



City Council Agenda 1/21/2020

Notice is hereby given of a regular meeting of the City Council of City of San Angelo to be held January 21, 2020 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 January 26 - February 1, 2020 as San Angelo School Choice Week
- b. Recognition of the City of San Angelo's community support towards Goodfellow Air Force Base 2019 Altus Award (presentation made by Goodfellow Military Advisory Group member Michael Boyd)

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 January 7, 2020 City Council regular meeting minutes (Julia Antilley)
- b. Consider authorizing the City Manager to execute a Consent to Assignment of City of San Angelo Regional Airport-Mathis Field Lease and License Agreement for the grill located in the Airport Terminal Building from Badgett Bros., LLC, to Melissa Lee, D/B/A Mathis Grill (Jeremy Valgardson)
- c. Consider awarding RFB PK-03-19 Concho Riverbank Stabilization to Compact Conservation & Construction of San Angelo, TX, in the amount of \$274,890, budgeted for purchase in fiscal year 2020, and authorizing the City Manager to negotiate and execute all related documents (Alfonso Torres)
- d. Consider approving Task Order 3 of the professional services agreement with Killis Almond Architects, PC in the amount of \$50,000 (budgeted funds) to continue waterproofing and reinstalling the original limestone facade of City Hall (Ron Lewis)
- e. Consider awarding the purchase of a five-year Software Maintenance Agreement to Paradigm Traffic Systems, Inc. through Buyboard contract #524-17 in the amount of \$55,375, budgeted for purchase in fiscal year 2020, and authorizing the City Manager to negotiate and execute all related documents (Dusty Hohensee)

- f. Consider awarding the purchase of four Gridsmart Traffic Control Cameras to Texas Highway Products through Buyboard Contract #534-17 in the amount of \$66,180, budgeted for purchase in fiscal year 2020, and authorizing the City Manager to negotiate and execute all related documents (Dusty Hohensee)
- g. Consider a resolution ratifying an emergency expenditure in the amount of \$74,500 to OMJC Signal, Inc. for the purchase of portable traffic signals at the intersection of S. Koenigheim St. and W. Harris Ave. and authorizing the City Manager to negotiate and execute all related documents (Shane Kelton)
- h. Consider authorizing the City Manager to execute an interlocal agreement with the North Central Texas Council of Governments providing for the City's participation in cooperative purchases through the North Texas Share program (Nolan Sosa)
- i. Consider accepting an annexation petition for 8.401 acres of land out of C. Berberich Survey No. 177, Abstract No. 52, City of San Angelo, Tom Green County, Texas, being part of a 25.361 acre tract described and recorded in Instrument No. 201616044, Official Public Records of Tom Green County, Texas; being a tract of land south of State Hwy Loop 306 adjacent to the city limits east of Karsten Creek Dr. and west of Foster Rd., and setting a Public Hearing on the annexation for the February 4, 2020 City Council meeting (Jon James)
- j. Second reading of an ordinance amending Chapter 9, Article 9.01 "Parks and Lakes" of the Code of Ordinances of the City of San Angelo (Carl White)
- k. Second reading of an ordinance amending the budget for the fiscal year beginning October 1, 2019, and ending September 30, 2020 for capital items, grants, and projects (Tina Dierschke)
- l. Consider awarding the purchase of computers and related hardware through DIR contract #DIR-TSO-3763 in the amount of \$54,003, and authorizing the City Manager to negotiate and execute all related documents (Brian Dunn)
- m. Consider awarding a contract amendment under BuyBoard contract #555-18 to Insituform Technologies, LLC, for sewer infrastructure rehabilitation in the amount of \$100,000 and authorizing the City Manager to negotiate and execute all related documents (Andy Vecellio)

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. Presentation of the 2019 City of San Angelo Development Corporation Annual Report (Presentation made by Economic Development Director Guy Andrews)
- b. Update on the repair of the culverts under Ave. R (Presentation made by Operations Director Shane Kelton)
- c. First reading and public hearing of an ordinance approving Z19-17, a rezoning from the Light Manufacturing zoning district to the General Commercial zoning district, being 2.87 acres located at 801 Rust St. and an unaddressed lot directly north across E. Ave. D (Presentation made by Planning & Development Services Director Jon James)

- d. First reading and public hearing of an ordinance approving Z19-18, a rezoning from the General Commercial/Heavy Commercial zoning district to Neighborhood Commercial zoning district, being 1.307 acres located at 401, 405, 409 W. Ave. Y, 2815 Ben Ficklin Rd. and 410 W. Ave. Z (Presentation made by Planning & Development Services Director Jon James)
- e. First reading and public hearing of:
 - 1. An ordinance approving CP19-03, an amendment to the City of San Angelo Comprehensive Plan, changing certain lands from the "Commercial" and "Neighborhood" Future Land Uses to the "Neighborhood Center" Future Land Use, being 30.267 acres located between S. Bryant Blvd., Kimrey Ln., and Ben Ficklin Rd.
 - 2. An ordinance amending PD06-05, a rezoning from the Ranch and Estate zoning district to the Planned Development zoning district to expand the existing PD06-05 boundary to allow for a new ropes challenge course and accessory structures associated with an existing day care and therapeutic horse riding facility, being a total of 10.954 acres located at 5185 and 5191 S. Bryant Blvd. (Presentation made by Planning & Development Services Director Jon James)
- f. First reading and public hearing of an ordinance approving PD19-09, a rezoning from the General Commercial/ Heavy Commercial zoning district to the Planned Development zoning district to allow for a multifamily housing development comprising of 20 two-family (duplex) buildings with a total of 40 residential units with associated management office and storage units; and an existing telecommunication tower facility; being 2.15 acres located between E. Ave. D, S. Oakes St., E. Washington Dr., and Orient St. (Presentation made by Planning & Development Services Director Jon James)
- g. First reading and public hearing of an ordinance approving an amendment to the Master Thoroughfare Plan component of the San Angelo Comprehensive Plan in an area south of Pulliam St., east of Bell St., and west of Loop 306, and north of the Concho River (Presentation made by Planning & Development Services Director Jon James)
- h. Consider a resolution (English/Spanish) calling and ordering the General Election for May 2, 2020, authorizing the City Manager to execute an Interlocal Agreement for Joint Election with other parties under the Tom Green County Master Interlocal Agreement, and providing for the holding of a joint election to be administered by the Tom Green County Election Administration (Presentation made by City Clerk Julia Antilley)
- 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 551.071(2) consult with attorney when the governmental body seeks the advice of its attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter, regarding West Texas Water Partnership

- b. 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 the Ford Ranch
- c. Section 551.071(2) consult with attorney when the governmental body seeks the advice of its attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter, regarding water rights

9. Follow Up and Administrative Issues

- a. Consider items discussed in Closed Session, if needed
- b. Consideration of approving various Board nominations
Animal Shelter Advisory Committee: Jen Murphy (SMD2) to a first term ending January 2022
Civil Service Commission: Teresa Special (Mayor) to a fourth term ending January 2023
Design and Historic Review Commission: David Mazur (Mayor) to a first term ending September 2021
Fort Concho Museum Board: Lori Barton (SMD3) to a third term, Sherley Spears (SMD4) to a second term, Joyce Lowe (SMD5) to a second term, David Schaller (SMD6) to a second term, and Kathy Keane (SMD6) to a second term all ending January 2022
Planning Commission: Luke Uherick (SMD1) to a first full term, Joe Self (SMD2) to a first full term, Joe Spano (SMD6) to a second term, and Conoly Brooks III (Mayor) to a first full term all ending January 2022
Zoning Board of Adjustment: Debbie Cunningham (SMD1) to a third term, Jason Fernandez (SMD3) to a first full term, Gary Cortese (Mayor) to a first full term, Danny Aguero (Mayor-Alternate) to a first full term all ending January 2022
- c. Announcements and consideration of Future Agenda Items

10. Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board at City Hall in the City of San Angelo, Texas, on the 17th day of January 2020, at 8:52 a.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

All children in San Angelo should have access to the highest-quality education possible.

San Angelo recognizes the important role that an effective education plays in preparing all students in San Angelo to be successful adults.

Quality education is critically important to the economic vitality of San Angelo.

San Angelo is home to a multitude of high quality public and nonpublic schools from which parents can choose for their children, in addition to families who educate their children in the home.

School Choice Week is celebrated across the country by millions of students, parents, educators, schools and organizations to raise awareness of the need for effective educational options.

Therefore, I, Brenda Gunter, Mayor of the City of San Angelo, Texas, on behalf of the City Council, do hereby proclaim January 26 – February 1, 2020 as

SAN ANGELO SCHOOL CHOICE WEEK

in San Angelo, Texas and call this observance to the attention of all our citizens.

In Witness Whereof, I have hereunto set my hand and have caused the Official Seal of the City of San Angelo to be affixed this 21st day of January, 2020.

Brenda Gunter
Mayor of the City of San Angelo

City of San Angelo, Texas
Regular City Council Meeting
Tuesday, January 7, 2020

Present:

Mayor Brenda Gunter
Mayor Pro tem Harry Thomas, SMD 3
Council Member Tommy Hiebert, SMD 1
Council Member Lucy Gonzales, SMD 4
Council Member Billie F. DeWitt, SMD 6

1. Call to Order

With a quorum of the City Council Members present, Mayor Gunter called the regular session of the San Angelo City Council to order at 8:30 a.m. on Tuesday, January 7, 2020, in the San Angelo McNease Convention Center, 501 Rio Concho Drive, San Angelo, Texas 76903.

2. Legislative Prayer

San Angelo Police Department Chaplain Marcella Jenkins provided an invocation.

3. Pledges

Pledges were led by Callen Bueker, 1st grader at Wall.

4. Proclamations/Recognitions

January 2020 was proclaimed School Board Recognition Month.

5. Public Comment

Citizen Sherley Spears, San Angelo NAACP President, read a proclamation naming Friday, January 10th Sarah Collins Rudolph, the Fifth Little Girl, Day.

Citizen Cheryl Sicantello spoke regarding the homelessness issue in San Angelo.

Water Utilities Director Allison Strube announced the sewer line has been repaired and installation is complete, with street repairs now underway. The new water billing payment system was launched January 2nd and any prior online bill payers must create a new account in the new system.

6. Consent Agenda

- a. Approval of the December 17, 2019 City Council regular meeting minutes (Julia Antilley)
- b. Authorization of the City Manager to reject all bids received for RFB SB-01-20 Street Construction Materials (Patrick Frerich)
- c. Authorization of an expenditure of \$205,067.45 under the existing maintenance agreement between the City of San Angelo and Hexagon Safety and Infrastructure, budgeted in fiscal year 2020 and authorizing the City Manager to execute all related documents and any renewal contract thereafter, provided the cost does not increase beyond 5% each subsequent year (Frank Carter)
- d. Acceptance of a grant from the Texas Commission on Environmental Quality (TCEQ) in the amount of \$137,299, coordinated by, and through, the Upper Colorado River Authority (UCRA) for "North Concho River Bank Stabilization" (section along City property from Johnson Dam downstream to Concho Ave.) and authorizing the City Manager to negotiate and execute all related documents (Carl White)

- e. Adoption of resolutions authorizing the Investment Policies for the City of San Angelo, Lake Nasworthy, and Development Corporation (Tina Dierschke) (Pg. 5, 2020-001) (Pg. 6, 2020-002) (Pg. 7, 2020-003)
- f. Approval of the Bradford Storm Recovery project update to address storm damage to residential structures funded through the COSADC Affordable Housing Assistance Program (Bob Salas)
- g. Adoption of a resolution approving the fee schedule for animal services' deceased animal pickup (Morgan Chegwiddden) (Pg. 8, 2020-004)
- h. Second reading and adoption of an ordinance approving the abandonment of approximately 8,800-sq ft of the E. Ave. D public right-of-way; generally located west of S. Chadbourne St., south of W. Ave. C, and north of W. Washington Dr. (Jon James) (Pg. 52, 2020-005)
- i. Second reading and adoption of an ordinance requesting to abandon the 20-ft x 350-ft east/west alley in Block 49, Fairview Addition between N. Cecil St. and N. Archer St. and E. Houston Harte Expy. and Veck St. (Jon James) (Pg. 55, 2020-006)
- j. Second reading of an ordinance annexing into the City of San Angelo on a request, by petition of the property owner, for annexation of an 8.401 acre tract generally described as an area of land out of Casper Berberich Survey 177, abstract no. 52 and also being out of a 25.361 acre tract described and recorded in instrument no. 20166044, official public records of Tom Green County, Texas; and authorizing the City Manager to negotiate and execute all related documents (Jon James)

[Mayor Gunter announced item 6j would be removed from the Consent Agenda.]

- Motion: Council Member DeWitt made a motion, seconded by Council Member Gonzales, to approve the Consent Agenda with the exception of items 6b, 6f, 6g, and 6j. The motion carried unanimously (5) ayes to (0) nays.
- Motion: Council Member Thomas made a motion, seconded by Council Member Hiebert, to approve item 6b, as presented by Patrick Frerich. The motion carried unanimously (5) ayes to (0) nays.
- Motion: Council Member Gonzales made a motion, seconded by Council Member Hiebert, to approve item 6f, as presented by Bob Salas. The motion carried unanimously (5) ayes to (0) nays.
- Motion: Council Member Thomas made a motion, seconded by Council Member Gonzales, to approve item 6g, as presented by Morgan Chegwiddden. The motion carried unanimously (5) ayes to (0) nays.

7. Regular Agenda

- a. Public hearing and first reading of an ordinance amending Chapter 9, Article 9.01 "Parks and Lakes" of the Code of Ordinances of the City of San Angelo (Presentation made by Parks & Recreation Director Carl White)

[Water Utilities Director Allison Strube, Lake Operations Patrol Sergeant Wike, and Operations Director Shane Kelton also responded to questions.]

- Motion: Council Member Thomas made a motion, seconded by Council Member Hiebert, to approve the item, as presented. The motion carried unanimously (5) ayes to (0) nays.
- b. Ratification of a resolution by COSADC awarding RFB DC-01-20 for Infrastructure Improvements Phases 2.1 and 2.2 of the San Angelo Business and Industrial Park to Reece Albert, Inc; authorizing the Board President to negotiate and execute a construction services contract with Reece Albert, Inc. in a sum not to exceed \$3,354,682.70, a project authorized under Chapter 501

of the Development Corporation Act for infrastructure improvements necessary for development of a portion of the San Angelo Business and Industrial Park, subject to approval of the City Council (Presentation made by Economic Development Project Manager Robert Schneeman)

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

- c. Second reading and adoption of an ordinance amending the budget for the fiscal year beginning October 1, 2019, and ending September 30, 2020 for capital items, donations, grants, and projects (Presentation made by Finance Director Tina Dierschke) (Pg. 58, 2020-007)

Motion: Council Member Gonzales made a motion, seconded by Council Member Thomas, to approve the item, with the specification that the Bradford budget amendment be in the amount of \$638,861, as presented. The motion carried unanimously (5) ayes to (0) nays.

- d. Award of RFP NFS-01-20 Bradford Storm Recovery Housing Reconstruction Project to Galilee CDC in the amount of \$121,602, budgeted for purchase in fiscal year 2020, and authorizing the City Manager to negotiate and execute all related documents (Presentation made by Neighborhood & Family Services Director Bob Salas)

Citizen Steve Hampton (SMD6) requested more information regarding the homeowners' responsibilities.

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

- e. First public hearing and introduction of an ordinance amending the budget for the fiscal year beginning October 1, 2019, and ending September 30, 2020, for capital items, grants, and projects (Presentation made by Finance Director Tina Dierschke)

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

8. Closed Session

New Quorum Present:

Mayor Brenda Gunter
Mayor Pro tem Harry Thomas, SMD 3
Council Member Tommy Hiebert, SMD 1
Council Member Tom Thompson, SMD 2
Council Member Lucy Gonzales, SMD 4
Council Member Billie F. DeWitt, SMD 6

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

- a. Section 551.071(2) consult with attorney when the governmental body seeks the advice of its attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter, regarding: Ford Ranch

9. Follow Up and Administrative Issues

New Quorum Present:

Mayor Brenda Gunter

Mayor Pro tem Harry Thomas, SMD 3
Council Member Tommy Hiebert, SMD 1
Council Member Lucy Gonzales, SMD 4
Council Member Billie F. DeWitt, SMD 6

a. Consider items discussed in Executive Session

Motion: Council Member DeWitt made a motion, seconded by Council Member Hiebert, to authorize the City Manager to negotiate and execute a ranch management contract with Forest Armke. The motion carried unanimously (5) ayes to (0) nays.

b. Approval of various Board nominations:

Parks and Recreation Advisory Board: Heidi Meyer Brooks (Mayor) to a first term ending December 2021

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

c. Announcements and consideration of Future Agenda Items

Mayor Gunter requested a presentation regarding the street repair at Ave. R and Chadbourne St.

10. Adjournment

Motion: Council Member Hiebert made a motion, seconded by Council Member Gonzales, to adjourn the meeting. The meeting was adjourned by consensus.

There being no further business, the meeting adjourned at 10:53 a.m.

THE CITY OF SAN ANGELO, TEXAS:

Brenda Gunter, Mayor

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.)

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Jeremy Valgardson, Airport Director, Airport, 325-659-6409

Meeting Date: January 21, 2020

Item type: Consent Item

Caption:

Consider authorizing the City Manager to execute a Consent to Assignment of City of San Angelo Regional Airport-Mathis Field Lease and License Agreement for the grill located in the Airport Terminal Building from Badgett Bros., LLC, to Melissa Lee, D/B/A Mathis Grill (Jeremy Valgardson)

Summary/History:

Mr. Denton is selling the Grill. Mrs. Lee, one of Mr. Denton's former employees, is purchasing the business from Mr. Denton. She plans to open earlier in the morning and offer more options on the menu. She will continue to sell alcohol.

Financial Impact:

Lease Rate: \$300 / Month or 5% gross sales, whichever is greater.

Other Information/Recommendation:

Attachments:

- | | |
|-----------------------------------|------------------------------------|
| 1. Lease Assignment (Badgett-Lee) | Lease Assignment (Badgett-Lee).pdf |
|-----------------------------------|------------------------------------|

Presentation:

Jeremy Valgardson

Approvals/Reviews:

Jeremy Valgardson	Created/Initiated
Jeremy Valgardson	Approved
Theresa James	Approved
Tina Dierschke	Approved
Dan Saluri	Approved
Theresa James	Approved
Julia Antilley	Final Approval

ASSIGNMENT OF CITY OF SAN ANGELO REGIONAL AIRPORT—MATHIS FIELD AIRPORT LEASE AND LICENSE AGREEMENT FOR NON-EXCLUSIVE FOOD SERVICE CONCESSION, FROM BADGETT BROS.; LIMITED LIABILITY COMPANY, ASSIGNOR; TO MELISSA LEE, D/B/A MATHIS GRILL, ASSIGNEE; AND, CONSENT TO ASSIGNMENT BY THE CITY OF SAN ANGELO

THIS AGREEMENT is made and entered into effective the 21st day of January, 2020, (Effective Date) by and between BADGETT BROS., LIMITED LIABILITY COMPANY, a Texas limited liability company (Assignor), whose Managing Member is Kael Denton, and MELISSA LEE, D/B/A MATHIS GRILL, (Assignee); and is approved by the City of San Angelo (Lessor).

WHEREAS, ABOVE THE CLOUDS, LLC entered into a Lease and License Agreement (the "Lease") with the City of San Angelo, a Texas home rule municipal corporation (hereinafter "Lessor"), for the lease of certain premises described as 475 square feet of concessionaire space for use as a café located at, 8618 Terminal Circle Road, #111, San Angelo Regional Airport--Mathis Field, ("Leased Premises") effective for a term commencing April 1, 2012; and, as amended by Amendment No. 1; second amendment entitled "Agreement to Amend Lease Agreement", dated October 27, 2015; assigned to Assignor by written Assignment effective June 6, 2017, and extended through May 31, 2020, by letter agreement dated May 6, 2019 (collectively hereinafter "Amendments"). True and correct copies of the Lease and Amendments are attached hereto as **Exhibit "A"** **Exhibit "A-1"**, **Exhibit "A-2"**, **Exhibit A-3**, and **Exhibit A-4**, respectively, and made a part hereof for all purposes ; and,

WHEREAS, Assignor wishes to assign the Lease as amended and extended to MELISSA LEE, d/b/a MATHIS GRILL, (Assignee); and,

WHEREAS, Assignee has received complete copies of the Lease and Amendments, has reviewed them, and agrees to perform the duties and obligations of Lessee pursuant to the terms and conditions therein contained; and,

WHEREAS, City of San Angelo, Lessor, is agreeable to consent to the assignment of Lease as amended and extended, from Assignor to Assignee on terms and conditions herein stated;

NOW, THEREFORE, in consideration of the mutual agreements contained herein and for other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged,. BADGETT BROS., LIMITED LIABILITY COMPANY, Assignor, and MELISSA LEE, d/b/a MATHIS GRILL, Assignee, agree as follows:

Assignment of Lease

BADGETT BROS., LIMITED LIABILITY COMPANY, a Texas limited liability company (Assignor), whose Managing Member is Kael Denton, current Lessee, under the above described Lease as amended and extended, does hereby assign to MELISSA LEE, d/b/a MATHIS GRILL, (Assignee) and MELISSA LEE, d/b/a MATHIS GRILL, does hereby accept and assume, that certain Lease and License Agreement with the City of San Angelo, Lessor ("Lease"), for the lease of Leased Premises described therein as 475 square feet of concessionaire space located at 8618 Terminal Circle Road, #111, San Angelo Regional Airport--Mathis Field, and license for non-exclusive concession, for use as a café, effective for a term commencing January 21, 2020, as amended and extended, ending May 31, 2020.

- 1, This assignment of Airport Lease and authorization for consent to the assignment was approved and authorized by the City of San Angelo City Council on January 21st, 2020.

2. All notices under the Airport Lease as provided under subsection 11.7 thereof shall be addressed to the City of San Angelo, Lessor, and, Melissa Lee, d/b/a Mathis Grill, Assignee, assuming obligations of Lessee under the Lease, as follows:

CITY OF SAN ANGELO, Lessor:

City of San Angelo
San Angelo Regional Airport—Mathis Field
Attention: Airport Manager
8618 Terminal Circle, Ste. 101
San Angelo, Texas 76904

With Copies to:

City Attorney's Office
72 W. College Avenue
San Angelo, Texas 76903

MELISSA LEE, d/b/a MATHIS GRILL, Lessee.

Mary Lee, d/b/a Mathis Grill
8618 Terminal Circle, #111
San Angelo, Texas 76904

3. Assignor hereby represents, certifies and warrants to Assignee and City of San Angelo that all of Assignor's duties as Lessee under said Airport Lease as amended and extended have been completely and fully fulfilled, through the effective date of this assignment, including without limitation duties with respect to the payment of rent, payment of taxes and assessments, payment of utilities, maintenance of insurance and related insurance requirements, including that Assignee has provided certificates of such insurance to Risk Manager, Suite 201, City of San Angelo, 72 W. College Avenue, San Angelo 76903.
4. Assignee shall deliver certificates of insurance to the Risk Manager, Suite 201, City of San Angelo, 72 W. College Avenue, 76903, on or before taking possession of the Leased Premises or conducting business as a concessionaire at the San Angelo Regional Airport. Notwithstanding anything to the contrary in the Lease and License Agreement as amended and extended, and in place of Exhibit "A" attached thereto, Assignee shall maintain during the term of the Lease and any extension thereof the types and minimum limits of insurance coverage pursuant to the terms and conditions designated on the attached Special Insurance Rider.
5. So long as the Lease and License Agreement permits Assignee/Lessee to dispense or sale any alcoholic beverage, Assignee/Lessee shall comply with the Texas Alcoholic Beverage Code (TABC) and all applicable state and local regulatory codes and ordinances relating to the sale or dispensing of alcoholic beverages. Assignee/Lessee shall provide to the Airport Manager prior to commencing occupancy of the Leased Premises a copy of a valid Wine and Beer Retailer's Permit and Food and Beverage Certificate issued to Assignee/Lessee. Assignee/Lessee shall at all times during the full term of the Lease and License Agreement and any extension thereof maintain a valid Wine and Beer Retailers Permit and Food and Beverage Certificate in current status and shall immediately advise the Airport Manager of any suspension, termination or expiration of said permit and certificate. Notwithstanding anything to the contrary in the Lease and License Agreement as

amended and extended, a violation of the foregoing provision or the suspension, termination or expiration of such TABC permit and certificate shall constitute a breach of the Lease and License Agreement and automatic termination thereof.

6. This Assignment of Airport Lease and License Agreement as amended and extended (collectively the "Lease"), Assignee's acceptance and assumption of the obligations of Lessee under the Lease, and consent to the assignment by the City of San Angelo shall release Assignor from obligations under the Lease.

Acceptance of Assignment of Airport Lease and License Agreement as Amended and Extended, and Assumption of Obligations of Lessee Thereunder.

MELISSA LEE, d/b/a MATHIS GRILL (Assignee), hereby: (a) acknowledges and accepts the foregoing Assignment of Airport Lease and License Agreement as amended and extended; (b) assumes all of the obligations of Lessee contained in said Airport Lease and License Agreement as amended and extended; and, (c) agrees to be bound by and to faithfully, timely and fully perform all terms, conditions, covenants and agreements of Lessee under said Airport Lease and License Agreement as amended and extended.

Consent by Lessor to Assignment of Airport Lease and Lessee Release

1. In consideration of and in reliance upon the terms and conditions of the Assignment and Assignee's assumption of the obligations of Lessee under the Airport Lease and License Agreement as amended, and promises contained in this instrument, the City of San Angelo hereby consents to the foregoing assignment of Airport Lease and License Agreement as amended.
2. **BADGETT BROS., LIMITED LIABILITY COMPANY, a Texas limited liability company (Assignor), and its Managing Member, JESSE MCCLURE, hereby forever release, indemnify and hold harmless the City of San Angelo, its council members, board and commission members, officials, agents and employees from any and all claims or liability arising from, or connected with, Assignor's tenancy and operation of concession under the subject Lease and License Agreement as amended and extended.**

(Signature Page to follow)

IN WITNESS WHEREOF, the parties hereby have executed this Assignment on the day and year indicated.

ASSIGNOR:

BADGETT BROS., LIMITED LIABILITY COMPANY:

Jesse McClure, individually and as
Managing Member

Date: _____, 2020

EMAIL: badgettbros@gmail.com

ASSIGNEE:

MELISSA LEE, dba MATHIS GRILL

By: _____
Melissa Lee

Date: _____, 2020

EMAIL: mlee42667@yahoo.com

The foregoing Assignment is approved and accepted by the City of San Angelo, Texas.

CITY OF SAN ANGELO, TEXAS

ATTEST:

Daniel Valenzuela, City Manager

Julia Antilley, City Clerk

Date: _____, 2020

APPROVED AS TO CONTENT

APPROVED AS TO FORM

Jeremy Valgardson, Airport Director

Dan T. Saluri, Deputy City Attorney

APPROVED FOR RISK

Charles Hagen, Risk Manager

**ASSIGNMENT OF CITY OF SAN ANGELO REGIONAL AIRPORT—MATHIS FIELD
AIRPORT LEASE AND LICENSE AGREEMENT FOR CAFE, BADGETT BROS.;
LIMITED LIABILITY COMPANY, ASSIGNOR; MELISSA LEE, D/B/A MATHIS GRILL,
ASSIGNEE; AND, CONSENT TO ASSIGNMENT BY THE CITY OF SAN ANGELO**

EXHIBIT “A”

LEASE AND LICENSE AGREEMENT

(Exhibit is on following pages)

EXHIBIT "A"

LEASE AND LICENSE AGREEMENT

This Lease and License Agreement ("Lease") is made and entered into by and between the CITY OF SAN ANGELO, a Texas home rule municipal corporation, acting by and through its duly authorized representative ("Lessor"), and Above The Clouds, LLC, a Texas limited liability company ("Lessee").

In consideration of the premises and of the mutual covenants and conditions herein contained, and other valuable consideration, Lessor and Lessee hereby agree as follows:

1. DEMISE OF LEASED PREMISES

Lessor does hereby lease to Lessee, and Lessee does hereby lease from Lessor the following:

475 square feet of concessionaire space for use as a café and 194 square feet of storage space, for a combined total of 669 square feet, more or less, located in the terminal building, 8618 Terminal Circle Road, San Angelo Regional Airport – Mathis Field ("Leased Premises" or "Premises"), commonly known as Suites 111, and further identified in the terminal building floor plan, which is available for review in the office of the Airport Director.

2. GRANT OF LICENSE

- 2.1 Lessor hereby grants Lessee a non-exclusive license, concurrent with the herein-described Lease, to engage in the business of selling and serving quality beverages and food to the general and traveling public by operating a food service facility at the San Angelo Regional Airport – Mathis Field ("Airport").
- 2.2 Lessee shall confine its operations at the Airport to its exclusive area and to those portions of the terminal that are designated by the Airport Director. Lessee shall not solicit sales in any exclusive area leased to another lessee located at the Airport.
- 2.3 In the event of a conflict between Lessee and any other lessee or concessionaire in the terminal building as to the services to be sold by respective concessionaires or lessees, Lessor shall decide which services may be sold by each lessee and Lessee agrees to be bound by such decision.

3. TERM

- 3.1 Fixed Beginning and Termination Date. This Lease is granted for a term of five (5) years commencing April 1, 2012, and ending March 31, 2017.
- 3.2 Lessor reserves the right to review financial statements, business records, and all documents created in the course of operation or maintained by the Lessee for any purpose whatsoever but primarily intended to confirm the reported numbers for purposes of determining appropriate rentals. Either party may terminate this Lease upon providing thirty (30) days written notice to the other party or by mutual agreement. If this Lease is terminated in accordance with this paragraph, rent shall be prorated accordingly.
- 3.3 Option to Renew. At termination of the primary term of this Lease, Lessee shall have the option to renew this Lease for one additional one (1) year period, under the same terms, conditions and covenants contained herein, provided that Lessee is not then in default of any term, condition or covenant in this Lease and further provided that Lessor is not prohibited from leasing said property pursuant to any agreement with or requirement from the United States government such as those situations described in Article 6 of this Lease. Lessee shall exercise the option to renew this Lease by notifying Lessor in writing and delivering such writing to Lessor at the address specified in the paragraph entitled "NOTICES" at least ninety (90) days prior to the expiration of the primary term.
- 3.4 Holdover. Any holding over by Lessee of the Leased Premises after the expiration of this Lease shall operate and be construed only as a tenancy from month to month, terminable at the will of Lessor.

4. CONSIDERATION

- 4.1 Rent. Lessee shall pay rent to Lessor for the use of Leased Premises on a monthly basis as follows:

For the period:

Base Rent per Month:

4/1/2012 through 3/31/2017

\$300.00 or 5% of Gross Receipts,
whichever is greater

"Gross receipts" shall mean all revenues that would be recognized annually under generally accepted accounting principles less any State sales tax to be paid, without deduction for cost of property sold, materials used, labor performed, or other costs incurred. A report of Gross Receipts for the preceding month shall be submitted on the form set forth in Exhibit

B attached hereto and incorporated herein for all purposes and accompany all payments beginning April 30, 2012.

- 4.2 Time. The first of such payments shall be due and payable on May 1, 2012, and subsequent payments shall be due and payable no later than the 10th day of each succeeding month thereafter with the last payment being due and payable on April 30, 2017.
- 4.3 Place of Payment. All such payments shall be made at the Airport Director's office at San Angelo Regional Airport – Mathis Field, 8618 Terminal Circle, San Angelo, Texas 76904, or at such other place as Lessor may from time to time designate by written notice to Lessee.
- 4.4 Delinquent Payments. Lessee shall pay to Lessor a late charge or interest for any rent received by Lessor after the date that the rent is due in accordance with established City ordinances provided, however, that this provision for late charges or interest shall not be construed as a waiver of the right of Lessor to terminate this Lease at its option as authorized herein.
- 4.5 Records/Audits. The financial records of Lessee related to the operation of the Leased Premises herein, including but not limited to, receipts, daily cash and sales reports, purchase invoices and inventories shall be made available to Lessor upon request for audit purposes.

5. DEBTS RELATED TO LEASED PREMISES

- 5.1 Costs of Operation. Lessee agrees to bear, at its own expense, all costs of operating its business and all other costs connected with the use of Leased Premises and facilities.
- 5.2 Taxes and Assessments. It is further understood and agreed that Lessee shall pay and discharge all taxes, general and special assessments and other charges of every description which during the term of this Lease may be levied on or assessed against the Leased Premises and all interest therein and all improvements thereon, whether belonging to Lessor or Lessee, or to which either of them may become liable. Lessee shall pay all such taxes, charges and assessments to the public officer charged with the collection thereof not less than fifteen (15) days before the same shall become delinquent, and Lessee agrees to indemnify and save harmless Lessor from all such taxes, charges and assessments.
- 5.3 Incidental Fees. Lessee shall also pay or cause to be paid all incidental charges, such as permit fees, incurred in connection with its operation and use of the Leased Premises.

6. LAWS, REGULATIONS AND LIMITATIONS

- 6.1 Observance. Lessee agrees to observe and obey all applicable federal, state and local laws in performing this Lease, including, but not limited to, such requirements in regard to discharge of effluents into Lessor's wastewater and collection system or other methods of disposal. Furthermore, Lessee agrees to observe and obey all Airport rules and regulations promulgated and enforced by the City of San Angelo and by any other governmental authority having jurisdiction over the conduct of operations at the Airport.

Lessee shall indemnify and hold harmless Lessor, its councilmembers, board and commission members, officials, agents and employees, from any charges, fines or penalties that may be assessed or levied by any department or agency of the United States or of the State of Texas by reason of Lessee's failure to comply with this paragraph. This is in addition to and not in lieu of any other covenant contained herein.

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

- 6.3 Wastewater. If Lessee's use of the Leased Premises results in the discharge or potential discharge of waste water, Lessee shall immediately apply to the Texas Commission on Environmental Quality ("TCEQ") for a waste water discharge permit. Lessee shall also advise the Airport Director which drains or other waste water facilities Lessee will use in disposing of waste waters. The Airport Director may designate sewers or other facilities for Lessee to use for disposal of waste water.

- 6.4 Hazardous Waste/Contaminants. Lessee agrees that it will not cause or permit release of any hazardous substances or contaminants, either intentional or accidental by act or omission, onto the Leased Premises or Airport property. If any release does occur, Lessee shall immediately notify the Airport Director and the TCEQ in writing and shall comply with any cleanup provision issued. Lessee shall be completely liable for any consequences of such a release. Lessee warrants that it has inspected the Leased Premises and that there are no hazardous wastes or contaminants located thereon. Lessee understands that it shall remove any hazardous waste or contaminant from the Leased Premises before termination of this Lease.

- 6.5 National Emergency. During a time of war or national emergency, Lessor reserves the right to alter, amend or suspend this Lease upon demand of military, naval, or other proper authorities of the United States government.
- 6.6 No Discrimination. Lessee agrees that it will not discriminate against any employee or applicant for employment because of race, creed, color, national origin or sex. Lessee agrees it will not violate any federal, state or local civil rights or discrimination laws.
- 6.7 Affirmative Action. Lessee agrees to take affirmative action to ensure that applicants are employed and that employees are tested during employment without regard to race, creed, color, national origin or sex. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.
- 6.8 Compliance with ADA. Lessee agrees to comply fully with the provisions of the Americans with Disabilities Act.
- 6.9 Termination. A finding of violation of any laws by a trial court or appropriate state or federal agency is a material breach of this Lease which may result in the termination of this Lease or such other remedy as Lessor may deem appropriate.
- 6.10 Records. Lessee agrees that it will keep or cause to be kept true, accurate and complete records of business conducted and that Lessor shall have the right, through its duly authorized agents or representatives, to examine all pertinent records at reasonable times. Failure to maintain and present true and accurate records shall constitute a material breach of this Lease. Once each twelve month period Lessor may require and Lessee shall pay for and have performed an audit by a certified public accountant to be agreed upon by both Lessee and Lessor. Failure to provide a full and accurate audit upon request shall constitute a breach of this Lease.
- 6.11 Relationships. Lessee, its agents, servants and employees agree to maintain a friendly and cooperative, though competitive, relationship with other companies engaged in similar or like business on the Airport. Except in connection with judicial proceedings, Lessee shall not engage in open public disputes, disagreements, or conflicts regarding activities at the Airport which would tend to deteriorate the quality of the service of Lessee or its competitors or which would be incompatible with the best interest of the public at the Airport.

- 6.12 Breach. Failure of Lessee to abide by any and/or all terms of this Article 6 shall constitute a material breach of this Lease, whereupon Lessor may, in its discretion, immediately terminate this Lease, in addition to any other remedies reserved to Lessor under the terms of this Lease.

7. **CONDITION AND USE OF LEASED PREMISES**

- 7.1 No Warranty. LESSOR GIVES NO WARRANTY, EXPRESS OR IMPLIED, AS TO THE CONDITION OF THE LEASED PREMISES, OR ANY IMPROVEMENTS THEREON, INCLUDING WARRANTY OF HABITABILITY OR FITNESS FOR A PARTICULAR USE.
- 7.2 Acceptance and Use. Lessor and Lessee agree that the Leased Premises will be used for the purposes described in Article 2 of this Lease. Lessee accepts Leased Premises as suitable for such purpose.
- 7.3 Transfer, Assignment and Subletting. Except as otherwise provided herein, Lessee shall not transfer, assign, sublet, license, encumber or pledge the Leased Premises or this Lease, in whole or in part, without the prior written consent of the Lessor.
- 7.4 Lessee covenants and agrees as follows:
- 7.4.1 to furnish good, prompt and efficient service, adequate to meet all reasonable demands for such service at the Airport, on a fair and reasonable basis as follows:
- 7.4.1.1 food, beverages and coffee to the public. Prior to sale of any food or beverage Lessee shall submit a food and beverage price list to the Airport Director for approval. Sale of food or beverages without prior approval of the price list or for a price greater than the approved price shall constitute a breach of this Lease, and
- 7.4.2 to hire and retain at all times a sufficient number of employees to provide prompt and efficient service. All employees having contact with the public shall be courteous, clean and neat in appearance. Should any employee fail to maintain such qualifications, Lessee, upon written notice from Lessor, shall take immediate corrective action.
- 7.4.3 to be open Sunday through Friday not later than six a.m. (6:00 a.m.).

7.4.4 to be open until at least eleven in the morning (11:00 a.m.) on Monday through Friday and until six in the evening (6:00 p.m.) on Sunday.

7.5 Improvements and Modifications. Lessee shall make no improvements and/or modifications, nor add any signs, to the Leased Premises without the prior written consent of Airport Director. The Airport Director may not unreasonably withhold its consent with regard to any non-structural, interior alteration that Lessee proposes. No construction shall be commenced within or upon the Leased Premises until such proposed construction is approved in writing by Lessor and, if applicable, the Federal Aviation Administration, and any attempted construction commenced prior to receipt by Lessee of such written approval(s) shall, at the option of Lessor, constitute a breach of this Lease by Lessee.

7.7 Ingress and Egress. Lessee and its employees, patrons, guests, invitees, contractors and subcontractors, shall have the right of ingress to and egress from the Leased Premises and the right, in common with others so authorized, to use common areas of the Airport, including runways, taxiways, aprons, navigational facilities, roadways, parking areas, etc., subject to federal, state, city and Airport rules and regulations.

7.8 Noise Abatement. Lessee shall actively participate in and comply with all noise abatement procedures, policies and programs as set forth by Lessor.

8. REPAIRS AND MAINTENANCE

8.1 Lessee's Duties.

8.1.1 Lessee will be responsible for the repair and maintenance of the equipment and improvements that are presently located or to be constructed or installed on the Leased Premises. Failure to do so will be grounds for Lessor to perform the needed repairs and/or maintenance and recover the costs from Lessee.

8.1.2 Lessee further agrees to keep and maintain the Leased Premises in a neat, clean, safe and respectable condition, by prompt removal of all trash, litter, debris and junk, and will keep said Leased Premises cleared of all objectionable matter. Piling of boxes, cartons, barrels or other similar items, in an unsightly or unsafe manner, on or about the Leased Premises, is prohibited.

8.1.3 In the event Lessee shall fail to keep said Premises in a manner acceptable to the Airport Director as set forth herein, Lessor may immediately terminate the Lease.

8.2 Lessor's Duties.

- 8.2.1 Lessor will maintain and operate the Airport in compliance with the safety and security regulations established by the Federal Aviation Administration and other appropriate regulatory authorities.
- 8.2.2 Lessor will maintain and operate the Airport with adequate and efficient personnel, keep in good repair Airport, its appurtenances and facilities, and keep it and its approaches free from obstruction, congestion and interference for safe, convenient and proper use by Lessee.

8.3 Damage or Destruction of Leased Premises.

- 8.3.1 Lessor shall maintain in good condition the structural parts of the building and other improvements housing the Leased Premises (including, without limitation, the roof, foundation and bearing and exterior walls, but excluding windows, window glass, plate glass, doors, pest control and extermination) and the parking lot, drives, sidewalks and common areas.
- 8.3.2 If the Leased Premises, and/or any portion of the Airport property adjacent thereto, is partially damaged by fire, explosion, the elements, the public enemy, or other casualty, caused by or attributable to Lessee's activities conducted at or upon the Leased Premises, but the Leased Premises is not rendered untenable, any property so damaged will be repaired with due diligence by Lessee at its own cost and expense.
- 8.3.3 If the damage as set forth in the preceding 8.3.2. shall be so extensive as to render such Leased Premises untenable, but capable of being repaired in thirty (30) days, the same shall be repaired with due diligence by Lessee at its own cost and expense, and the rent payable herein shall be abated in proportion to the diminished utility of the Leased Premises in the conduct of Lessee's business from the time the damage occurs until such time as the Leased Premises is fully restored.
- 8.3.4 In the event the Leased Premises, and/or any portion of the Airport property adjacent thereto, is completely destroyed by fire, explosion, the elements, the public enemy or other casualty, caused by or attributable to Lessee's activities conducted at or upon the premises, such that the Leased Premises will remain untenable, in whole or in part, for more than thirty (30) days, any

property so damaged shall be repaired with due diligence by Lessee at its own cost and expense.

8.3.4.1 Lessee shall repair any such damage at its cost and expense with due diligence; and the rent payable herein shall be abated in proportion to the diminished utility of the Leased Premises in the conduct of Lessee's business from the time the damage occurs until Lessee completes the restoration.

8.3.4.2 If Lessee fails to complete the restoration of the Leased Premises with all reasonable due diligence, Lessor may give Lessee written notice of its immediate termination of this Lease in its entirety.

8.3.5 In the event the Leased Premises, and/or any portion of the Airport property adjacent thereto, is damaged due to fire, explosion, the elements, the public enemy or other casualty not caused by or attributable to Lessee's activities conducted at or upon the premises, regardless of severity, Lessor may, in its sole discretion, either repair such damage or give Lessee written notice of its immediate termination of this Lease in its entirety.

8.4 Right of Inspection. Lessor reserves the right to conduct inspections, at reasonable times, of the Leased Premises to ensure that fire, safety, and sanitation regulations and other provisions contained in this Lease are being adhered to by the Lessee.

9. INSURANCE AND INDEMNIFICATION REQUIREMENTS

See Exhibit "A" attached hereto and incorporated herein for all purposes.

10. TERMINATION OF LEASE

10.1 Abandonment/Default. In the event Lessee shall (1) abandon the Leased Premises or (2) default in performance of any of the covenants and conditions required herein to be kept and performed by Lessee and such default continues for or is not corrected within a period of thirty (30) days, except for those provisions authorizing immediate termination, Lessor shall have the right to terminate this Lease. Likewise, if Lessor shall default under the terms of this Lease; and such default continues for a period of thirty (30) days, Lessee shall have the right to terminate this Lease. Lessor or Lessee shall give thirty (30) days written notice of its intention to terminate the lease and either party will have such thirty (30) days within which to cure such default and thereby avoid termination. Notice shall be sufficient if given in accordance with the notice provision in

this Lease and delivered to either party at the address specified in this Lease or at such other address as has been designated in writing. Upon Lessor's or Lessee's election to terminate, this Lease shall cease.

- 10.2 Re-Entry by Lessor. Upon termination of this Lease, Lessor may re-enter and take immediate possession of the Leased Premises and remove Lessee's effects, with or without process of law, without being deemed guilty of trespassing. Lessor shall not be liable for damages by reason of re-entry.
- 10.3 Possession. Lessee agrees at the termination of this Lease to deliver possession peacefully to the Lessor or its agents or employees; and if it fails to give peaceful possession, Lessor may take forceful possession of Leased Premises and eject all parties therefrom without being guilty of trespass; and all resulting damages are hereby waived.
- 10.4 Attorney's Fees and Expenses. In the event of the breach of any of the covenants, conditions or obligations contained herein by the Lessee, or if it becomes necessary for the Lessor to use the services of an attorney to enforce its rights accruing as a result of such default, Lessee agrees to pay Lessor reasonable attorneys' fees and all costs of court and expenses incurred as a result thereof.
- 10.5 Other Remedies. Any termination of this Lease arising from Lessee's default shall not relieve Lessee from the payment of any sum or sums that are due and payable to Lessor under this Lease or any claim for damages then or thereafter accruing against Lessee under this Lease. Any such termination shall not prevent Lessor from enforcing the payment of any such sum or sums or claim for damages by any remedy provided for by law, or from recovering damages from Lessee for any default under this Lease. All rights, options, and remedies of Lessor contained in this Lease or otherwise shall be construed and held to be cumulative, and no one of them shall be exclusive of the other; and Lessor shall have the right to pursue any one or all of such remedies or any other remedy or relief which may be provided by law, whether or not stated in this Lease. No waiver by Lessor of a breach of any of the covenants, conditions, or restrictions of this Lease shall be construed or held to be a waiver of any succeeding or preceding breach of the same or any other covenant, condition or restriction contained in this Lease.
- 10.6 Removal of Improvements. All equipment, machinery, trade fixtures, and other non-attached improvements installed on the Leased Premises by Lessee shall remain the property of Lessee and may be removed at the termination of this Lease, provided Lessee is not then in default in the performance of any of its obligations or covenants herein contained, and provided further that such removal will do no damage to the realty upon

which such items are situated. It is understood and agreed, however, that improvements shall be held by the Lessor until all rentals due Lessor by Lessee shall have been paid, and should any amount remain unpaid for more than thirty (30) days after termination of this Lease, the Lessor shall have the right to sell such improvements and apply the proceeds to the amount due Lessor, with interest at the annual rate of ten percent (10%), and to any costs incident to the sale, and pay the balance remaining, if any, to Lessee. All structural changes, major installations or additions made to the building by Lessee shall remain for the benefit of and become property of Lessor, unless otherwise provided by written consent. All property remaining on the Leased Premises after the expiration of thirty (30) days following the termination of this Lease, however terminated, shall be deemed abandoned by Lessee and shall become the property of Lessor.

11. MISCELLANEOUS

- 11.1 Relationship of Lessor and Lessee. The relationship between Lessor and Lessee at all times shall remain solely that of landlord and tenant and shall not be deemed a partnership or joint venture.
- 11.2 Parties Bound. This Lease shall be binding upon and inure to the benefit of the parties of the lease and their respective successors and assigns.
- 11.3 Headings. The paragraph headings contained herein are for convenience and reference and are not intended to define, extend or limit the scope of any provision of this Lease.
- 11.4 Entire Agreement/Amendments. This Lease constitutes the entire agreement between the parties; and Lessor is not bound by any agreement, condition or stipulation, understanding or representation made by any of Lessor's agents not contained herein. No amendment to this Lease shall be effective unless such is in writing and signed by both parties.
- 11.5 Texas Law to Apply/Venue. The parties hereby agree that Texas law will control the interpretation or enforcement of this Lease. This Lease has been executed in Texas, and all obligations hereunder are performable in Tom Green County, Texas. Venue shall be proper in a court of appropriate jurisdiction in Tom Green County, Texas.
- 11.6 Invalid or Illegal Provisions. If any one or more provisions of this Lease are for any reason held to be invalid, illegal or unenforceable in any respect, the invalidity, illegality or unenforceability will not affect any other provision of this Lease which will be construed as if it had not included the invalid, illegal or unenforceable provisions.

11.7 Notices. Any formal notice required or permitted under this Lease shall be deemed sufficiently given if it is in writing and personally delivered, sent by overnight express delivery service or deposited in the United States mail, postage prepaid and sent by registered or certified mail (return receipt requested) to the party to whom said notice is to be given. Notices delivered in person, or by overnight express delivery service, shall be deemed to be served effective as of the date the notice is delivered. Notices sent by registered or certified mail (return receipt requested) shall be deemed to be served seventy-two (72) hours after the date said notice is postmarked to the addressee, postage prepaid.

Until changed by written notice given by one party to the other, the addresses of the parties shall be as follows:

LESSOR: CITY OF SAN ANGELO
San Angelo Regional Airport – Mathis Field
Attn: Airport Director
8618 Terminal Circle
San Angelo, Texas 76904

LESSEE: Above The Clouds, LLC
Attn: Sherry L. DeMory
8618 Terminal Circle Rd., Suite 1114
San Angelo, Texas 76904

[Signature Page to Follow]

EXECUTED in duplicate originals on the dates specified below.

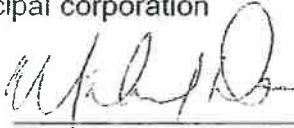
ATTEST:


Alicia Ramirez, City Clerk

LESSOR:

City of San Angelo, A Texas home rule
municipal corporation

By:


Michael Dane, Interim City
Manager

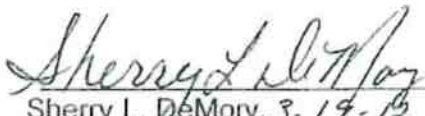
Date:

3/23/12

LESSEE:

Above The Clouds, LLC

By:


Sherry L. DeMory, 3-19-12

Date:

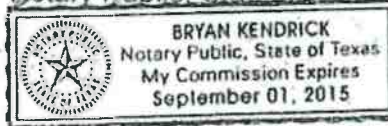
3/19/12

STATE OF TEXAS
COUNTY OF TOM GREEN

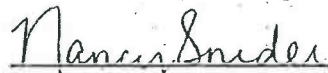
This instrument was acknowledged before me on the 23rd day of March, 2012, by Michael Dane, Interim City Manager of the CITY OF SAN ANGELO, A Texas home rule municipal corporation, on behalf of said corporation.

THE STATE OF TEXAS §
COUNTY OF TOM GREEN §

Notary Public, State of Texas



This instrument was acknowledged before me on the 19th day of March, 2012, by Sherry L. DeMory, as Owner of Above The Clouds LLC, a Texas limited liability company, on behalf of said limited liability company.


Notary Public, State of Texas

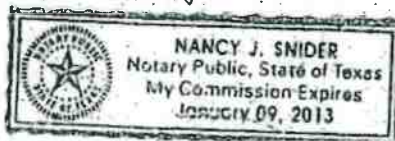


EXHIBIT "A"

1. Indemnification.

1.1 General Indemnification. Lessee agrees to indemnify, defend, and hold City, its councilmembers, board and commission members, officials, agents, guests, invitees, consultants and employees free and harmless from and against any and all claims, demands, proceedings, suits, judgments, costs, penalties, fines, damages, losses, attorneys' fees and expenses asserted by any person or persons, including agents or employees of Lessee or City, by reason of death or injury to persons, or loss or damage to property, resulting from or arising out of, the violation of any law or regulation or in any manner attributable to any act of commission, omission, negligence or fault of Lessee, its agents or employees, or the joint negligence of Lessee and any other entity, as a consequence of its execution or performance of this Lease or sustained in or upon the premises, or as a result of anything claimed to be done or admitted to be done by Lessee hereunder. This indemnification shall survive the term of this Lease as long as any liability could be asserted. Nothing herein shall require Lessee to indemnify, defend or hold harmless any indemnified party for the indemnified party's own gross negligence or willful misconduct.

1.2 Prospective Application. Any and all indemnity provided for in this Lease shall survive the expiration of this Lease and the discharge of all other obligations owed by the parties to each other hereunder and shall apply prospectively not only during the term of this Lease but thereafter so long as any liability (including but not limited to liability for closure and post closure costs) could be asserted in regard to any acts or omissions of Lessee in performing under this Lease.

2. Insurance.

2.1 General Conditions. The following conditions shall apply to all insurance policies obtained by Lessee for the purpose of complying with this Lease.

2.1.1 Satisfactory Companies. Coverage shall be maintained with insurers and under forms of policies satisfactory to City and with insurers licensed to do business in Texas.

2.1.2 Named Insureds. All insurance policies required herein shall be drawn in the name of Lessee, with City, its councilmembers, board and commission members, officials, agents, guests, invitees, consultants and employees named as additional insureds, except on Workers' Compensation coverage.

2.1.3 Waiver of Subrogation. Lessee shall require its insurance carrier(s), with respect to all insurance policies, to waive all rights of subrogation against City, its councilmembers, board and commission members, officials, agents, guests, invitees, consultants and employees.

2.1.4 Certificates of Insurance. At or before the time of execution of this Lease, Lessee shall furnish City's Risk Manager with certificates of insurance as evidence that all of the policies required herein are in full force and effect and provide the required coverages and limits of insurance. All certificates of insurance shall clearly state that all applicable requirements have been satisfied. The certificates shall provide that any company issuing an insurance policy shall provide to City not less than thirty (30) days advance notice in writing of cancellation, non-renewal or material change in the policy of insurance. In addition, Lessee and insurance company shall immediately provide written notice to City's Risk Manager upon receipt of notice of cancellation of any insurance policy, or of a decision to terminate or alter any insurance policy. Certificates of insurance and notices of cancellations, terminations or alterations shall be furnished to City's Risk Manager at City Hall, 72 West College or P.O. Box 1751, San Angelo, Texas 76903.

2.1.5 Lessee's Liability. The procurement of such policy of insurance shall not be construed to be a limitation upon Lessee's liability or as a full performance on its part of the indemnification provisions of this Lease. Lessee's obligations are, notwithstanding any policy of insurance, for the full and total amount of any damage, injury or loss caused by or attributable to its activities conducted at or upon the premises. Failure of Lessee to maintain adequate coverage shall not relieve Lessee of any contractual responsibility or obligation.

