total collections for the fiscal year.

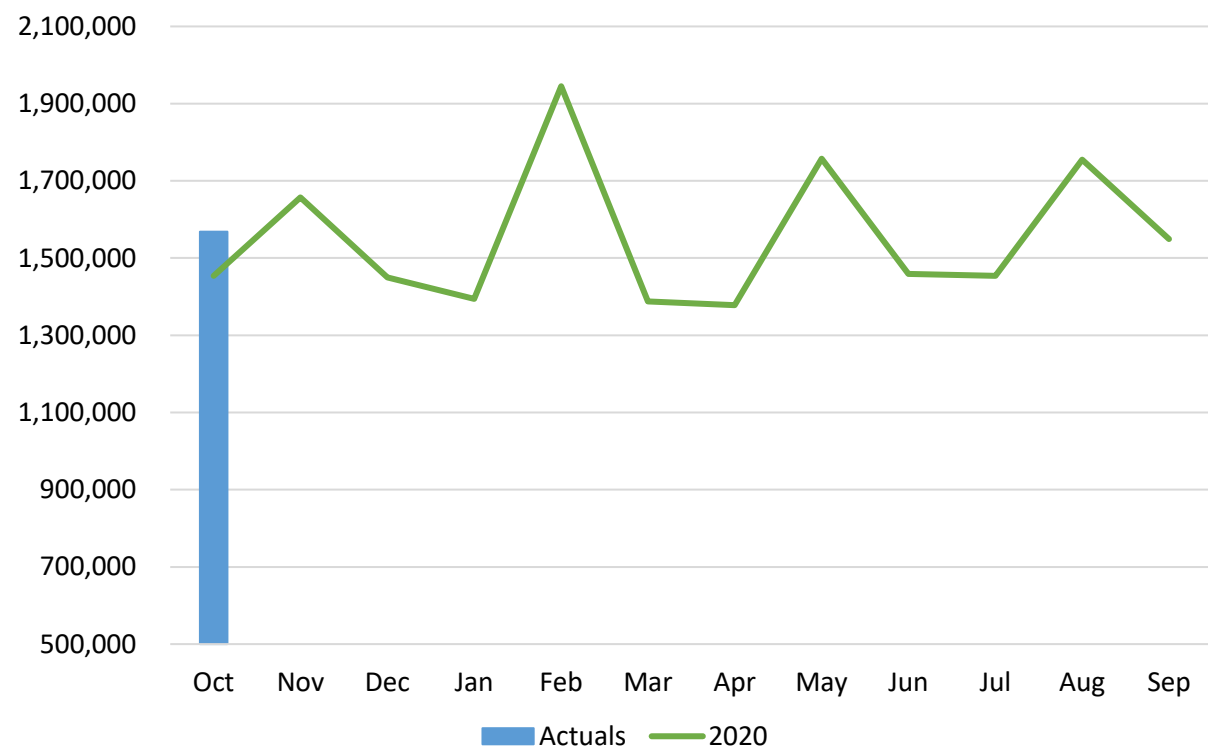
Sales Tax Trend



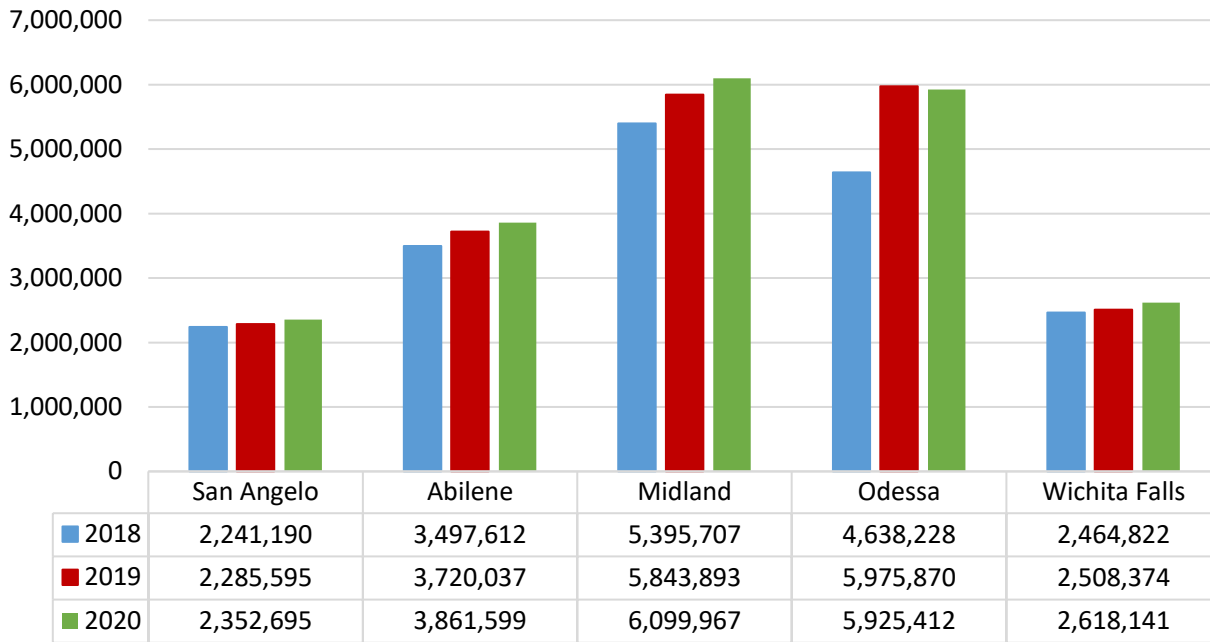
Sales Tax Current vs. Prior



Sales Tax Budget vs. Actual



Fiscal Year-to-date Collections



* This includes collections for the City of San Angelo and the San Angelo Development Corporation.