2.1.6 Sublessees' Insurance. Lessee shall cause each Sublessee and Sub-sublessee of Lessee to purchase and maintain insurance of the types and in the amounts specified below. Lessee shall require Sublessees and Sub-sublessees to furnish copies of certificates of insurance to Lessor's Risk Manager evidencing coverage for each Sublessee and Sub-sublessee.

2.2 Types and Amounts of Insurance Required. Lessee shall obtain and continuously maintain in effect at all times during the term hereof, at

Lessee's sole expense, insurance coverages as follows with limits not less than those set forth below:

2.2.1 Commercial General Liability. This policy shall be an occurrence-type policy, written in comprehensive form and shall protect the Lessee and additional insureds against all claims arising from bodily injury, sickness, disease or death of any person (other than the Lessee's employees) and damage to property of the City or others arising out of the act or omission of the Lessee or its agents and employees. This policy shall also include protection against claims for the contractual liability assumed by Lessee under the paragraph of this Lease entitled "Indemnification," including completed operations, products liability, contractual coverage, broad form property coverage, explosion, collapse, underground, premises/operations, and independent contractors (to remain in force for two years after final payment). Coverage shall not be less than:

\$ 500,000.00	General Aggregate
\$ 500,000.00	Products- Completed Operations Aggregate
\$ 500,000.00	Personal & Advertising Injury
\$ 500,000.00	Each Occurrence
\$ 100,000.00	Fire Damage (any one fire)

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

Statutory Amount	Workers' Compensation
\$ 100,000.00	Employer's Liability, Each Accident
\$ 100,000.00	Employer's Liability, Disease - Each Employee
\$ 500,000.00	Employer's Liability, Disease - Policy Limit

The foregoing requirement will not be applicable if, and so long as, Lessee qualifies as a self-insurer under the rules and

regulations of the commission or agency administering the workers' compensation program in Texas and furnishes evidence of such qualification to Lessor in accordance with the notice provisions of this Lease.

If Lessee uses contract labor, Lessee shall require its contractor to maintain the above referenced coverage and furnish copies of certificates of insurance as required herein.



Exhibit-B



SAN ANGELO REGIONAL AIRPORT Above The Clouds, LLC Revenue Statement

Date Submitted: _____

Report for the month ending: _____

Monthly payment:

Gross Receipts, excluding: vending, arcade, printed media	\$ _____
Minus State Sales Tax	(\$ _____)
Total Gross Receipts:	\$ _____
5% of gross receipts	\$ _____
Base Rent:	\$ 300.00

Payment is either: 5% of Gross Receipts or
Base Rent whichever is greater:

\$ _____

TOTAL MONTHLY PAYMENT:

\$ _____

**THIS IS TO CERTIFY THAT THE STATEMENTS AND REVENUES ARE TRUE AND
CORRECT.**

NOTE:

In compliance with the term of your lease with the City of San Angelo, this statement along with the payment due, must be submitted to the San Angelo Regional Airport Administration office no later than the 1st day following the month-end being reported.

Lease and License Agreement
City of San Angelo and Above The Clouds

Approved as to Content



Luis Elguezabal, Airport Director

3-13-12

Date

Approved as to Form:



Lysia H. Bowling, City Attorney

3/12/12

Date

Approved as to Insurance



John Seaton, Risk Management

3/9/12

Date

**ASSIGNMENT OF CITY OF SAN ANGELO REGIONAL AIRPORT—MATHIS FIELD
AIRPORT LEASE AND LICENSE AGREEMENT FOR CAFE, BADGETT BROS.;
LIMITED LIABILITY COMPANY, ASSIGNOR; MELISSA LEE, D/B/A MATHIS GRILL,
ASSIGNEE; AND, CONSENT TO ASSIGNMENT BY THE CITY OF SAN ANGELO**

EXHIBIT “A-1”

AMENDMENT NO. 1 TO LEASE AND LICENSE AGREEMENT

(Exhibit is on following pages)

EXHIBIT "A-1"

**CITY OF SAN ANGELO TEXAS
SAN ANGELO REGIONAL AIRPORT—MATHIS FIELD**

AMENDMENT NO.1 TO LEASE AND LICENSE AGREEMENT

This Amendment No. 1 effective as of the date of execution by the last party to sign as indicated hereinafter ("Effective Date"), amends a certain Lease and License Agreement by and between City of San Angelo, ("Lessor") and ABOVE THE CLOUDS, LLC, a Texas limited liability company (:Lessee) pertaining to certain leased space at the San Angelo Regional Airport—Mathis Field terminal building and providing Lessee a license for operation of non-exclusive food and beverage service concession, having a term commencing April 1, 2012 and ending March 31, 2017, with Option to renew for an additional year (hereinafter "License"). A true and correct copy of the Lease is attached hereto as **Attachment 1**.

WHEREAS, provision for high quality and reasonably priced food and beverage services at the Airport are desirable for the proper accommodation of passengers arriving at and departing from the Airport, as well as visitors and employees; and,

WHEREAS, City desires that such food and beverage services be complemented with the availability of beer and wine for on premises consumption within the leased premises under the License; and,

WHEREAS, Lessee is qualified and has or shall obtain the licenses required and legal capacity to perform such food and beverage concessionaire services to include wine and beer for on premises consumption under the Lease;

NOW THEREFORE Lessor and Lessee, in consideration of the mutual promises between them and for other good and valuable consideration, the receipt and sufficiency of which is acknowledged, agree as follows:

1. Section 2 "GRANT OF LICENSE", is hereby amended as follows:

- (A) Subsection 2:1 is amended and restated in its entirety to read as follows: "Lessor hereby grants Lessee a non-exclusive license, concurrent with the herein-described Lease, to engage in the business of selling and serving quality beverages and food to the general and traveling public by operating a food and beverage service facility at the San Angelo Regional Airport—Mathis Field ("Airport"). Beverage service shall include sale of alcoholic beverages strictly limited to beer and wine for on premises consumption only, and authorized under

a Wine and Beer Retailer's Permit and Food and Beverage Certificate issued to and maintained by Lessee during the term of the Lease and any extension thereof, in compliance with the Texas Alcoholic Beverage Code and all applicable state and local regulatory codes and ordinances."

- (B) A new Subsection 2.4 is added to read as follows: "Lessee's failure to secure and continuously maintain the Wine and Beer Retailer's Permit and the Food and Beverage Certificate described at Subsection 2.1 hereinabove, or Lessee's violation of any applicable state statute, regulation or local ordinance regulating the possession, sale or dispensing of alcoholic beverages shall be deemed a violation of this Lease and License Agreement and a default by Lessee."
- (C) A new Subsection 2.5 is added to read as follows: "Lessee shall not permit consumption of alcoholic beverages outside of the 475 square feet of concessionaire space describe under Section 1. 'DEMISE OF LEASED PREMISES' of the Lease."

2. EXHIBIT "A" to the Lease is amended by adding a new subsection 2.2.3 "Liquor Liability" to read as follows:

"2.2.3 Liquor Liability". If not provided under the Commercial General Liability insurance coverage required under Section 2.2.1 above, Lessee shall continuously maintain Liquor Liability Insurance with limits of not less than \$1,000,000 for losses for Personal Injury, Property Damage and/or means of support.

3. All provisions of the Lease and License Agreement, Attachment 1, not amended or restated by this Amendment No. 1 shall remain and continue in full force and effect.

(Signature page to follow)

EXECUTED in duplicate originals on the dates specified below.

LESSOR:

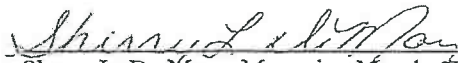
City of San Angelo



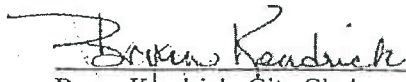
Daniel Valenzuela, City Manager

LESSEE:

Above the Clouds, LLC


Sherry L. De Mory, Managing Member

ATTEST:


Bryan Kendrick, City Clerk

APPROVED AS TO CONTENT


Luis Elgueza, Airport Manager

APPROVED AS TO RISK


Charles Hagen, Risk Manager

APPROVED AS TO FORM


Dan T. Saluri, Deputy City Attorney

**ASSIGNMENT OF CITY OF SAN ANGELO REGIONAL AIRPORT—MATHIS FIELD
AIRPORT LEASE AND LICENSE AGREEMENT FOR CAFE, BADGETT BROS.;
LIMITED LIABILITY COMPANY, ASSIGNOR; MELISSA LEE, D/B/A MATHIS GRILL,
ASSIGNEE; AND, CONSENT TO ASSIGNMENT BY THE CITY OF SAN ANGELO**

EXHIBIT "A-2"

AGREEMENT TO AMEND LEASE AGREEMENT

(Exhibit is on following pages)

EXHIBIT "A-2"

AGREEMENT TO AMEND LEASE AGREEMENT

This Agreement to Amend Lease Agreement ("Agreement") is made and entered into by and between the CITY OF SAN ANGELO, a Texas home rule municipal corporation, referred to as "Lessor" in this Agreement, and Above the Clouds, LLC, a Limited Liability corporation "Lessee".

RECITALS

1. Lessor and Lessee executed a Lease Agreement referred to in this Agreement as "Lease," for a period beginning April 1, 2012, and ending March 31, 2017 for space at the San Angelo Regional Airport terminal building for use as a cafe.
2. During the term of the lease, Lessee was forced to close the café for approximately two years and two months to accommodate renovations that were occurring in the facility.
3. The Lessee has requested and the Lessor has agreed to extend the term of the lease for a period equal to the amount of time the café was required to be closed as specified below.

AGREEMENT

For valuable consideration received by Lessor, the parties agree to amend the Lease as follows:

1. Section 3.1 "Fixed Beginning and Termination Date" is hereby deleted and replaced with the following:

"3.1 Fixed Beginning and Termination Date. This Lease is granted for a term beginning April 1, 2012 and ending May 31, 2019."
2. All other terms and conditions of the Agreement shall remain in full force and effect unless amended and changed by further amendment

(Signature Page to Follow)

EXECUTED in duplicate originals on the 27th day of October, 2015

LESSOR:

By: 
Daniel Valenzuela, City Manager

LESSEE:

By: 
Sherry L. DeMory

STATE OF TEXAS §
COUNTY OF TOM GREEN §

This instrument was acknowledged before me on the 30th day of October, 2015, by Daniel Valenzuela, as City Manager of the CITY OF SAN ANGELO, a Texas home rule municipal corporation, on behalf of said corporation.

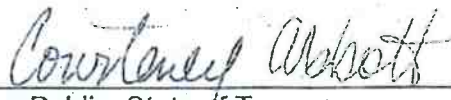



Notary Public, State of Texas

STATE OF TEXAS §
COUNTY OF TOM GREEN §



This instrument was acknowledged before me on the 27th day of October, 2015, by Sherry L. DeMory


Notary Public, State of Texas

**ASSIGNMENT OF CITY OF SAN ANGELO REGIONAL AIRPORT—MATHIS FIELD
AIRPORT LEASE AND LICENSE AGREEMENT FOR CAFE, BADGETT BROS.;
LIMITED LIABILITY COMPANY, ASSIGNOR; MELISSA LEE, D/B/A MATHIS GRILL,
ASSIGNEE; AND, CONSENT TO ASSIGNMENT BY THE CITY OF SAN ANGELO**

EXHIBIT “A-3”

**ASSIGNMENT OF LEASE AND LICENSE AGREEMENT, ABOVE THE CLOUDS, LLC,
ASSIGNOR AND BADGETT BROS., LIMITED LIABILITY COMPANY, ASSIGNEE**

(Exhibit is on following pages)

EXHIBIT "A-3"

ASSIGNMENT OF CITY OF SAN ANGELO REGIONAL AIRPORT—MATHIS FIELD AIRPORT LEASE AND LICENSE AGREEMENT, ACCEPTANCE OF ASSIGNMENT, AND CONSENT TO ASSIGNMENT BY THE CITY OF SAN ANGELO

THIS AGREEMENT is made and entered into effective the 6th day of June, 2017, by and between ABOVE THE CLOUDS, LLC, a Texas limited liability company (Assignor), whose Managing Member is Sherry De Mory and BADGETT BROS., LIMITED LIABILITY COMPANY, (Assignee) a Texas limited liability company whose Managing Member is Jesse McClure; and is approved by the City of San Angelo (Lessor).

WHEREAS, Assignor entered into an Lease and License Agreement with the City of San Angelo, a Texas home rule municipal corporation (hereinafter "Lessor"), for the lease of certain premises described as 475 square feet of concessionaire space for use as a café located at, 8618 Terminal Circle Road, #111, San Angelo Regional Airport--Mathis Field, ("Leased Premises") effective for a term commencing April 1, 2012 and, as amended by Amendment No. 1 dated March 28, 2012, and second amendment entitled "Agreement to Amend Lease Agreement", dated October 27, 2015, (collectively hereinafter "Amendments 1 & 2"), ending May 31, 2019. ("Lease"). True and correct copies of the Lease and Amendments 1 & 2 are attached hereto as Exhibit "A" Exhibit "A-1" and Exhibit "A-2", respectively, and made a part hereof for all purposes; and,

WHEREAS, Assignor wishes to assign the Lease as amended to BADGETT BROS., LIMITED LIABILITY COMPANY, (Assignee) a Texas limited liability company; and,

WHEREAS, Assignee has received complete copies of the Lease and Amendments 1 & 2, has reviewed them, and agrees to perform the duties and obligations of Lessee pursuant to the terms and conditions therein contained; and,

WHEREAS, City of San Angelo, Lessor, is agreeable to consent to the assignment of Lease as amended by Amendments 1 & 2, from Assignor to Assignee on terms and conditions herein stated;

NOW, THEREFORE, in consideration of the mutual agreements contained herein and for other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, ABOVE THE CLOUDS, LLC and. BADGETT BROS., LIMITED LIABILITY COMPANY agree as follows:

Assignment of Lease

ABOVE THE CLOUDS, LLC, a Texas limited liability company (Assignor), whose Managing Member is Sherry De Mory, Lessee, under the above described Lease as amended by Amendments 1 & 2, does hereby assign to BADGETT BROS., LIMITED LIABILITY COMPANY, (Assignee) a Texas limited liability company whose Managing Member is Jesse McClure, that certain Lease Agreement with the City of San Angelo, Lessor, for the lease of

Leased Premises described therein as 475 square feet of concessionaire space for use as a café, and located at 8618 Terminal Circle Road, #111, San Angelo Regional Airport--Mathis Field, effective for a term commencing April 1, 2012, and, as amended by Amendments 1 & 2, ending May 31, 2019, copies of which are attached hereto as **Exhibit "A"**, **Exhibit "A-1"** and **Exhibit "A-2"**, respectively, and made a part hereof for all purposes:

- 1, This assignment of Airport Lease and authorization for consent to the assignment was approved and authorized by the City of San Angelo City Council on June 6, 2017.
2. All notices under the Airport Lease as provided under subsection 11.7 thereof shall be addressed to the City of San Angelo, Lessor, and, BADGETT BROS., LIMITED LIABILITY COMPANY, Assignee, assuming obligations of Lessee under the Lease, as follows:

CITY OF SAN ANGELO, Lessor:

City of San Angelo
San Angelo Regional Airport—Mathis Field
8618 Terminal Circle, Ste. 101
San Angelo, Texas 76904

With Copies to:

City Attorney's Office
72 W. College Avenue
San Angelo, Texas 76903

BADGETT BROS., LIMITED LIABILITY COMPANY, Lessee.

BADGETT BROS., LIMITED LIABILITY COMPANY
Attention: Jesse McClure, Managing Member
8618 Terminal Circle, #111
San Angelo, Texas 76904

3. Assignor hereby represents, certifies and warrants to Assignee and City of San Angelo that all of Assignor's duties as Lessee under said Airport Lease as amended have been completely and fully fulfilled, through the effective date of this assignment, including without limitation duties with respect to the payment of rent, payment of taxes and assessments, payment of utilities, maintenance of insurance and related insurance requirements, including that Assignor has provided certificates of such insurance to Lessor.
4. Assignee shall provide certificates of insurance to Lessor as required of Lessee under the Airport Lease as amended on or before taking possession of the Leased

Premises or conducting business as a concessionaire at the San Angelo Regional Airport pursuant to Assignee's acceptance of this Assignment.

5. This Assignment of Airport Lease as amended and consent to the assignment shall release Assignor from obligations under the Lease.

**Acceptance of Assignment of Airport Lease and
Assumption of Obligations of Lessee Under the Airport Lease**

BADGETT BROS., LIMITED LIABILITY COMPANY, a Texas limited liability company (Assignee), acting by and through its Managing Member, Jesse McClure, hereby: (a) acknowledges and accepts the foregoing Assignment of Airport Lease and License Agreement; (b) assumes all of the obligations of Lessee contained in said Airport Lease and License Agreement as amended by Amendments 1 & 2, copies of which are attached to this assignment and acceptance as **Exhibit "A", Exhibit "A-1", and Exhibit "A-2"**, respectively, and which are made a part of this acceptance for all purposes; and, (c) agrees to be bound by and to faithfully, timely and fully perform all terms, conditions, covenants and agreements of Lessee under said Airport Lease as amended.

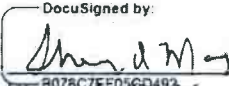
Consent by Lessor to Assignment of Airport Lease and Lessee Release

1. In consideration of and in reliance upon the terms and conditions of the assignment and Assignee's assumption of the obligations of Lessee under the Airport Lease and License Agreement as amended, and promises contained in this instrument, the City of San Angelo hereby consents to the foregoing assignment of Airport Lease as amended.
2. ABOVE THE CLOUDS, LLC, a Texas limited liability company (Assignor), and its Managing Member is Sherry De Mory, hereby forever release the City of San Angelo, its council members, board and commission members, officials, agents and employees from any and all claims arising from, or connected with, the described Lease and License Agreement as amended for lease of the Leased Premises.

IN WITNESS WHEREOF, the parties hereby have executed this Assignment on the day and year first above written.

ASSIGNOR:

ABOVE THE CLOUDS, LLC:

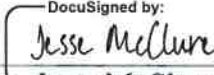
DocuSigned by:

8078C7EF05CD492
Sherry L. De Mory, individually and as
Managing Member

Date: June 6, 2017

EMAIL: Sherry De Mory - slidemory@aol.com

ASSIGNEE:

BADGETT BROS., LIMITED LIABILITY COMPANY

By: DocuSigned by:

Jesse McClure, Managing Member

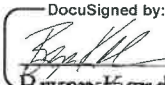
Date: June 6, 2017

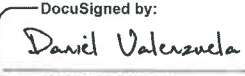
EMAIL: Badgett Bros. - badgettbrosgmail.com

The foregoing Assignment is approved and accepted by the City of San Angelo, Texas.

ATTEST:

CITY OF SAN ANGELO, TEXAS

DocuSigned by:

Bryan Kendrick, City Clerk

DocuSigned by:

327098173780429
Daniel Valenzuela, City Manager

Date: 6/7/2017 | 3:53 PM CDT

APPROVED AS TO CONTENT

DocuSigned by:
Luis Elguizabal
Luis Elguizabal, Airport Director

APPROVED AS TO FORM

DocuSigned by:
Dan Saluri
Dan T. Saluri, Deputy City Attorney

**ASSIGNMENT OF CITY OF SAN ANGELO REGIONAL AIRPORT—MATHIS FIELD
AIRPORT LEASE AND LICENSE AGREEMENT FOR CAFE, BADGETT BROS.;
LIMITED LIABILITY COMPANY, ASSIGNOR; MELISSA LEE, D/B/A MATHIS GRILL,
ASSIGNEE; AND, CONSENT TO ASSIGNMENT BY THE CITY OF SAN ANGELO**

EXHIBIT “A-4”

LETTER EXTENSION DATED MAY 6, 2019

(Exhibit is on following page)

**ASSIGNMENT OF CITY OF SAN ANGELO REGIONAL AIRPORT—MATHIS FIELD
AIRPORT LEASE AND LICENSE AGREEMENT FOR CAFE, BADGETT BROS.;
LIMITED LIABILITY COMPANY, ASSIGNOR; MELISSA LEE, D/B/A MATHIS GRILL,
ASSIGNEE; AND, CONSENT TO ASSIGNMENT BY THE CITY OF SAN ANGELO**

EXHIBIT "A-4"

LETTER EXTENSION DATED MAY 6, 2019

(Exhibit is on following page)



SAN ANGELO REGIONAL AIRPORT MATHIS FIELD

8618 Terminal Circle, Suite 101 • San Angelo, Texas 76904 • 325-659-6409 • Fax 657-0050

May 6, 2019

Badgett Bros., LLC
8618 Terminal Circle Road #111
San Angelo, Texas 76901

RE: Lease Extension for Badgett Bros., LLC

Dear Mr. Denton,

Thank you for providing the written notice per section 3.3 of the original lease between Above the Clouds, LLC and the City of San Angelo. The City of San Angelo – Mathis Field approves the request to extend this lease for an additional one (1) year period, under the same terms and conditions, beginning June 1, 2019 and ending May 31, 2020.

Please feel free to contact me with any questions or concerns at kelena.james@cosatx.us.

Respectfully,

Kelena James
Business and Finance Analyst
San Angelo Regional Airport
325-359-6509 opt. 3

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Alfonso Torres, Construction Manager, Construction Management, 325-657-4210 ext 138

Meeting Date: January 21, 2020

Item type: Consent Item

Caption:

Consider awarding RFB PK-03-19 Concho Riverbank Stabilization to Compact Conservation & Construction of San Angelo, TX, in the amount of \$274,890, budgeted for purchase in fiscal year 2020, and authorizing the City Manager to negotiate and execute all related documents (Alfonso Torres)

Summary/History:

This project is to stabilize and correct issues created by bank de-stabilization in two areas along N. River Dr. near the Parks Department headquarters. In both areas the existing running trail has been compromised and will need to be replaced. In both areas trees will have to be removed. Parks Department will plant new trees once the project is complete. The trees to be removed cannot be saved. In one area the adjacent street is in danger of being compromised if the de-stabilization is allowed to continue.

There were four bids. The three lowest bidders were within \$5,000 of each other. The three lowest bids are all local firms or have a local presence. The low bidder is Compact Conservation & Construction. They have experience in San Angelo and worked with Operations in the May 2019 storm cleanup.

Financial Impact:

Budgeted for purchase in FY20 Parks Budget.

Other Information/Recommendation:

Attachments:

- | | | |
|----|---------------------|-------------------------|
| 1. | PK0319BidTabulation | PK0319BidTabulation.pdf |
|----|---------------------|-------------------------|

Presentation:

Alfonso Torres

Approvals/Reviews:

Alfonso Torres	Created/Initiated
Carl White	Approved
Theresa James	Approved
Nolan Sosa	Approved
Tina Dierschke	Approved
Theresa James	Approved
Julia Antilley	Final Approval

**CITY OF SAN ANGELO**

PURCHASING DIVISION

72 West College Avenue, San Angelo, Texas 76903

Telephone: 325-657-4219 Email: sapurch@cosatx.us

**RFB: PK-03-19 / Concho Riverbank Stabilization
October 30, 2019 -- 2:00 PM CST**

	Compact Conservation & Construction	ERS of MS, Inc.	Futra-Vest Construction	Larry Baxter Construction, LLC
Base Bid Amount	\$ 249,900.00	\$ 1,132,400.00	\$ 250,000.00	\$ 254,355.00
10% Contingency	\$ 24,990.00	\$ 113,240.00	\$ 25,000.00	\$ 25,435.50
Total Bid (including Contingency)	\$ 274,890.00	\$ 1,245,640.00	\$ 275,000.00	\$ 279,790.50
Estimated Start Date	10/21/2019	20 days post-award	11/13/2019	14 days post-award
Estimated Days for Completion:	60	120	65	90 days from start date

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Ron Lewis, Facilities Maintenance Manager, Facilities Maintenance, 325-481-2773

Meeting Date: January 21, 2020

Item type: Consent Item

Caption:

Consider approving Task Order 3 of the professional services agreement with Killis Almond Architects, PC in the amount of \$50,000 (budgeted funds) to continue waterproofing and reinstalling the original limestone facade of City Hall (Ron Lewis)

Summary/History:

During the 2010 renovation project for City Hall, some of the exterior limestone was found to be moving away from the existing structural members, anchorage was failing and mortar was failing and allowing water to infiltrate the envelope of the building. Immediate measures were taken to remove, re-secure and reset some of stone in the worst found condition. However, there was not adequate funding to do a comprehensive investigation to determine the extent of compromise to the envelope nor to design remedial structural details for repair.

Task Order 1 has allowed the Masons to remove a small portion of stones from the north west corner of City Hall from the parapet roof to the ground floor foundation.

Task Order 2 provided the funds to develop new structural attachment methods, additional insulation and waterproofing substrate to eliminate water infiltration and properly secure the limestone facade to the structure.

Task Order 3 will provide the funds to continue the waterproofing and limestone facade re-installation to complete the portion of northwest corner elevation of the west tower.

Financial Impact:

The original funding of \$378,000 is available for the waterproofing and re-installation of the limestone blocks on the exterior of City Hall.

Task Order 1 was approved by City Council in February 2019 for \$85,000.

Task Order 2 was approved by City Council July 2019 for \$250,000.

We are asking City Council approval of Task Order 3 in the amount of \$50,000. This will exceed the original funding by \$7,000. We have identified the additional funds needed from our current FY 2019-20 Facilities Maintenance budget.

Other Information/Recommendation:

A preliminary study was prepared after the renovation from the information gathered during the project, along with investigation of the original building construction documents to determine some reasons for the limestone attachment failings and subsequent water infiltration through the stone and walls into the building.

The Master Contract and Task Order 1 with Killis Almond Architects was approved by City Council at the February 5, 2019 Meeting.

Task Order 2 was approved by City Council July, 16, 2019.

Attachments:

Presentation:

Approvals/Reviews:

Ron Lewis	Created/Initiated
Theresa James	Approved
Michael Dane	Approved
Nolan Sosa	Approved
Tina Dierschke	Approved
Theresa James	Approved
Julia Antilley	Final Approval

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Dusty Hohensee, Traffic Operations Superintendent, Traffic Operations, 325-657-4377

Meeting Date: January 21, 2020

Item type: Consent Item

Caption:

Consider awarding the purchase of a five-year Software Maintenance Agreement to Paradigm Traffic Systems, Inc. through Buyboard contract #524-17 in the amount of \$55,375, budgeted for purchase in fiscal year 2020, and authorizing the City Manager to negotiate and execute all related documents (Dusty Hohensee)

Summary/History:

The Traffic Operations Division uses the Centrac's Central Management System to control and monitor the City's traffic signals. This system allows staff to monitor the operation of each traffic signal, provide operational and timing settings, receive system alerts and diagnostics, and perform repairs remotely in the event of a failure.

This purchase is for renewal of the Software Maintenance Agreement for Traffic Operations' Centrac's Central Management System. The Agreement will be renewed for a 5-year term and will provide technical assistance related to the Centrac's System as well as updates to the software.

Financial Impact:

Purchase of Software Maintenance from Paradigm Traffic Systems in the amount of \$55,375 budgeted in FY 20.

Other Information/Recommendation:

Staff recommends awarding the purchase of Software Maintenance to Paradigm Traffic Systems, Inc.

Attachments:

- | | |
|--------------------|---------------------|
| 1. Buy Board Quote | Buy Board Quote.pdf |
|--------------------|---------------------|

Presentation:

Approvals/Reviews:

Dusty Hohensee	Created/Initiated
Patrick Frerich	Approved
Shane Kelton	Approved
Theresa James	Approved
Nolan Sosa	Approved
Tina Dierschke	Approved
Theresa James	Approved
Julia Antilley	Final Approval



9001 Jameel, Suite 130 Houston, TX 77040
713-864-7545– fax 713-864-7588
www.paradigmtraffic.com

QUOTATION

TO: City of San Angelo
1729-A St Ann St.
San Angelo, TX 76905
attn: Dusty Hohensee
ph: 325-657-4377
fax: Dustin.Hohensee@cosatx.us

RFQ: BuyBoard Contract # 524-17
Public Safety, Fire House Supply Equipment
Traffic Signals
512-467-0222 ph
800-211-5454 fax

DATE	SLSMN	DELIVERY	FREIGHT	SHIP VIA	F.O.B.	TERMS	QUOTE #
4/10/19	LS	N/A	PPD & Allowed	Best Way	Destination	Net 30	Q24426LS
ITEM	QTY	DESCRIPTION				PRICE	TOTAL
1	5	Software Maintenance Agreement, Bronze, Per Year - 125 Sites				\$11,075.00	\$55,375.00
		NOTE: Purchase Orders MUST be processed through WWW.BUYBOARD.COM					
					TOTAL		\$55,375.00

Thank you for the opportunity to submit a proposal to you on this equipment. **Please reference this quotation (by QTE number) when placing order.** If you have any questions please call or send a fax to me.
This quote is valid for 60 days. Thereafter it is subject to change without notice.

OFFERED BY:

Lance Shannon
Paradigm Traffic Systems, Inc.
Federal ID# 75-2520341

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Dusty Hohensee, Traffic Operations Superintendent, Traffic Operations, 325-657-4377

Meeting Date: January 21, 2020

Item type: Consent Item

Caption:

Consider awarding the purchase of four Gridsmart Traffic Control Cameras to Texas Highway Products through Buyboard Contract #534-17 in the amount of \$66,180, budgeted for purchase in fiscal year 2020, and authorizing the City Manager to negotiate and execute all related documents (Dusty Hohensee)

Summary/History:

Staff sought pricing for four Gridsmart traffic control cameras to replace four traffic signal cameras that are out dated and are no longer manufactured. These cameras allow for the safe actuation of traffic signals at signalized intersections throughout the City.

A quote was received from Texas Highway Products through the Buyboard purchasing Co-op.

Financial Impact:

This purchase from Texas Highway Products in the amount of \$66,180 is budgeted in FY 20.

Other Information/Recommendation:

Awarding the purchase of four (4) Gridsmart camera to Texas Highway Products through Buyboard Contract #534-17.

Attachments:

- | | | |
|----|--|--|
| 1. | Quote Q-2007887 GRIDSMART San Angelo for San Angelo, City of | Quote Q-2007887 GRIDSMART San Angelo for San Angelo, City of.pdf |
|----|--|--|

Presentation:

Approvals/Reviews:

Dusty Hohensee	Created/Initiated
Patrick Frerich	Approved
Shane Kelton	Approved
Theresa James	Approved
Nolan Sosa	Approved
Tina Dierschke	Approved
Theresa James	Approved
Julia Antilley	Final Approval



Texas Highway Products, LTD

1309 Clark St., Round Rock, TX 78681

Phone: (512) 255-7633 Fax: (512) 255-7634

www.trafficsignals.com

QUOTE

Q-2007887

DATE: 01/08/2020

ACCOUNT:

San Angelo, City of
1729 Saint Ann Street
San Angelo, TX 76905

PREPARED FOR:

Robert "Rob" Karch
Email: robert.karch@cosatx.us
Phone: (325) 657-4377
Fax: (325) 657-4376

PREPARED BY:

Mark Camp
Email:
Phone: (512) 255-7633
Fax: (512) 255-7634

JOB	SHIPPING METHOD	SHIPPING TERMS	ESTIMATED DELIVERY DATE	PAYMENT TERMS
GRIDSMART San Angelo	Best Way	FOB Destination		Net 30

ITEM #	PRODUCT NAME	DESCRIPTION	QTY	UNIT PRICE	LINE TOTAL
1	Gridsmart SMK SERIES Single Camera / Dual Processor Fish-Eye Camera System	Gridsmart SMK Series Single Camera / Dual Processor Fish-Eye Camera System	4	\$13,275.00	\$53,100.00
2	GS-3-SMK	Smart Mount kit-Camera,Junction Box,EPM,Ball,Knob,Ball/Body set screws; 10x3 pole assembly.	4		
3	GS-3-GS2 Processor	GridSmart GS2 Processor	4		
4	GS-3-TS2	SDLC Cable	4		
5	GS-2-TS2-OPT	TS2 (SLDC) I/O Controller for GS2 Processor	4		
6	AS-3009-96-PNC	Astro-Brac Stellar Clamp Kit, 96" Galv Cable Mount, Alum	4		
7	GS-3-PFM	Performance Module includes all the capabilities of the previous Counts and Realtime Data Modules, plus new aggregate reports and new performance-based reports.	4	\$2,760.00	\$11,040.00
8	GS-3-CAT5 VERT BUY BOARD	VERTICAL CABLE CAT5E SHIELDED (GEL FILLED) (059-487/CMXF) (1000') PN: VC059-487/S/CMXF	4	\$510.00	\$2,040.00
Subtotal					\$66,180.00
Tax					\$0.00
Shipping					
ORDER TOTAL					\$66,180.00

Note: BUYBOARD PROPOSAL NO. 534-17, HIGHWAY SAFETY AND TRAFFIC CONTROL PRODUCTS



Texas Highway Products, LTD

1309 Clark St., Round Rock, TX 78681

Phone: (512) 255-7633 Fax: (512) 255-7634

www.trafficsignals.com

QUOTE

Q-2007887

DATE: 01/08/2020

ACCOUNT:

San Angelo, City of
1729 Saint Ann Street
San Angelo, TX 76905

PREPARED FOR:

Robert "Rob" Karch
Email: robert.karch@cosatx.us
Phone: (325) 657-4377
Fax: (325) 657-4376

PREPARED BY:

Mark Camp
Email:
Phone: (512) 255-7633
Fax: (512) 255-7634

JOB	SHIPPING METHOD	SHIPPING TERMS	ESTIMATED DELIVERY DATE	PAYMENT TERMS
GRIDSMART San Angelo	Best Way	FOB Destination		Net 30

QUOTES ARE VALID FOR 90 DAYS. PLEASE CONTACT US TO VERIFY PRICING IF YOUR QUOTE IS OLDER THAN 90 DAYS. PURCHASER TO VERIFY ALL QUANTITIES PRIOR TO PLACING ORDER.

THANK YOU FOR YOUR BUSINESS!

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Nolan Sosa, Purchasing Manager, Purchasing, 325-657-4219

Meeting Date: January 21, 2020

Item type: Consent Item

Caption:

Consider a resolution ratifying an emergency expenditure in the amount of \$74,500 to OMJC Signal, Inc. for the purchase of portable traffic signals at the intersection of S. Koenigheim St. and W. Harris Ave. and authorizing the City Manager to negotiate and execute all related documents (Shane Kelton)

Summary/History:

A motor vehicle accident at the intersection of S. Koenigheim St. and W. Harris Ave. demolished the signal arm and rendered the traffic control signal inoperable. Replacement of the damaged mast arm and pole has a lead time of more than ten weeks.

Koenigheim Street is a main corridor through San Angelo, with five lanes carrying over 18,000 vehicles daily. Vehicles attempting to cross five lanes of heavy traffic without the assistance of traffic signals faced an increased risk of a motor vehicle accident. The high volume of vehicles traversing Harris Avenue (approximately 6,000 daily) compounded this threat and warranted exigent action by the City to mitigate risk until a permanent solution is implemented.

Section 252.022 of the Texas Local Government Code provides a general exemption from competitive bidding requirements when procurement is necessary to preserve the safety of the municipality's residents and when unforeseen damage to public machinery, equipment, or other property occurs.

On January 10, 2020, in response to citizen concerns and Staff recommendations, an emergency procurement under the statute mentioned above was authorized pending ratification by City Council during the January 21, 2020 Regular Meeting.

Financial Impact:

Staff authorized a Purchase Order for \$74,500.00 from account 101-3102-800.07-30. This resulted in a financial impact of \$74,500.00 to the General Fund.

Other Information/Recommendation:

Staff recommends ratification of the expenditure in the amount of \$74,500.00 and authorization for the City Manager to execute all related documents.

Attachments:

- | | | |
|----|--|---|
| 1. | Resolution - Emergency Purchase - Traffic signal | Resolution - Emergency Purchase - Traffic signal.docx |
| 2. | Quote_OJMC | Quote_OJMC.pdf |
| 3. | Memo - Police | Memo - Police.pdf |
| 4. | Memo - Operations | Memo - Operations.pdf |

Presentation:

Approvals/Reviews:

Nolan Sosa	Created/Initiated
Nolan Sosa	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 RATIFYING AN EMERGENCY PURCHASE IN THE AMOUNT OF \$74,500 TO OMJC SIGNAL, INC. FOR THE PROCUREMENT OF PORTABLE TRAFFIC SIGNALS PURSUANT TO TEXAS LOCAL GOVERNMENT CODE §252.022 AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE ALL RELATED DOCUMENTS.

WHEREAS, on a motor vehicle accident at the intersection of S. Koenigheim St. and W. Harris Avenue demolished a signal arm and rendered the traffic control signal at that intersection inoperable; and

WHEREAS, Koenigheim is a major corridor through San Angelo with five lanes carrying over 18,000 vehicles daily; and

WHEREAS, the volume of traffic through that intersection creates a risk to public safety when the traffic signal is inoperable; and

WHEREAS, Texas Local Government Code §252.022 provides an exception to the competitive bidding requirements for a procurement necessary to protect the public health or safety of the municipality's residents or when there is unforeseen damage to public machinery, equipment, or other property; and,

WHEREAS, due to the length of time it will take to replace the traffic signal, it is necessary to erect temporary signals to increase the safety of the intersection.

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

PART 1: The City Council finds that the damage to the traffic signal at the intersection of S. Koenigheim Street and W. Harris Avenue poses safety concerns for the citizens of the City of San Angelo.

PART 2: The City Manager is authorized to negotiate and execute all documents related to the purchase of portable traffic signals from OMJC Signal, Inc. in the amount of \$74,500, such purchase being hereby ratified by this action.

PASSED and APPROVED THIS 21st DAY OF January, 2020.

THE CITY OF SAN ANGELO, TEXAS:

ATTEST:

Julia Antilley, City Clerk

Brenda Gunter, Mayor

APPROVED AS TO FORM:

Theresa James, City Attorney



PO Box 1594
Waterloo, IA 50704
403 Chestnut St.
Waterloo, IA 50703
800.776.5999
Fax: 319.236.1554
Email: sales@omjcsignal.com
omjcsignal.com

Quotation

Quote Number
7604

Quote Date
January 10, 2020

Page
1

Quoted to:
ATTN: ROBERT KARCH
COSATXROADS

SHIP TO:
COSATXROADS

PH: 3256508026
FAX:

Customer ID	Good Thru	Payment Terms	Sales Rep Name
COSATXROADS	2/9/20	Net 30 Days	DAVID T. KNAPP

Quantity	Item	Description	Unit Price	Extension
1.00	HDPTS	ONE PAIR OF 25' POP-UP HEAVY DUTY TRAILERS (ONE MASTER, ONE SECONDARY) W/ WIRELESS TRAFFIC CONTROL AND SOLAR POWER Includes AC Knockdown Wiring Harness	63,000.00	63,000.00
2.00	MISC	Wireless Knockdown Kit	5,000.00	10,000.00

Freight & handling are in addition to the prices quoted above unless otherwise specified. All parts, materials and components are new unless otherwise specified. OMJC has been in business since July of 1985 to serve you.

Subtotal	73,000.00
Sales Tax	
Freight	1,500.00
Total	74,500.00

Memorandum



Date: 1/13/2020
To: Nolan Sosa
From: Sgt Cade Solsbery
Re: Koenigheim / Harris

The San Angelo Police Department has seen an increase in the number of crashes at the intersection of Koenigheim and Harris since the traffic light was destroyed in a crash on January 5, 2020. The SAPD has responded to 6 crashes in the first 6 days since the light was destroyed. In 2019, we had a total of 18 crashes at this intersection. In other words, we have responded to 1/3 of the amount of crashes at that intersection so far in 2020 in just one week as compared to all of 2019. Until the light is operational, I anticipate we will continue to see a rise in the number of crashes at this location. Thankfully, as of now, there have not been any major injury or fatality crashes at this location, but the intersection of Koenigheim and Harris is a heavy trafficked, high speed intersection. Due to this, I would also anticipate an increase in the severity of the crashes that will occur at this intersection while the traffic light is not operational.

Sgt Cade Solsbery

A handwritten signature in blue ink, appearing to read "Sgt Cade Solsbery", with a long, sweeping horizontal stroke extending to the right.



MEMORANDUM

To: Purchasing
CC: Daniel Valenzuela, Shane Kelton 
From: Patrick Frerich, Assistant Director of Operations 
Date: January 10, 2020
Subject: Temporary Traffic Signal – Emergency Purchase

The vehicular accident on January 5, 2020, at South Koenheigm and West Harris Avenue demolished the signal arm and rendered the traffic control at that intersection inoperable. Replacement of the damaged mast arm and pole has a 10+ week lead time.

Currently, the only option to control traffic is to stop both directions of W. Harris and allow free, uninterrupted traffic flow down Koenheigm. Harris has two lanes of traffic each direction and is one of the main roadways leading to downtown and the Shannon Hospital District. Koenheigm is the main corridor through San Angelo, with 5 lanes carrying over 18,000 vehicles daily.

Effectively trying to cross the five lanes of extensive traffic on Koenheigm without assistance of traffic signals has created a health and safety hazard for the drivers and pedestrians of San Angelo. The high number of vehicles using Harris (approximately 6,000 vehicles daily) compounds this threat and warrants quick action by the City to mitigate the risk until the signal can be replaced.

Temporary mobile traffic control devices are available and would provide safe and effective control of the intersection until a permanent replacement can be installed. With your approval, staff will forego the competitive bidding procedure in accordance with the exemption allowed under Texas Government Code Section 252.022 and initiate an emergency purchase of this equipment with expedited delivery to control this intersection as soon as possible.

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Nolan Sosa, Purchasing Manager, Purchasing, 325-657-4219

Meeting Date: January 21, 2020

Item type: Consent Item

Caption:

Consider authorizing the City Manager to execute an interlocal agreement with the North Central Texas Council of Governments providing for the City's participation in cooperative purchases through the North Texas Share program (Nolan Sosa)

Summary/History:

The City of San Angelo may enter into interlocal agreements with a Council of Governments to purchase goods or services pursuant to Section 791.025 of the Texas Government Code. This interlocal agreement permits the City of San Angelo to purchase goods and services through a cooperative purchasing program established by the North Central Texas Council of Governments.

Section 252.022 of the Texas Local Government Code exempts purchases made through such a cooperative purchasing program from the standard competitive bidding requirements.

Cooperative purchasing is a mechanism by which local governments can save time and money in their purchasing initiatives. It occurs when two or more entities (local, state, or federal governments) coordinate their purchasing efforts for the benefit of all participants.

Some of the benefits of cooperative purchasing programs include:

- *Lower costs through increased volume* – By combining orders, the quantities purchased will increase, resulting in the purchasing earning greater quantity discounts through economies of scale.
- *Lower shared administrative costs* – By eliminating duplicated effort, participants save on costs associated with formal procurement activities.
- *Improved response from vendors* – Vendors understand they are bidding on larger orders and will be encouraged to compete for the purchase. This increased competition often results in more advantageous bids/proposals.

Financial Impact:

Purchases made pursuant to this interlocal agreement are subject to all applicable laws, regulations, and policies. Additionally, all purchases must be budgeted prior to expenditure. Membership in this cooperative purchasing program is free of charge.

Other Information/Recommendation:

Staff recommends authorizing the City Manager to execute an interlocal agreement with the North Central Texas Council of Governments providing for the City's participation in cooperative purchases through the North Texas Share program.

Attachments:

Presentation:

Approvals/Reviews:

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

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: January 21, 2020

Item type: Consent Item

Caption:

Consider accepting an annexation petition for 8.401 acres of land out of C. Berberich Survey No. 177, Abstract No. 52, City of San Angelo, Tom Green County, Texas, being part of a 25.361 acre tract described and recorded in Instrument No. 201616044, Official Public Records of Tom Green County, Texas; being a tract of land south of State Hwy Loop 306 adjacent to the city limits east of Karsten Creek Dr. and west of Foster Rd., and setting a Public Hearing on the annexation for the February 4, 2020 City Council meeting (Jon James)

Summary/History:

On July 15, 2019 the plat for Old Stone Ranch, Section One was approved by the Planning Commission by a unanimous vote. One of the conditions of that plat was the requirement that the lots adjacent to the City limits be annexed into the City of San Angelo in order to utilize city utilities.

On August 26, 2019 the owners submitted their application for annexation. There was a change of ownership that occurred after the council approved setting the annexation Public Hearing and approved first reading of the annexation ordinance. That change in ownership necessitates that the city start the process over again.

Staff has been working with the owners to create the Service Agreement that would provide necessary services that meet the city's requirements. Having completed that process staff is requesting to set the Public Hearing on the Annexation on the February 4, 2020 City Council meeting. Consideration of an ordinance approving the annexation will follow the public hearing.

Financial Impact:

N/A

Other Information/Recommendation:

Staff is recommending that the City Council accept the petition and set the public hearing for February 4, 2020.

Attachments:

- | | |
|---------------------------------|--------------------------------|
| 1. Petition Requesting Annex | Petition Requesting Annex.pdf |
| 2. Annexation field notes - SKG | Annexation petition_Page_2.jpg |
| 3. Annexation exhibit - SKG | Annexation exhibit - SKG.pdf |

Presentation:

Approvals/Reviews:

Sherry Bailey

Created/Initiated

Hillary Bueker
Jon James
Brandon Dyson
Jon James
Theresa James
Julia Antilley

Approved
Approved
Approved
Approved
Approved
Final Approval

PETITION REQUESTING ANNEXATION BY AREA LANDOWNERS

TO THE MAYOR AND GOVERNING BODY OF THE CITY OF SAN ANGELO, TEXAS

The undersigned owner(s) of the hereinafter described tract of land, which is vacant and without residents, or on which fewer than three qualified voters reside, hereby petition(s) your honorable Body to extend the present city limits so as to include as part of the City of San Angelo, Texas, the property described in Exhibit "A", by metes and bounds and attached herein.

Performance Land & Cattle Co., LLC certifies that the above described tract of land is contiguous and adjacent to the City of San Angelo, Texas, is not more than one-half mile in width, and that this petition is signed and duly acknowledged by each and every person having an interest in said land.

Signed: 

Printed Name: Bryan Dorman

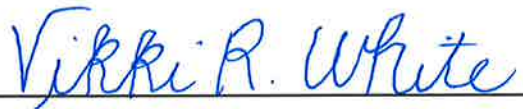
Title: Manager

Date: Jan. 7, 2020

THE STATE OF TEXAS

COUNTY OF TOM GREEN

BEFORE ME, this instrument was acknowledged on 1.7.2020 by person's name or entity.



Notary Public, State of Texas

My commission expires: 3.20.23



8.401 Acres

August 7, 2019
19-E-1160

Being an area of 8.401 acres of land out of C. Berberich Survey No. 177, Abstract No. 52, City of San Angelo, Tom Green County, Texas and said 8.401 acre tract also being out of that certain 25.361 acre tract described and recorded in Instrument No. 201616044, Official Public Records of Tom Green County, Texas and said 8.401 acre tract being more particularly described by metes and bounds as follows:

Beginning at the northwest corner of this tract at the intersection of the west line of said 25.361 acre tract and a southwest line of the City Limits of the City of San Angelo and from said beginning corner a $\frac{1}{2}$ " iron rod with cap marked "SKG ENGINEERS" found for the northwest corner of said 25.361 acre tract bears N. $00^{\circ} 06' 45''$ E. 539.29 feet;

Thence with the north or northeast line of this tract and a southwest line of said City Limits, S. $67^{\circ} 52' 49''$ E. 564.72 feet to the northeast corner of this tract in the east line of said 25.361 acre tract;

Thence with the east line of this tract and said 25.361 acre tract, S. $00^{\circ} 06' 45''$ W. 593.13 feet to a $\frac{1}{2}$ " iron rod with cap marked "SKG ENGINEERS" set for the southeast corner of this tract;

Thence with the south line of this tract, N. $89^{\circ} 53' 15''$ W. 523.57 feet to a $\frac{1}{2}$ " iron rod with cap marked "SKG ENGINEERS" set for the southwest corner of this tract in the west line of said 25.361 acre tract;

Thence with the west line of this tract and said 25.361 acre tract, N. $00^{\circ} 06' 45''$ E. 804.75 feet to the place of beginning and containing an area of 8.401 acres of land.

Bearings recited hereon are based on Texas Coordinate System NAD83 – Texas Central Zone by GPS observation.

See Attached Plat of Survey.



Russell T. Gully
Registered Professional Land Surveyor No. 5636
SKG Engineering, LLC
Firm No. 10102400



STATE HWY. LOOP 306
300' ROW (min.)

FD 1/2" I.R.w/Cap
Mkd. "GREYSTONE ENGR"

N67°52'49"W 632.36

FD 1/2" I.R.w/Cap
Mkd. "SKG ENGINEERS"

N00°06'45"E 539.29'

FD 1/2" I.R.w/Cap
Mkd. "SKG ENGINEERS"
FD 1/2" I.R.w/Cap
Mkd. "SKG ENGINEERS"

N00°06'45"E 535.24'

City Limits

N00°06'45"E (Bearing Basis)

REF.: 31.987 Ac.Tr.
Vol. 1183, Pg. 20 OPRRP

N00°06'45"E 804.75'

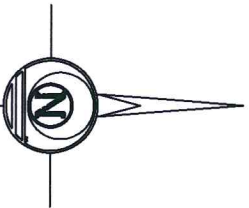
8.401 Ac.

S00°06'45"W 593.13'

REF.: 22.341 Ac.Tr.
Vol. 727, Pg. 412 DR

N89°53'15"W 523.57'

REF.: 25.361 Ac.Tr.
Instrument No. 201616044
ORP



SCALE: 1"= 200'

GRAPHIC SCALE : FEET
0 100 200 400

NOTE : Bearings shown hereon are based on
the Texas Coordinate System -
Central Zone.
Distances shown are surface horizontal.

- Found 1/2" Iron Pipe or Rod
(unless otherwise noted)
- Set 1/2" Iron Rod with Cap
Mkd. "SKG ENGINEERS"



**PLAT SHOWING A SURVEY OF 8.401 ACRES OUT
OF C. BERBERICH SURVEY NO. 177, ABSTRACT
NO. 52, TOM GREEN COUNTY, TEXAS.**

Certification is hereby made that a survey was made on the ground under my
supervision according to the minimum standards of the Professional Land Surveying
Practices Act and the General Rules of Procedures and Practices set forth by the
Texas Board of Professional Land Surveying.

Surveyed on the ground August 7, 2019.

Russell T. Gully
RUSSELL T. GULLY
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5636

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: January 21, 2020

Item type: Consent Item

Caption:

Second reading of an ordinance amending Chapter 9, Article 9.01 "Parks and Lakes" of the Code of Ordinances of the City of San Angelo (Carl White)

Summary/History:

We are recommending a substantial revision of Article 9.01 "Parks and Lakes" to Chapter 9 of the Code of Ordinances. In general, this amended article combines three existing and separate sections on "General", "Parks" and "Lake Nasworthy" into one, removes redundancies, improves efficiency of language and provides general updates that have been reviewed and recommended by the City Attorney, SAPD, Operations, Water Utilities and Parks and Recreation.

Attached, you will find a document that contains the enacting language for the Chapter 9 revision as well as a document labeled Exhibit A that contains the changes. Also attached is a document summarizing the key revisions.

Financial Impact:

There is no financial impact related to this item.

Other Information/Recommendation:

Attachments:

- | | |
|---|---|
| 1. Chapter 9 enacting ordinance | Chapter 9 enacting ordinance.docx |
| 2. Chapter 9 Ordinance Change - Exhibit A | Chapter 9 Ordinance Change - Exhibit A.docx |
| 3. Summary of key revisions Chapter 9 | Summary of key revisions Chapter 9.docx |
| 4. Chapter 9 revisions | Chapter 9 revisions.pptx |

Presentation:

Approvals/Reviews:

Carl White	Created/Initiated
Theresa James	Approved
Theresa James	Approved
Julia Antilley	Final Approval

**AN ORDINANCE AMENDING CHAPTER 9 "PARKS, LAKES
AND OTHER PUBLIC PLACES" OF THE CODE OF
ORDINANCES, CITY OF SAN ANGELO TEXAS, BY DELETING
AND REPLACING ARTICLES 9.01 THROUGH 9.03 IN THE
ENTIRETY, PROVIDING FOR SEVERABILITY, AND PROVIDING
FOR AN EFFECTIVE DATE**

BE IT ORDAINED BY THE CITY OF SAN ANGELO:

1) THAT, Chapter 9 "Parks, Lakes and Other Public Places" of the Code of Ordinances, City of San Angelo, Texas is hereby amended by deleting and replacing Articles 9.01 through 9.03 as set out in Exhibit "A".

2) THAT all remaining subsections of Chapter 9 not amended by this ordinance remain in full force and effect.

3) THAT, the following severability clause is hereby adopted with this amendment:

SEVERABILITY:

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

4) THAT, this Ordinance shall be effective on, from and after passage.

INTRODUCED on the 7th day of January, 2020, and finally PASSED, APPROVED and ADOPTED on this the 21st day of January, 2020.

CITY OF SAN ANGELO

ATTEST:

Brenda Gunter, Mayor

Julia Antilley, City Clerk

Approved as to Form:

Theresa James
City Attorney

EXHIBIT A

DELETE Article 9.01 "General Provisions", Article 9.02 "Parks" and Article 9.03 "Lake Nasworthy-Twin Buttes" of Chapter 9 "Parks, Lakes and Other Public Places", and REPLACE with the following:

ARTICLE 9.01 PARKS AND LAKES

DIVISION 1. GENERAL PROVISIONS

Sec. 9.01.001 Definitions

For the purpose of this article, the following terms, phrases, words and their derivations shall have the meaning given herein.

Bicycle. Every device propelled at least in part by human power upon which any person may ride, having two (2) tandem wheels either of which is more than fourteen inches (14") in diameter.

Director. The Director shall be the Director of Parks and Recreation unless otherwise stated.

Overnight. The hours between 10:30 pm and 6 am.

Park or park facility. Any and all land, areas, buildings and facilities that are owned, leased, or otherwise controlled by the City of San Angelo Parks and Recreation Department including but not limited to parks, beaches, recreation centers, athletic fields, tennis courts, basketball courts, boat ramps, golf courses, disc golf courses, swimming pools, playgrounds, pavilion, picnic shelters, medians, camping areas and recreational trails.

Park Playground. A designated area consisting of activity components, including but not limited to swings, slides and climbers placed upon a protective surface such as mulch, sand, gravel or a rubberized material, with boundaries defined by a perimeter border such as concrete or benching, and/or boundaries as indicated by signage.

Skate park or skating facility. Any city-owned skating facility that is fenced or otherwise enclosed and designated as a skate park or skating facility by the city parks department.

Vehicle. Any wheeled conveyance, whether motor powered, animal drawn or self-propelled. This term shall include any trailer in tow of any size, kind or description. This term shall not include baby carriages and vehicles in the service of the city.

Sec. 9.01.002 Penalty; reward

- (a) Penalty. Any person, group, company, association or corporation violating any provision of this Article shall be guilty of a misdemeanor, and upon conviction shall be fined in accordance with

the general penalty provision found in [section 1.01.009](#) of this code, each day the violation continues being a separate offense.

- (b) General Exception. None of the prohibitory provisions in this Article shall apply to city employees, agents or contractors in the performance of maintenance, construction or repair duties for any park facility.

Sec 9.01.003 Facility and Program Fees.

- (a) The department of parks and recreation shall charge and collect the fees for the use of buildings and facilities for recreational programs, services, and merchandise offered by the department in the amounts established by City Council and found in Appendix A of this Code.
- (b) Where no fee for classes, trips, equipment, merchandise, programs, or services are not established by Council, the Director may set, charge, and collect such fees.

Sec. 9.01.004 Director Responsibilities.

The Director is hereby authorized and empowered to prescribe rules and regulations to promote the orderly use of all city parks and playgrounds including the designation of areas where the acts and activities in this chapter of this code may be permitted. The Director is further employed to regulate such activities in the areas where they are permitted when it is necessary to control such activity for public safety, to prevent congestion, or to secure the maximum use of such public park or playground for the comfort and convenience of the public.

Sec. 9.02.005 Injury to park or property

It shall hereafter be unlawful for any person in a park to:

- (a) Willfully mark, deface, disfigure, injure, tamper with, displace or remove any buildings, bridges, tables, benches, fireplaces, railings, paving, paving material, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers, other structures or equipment facilities or park property or appurtenances whatsoever, either real or personal.
- (b) Dig or remove any sand, whether submerged or not, or any soil, rock, stones, trees, shrubs or plants, down timber or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agents.
- (c) Attach any rope, wire or other contrivance to any tree or plant. No person shall dig in or otherwise disturb grass areas, or in any way injure or impair the natural beauty or usefulness of any area.

(d) Remove, transplant or damage any tree, shrub, or plant on land [on] any area not under lease. Written authorization must be obtained for the removal or transplanting of trees, other than mesquite, on leased land.

Sec. 9.01.006 Sanitation; glass containers

(a) Dumping/Littering. It shall be unlawful for any person to dump, deposit or leave on any park grounds or in any waters in or contiguous to any park bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse or trash.

(b) Glass Containers Prohibited. It shall be unlawful for any person to have brought into or possess within any area of a park, including upon bodies of water, a glass container.

(c) Pollution of the Waters. It shall be unlawful to throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay or other body of water in or adjacent to any park or any tributary, stream, storm sewer or drain flowing into such waters any substance, matter, or thing, liquid or solid, which will or may result in the pollution of the water.

(d) Animal waste. It shall be unlawful to fail to remove and/or properly dispose of solid animal waste of pets or other animals brought into or left in any park. It is an exception to enforcement if the animal is a working law enforcement canine or service animal.

Sec. 9.01.007 Traffic; bicycles

It shall hereafter be unlawful for any person to:

(a) Drive any vehicle on any area except on designated park road or parking areas, or such other areas as may on occasion be specifically designated as temporary parking areas by the Director or designee.

(b) Park a vehicle in other than an established or designated parking area, in [and] such use shall be in accordance with the posted direction there at and with the instruction of any attendant who may be present.

(c) Ride a bicycle on other than a paved vehicle road or path designated for that purpose. However, a bicyclist shall be permitted to wheel or push a bicycle by hand over any grassy area or wooded trails or any other paved areas reserved for pedestrian use.

(d) Ride a bicycle other than as near to the right side of the roadway as practicable. It shall be unlawful for persons riding bicycles on a roadway [to ride] in any configuration other than single file. Bicyclists shall at all times operate their machines with reasonable regard to the safety of others, signal all turns, pass to the right of any vehicle they are overtaking, and pass to the right of any vehicle they may be meeting.

(e) Carry more persons on a bicycle at one time than the number for which it is designed and equipped.

(f) Violate any of the traffic laws of the state or any of the traffic ordinances of the city. Such statutes and ordinances shall apply in parks without regard to whether the violation occurs on a public street, if the violation, by its nature, could be committed in a place other than a public street.

Sec. 9.01.008 Reservation of facilities. It shall be a violation to prevent others from using any park facilities or spaces on anything other than a “first-come, first-served” basis, except through a reservation with the Parks and Recreation Department or with a special events permit.

Sec. 9.01.009 Fire prevention

(a) It shall hereafter be unlawful for any person in a park area to build or attempt to build a fire except in fireplaces, barbecue pits or such other areas and under such regulations as may be so designated by the Director.

(b) It shall hereafter be unlawful for any person in a park area to drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other inflammable material within any park area or on any highway, or road or street abutting said areas or contiguous thereto.

(c) It shall be hereafter unlawful for any person to leave the park without extinguishing a fire started or maintained by the person; to burn wood found in the park; or to deposit hot coals in the trash receptacle.

Sec. 9.01.010 – 9.01.015 Reserved.

DIVISION 2. PARKS

Sec. 9.01.016 Recreational Areas

(a) Director or designee shall have, for the purposes of this section, the authority to regulate the activities in recreational areas when necessary to prevent congestion and secure the maximum use of such areas for the comfort and convenience of all; it shall be unlawful for any person to fail to comply with any direction given to achieve the ends of this section.

(b) It shall hereafter be unlawful for any person in a park to:

(1) Leave in a park overnight any movable structure or special vehicle such as a tent, shack, temporary shelter, house trailer, camp trailer, camp wagon or the like unless such structure or vehicle is permitted and within a designated camping area.

- (2) Ride, lead or drive any horse, mule, donkey or other equine animal over or thorough any park within the city other than upon grounds set apart and designated for such activity. It shall be unlawful to allow said equine animal to graze or otherwise go unattended.
- (3) Take part in or playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrows, washers, javelins or model airplanes except in areas designated for such forms of recreation including but not limited to football, baseball, and golf.
- (4) Bathe in any waters, pool, lake or river in any park.
- (5) Remove, excavate, take, damage or search for any artifact, except as expressly permitted by all entities having jurisdiction over such activities, including, without limitation the Texas Historical Commission.
- (6) Enter into, or remain upon the premises of any park playground between the hours of 11:00 pm and 6:00 am.
- (7) Bring, lead, or possess pets, including without limitation, dogs, cats and reptiles on park playgrounds, or allow such pets to be upon park playgrounds.
- (8) Ride, drive, propel or carry on a park playground any bicycle, skateboard, scooter, roller skate, or any other footwear, facility or device containing wheels that may be utilized to propel or carry any person.
- (9) Carry or discharge any fireworks, air guns, bows or arrows, or slingshots or to discharge any firearm.
- (10) Intentionally and knowingly disturb in any manner any picnic, meeting, service, concert, exercise, exhibition or event.
- (11) Operate any public address system without first obtaining permission in writing from the Director or designee.
- (12) Take any fish or other aquatic life from park waters by any means except a hook and line using natural or artificial bait. All nets and seines are prohibited.

Sec. 9.01.017 Prohibited sales, advertising and signage; exceptions

- (a) It shall be unlawful for any person, in or upon any park property or premises, to sell or display for sale merchandise, food or services unless in areas designated for such purposes by the Director.
- (b) It shall be unlawful for any person, in or upon any park property or premises, to advertise for sale or place or post signage to advertise for sale merchandise, food, services, events or sponsorships.

Sec. 9.01.018 Skating facilities

(a) Violation of rules. It shall be unlawful for any person in a skate park or skating facility to violate any posted rule or regulation of the facility, including but not limited to regulations concerning hours of operation, use of the facility and prohibited activities.

(b) Repeated offenses. The Director of Parks and Recreation or his or her designee may issue a long-term criminal trespass warning to any individual who repeatedly violates skate park rules, disrupts the peace of the skate park or behaves in ways the Director of Parks and Recreation deems are unsafe or disruptive.

Sec. 9.01.019 Designated dog parks

The following rules shall apply to all city dog parks designated by city council.

(1) Generally.

(A) Visitors shall:

(i) Obey dog park hours which are from sunrise to sunset daily unless otherwise closed for maintenance or after inclement weather events.

(ii) Obey all other rules that govern city parks.

(iii) Stay within the park and within the view of the dog at all times.

(B) No person shall bring into an off-leash area:

(i) A dangerous dog as defined by section 822.041 of the Texas Health and Safety Code, as amended.

(ii) A female dog in heat.

(iii) More than two dogs at a time.

(iv) A dog that is not currently registered, vaccinated, and spayed or neutered in compliance with chapter 3 of this code.

(C) Any person who brings a dog into a designated dog park facility shall:

(i) Keep their dog(s) in the appropriate area as designated by signs.

(ii) Dispose of all fecal matter in the appropriate container.

(iii) Carry a visible leash at all times.

(iv) Keep the dog(s) under voice control at all times.

(v) Remove any dog showing any sign of aggression towards any person or animal immediately.

(vi) Remove any dog excessively barking.

(2) Prohibitions. The following is prohibited in all fenced areas of the dog park:

(A) Sick animals.

(B) Professional training.

(C) Spike or pinch collars.

(D) Food for humans or dogs, including treats.

(E) Children under the age of 6.

(F) Children between the ages of 6 and 16 years unaccompanied by a responsible adult.

(G) Children chasing or otherwise taunting or harassing dogs within the park.

(3) Visitor acknowledgment. The use of a designated dog park by any dog constitutes:

(A) Implied consent of the owner, harborer, or person having care, custody or control of the dog to comply with all conditions and regulations stated in this section or posted at the dog park site.

(B) Acknowledgment that visitors are solely responsible for damage and injury caused by their dog.

(C) A waiver of liability to the city by the owner, harborer, or person having care, custody, or control of the dog and an agreement to protect, indemnify, defend and hold harmless, for any injury or damage caused by the dog during any time that the dog is in the designated dog park.

(4) Penalty. Repeated violations may result in dogs and/or owners being prohibited from future use of the facility by the Director.

Sec. 9.01.020 – 9.01.030 Reserved.

DIVISION 3. LAKE NASWORTHY

Sec. 9.01.031 Applicability of rules and regulations

The following rules and regulations shall govern the use of the waters of Lake Nasworthy and the use of the shorelines thereof and of city-owned property adjacent thereto.

Sec. 9.01.032 Water use

(a) Fixed or floating structures and objects; Lake Nasworthy.

- (1) No person, persons, firm, corporation, association or organized group shall have, use, operate, store or maintain over, in or on the waters of Lake Nasworthy any floating or fixed structure or object without authorization from the Director of Water Utilities.
- (2) All such fixed or floating structures or objects shall be equipped with red reflecting devices of such size and characteristics and so maintained as to be visible at night from all distances within three hundred feet (300').
- (3) A fixed or floating structure or object, for which a charge is made for its use, shall be classified as a commercial unit. The Director of Water Utilities will recommend the annual charge for each installation as approved by Council and set out in Appendix A.
- (4) Each floating or fixed surface attached to or associated with a lot is considered the responsibility of the leaseholder of the lot and will be transferred with the lease.
- (5) The Director of Water Utilities shall have the authority to order the removal of any fixed or floating structure or object if the owner does not have proper authorization for the structure or if the structure fails to meet any standards for such structures adopted by the City.

(b) Boats and craft operated on Lake Nasworthy.

- (1) It shall be unlawful to operate a boat on Lake Nasworthy with over-the-transom (OT) exhaust or open exhaust. Open exhaust includes exhaust that is baffled with race-type exhaust baffles inside the pipes. Engine exhaust shall not create excessive noise that would constitute a public nuisance.
- (2) It shall be prohibited to tow a ski rope behind a boat when said boat is not actively engaged in pulling a water skier, except when retrieving a water skier.
- (3) It shall be unlawful for any person to drive or operate any boat or watercraft in such a manner as to create a wake in any areas on Lake Nasworthy designated with signs or buoys as "no wake" areas. For the purpose of addressing safety, the water utilities director shall have the authority to designate "no wake" areas, maintain a list of "no wake" areas, and place signs or buoys designating "no wake" areas. Such areas shall be depicted on a map updated by Water Utilities and filed in accordance with Texas statute.
- (4) It shall be prohibited to trail ropes or pull tubes or any other devices in areas designated "No Wake" or "No Skiing."

(5) It shall be prohibited to launch boats from any location on public property other than designated boat ramps.

(6) It shall be prohibited to tie boats to any buoy or other location other than a designated boat ramp.

(7) It shall be prohibited to move or remove any buoy placed in the water by the city or any other regulatory agency.

(c) Skiing.

(1) It shall be unlawful for any person to water ski or to operate a boat in such a manner as to pull a water skier in any areas specifically designated by signs or buoys posted by the city as "No Skiing" areas.

(2) Any skier who has fallen must be immediately retrieved by the operator of the boat that was towing the skier.

(d) Swimming.

(1) The City Manager or his designee shall designate swimming areas by having signs erected at either end of such areas on the shorelines at or near the water's edge.

(2) No person shall swim at any place into the water for a distance of more than one hundred fifty feet (150') from the lake shoreline unless such person is accompanied by a boat properly equipped with life preservers, or is wearing a life jacket.

(3) It shall be prohibited to swim in marina areas and at all boat ramps.

(4) It shall be prohibited to swim at the easternmost point of Camper Road.

(e) Fishing.

(1) It is hereby declared to be unlawful for anyone to run, molest, take any fish from, or otherwise interfere with any trotline which is installed in accordance with state regulations, or the throw line of another, or to assist anyone in doing so, without the consent of the owner of such trotline or throw lines.

(2) Trotlines used in designated skiing areas shall be weighed so that such shall not come nearer than four feet (4') from the surface of the water. Trotlines shall be identified by a surface float. Trotlines are prohibited in designated swimming areas. Trotlines shall be installed according to state regulations.

(3) It shall be prohibited to fish off the marina fueling docks on weekends and holidays.

(4) It shall be prohibited to fish in any area with a "fishing prohibited" sign.

(5) It shall be unlawful to fish in a designated swimming areas.

(f) Diving.

(1) It shall be unlawful for any person to dive with any underwater breathing apparatus on the waters of Lake Nasworthy unless such person displays a “diver down” flag on a boat, float or other floating platform, which flag shall comply with section 31.1021(f) of the Texas Parks and Wildlife Code as amended, and shall be displayed at least three feet (3') high on a staff.

(2) It shall be unlawful for any person to dive within two hundred (200) yards of marinas or boat ramps.

Sec. 9.01.033 Land use

(a) Camping.

(1) Definitions.

Campsite. The area needed, occupied and used by a recreational vehicle or a group of individuals for overnight accommodations, a meeting place, building a fire, or preparing or partaking of a meal.

(2) The Director or designee shall have the authority to designate overnight camping sites and to mark same. Camping overnight in other than a designated area is prohibited.

(3) No person shall be permitted to camp in any one place for more than two (2) weeks in succession without physically vacating such place and leaving the lake for a period of five (5) days.

(4) An overnight camping permit must be purchased for each day that each overnight campsite is occupied. Each vehicle present in a camping area after 10:30 pm shall have an overnight camping permit. The permit must be displayed on vehicle in such a manner to be visible from the roadway. Vehicles are prohibited from parking within an overnight campsite without a valid permit.

(5) No more than 8 people, no more than 3 vehicles and no more than three structures may occupy a single campsite.

(b) Hunting.

(1) It shall be unlawful to hunt or fish with a bow and arrow or hunt or fire any firearms upon, along, across, or from any part of the water or lands of Lake Nasworthy or any waters or land owned by the City.

(2) Special permits valid for a specified period of time and a specified area may be granted by the city council for persons using firearms in the control of rodents, varmints or destructive predators.

(c) Excavation, grading, etc. Excavation, removal, addition to, or alterations of the lake and stream shoreline without authorization of the Director is prohibited. In addition, there shall be no change in land contour or drainage patterns, nor removal or addition of any type of earth material in any location away from the shoreline without authorization. Authorization must also be given for the alteration, removal or addition of material to the lake or river bottom.

(d) Blocking boat ramp. It shall be prohibited to block any boat ramp for any longer period of time than that required to load or unload one's boat.

(e) Fees - Lake Nasworthy. The fees as provided for in the fee schedule adopted by Council 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.

(f) Restricted areas. All vehicles, boats, swimmers, and pedestrian traffic are prohibited in restricted areas. The following described areas shall be designated as restricted areas:

- (1) The entire length of the earthen embankment and the road on top of the Lake Nasworthy Dam.
- (2) The Lake Nasworthy gates beyond buoys.
- (3) The Lake Nasworthy outlet works.
- (4) Any area marked as authorized personnel only.

(g) Prohibition of animals in certain areas. It shall be unlawful to keep, allow or harbor domesticated or non-domesticated animals or snakes in designated swimming or beach areas at Lake Nasworthy or in the Lake Nasworthy Park area commonly known as Horseshoe Bend.

Reserved Sec. 9.01.034 through 9.01.050

Division 4. Special Events

Sec. 9.01.051 Special events

On certain occasions the city council may authorize individuals or groups to hold special events for fundraisers or recreational purposes on city property. Additionally, the city council may authorize temporary variances from the prohibitions and requirements of city ordinances for the events. In determining whether to authorize an event and grant one or more variances, the council shall take into account the following factors:

- (1) Proximity of the event to residential areas;

- (2) Probability of the event causing undue disturbance to users of the city property;
- (3) Ability of organizers to ensure the safety of participants and observers, including but not limited to acquiring appropriate insurance;
- (4) Whether varying from the standard requirements and prohibitions of city ordinances would result in undue danger to participants under the circumstances (i.e., location, time, size, etc.) of the special event; and
- (5) Any other unique circumstances relating to each particular event.

Sec. 9.01.052 Director Variance Authority.

The Director may upon written request grant variances for the following activities otherwise prohibited by the Code of Ordinances. Such variances shall be given in writing with a copy provided to the San Angelo Police Department Lake Patrol.

- (1) Placement of signs
- (2) Parking on grass or other prohibited areas
- (3) Leaving movable structures or special vehicles overnight outside of designated camping area.

ARTICLE 9.02 Reserved.

ARTICLE 9.03 Reserved.

Public hearing and first reading of an ordinance amending Chapter 9, Article 9.01 "Parks and Lakes" of the Code of Ordinances of the City of San Angelo.
(this document as of Dec. 31, 2019)

This document summarizes and outlines the changes in the revised ordinances:

- provides updates to ordinances mostly written in 1959
- reduction of the number of pages of the related ordinances from 32 pages to 12 pages
- Moves the supervision of lake patrol from Public Works.
- Deletes provisions that are duplicated in state law or the Code of ordinances including provisions related to traffic control, animals, sewage disposal, garbage collection, traffic control, junk vehicles, nuisance and abatement.
- removes references to a non-existent Lake Board and delegates those authorities as appropriate. These duties include removal of fixed and floating structures; approval of livestock and fowl; designation of camping areas
- Expands restricted areas around lake and adds a general category of “any area marked as authorized personnel only”.
- The “Director” is defined to be the “Director of Parks and Recreation” unless otherwise stated
- Defines “overnight” to be “the hours between 10:30 pm to 6:00 am”
- Removes provisions providing for a reward for information related to defacement of property.
- modifies the provisions specific to food trucks and incorporates those provisions in the “general sale of merchandise section” providing that sales can take place in areas designated by the Director.
- gives the Director of Parks and Recreation limited variance authority related to public/special events with the requirements that the variances be in writing and a copy provided to SAPD:
 - placement of signage
 - parking on grass or other prohibited areas
 - leaving moveable structures or special vehicles overnight outside of designated camping areas
- Removes references to Twin Buttes properties since they are not within the City limits and are now managed under the Texas Parks and Wildlife Department’s Public Hunting Lands program
- Non-substantial editing and clarifications



City Council

January 7, 2020



Chapter 9 revisions

- Combines 3 sections: “General”, “Parks” and “Lake Nasworthy”
- Removes redundancies
- Improves efficiency of language
- General updates
- Reviewed and recommended by: City Attorney, SAPD, Operations, Water Utilities and Parks/Rec.



Chapter 9 revisions

- Moves supervision of lake patrol from PW
- Deletes provisions duplicated in state law or CoO
- Removes references to “Lake Board”
- Expands restricted areas
- Defines “Director” as Director of Parks and Rec
- Defines “overnight” (hours 10:30 pm to 6:00 am)



Chapter 9 revisions

- Removes information reward provisions
- Modifies food truck provisions
- Limited variance authority for public events
- Removes references to Twin Buttes properties
- Non-substantial editing and clarifications





City Council

January 7, 2020



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: January 21, 2020

Item type: Consent Item

Caption:

Second reading of an ordinance amending the budget for the fiscal year beginning October 1, 2019, and ending September 30, 2020 for capital items, grants, and projects (Tina Dierschke)

Summary/History:

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

- Airport FAA Grant
- Airport TxDOT Maintenance Grant
- Airport Equipment Replacement
- Twin Buttes Dock
- River Bank Stabilization
- Civic Events Facility Improvements
- Homebuyers Assistance Program

Financial Impact:

See Exhibit A of the ordinance.

Other Information/Recommendation:

Staff recommends approval.

Attachments:

- | | |
|----------------------|------------------------------------|
| 1. Ordinance | Ordinance 01.21.20.docx |
| 2. BA Memo - ALL (5) | BA Memo - ALL.pdf |
| 3. Presentation | 01.21.20 FIN Budget Amendment.pptx |

Presentation:

Tina Dierschke

Approvals/Reviews:

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

**AN ORDINANCE OF THE CITY OF SAN ANGELO AMENDING
THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER
1, 2019, AND ENDING SEPTEMBER 30, 2020, FOR CAPITAL
ITEMS, GRANTS, AND PROJECTS.**

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

WHEREAS the resources necessary for these changes are available;

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

The City's budget for fiscal year 2019-2020 be amended by the amounts contained in Exhibit A.

INTRODUCED on the 7th day of January, 2020, and APPROVED and ADOPTED on this 21st day of January.

ATTEST:

CITY OF SAN ANGELO, TEXAS:

Julia Antilley, City Clerk

Brenda Gunter, Mayor

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:

Tina Dierschke, Finance Director

Theresa James, City Attorney

City of San Angelo
Proposed Budget Amendment
Exhibit A

Fund	Total Revenue Amendment	Total Expense Amendment	Net Benefit/(Cost)
Intergovernmental Fund	\$378,832	\$378,832	\$-
Airport Operating Fund	\$-	\$175,000	\$(175,000)
Civic Events Fund	\$-	\$100,000	\$(100,000)
HOME Prior Year's Fund	\$-	\$10,141	\$(10,141)
General Capital Projects Fund	\$-	\$-	\$-
2011 Bond Fund	\$-	\$(15,000)	\$15,000
Airport PFC Fund	\$-	\$122,289	\$(122,289)
Airport FAA Project Fund	\$1,222,889	\$1,222,889	\$-
	\$1,601,721	\$1,994,151	\$(392,430)

City of San Angelo
Proposed Budget Amendment
Additional Information

Project/Need	Source of Funding	Revenue	Expense	Net Benefit/(Cost)
Airport Grant 39	FAA Grant / Passenger Facility Charges	\$1,222,889	\$1,345,178	\$(122,289)
Airport RAMP Grant	TxDOT Grant / Airport Operating fund balance	\$100,000	\$150,000	\$(50,000)
Airport – Equipment Replacement	Fund Balance	\$-	\$125,000	\$(125,000)
Twin Buttes Dock	Bureau of Reclamation Grant / 2011 Bond Fund Interest	\$50,000	\$35,000	\$15,000
River Bank Stabilization	TCEQ Grant / General Capital Funds	\$228,832	\$228,832	\$-
Civic Events Facility Improvements	Fund Balance	\$-	\$100,000	\$(100,000)
Homebuyers Assistance	HOME Fund Balance	\$-	\$10,141	\$(10,141)
		\$1,601,721	\$1,994,151	\$(392,430)

Memo

To: Tina Dierschke, Finance Director

From: Jeremy Valgardson, Airport Director

Date: 12/16/19

Re: Budget Amendment Request

Purpose of Budget Amendment Request:

Budget for Grant 39 from the Federal Aviation Administration (FAA)

Source of Funding:

90% funded by FAA and a 10% match from Passenger Facility Charges (PFC)

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

Application and acceptance permitted in the budget ordinance. Grant Offer was approved by City Manager on September 13, 2019.

Project/Budget to be amended	Current Budget	Proposed Change	Proposed Revised Budget
FAA Revenue	0	1,100,600	1,100,600
PFC Revenue	0	122,289	122,289
Project Expenses	0	1,222,889	1,222,889
			0
			0
			0

Additional Comments:

Grant 39 is the rehabilitation of Runway 18/36 and joint seal on the commercial ramp. This grant is fully reimbursable with FAA funding 90% and the 10% PFC funded.

Memo

To: Tina Dierschke, Finance Director

From: Jeremy Valgardson, Airport Director

Date: 12/02/19

Re: Budget Amendment Request

Purpose of Budget Amendment Request:

Budget for Texas Department of Transportation Ramp Grant for fiscal year 2020

Source of Funding:

50% grant funded and 50% local match from Airport operating fund balance

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

Application and acceptance permitted in the budget ordinance.

Project/Budget to be amended	Current Budget	Proposed Change	Proposed Revised Budget
Grant Revenue	0	50,000	50,000
Local Match	0	50,000	50,000
Project Expenses	0	100,000	100,000
			0
			0
			0

Additional Comments:

The grant is from the Texas Department of Transportation (TxDOT) for a Routine Airport Maintenance Program (RAMP) Grant. The TxDOT RAMP Grant provides 50% of eligible project costs and the local government match is 50%.

Memo

To: Tina Dierschke, Finance Director

From: Jeremy Valgardson, Airport Director

Date: 12/30/19

Re: Budget Amendment Request

Purpose of Budget Amendment Request:

Purchase a tractors and two mowers. The current ones have past their useful life and needs replacement.

Source of Funding:

Fund Balance

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

No.

Project/Budget to be amended	Current Budget	Proposed Change	Proposed Revised Budget
Airport Machinery	0	125,000	125,000
			0
			0
			0
			0
			0

Additional Comments:

From Fund Balance

Memo

To: Tina Dierschke, Finance Director
From: Carl White, Director of Parks & Recreation
Date: 12/30/19
Re: Budget Amendment Request

Purpose of Budget Amendment Request:

Budget for a grant from the Bureau of Reclamation for a new dock at the main ramp in Twin Buttes

Source of Funding:

Grant provided by Bureau of Reclamation grant and a local match utilizing 514 bond interest funds

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

November 19, 2019

Project/Budget to be amended	Current Budget	Proposed Change	Proposed Revised Budget
Grant Funding	0	35,000	35,000
Local Match	0	15,000	15,000
Project Expense	0	50,000	50,000
			0
			0
			0

Additional Comments:

Memo

To: Tina Dierschke, Finance Director
From: Carl White, Director of Parks and Recreation
Date: 12/30/19
Re: Budget Amendment Request

Purpose of Budget Amendment Request:

Budget for grant funds for "North Concho River Bank Stabilization".

Source of Funding:

Grant from Texas Commission on Environmental Quality (TCEQ) and the local match is already budgeted

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

Direction to seek grants in May 2018

Project/Budget to be amended	Current Budget	Proposed Change	Proposed Revised Budget
Grant Revenue	618,029	137,299	755,328
Local match	0	91,533	91,533
Project Expense		228,832	228,832
			0
			0
			0

Additional Comments:

Memo

To: Tina Dierschke, Finance Director
From: Sidney Walker, Civic Events Manager
Date: 12/30/19
Re: Budget Amendment Request

Purpose of Budget Amendment Request:

Budget for facility improvements at McNease Convention Center and Bill Aylor Sr. Memorial River Stage

Source of Funding:

Fund Balance

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

Yes, December 17, 2019.

Project/Budget to be amended	Current Budget	Proposed Change	Proposed Revised Budget
Facility Improvements	91,315	100,000	191,315
			0
			0
			0
			0
			0

Additional Comments:

Memo

To: Tina Dierschke, Finance Director

From: Robert Salas, Director of NFS

Date: 12/30/19

Re: Budget Amendment Request

Purpose of Budget Amendment Request:

Budget for repayment of funds to the Homebuyer Assistance Program.

Source of Funding:

Fund Balance

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

Project/Budget to be amended	Current Budget	Proposed Change	Proposed Revised Budget
Homebuyer Assistance Program	163,691	10,141	173,832
			0
			0
			0
			0
			0

Additional Comments:



City Council

January 21, 2020



Budget Amendment

Airport FAA Projects Fund	Revenue	Expense
FAA Revenue	\$1,100,600	
PFC Revenue	\$122,289	
Project Expense		\$1,222,889



Budget Amendment

Intergovernmental Fund	Revenue	Expense
Grant Revenue	\$50,000	
Local Match	\$50,000	
Airport Maintenance Expenses		\$100,000



Budget Amendment

Airport Operating Fund	Revenue	Expense
Airport Machinery		\$125,000



Budget Amendment

Intergovernmental Fund	Revenue	Expense
Parks Grant Revenue	\$35,000	
Local Match	\$15,000	
Twin Buttes Dock Expenses		\$50,000



Budget Amendment

Intergovernmental Fund

Revenue

Expense

Parks Grant Revenue

\$137,299

Local Match

\$91,533

River Stabilization Expenses

\$228,832



Budget Amendment

Civic Events Fund

Revenue

Expense

Facility Improvements

\$100,000



Budget Amendment

HOME Fund

Revenue

Expense

Homebuyers Assistance
Program

\$10,141





City Council

January 21, 2020



Item type: Consent Item

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

You have saved an eQuote 1000500529127

An eQuote is now saved in your Dell Online Store.
This will be held for 60 days and will expire on 03/08/2020

Your eQuote has been sent to:

Emailed to: stephanie.collins@cosatx.us
peter.haidinger@cosatx.us

To retrieve this eQuote

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Sign in to DIR Bulk Purchase Initiative BP2019-15 - DIR-TSO-3763

Click on "Quotes" in the top menu bar and search for eQuote number 1000500529127

eQuote Name	SAFD Quote v3
Saved By	peter.haidinger@cosatx.us
eQuote Description	
Authorized Buyer	
Notes/Comments	
Account Name	DIR Bulk Purchase Initiative BP2019-15 - DIR-TSO-3763
Contract Code	C000000006841

eQuote Summary

Description	Quantity	Unit Price	Subtotal
OptiPlex 7060 MT	47	\$979.00	\$46,013.00
Dell 24 USB-C Monitor - P2419HC	47	\$170.00	\$7,990.00

eQuote Subtotal	\$54,003.00
Shipping*	\$0.00
Shipping Discount*	\$0.00
Tax*	\$0.00
Environmental Disposal Fee*	\$0.00

eQuote Total* \$54,003.00

*The eQuote total, including applicable taxes and additional fees, may be viewable online.

Note: Your order may contain one or more items which are billed on a recurring basis. See Important Notes for details on your specific offering and, for customers with auto-renewing subscriptions, how to turn off automatic renewal.

eQuote Details

Description	Quantity	Price
rrcr973496-5252275 OptiPlex 7060 MT	47	\$46,013.00

Module	Description	Product Code	Sku	ID
OptiPlex 7060 MT	Optiplex 7060 Mini Tower XCTO	GEL2Q5H	[210-AOKJ]	1
Processor	Intel Core™ i7-8700 (6 Cores/12MB/12T/up to 4.6GHz/65W); supports Windows 10/Linux	GVT4H1R	[338-BNZW]	146
Operating System	Windows 10 Pro 64bit English, French, Spanish	GF48XA1	[619-AHKN]	11
Windows AutoPilot	No Windows AutoPilot	GYEO2AP	[340-CKSZ]	291
Microsoft Office	No Productivity Software	GEKH8UQ	[630-AAPK]	1002
Memory	16GB 2X8GB DDR4 2666MHz UDIMM Non-ECC	GLPG2UO	[370-AEBG]	3
Hard Drive	M.2 256GB SATA Class 20 Solid State Drive	GCYLRW3	[400-AWFS] [340-ABIG] [773-BBBC]	8
Additional Hard Drive	No Additional Hard Drive	G780XKR	[401-AANH]	637
Raid Connectivity	No RAID	GS3UFWA	[817-BBBN]	1009
Video Card	Intel® Integrated Graphics	GZQDA24	[490-BBFG]	6
Chassis Options	OptiPlex 7060 Tower with 260W up to 85% efficient Power Supply (80Plus Bronze)	G67A9OF	[329-BDSK]	116
Power Cord	System Power Cord (US)	GA5894N	[450-AAOJ]	20
CD ROM/DVD ROM	8x DVD+/-RW 9.5mm Optical Disk Drive	G589BYA	[429-ABFH] [325-BCXM]	16
Optical Software	Cyberlink Media Suite Essentials for Windows 10 and DVD drive (without Media)	GWNM30Y	[658-BBTV]	597
Additional Storage Devices - Media Reader	No Media Card Reader Selected	GW2K1D6	[379-BBHM]	10
Wireless	No Wireless LAN Card	GE7Y41P	[555-BBFO]	19
Driver	No Wireless	GVHB6TP	[555-BBFO]	7
Cables and Dongles	No Adapter	GKRDEM4	[470-AAJL]	592
PCI Card	No Parallel or Serial Port	GVEYOQ7	[492-BBFF]	698
Keyboard	Dell Multimedia English Keyboard - KB216	GZDPBC1	[580-ADJC]	4

Mouse	Dell MS116 Wired Mouse	GWJIAF2	[275-BBBW]	12
Back Cover	No Cover Selected	GKN16CQ	[320-BCGK]	376
External Speakers	No External Speaker	GTNM7E2	[817-BBBC]	200095
Non-Microsoft Application Software	Windows 10 Non-Embedded	GXY3BHT	[525-BBCL] [640-BBLW] [658-BBMR] [658-BBRB] [658-BCUV] [658-BDVV]	1003
Operating System Recovery Options	OS-Windows Media Not Included	GLA90Q1	[620-AALW]	200013
ENERGY STAR	ENERGY STAR Qualified	G6J34SM	[387-BBLW]	122
Documentation/Disks	Safety, Environmental, and Regulatory Information (English/French/Multi-language)	G7RB0GY	[340-AGIK]	21
Placemat	MOD,PLCMT,QSG,7060,MT,DAO1	GR0FOKM	[340-CDYY]	60
Canada Ship Options	US No Canada Ship Charge	G3IA0L8	[332-1286]	111
UPC Label	No UPC Label	G8WGTYN	[389-BCGW]	292
TPM Security	Trusted Platform Module (Discrete TPM Enabled)	GJMDKT6	[329-BB JL]	297
Packaging	Ship Material for OptiPlex Tower	G7G214X	[340-CDWT] [389-BBUU]	465
Regulatory Label	Regulatory Label 7060 Mini Tower	GSX8752	[389-CXGK]	676
CompuTrace Offerings + Stoptrack Label	No Computrace	GO1F2XY	[461-AABF]	697
Hard Drive Software	NO INTEL RESPONSIVE	GH8DSLC	[551-BBBJ]	707
Processor Branding	8th Gen Intel® Core™ i7 vPro™ processor label	GJW1R0P	[389-CGJM]	749
Transportation from ODM to region	Standard shipment	GQT8IGC	[800-BBIO]	200080
Systems Management	Intel® vPro Technology Enabled	GFTZC4U	[631-ABQQ]	49
Network Card	No Additional Network Card Selected (Integrated NIC included)	G9MQCN3	[555-BBJO]	13
FGA Module	No FGA	NOFGA	[817-BBBB]	572
Protect Your New PC	No Security Software	NOSS	[650-AAAM]	1014
Additional Video Ports	No Additional Video Ports	GWFXAL0	[492-BCKH]	495
Hardware Support Services	3 Years ProSupport with Next Business Day Onsite Service	G5R496Y	[812-3886] [812-3908] [989-3449] [812-3894]	29

rrcr973496-5253929 | Dell 24 USB-C Monitor - P2419HC 47 \$7,990.00

Module	Description	Product Code	Sku	ID
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Dell 24 USB-C Monitor - P2419HC	Dell 24 USB-C Monitor - P2419HC	GSPA80G	[210-AQCO]	1
Hardware Support Services	3 Years Advanced Exchange Service	G2V0K68	[814-5380] [814-5381]	29

eQuote Subtotal	\$54,003.00
Shipping*	\$0.00
Shipping Discount*	\$0.00
Tax*	\$0.00
Environmental Disposal Fee*	\$0.00

eQuote Total* \$54,003.00

*The eQuote total, including applicable taxes and additional fees, may be viewable online.

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REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: January 21, 2020

Item type: Consent Item

Caption:

Consider awarding a contract amendment under BuyBoard contract #555-18 to Insituform Technologies, LLC, for sewer infrastructure rehabilitation in the amount of \$100,000 and authorizing the City Manager to negotiate and execute all related documents (Andy Vecellio)

Summary/History:

The sewer rehabilitation project approved by City Council on October 15, 2019, is nearly complete. During construction, a +/- 230' section of sewer line along Harris Avenue collapsed and sewer rehabilitation under the original construction method is no longer an option. The collapsed area did not result in a spill because the sewer was being bypassed as a part of the current project.

The original construction method was the installation of a Cured-In-Place-Pipe (CIPP). The construction method that has to be utilized due to the amount of deterioration is open-cut and installation of new PVC. City crews will construct the new sewer line to replace the existing deteriorated sewer line. Extended bypass pumping provisions under the current contract with Insituform are necessary to redirect the sewer during the construction process. City crews will complete the traffic control during this construction period, replacing the traffic control previously provided by Insituform.

This additional bypass pumping will result in an increase in contract amount of \$100,000. This will make the total contract amount \$808,655 and will include the bypass pumping provisions for the new construction. Bypass pumping provisions will include bypass pumping equipment rental, operation, and labor. Construction of the new sewer line will commence upon City Council approval of the contract amendment due to the very deteriorated conditions.

Financial Impact:

Funding for the \$100,000 will be paid from FY20 wastewater capital funds.

Other Information/Recommendation:

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

Attachments:

- | | | |
|----|-----------------------------------|---------------------------------------|
| 1. | 2020 January 21 CC Insituform 6.m | 2020 January 21 CC Insituform 6.m.pdf |
| 2. | 2019 October 15 CC Insituform 6.f | 2019 October 15 CC Insituform 6.f.pdf |

Presentation:

Approvals/Reviews:

Andy Vecellio
Allison Strube
Theresa James
Nolan Sosa
Tina Dierschke
Andy Vecellio
Theresa James
Julia Antilley

Created/Initiated
Approved
Approved
Approved
Approved
Approved
Approved
Final Approval



City Council

January 21, 2020



Original 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
- Original project cost of \$708,655



Project Location – Central HS Campus/W. Harris



Project Location – Bentwood Area

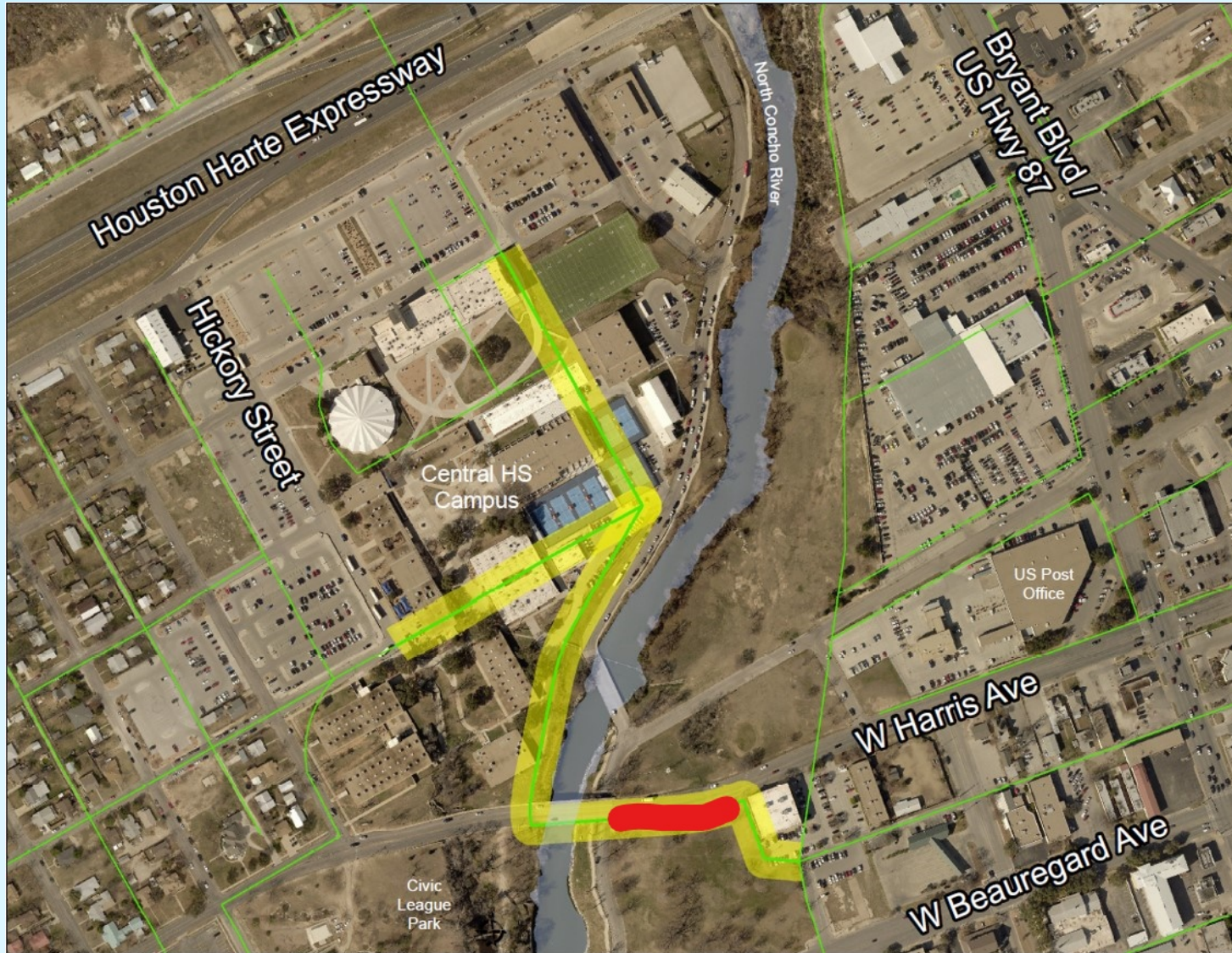


Project Update and Request for Additional Funding

- Initial project scope complete, except for one section
- Corrosion and tuberculation (buildup on inside of pipes) exceeded initial estimates on existing cast iron pipe
- Initial contract contingency used primarily for additional tuberculation removal and bypass pumping
- One section of line collapsed and is not eligible for rehabilitation
- City crews will install new 18" sewer line, with bypass pumping by contractor, for up to \$100,000 increase



Location of Collapsed Sewer Line



Collapsed Sewer Line



Bypass Pumping Equipment





City Council

January 21, 2020





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



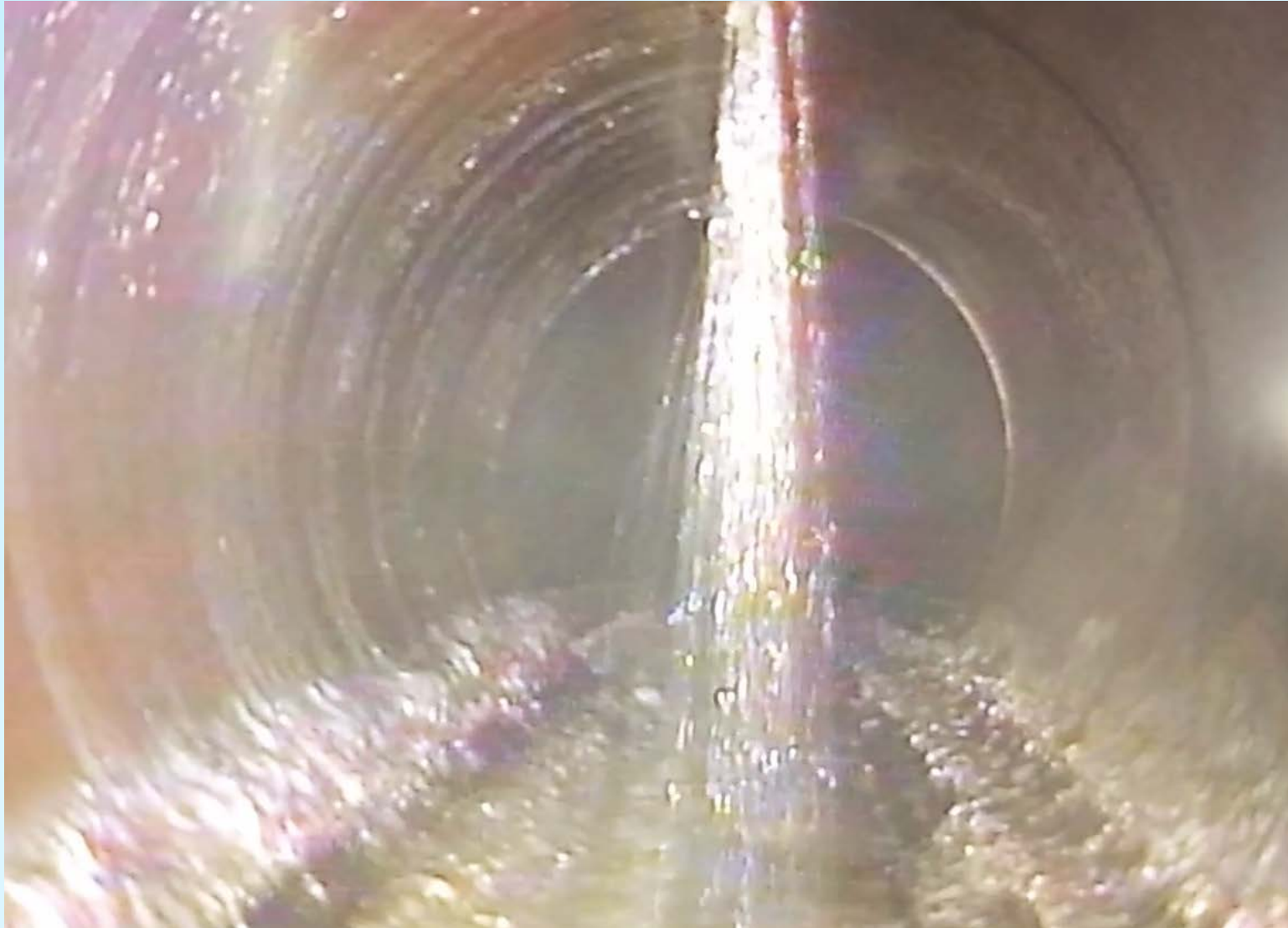
Central High School Campus



West Harris Ave. Aerial Crossing



Bentwood Area





City Council

October 15, 2019



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: January 21, 2020

Item type: Regular Item

Caption:

Presentation of the 2019 City of San Angelo Development Corporation Annual Report (Presentation made by Economic Development Director Guy Andrews)

Summary/History:

This presentation of the 2019 COSADC Annual Report contains the results of all of the COSADC and Chamber of Commerce economic development activities for the 2019 Fiscal Year.

Financial Impact:

N/A

Other Information/Recommendation:

Attachments:

- | | | |
|----|----------------------------------|--------------------------------------|
| 1. | 2019EconomicAnnualReport (Final) | 2019EconomicAnnualReport (Final).pdf |
|----|----------------------------------|--------------------------------------|

Presentation:

Approvals/Reviews:

Shannon Scott	Created/Initiated
Guy Andrews	Approved
Theresa James	Approved
Nolan Sosa	Approved
Tina Dierschke	Approved
Theresa James	Approved
Julia Antilley	Final Approval



2019 ANNUAL REPORT HIGHLIGHTS

The City of San Angelo Development Corporation (COSADC) is a non-profit economic development corporation formed under the Texas Development Corporation Act of 1979 and governed by a seven-member board of directors. As directed by this Act, the Corporation focuses its efforts on the promotion and development of business enterprises that create or retain primary jobs.



MISSION:

The City of San Angelo Development Corporation, working with economic development partners, will retain, strengthen, and diversify the job base of the community to ensure a vibrant business climate for San Angelo and the region. Our main goal is helping to create a place where people want to live and conduct business.

ECONOMIC DEVELOPMENT PARTNERS:

Tom Green County, City of San Angelo, Concho Valley Workforce Development Board / Workforce Solutions, Angelo State University, ASU-Small Business Development Center, San Angelo Chamber of Commerce, Downtown San Angelo and others working toward improving and growing San Angelo.
We embrace anyone who is pro-San Angelo.

YEAR IN SUMMARY:

2019 was a year where we continued to build our Business Retention and Expansion Program, increasing community awareness, making more contacts, and providing incentives for a variety of local businesses that ranged from small to large. The Tax Increment Reinvestment Zone (TIRZ) program was also instrumental in providing assistance to several local businesses to help them grow and prosper.



SAN ANGELO REGIONAL AIRPORT MATHIS FIELD

Following the theme of “Planes, Trains, and Automobiles” the COSADC staff laid significant groundwork by having a Land Use Management Study (LUMS) conducted by C&S Companies in partnership with Centurion Planning in preparation for an Airport Business/Industrial Park. The staff also participated in the San Angelo Regional Airport Master Plan study being conducted. The Airport Director and Director of Economic Development made a trip to Chicago to United Airlines Headquarters to discuss the potential of United Airlines service from San Angelo to Houston, and to keep them updated on the economic growth of the area that will assist them in making decisions related to providing air service to San Angelo.



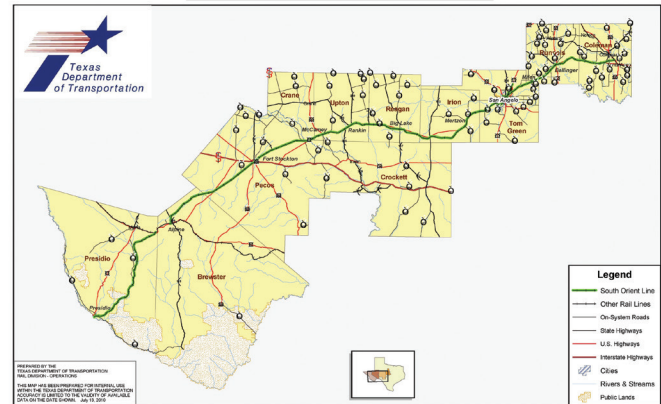
COSADC and the Lake Maintenance Division of the City of San Angelo Operations Department, with permission from the U.S. Bureau of Reclamation, undertook a project to clear brush from 14 acres of property across from the San Angelo Regional Airport on Knickerbocker to improve the view at the exit. The brush was cleared in 2019, but the project will continue in 2020 to remove the 58 piles of brush that were created during grubbing operations, seed the property, and replace a barbed wire fence along Knickerbocker to secure the site.



EXIT BEAUTIFICATION

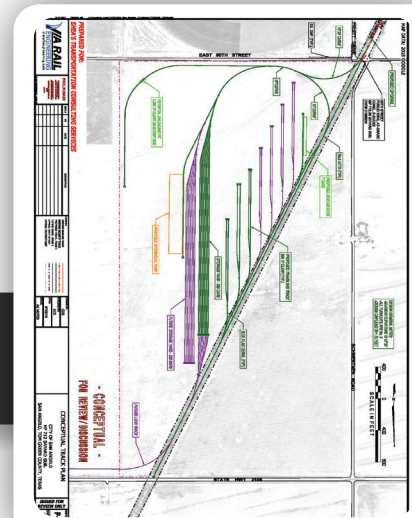
During 2019, a 180-acre tract was purchased for the development of the San Angelo Rail Port. At the same time Michael Looney, Vice President of Economic Development of the San Angelo Chamber of Commerce, and COSADC Rail Consultant, Rodger Horton, identified potential local users of the facility, and investigated the opportunities and impacts that will be created by the emerging freight corridor made possible by the re-opening of the South Orient rail bridge between Presidio, Texas and Ojinaga, Mexico. In-depth meetings were held to discuss the emerging freight corridor with numerous corridor partners, to scope the project, and with potential operators of the San Angelo Rail Port.

South Orient Rail Line



San Angelo Rail Port 180-Acre Site

San Angelo Rail Port Concept Drawing





PORTS TO PLAINS

The COSADC staff continued to be directly involved in the I-27 Ports-to-Plains activity with the Director serving, alongside of Segment 2 Chairman Mayor Brenda Gunter, on the Planning Committee as directed by House Bill 1079 that requires TxDOT to conduct a feasibility study of the I-27 corridor in Texas. The Director also participated in the Ports-to-Plains Annual Conference and Board of Directors Meeting in Williston, North Dakota.

The Director participated in the I-14 Gulf Coast Strategic Highway Coalition and Transportation Advocates of Texas efforts. I-14 will eventually intersect with I-27 in San Angelo. Both of these efforts will provide greater economic development opportunities by providing enhanced transportation for the food, fuel, and fiber produced in San Angelo and our sur-

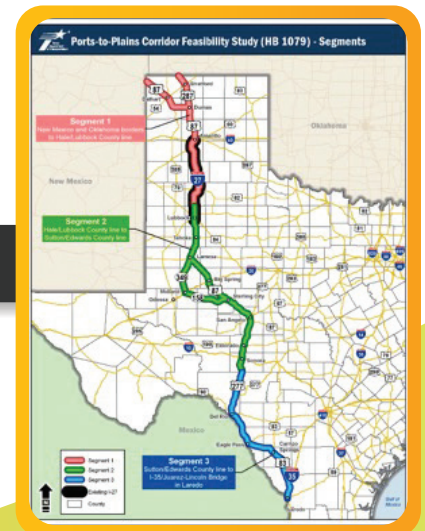
rounding region. San Angelo is the largest city in Texas without an Interstate Highway so both the I-14 and I-27 efforts are critical to our economic future.

The Director also participated on the Steering Committee of the Permian Basin Regional Freight / Energy Sector Transportation Plan since San Angelo serves as the gateway to the Permian Basin. One of the main benefits to San Angelo is that it made some of the participants aware of our strategic position in providing goods and services, and that San Angelo provides opportunities for companies to locate in San Angelo rather than the overly congested Permian Basin.