Performance for this month relative to October 2018:

San Angelo – up 2.94%
 Abilene – up 3.81%
 Midland – up 4.38%

Odessa – down 0.84%
 Wichita Falls – up 4.38%



City Council

October 15, 2019

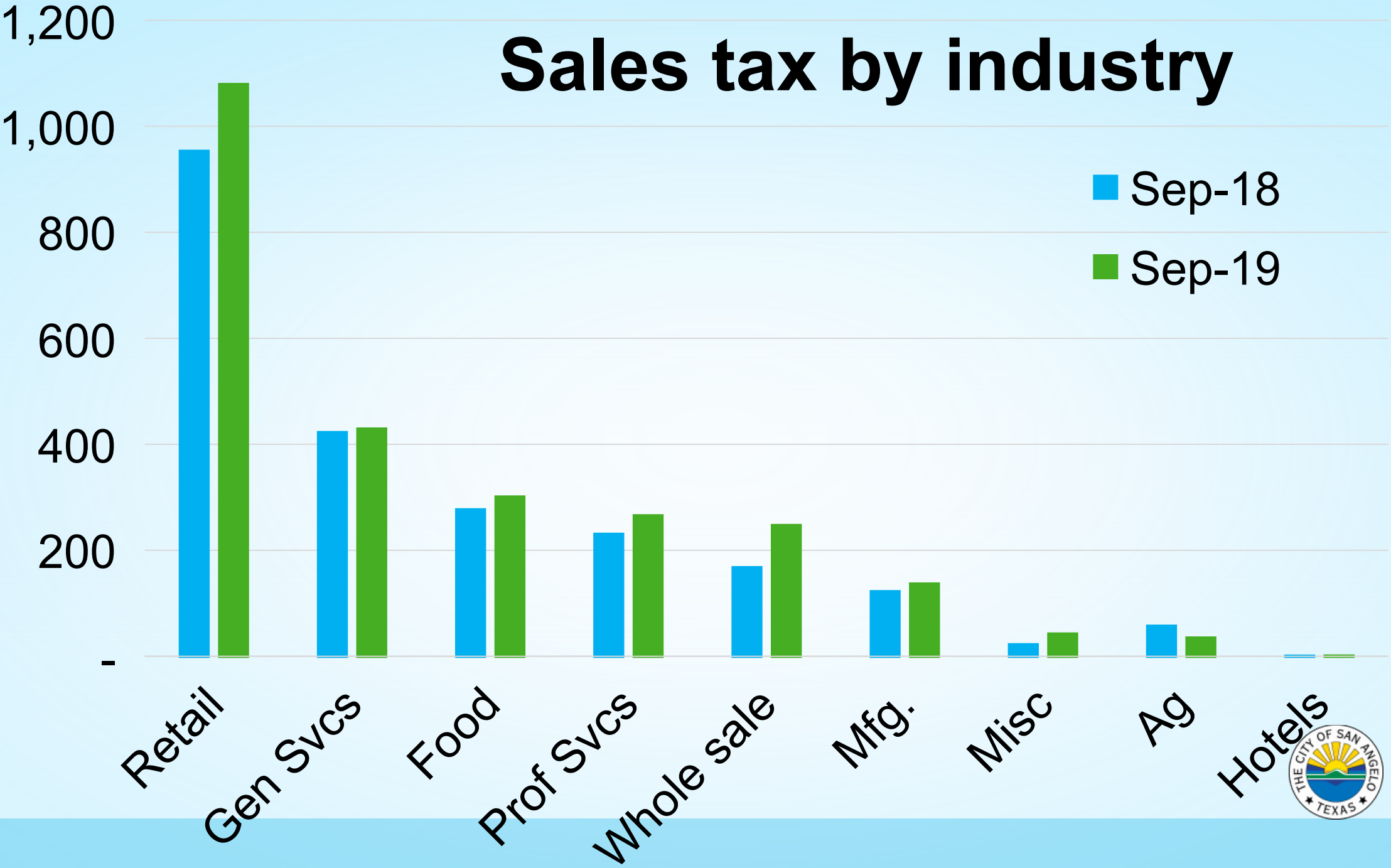


Sales Tax Revenue

- Up 7.85% in October compared with the same month in prior year
- Over budget for revenue by \$69,460 year to date



Sales tax by industry





City Council

October 15, 2019