I-27 Corridor

I-27 Corridor in Texas



I-14 Gulf Coast Strategic Highway System



SAN ANGELO RESINTEL HOUSING STUDY 2019



A project that is of significant importance to San Angelo is the Comprehensive Housing Study that was funded by COSADC and conducted by Community Development Strategies (CDS) in 2019. CDS Market Research (CDS) was hired by the City of San Angelo to complete a housing study to determine the current state of the housing market with regard to existing and new single-family and multifamily market rate housing in the City of San Angelo. This data was collected from May to July 2019. The study not only provided detailed data about the supply and demand for housing, but also included valuable economic and demographic data. Several single family and multi-family housing projects have been planned or are in progress as a result of the study.

https://www.cdsmr.com/uploads/6/5/4/7/65475949/san_angelo_resintel_2019.pdf

SARMA

COSADC and the San Angelo Chamber of Commerce Economic Development Department continued to solidify our partnership, working seamlessly toward our economic development objectives. During the year we were able to approve additional funding to the Chamber, starting in 2020, to broaden their mission and to support joint efforts such as the San Angelo Regional Manufacturers' Alliance (SARMA) that also functions as a Business Retention and Expansion tool. The San Angelo Chamber is primarily our contractor to provide business recruitment and marketing functions, but works closely with COSADC on all aspects of economic development



CVWDB

COSADC continued its partnership with the Concho Valley Workforce Development Board (CVWDB) to support the ACT Work Ready Communities Program, the Military Workforce Empowerment Program, and to extend a matching grant of \$167,000 to Howard College for its Construction Trades program.





The COSADC staff participated in meetings that lead to the adoption of the Texas PACE Program by Tom Green County. Property Assessed Clean Energy (TX-PACE) is a proven financial tool that incentivizes Texas' property owners to upgrade facility infrastructure with little or no capital outlay. Approved by State legislation and established by local governments, TX-PACE programs enable owners to lower their operating costs and use the savings to pay for eligible water conservation, energy efficiency, resiliency, and distributed generation projects. Owners gain access to private, affordable, long-term (typically 10-20 years) financing that is not available through traditional funding avenues.

COSADC coordinated with Downtown San Angelo to fund an employee to assist them with their programs.

AmeriCorps VISTA Member: Ysabela "Bela" Kesey

Bela joined the Downtown San Angelo, Inc. team in July 2019, beginning her year long placement with the organization. As a VISTA member, Bela will spend time establishing means for grant research and funding, as well as community outreach and development to strengthen downtown's economic foundation.

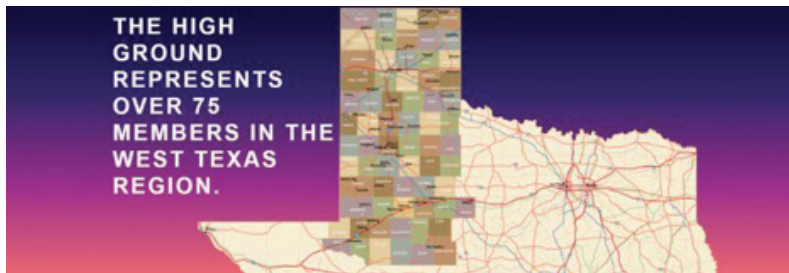


Currently a senior at Angelo State University, she is expected to graduate in December 2019 with a Bachelor of Arts in Political Science degree with a minor in English. As a student, her time has been dedicated to studies and student organizations on campus. Recognized as a member of Sigma Tau Delta, the English honor society, and Kappa Kappa Psi, the honorary music & service organization, Bela has spent time volunteering for local school bands and regional UIL music events, and most importantly serving the college bands at ASU. Once her placement concludes in July of 2020, she hopes to attend graduate school for a Masters degree in Sociology at a North Texas college closer to her family. With her education and experience gained from working with Downtown San Angelo, Inc., Bela will pursue a career in nonprofit management and grant writing.

HIGH GROUND OF TEXAS & TEXAS MIDWEST COMMUNITY NETWORK ANNUAL MEETINGS

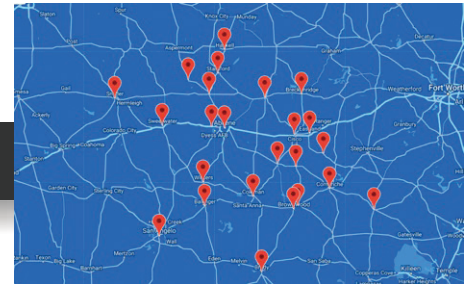


COSADC hosted both The High Ground of Texas and Texas Midwest Community Network Annual Meetings in San Angelo. The Director serves on the Board of Directors for both organizations. The High Ground of Texas is a marketing coalition made up of over 75 members with economic development interests in the region. Developed in 1988, the High Ground represents cities, counties and organizations in the West Texas region. The main purpose of the High Ground is to create jobs and increase the tax base of the region. We continue to have a strong presence on the regional, state, and national level with an emphasis on marketing the region to prospective new industries, networking, economic development, education, and providing a common voice on issues that affect the region. The organization is membership-based and is supported by a 15 person board. The board is made up of Foundation Members, COG representatives and eight at-large members from around the region.



Map of The High Ground of Texas Region

Map of the TMCN Region



The mission of Texas Midwest Community Network (TMCN) is to promote a regional approach providing the resources and awareness for its members to achieve economic and community growth.

The purpose and goals of TMCN is to identify, develop, and encourage leadership in the region, enhance regional communications and share information, address mutual community challenges, network on ideas and projects, develop regional marketing strategies, strengthen regional participation on statewide concerns, and establish ways to work together and combine resources for the betterment of the region.

TMCN consists of regional member communities including any corporations, businesses, or associations who are interested in the development of programs and projects for the advancement of the Texas Midwest region. The region is defined as a core of West Central Texas counties which are contiguous to each other beginning with the founding county of Taylor. Currently community members are located within thirty-three contiguous counties. Types of members include 1) Community Members represented by an individual appointed by the community to serve as the official local liaison and community delegate, and 2) Partners in the region representing corporations, businesses, associations, or individuals that support TMCN through an annual investment. Abilene and San Angelo serve as Hub Cities and work in partnership with TMCN to leverage their influence and resources to encourage community and economic growth in smaller communities across the region.

TMCN is governed by a Board of Directors comprised of 6 community representatives, two hub city representative, three at-large business partners and the TMCN Past President. The Board is responsible for selecting the Executive Director, establishing the meeting schedule for the year, and meeting annually to review TMCN goals with a defined Plan of Action for the upcoming year.



BUSINESS RETENTION & EXPANSION

Outcomes:

- 208 new and indirect jobs created
- 29 direct and indirect jobs retained
- \$33.45 million in annual economic output
- \$7 million in capital investments

Economic Development staff met with 43 companies to explain the BREP program which resulted in 7 executed economic development performance agreements with incentives ranging from \$20,000 to \$260,000



Principal LED

At the beginning of 2019, Principal LED, who manufactures LED lighting fixtures, expanded their operations by investing \$2.4M for the construction of an addition to their existing facility as well new furniture, fixtures and equipment. This investment has allowed Principal LED to move their component manufacturing from China to San Angelo. The incentive package totaled \$260,000 to include a \$100,000 capital investment grant and up to \$2,500 per FTE created for up to 64 FTE's

BUSINESS RETENTION & EXPANSION



Carter Fentress Engineering

In the first quarter of 2019, Carter-Fentress, who provides civil engineering and project management services, began the expansion of their business by investing \$200,000 for the purchase of a new office building in downtown San Angelo. Adding to their growth, they will expend approximately \$83,800 in new furniture fixtures and equipment to assist with this purchase. COSADC approved an incentive package of \$20,000 which includes a one-time capital investment grant of \$16,000 and \$1,000 per FTE for up to 4 FTE's.

J's Deer & Wild Game Processing

In Q2 of 2019, J's Processing decided to expand within the wild game processing industry and diversify their current operations to include a "ready to eat" meat facility that includes sausage, brisket and beef jerky. They plan on expending up to \$455,000 for the construction of a new facility as well as new, top of the line equipment. J's incentive package includes a one-time capital investment grant of \$35,000 as well as \$1,000 per new FTE created for up to 15 FTE's for total incentives worth \$50,000.



SMC Global

2019 was a big year for SMC Global, who is a leading chemical supplier, as they acquired their 3rd facility in San Angelo which had previously been vacant for over 30 years, in order accommodate their ever-growing needs. This location primarily serves as a storage facility and will result in housing approximately \$3.3M in business, personal property and inventory. SMC Global's incentive package includes a \$200,000 total tax rebate to be awarded over the course of 5 years.





BUSINESS RETENTION & EXPANSION



West TX Steel

West TX Steel has been in operation in San Angelo since 1983. They manufacture and offer steel products to the oilfield, pipeline, construction and farm and ranch industries. Because of continued growth and demand, in Q3 of 2019, they decided to expand their operations by investing \$750,000 for the construction of a new building. COSADC approved an incentive package in the amount of \$59,000 to include a one-time capital investment grant of \$50,000 and \$3,000 per FTE for up to 3 FTE's.



Ener-Tel

Ener-Tel specializes in the service and installation of security systems for both commercial and residential customers. In the beginning of the 3rd Quarter of 2019, they decided to diversify their services by entering into the fire sprinkler installation business.

To accommodate this expansion, they invested \$2.5M for the construction of a new building to house their fire sprinkler system business. An incentive package in the amount of \$25,000 was approved for \$5,000 per FTE for the creation of up to 5 new FTE's.

Double Barrel, Inc

Double Barrel specializes in the fabrication of hunting and outdoor products as well as metal fencing, gates and carports. At the end of Q3, and in order to remain competitive with increasing demand, Double Barrel purchased land in order to construct a new 7,500 sq. ft. building. They invested \$750,000 for the land purchase and building construction and COSADC approved an incentive package in the amount of \$70,000; \$50,000 for a one-time capital investment grant and \$1,000 per FTE for up to 20 FTE's.





THE BUSINESS FACTORY

The Business Factory began in 2003. It was designed for small business and entrepreneurs in San Angelo and the Concho Valley area. Whether they are a high-tech company or a small one owner operation looking for workspace our clients enjoy the networking benefits and atmosphere of a professional environment.

All office suites are equipped with a desk, office chair, bookshelf, Wi-Fi access, and colored copier. Plus, as an incubator client they also have training provided by ASU Small Business Development Center, access to common/shared break room, janitorial services, all utilities are provided, the use of 3 conferences rooms, and they have a peace of mind knowing that the building has security. Why do we provide so many services? We provide these services so that our clients can focus on creating their business and jobs for our community.

Over the last 15 years, the Business Factory has assisted over 35 businesses, creating a total of 549 jobs within our community and successfully graduating 11 of those companies. The Business Factory has helped make dreams become reality.

2019:

- Three tenants in Business Factory
- 105 total companies since inception
- Employees: 18 full time and 7 part time
- Return of investment
(cumulative since inception):
Total Gross Sales: \$1,488,362
Total Gross Payroll: \$1,348,708
- Graduation: OdomRD, LLC
- Total of 566 jobs with our community

2019 BUSINESS PLAN COMPETITION



SAN ANGELO
**Business
PLAN**
competition



First Place Winner - J Bar Meats, LLC. – \$40,000 cash prize startup specializes in smoked meats, specialty items and aged prime steaks. The new plant will begin processing in 2020.



Second Place Winner - Ranch Road Boots – \$20,000 cash prize manufactures hand crafted fine leather boots rooted in classic style with life-lasting quality.



Third Place Winner - Old Central Firehouse Pizzeria & Taproom – \$10,000 cash prize will be a unique one of a kind pizzeria and taproom setting themselves apart from traditional eateries in the San Angelo area.



INFRASTRUCTURE & CAPITAL IMPROVEMENT PROJECTS

- 11 total TIRZ Agreements were executed for a total projected capital investment of \$2.7 million
- 5 TIRZ Agreements in the North Zone for a capital investment of \$1.7 million
- 6 TIRZ Agreements in the South Zone for a capital investment of \$1 million

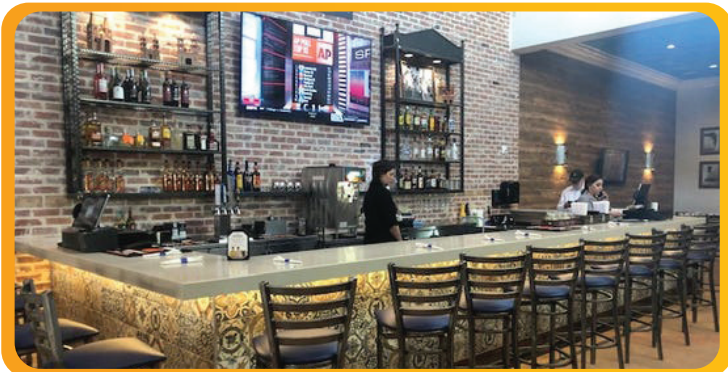
SOUTH



6 E. Concho
(JP Brookeson Properties)



8 E. Concho
(JP Brookeson Properties)



101 S. Chadbourne
(Fuente's Café Downtown)



200 S. Magdalen
(Old Central Firehouse Bed & Brew)

INFRASTRUCTURE & CAPITAL IMPROVEMENT PROJECTS

SOUTH

123 N. Chadbourne (Buffalo Soldier Art Gallery)

(SOUTH - IN PROGRESS)



305 W. Twohig (Dean & Linebarger)

(SOUTH - IN PROGRESS)



NORTH

1715 N. Chadbourne (JKLS Properties)

(NORTH - IN PROGRESS)



1816 N. Bryant (The Gentleman)

(NORTH - IN PROGRESS)



1822 N. Bryant (Senor Changs)

(NORTH - IN PROGRESS)



2020 N. Bryant (Icon Cinema)

(NORTH - IN PROGRESS)



2934 N. Chadbourne (Dollar General)

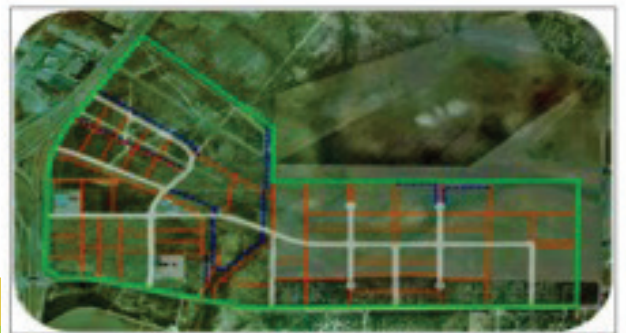
(NORTH - IN PROGRESS)



CAPITAL IMPROVEMENTS

Business & Industrial Park

Strategically located on the Ports to Plains Corridor and the future I-27 north-south interstate, the almost 740 acre master planned San Angelo Business & Industrial Park is centrally located between I-10 and I-20. The park has convenient access to US 277/US 67, a four lane divided highway and near US 87 is a 4 lane divided and non-controlled highway. "Industrial park earns Super Park Certification."



Address:	City Loop 306 and Houston Hart Expressway
City:	San Angelo
State:	TX
County:	Tom Green
Acres:	746.7
Sale Price:	Negotiable
Lease Rate:	Negotiable
Last Updated:	Dec 27, 2019

Industrial Park Phase 1

- 16 Acres Under Contract - \$416,000
- 7 Acres Under Option Contract - \$175,000

Industrial Park Phase 2.1

- Bid Opening December 13, 2019
- Low Bid - \$1,131,492
- Accepted by COSADC December 30, 2019

Industrial Park Phase 2.2

- Bid Opening December 13, 2019
- Low Bid - \$2,223,191
- Accepted by COSADC December 30, 2019



San Angelo Rail Port

- Purchased 180.452 Acres at a cost of \$541,813.60 including closing costs
- Staff are working with consultants to develop potential user list, site layout and management approach

Airport Master Plan

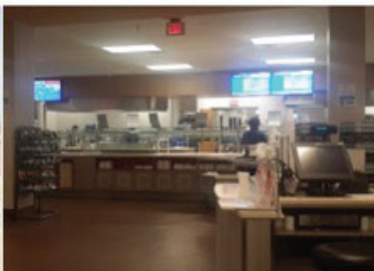
- Consultant Centurion Planning & Design has completed the following:
 - Opportunities Assessment
 - Stakeholder Meetings
 - Market Research
 - Economic Analysis
 - Demand Assessment
 - Aviation Related Industry Research
 - Conceptual Site Plan
- **Airport Gateway Improvement Project**
 - City Lake Maintenance staff have completed clearing of approximately 14 acres of brush across highway from airport entrance
 - Approximately 4,000 Linear Feet of fence requires replacement

Chadbourne Streetscape Project

- \$3,750,000 total project (\$750,000 per year for 5 years)
- Final Phase A Plans due end of January 2020
- Notice to Proceed issued for Phase B Plans

Goodfellow Air Force Base

- Grant of \$1.5M for the expansion of the Cressman Dining Facility



TARGETED MARKETING

SAN ANGELO Chamber of Commerce Economic Development

2019 Activity and Accomplishments Report



San Angelo area manufacturers, Chamber of Commerce and Angelo State Engineering representatives at Wendland Manufacturing

The San Angelo Chamber of Commerce Economic Development Division (EDD) marked 2019 as a year of continued industrial and economic development successes that benefit the community of San Angelo and Tom Green County with increased job growth,

increased property investment, career advancement opportunities for the people of San Angelo and increased diversification of our economic ecosystem.

The San Angelo Chamber EDD works in concert with the City of San Angelo Development Corporation (COSADC) staff and board leadership, the Tom Green County commissioners court and regional corporate industrial leaders to promote industrial development, the creation of high-quality jobs, high-level capital investment and enhanced infrastructure that supports industry in San Angelo. 2019 has been a positive year for economic industrial development in San Angelo, with an estimated \$216,000,000 in capital investment and economic yield from the Chamber-delivered projects to the community

Targeted Industry Marketing - The Chamber EDD targets industry sectors that can flourish in the Concho Valley, creating a durable platform for many years of future growth. The Chamber EDD has set the stage for continued diversified industrial growth into 2020 with the recruitment of companies within sustainable growth industries such as industrial chemicals, pipeline services and development, agricultural commodities, heavy-haul transportation via truck and rail and development of the South Orient/TXPF Rail Line.

2019 Industrial Investment Achievements:

- **SMC Global Corporation** - International chemical manufacturer was recruited to San Angelo in 2018 and expanded again in 2019. As of December 2019 the company has 17 full-time San Angelo employees and has generated an estimated \$5.7 million in annual economic impact with \$3.8 million in gross annual product yield. SMC currently has over 130,000 sf of industrial real estate in the San Angelo city limits and is continuing to grow its markets in the southwest United States.



- **Allen's Transportation, LLC** - Edmonton, AB-based pipeline support and industrial chemicals transportation company. Announced the purchase of 12 acres in the San Angelo Business & Industrial Park for the construction of a 25,000 sf facility and terminal, creating 10 new careers in San Angelo. This recruit transaction has significant future growth potential as

Allen's is first in class with the transportation of specialty materials for the pipeline industry and will produce a yield of \$2.7 million annual economic output at full operation in their first year alone.



- **Recurrent Energy/Duke Energy Rambler Development** - 200 MWac utility-scale photovoltaic energy power plant in Tom Green County. This is the first utility-scale solar power plant in Tom Green county, will provide two full-time jobs, and will produce a strong tax yield to the county and to Water Valley ISD, and a capital investment in Tom Green County of approximately \$180 million. The San Angelo Chamber of Commerce worked with Recurrent's Austin, Portland and San Francisco teams since 2017 and assisted with promotion of the 313 and 312 agreements.

TARGETED MARKETING



- **Hardin Creek 27** – A unique urban cottage multi-family community on south Houston Harte Expressway consisting of 250-units with higher-end finishes, materials and design. This will be a valuable asset to the community and will provide critically needed housing options for those seeking rental living but not in a traditional apartment community. This community will help alleviate the 96%-97% occupancy rates in the San Angelo multifamily rental market which will greatly assist in the retention, growth and recruitment of new industry to San Angelo.

- **Rail Port San Angelo** – COSADC purchased the 183-acre parcel of land on the South Orient/TXPF rail line in September 2019, for the development of a multi-commodity rail port to support regional commodities production, industrial products importation (steel, fertilizers, aggregates, pipe, grains, seed oils) and efficient access to the global marketplace. This port will be a major economic generator for San Angelo and for the United States, as it will create a full-service multi-commodity rail port on the Texas Pacifico/Eastern Orient line serving San Angelo agriculture and industrial operations.

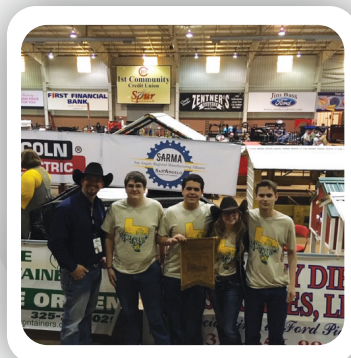
Education and Industry Training

- The Chamber EDD Board promotes the ongoing work and proven market results of the San Angelo Regional Manufacturers Alliance program. This program serves as a platform for the development of industrial education and certification, along with development relationships with San Angelo industrial companies and the Angelo State University David L. Hirschfeld Department of Engineering.



- **Texas Manufacturing Assistance Center (TMAC)** - TMAC-Chamber of Commerce hosted the first of a series of accredited industrial certification training courses in 2019. Twelve students were selected from 41 applicants to attend this week-long course. The Chamber, Ethicon and TMAC will host more Industry Training courses in San Angelo in 2020. These are the same international certification courses taught at major industrial companies around the world.

- **SARMA Scholarship** to the San Angelo Rodeo Agricultural Mechanical competition students through private industry contributions.



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: January 21, 2020

Item type: Regular Item

Caption:

Update on the repair of the culverts under Ave. R (Presentation made by Operations Director Shane Kelton)

Summary/History:

The culverts crossing under W. Avenue R were damaged during the repair of a water line that ran under the concrete structure.

City staff contracted with Freese and Nichols to assess the structure, engineer its repair, and develop specifications for bid documents. The repair went to bid October 24, 2019 and was awarded to FurtraVest Construction by Council on November 12, 2019.

Repairs of the culverts began January 9th and are expected to take 90 days to complete construction of the new culvert structure. Once finished, the Street and Bridge Division will repair the roadway over the crossing and complete the project.

Financial Impact:

Contracted cost of repair is \$99,000.

Other Information/Recommendation:

This report is only an update on the project.

Attachments:

Presentation:

Approvals/Reviews:

Patrick Frerich	Created/Initiated
Shane Kelton	Approved
Theresa James	Approved
Nolan Sosa	Approved
Tina Dierschke	Approved
Theresa James	Approved
Julia Antilley	Final Approval

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Shelly Paschal, Planner, Planning and Development Services, 325-657-4210

Meeting Date: January 21, 2020

Item type: Regular Item

Caption:

First reading and public hearing of an ordinance approving Z19-17, a rezoning from the Light Manufacturing zoning district to the General Commercial zoning district, being 2.87 acres located at 801 Rust St. and an unaddressed lot directly north across E. Ave. D (Presentation made by Planning & Development Services Director Jon James)

Summary/History:

A request for a rezoning from the Light Manufacturing (ML) zoning district to the General Commercial (CG) zoning district, located at 801 Rust Street and an unaddressed lot directly north across East Avenue D. The property owner is proposing to expand the parking lot for Rust Street Ministries. The proposed rezoning will allow this proposed use.

Financial Impact:

N/A

Other Information/Recommendation:

On December 16, 2019, the Planning Commission recommended APPROVAL of the rezoning by a 6-0 vote.

Attachments:

- | | |
|-------------------|-----------------------|
| 1. Ordinance (RZ) | Z19-17_Ordinance.docx |
| 2. Report (RZ) | Z19-17_CC_report.docx |

Presentation:

Jon James

Approvals/Reviews:

Shelly Paschal	Created/Initiated
Hillary Bueker	Approved
Jon James	Approved
Brandon Dyson	Approved
Jon James	Approved
Theresa James	Approved
Julia Antilley	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: **LOCATED AT 803 RUST STREET AND AN UNADDRESSED LOT DIRECTLY NORTH OF EAST AVENUE D, GENERALLY LOCATED AT THE NORTHWEST AND SOUTHWEST OF THE INTERSECTION OF EAST AVENUE D AND RUST STREET, SAN ANGELO, TEXAS,** FROM LIGHT MANUFACTURING (ML) ZONING DISTRICT TO THE GENERAL COMMERCIAL (CG) ZONING DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Z19-17: Rust Street Ministries

WHEREAS, on the 16th day of December, 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 General Commercial (CG) Zoning District; and,

WHEREAS, on the 21st day of January, 2020, City Council held a public hearing on Z19-17, pursuant to published notice, and has considered the application, comments, reports and recommendations of the Planning Commission and staff, public testimony, and other relevant support materials;

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

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

The real property generally located at 803 Rust Street and an unaddressed lot directly north of East Avenue D, specifically being 2.87 acres being E210' of N421.9' of Block 84, and Lot 6-8 & S44' of Lot 9, Block 66, Fort Concho Addition, 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 on the **21st day of January, 2020**, and finally PASSED, APPROVED AND ADOPTED on this the **4th day of February, 2020**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

ATTEST:

APPROVED AS TO FORM:

Julia Antilley, City Clerk

Theresa James, City Attorney

Exhibit A (CG Boundary Map)

The map displays a residential area with lots numbered 1 through 56. Two lots are highlighted with red borders and diagonal hatching: lot 9 (a small rectangular lot) and lot 84 (a larger rectangular lot). The map shows a grid of streets including Avenue D, Avenue G, Washington, Metcalfe, Burgess, Rust, Powell, Highland, and Paint Rock. A small inset map in the bottom right corner shows the location of the main map area within a larger neighborhood, with a red star marking the location of the highlighted lots.

801 Rust Street & Lots 6-8 & 544' of Lot 9, Block 66, Fort Concho Addition



CITY COUNCIL – January 21 & February 4, 2020

STAFF REPORT



APPLICATION TYPE:		CASES:	
Rezoning		Z19-17: Rust Street Ministries	
SYNOPSIS:			
A request for a rezoning from the Light Manufacturing (ML) zoning district to the General Commercial (CG) zoning district, located at 801 Rust Street and an unaddressed lot directly north across East Avenue D. The property owner is proposing to expand the parking lot for Rust Street Ministries. The proposed rezoning will allow this proposed use.			
LOCATION:		LEGAL DESCRIPTION:	
803 Rust Street and an unaddressed lot directly north of East Avenue D.		Being E210' of N421.9' of Block 84, and Lot 6-8 & S44' of Lot 9, Block 66, Fort Concho Addition, San Angelo, Tom Green County, Texas.	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #3 – Harry Thomas Neighborhood – Fort Concho	ML – Light Manufacturing	Commercial	2.87 acres
THOROUGHFARE PLAN:			
Rust Street – Local Street, 50' ROW required (80' existing), 40' or 36' with a 4' sidewalk pavement required (36' provided) East Avenue D – Local Street, 50' ROW required (80' existing), 40' or 36' with a 4' sidewalk pavement required (36' provided)			
NOTIFICATIONS:			
17 notifications were mailed within a 200-foot radius on November 25, 2019. 1 letter received in favor; 0 letters received in opposition.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of a rezoning from the Light Manufacturing (ML) zoning district to the General Commercial (CG) zoning district.			
PROPERTY OWNER/PETITIONER:			
Rust Street Ministries			
STAFF CONTACT:			
Shelly Paschal Planner (325) 657-4210, Extension 1533 shelly.paschal@cosatx.us			

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

1. **Compatible with Plans and Policies.** *Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.* The current future land use is designated as “commercial” which seeks to promote “single-use centers consisting of large retail and office clusters that seek visibility and convenient access offered by frontage on the major street network. The uses within this area often draw from the larger regional area.” Section 304 of the Zoning Ordinance states that the intent of the General Commercial zoning district is to “provide opportunities for development of commercial establishments of higher intensity, with larger trade area, floor area and traffic generation than Neighborhood Commercial uses.” The rezoning will be in keeping with the approved future land use and allow the continuation of the surrounding commercial development along Rust Street.
2. **Consistent with Zoning Ordinance.** *Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.* The existing use of Rust Street Ministries is allowed within a ML zoning district with an approval of a conditional use. The existing use shall be considered a lawful conditional use, since the use was occupying the building before the effective date of the Zoning Ordinance, on January 4, 2000. However, the use as a community service is allowed by-right in a General Commercial (CG) zoning district. Therefore, extending the parking lot into the vacant lot to the north would require a zone change. Any future use will be required to meet all applicable zoning ordinance requirements.
3. **Compatible with Surrounding Area.** *Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.* The property is located within an area that is comprised of mixed uses of heavier commercial, general commercial and residential along both Rust Street and East Avenue D. The subject tracts of land fits in with the existing commercial development pattern, and would allow for the expansion of an existing business.
4. **Changed Conditions.** *Whether and the extent to which there are changed conditions that require an amendment.* The existing use of Rust Street Ministries is allowed within a ML zoning district with an approval of a conditional use. The current business would like to expand in the future and provide more parking availability for staff, volunteers and beneficiaries of Rust Street Ministries. Since the light manufacturing development never developed on this property, the rezoning would make use of the land in a manner consistent with the adopted future land use and existing adjacent mixed use development in the area.
5. **Effect on Natural Environment.** *Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.* The rezoning is anticipated to have little to no

adverse impact on the natural environment. There may be minor air and noise pollution as any new improvements are built, but then there should be no impacts of either air or noise pollution for this immediate surrounding area.

6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.* Allowing this site to rezone to general commercial would allow an existing business to expand their parking lot to continue to serve the community, rather than allowing a continuance of a zoning designation that could not been effectively utilized in the past.
7. **Development Patterns.** *Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.* The existing development pattern in this area along Rust Street is mixed with commercial and residential, approving the rezoning will allow the parcels to keep in continuity with the adjoining development in the area.

Planning Commission Recommendation:

On December 16, 2019, the Planning Commission recommended APPROVAL of a Rezoning from the Light Manufacturing (ML) Zoning District to the General Commercial (CG) Zoning District on the subject property. The following is the complete excerpt of the draft minutes from the December 16, 2019, meeting for this case:

Shelly Paschal, Planner, indicated that the applicant is proposing to rezone the property to allow an expansion of the community service. She outlined Staff's rationale to approve the rezoning on the grounds that the request is compatible with the Commercial designation in the Comprehensive Plan; that the proposed use will be consistent with the CG standards; and that the development will be consistent with the adjacent mixed use development.

Chair Stribling opened public comment.

Ed Huston, on board of Rust Street Ministries. Here to answer any questions the Commission might have. They operate on Rust Street and give food, clothes and household goods. 40-50 families a day. The Neighbors Kitchen serves free lunches to 125 people and young life at risk youth organization and young mom's organization. Fort Conchos neighbors. Have outgrown existing lot and are need more parking for volunteers and others. This parking lot would serve Fort Concho events also. Mr. Huston asked the Commission for approval for this request.

Chair Stribling closed public comment.

Commissioner Brooks made a Motion to recommend APPROVAL of a rezoning from the Light Manufacturing (ML) zoning district to the General Commercial (CG) zoning district, on the subject property. Commissioner Jackson seconded the motion. The Motion passed unanimously 6-0.

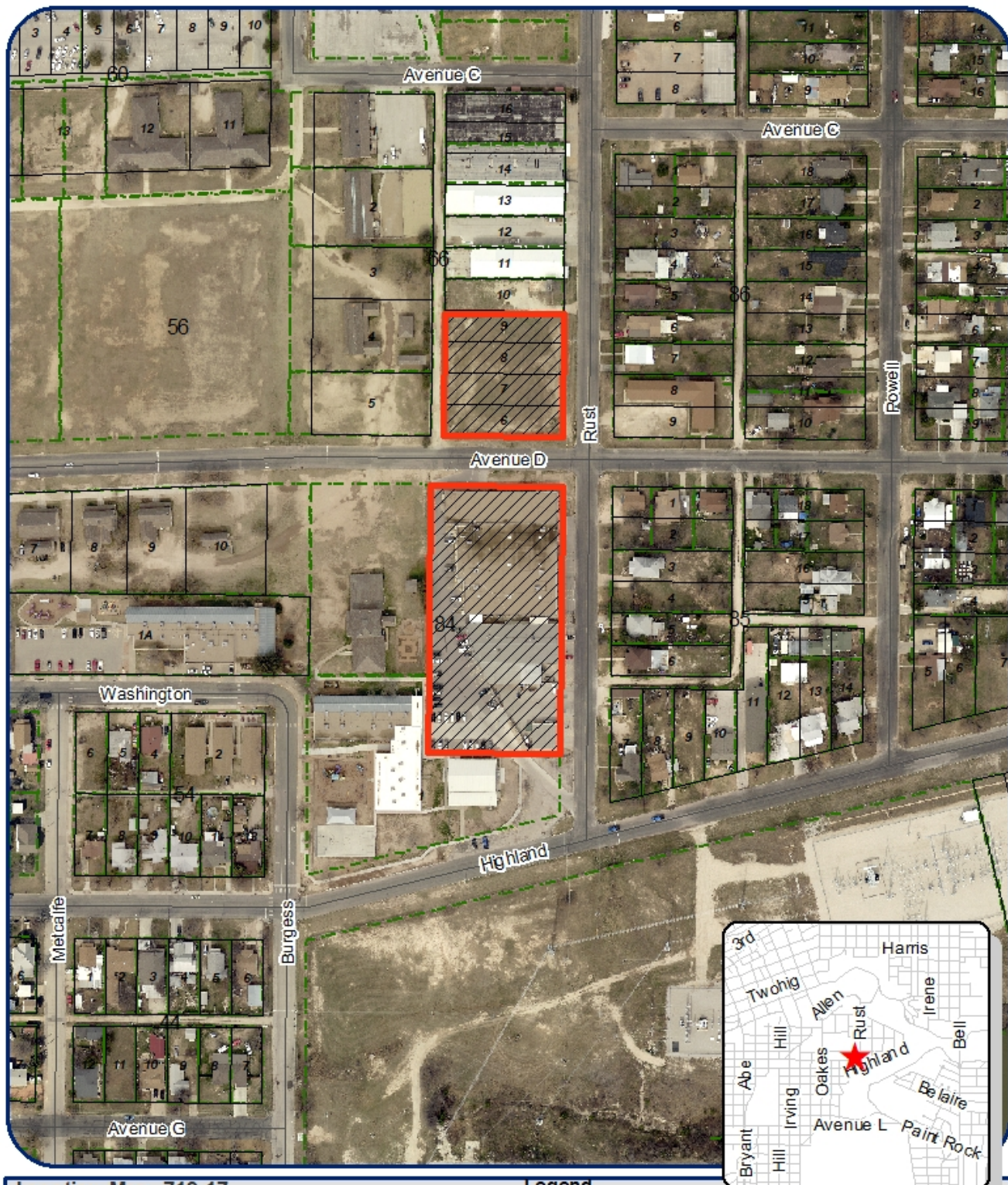
Recommendation:

Staff's recommendation is for the Planning Commission to Recommend **APPROVAL** of a rezoning from the Light Manufacturing (ML) zoning district to the General Commercial (CG) zoning district.

Attachments:

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

Letter

**Location Map Z19-17****Rust Street Ministries**

Council District 3 - Harry Thomas

Neighborhood: Fort Concho

Scale: 1" approx. = 200 ft

Legend

Subject Properties:

ML

Current Zoning:

CG

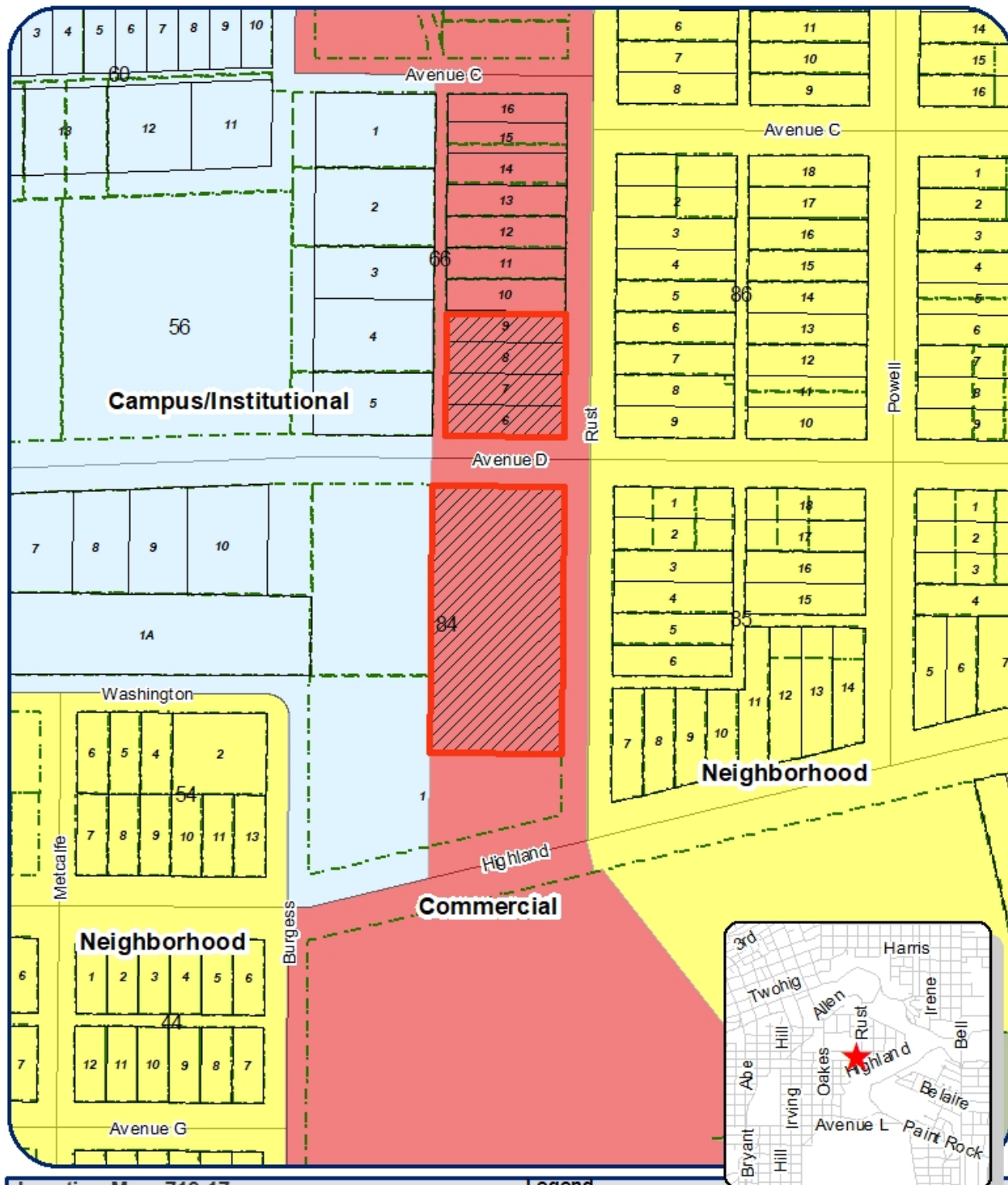
Requested Zoning Change:

Vision:

Commercial

801 Rust Street & Lots 6-8 & 544' of Lot 9, Block 66, Fort Concho Addition



**Location Map Z19-17****Rust Street Ministries**

Council District 3 - Harry Thomas

Neighborhood: Fort Concho

Scale: 1" approx. = 200 ft

Legend

Subject Properties:

ML

Current Zoning:

CG

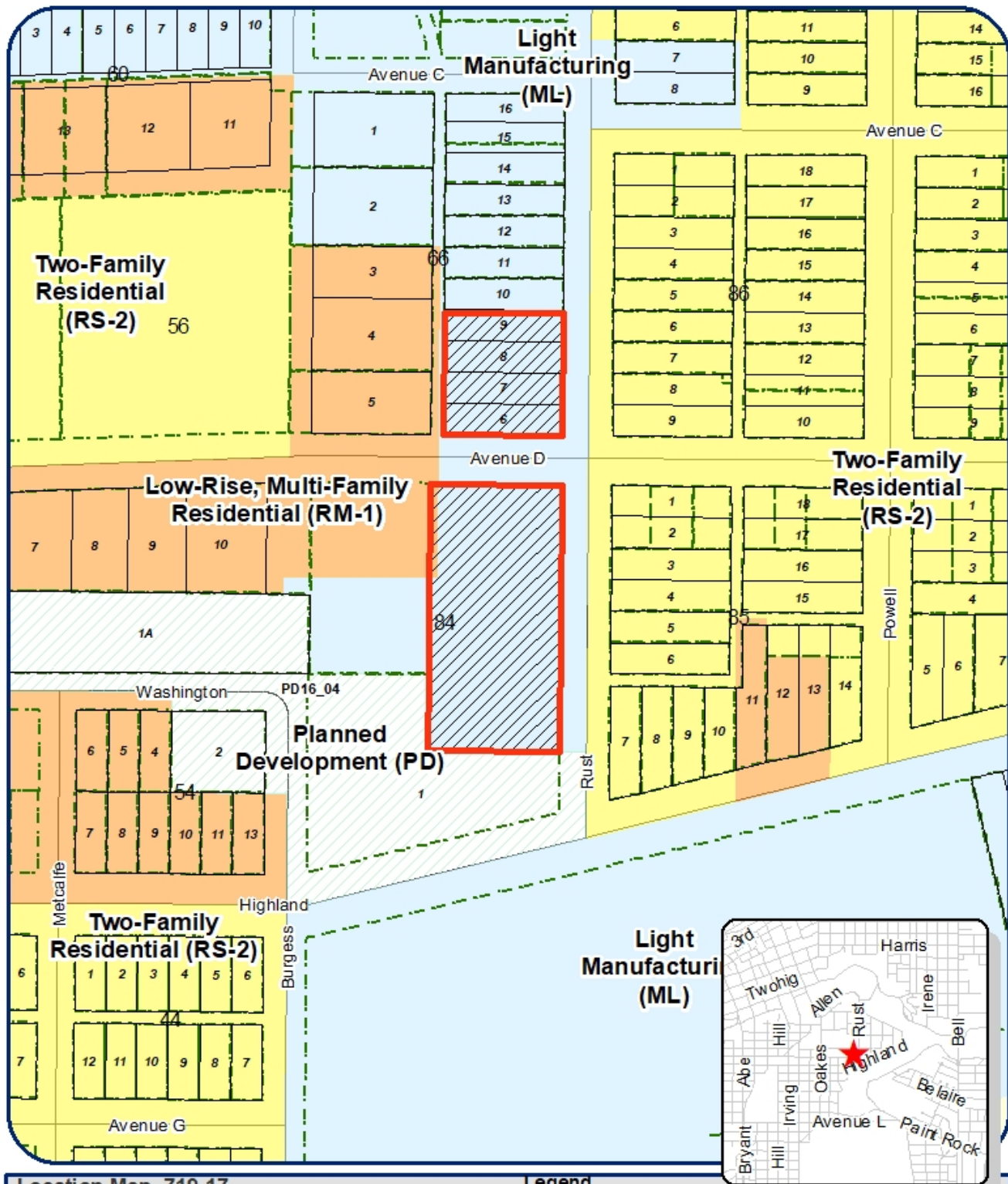
Requested Zoning Change:

Vision:

Commercial

801 Rust Street & Lots 6-8 & 544' of Lot 9, Block 66, Fort Concho Addition



**Location Map Z19-17****Rust Street Ministries**

Council District 3 - Harry Thomas

Neighborhood: Fort Concho

Scale: 1" approx. = 200 ft

Legend

Subject Properties:

Current Zoning:

Requested Zoning Change:

Vision:

ML

CG

Commercial

N



801 Rust Street & Lots 6-8 & 544' of Lot 9, Block 66, Fort Concho Addition



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): Rust Street Ministries

801, 819 ☐ Owner ☒ Representative (Notarized Affidavit Required)
803 Rust Street San Angelo TX 76903
Mailing Address City State Zip Code

Same as above

Contact Phone Number
325-234-6978Contact E-mail Address
je-huston@zipnet.us

Subject Property Address Unaddressed Lots and City State Zip Code
723 Rust Street and 801 Rust Street (adjacent properties) San Angelo TX 76903

Legal Description (can be found on property tax statement or at www.tomgreencad.com)

~~723 Rust Street~~ Acres: 0.846, Lot: 6 through 8 & 544' of Lot 9, Blk 66, Subd: Fort Concho Addition and 801 Rust Street - Acres: 2.020, Blk: 84, Subd: Fort Concho Addition, E210' of N421.9' of Blk 84

Existing Zoning: ML Proposed Zoning: CG Lot size: See legal description above(Zoning Map available on [City Maps](#))**Section 2: Site Specific Details** Unaddressed LotsExisting Use of Property: Property at 723 Rust Street - Vacant and not in use at this time.

Property at 801 Rust Street - Currently used for storage in support of benevolent activities of Rust Street Ministries.

*Proposed Use of Property: Property at 723 Rust Street - Parking lot for staff, volunteers and beneficiaries of Rust Street Ministries activities.

Property at 801 Rust Street - Storage, office spaces, and expanded assistance offered by Rust Street Ministries.

*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.

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.

Rust Street Ministries

Rust Street Ministries

Owner Name (Print)

Signature

Company/Organization (If Applicable)

Date

James E. Huston

James E. Huston

Rust Street Ministries

11-7-2019

Representative Name (Print)

Signature

Company/Organization

Date

FOR OFFICE USE ONLY:

☐ Verified Complete ☐ Verified Incomplete

Date of Application: **11 / 7 / 2019**

Case No.: Z **19 - 17**

Fully-dimensioned site plan: ☐ **N/A**

Nonrefundable fee: \$ **645.00**

Receipt #: **45849**

Date paid: **11 / 13 / 19**

Sign Deposit \$37.50

Receipt #:

Date paid:

Affidavit attached?

☒ Yes

☐ No

☐ N/A

Applicant's signature on information sheet?

☐ Yes

☐ No

Previous Zone Change Inquiry?

☐ Yes

☒ No

If yes, ZCI case no.: --

River Corridor Commission?

☐ Yes

☒ No

If yes, RCC meeting date: / /

Planning Commission hearing date: **12 / 16 / 2019**

Date notifications due: / /

City Council hearing date: **1 / 21 / 20**

Packets due date: / /

Publication date: / /

Reviewed/Accepted by: **J. Fisher**

Date: **11 / 7 / 2019**

Subject property



Vacant lot north of subject property



Church northeast of subject property

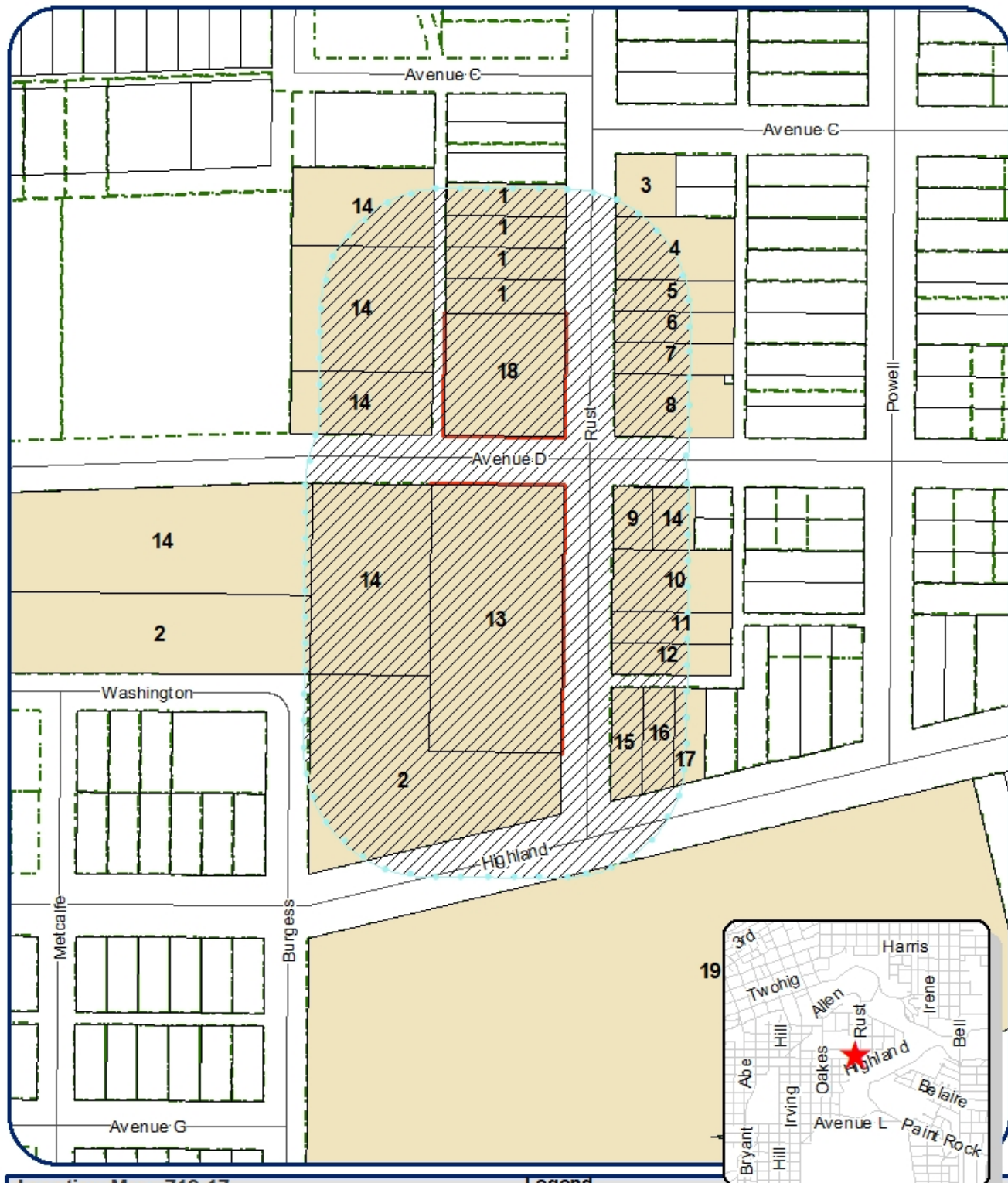


Residence east of the subject property



Staff Report – Z19-17: Rust Street Ministries

January 21 & February 4, 2020

**Location Map Z19-17****Rust Street Ministries**

Council District 3 - Harry Thomas

Neighborhood: Fort Concho

Scale: 1" approx. = 200 ft

Legend

Subject Properties:

Current Zoning:

Requested Zoning Change:

Vision:

ML

CG

Commerical

N



801 Rust Street & Lots 6-8 & 544' of Lot 9, Blcok 66, Fort Concho Addition

TO BE FORMALLY ON RECORD IN FAVOR OR AGAINST THIS REQUEST, YOU MAY ALSO FILL OUT THIS FORM, SIGN IT AND MAIL IT BACK TO THE PLANNING DIVISION AT 52 W COLLEGE STREET IN SAN ANGELO, TEXAS 76903.

() IN FAVOR

() IN OPPOSITION

REASON(S) _____

No opposition

NAME: _____ *JAISD*

ADDRESS: _____ *1621 University*

PHONE: _____ *947-3767*

SIGNATURE: _____ *EJB Bight, Asst Supt.*

Z19-17: Rust Street Ministries

Property owner number: 2

If you have any questions about these proceedings, please call Mrs. Shelly Paschal, Planner, with the City of San Angelo's Planning Division at telephone number 325-657-4210. The

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: January 21, 2020

Item type: Regular Item

Caption:

First reading and public hearing of an ordinance approving Z19-18, a rezoning from the General Commercial/Heavy Commercial zoning district to Neighborhood Commercial zoning district, being 1.307 acres located at 401, 405, 409 W. Ave. Y, 2815 Ben Ficklin Rd. and 410 W. Ave. Z (Presentation made by Planning & Development Services Director Jon James)

Summary/History:

A request for approval of a rezoning from the General Commercial/Heavy Commercial (CG/CH) District to the Neighborhood Commercial (CN) District on the subject property. The applicant, Max Jacobs, intends to construct residential structures on the two lots he owns (401 & 405 W. Ave. Y) and City Staff is recommending to rezone the remaining CG/CH properties in the same block for consistency with this rezoning request and to adhere to the Future Land Use Plan.

Financial Impact:

N/A

Other Information/Recommendation:

At their meeting on December 16, 2019, the Planning Commission voted to recommend APPROVAL of the rezoning by a vote of 4-2, with Commissioners Brooks and Jackson voting against.

Attachments:

- | | |
|----------------------|-------------------|
| 1. Ordinance (RZ) | Ordinance 3.docx |
| 2. Staff Report (RZ) | Staff Report.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

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: **LOCATED AT 401, 405, 409 WEST AVENUE Y, 2815 BEN FICKLIN ROAD AND 410 WEST AVENUE Z, GENERALLY LOCATED AT THE SOUTHWEST AND NORTHWEST OF THE INTERSECTIONS OF AVENUE Y AND BEN FICKLIN ROAD AND AVENUE Z AND BEN FICKLIN ROAD, SAN ANGELO, TEXAS,** FROM GENERAL COMMERCIAL/LIGHT COMMERCIAL (CG/CH) ZONING DISTRICT TO THE NEIGHBORHOOD COMMERCIAL (CN) ZONING DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Z19-18: JACOBS/COSA

WHEREAS, on the 16th day of December, 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 Neighborhood Commercial (CN) Zoning District; and,

WHEREAS, on the 21st day of January, 2020, City Council held a public hearing on Z19-18, 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 NEIGHBORHOOD COMMERCIAL (CN) Zoning District:

The real property generally located at 401, 405, 409 West Avenue Y, 2815 Ben Ficklin Road, and 410 West Avenue Z, specifically being 1.307 acres being Lots 1 & 2, 3 (less S 5 ft.), 26, 27, 28 Block 3, Monterrey Addition, 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 on the **21st day of January, 2020**, and finally PASSED, APPROVED AND ADOPTED on this the **4th day of February, 2020**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

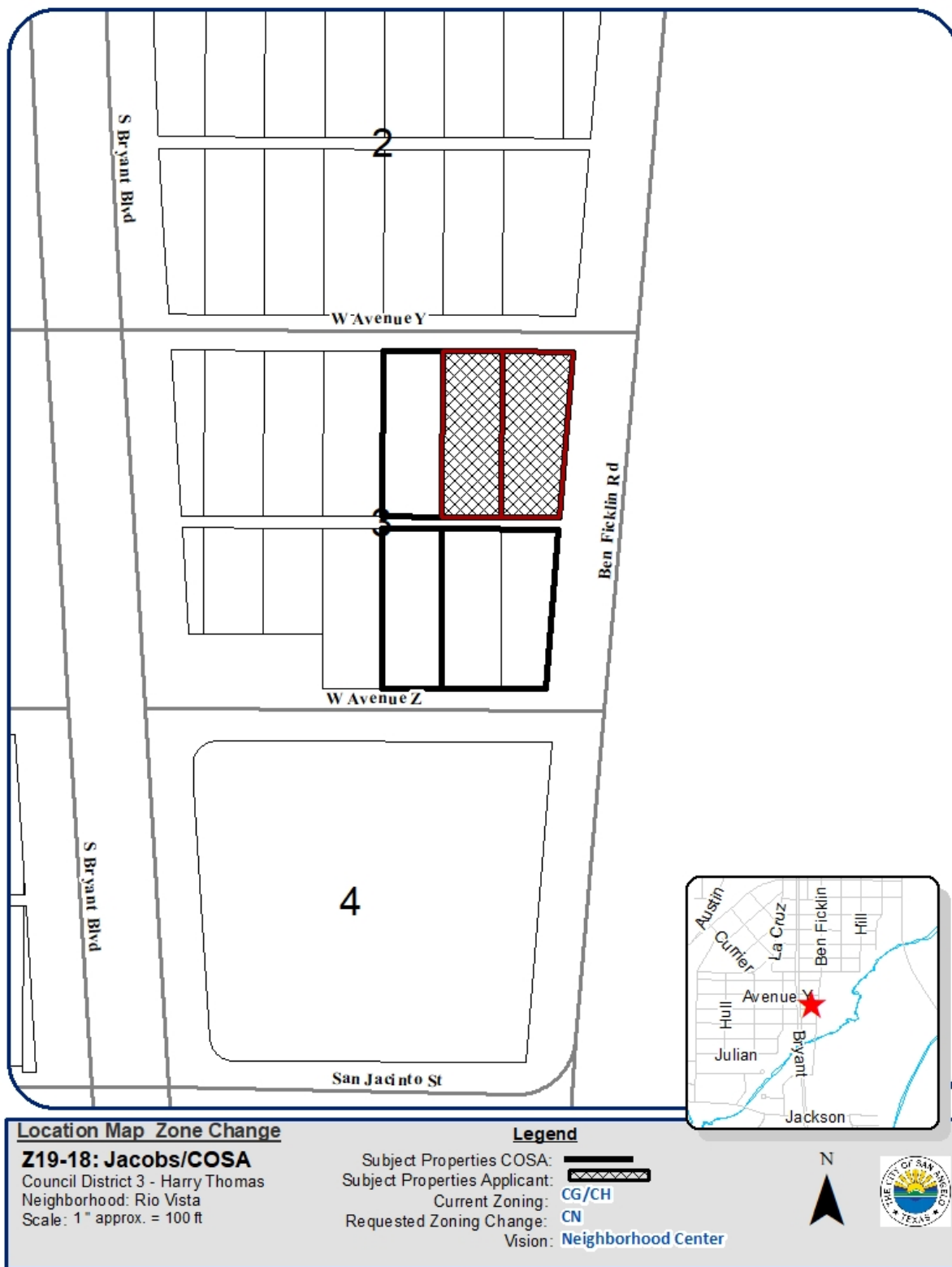
ATTEST:

APPROVED AS TO FORM:

Julia Antilley, City Clerk

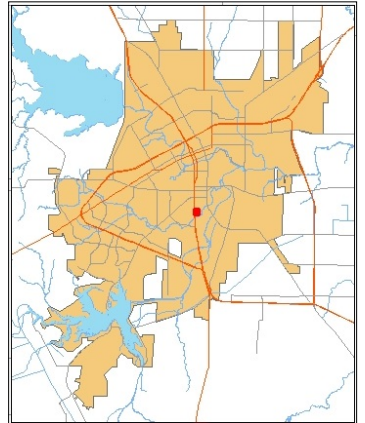
Theresa James, City Attorney

Exhibit A (CN Boundary Map)



CITY COUNCIL– January 21, 2020
STAFF REPORT



APPLICATION TYPE:		CASES:	
Rezoning		Z19-18: Jacobs/COSA	
SYNOPSIS:			
A request for approval of a rezoning from the General Commercial/Heavy Commercial (CG/CH) District to the Neighborhood Commercial (CN) District on the subject property. The applicant intends to construct residential structures on the two lots he owns (401 & 405 W. Ave. Y) and City Staff is recommending to rezone the remaining CG/CH properties around these lots for consistency with this rezoning and with the Future Land Use Plan.			
LOCATION:		LEGAL DESCRIPTION:	
401, 405, 409 West Avenue Y 2815 Ben Ficklin Road 410 West Avenue Z		Monterrey Addition: Block 3, Lots 1, 2 & 3 less the south 5 ft and Lots 26, 27 & 28.	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District 3 – Harry Thomas Rio Vista Neighborhood	General Commercial /Heavy Commercial (CG/CH)	Neighborhood Center	1.307acres
THOROUGHFARE PLAN:			
<u>Ben Ficklin Road</u> –Urban Local Street, Required 50' min. ROW (103' Existing), 40 min. pavement width (46' Existing). <u>West Avenue Y</u> –Urban Local Street, Required 50' min. ROW (30' Existing); Pavement 40 ft. required (26 ft. existing) <u>West Avenue Z</u> –Urban Local Street, Required 50' min. ROW (45' Existing); Pavement 40 ft. required (28 ft. existing)			
NOTIFICATIONS:			
32 notifications were mailed within a 200-foot radius on November 26, 2019 Zero response has been received in support or opposition. The SAISD indicated they had no problem.			
STAFF RECOMMENDATION:			
APPROVAL of a rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District to Neighborhood Commercial (CN) Zoning District			
PROPERTY OWNER/PETITIONER:			
Max Jacobs - owner COSA/Jacobs - applicants			
STAFF CONTACT:			
Sherry Bailey Principal Planner (325) 657-4210, Extension 1546 sherry.bailey@cosatx.us			

Additional Information: The applicant applied for a rezoning for the two lots that he owns (401 & 405 W. Ave Y). In meeting with Mr. Jacobs, staff realized that there were a number of lots with the same issues with inconsistent zoning. The City has joined with Mr. Jacobs in requesting the change of zoning for all of the lots clustered together across from the school.

The Future Land Use map for this area is Neighborhood Center, which is in keeping with the school, and allows for less intensive uses than the existing CG/CH would allow. The existing commercial business buildings across from the school are no longer being used. However, both of those buildings were food service uses which would be allowed in the proposed Neighborhood Commercial zoning district. The rest of the uses within this area are residential in nature. The thriving commercial use in this area is the new Dollar Tree building on the south side of W. Avenue Z which is not included in the rezoning request.

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 Comprehensive Plan is Neighborhood Center. Neighborhood Center is compatible with the uses allowed in Neighborhood Commercial. "The goal for the City should be to replace CG/CH zoning on commercial corridors with better specified zoning classifications that prohibit incompatible uses and focus on built form." Where possible infill mix should occur allowing commercial clustering at the intersections and residential in between.
2. **Consistent with Zoning Ordinance.** **Whether and the extent to which the proposed zone change would conflict with any portion of this Zoning Ordinance.** The proposed rezoning would allow for a mix of small scale commercial clustered at the intersections and residential development by conditional use that supports the existing residential uses in the area. This allows for a transitional area of neighborhood compatible, small scale commercial uses.
3. **Compatible with Surrounding Area.** **Whether and the extent to which the proposed zoning is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.** The existing commercial and residential uses are not compatible with the current CG/CH zoning. Rezoning to Neighborhood Commercial is a better fit for the area.
4. **Changed Conditions.** **Whether and the extent to which there are changed conditions that require a rezoning.** General commercial or heavy commercial uses have not come about in this area. The requested zoning is more in keeping with the density and intensity of existing uses and the compatible CN zoning to the west. The existing zoning is out of character with the existing and planned uses.

5. **Effect on Natural Environment.** *Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.* The rezoning is anticipated to have little adverse impact on the natural environment. It is anticipated that development will occur on a one or two lot development with little disturbance of the environment. This new zoning district should, if anything, result in a lower impact on the environment as compared to general and heavy commercial uses that are allowed under the current zoning.
6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.* A rezoning to Neighborhood Commercial would be more in line with the trends of development in this area, which indicates a community need, rather than allowing a continuance of the current zoning designation that has not been fully utilized in the past and is not in keeping with the existing and planned uses.
7. **Development Patterns.** *Whether and the extent to which the proposed rezoning would result in a logical and orderly pattern of urban development in the community.* The existing development pattern in the immediate area is dominated by the school. To allow small scale service commercial or additional residential development provides a more supportive environment for this area.

Planning Commission Recommendation:

On December 16, 2019, the Planning Commission recommended APPROVAL of the rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District to the Neighborhood Commercial (CN) Zoning District. The following is the complete excerpt of the draft minutes from the December 16, 2019, meeting for this case:

Sherry Bailey, Principal Planner, presented the rezoning. She indicated that the applicant wanted to rezone two of the lots for single-family housing but after examining four others which are also zoned CG/CH, Staff believed that a rezoning to CN was more appropriate given that the Future Land Use is Neighborhood Center and CG/CH is not compatible because it is very heavy. She explained that COSA joined with the applicant to rezone the other adjacent lots plus the two the applicant wanted rezoned. Ms. Bailey indicated that 30 notices were mailed out and that there were no responses.

Ms. Bailey outlined Staff's recommendation to approve the rezoning on the grounds that it is compatible with the Comprehensive Plan designation of Neighborhood Center; that the rezoning will allow the homes by Conditional Use; that there will be little or no effect on the natural environment; that there is a need for neighborhood commercial in this area; and the change is a local need; change reflects well for the nearby school use.

Commissioner Jackson asked if the other four lots were aware of the zone change request.

Ms. Bailey responded they were made aware and that she spoke to two of the owners and there was no opposition.

Chair Stribling opened public comment.

Chair Stribling closed public comment.

Commissioner Jackson expressed concerned with removing CG/CH without other owners agreeing.

Chair Stribling asked if the rezoning could be approved just for the applicant's lots and not the city-initiated lots.

Mr. Jon James, Planning and Development Services Director, indicated this would be possible. However, he explained that if this was done that would leave the applicant's lots CG/CH.

Ms. Bailey displayed a map of the lots in question.

She explained the owner of the northwest corner lot did not confirm they approve of the zone change.

Vice Chair Spano explained however, that even if this owner did not respond they were notified so this should not be an issue and that there was ample opportunity to respond.

Commissioner Self asked, what would they be able to do with this lot.

Mr. James indicated that heavy commercial uses are allowed in the CG/CH zoning but that the lot may be too small and therefore a rezoning makes sense

Commissioner Smith made a motion to recommend APPROVAL of a rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District to the Neighborhood Commercial (CN) Zoning District. Commissioner Self seconded the motion. The motion passed 4-2 with Chair Stribling, Vice Chair Spano, and Commissioners Smith and Self voting in favor, and Commissioners Jackson and Brooks opposed.

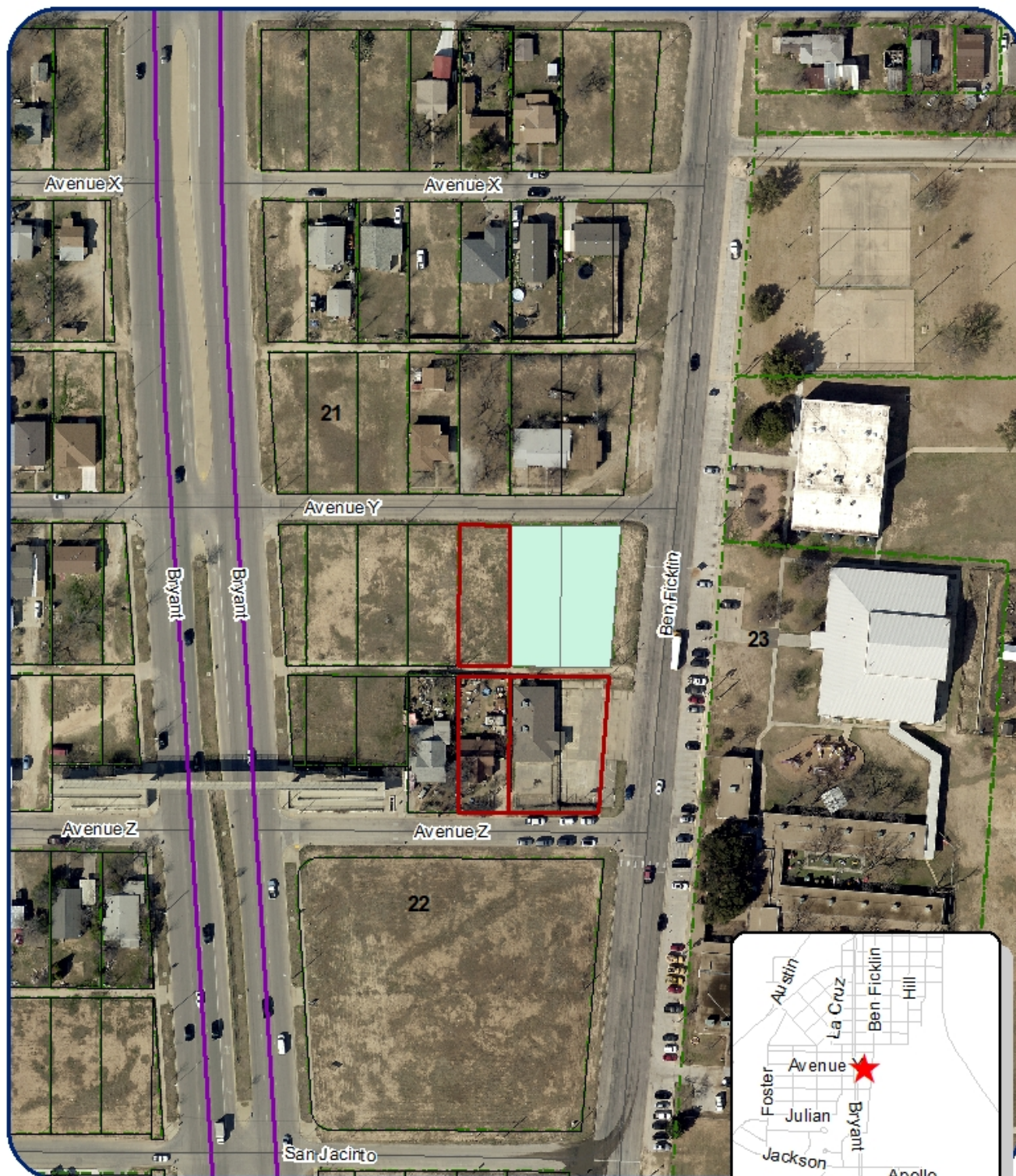
Recommendation:

Staff's recommendation is for the City Council to **APPROVE** the rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District to the Neighborhood Commercial (CN) Zoning District.

Attachments:

Aerial Map

Future Land Use Map
Zoning Map
Application
Photographs
Notification Map



Location Map Notification Map

Z19-18: Jacobs/COSA

Council District 3 - Harry Thomas

Neighborhood: Rio Vista

Scale: 1" approx. = 125 ft

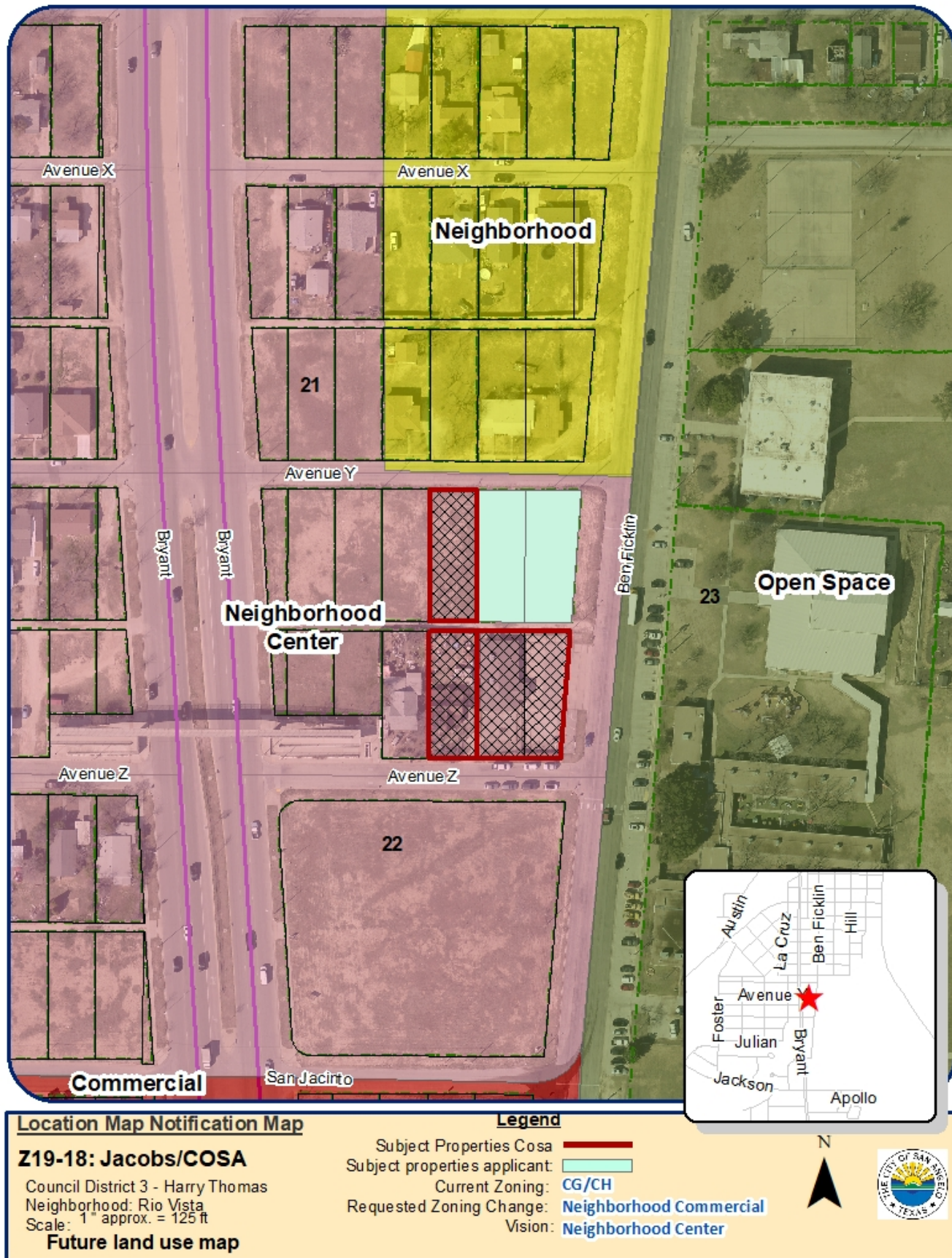
Aerial map

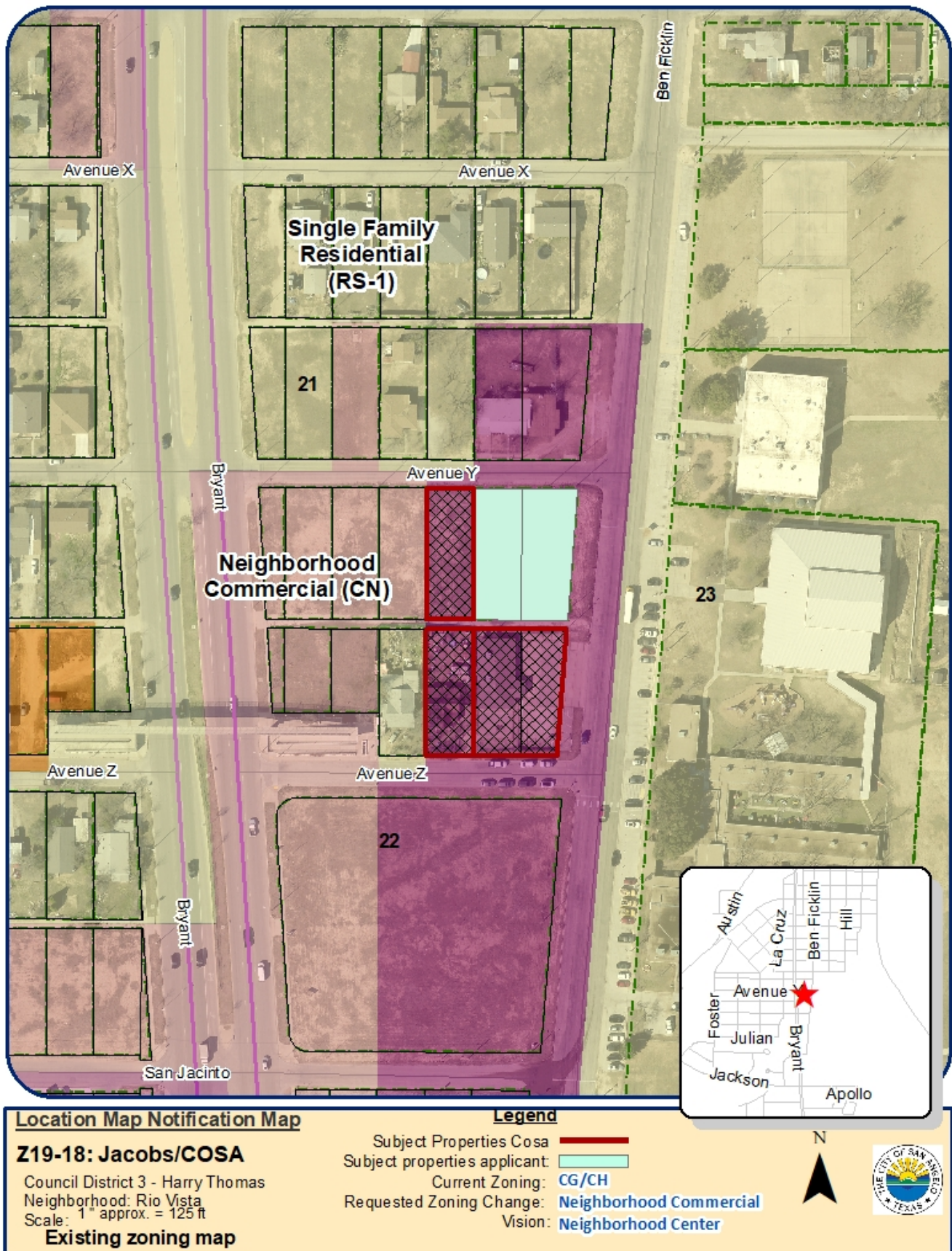
Legend

Subject Properties Cosa —
Subject properties applicant: —
Current Zoning: CG/CH
Requested Zoning Change: Neighborhood Commercial
Vision: Neighborhood Center

N







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): Max Jacobs
☒ Owner ☐ Representative (Notarized Affidavit Required)
Mailing Address: 901 S. Ave San Angelo TX 76903
City State Zip Code
Contact Phone Number: 650-1115 Contact Email Address: frontier@wcc.net
Subject Property Address: 401 & 405 W. Hwy Y San Angelo TX 76903
City State Zip Code
Legal Description (can be found on property tax statement or at www.tomgreencad.com): Lot 27 & 28, Block 13, Monterey Addition
Existing Zoning: CGCH Proposed Zoning: CN Lot size: 0.3 ac.

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

Section 2: Site Specific Details

Existing Use of Property: Vacant
*Proposed Use of Property: Residential Construction
*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.

Max Jacobs [Signature] Frontier REI, Inc. 11/15/19
Owner Name (Print) Signature Company/Organization (If Applicable) Date

Representative Name (Print) Signature Company/Organization Date

FOR OFFICE USE ONLY:

☐ Verified Complete ☐ Verified Incomplete

Date of Application: ____/____/____

Case No.: Z 19 -- 18

Fully-dimensional site plan: ☐

Nonrefundable fee: \$ 645.00

Receipt #: 49985 Date paid: 11 / 15 / 19

Sign Deposit \$37.50

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

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

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

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

Planning Commission hearing date: 12 / 16 / 19 Date notifications due: ____/____/____

City Council hearing date: 1 / 21 / 20 Packets due date: ____/____/____

Publication date: ____/____/____

Feb 14/20

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

Sec. 212. Amendments to Text or Official Zoning Map

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

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

Zone change is in keeping with both the City's "Long Range Vision" for the area, as well as the City's desire to move away from CA/CH zoning designations.

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

No conflict exists.

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.

Surrounding area is mostly residential. "Highest & best use" of these lots, due to their small size, is residential.

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

N/A

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

No impacts expected.

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

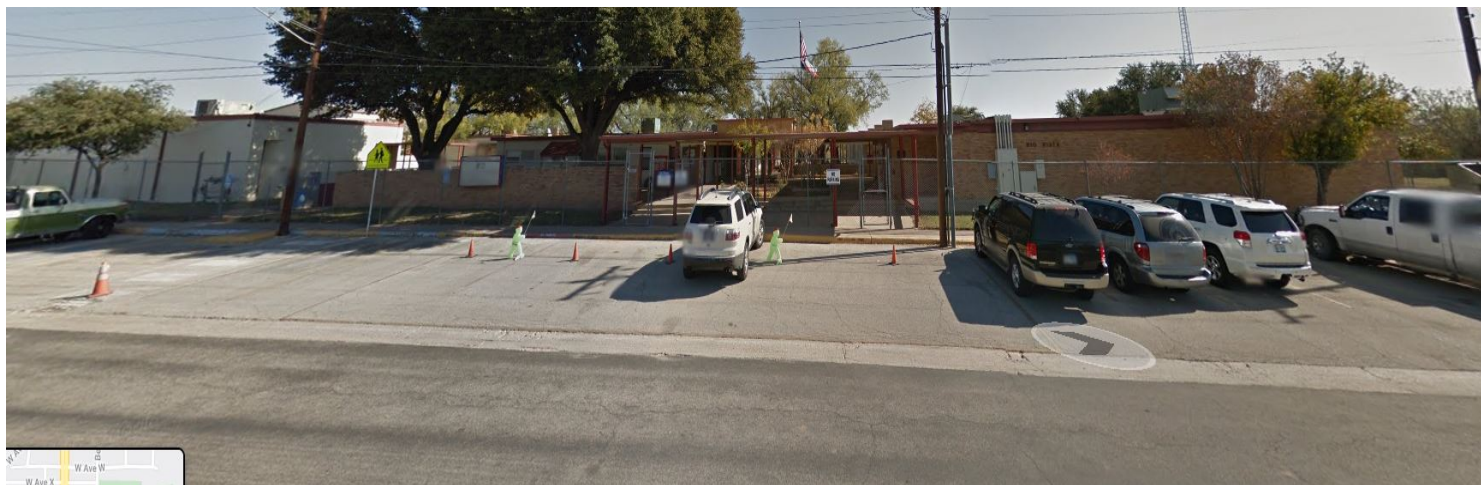
Housing in that area is in demand, due to the Headstart & Boys/Girls club within walking distance.

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.

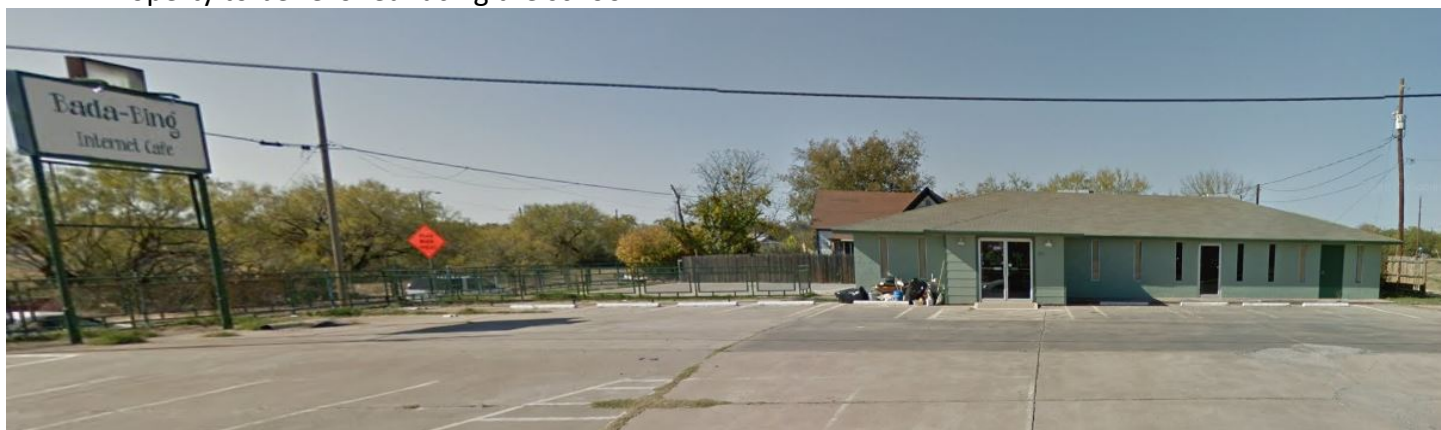
I believe the proposed change will fit in nicely with the community. Any commercial growth is going to be with Bryant frontage.

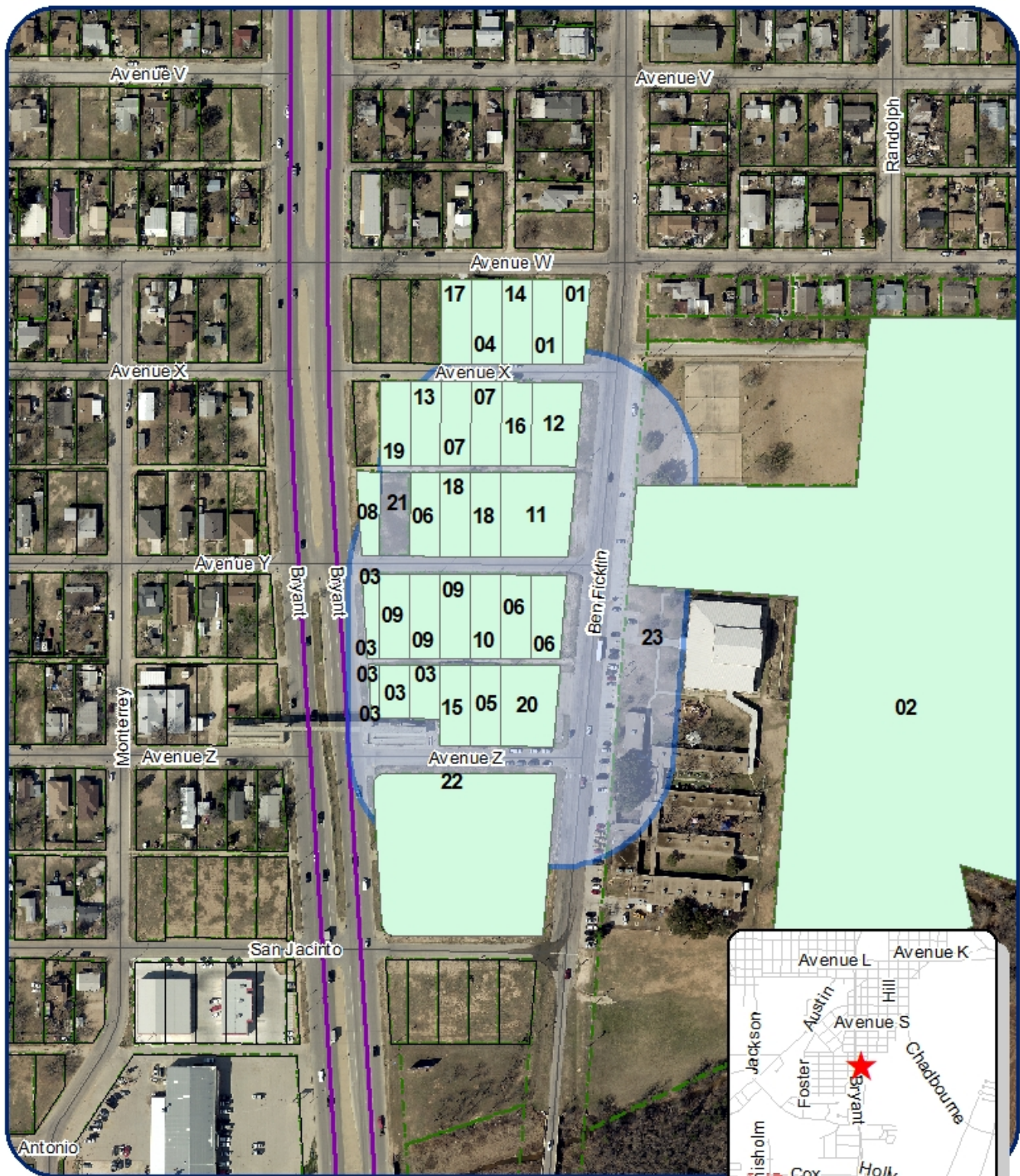
Site Photos

School Across the street



Property to be rezoned facing the school





Location Map Notification Map

Z19-18: Jacobs/COSA

Council District 3 - Harry Thomas

Neighborhood: Rio Vista

Scale: 1" approx. = 209 ft

Legend

Subject Properties:

Current Zoning: **CG/CH**

Requested Zoning Change: **Neighborhood Commercial**

Vision: **Neighborhood Center**

N



Lots 1,2,3,26,27,28 Block 3 Monterrey Addition and Lot 1 & 2 Block 2 Monterrey Addition

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: January 21, 2020

Item type: Regular Item

Caption:

First reading and public hearing of:

1. An ordinance approving CP19-03, an amendment to the City of San Angelo Comprehensive Plan, changing certain lands from the "Commercial" and "Neighborhood" Future Land Uses to the "Neighborhood Center" Future Land Use, being 30.267 acres located between S. Bryant Blvd., Kimrey Ln., and Ben Ficklin Rd.
2. An ordinance amending PD06-05, a rezoning from the Ranch and Estate zoning district to the Planned Development zoning district to expand the existing PD06-05 boundary to allow for a new ropes challenge course and accessory structures associated with an existing day care and therapeutic horse riding facility, being a total of 10.954 acres located at 5185 and 5191 S. Bryant Blvd. (Presentation made by Planning & Development Services Director Jon James)

Summary/History:

On November 18, 2019, the Planning Commission approved a Major Amendment to a Site Plan for Sonrisas Trails. The amendment recognized a new ropes challenge course and accessory structures that were originally erected without permits. Through review of the subsequent building permit application, it was discovered that approximately 150 feet of a zip line attached to the tall ropes course extended northward past the PD zoning into Ranch and Estate (R&E) Zoning. The applicant has applied for a rezoning to expand the PD boundary to encompass the zip line. In addition, the City has initiated a Comprehensive Plan Amendment for the surrounding area that includes the Sonrisas/Mosaic properties, Word of Life Church property, and City of San Angelo property on this block to facilitate future rezoning of the lands adjacent to South Bryant Boulevard.

Financial Impact:

N/A

Other Information/Recommendation:

On December 16, 2019, the Planning Commission unanimously recommended APPROVAL of the Comprehensive Plan Amendment for the properties totaling 30.267 acres by a vote of 7-0.

On December 16, 2019, the Planning Commission unanimously recommended APPROVAL of the Rezoning to expand the existing PD06-05 boundary on 10.954 acres, by a vote of 7-0, with the stipulation that there be no new parking within the 1.48-acre PD expansion area, and subject to previous standards in the original PD06-05 ordinance and one additional standard (see staff report).

Attachments:

- | | |
|--------------------------------------|---|
| 1. Ordinance (CP19-03) | Ordinance (CP19-03).docx |
| 2. Ordinance (Amendment PD06-05) | Ordinance (Amendment PD06-05).docx |
| 3. Staff Report (CP & Amend PD06-05) | Staff Report (CP19-03 & Amendment PD06-05).docx |

Presentation:

Jon James

Approvals/Reviews:

Jeff Fisher

Hillary Bueker

Jon James

Brandon Dyson

Jon James

Theresa James

Julia Antilley

Created/Initiated

Approved

Approved

Approved

Approved

Approved

Final Approval

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 NORTH OF KIMREY LANE BETWEEN SOUTH BRYANT BOULEVARD AND BEN FICKLIN ROAD BEING 21.867 ACRES IN LOTS 18 AND 19, AND PART OF LOTS 20, 21, AND 22 IN PARK VIEW ACRES, AND 8.4 ACRES IN THE M. MAYER SURVEY NO. 169, COMRPISING A TOTAL OF 30.267 ACRES, FROM "NEIGHBORHOOD" AND "COMMERCIAL" TO "NEIGHBORHOOD CENTER;" PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

CP-19-03

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 real properties generally located north of Kimrey Lane between South Bryant Boulevard and Ben Ficklin Road, being 21.867 acres in Lots 18 and 19 and part of Lots 20, 21, and 22 in Park View Acres, and 8.4 acres in the M. Mayer Survey No. 169, comprising a total of 30.267 acres, City of San Angelo, Tom Green County, Texas, from “Neighborhood” and “Commercial” to “Neighborhood Center;”

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 **21st day of January, 2020**, and finally ADOPTED on this the **4th day of February, 2020**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

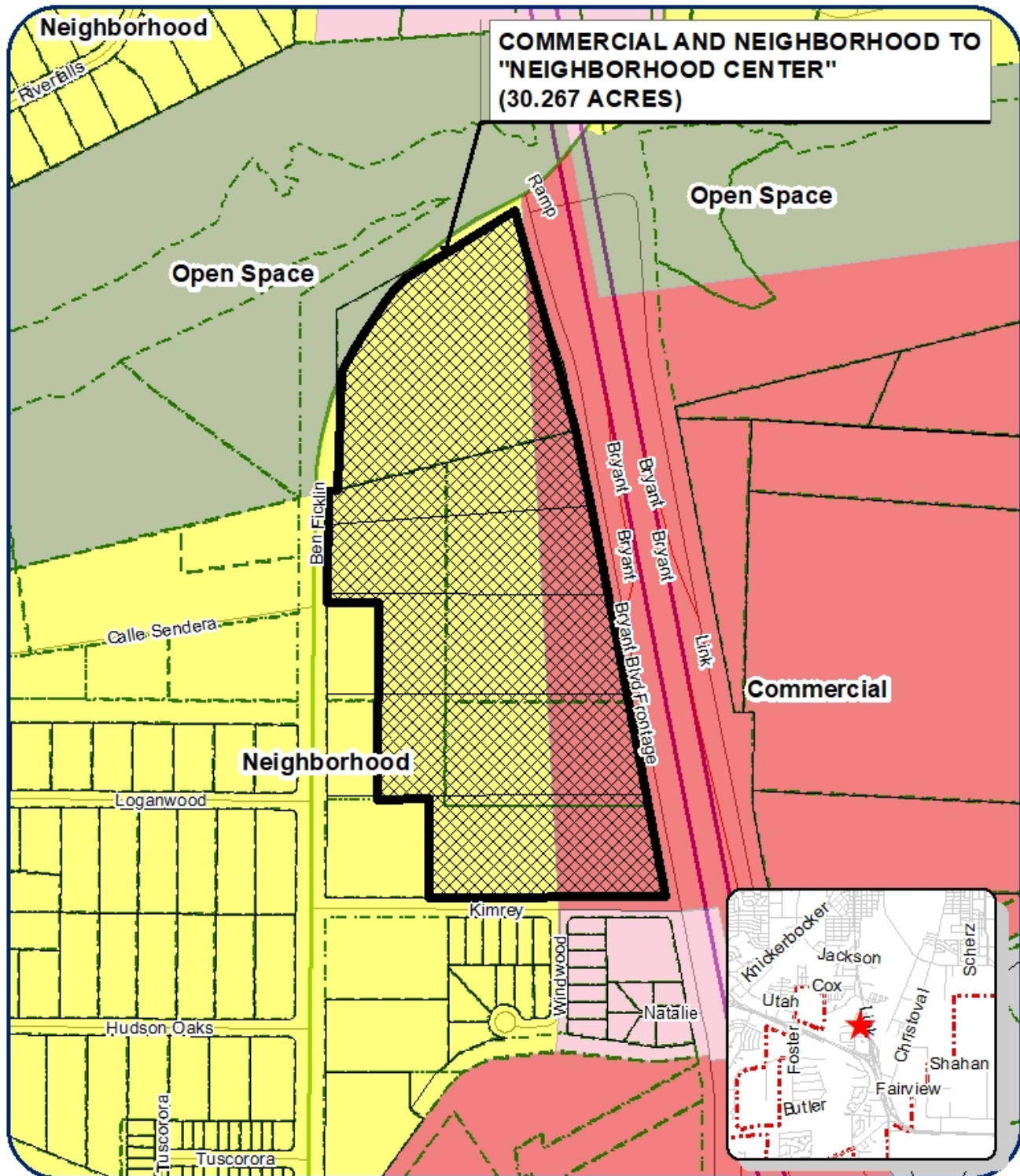
ATTEST:

APPROVED AS TO FORM:

Julia Antilley, City Clerk

Theresa James, City Attorney

EXHIBIT "A"



Comprehensive Plan Amendment

City of San Angelo

Council District: Tommy Hiebert - District 1

Neighborhood: Glenmore

Scale: 1" approx. = 375 ft

30.267 ac. between Kimrey Ln, Ben Ficklin Rd, and S. Bryant Blvd.

Legend

Subject Properties: —

Current Zoning: RS-1, R&E, PD06-05

Vision: Commercial and Neighborhood

Vision Plan Change: Neighborhood Center



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 PROPERTIES: **5185 AND 5195 SOUTH BRYANT BOULEVARD; LOCATED NORTHWEST OF SOUTH BRYANT BOULEVARD AND KIMREY LANE;** FROM THE PLANNED DEVELOPMENT (PD06-05) ZONING DISTRICT AND RANCH AND ESTATE (R&E) ZONING DISTRICT TO A PLANNED DEVELOPMENT (PD06-05) ZONING DISTRICT TO ALLOW FOR A DAY CARE, THERAPEUTIC HORSE RIDING AND ADMINISTRATIVE OFFICES, ROPES CHALLENGE COURSE, AND RELATED ACCESSORY STRUCTURES; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE

RE: PD06-05 Amendment: Sonrisas

WHEREAS, on the 16th day of December, 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 expansion of the existing PD06-05 boundary by incorporating an additional area generally located northwest of 5185 South Bryant Boulevard, being 1.48 acres depicted on **Exhibit “A”** of this Ordinance; allowing for the uses permitted in PD06-05 with the additional uses of a ropes challenge course and related accessory structures; in conformance with the overall use in accordance with the approved Concept Plan as further depicted on **Exhibit “B”** of this Ordinance (**“PD Concept Plan”**); and in conformance with the regulations set forth in **Exhibit “C”** of this Ordinance(**“Applicable Regulations”**); and,

WHEREAS, on the 21st day of January, 2020, City Council held a public hearing on an amendment to PD06-05 to expand the existing PD06-05 boundary to all of the subject properties, 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 (PD06-05) ZONING DISTRICT;

The real properties generally located northwest of South Bryant Boulevard and Kimrey Lane; being 10.954 acres within part of Lots 21 and 22 of Park View Acres, City of San Angelo, Tom Green County, Texas as more particularly described and depicted on Exhibit “A” of this Ordinance, shall henceforth be permanently zoned as follows: Planned Development (PD06-05) Zoning District.

SECTION 2: The Director of the Planning & Development Department, or his/her designee, is hereby directed to correct zoning district maps in the office of the Planning & Development Department, to implement the zoning provision adopted herein, as further depicted on **Exhibit “A”** of this Ordinance (**“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 **21st day of January, 2020**, and finally PASSED, APPROVED AND ADOPTED on this the **4th day of February, 2020**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

ATTEST:

Julia Antilley, City Clerk

APPROVED AS TO FORM:

Theresa James, City Attorney

Exhibit "A" (PD Boundary Map)

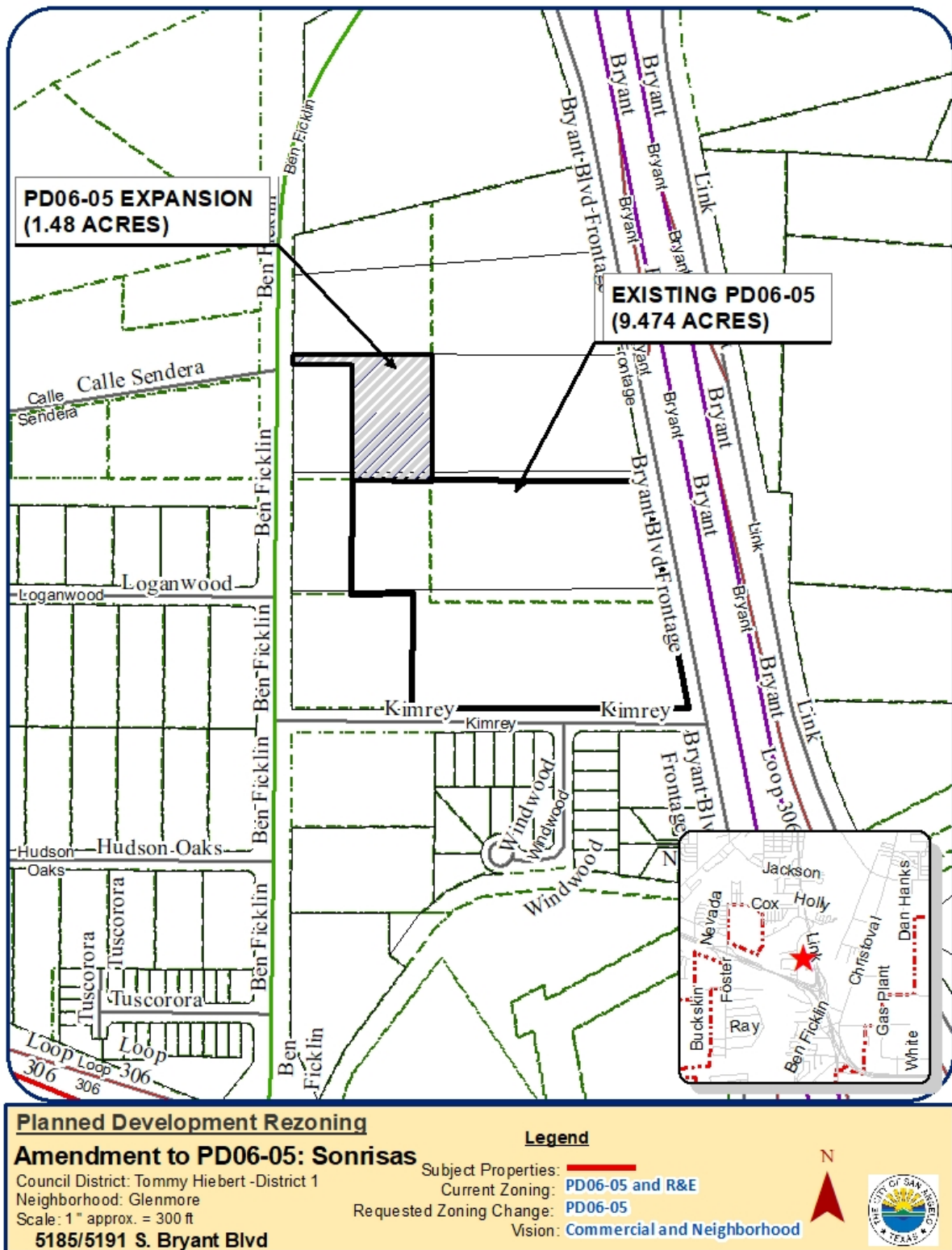


Exhibit “B” (PD Concept Plan)

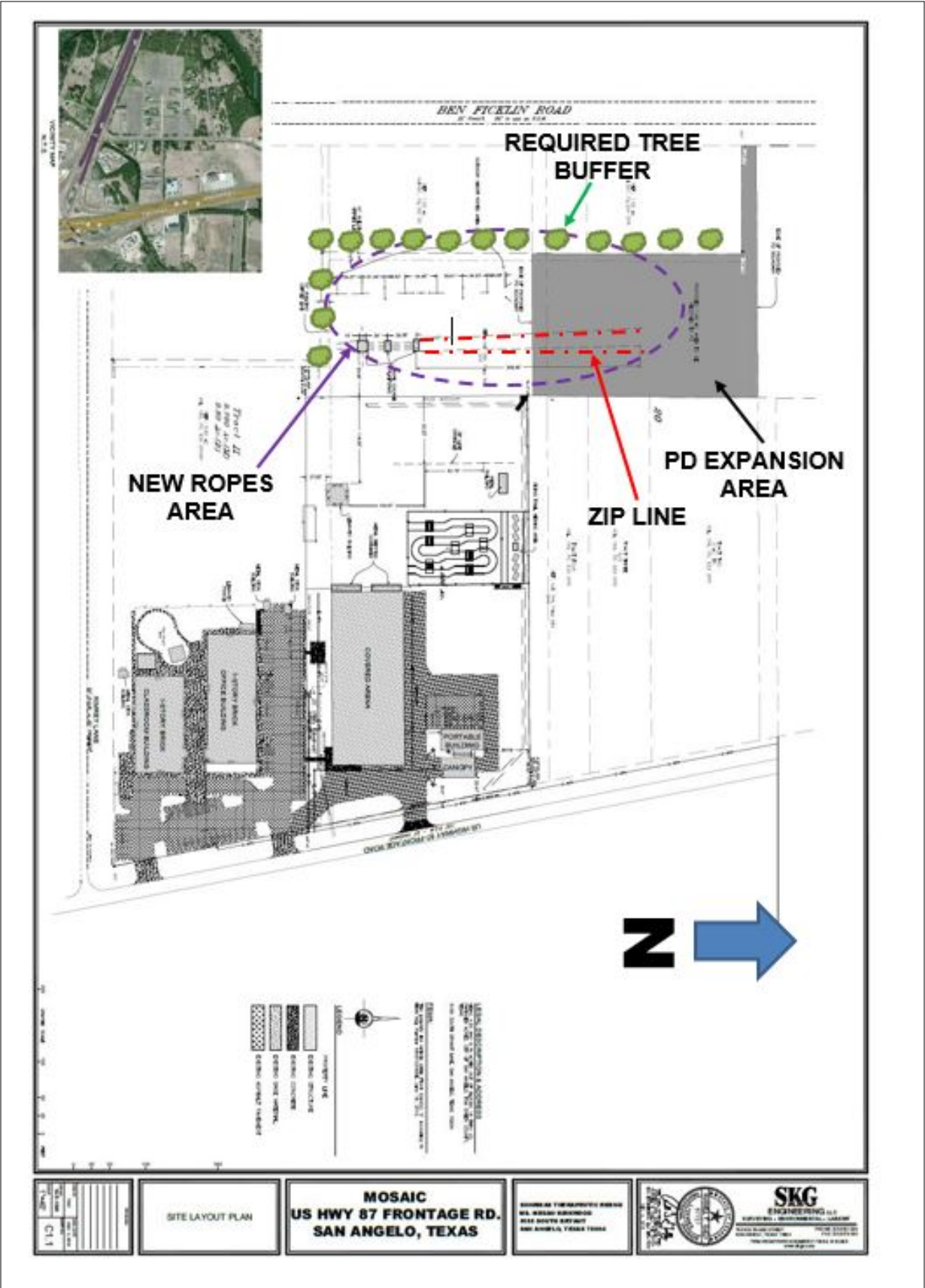
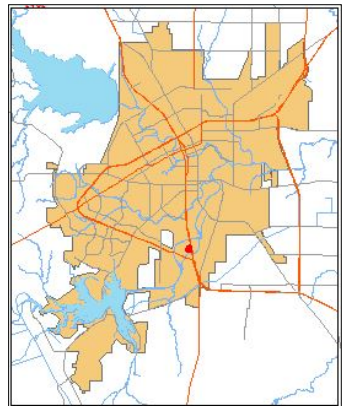


Exhibit “C”
Applicable Regulations

1. Except as otherwise specified or limited below, and with the permitted uses of a day care, administrative offices, therapeutic horse riding, horse boarding, a horse riding academy, ropes challenge course and related accessory structures, the use and improvement of the subject property shall be guided by the standards, requirements and limitations of development in the Office Commercial (CO) Zoning District.
2. Any new development including 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 as applicable. Minor deviations may be approved by the Planning Director, provided no changes to the Zoning Ordinance are required.
3. Prior to any future development and/or building permits on the properties, the applicant shall submit a site plan to the Planning Director delineating a minimum of 15 trees, at least 40 feet tall at full maturity, along the portion of the rear property lines immediately west and south of the tall ropes and zip line course to provide screening from adjacent residential zoning and uses.
4. No parking is allowed within the 1.48-acre PD expansion area shown on the approved concept plan.
5. A caretaker’s residence shall be setback a minimum of 40 feet from any property boundary beside street rights-of-way, and a minimum of 15 feet from any other boundary of the subject property;
6. Construction/installation of the caretaker’s residence shall be accompanied by a paved parking area readily accessible to such residence and capable of accommodating at least two paved parking stalls, each at least 9 feet wide by 18 feet in depth arranged side-by-side or end-to-end and connected to the nearest street surface by a similarly paved driveway.
7. The remaining provisions of PD06-05 as originally approved by City Council on November 21, 2006, not amended herein shall remain in full force and effect.

CITY COUNCIL – January 21 & February 4, 2020
STAFF REPORT



APPLICATION TYPE:		CASES:	
Comprehensive Plan Amendment & Planned Development (Rezoning)		CP19-03/Amendment to PD06-05: Sonrisas Trails/COSA	
SYNOPSIS:			
On November 18, 2019, the Planning Commission approved a Major Amendment to a Site Plan for Sonrisas Trails. The amendment recognized a new ropes challenge course and accessory structures that were originally erected without permits. Through review of the subsequent building permit application, it was discovered that approximately 150 feet of a zip line attached to the tall ropes course extended northward past the PD zoning into Ranch and Estate (R&E) Zoning. Development in this area requires an expansion of the PD zoning. In addition, the City has initiated a Comprehensive Plan Amendment for the surrounding area that include the Sonrisas/Mosaic properties, Word of Life Church property, and City of San Angelo property on this block (see below & attached plan).			
LOCATION:		LEGAL DESCRIPTION:	
Located between South Bryant Boulevard, Kimrey Lane, and Ben Ficklin Road		Being 21.867 acres in Lots 18, 19 and part of Lots 20, 21 and 22 in Park View Acres, and 8.4 acres in the M. Mayer Survey #169.	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #1 – Tommy Hiebert Glenmore Neighborhood	PD06-05, R&E, RS-1	West 23.567 ac. - Neighborhood East 7.2 ac. - Commercial	30.267 acres
THOROUGHFARE PLAN:			
South Bryant Boulevard – Urban Major Arterial Street (TXDOT), Required: 80' right-of-way, N/A pavement (not required for TXDOT roads), Provided: 300' right-of-way, 100' pavement Ben Ficklin Road – Urban Collector Street, Required: 60' right-of-way, 50' pavement, Provided: 90' right-of-way, 32' pavement Kimrey Lane – Urban Local Street, Required: 50' right-of-way, 40' pavement or 36' with a 4' sidewalk, Provided: 60' right-of-way, 22' pavement			
NOTIFICATIONS:			
18 notifications were mailed for the rezoning on Nov 25, 2019 and 19 notifications were mailed for the Plan Amendment on Dec. 4, 2019 within a 200-foot radius. Two letters received in support within the 200' radius; one letter received in opposition outside the 200' radius.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the proposed Comprehensive Plan Amendment to “Neighborhood Center”; and APPROVAL of the proposed rezoning from R&E to PD06-05, subject to previous standards in the original PD06-05 ordinance and one additional standard.			
PROPERTY OWNER/PETITIONER:			
Rezoning: Sonrisas Trails CP Amendment: City of San Angelo			
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 City of San Angelo is initiating the proposed Comprehensive Plan Amendment for 30.267 acres from “Commercial” and “Neighborhood” to “Neighborhood Center”. The amendment will recognize the underlying PD zoning of the Sonrisas/Mosaic properties, allow the PD expansion for the zip line, and allow future rezoning of the other properties that recognizes their existing commercial uses. Staff believes that Neighborhood Center is the appropriate designation for all of these land uses. The Commercial portion of the properties runs parallel to South Bryant Boulevard extending west a distance of 250 feet from the south most point of the Mosaic property to 0 feet at the north most point of the City property. All of the remaining land to the west is designated Neighborhood. Neighborhood Centers as outlined in the Comprehensive Plan should “individually have a primary use, but should allow for a mix of uses allowing for increased activity, interest, and long-term viability” and call to “establish transitions areas to better “scale-down” intensity of use from commercial centers to neighborhoods.” The proposed Comprehensive Plan Amendment is consistent with all of these policies. It will recognize the mix of commercial uses already along this corridor (therapeutic riding, day care, offices, and church) and serve as a transition between the commercial uses fronting onto South Bryant Boulevard and the residential areas to the south and west.

Rezoning: The associated rezoning will expand the existing 9.474-acre PD06-05 site to the northwest an additional 1.48 acres to encompass the existing zip line area, a total of 10.954 acres. Staff believes this expansion is appropriate once the associated Comprehensive Plan Amendment to Neighborhood Center is approved which supports this type of commercial use. Since Sonrisas, an existing commercial use occupies all of this land already, it would unlikely ever be developed for residential uses in the R&E Zone. The zip line area is part of the ropes challenge course that serves disabled children, adults and veterans, and operates as part of Sonrisas’ therapeutic horse riding facility which already takes place directly south. Consistent with the most recent site plan approval by the Planning Commission which applied directly south, Staff will recommend that the new PD ordinance also require planting of five additional trees, 40 feet tall at maturity, along the west boundary line shared with the residential home on Ben Ficklin Road. While there is an existing 6-foot privacy fence, the trees will provide taller screening from the zip line rope and associated pole which is approximately 50 feet high at its tallest point.

2. **Consistent with Zoning Ordinance.** *Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.* The applicant has provided a new Concept Plan for the PD that includes all site improvements (see attached). The total acreage after expansion will be 10.954 acres well exceeding the minimum one acre for a PD district. All of the existing buildings facing South Bryant Boulevard were permitted and met the zoning at the time of permitting. The new ropes course including the zip line will comply with the underlying Office Commercial (CO) zoning standards. All of the ropes and wires are at least 10 feet from the adjacent R&E Zoning District as required. The applicant received an Alternative Parking Plan approval from the Planning Director on November 21, 2019 to allow the existing 82 parking spaces in lieu of the required 94.
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.* Staff believes that the PD expansion will be compatible with the surrounding area once the five additional trees are planted along the west property line adjacent to the residential home. This additional screening, combined with the existing privacy fence, will screen the ropes course and zip line from this residential property. In addition, the PD will incorporate the latest concept plan which only allows those uses and their locations as shown. This will provide some additional security for the adjacent residential use. If Sonrisas wishes to add additional structures, they would require an additional approval that includes at minimum a revised concept plan for review by City Council (for uses or standards not allowed in the PD district), the Planning Commission (for major expansions allowed in the PD district), or the Planning Director (for minor expansions allowed in the PD district).
4. **Changed Conditions.** *Whether and the extent to which there are changed conditions that require an amendment.* As indicated, Sonrisas occupies the entire land in question which has a flag at its northerly end extending to Ben Ficklin Road. It would unlikely develop residentially because it is owned by a commercial business already. Staff believes that allowing the PD to expand makes practical sense once proper mitigation measures are applied.
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 entire property is located within the 0.2% annual flood hazard zone which is not regulated by the City. The structures can be permitted and do not require any additional paving or impervious cover, and therefore, should not affect current grading, drainage or stormwater runoff patterns in the area.

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 PD expansion. The applicant has provided a justification letter that explains the organization's mandate to provide non-traditional therapy through riding horses and accessory ropes challenge course.
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.* Staff does not anticipate any changes to existing development patterns. The existing lot configurations will not change and the rezoning is simply an extension to the existing PD boundary. The ropes course is part of the existing Sonrisas operation and therefore, will have the same customers that may already utilize the therapeutic riding facility.

Planning Commission Recommendation:

On December 16, 2019, the Planning Commission recommended unanimous **APPROVAL** by a vote of 7-0 of an amendment to the City of San Angelo Comprehensive Plan, changing certain lands totaling 30.267 acres from the Commercial and Neighborhood Future Land Uses to the Neighborhood Center Future Land Use, as presented; and recommended unanimous **APPROVAL** by a vote of 7-0 a rezoning from the Ranch and Estate (R&E) Zoning District to the Planned Development (PD) Zoning District to expand the existing PD06-05 boundary to allow for a new ropes challenge course and accessory structures associated with an existing day care and therapeutic horse riding facility, with the stipulation that there be no new parking within the 1.48-acre PD expansion area, and subject to all previous standards in the original PD06-05 ordinance and one additional standard as presented.

The following is the complete excerpt of the draft minutes from the December 16, 2019, meeting for this case:

Jeff Fisher, Principal Planner, presented the proposed Comprehensive Plan Amendment and PD Amendment. He indicated that these will be presented together in one presentation as they pertain to portions of the same properties and that two separate motions could be made.

He explained that after the applicant's major site plan expansion was approved by Planning Commission last month, it was discovered that approximately 150 feet of the zip line extension from the Sonrisas challenge course encroached past the PD boundary into the Ranch and Estate (R&E) Zoning District. Mr. Fisher explained that the purpose of this rezoning application is to expand the PD boundary to allow this zip line area to remain on the Sonrisas properties. He then explained that the Comprehensive Plan Amendment is to re-designate the Sonrisas, Mosaic, church and City properties in the area from Neighborhood and Commercial to Neighborhood Center which will be consistent with the Sonrisas PD zoning, and allow future rezonings to commercial for the other properties.

Mr. Fisher displayed the most recent PD concept plan showing the new challenge course area, zip line, and the tree buffer recommended by Planning Staff along the west properties lines to screen the

development from residential uses. He then displayed slides showing the original PD zoning requirements, and the two additional requirements for the tree buffer and the new uses of a challenge course and related accessory structures which would include the zip line.

Mr. Fisher outlined Staff's recommendation to approve the rezoning and Comprehensive Plan on the grounds that the Neighborhood Center designation will recognize the underlying PD Zoning and commercial uses in the area; that the PD concept plan will comply with all zoning standards; that the tree buffer will provide compatibility with the surrounding through screening from adjacent residential uses; and that there is a community need for Sonrisas services for disabled children and adults.

Commission Jackson asked to clarify the proposed Comprehensive Plan designation.

Mr. Fisher responded with the correction as presented, that the Comprehensive Plan designation if approved would be Neighborhood Center.

Chair Stribling opened public comment.

Mr. Jeremy Benson, representing Sonrisas, requested that the Planning Commission approve the requests consistent with Staff's recommendations.

Chair Stribling closed public comment.

Chair Stribling indicated that he understood that two separate motions were needed.

Ms. Hillary Bueker, Planning Manager, indicated that the either two motions could be taken, or a single motion to approve both items.

Commission Jackson asked about whether any additional parking would be provided as this was raised in one of the resident letters.

Mr. Fisher explained that the resident concern was whether additional parking would be provided along the flag portion facing Ben Ficklin Road where the residential homes have access. Mr. Fisher confirmed that the existing parking lot facing Bryant Boulevard is sufficient and that no new parking is proposed on the Ben Ficklin Road side.

Chair Stribling asked to confirm that new parking is not part of the proposed PD expansion.

Mr. Fisher responded this was correct.

Commissioner Jackson made a motion to recommend approval of an amendment to the City of San Angelo Comprehensive Plan, changing certain lands from the Commercial and Neighborhood Future Land Uses to the Neighborhood Center Future Land Use, as presented. Commissioner Self seconded the motion. The motion carried unanimously, 7-0.

Commissioner Uherik made a motion to recommend approval of a rezoning from the Ranch and Estate (R&E) Zoning District to the Planned Development (PD) Zoning District to expand the existing PD06-05 boundary to allow for a new ropes challenge course and accessory structures associated with an existing day care and therapeutic horse riding facility, with the stipulation that there be no new parking within the 1.48-acre PD expansion area, and subject to all previous standards in the original PD06-05 ordinance and one additional standard as presented. Commissioner Jackson seconded the motion. The motion carried unanimously, 7-0.

Recommendation:

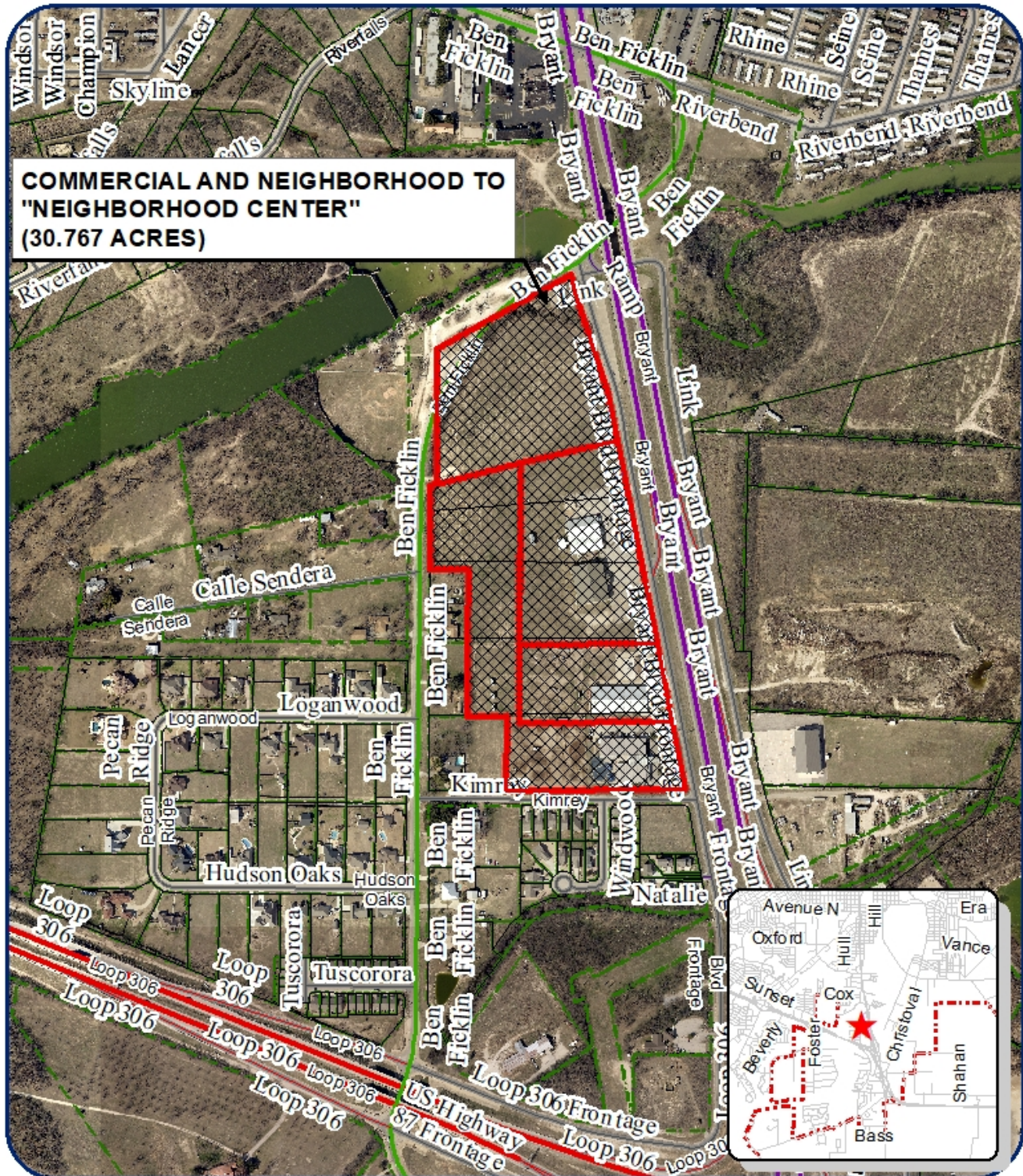
Staff's recommendation is for City council to:

- A. **APPROVE** a Comprehensive Plan Amendment, changing the Future Land Use designation from "Neighborhood" and "Commercial" to "Neighborhood Center" on the subject properties being 21.867 acres in Lots 18, 19 and part of Lots 20, 21 and 22 in Park View Acres, and 8.4 acres in the M. Mayer Survey #169, comprising a total of 30.267 acres; and,
- B. **APPROVE** a Rezoning from the Ranch and Estate (R&E) Zoning District to the Planned Development (PD) Zoning District to expand the existing PD06-05 boundary to allow for a new ropes challenge course and accessory structures associated with an existing day care and therapeutic horse riding facility, being a total of 10.954 acres located at 5185 and 5191 South Bryant Boulevard, **as amended by the Planning Commission, with the stipulation that there be no new parking within the 1.48-acre PD expansion area, subject to previous standards in the original PD06-05 ordinance and one additional standard:**
 - 1. Prior to any future development and/or building permits on the properties, the applicant shall submit a site plan to the Planning Director delineating a minimum of 15 trees, at least 40 feet tall at full maturity, along the portion of the rear property lines immediately west and south of the tall ropes and zip line course to provide screening from adjacent residential zoning and uses.

Note: This additional standard hereby eliminates the duplicate Condition #5 of the Major Site Plan approved by the Planning Commission on November 18, 2019.

Attachments:

Aerial Maps
Future Land Use Maps
Zoning Maps
Photographs
PD Ordinance requirements exhibit
PD Concept Plan
Support Letters
Letter from Sonrisas
Opposition Letter
Zone Change Criteria Sheet
Zone Change Application

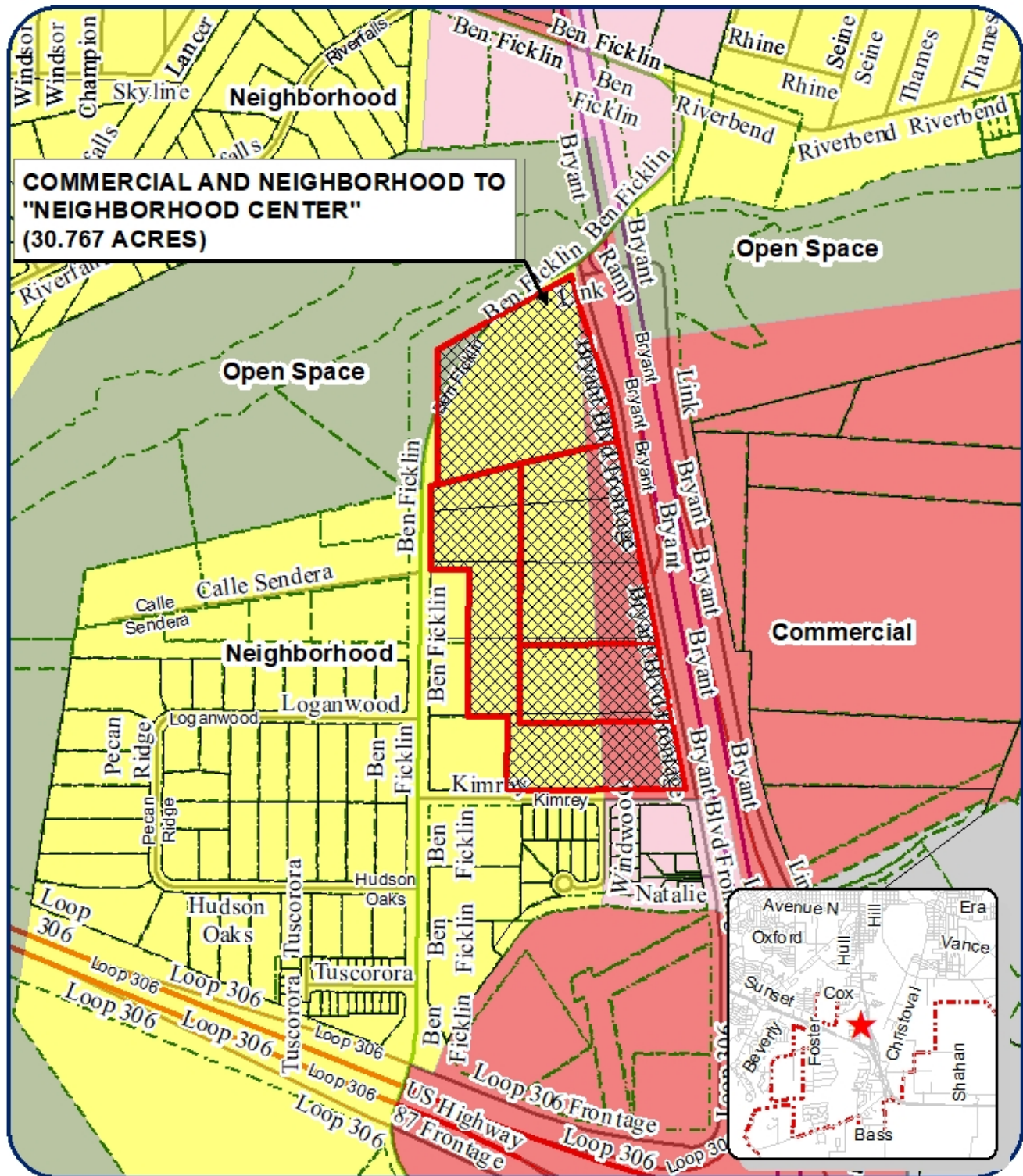
**Comprehensive Plan Amendment****City of San Angelo**

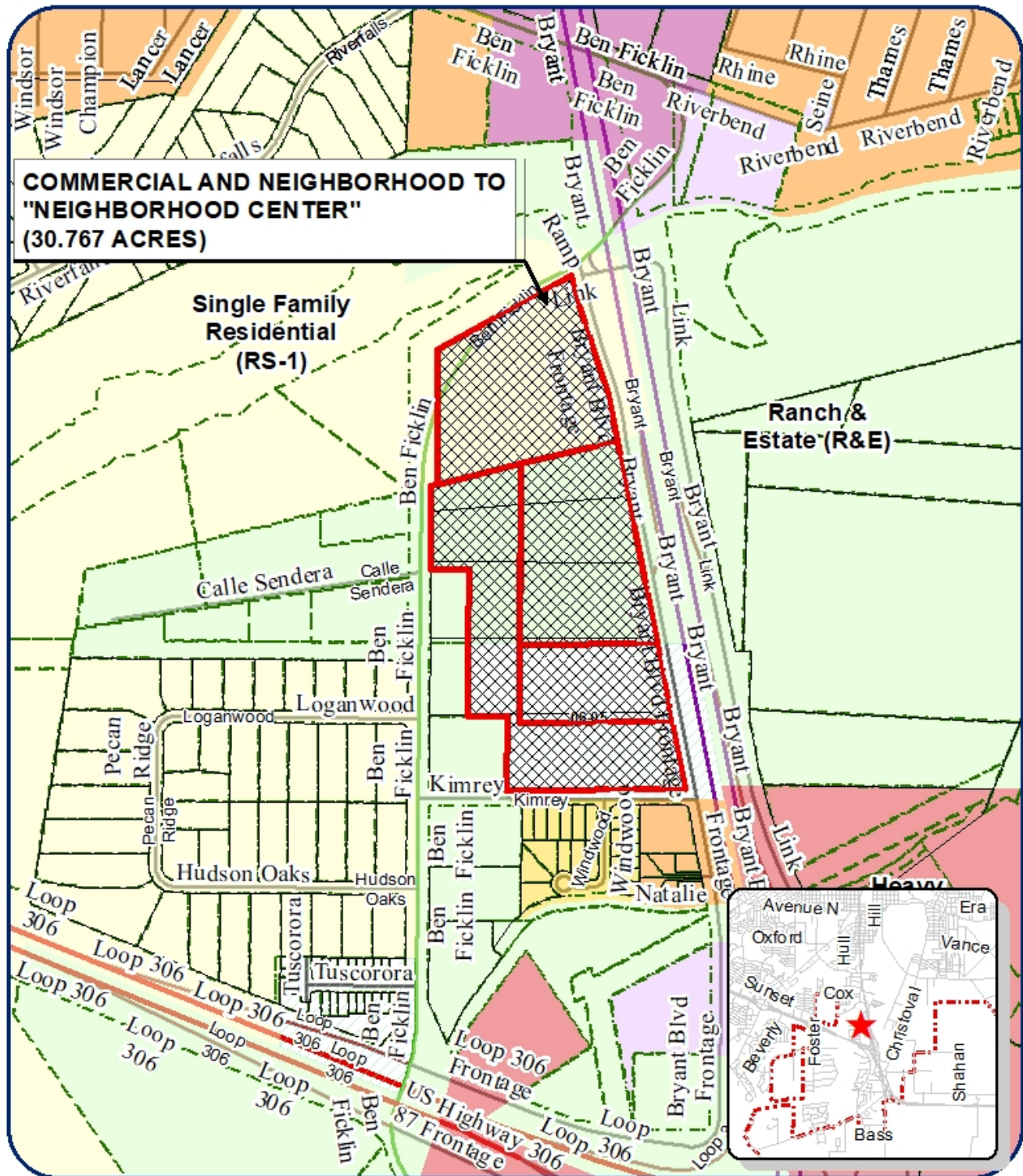
Council District: Tommy Hiebert - District 1

Neighborhood: Glenmore

Scale: 1" approx. = 500 ft

30.767 ac. between Kimrey Ln, Ben Ficklin Rd, and S. Bryant Blvd.**Legend**Subject Properties: —Current Zoning: **RS-1, R&E, PD06-05**Vision: **Commercial and Neighborhood**Vision Plan Change: **Neighborhood Center**





City of San Angelo

Council District: Tommy Hiebert -District 1
Neighborhood: Glenmore
Scale: 1" approx. = 500 ft

30.767 ac. between Kimrey Ln, Ben Ficklin Rd, and S. Bryant Blvd.

Legend

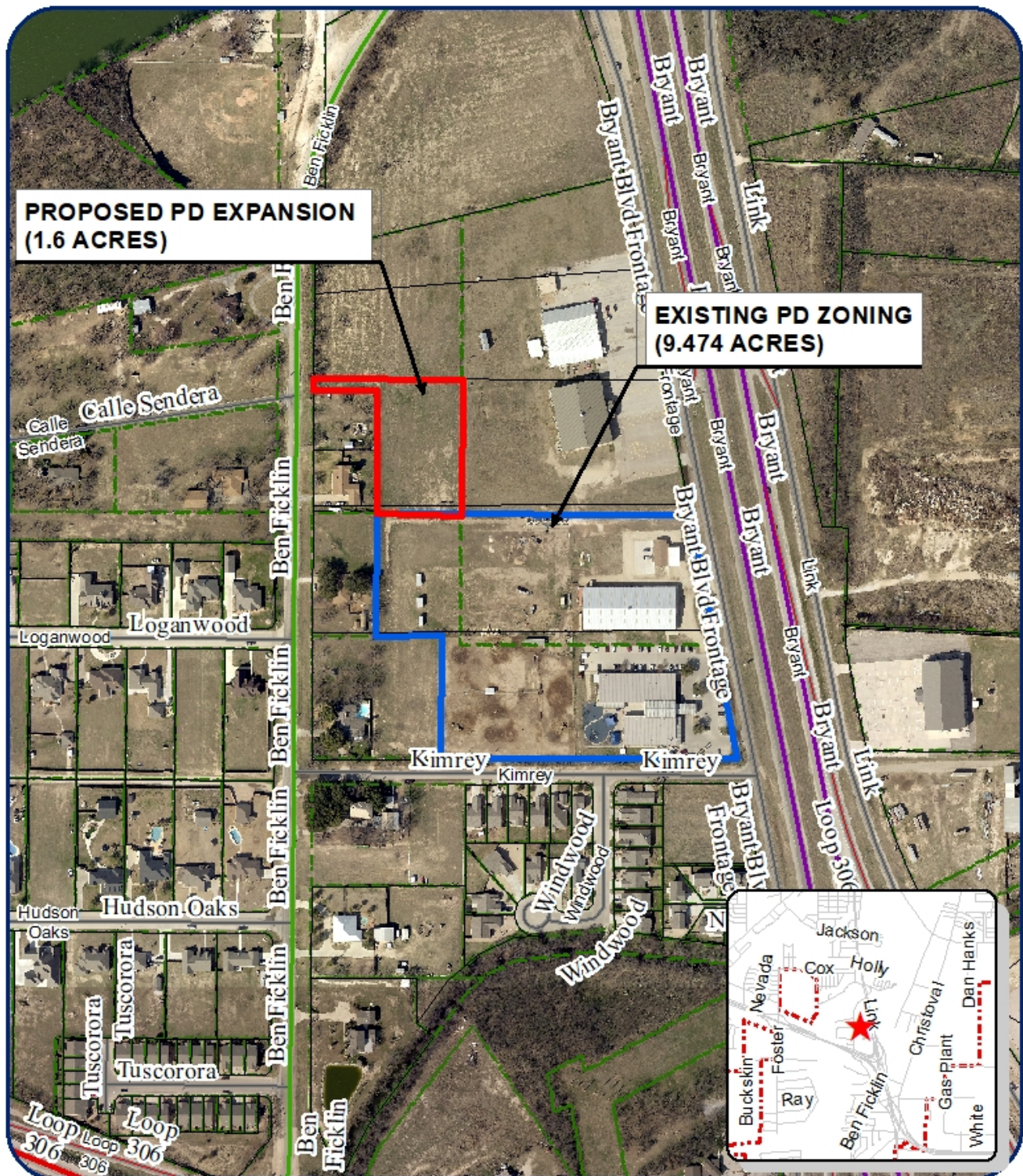
Subject Properties:

Current Zoning: **RS-1, R&E, PD06-05**

Vision: **Commercial and Neighborhood**

Vision Plan Change: **Neighborhood Center**



**Planned Development Rezoning****Amendment to PD06-05: Sonrisas**

Council District: Tommy Hiebert - District 1

Neighborhood: Glenmore

Scale: 1" approx. = 300 ft

5185/5191 S. Bryant Blvd**Legend**

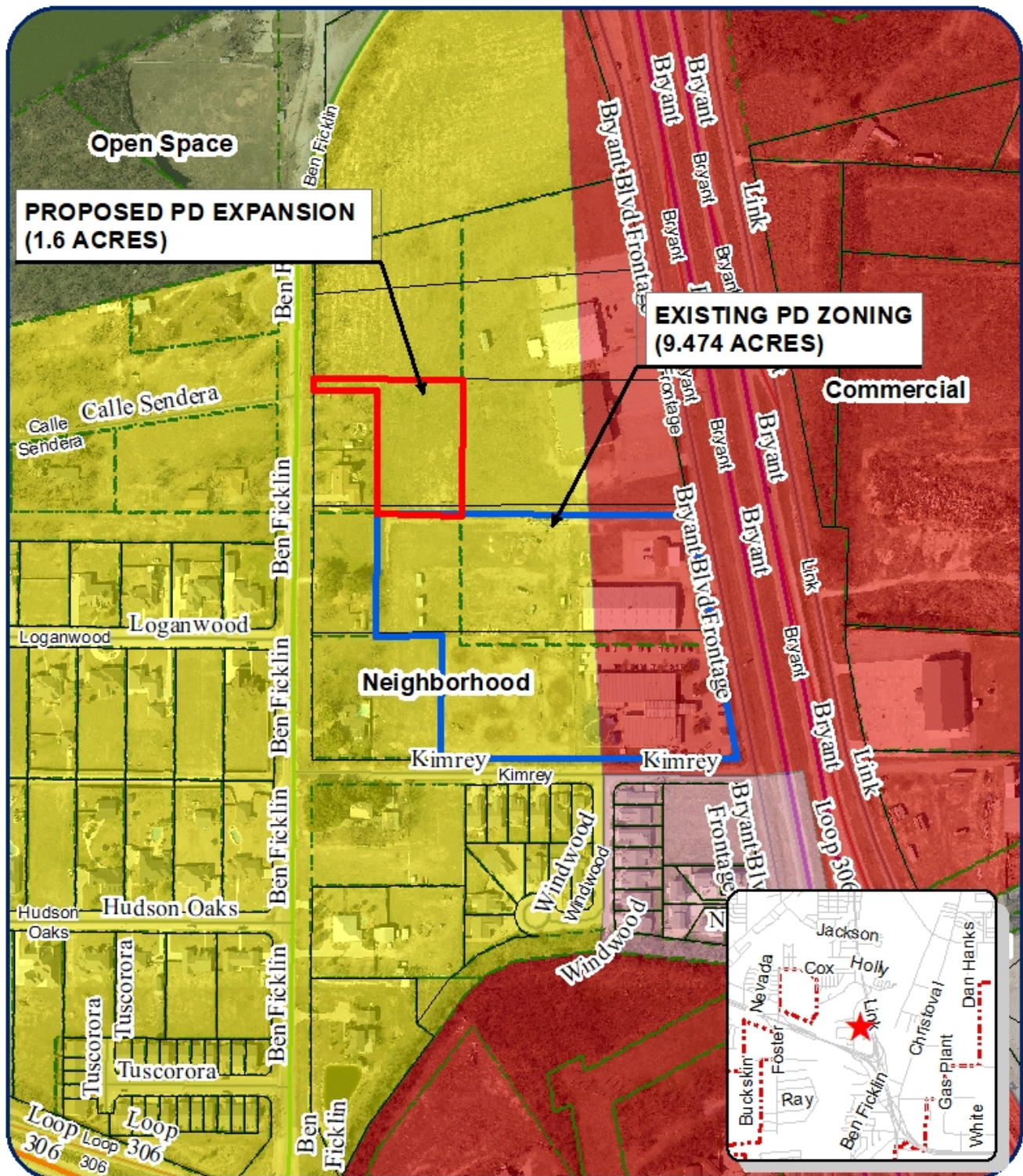
Subject Properties:

Current Zoning: PD06-05 and R&E

Requested Zoning Change: PD06-05

Vision: Commercial and Neighborhood





Planned Development Rezoning

Amendment to PD06-05: Sonrisas

Council District: Tommy Hiebert -District 1
Neighborhood: Glenmore
Scale: 1" approx. = 300 ft

5185/5191 S. Bryant Blvd

Legend

Subject Properties: [REDACTED]
Current Zoning: PD06-05 and R&E
Proposed Zoning Change: PD06-05
Vision: Commercial and Medium Density



Photos of Site and Surrounding Area

NORTH



SOUTH



WEST AT MOSAIC PROPERTY



WEST AT SONRISAS PROPERTY



WEST AT WORD OF LIFE CHURCH PROPERTY



WEST AT WORD OF LIFE CHURCH PROPERTY



Photos of Site and Surrounding Area

WEST AT CITY VACANT PROPERTY



WEST AT CITY VACANT PROPERTY



LEAN-TO BUILDING AT REAR (PERMIT REQUIRED)



TRAIL RIDING AREA (AWNINGS REQUIRE PERMITS)



EXISTING COVERED ARENA



REAR OF PROPERTY



OUTDOOR TALL ROPES AREA



OUTDOOR TALL ROPES AREA



ZIP LINE EXTENSION INTO R&E ZONE



ZIP LINE CLOSE UP FACING ADJACENT RESIDENCE



PD Ordinance requirements exhibit

Requirements of Original PD06-05 (to continue to apply):

1. Allowed uses – day care, therapeutic horse riding, administrative offices
2. Underlying Office Commercial (CO) development standards
3. Accessory horse riding arena
4. Accessory caretaker's residence

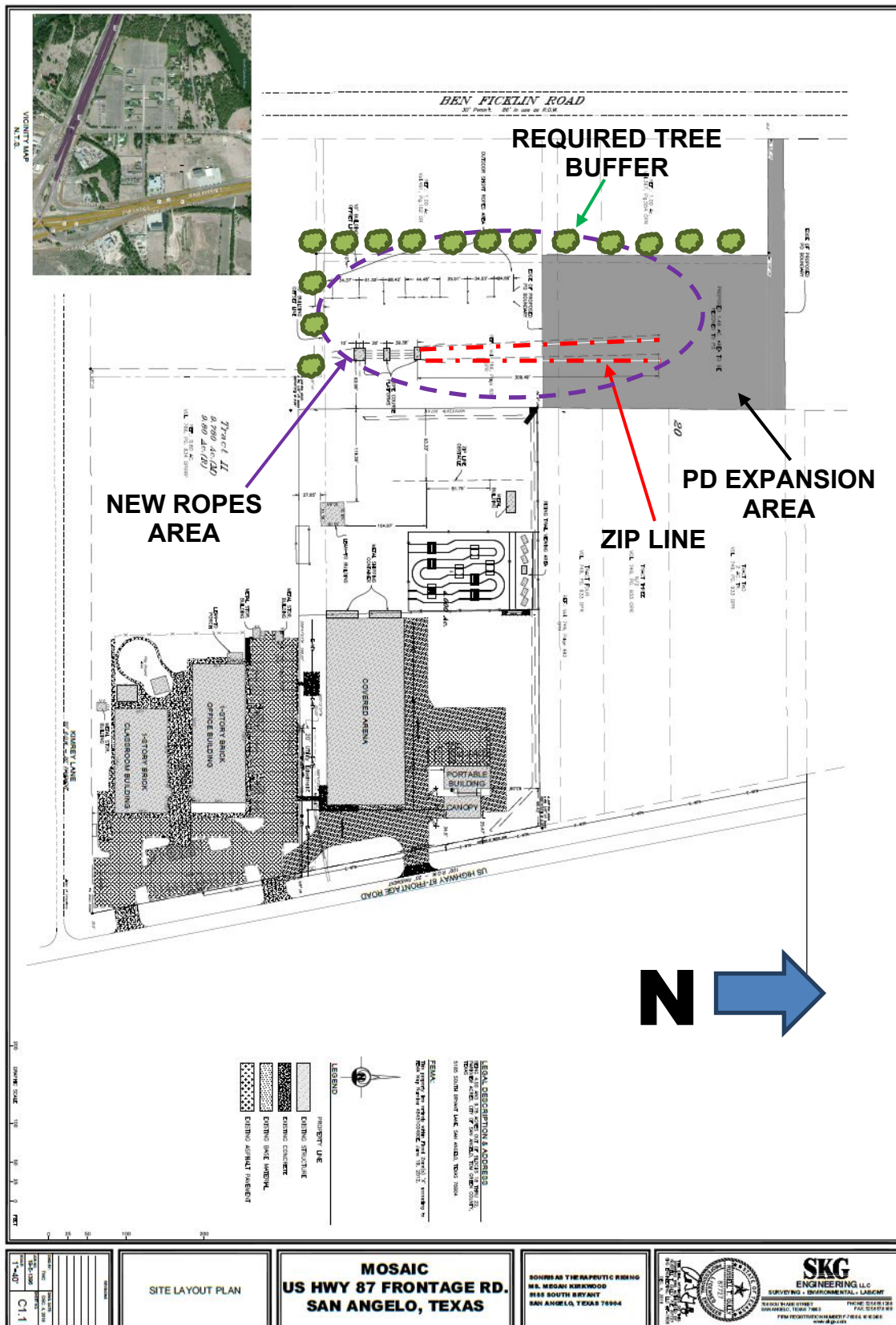
Amendment to PD06-05:

1. Allowed uses – day care, therapeutic horse riding, administrative offices
2. Underlying Office Commercial (CO) development standards
3. Accessory horse riding arena
4. Accessory caretaker's residence

New:

5. Additional permitted uses of ropes challenge course and related accessory structures
6. Prior to any future development and/or building permits on the properties, the applicant shall submit a site plan to the Planning Director delineating a minimum of 15 trees, at least 40 feet tall at full maturity, along the portion of the rear property lines immediately west and south of the tall ropes and zip line course to provide screening from adjacent residential zoning and uses
7. No parking allowed in the 1.48-acre expansion area

PD Concept Plan for Rezoning



Support Letter

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

(✓)

IN FAVOR

()

IN OPPOSITION

REASON(S)

Our only concern is if there are plans for a road or parking lot next to our home. The ladies in the office assured us there was no plan for either.

NAME: Johnny + Vicki Jonett

ADDRESS: 4926 Ben Ficklin Rd

San Angelo 76904

PHONE: 325-617-4139

SIGNATURE: Vicki Jonett

Amendment to PD06-05: Sonrisas Trails

Property owner number: 9

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.

Support Letter

TO BE FORMALLY ON RECORD IN FAVOR OR AGAINST THIS REQUEST, YOU MAY ALSO FILL OUT THIS FORM, SIGN IT AND MAIL IT BACK TO THE PLANNING DIVISION AT 52 W COLLEGE STREET IN SAN ANGELO, TEXAS 76903.

(☒) IN FAVOR () IN OPPOSITION

REASON(S) I Love Mosaic Therapy Riding -
it helps so many young people learn to
care for those less able. I fully support
all efforts to help the disabled & to teach
our youth to care for others.

NAME: Gail Mowrer

ADDRESS: 1631 Kimrey Ln.
San Angelo TX 76904

SIGNATURE: Gail Mowrer

CP19-03: COSA

property owner number: 15

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.

Staff Report –CP19-03 & Amendment to PD06-05: Sonrisas Trails/COSA
January 21 & February 4, 2020

Letter from Sonrisas sent to opposed resident

 Fri 11/22/2019 10:45 AM
Jeremy Vincent <jvincent@wtbr.org>
Sonrisas Trails
To: dpevilliams@verizon.net
Cc: Fisher, Jeff
You replied to this message on 11/22/2019 6:43 PM.

Ms. Williams,

Thank you for your inquiry of the newly built ropes/challenge course at Sonrisas Trails. The Junior League of San Angelo actually started Sonrisas in the early 80's to provide non-traditional therapy through riding horses to the disabled population of San Angelo. With certified instructors and well trained volunteers Sonrisas is able to provide a safe environment for children, adults and veterans to begin to work through their disabilities. The ropes/challenge course was built with the same purpose in mind. Allowing an additional form of non-traditional therapy for the disabled population to utilize. Again, with certified instructors and volunteers they are able to accomplish, overcome and begin to believe in themselves through this experience. I highly recommend you visiting Sonrisas and witness first hand the work being done.

The primary purpose of the ropes/challenge course is to serve the disabled population. With that said, it also provides us the ability to offer its use for the community as a whole. The true financial gain occurs when the individuals that participate, see and understand the purpose of the program and begin to make donations to Sonrisas.

Just like with our equine therapy, the ropes/challenge course therapy will occur M-F, 8-5 with a minimal amount of classes after 6 pm. There are no lights on the course so operating after dark is not a possibility. The course can be used on the weekends and generally speaking it will be during business type hours. The noise should not be greater than what you would hear from our clients in the arena or the children playing on the playground at Mosaic. If you have any other questions, please do not hesitate to ask.

I hope this information is helpful.

Sincerely,

--

Jeremy Vincent, CEO
West Texas Boys Ranch
West Texas Boys Ranch Foundation
Sonrisas Trails
p 325-949-1936
c 325-234-1341

Raising Boys...Building Men
Since 1947

This message (including any attachments) is intended only for the use of the individual or entity to which it is addressed and may contain information that is non-public, proprietary, privileged, confidential, and may constitute attorney work product or be exempt from disclosure under one or more of the following sections of the Texas Public Information Act: SECS. 552.101, 552.103 or 552.107. If you are not the intended recipient, you are hereby notified that any use, dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, notify us immediately by telephone and (i) destroy this message if a facsimile or (ii) delete this message immediately if this is an electronic communication. Thank you.

Opposition Letter (outside 200') and follow-up response



Wed 11/20/2019 6:18 PM

dgsewilliams@verizon.net

Sonrisas Ropes/Zip Line Course

To: Fisher, Jeff

Jeff,

I am writing regarding the building of a Ropes/Zip Line Course at Sonrisas between Hwy 87 S access road the Ben Ficklin Road, San Angelo, Texas.

Sonrisas constructed an unsightly structure in the middle of a residential area without a permit. I feel this is a detriment to our neighborhood and I would like the structure to be removed.

I have the following concerns for you and council:

1. What is the purpose of a Ropes/Zip Line course at a facility that serves handicapped individuals?
2. Is Sonrisas planning to use the course for financial gain by using it for corporate team building events?
3. What time of day or night will activities take place?
4. How many people will participate at any given time?
5. How much noise will the activity generate?
6. If there are any night activities, will there be any lights associated with the project. If so, how many lumens will be used and to what time at night.
6. Will the activity increase the traffic on Kimrey Lane and Ben Ficklin Road?

Thank you in advance.

Linda D. Williams
1866 Calle Sendera
San Angelo, Texas 76904
972.849.9965



Sat 11/23/2019 9:30 AM

dgsewilliams@verizon.net

Re: Sonrisas Trails

To: jvincent@wtbr.org

Cc: Fisher, Jeff; rggraha@hotmail.com; ruthjordan@suddenlink.net; rkandannam@suddenlink.net; phylliswaldrop@gmail.com



You replied to this message on 11/23/2019 9:49 AM.

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

Mr. Vincent,

Thank you for your response.

I was one of the original people whom started Sonrisas (now a part of Boys Ranch) BEFORE the Junior League took it over. I am very well versed on what they do, and continue to maintain my opinion that a ropes course with a zip line is not consistent with therapeutic riding. This structure appears to be a replica of what was at Boys Ranch, where corporate challenges are held for a fee. Therefore, I am still opposed to the structure.

Linda D. Williams

—Original Message—

From: Jeremy Vincent <jvincent@wtbr.org>

To: dgsewilliams <dgsewilliams@verizon.net>

Cc: Fisher, Jeff <jeff.fisher@cosatx.us>

Sent: Fri, Nov 22, 2019 10:44 am

Subject: Sonrisas Trails

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.

Future land use of neighbor land allows
commercial uses. Already existing PD
zoning on property.

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

Expansion is to Allow a ropes course ~~in the~~
through the expansion of the PD property
boundary.

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.

Existing PD allows the facility this is
extending the PD boundary

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

Zip line was placed in the R:E zoning
; requires PD amendment.

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

NP

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

PD expansion will allow Sonrisa to
continue serving children & adults with
disabilities.

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): Sonrisas Trails
☐ Owner ☒ Representative (Notarized Affidavit Required)
 Mailing Address: PO Box 1093 San Angelo TX 76902
325-234-1341 vincentputbridge
 Contact Phone Number Contact E-mail Address
 Subject Property Address: 5185 S Bryant 5181 S Bryant TX 76901
 City State Zip Code

Legal Description (can be found on property tax statement or at www.tamarencad.com)

Existing Zoning: PD+RE Proposed Zoning: PD Lot size: 13.51

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

Section 2: Site Specific Details

Existing Use of Property: Therapeutic Riding & Challenge Course

*Proposed Use of Property: Expand an addition 46 acres of PD zoning onto an existing 9.474 PD land

*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
		Sonrisas Trails	11-14-19
Representative Name (Print)	Signature	Company/Organization	Date

FOR OFFICE USE ONLY:

☒ Verified Complete ☐ Verified Incomplete

Amendment to PD 06-05
Case No.: 2

Date of Application: 11/14/2019

Fully-dimensioned site plan: ☒

Nonrefundable fee: \$520.00 Receipt #: _____ Date paid: 11/14/2019

Sign Deposit \$37.50 Receipt #: _____ Date paid: 11/14/2019

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: 12/16/19 Date notifications due: ____/____/____

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

Publication date: ____/____/____

Reviewed/Accepted by: J. Fisher Date: 11/14/2019

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: January 21, 2020

Item type: Regular Item

Caption:

First reading and public hearing of an ordinance approving PD19-09, a rezoning from the General Commercial/ Heavy Commercial zoning district to the Planned Development zoning district to allow for a multifamily housing development comprising of 20 two-family (duplex) buildings with a total of 40 residential units with associated management office and storage units; and an existing telecommunication tower facility; being 2.15 acres located between E. Ave. D, S. Oakes St., E. Washington Dr., and Orient St. (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 a multifamily residential housing development comprising of 20 two-family (duplex) buildings and a total of 40 residential units; a management office and storage units; and an existing telecommunication tower facility. Plans are for 24 of the residential units to be one-bedroom and 16 two-bedroom.

The purpose of the PD rezoning is to allow a multifamily residential development on the six lots with appropriate underlying zoning, reduced front yard building setbacks, and security fencing taller than 4 feet within these setbacks to control access to the site. The reduced front yard setbacks will allow the buildings adjacent to these streets to be built at 0 feet, along the property line. This will be consistent with the commercial building line along this corridor, enhancing the streetscape.

Financial Impact:

N/A

Other Information/Recommendation:

On December 16, 2019, the Planning Commission unanimously recommend APPROVAL of the rezoning, by a 6-0 vote.

Attachments:

- | | | |
|----|------------------------|-----------------------------|
| 1. | Ordinance (PD19-09) | Ordinance (PD19-09).docx |
| 2. | Staff Report (PD19-09) | Staff Report (PD19-09).docx |

Presentation:

Jon James

Approvals/Reviews:

Jeff Fisher
Hillary Bueker

Created/Initiated
Approved

Jon James
Brandon Dyson
Jon James
Theresa James
Julia Antilley

Approved
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 PROPERTIES: **LOTS 1A, 2A, 3A, 4A, 5A, AND 6A IN THE SECOND REPLAT IN BLOCK 13 OF THE MILLSPAUGH ADDITION; LOCATED BETWEEN EAST AVENUE D; SOUTH OAKES STREET; EAST WASHINGTON DRIVE; AND SOUTH CHADBOURNE STREET;** FROM THE GENERAL COMMERCIAL/HEAVY COMMERCIAL (CG/CH) ZONING DISTRICT TO A PLANNED DEVELOPMENT (PD19-09) ZONING DISTRICT TO ALLOW FOR A MULTIFAMILY HOUSING DEVELOPMENT WITH ASSOCIATED MANAGEMENT OFFICE AND STORAGE UNITS; AND AN EXISTING TELECOMMUNICATION TOWER FACILITY; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE

RE: PD19-09: Favre

WHEREAS, on the 16th day of December, 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 (PD19-09) Zoning District to allow for a multifamily housing development with associated management office and storage units; and an existing telecommunication tower facility; 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 21st day of January, 2020, City Council held a public hearing on PD19-09, 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 (PD19-09) ZONING DISTRICT;

The real property generally located between East Avenue D, South Oakes Street, East Washington Drive, and Orient Street; being 2.15 acres within Lots 1A, 2A, 3A, 4A, 5A, and 6A in the Second Replat in Block 13 of the Millspaugh Addition, 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 (PD19-09) 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 **21st day of January, 2020**, and finally PASSED, APPROVED AND ADOPTED on this the **4th day of February, 2020**.

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)

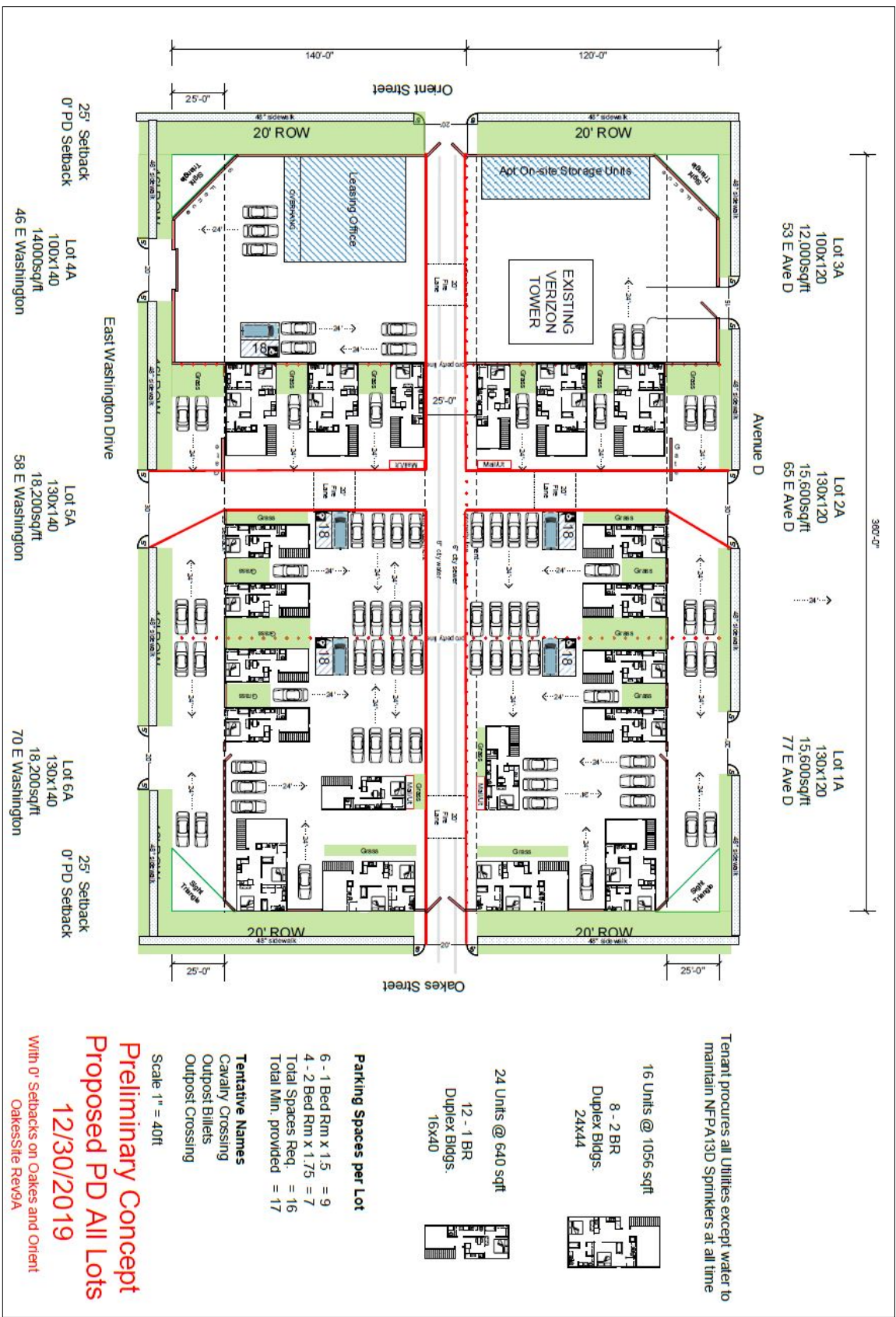


Exhibit "B" (PD Boundary Map)

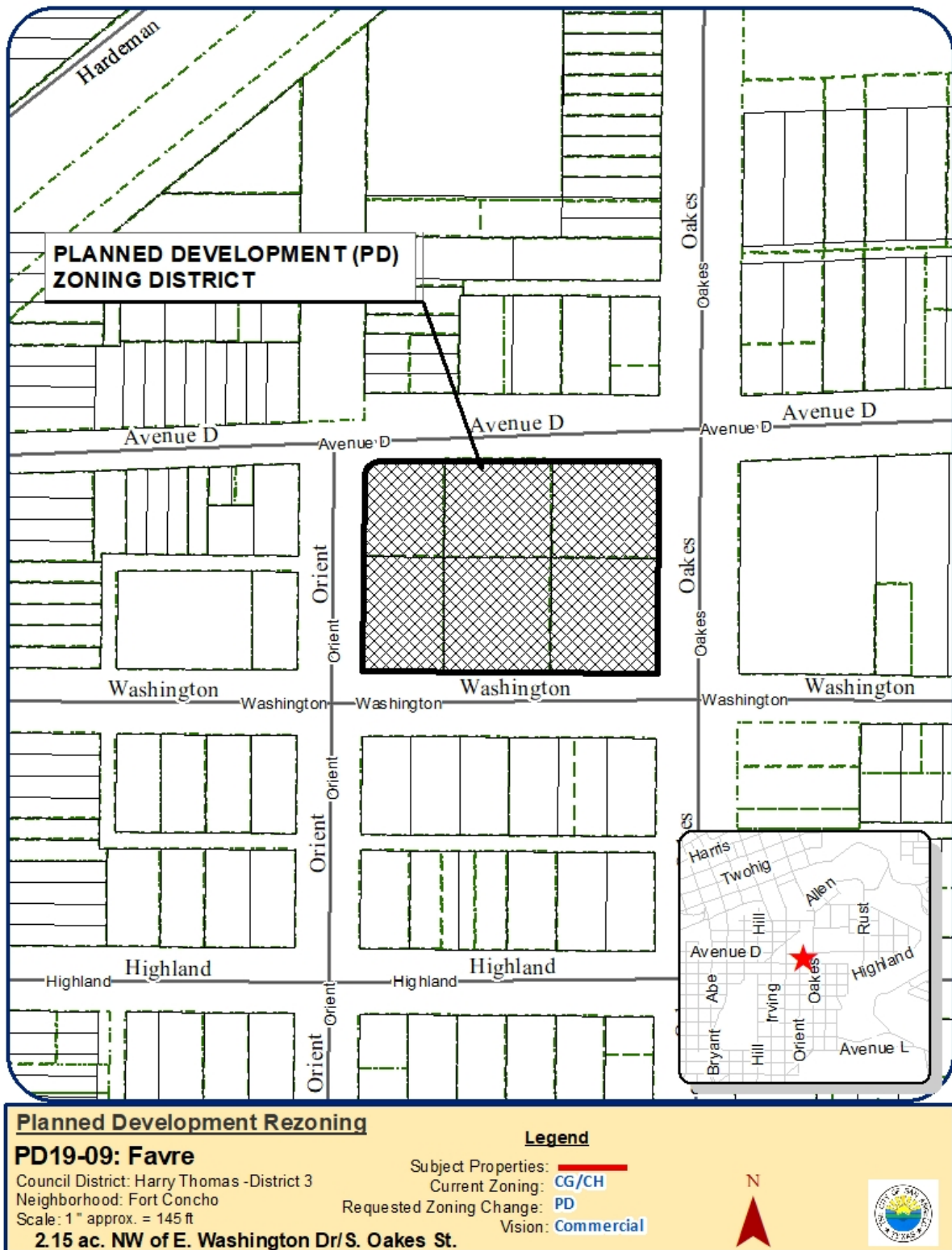


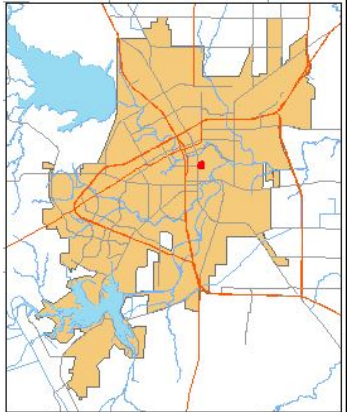
Exhibit “C”

Applicable Regulations

1. Except as otherwise specified or limited below, the development of the subject property shall generally conform to the Low Rise Multifamily Residential (RM-1) Zoning District, except for:
 - a. The minimum front yard setback shall be 0 feet;
 - b. The maximum fence height within the front yards of Lots 1A, 2A, 5A and 6A of the Second Replat in Block 13, Millspaugh Addition, shall be 6 feet; and,
 - c. The maximum fence height within the front yards of Lots 3A and 4A of the Second Replat in Block 13, Millspaugh Addition, shall be 8 feet, except that any fencing on Lot 4A within the front yard facing East Washington Drive shall be a maximum height of 6 feet and be non-opaque.
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. The applicant shall submit and obtain approval of an Urban Design Review (UDR) prior to any future development that includes building elevations, a landscape plan, and details of all fencing, screening, and proposed lighting.
4. Intermodal containers shall not be used as permanent structures on the property, including as storage units.
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.

CITY COUNCIL – January 21, 2020
STAFF REPORT



APPLICATION TYPE:		CASE:	
Planned Development (Rezoning)		PD19-09: Favre	
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 a multifamily residential housing development comprising of 20 two-family (duplex) buildings and a total of 40 residential units; a management office and storage units; and an existing telecommunication tower facility. Plans are for 24 of the residential units to be one-bedroom and 16 two-bedroom (see Additional Information).			
LOCATION:		LEGAL DESCRIPTION:	
Located between East Avenue D, South Oakes Street, East Washington Drive, and Orient Street		Being Lots 1A-6A in the Second Replat in Block 13, Millspaugh Addition	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #3 – Harry Thomas Fort Concho Neighborhood	General Commercial/Heavy Commercial (CG/CH)	C – Commercial	2.15 acres
THOROUGHFARE PLAN:			
<i>All adjacent streets are Urban Local Streets requiring 50' right-of-way, 40' pavement or 36' with a 4' sidewalk</i> East Avenue D – Provided: 80' right-of-way, 40' pavement Orient Street – Provided: 80' right-of-way, 40' pavement East Washington Drive – Provided: 80' right-of-way, 50' pavement South Oakes Street – Provided: 100' right-of-way, 60' pavement			
NOTIFICATIONS:			
14 notifications mailed within 200-foot radius on November 25, 2019. None received in support; one received in opposition (See below).			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District to the Planned Development (PD) Zoning District to allow for a multifamily housing development with associated management office and storage units; and an existing telecommunication tower facility; subject to five conditions of approval.			
PROPERTY OWNER/PETITIONER:			
Property Owner and Applicant: Tri-Side Capital LLC TSC Outpost Series, Mr. Mickey Favre			
STAFF CONTACT:			
Jeff Fisher, AICP Principal Planner (325) 657-4210, Extension 1550 jeff.fisher@cosatx.us			

Additional Information: The purpose of the PD rezoning is to allow a multifamily residential development on the six lots with appropriate underlying zoning, reduced front yard building setbacks, and security fencing taller than 4 feet within these setbacks to control access to the site. Planning Staff is recommending Low Rise Multifamily Residential (RM-1) as the underlying zoning for the PD which will remove the incompatible CG/CH zoning. The reduced front yard setback will allow the buildings facing Oakes and Orient Streets to be built at 0 feet, along the property line. This will be consistent with the commercial building line along this corridor, enhancing the streetscape. The applicant has submitted a concept plan and sample building elevations as part of their request. A portion of the elevations facing South Oakes Street, East Washington Drive, and East Avenue D will be of simulated stone or Dryvit stucco finish, and gabled, shingled roofs compatible with historic Fort Concho located to the east. The concept plan also delineates sidewalks along all four sides of the development as well as a greenspace buffer between the property lines and the sidewalks. A portion of the Avenue D sidewalk may be required to be shifted south given proximity to existing electric poles, and this can be addressed at the permit stage. The plan shows four controlled access points, one from each of the four streets abutting the development. All of the lots were platted as the Second Replat in Block 13, Millspaugh Addition, filed for record with the county clerk on July 5, 2016.

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 properties are designated “Commercial” in the City’s Comprehensive Plan which calls to “establish transition areas between commercial areas and nearby neighborhoods” that “create new physical connections to neighborhoods lined with transitional and intermediate uses.” An existing telecommunication tower was approved by Conditional Use (CU16-05) on Lot 3A at the northwest corner of the development. The applicant now plans to add storage units for the apartments on this lot, as well as a management office on Lot 4A to the southwest. These uses are compatible in the Commercial designation. The multifamily residential development will provide a transition between the commercial buildings along South Oakes Street, and the residential homes to the southwest. The multifamily housing development will also be consistent with historic Fort Concho to the east which also contains multiple buildings within a single development.
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 development will comply with the underlying RM-1 zoning standards of the PD, except for the required front yard setbacks of 25 feet from South Oakes Street and Orient Street, and allow fencing higher than 4 feet in the front yards which will be recognized through site-specific exceptions in the PD ordinance. This will include allowing the 6-foot high fencing around the multifamily properties, and 8-foot high fencing around the commercial/office properties. Each of the six lots exceed the minimum lot frontage of 60 feet and minimum lot depth of 100 feet for a multifamily

development. The RM-1 zoning allows 25/units per acre, up to 53 units on this site. However, only 40 units are proposed (75% of the maximum allowed). From the concept plan, the total proposed floor area ratio is approximately 0.46 (43,055 square feet of building floor area divided by the lot area of 93,654 square feet), well under the maximum 0.75 FAR. Finally, the applicant has provided adequate parking for each lot. On the four duplex properties, a minimum of 17 spaces are provided and a total of 16 are required (1.5 spaces x 6 – 1 bedroom units and 1.75 spaces x 4 – 2 bedroom units). On the management office property, 8 spaces are provided and only 5 are required (2,500 square feet/500) and for the telecommunication tower property, two spaces are provided as required.

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 is compatible with the surrounding area. As indicated, the applicant plans to install facades that are visually consistent with the materials found on the historic Fort Concho buildings. The development is similar to the Fort Concho property in that it contains multiple buildings as part of a single development. It provides a transition between the commercial development along South Oakes Street and the residential neighborhood to the southwest. Staff believes the PD is appropriate for this area which combines existing commercial uses (telecommunication tower) with a new management office, storage units, and duplexes.
4. **Changed Conditions.** *Whether and the extent to which there are changed conditions that require an amendment.* The underlying CG/CH zoning is not compatible with this area that combines historic Fort Concho with a retail commercial corridor and residential neighborhood. This rezoning would recognize the mixed-use character of this block and allow more affordable housing close to Downtown San Angelo. The properties are two blocks south of the Central Business District, two blocks east of a Concho Valley Transit (CVT) bus route, have access to on-street bike lanes along South Oakes Street, and are within the South TIRZ District which allows the applicant to apply for façade and site improvement grants.
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 does not appear to be any adverse impacts on the natural environment if this development was approved. The property was platted in 2016 and a drainage study which will look at grading, drainage and runoff will be required at the time of permitting. Any mitigation measures, if required, could be addressed at that time.
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 for the proposed multifamily development. The recent 2019 *San Angelo ResIntel Housing Study* <https://www.cosatx.us/home/showdocument?id=29353> supports justification for this, for the

type of units (rental duplexes) and location (close to Downtown). The study indicates a current multifamily rental occupancy of 95.6% in the first quarter of 2019 close to full capacity, and predicts a 6% increase of net new households in the city in the next 5 years. The study also indicates increasing demand for rented duplexes due to a large shortage of desirable for-sale homes priced \$150,000 and below, and references a previous study with a downtown housing demand of 600 units. Finally, the study mentions that 6,472 renter-occupied households were burdened with housing costs and a lack of a diverse mix of housing types in new construction. Staff is confident based on the thorough analysis and demographic analysis of this study that the 40 new duplex units will help reduce the shortage of housing and provide more affordable options to San Angelo residents. As indicated, the property is an excellent location close to Downtown San Angelo, historic Fort Concho a major tourist attraction, and other retail commercial amenities within walking distance.

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.* Staff does not anticipate any change to existing development patterns. As indicated, the six lots were platted in 2016 and the four new controlled access points will provide access from all four sides to the development. In addition, there will be additional accesses on each of the lots exclusively for parking areas. These parking areas provide additional spaces for guests to the properties.

Planning Commission Recommendation:

On December 16, 2019, the Planning Commission recommended unanimous **APPROVAL** by a vote of 6-0 the rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District to the Planned Development (PD) Zoning District to allow for a multifamily housing development with associated management office and storage units; and an existing telecommunication tower facility, **subject to the five conditions of approval as presented, amending Condition #1.c. to require that any fencing on Lot 4A within the front yard facing East Washington Drive shall be a maximum height of 6 feet and be non-opaque. Commissioner Smith seconded the motion. The motion carried unanimously, 6-0 (see below).**

The following is the complete excerpt of the draft minutes from the September 16, 2019, meeting for this case:

Mr. Fisher presented the proposed PD Zoning request. He explained that the purpose of the request is to allow a multifamily housing complex on the property comprising of 20 duplex buildings and a total of 40 units. Mr. Fisher displayed the applicant's concept plan. He explained that the PD would allow flexibility in zoning standards including allowing 0-foot front setbacks and recognition of the existing telecommunication tower and proposed commercial storage units at the northwest corner of the site. He further explained that the PD would allow fencing up to 8 feet in height on portions of the commercial and management office lots for security reasons.

Chair Stribling asked if the setback will be 0 feet on Oakes Street and Orient Street.

Mr. Fisher responded that this was correct.

Mr. Fisher outlined Staff's recommendation to approve the PD rezoning on the grounds that the multifamily development will provide a transition between the single-family residential development to the southwest and commercial buildings along South Oakes Street; that the proposed development will comply with the underlying RM-1 zoning standards except for the front setbacks of 0 feet; that the proposed front facades will be consistent with historic Fort Concho; and that the PD will recognize the mixed-use character of the site. Mr. Fisher also referenced some statistics from a 2019 *ResIntel* housing study calling for more affordable housing and duplexes in San Angelo.

Chair Stribling asked why an 8-foot tall fence was needed along the west side of the property and not a 6-foot tall fence.

Mr. Fisher explained that the applicant wanted additional security on this side.

Commissioner Jackson asked about the proposed front setback on Oakes Street.

Mr. Fisher responded that many of the properties along South Oakes are at or close to 0 feet and allowing the new buildings to be at 0 feet on this side would be consistent with the surrounding development pattern.

Chair Stribling opened public comment.

Mr. Mickey Favre, the applicant, indicated that he bought the property four years ago and intends to make the development consistent with Fort Concho. He explained that the PD will allow the zero lot line consistent with the surrounding area, and that the 8-foot fence on the westerly lots would keep these separate from the rest of the development.

Commissioner Jackson asked how many units were part of this development.

Mr. Favre responded there will be 40 units within duplexes no more than two-stories tall.

Mr. Ross Coleman, Fire Prevention Officer, indicated that the applicant will be installing fire sprinklers for the buildings.

Mr. Fisher indicated that the portion of the fence on the management office lot facing East Washington Drive shall be a maximum height of 6 feet and non-opaque to allow residents to be able to locate the management office.

Chair Stribling asked for clarification that all units have to be sprinklered.

Mr. Coleman indicated that each unit will have its own sprinkler system unlike a commercial building and that his office is in support of the proposed system.

Mr. Favre indicated that these units are not required to be sprinklered as duplexes.

Commissioner Uherik left the meeting at 10:28 a.m.

Chair Stribling closed public comment.

Mr. Fisher reiterated that Lot 4A with the management office shall not have a fence taller than 6 feet and that this fence shall be non-opaque within the front yard facing East Washington Drive.

Chair Stribling expressed that an 8-foot fence is aggressive in his opinion.

Mr. Jon James, Planning and Development Services Director, indicated an 8-foot fence was only allowed on the two westerly properties, not on the four duplex properties.

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 a multifamily housing development with associated management office and storage units, and an existing telecommunication tower facility, subject to the five conditions of approval as presented, amending Condition #1.c. to require that any fencing on Lot 4A within the front yard facing East Washington Drive shall be a maximum height of 6 feet and be non-opaque. Commissioner Smith seconded the motion. The motion carried unanimously, 6-0.

Recommendation:

Staff's recommendation is for City Council to **APPROVE** the rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District to the Planned Development (PD) Zoning District to allow for a multifamily housing development with associated management office and storage units; and an existing telecommunication tower facility; **subject to five conditions of approval, amending Condition #1.c. as recommended by the Planning Commission as outlined below.**

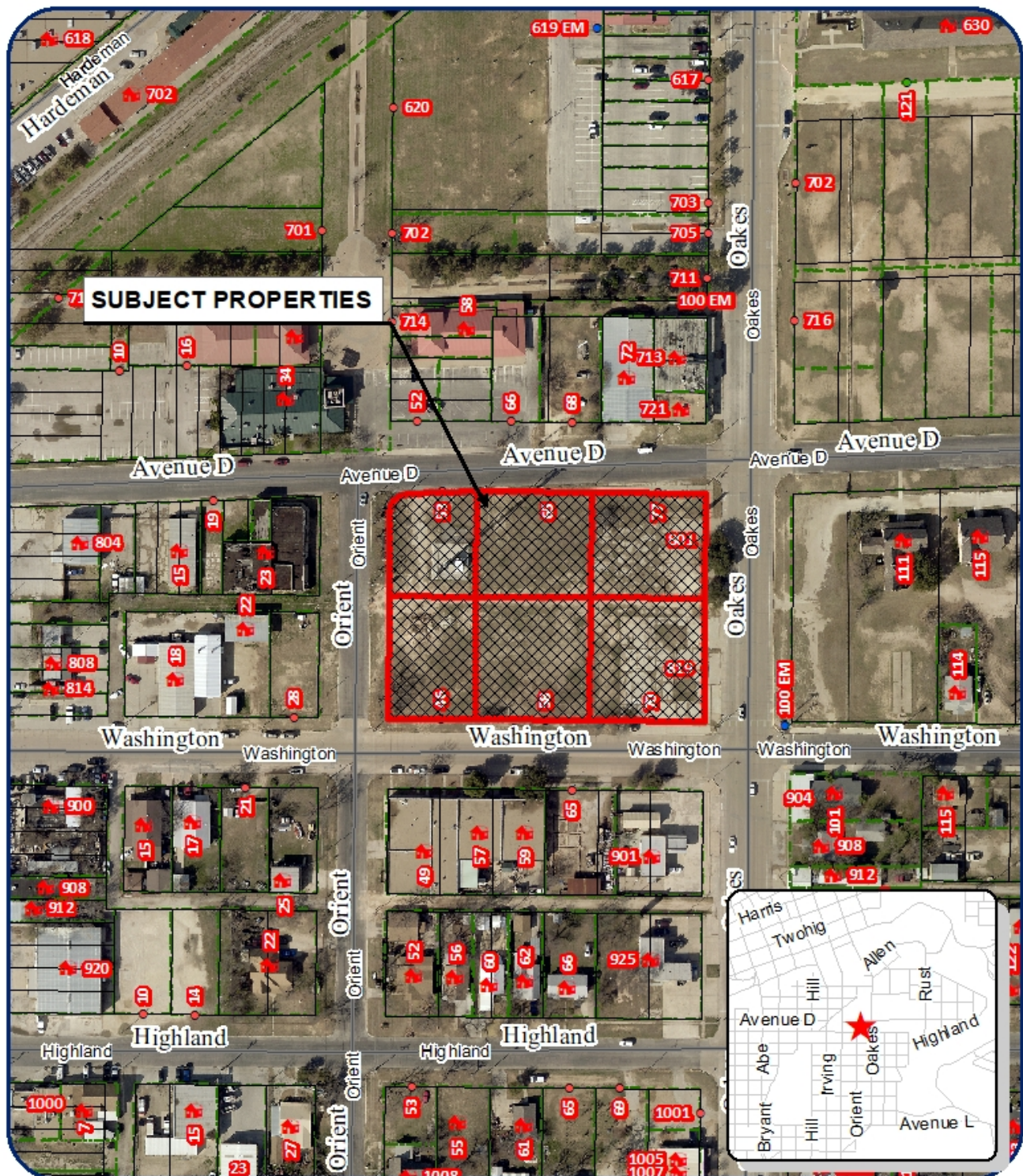
1. Except as otherwise specified or limited below, the development of the subject property shall generally conform to the Low Rise Multifamily Residential (RM-1) Zoning District, except for:
 - a. The minimum front yard setback shall be 0 feet;
 - b. The maximum fence height within the front yards of Lots 1A, 2A, 5A and 6A of the Second Replat in Block 13, Millspaugh Addition, shall be 6 feet; and,
 - c. The maximum fence height within the front yards of Lots 3A and 4A of the Second Replat in Block 13, Millspaugh Addition, shall be 8 feet, **except that any fencing on Lot 4A within the front yard facing East Washington Drive shall be a maximum height of 6 feet and be non-opaque.**
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. The applicant shall submit and obtain approval of an Urban Design Review (UDR) prior to any future development that includes building elevations, a landscape plan, and details of all fencing, screening, and proposed lighting.
4. Intermodal containers shall not be used as permanent structures on the property, including as storage units.
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.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Photographs
Response Letter
Concept Plan
Conceptual Renderings
Zone Change Criteria Sheet
Application



Planned Development Rezoning

PD19-09: Favre

Council District: Harry Thomas -District 3
Neighborhood: Fort Concho
Scale: 1" approx. = 145 ft

2.15 ac. NW of E. Washington Dr/S. Oakes St.

Legend

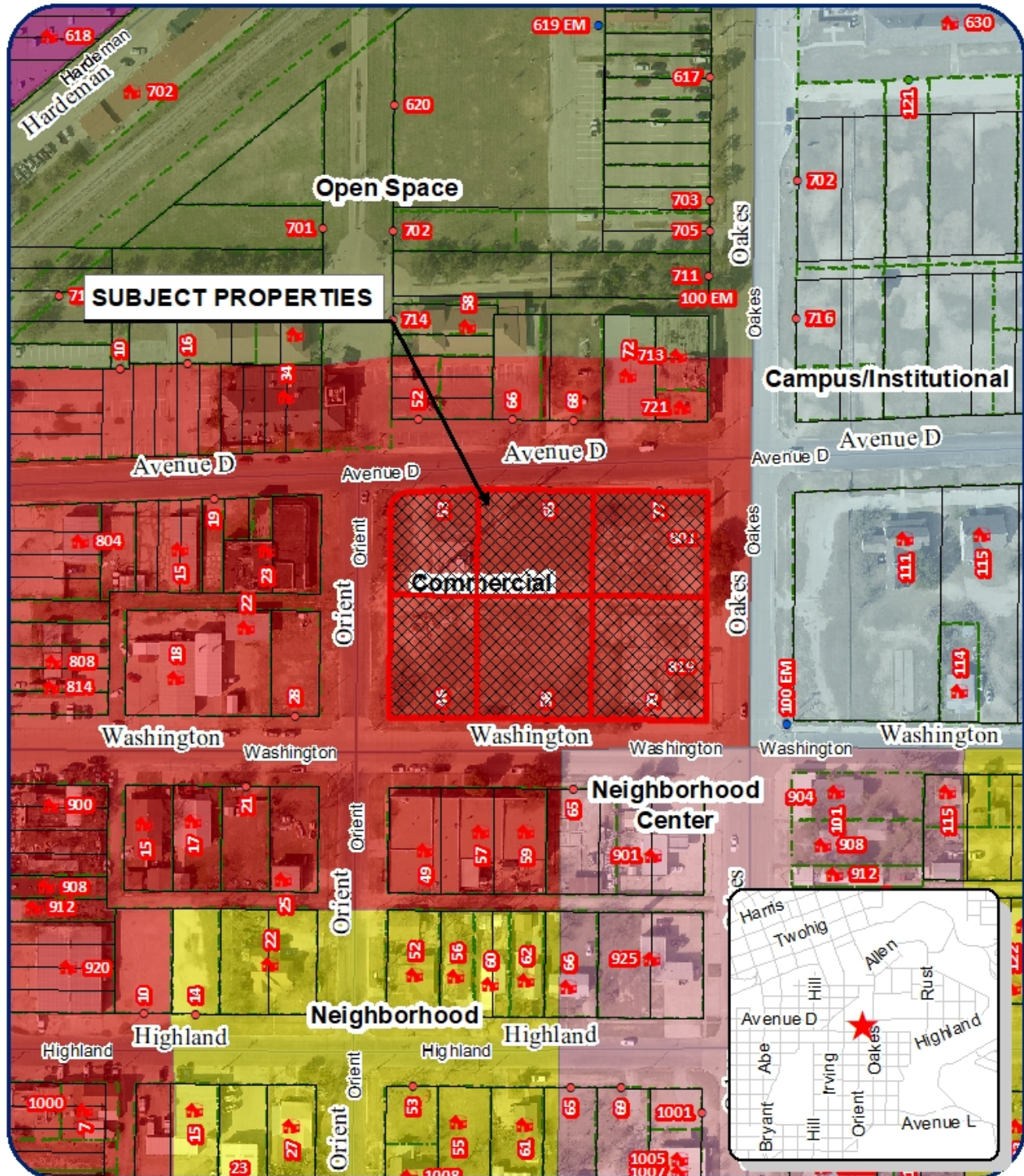
Subject Properties:

Current Zoning: **CG/CH**

Requested Zoning Change: **PD**

Vision: **Commercial**





Planned Development Rezoning

PD19-09: Favre

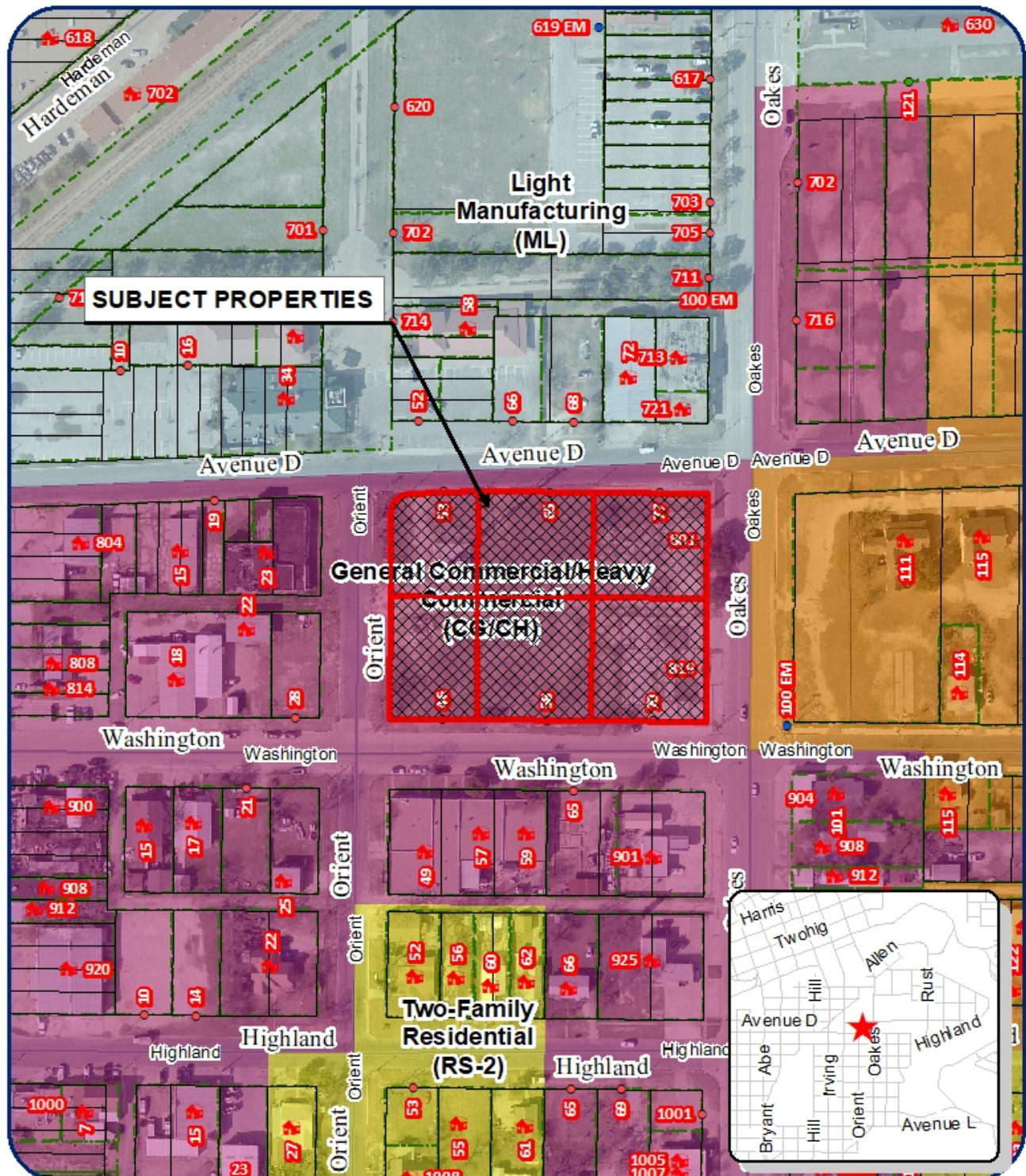
Council District: Harry Thomas - District 3
Neighborhood: Fort Concho
Scale: 1" approx. = 145 ft

2.15 ac. NW of E. Washington Dr/S. Oakes St.

Legend

Subject Properties: █
Current Zoning: CG/CH
Requested Zoning Change: PD
Vision: Commercial





Planned Development Rezoning

PD19-09: Favre

Council District: Harry Thomas -District 3

Neighborhood: Fort Concho

Scale: 1" approx. = 145 ft

2.15 ac. NW of E. Washington Dr/S. Oakes St.

Legend

Subject Properties:

Current Zoning: **CG/CH**

Requested Zoning Change: **PD**

Vision: **Commercial**



Photos of Site and Surrounding Area

NORTH



SOUTH



WEST AT FORT CONCHO



SOUTH FROM PROPERTY



WEST AT SUBJECT PROPERTY



SOUTH AT SUBJECT PROPERTY



Photos of Site and Surrounding Area

SOUTHWEST AT SUBJECT PROPERTY



TELECOMMUNICATION TOWER PROPERTY
(PART OF PROPOSED PD)

WEST FROM PROPERTY



PROPOSED MANAGEMENT OFFICE PROPERTY
(PART OF PROPOSED PD)



FORT CONCHO BUILDINGS TO EAST



SOUTH FACING WASHINGTON DR.



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

() IN FAVOR

(X) IN OPPOSITION

REASON(S) We do not need multifamily houses because
that would decrease my property value in my
opinion. It should stay CB/CA zoning.

Also, with that many people we have enough
trouble with theft and vandalism now, much
less with that many people added to this neighborhood.

Besides it would take away from the
Fast Conchos to have such a compound
just across the street.

So, please do not allow this compound
in my area. We do not need a Man Camp.

NAME: Randy Phillips

ADDRESS: 912 S. Baker St.

San Angelo, Texas 76903

PHONE: 325-658-5119

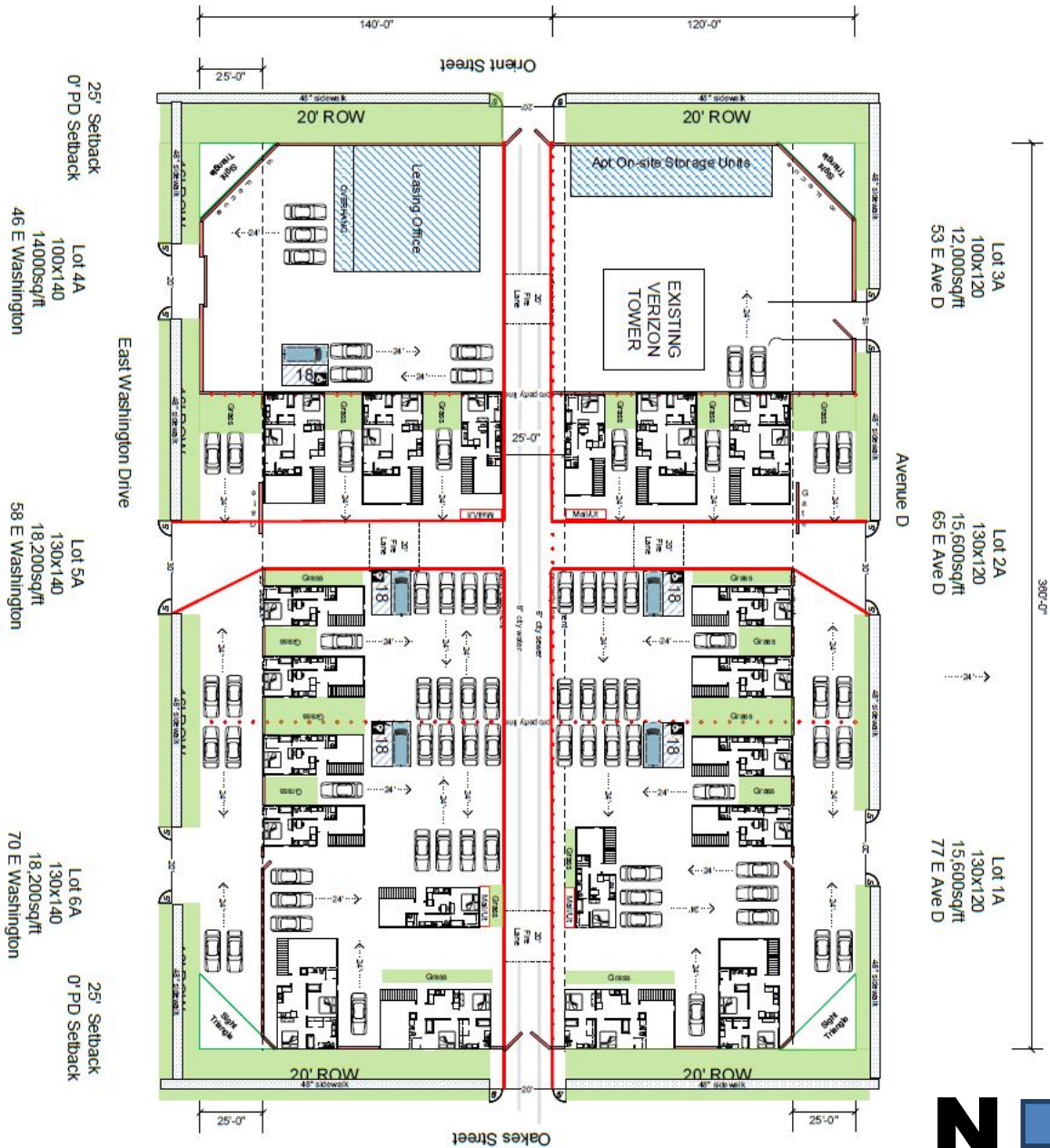
SIGNATURE: Randy Phillips

PD19-09: Favre

Property owner number: 11

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 325-657-4210 or by email at jeff.fisher@cosatx.us.

Concept Plan



Tenant procures all Utilities except water to maintain NFPA 13D Sprinklers at all time

16 Units @ 1056 sqft

8 - 2 BR
Duplex Bldgs.
24x44

24 Units @ 640 sqft

12 - 1 BR
Duplex Bldgs.
16x40

Parking Spaces per Lot

6 - 1 Bed Rm x 1.5 = 9
4 - 2 Bed Rm x 1.75 = 7
Total Spaces Req. = 16
Total Min. provided = 17

Tentative Names

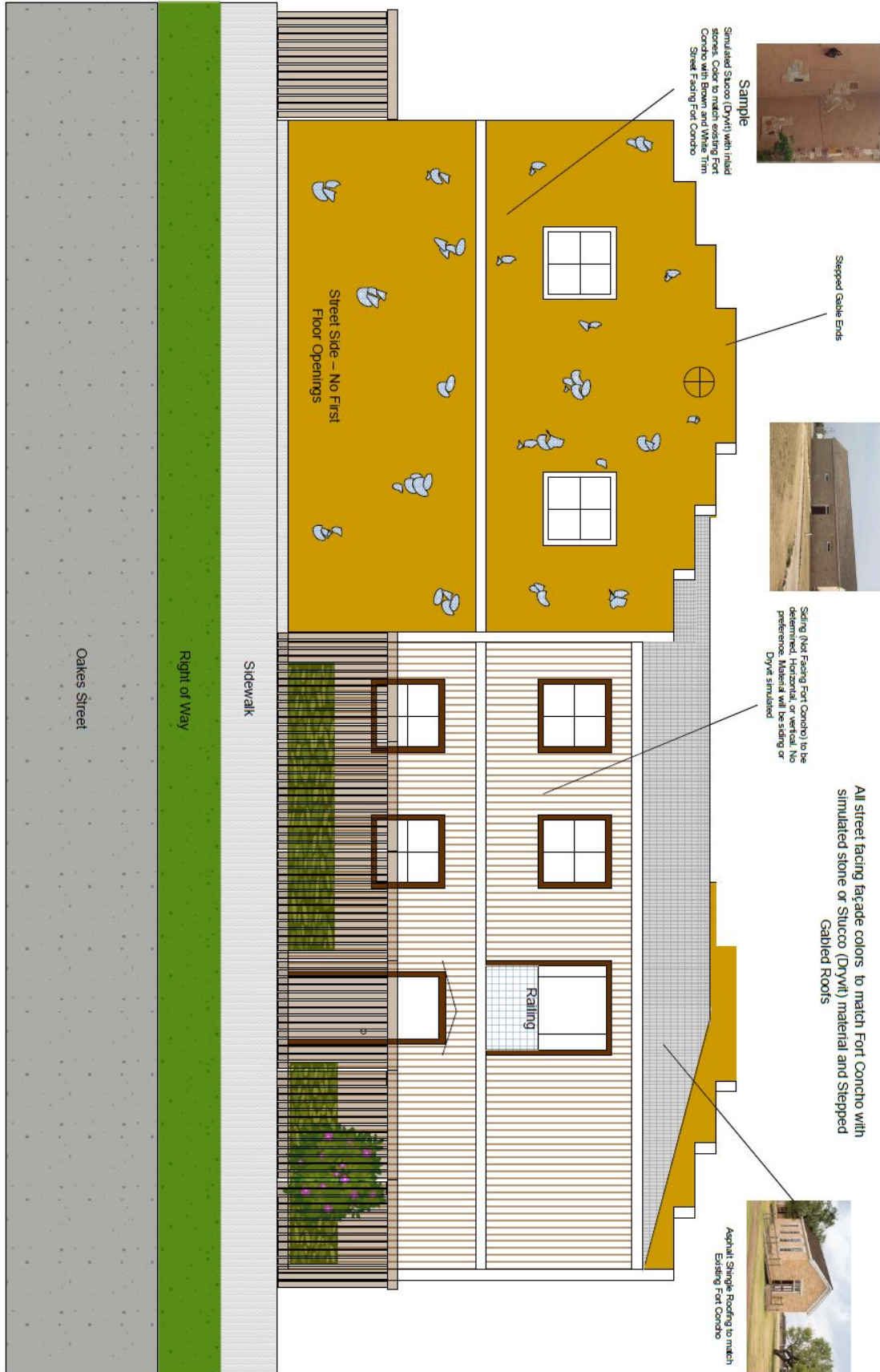
Cavalry Crossing
Outpost Bldgs
Outpost Crossing

Scale 1" = 40ft

Preliminary Concept
Proposed PD All Lots
12/30/2019

With 0' Setbacks on Oakes and Orient
OakesSite Rev9A

Conceptual Renderings (Oakes St)



Conceptual Renderings (Ave D and Washington Dr)



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 existing Zoning is commercial. The property is in close proximity to Fort Concho and Fort Concho Elementary and Existing single family residences. This property will provide a buffer area to these zones.

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

This will enhance the existing Zoning ordinance providing much needed residential living spaces in an area that is lacking modern living spaces by Fort Concho elementary and the Downtown area. 48" Sidewalks will be provided on all street right of ways. The architecture will blend in well with Fort Concho.

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.

I believe residential multifamily living designed to more closely mimic Fort Concho Architecture and colors will be more compatible in this area than Commercial Zoning which would allow Carwashes, Auto repair shops and light commercial businesses

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

I believe this amendment should be allowed as being adjacent to Fort Concho. A residential environment will blend in better than presently allowed commercial structures.

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 land is presently vacant and has been for the last 20 years. It will not negatively impact the natural environment. The right of ways now do not have sidewalks or any type of manicured landscaping.

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

Updated and affordable Residential living in this area is lacking and close proximity to Fort Concho elementary will provide convenient living as well as proximity to Downtown San Angelo.

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.

This amendment will provide a catalyst for renovation in this part of town, as well as
provide much needed residential living units

Effective January 3, 2017

	City of San Angelo, Texas – Planning Division 52 West College Avenue	
Planned Development (PD) - Zone Change or Site Plan		
Section 1: Basic Information		
Name of Applicant(s): <u>Michael Favre Owner of Tri-side Capital LLC TSC Outpost series</u>		
☒ Owner ☐ Representative (Notarized Affidavit Required)		
4122 Forest Trl #8 San Angelo, TX 76904		
Mailing Address	City	State
325-656-8275	mickey.favre@outlook.com	Zip Code
Contact Phone Number	Contact E-mail Address	
53,65,77 E Ave D & 46,58,70 E Washington	San Angelo, TX 76904	
Subject Property Address	City	State
Lot 1A-6A of Blk 13 Millspaugh Addition 2nd replat in Blk 13		Zip Code
Legal Description (can be found on property tax statement or at www.tomgreencad.com)		
Existing Zoning: <u>CG/CH</u> Proposed Zoning: <u>RM-1</u> Lot size: <u>Total 360' x 260'</u>		
(Zoning Map available on City Maps)		
Section 2: Site Specific Details		
Existing Use of Property: <u>3A is Verizon Tower 2A-6A is vacant</u>		
*Proposed Use of Property: <u>3A&4A to remain tower and new office with 0'setback on Orient and 8' Fencing ,</u> <u>1A,2A,5A,6A to be residential duplexes with 0' setback on Oakes with 6' Fencing</u>		
*Use separate attachment if necessary		
Section 2: Type of PD Request		
1. New PD District (City Council approval required) ☒ Text Amendment to PD District (City Council approval required) ☐ Major Site Plan / Amendment (Planning Commission approval required) ☐ Minor Site Plan / Amendment (Planning Director approval required) ☐		
2. Site Plan attached? Yes ☒ No ☐		
* New and amended PD site plan applications require a separate scaled plan that includes all new and existing buildings and structures; location of all parking spaces to be painted and striped; and all driveway entrances, drive-thru areas, easements, and maneuvering areas		
(For additional information refer to Zoning Ordinance, Section 511 or contact Planning Division at 325-657-4210)		
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		

Effective January 3, 2017

applicant's benefit to make sure that any proposed development will fit onto the subject property, in compliance with these and other applicable requirements of the City's Code of Ordinances.

☒ One or more notice sign(s) will be placed on the subject property by the Planning Department. However, it is the applicant's responsibility to ensure that the notice sign(s) has/have been posted at least ten (10) days prior to the Planning Commission meeting. If notice sign(s) is/are not posted accordingly, City Council may delay a request. The Planning Department will also notify, in writing, owners of property within 200-feet of the subject property of the zone change request.

☒ If the Planning Commission recommends denial of a request, the applicant will have ten (10) days to appeal this decision, in writing, to the City Council. If an appeal is made within three (3) days from the Planning Commission meeting, no re-notification fee will be required. Otherwise, there will be a nonrefundable \$35 fee to re-notify owners of nearby property of City Council's public hearing date. If Planning Commission's recommendation of denial is not appealed, it will be the final action on a request.

Section 3 continued : Applicant(s) Acknowledgement

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

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

Michael Favre	<i>Michael Favre</i>	Tri-Side Capital LLC Outpost Series	11/13/2019
Owner Name (Print)	Signature	Company/Organization (If Applicable)	Date
Same			
Representative Name (Print)	Signature	Company/Organization	Date

FOR OFFICE USE ONLY:

☐ Verified Complete ☐ Verified Incomplete

Date of Application: 11 / 14 / 19

Case No.: PD 19 -- 09

Fully-dimensioned site plan: ☐

Select from the following:

New PD District nonrefundable fee (\$600.00): \$	Receipt #: <u>49955</u>	Date paid: <u>11 / 14 / 19</u>
Text Amendment to PD Ordinance (\$225.00): \$	Receipt #: _____	Date paid: ____/____/____
PD Site Plan, major or minor amendment (\$125.00): \$	Receipt #: _____	Date paid: ____/____/____
Newspaper Notification Fee \$125.00 (for PD District and Text Amendments)	Receipt #: _____	Date paid: ____/____/____
Sign Deposit \$20.00 (minor site plans exempt)	Receipt #: _____	Date paid: ____/____/____

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

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

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

Planning Commission hearing date: 12 / 16 / 2019 Date notifications due: ____/____/____

City Council hearing date: 1 / 21 / 20 Packets due date: ____/____/____

Publication date: ____/____/____ *Feb 4th*

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

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: January 21, 2020

Item type: Regular Item

Caption:

First reading and public hearing of an ordinance approving an amendment to the Master Thoroughfare Plan component of the San Angelo Comprehensive Plan in an area south of Pulliam St., east of Bell St., and west of Loop 306, and north of the Concho River (Presentation made by Planning & Development Services Director Jon James)

Summary/History:

A review of the Master Thoroughfare Plan for the Pulliam St & S Loop 306 arose when the staff began review of the approved Preliminary Plat for "Windstone Park." The preliminary plat for this single-family home and golf course development showed future streets "Rio Concho Drive" which ran west-east, and "Smith Boulevard" which ran north-south. The review concluded that several changes needed to be made to the current Master Thoroughfare Plan map to ensure consistency between the Thoroughfare Plan and the proposed development.

Financial Impact:

N/A

Other Information/Recommendation:

On December 16, 2019, the Planning Commission unanimously recommended APPROVAL of the Master Thoroughfare Plan amendment, by a 6-0 vote.

Attachments:

- | | |
|-----------------------------|-----------------------------------|
| 1. Ordinance (MTP Amend) | Ordinance MTP Amendment.docx |
| 2. Staff Report (MTP Amend) | CC Staff Report MTP Amendment.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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN ANGELO, TEXAS AMENDING THE MASTER THOROUGHFARE PLAN AND MAP OF THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of San Angelo is a Home Rule municipal corporation operating under a municipal charter adopted as authorized by Article XI, Section 5 of the Texas Constitution; and,

WHEREAS, in 2003, pursuant to the authority under Chapter 213 of the Texas Local Government Code, the City of San Angelo adopted a Comprehensive Plan for promoting the long range sound development of the City and promoting public health, safety and welfare, updated in 2009 with the adoption of a strategic plan; and,

WHEREAS, the Comprehensive Plan includes the Master Thoroughfare Plan (MTP) and map; and,

WHEREAS, the City Planning and Development Services Department has conducted an analysis of existing and proposed land uses; existing collector streets, arterial streets and highways; and the needs for north-south and east-west routes and connectivity within the City; and,

WHEREAS, as a result of its analysis the City Planning and Development Services Department proposes amendment to the MTP and map as set forth in Exhibit "A" to this Ordinance, necessary to achieve connectivity to existing and proposed roadways and access to all parcels that will aid in orderly development; and,

WHEREAS, on December 16, 2019, the Planning Commission recommended approval of the proposed amendment to the MTP; and,

WHEREAS, proper notice of public hearing upon this ordinance has been posted in accordance with applicable law and City Council has conducted the necessary public hearing thereon;

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

Section 1 The recitals set forth above are deemed to be the findings and determinations made by the City Council and are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2 The Master Thoroughfare Plan and map component of the Comprehensive Plan is hereby amended as set forth in **Exhibit "A"** to this Ordinance, as if fully set forth herein.

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 from and after the date of its adoption.

INTRODUCED on the **21st day of January, 2020**, and finally PASSED, APPROVED AND ADOPTED on this the **4th day of February, 2020**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

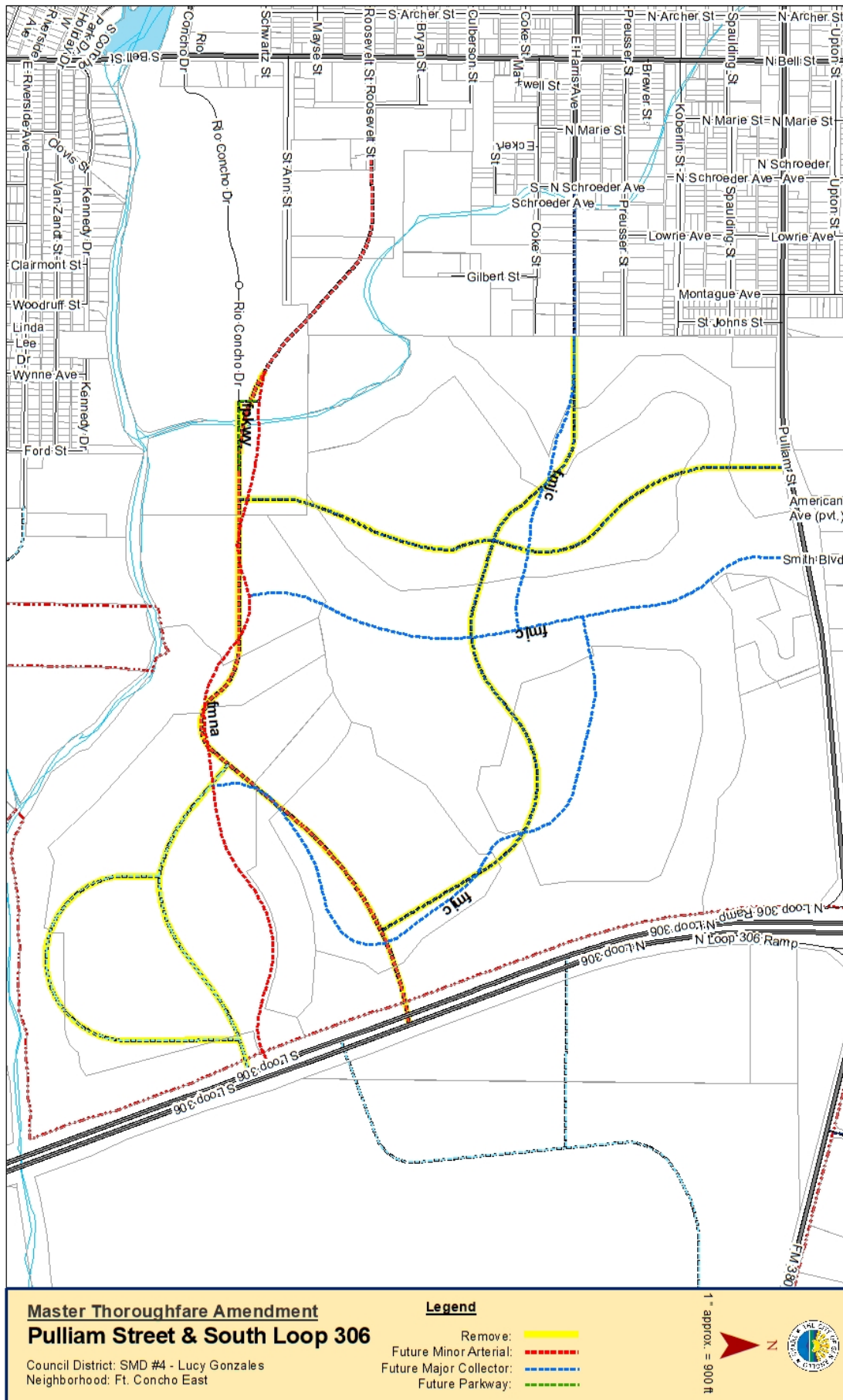
ATTEST:

APPROVED AS TO FORM:

Julia Antilley, City Clerk

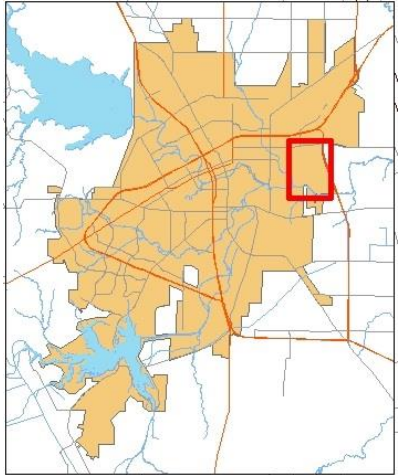
Theresa James, City Attorney

EXHIBIT A



CITY COUNCIL – January 21 & February 4, 2019
STAFF REPORT



APPLICATION TYPE:		CASES:	
Master Thoroughfare Plan Amendment		2019 – Pulliam St & S Loop 306	
SYNOPSIS:			
A request for amending the Major Thoroughfare Plan component of the San Angelo Comprehensive Plan in the area of Pulliam Street and South Loop 306.			
LOCATION:			
Generally located south of Pulliam Street, west of South Loop 306, east of South Bell Street and north of the Concho River.			
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
Ft. Concho East Neighborhood SMD #4 – Lucy Gonzales	RS-1 - Single-Family Residential RM-1 – Low Rise Multi-Family Residential ML – Light Manufacturing CG – General Commercial PD – Planned Development	Commercial Neighborhood Open Space	Approx. 1000 acres
THOROUGHFARE PLAN:			
Collectors require 60-foot right-of-way; Arterials require 80-foot right-of-way (See Attached Map)			
NOTIFICATIONS:			
This request was published in the San Angelo Standard Times on December 9, 2019.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the proposed Master Thoroughfare Plan Amendment .			
PETITIONERS:			
City of San Angelo			
STAFF CONTACT:			
Hillary Bueker Planning Manager (325) 657-4210 hillary.bueker@cosatx.us			

Background:

The San Angelo Comprehensive Plan, adopted in 2003 and updated in 2009, includes a Master Thoroughfare Plan (MTP) component that designates existing major streets as freeways, arterial and collector streets. The MTP also shows the planned future path of new freeways, arterial and collector streets in areas of future development around the urban fringe of San Angelo. Staff periodically reviews areas and proposes amendments based new information or changing development patterns.

A review of the MTP for the Pulliam St & S Loop 306 arose when the staff began review of the approved Preliminary Plat for “Windstone Park.” The preliminary plat for this single-family home and golf course development showed future streets “Rio Concho Drive” which ran west-east, and “Smith Boulevard” which ran north-south.

As part of its MTP review of this area, Staff examined:

- Existing development in the area;
- Projected development and the demand on the existing street network;
- Potential additions and modifications to existing and future projected collector and arterial streets to improve traffic flow and enhance public safety

The review concluded that several changes needed to be made to the current MTP map, and Staff revised the proposed MTP street map with the goals of providing access and connectivity to all parcels of land. The map was then distributed to City staff from the departments of Engineering Services and Operations, and local utilities representatives. Meetings were then held with the group which led to extending the proposed routes to logical termini points and eliminating routes that interfered with known development plans.

Analysis:

The current MTP map for this portion of East San Angelo delineates four future collector streets, the future east-west extension of East Harris Avenue, and a north-south extension of Smith Boulevard, as well as two unnamed minor collectors located just north of the Concho River. Also delineated is a future arterial extension of “Roosevelt Street” which runs east-west and connects to South Loop 306 on the Eastern City Limits.

The following is a summary of the proposed changes to the MTP map (see attached map):

North-South Collector

The current north-south Collector Street extends approximately 1 mile from Pulliam Street to the future extension of Roosevelt Street to the south. Staff believes that maintaining a north-south Collector Street in this area is important given proposed increase in single-family residential development in the area. However, relocating this street eastward would be more appropriate, connecting directly to the existing Smith Boulevard and lining up with current development plans.

East-West Collector

The current west-east Collector are the proposed extension of East Harris Avenue. This proposed extension is approximately 1.33 miles and connects the west side of the property to the future

extension of Roosevelt Street. Staff believes that this Collector Street does not match the approved preliminary plat and is more appropriate to create two separate, offset collector streets to connect the west side of the property to the extension of Roosevelt to the east side of the property. This change would be consistent with the governing Preliminary Plat for “Windstone Park,” ratified by Planning Commission in 1995.

East-West Arterial

The current east-west future arterial portion of Roosevelt Street within this area extends approximately 1.25 miles. Staff believes this future arterial road should be maintained given its importance as one of the major Arterial corridors connecting South Bell Street to South Loop 306. However, Staff recommends a re-alignment of this street to ensure conformity with the approved preliminary plat. The precise location could vary minimally, but Staff believes the proposed general location provides a future roadmap for development.

Southern Minor Collector

The current southern future minor collectors extends approximately 0.65 and 0.75 miles respectively. Staff believes these future collectors are not necessary to serve the proposed neighborhood and should be removed. The proposed residential development will be served by internal local streets.

Parkway

The parkway connection from the Texas Bank Sports Complex will be reconfigured to discourage through traffic in the park.

Comments:

Planning Staff circulated this proposal to City departments and relevant external agencies for comments. Staff received no comments or objections from most departments or agencies. Any ordinance requirements would be reviewed through future plat submissions prior to development but would not affect approval of the Master Thoroughfare Plan.

Planning Commission Recommendation:

On December 16, 2019, the Planning Commission recommended APPROVAL of **Master Thoroughfare Plan Amendment**. The following is the complete excerpt of the draft minutes from the December 16, 2019, meeting for this case:

Hillary Bueker, Planning Manager presented the proposed Thoroughfare Plan Amendment. She explained that the subject area was over 1,000 acres and included several different zoning categories including CG, RM-1, ML and a PD and displayed for the Commission which roads are being added and which ones removed. Ms. Bueker outlined the proposed amendment which included the realignment of Smith Boulevard to make it one consecutive north-south collector; Harris Avenue would be extended to a future east-west arterial; the extension of Roosevelt Street would be realigned further south; some southern minor collectors will be removed due to lack of necessity; and a parkway would be realigned to prevent through traffic into a park. Ms. Bueker concluded her presentation by outlining staff’s recommendation of approval and explained that

the amendment was brought on by a preliminary plat.

Chair Stribling if the areas in yellow were being removed.

Ms. Bueker responded they were being relocated in most cases.

Chair Stribling asked where the western boundary was of the golf course.

Ms. Bueker illustrated the location of the golf course.

Commissioner Jackson asked how the parkway is changing.

Ms. Bueker explained that the parkway will now have a t-intersection.

Chair Stribling opened public comment.

Russell Gully, SKG Engineering, explained that the golf course is looking at an additional 9 holes and clubhouse, and an extension of Smith Boulevard. He said that the developer will come back early next year with a final plat for the clubhouse area.

Chair Stribling closed public comment.

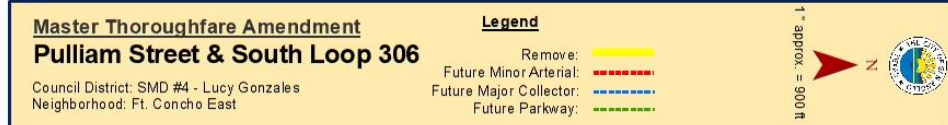
Commissioner Smith made a motion to recommend approval of a request for amending the Major Thoroughfare Plan component of the San Angelo Comprehensive Plan in an area south of Pulliam Street, north of the Concho River, east of Bell Street, and west of Loop 306. Commissioner Self seconded the motion. The motion carried unanimously, 6-0.

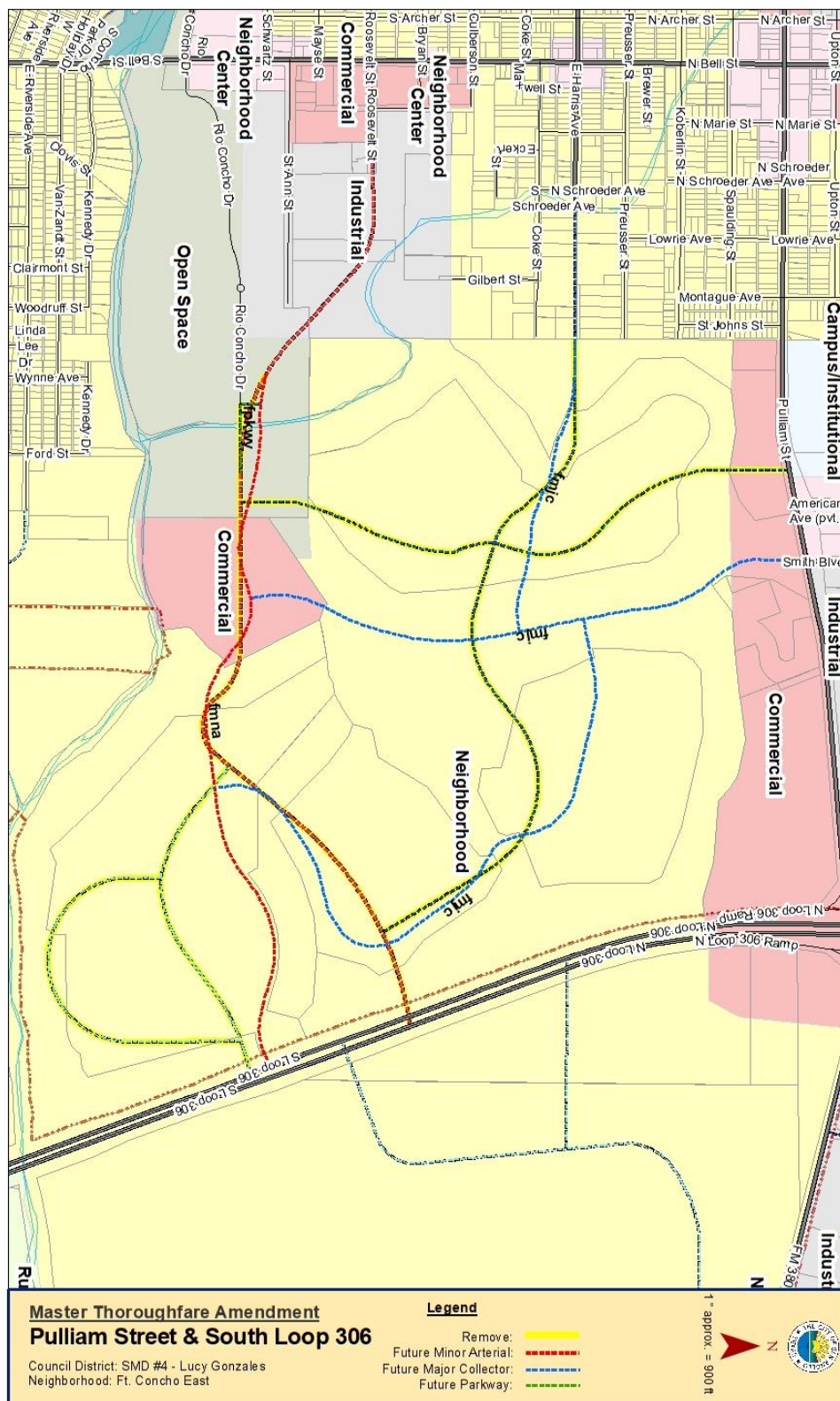
Recommendation:

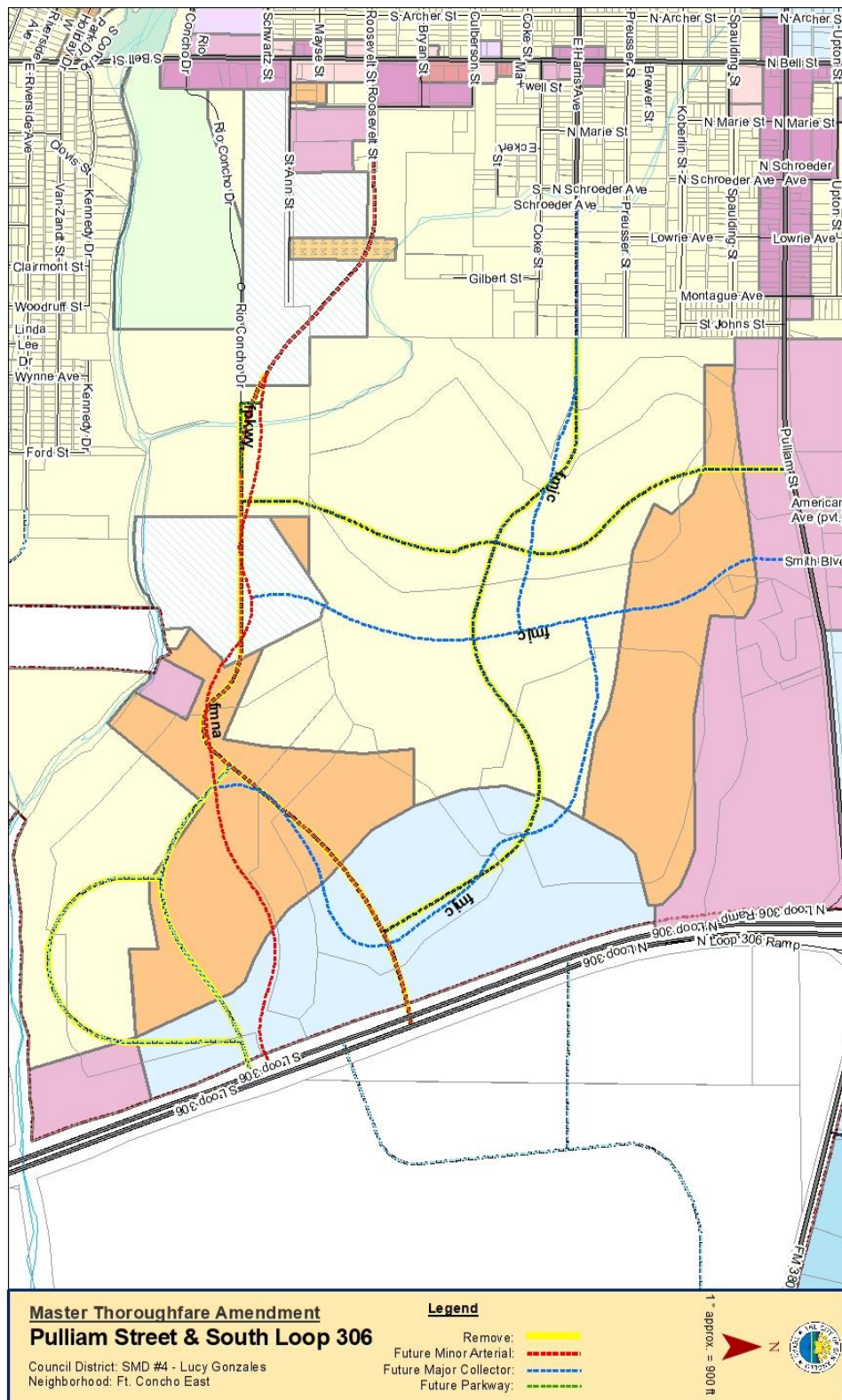
Staff's recommendation is for the City Council to **APPROVE** the proposed **Master Thoroughfare Plan Amendment**.

Attachments:

Proposed Major Thoroughfare Amendment Map
Future Land Use Map
Zoning Map







REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: January 21, 2020

Item type: Regular Item

Caption:

Consider a resolution (English/Spanish) calling and ordering the General Election for May 2, 2020, authorizing the City Manager to execute an Interlocal Agreement for Joint Election with other parties under the Tom Green County Master Interlocal Agreement, and providing for the holding of a joint election to be administered by the Tom Green County Election Administration (Presentation made by City Clerk Julia Antilley)

Summary/History:

The ordering of the General Election is a routine action required by the Election Code 3.005(a) to set the date of the election, possible runoff date, and establish polling locations for early and election day voting. The General Election will be conducted to fill a four year term for San Angelo Police Chief.

The election held on May 2, 2020 will be administered by Tom Green County Election Administration with a provision for shared election services. This has proven to be the most efficient method of conducting the elections and is in the best interest of the citizens of the City of San Angelo.

Financial Impact:

The expense of the election is shared with the other participating entities. Staff negotiated and executed a Master Joint Election Services Agreement with Tom Green County for this and subsequent elections until 2022. The master agreement outlines that the Elections Administrator will continue to hold elections for the municipality on the May uniform election date, and participating entities agreed to purchase additional equipment and hire additional personnel for conducting said elections.

The historical cost for previous elections has ranged from \$30,000 to \$60,000, depending on the number of participating entities and whether a runoff election is necessary. With the payments below, the existing budget should be sufficient.

The most recent payments for General Elections have been:

2017: \$28,503.12

2016: \$60,661.03

2015: \$28,313.78

Other Information/Recommendation:

Attachments:

- | | | |
|----|--|---|
| 1. | Resolution - 20-0192 Election Order May 2 2020 v2 | Resolution - 20-0192 Election Order May 2 2020 v2.docx |
| 2. | 20-0236_Resolution - Election Order May 2 2020_Spanish | 20-0236_Resolution - Election Order May 2 2020_Spanish.docx |

3. NOTICE_OF_GENERAL_ELECTION v2

NOTICE_OF_GENERAL_ELECTION v2.docx

Presentation:

Julia Antilley

Approvals/Reviews:

Julia Antilley

Theresa James

Dan Saluri

Theresa James

Julia Antilley

Created/Initiated

Approved

Approved

Approved

Final Approval

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN ANGELO, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD IN SAID CITY ON THE 2ND DAY OF MAY, 2020, FOR THE PURPOSE OF ELECTING A POLICE CHIEF FOR A FOUR YEAR TERM; DESIGNATING LOCATIONS OF POLLING PLACES; PROVIDING FOR DATES, TIMES AND PLACE FOR EARLY VOTING BY PERSONAL APPEARANCE; AUTHORIZING A JOINT ELECTION WITH SUCH OTHER LOCAL POLITICAL SUBDIVISIONS THAT JOIN IN A JOINT ELECTION INTERLOCAL AGREEMENT WITH THE COUNTY AND CITY; MAKING PROVISIONS FOR A RUNOFF ELECTION; MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION AND OTHER PROVISIONS INCIDENTAL AND RELATED TO THE PURPOSE OF THIS RESOLUTION; ORDERING PUBLICATION; PROVIDING FOR SERVABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Council pursuant to provisions of the Texas State Constitution, Texas Election Code and Home Rule Charter has determined to call a general election for the purpose of electing a Police Chief by the qualified voters of the City of San Angelo entitled to vote for said officer; and

WHEREAS, should any candidate for office in the general municipal election fail to receive a majority of all the votes cast for such office, then in that event, it shall be the duty of the City Council to order a runoff election for each position to which no one received a majority of all votes cast for such office as required by Section 45 of the City Charter and state law; and

WHEREAS, Tom Green County (TGC), Tom Green County Election Administration, City, Veribest Independent School District (VISD), and Wall Independent School District (WISD) entered into a Master Interlocal Agreement for Joint Elections effective December 6, 2011, stipulating for election services to be provided by Tom Green County Election Administration, in anticipation of the holding joint elections from and after May 2012 through May 2022; and

WHEREAS, the election on May 2, 2020, will be held jointly with local political subdivisions that opt to enter into an interlocal agreement for joint election under terms stipulated in the Master Interlocal Agreement with the county and city as authorized under Section 271.002 of the Texas Election Code;

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

Section 1. The recitals stated in the preamble hereof are found to be true and correct and are adopted as a part of this resolution.

Section 2. The City Council hereby orders a General Election to be held on the 2nd day of May, 2020, being the next uniform election date, which is not less than seventy-eight (78) days from the date of this resolution, for the purpose of electing a Police Chief to serve a four year term.

Section 3. The general election ordered to be held on Saturday, May 2, 2020, shall be held jointly with such school districts or other local political subdivisions that opt to enter into an interlocal agreement for joint election as authorized under Section 271.002 of the Texas Election Code and pursuant to terms of the Master Interlocal Agreement for joint elections effective December 6, 2011, in anticipation of holding joint elections in May of each year from and after May 2012, through May of 2022, and such other local political subdivisions that join in a joint election interlocal agreement with the county and city.

Section 4. In the event that in the general election herein ordered, no candidate receives a majority of all the votes cast for such office, and the City Council calls for a run-off election for each such position, there shall be held a run-off election pursuant to Section 45 of the City of San Angelo City Charter and state law, which shall not be earlier than the 20th day or later than the 45th day after the date the final canvass of the main election is completed. (EC 2.025)

Section 5. The official ballots for said election shall conform to the Texas Election Code, as amended, so as to permit the electors to vote for the candidate of their choice, with the official ballot to contain such other provisions, markings and language as required by law.

Section 6. Early Voting by personal appearance shall be conducted each weekday, April 20, 2020, through April 24, 2020, from 8:00 A.M. to 5:00 P.M., and April 27, 2020 through April 28, 2020, from 7:00 A.M. to 7:00 P.M. The City of San Angelo will utilize the early voting branch location, shown on **Exhibit "A"**, adopted as part of this Resolution, and designated by Tom Green County as outlined in the Election Code Section 42.002 entitled "Required Use of County Precincts".

Application for ballot by mail shall be mailed to:

City Clerk, City of San Angelo
c/o Vona Hudson, Tom Green County Elections Administrator
Edd B. & Frances Frink Keyes Building
113 W. Beauregard Ave.
San Angelo, Texas 76903

Applications for ballot by mail must be received no later than the close of business on Friday, April 17, 2020.

Section 7. The Election Day polling places where qualified voters shall cast ballots will be at the locations designated by Tom Green County pursuant to Texas Election Code Section 42.002 set forth in **Exhibit "A"**, attached hereto and adopted as part of this Resolution.

Section 8. Said election shall be conducted and the results canvassed and announced as prescribed by the General Election Laws of the State of Texas, as amended, and only duly qualified electors shall be qualified to vote.

Section 9. The City Clerk is directed and required to publish a notice of said elections as required by law. (EC 4.003(a)(1))

Section 10. The terms and provisions of this Resolution shall be deemed to be severable in that if any portion of this Resolution shall be declared to be invalid, the same shall not affect the validity of the other provisions of this Resolution.

Section 11. It is officially determined and declared that the meeting at which this Resolution was adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given as required by Chapter 551, as amended, of the Texas Government Code.

Section 12. This Resolution shall be effective from and after the date of its adoption.

ADOPTED on the 21st day of January, 2020.

THE CITY OF SAN ANGELO, TEXAS:

ATTEST:

Brenda Gunter, Mayor

Julia Antilley, City Clerk

APPROVED AS TO FORM:

Theresa James, City Attorney

EXHIBIT "A"

**POLLING PLACES FOR MAY 2, 2020 GENERAL ELECTION AND SUBSEQUENT UNIFORM
ELECTION DATES AND RELATED EARLY VOTING DATES**

Early Voting (Votacion Adelantadas)

April 20 -24, 2020 8:00 A.M. to 5:00 P.M.

(8:00 de la mañana y las 5:00 de la tarde empezando el 20 de abril y terminadneo el 24 de abril 2020)

April 27-28, 2020 7:00 A.M. to 7:00 P.M.

(7:00 de la mañana y las 7:00 de la tarde empezando el 27 de abril y terminadneo el 28 de abril 2020)

Edd B. and Francis Frink Keyes Building
113 W. Beauregard, 1st floor (Primero Piso)
San Angelo, Texas 76903

During early voting, any person residing in Tom Green County may go to this location and vote on all officers or measures for which the person is entitled to vote. (Durante la votación temprana, cualquier votante puede ir a este lugar y votar en todos los temas para los cuales son elegibles.)

Election Day (Dia de las Elecciones)

May 2, 2020, 7 A.M. to 7 P.M.

(el 2 de mayo, 2020, desde las 7 hasta las 7)

Location	Address
Angelo Bible Church	3506 Sherwood Way, Lobby
Belmore Baptist Church	1214 S. Bell St., Fellowship Hall
Calvary Baptist Church	2401 Armstrong St., Fellowship Center
Christoval Community Center	20022 Main St., Christoval, TX 76935
Concho Valley Transit District (Bus Depot)	506 N. Chadbourne St., Annex Building
Grape Creek Community Center	8207 US Hwy 87 N., Room A-2
Keating Paint & Body	5050 N. Chadbourne St., Reception Area
MHMR Services for Concho Valley, Admin. Building	1501 W. Beauregard Ave., Jack Ray Room
Paulann Baptist Church	2531 Smith Blvd., The Chapel
Plaza del Sol II Apartments	4359 Oak Grove Blvd., Multi-purpose Room
SAF First Assembly of God Church	1442 Edmund Blvd., Fellowship Hall
Southgate Church of Christ	528 Country Club Rd., Fellowship Hall
Southside Recreation Center	2750 Ben Ficklin Rd., Multi-purpose Room
St. Ambrose Catholic Church	8602 Loop 570, Wall, TX 76957, Fellowship Hall
TXDOT	4502 Knickerbocker Rd., Building E, Training Room
Veribest Baptist Church	50 FM 2334, Veribest, TX 76886, Fellowship Hall
Wesley United Trinity Methodist Church	301 W. 18 th St., Fellowship Hall
West Texas Rehabilitation Center	1925 University Ave., Conference Center

On Election Day, any person residing in Tom Green County may go to any one of these polling places and vote on all officers or measures for which the person is entitled to vote. (El día de elección, cualquier votante puede ir a cualquiera de estos lugares y votar sobre todas las cuestiones para los cuales son elegibles.)

UNA RESOLUCIÓN DEL CONSEJO DE LA CIUDAD DE SAN ANGELO, TEJAS, ORDENANDO UNA ELECCIÓN GENERAL PARA CELEBRARSE EN DICHA CIUDAD EL DÍA 2 DE MAYO DE 2020, PARA EL PROPÓSITO DE ELEGIR UN JEFE DE POLICÍA POR CUATRO AÑOS; DESIGNANDO UBICACIONES DE LUGARES DE VOTACIÓN; PROPORCIONANDO FECHAS, HORARIOS Y LUGAR PARA VOTACIONES ANTICIPADAS POR APARIENCIA PERSONAL; AUTORIZAR UNA ELECCIÓN CONJUNTA CON TALES OTRAS SUBDIVISIONES POLÍTICAS LOCALES QUE SE UNEN EN UN ACUERDO INTERLOCAL DE ELECCIÓN CONJUNTA CON EL CONDADO Y LA CIUDAD; HACIENDO DISPOSICIONES PARA UNA ELECCIÓN CORRIDA; HACER DISPOSICIONES PARA LA CONDUCTA DE LA ELECCIÓN Y OTRAS DISPOSICIONES INCIDENTALES Y RELACIONADAS CON EL PROPÓSITO DE ESTA RESOLUCIÓN; PEDIDO DE PUBLICACIÓN; PROPORCIONANDO LA SERVIBILIDAD; Y PROPORCIONANDO UNA FECHA EFECTIVA

EN TANTO QUE, el Consejo de la Ciudad de San Angelo conformidad con las disposiciones de la Constitución del Estado de Tejas, el Código Electoral de Tejas y la Carta de Autonomía ha decidido convocar una elección general con el propósito de elegir un Jefe de Policía por los votantes calificados de la Ciudad de San Angelo con derecho a votar dicho oficial; y

EN TANTO QUE, si cualquier candidato para una oficina en la elección general no recibe la mayoría de todos los votos lanzó para la oficina, entonces, en ese caso, será el deber del Concejo de la Ciudad de San Angelo para ordenar una segunda vuelta electoral para cada puesto al que nadie recibió la mayoría de todos los votos lanzó para la oficina, como lo requiere la Sección 45 de la Carta de la Ciudad de San Angelo y la ley estatal; y

EN TANTO QUE, el Condado de Tom Green (TGC), la Administración de Elecciones del Condado de Tom Green, la Ciudad, el Distrito Escolar Independiente Veribest (VISD) y el Distrito Escolar Independiente de Wall (WISD) firmaron un Acuerdo Interlocal Maestro para Elecciones Conjuntas en vigencia a partir del 6 de diciembre de 2011, estipulando que los servicios electorales serán proporcionados por la Administración Electoral del Condado de Tom Green, en previsión de la celebración de elecciones conjuntas desde mayo de 2012 hasta mayo de 2022; y

EN TANTO QUE, la elección el 2 de mayo de 2020, se llevará a cabo conjuntamente con las subdivisiones políticas locales que opten por celebrar un acuerdo interlocal para la elección conjunta en los términos estipulados en el Acuerdo Interlocal Maestro con el Condado y la Ciudad según lo autoriza en la Sección 271.002 del Código Electoral de Tejas y La Ciudad de San Angelo;

AHORA, POR LO TANTO, SERÁ RESUELTO POR LA CIUDAD QUE:

Sección 1. Que total premisas mencionadas en el preámbulo del presente se consideran verdaderos y correctos y se adoptan como parte de esta resolución.

Sección 2. El Consejo de La Ciudad de San Angelo ordena una elección general que se celebrará el 2 de mayo de 2020, que es la próxima fecha de elección uniforme, que no es inferior a setenta y ocho (78) días a partir de la fecha de esta Resolución, para el propósito de elegir a un Jefe de Policía para un termino de cuatro años.

Sección 3. La elección general ordenada será sostenida el sábado 2 de mayo de 2020, se llevará a cabo conjuntamente con dichos distritos escolares u otras subdivisiones políticas locales que opten por celebrar un acuerdo interlocal para la elección conjunta según lo autoriza en la Sección 271.002 del Código Electoral de Tejas y de conformidad con los términos del Acuerdo Interlocal Maestro para elecciones conjuntas vigentes a partir del 6 de diciembre de 2011, en anticipación a la celebración de elecciones conjuntas en mayo de cada año desde y después de mayo de 2012, hasta mayo de 2022, y otras subdivisiones políticas locales que se unan en un acuerdo interlocal electoral conjunto con el Condado y la Ciudad.

Sección 4. En caso de que en la elección general aquí pedida, si ningún candidato recibe la mayoría de los votos lanzó para la oficina, y el Concejo de La Ciudad de San Angelo ordena una segunda votación/elección de desempate para la posición, se realizará una votación/elección electoral de conformidad con la Sección 45 de la Carta de la Ciudad de San Angelo y la ley estatal, que no deberá ser anterior al día 20 o posterior al día 45 después de la fecha en que se ha completado el escrutinio final de la elección principal. (EC 2.025)

Sección 5. Las boletas oficiales para dicha elección se ajustarán al Código Electoral de Tejas, según enmendado, para permitir que los votantes voten por el candidato de su selección, con la boleta oficial para contener otras disposiciones, marcas e idioma según sea necesario, por ley.

Sección 6. Votación temprana en persona se llevará a cabo cada día de la semana, del 20 de abril de 2020 al 24 de abril de 2020, desde las 8:00 a.m. hasta las 5:00 p.m. y el 27 de abril de 2020 hasta el 28 de abril de 2020, desde las 7:00 a.m. hasta las 7:00 p.m. La Ciudad de San Angelo utilizará la ubicación de la rama sucursal de votación temprana mostrada en el Anexo "A", adoptada como parte de esta Resolución, y designado por el Condado de Tom Green como se indica en la Sección 42.002 del Código Electoral titulada "Uso obligatorio de los recintos del Condado".

La solicitud para una boleta postal será enviado a:

Oficinista de La Ciudad de San Angelo
c/o Vona Hudson, Administradora de Elecciones del Condado de Tom Green
Edd B. & Frances Frink Keyes Building
113 W. Beauregard Ave
San Angelo, Texas 76903

Las solicitudes para las boletas postales deben ser recibidas no más tarde de la hora de cierre de negocios el viernes día 17 de abril del 2020, sin excepción alguna.

Sección 7. Los lugares de votación del Día de la Elección donde los votantes elegibles deberán emitir sus votos serán en los lugares designados por el Condado de Tom Green de conformidad con la Sección 42.002 del Código Electoral de Tejas establecido en el Anexo "A", adjunto al presente y adoptado como parte de esta Resolución.

Sección 8. Dicha elección se realizará y los resultados se registrarán y anunciarán según lo prescrito por las Leyes Generales de Elección del Estado de Tejas, según enmendada, y solo los electores debidamente calificados serán elegibles para votar.

Sección 9. La Oficinista de la Ciudad está dirigida y debe publicar un aviso de dichas elecciones según lo exija la ley. (CE 4.003 (a) (1))

Sección 10. Los términos y disposiciones de esta Resolución se considerarán separables en el sentido de que si alguna parte de esta Resolución se declara inválida, la misma no afectará la validez de las otras disposiciones de esta Resolución.

Sección 11. Se determina y declara oficialmente que la reunión en la que se adoptó esta Resolución estaba abierta al público y al aviso público de la hora, el lugar y el tema de los asuntos públicos que se considerarán en dicha reunión, incluida esta Resolución, fue dado como lo requiere el Capítulo 551, según enmendado, del Código del Gobierno de Tejas.

Sección 12. Esta Resolución entrará en vigencia a partir de la fecha de su adopción.

ADOPTADO el 21 de enero de 2020.

LA CIUDAD DE SAN ANGELO, TEXAS:

ATTESTIGUAR:

Brenda Gunter, Alcalde

Julia Antilley, Oficinista de La Ciudad

APROBADO EN FORMA:

Theresa James, Abogada de la Ciudad

EXHIBIT "A"

**LUGARES DE VOTACIÓN PARA EL DIA 2 DE MAYO, 20120 ELECCIÓN GENERAL
Y FECHAS DE LA ELECCIÓN UNIFORMES SUBSECUENTES
Y RELACIONADOS CON LAS FECHAS DE VOTACIÓN TEMPRANA**

Votacion Temprana

8:00 de la manana hasta las 5:00 de la tarde empezando el 20 de abril y terminando el 24 de abril 2020

7:00 de la manana hasta las 7:00 de la tarde empezando el 27 de abril y terminando el 28 de abril 2020

Edd B. and Francis Frink Keyes Building
113 W. Beauregard, Primer Piso
San Angelo, Tejas 76903

Durante la votación temprana, cualquier votante puede ir a este lugar y votar en todos los temas para los cuales son elegibles.

**Dia de la Elección
el 2 de mayo, 2020, desde las 7 hasta las 7**

Location	Address
Angelo Bible Church	3506 Sherwood Way, Lobby
Belmore Baptist Church	1214 S. Bell St., Fellowship Hall
Calvary Baptist Church	2401 Armstrong St., Fellowship Center
Christoval Community Center	20022 Main St., Christoval, TX 76935
Concho Valley Transit District (Bus Depot)	506 N. Chadbourne St., Annex Building
Grape Creek Community Center	8207 US Hwy 87 N., Room A-2
Keating Paint & Body	5050 N. Chadbourne St., Reception Area
MHMR Services for Concho Valley, Admin. Building	1501 W. Beauregard Ave., Jack Ray Room
Paulann Baptist Church	2531 Smith Blvd., The Chapel
Plaza del Sol II Apartments	4359 Oak Grove Blvd., Multi-purpose Room
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Southgate Church of Christ	528 Country Club Rd., Fellowship Hall
Southside Recreation Center	2750 Ben Ficklin Rd., Multi-purpose Room
St. Ambrose Catholic Church	8602 Loop 570, Wall, TX 76957, Fellowship Hall
TXDOT	4502 Knickerbocker Rd., Building E, Training Room
Veribest Baptist Church	50 FM 2334, Veribest, TX 76886, Fellowship Hall
Wesley United Trinity Methodist Church	301 W. 18 th St., Fellowship Hall
West Texas Rehabilitation Center	1925 University Ave., Conference Center

El día de elección, cualquier votante puede ir a cualquiera de estos lugares y votar sobre todas las cuestiones para los cuales son elegibles.

**NOTICE OF GENERAL ELECTION
(AVISO DE ELECCION GENERAL)**

To the registered voters of the City of San Angelo, Texas:

(A los votantes registrados de la Ciudad de San Angelo, Tejas):

Notice is hereby given that the polling places listed below will be open from 7:00 a.m. to 7:00 p.m., on Saturday May 2, 2020 for voting in a general election to elect a Police Chief for a four-year term.

(Se hace saber que los lugares de votación citados abajo estarán abiertos de las 7:00 a.m. hasta las 7:00 p.m., el sábado 2 de mayo de 2020 para votar en una elección general para elegir a un Jefe de Policía para un término de cuatro años.)

**LOCATION OF POLLING PLACES
(LUGARES DE VOTACIÓN)**

Location	Address
Angelo Bible Church	3506 Sherwood Way, Lobby
Belmore Baptist Church	1214 S. Bell St., Fellowship Hall
Calvary Baptist Church	2401 Armstrong St., Fellowship Center
Christoval Community Center	20022 Main St., Christoval, TX 76935
Concho Valley Transit District (Bus Depot)	506 N. Chadbourne St., Annex Building
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Veribest Baptist Church	50 FM 2334, Veribest, TX 76886, Fellowship Hall
Wesley United Trinity Methodist Church	301 W. 18th St., Fellowship Hall
West Texas Rehabilitation Center	1925 University Ave., Conference Center

Early voting by personal appearance will be conducted each weekday at:
(La votación adelantada en persona se llevará a cabo de lunes a viernes en:)
Edd B. & Frances Frink Keyes Building, 113 W. Beauregard, 1st floor (Primer Piso)
(location) (sitio)

April 20 – April 24, 8 am to 5 pm (El 20 de abril hasta el 24 de abril 2020, desde las 8:00 am hasta las 5:00 pm)
April 27-28, 7 am to 7 pm (El 27 y 28 de abril 2020, desde las 7:00 am hasta las 7:00 pm)

Applications for ballot by mail shall be mailed to:

(Las solicitudes para boletas que se votarán en ausencia por correo deberán enviarse a:)

City Clerk, City of San Angelo

c/o Vona Hudson, Tom Green County Elections Administrator

Edd B. & Frances Frink Keyes Building

113 W. Beauregard Ave.

San Angelo, Texas 76903

(Oficinista de La Ciudad de San Angelo

c/o Vona Hudson, Administradora de Elecciones del Condado de Tom Green

Edd B. & Frances Frink Keyes Building

113 W. Beauregard Ave

San Angelo, Texas 76903)

Applications for ballots by mail must be received no later than the close of business on Friday, April 17, 2020.

(Las solicitudes para las boletas postales deben ser recibidas no más tarde de la hora de cierre de negocios el viernes 17 de abril, 2020)

Issued this the 21st day of January, 2020.

(Emitido este 21 día de enero, 2020.)

Signature of Mayor (Firma del Alcalde)

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: January 21, 2020

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%

November - an increase of 0.50%

December - an decrease of 0.15%

January - an increase of 10.65%

Year to date, revenue is \$730,584 more than budgeted.

Financial Impact:

Sales Tax revenue for fiscal year 2020 is over year-to-date budget by 12.27% and \$730,584 after January 2020 receipts.

Other Information/Recommendation:

Attachments:

- | | | |
|----|----------------------------|---------------------------------|
| 1. | 4 January Sales Tax Report | 4 January Sales Tax Report.pdf |
| 2. | 4 January Sales Tax Update | 4 January Sales Tax Update.pptx |

Presentation:

Tina Dierschke

Approvals/Reviews:

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

MEMO TO CITY COUNCIL

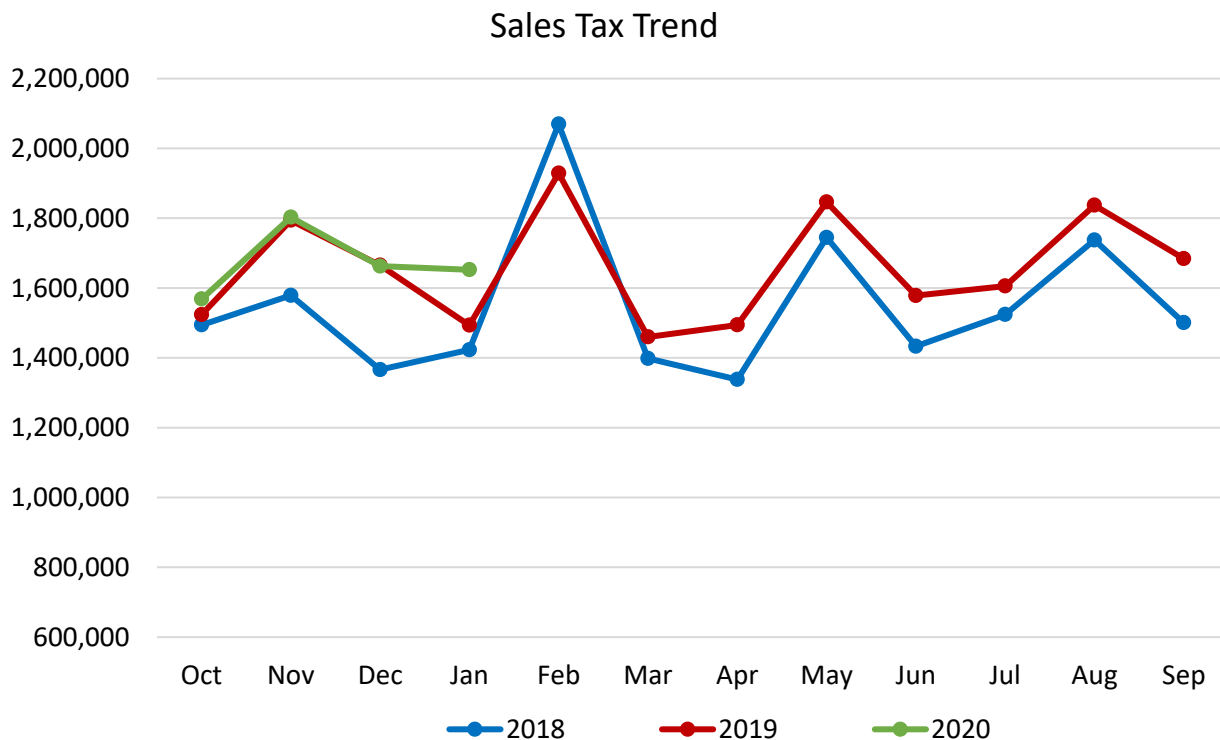


To: Mayor and City Council Members
CC: Daniel Valenzuela, Michael Dane, Rick Weise, Tina Dierschke, Ryan Gaddy, Guy Andrews
From: Kimberly Holle, Budget Manager
Date: January 9, 2020
Re: Sales Tax Collections Summary for the month of November 2019

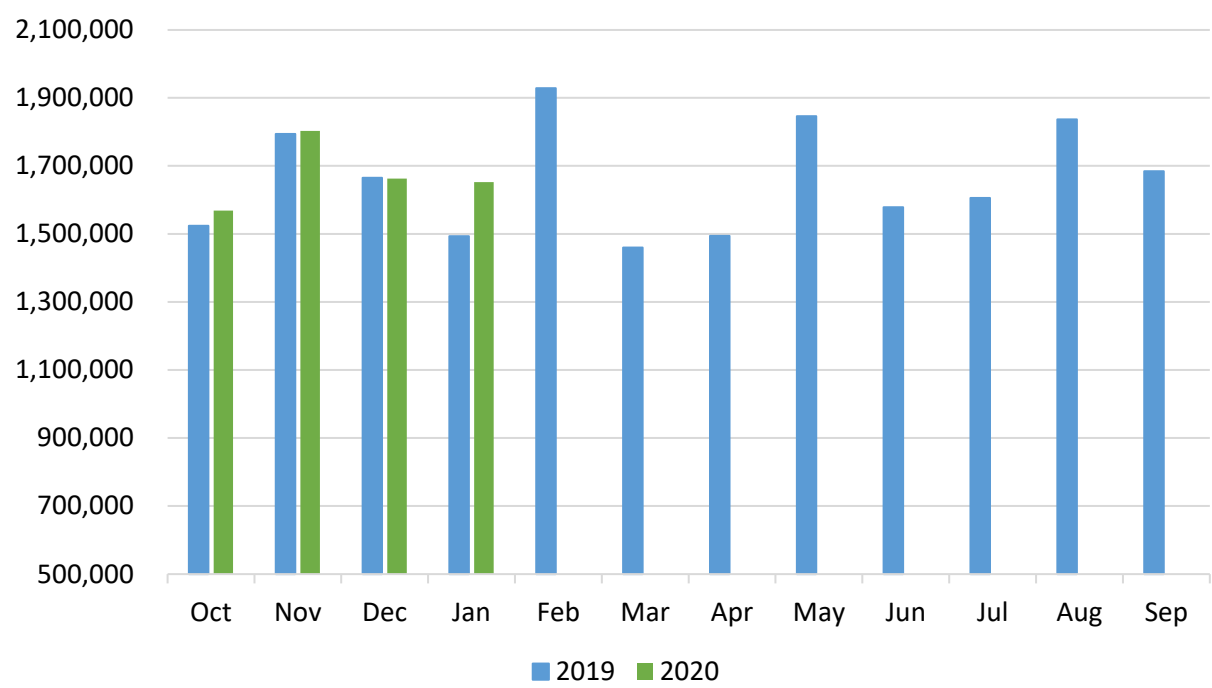
Overview: The City of San Angelo imposes a City sales tax on all retail sales, leases and rentals of most goods, as well as taxable services. The current City rate is 1.5%. The City's portion is 1% with the remaining 0.5% allotted to the City of San Angelo Development Corporation.

January 2020 Sales Tax Analysis

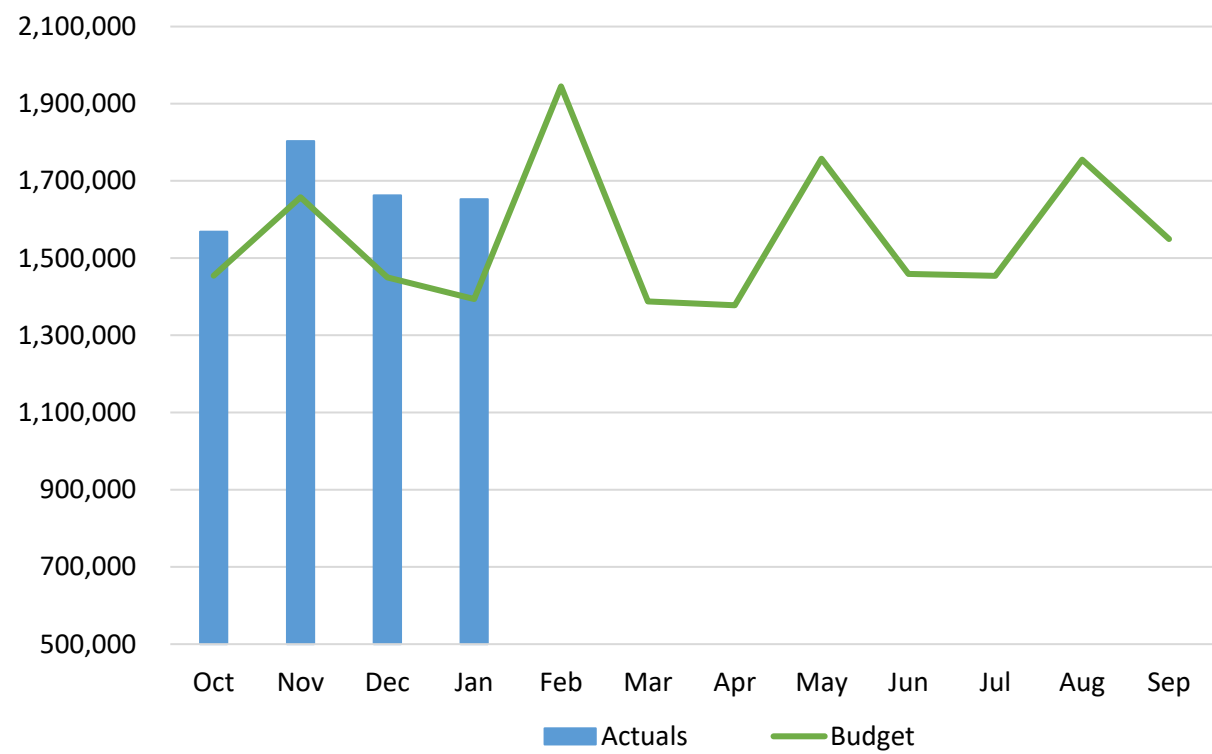
For the month, sales tax revenue is up 10.65% relative to January 2019. Total collections for fiscal year 2019-20 are 3.25% or \$210,257, over collections for fiscal year 2018-19. Fiscal year 2019-20 sales tax revenue is over budget by \$730,584. The graphs below show total collections for the fiscal year.



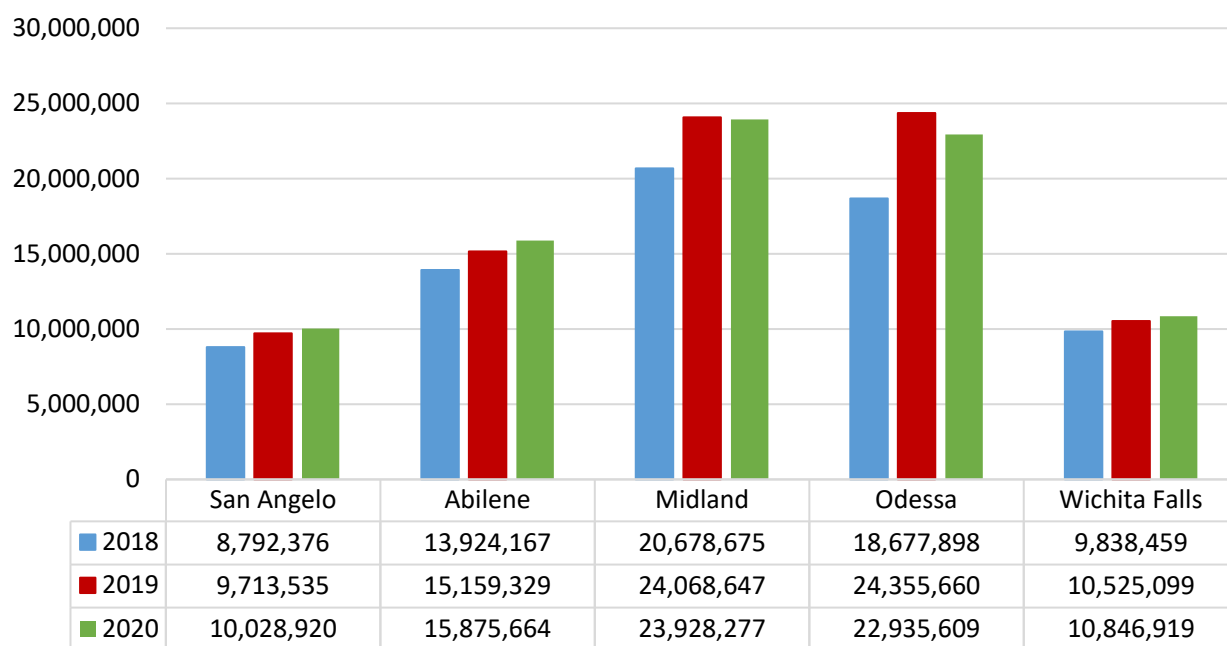
Sales Tax Current vs. Prior



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 January 2019:

San Angelo – up 10.65%

Abilene – up 0.10%

Midland – down 9.41%

Odessa – down 15.73%

Wichita Falls – up 0.71%



City Council

January 21, 2020

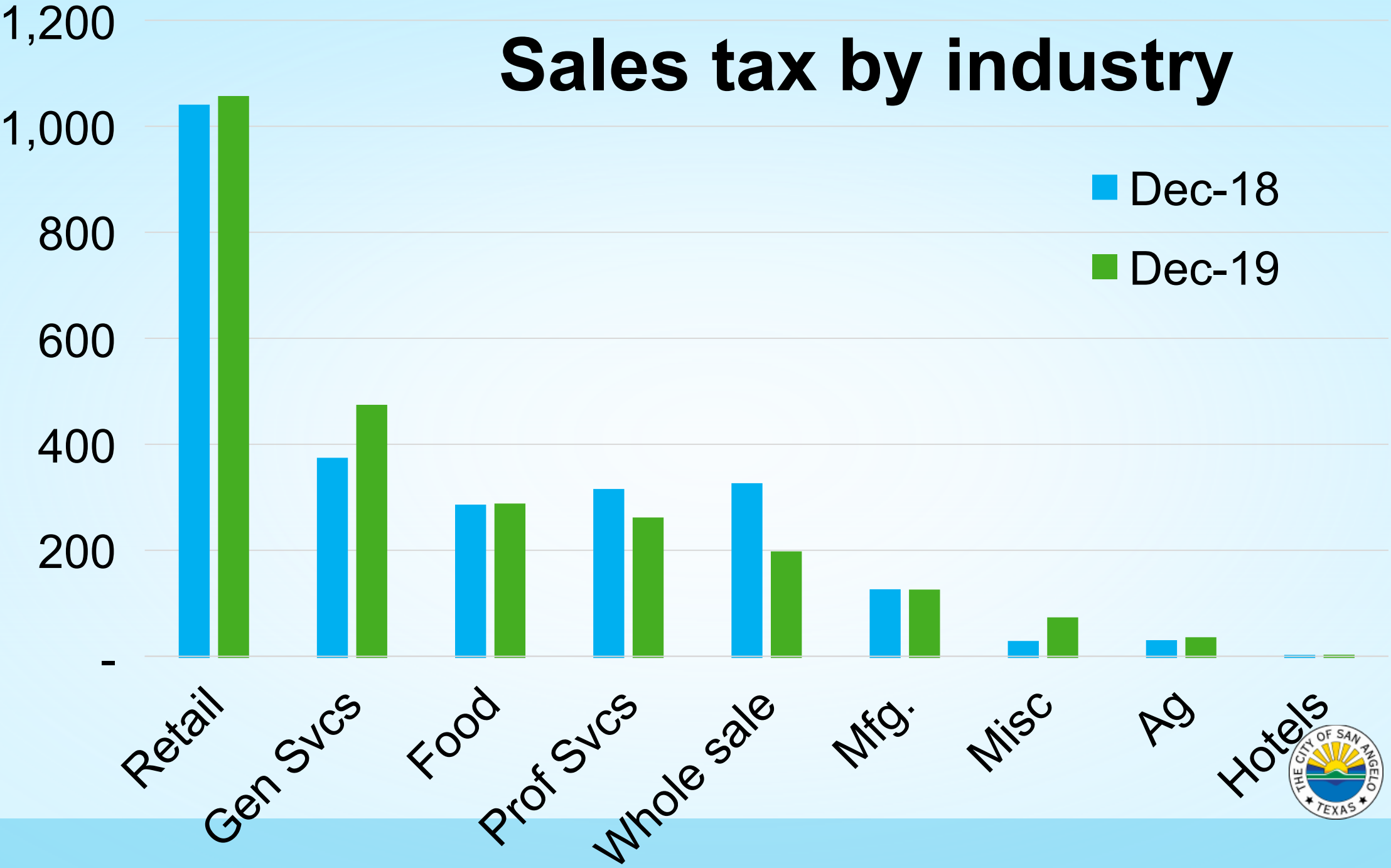


Sales Tax Revenue

- Up 10.65% in January compared with the same month in prior year
- Over budget for revenue by \$730,584 year to date



Sales tax by industry





City Council

January 21, 2020



From: info@cosatx.us
To: [Antilley, Julia](#); [Turner, Desha](#)
Subject: City of San Angelo, TX: Boards and Commissions application
Date: Wednesday, November 6, 2019 1:31:31 PM

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

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

Form Name: Boards and Commissions application
Date & Time: 11/06/2019 11:31 AM
Response #: 94
Submitter ID: 34733
IP address: 74.197.86.110
Time to complete: 24 min. , 6 sec.

Survey Details

Page 1

NOTE: This application is a public record.

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

1. Personal information

Name: Jen Murphy
Address: [REDACTED]
ZIP code: 76901
Home/mobile phone: [REDACTED]
Office/mobile phone: [REDACTED]
Resident of San Angelo 8
since (year):
City Council Single-Member 2
District in which you reside:
Registered San Angelo Yes
voter? (yes or no)
Occupation/business Concho Valley PAWS
affiliation:
Occupation/business 4001 Sunset #1072
address:
Title/position: Assistant Director
Email: [REDACTED]

2. By executing this document, the applicant does hereby certify and affirm the truth and accuracy of the

information contained herein. The applicant further authorizes the City Council, or its designee, to verify any information. The applicant agrees to release and hold harmless the City from all claims incident to the verification of information contained herein.

(o) Yes

3. Date

11/6/19

4. Applying for:

(o) Animal Shelter Advisory Committee

5. Recommended by:

(Name): Jenie Wilson

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

(o) Yes

7. If no, which criteria?

Not answered

8. Tell us about yourself.

Education and/or professional licenses:

Professional work in animal welfare and shelter medical support

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

None

Previous municipal experience (positions, dates, where):

None

What personal qualifications can you bring to the board?

10+ years working in animal welfare

What is your personal vision for the City?

San Angelo Pets Alive! programming

Why do you want to serve on this board?

To further the shelter's no kill initiative

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

I work daily at the city's animal shelter in my role as assistant director of Concho Valley PAWS. I oversee adoptions, the foster program, large scale transports to affiliate rescue groups and interface with veterinarians to provide medical care to shelter residents.

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

the Code of Ethics, contact the City Clerk at [325-657-4405](tel:325-657-4405).

Thank you,
City of San Angelo, TX

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



APPLICATION FOR
BOARDS and COMMISSIONS

Name: David Mazur
Address: [REDACTED]
City: San Angelo (unless otherwise noted) Zip: 76901
Phone (Home): [REDACTED] (Office): [REDACTED]
Resident of San Angelo since: 1957 SMD: 5
Are you a registered voter of San Angelo? Yes: XX No:
Occupation / Business Affiliation: Mazur Construction
Occupation / Business Address: [REDACTED]
Position: Owner
Email: [REDACTED]

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

[Signature] 8-12-12
Applicant's Signature Date

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

RETURN TO: City of San Angelo, c/o City Clerk, P O Box 1751, San Angelo, Texas 76902-1751

Applying for:

- ☐ Airport Advisory Board
- ☐ Animal Shelter Adv Cmtl
- ☐ Civic Events Adv Board
- ☐ Civil Service Commission
- ☐ Development Corporation
- ☐ Downtown Development Cmm
- ☐ Construction Board of Adj/Apps
- ☐ Fort Concho Museum Board
- ☒ Design & Historic Review Cmm
- ☐ Park Commission
- ☐ Parks & Recreation Adv Board
- ☐ Planning Commission
- ☐ Public Art Commission
- ☐ Public Housing Authority
- ☐ TIRZ Board *additional membership requirements apply-See Code of Ordinance, Article 2.4300
- ☐ Water Advisory Board
- ☐ Zoning Board of Adjustment

Recommended by:

Tell us about yourself. Feel free to attach additional sheets, if necessary.

Education and/or Professional Licenses: BS-Angelo State University; Registered Contractor-City of San Angelo; EPA-Certified Renovator; Member-Home Builders Assoc

Current Municipal and Civic Organization Memberships (Positions & Dates): TIRZ Board (3 yrs); San Angelo Downtown Assoc

Previous Municipal Experience (Positions, Dates, Where): TIRZ (3 yrs); Zoning Board of Adjustments (6 yrs)

What personal qualifications can you bring to this board? 30 years of construction & renovation predominately in the Santa Rita area; Own & renovated several (historic) downtown properties

What is your personal vision for the City? to make it viable and attractive to tourism and economic growth for the city

Why do you want to serve on this board? interested in growing and promoting the city of San Angelo

Anything else you would like for us to know?

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For Office Use Only:

Appointed by:

City App/Reappl Date:

Term Dates: To

From