



City Council Agenda 2/18/2020

Notice is hereby given of a regular meeting of the City Council of City of San Angelo to be held February 18, 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**
- 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 February 4, 2020 City Council regular meeting minutes (Julia Antilley)
- b. Consider authorizing the City Manager to negotiate and execute such license agreements, easements, or other legal documents necessary to permit certain existing encroachments into the Chadbourne St. right-of-way to remain as approved by the City Engineer for the Chadbourne Street Improvement Project, in a form approved by the City Attorney (Cindy Preas and Lance Overstreet)
- c. Consider a resolution pledging to join with other leaders in the transportation industry to stop human trafficking (Jeremy Valgardson)
- d. Consider approving an agreement under RFQ AP-02-15 for professional services with KSA Engineers, Inc., in the amount of \$85,919, for engineering services on the FAA approved Runway 18-36 Rehabilitation project, and authorizing the City Manager to negotiate and execute all related documents (Jeremy Valgardson)
- e. Consider approving a renewal agreement with Gilbert Consulting Services, LLC in the amount of \$60,000 and authorizing the City Manager to negotiate and execute all related documents (Daniel Valenzuela)
- f. Consider awarding a Master Service Agreement for Lake Nasworthy Wastewater System Improvements to CDM Smith Inc. and executing Task Order 1 in the amount of \$770,100 for Preliminary Engineering Phase, to be funded by Lake Nasworthy Trust Fund ballot approval funds and authorizing the City Manager to negotiate and execute all related documents (Allison Strube)

- g. Consider ratifying a COSADC resolution authorizing the use of Sales and Use Tax funds in support of a Defense Economic Adjustment Assistance Grant award to Tom Green County for Goodfellow Air Force Base for construction of base improvements including network tower(s) and facilities bringing 5G wireless technology to GAFB, enhancing base resiliency, and constructing related improvements that will attract new military missions to the base, a project authorized under the Texas Development Corporation Act, Section 501.104 of The Local Government Code that totals \$10,462,730 (Guy Andrews)
- h. Consider approving a janitorial services contract with ABM Building Services, LLC through 1GPA contract #16-08PV-01 in the amount of \$217,680 and authorizing the City Manager to negotiate and execute all related documents (Ron Lewis)
- i. Consider approving a Memorandum of Understanding with AEP Texas North Division for energy consulting services (SCORE/City Smart Program) through Clearesult Consulting at no cost to the City and authorizing the City Manager to execute all related documents (Ron Lewis)
- j. Consider a resolution authorizing the Solid Waste Department to provide funding for future Keep San Angelo Beautiful (KSAB) cleanup events (Jeremy Miller)
- k. Consider a resolution allowing the adjacent property owners to remove trees from the S. Chadbourne St. and W. Ave. A public right-of-way consistent with Section 7.02.034 of the Code of Ordinances (Jon James)
- l. Consider approving Tax Increment Reinvestment Zone incentive funding for one private project in the North TIRZ area for the property located at 124 W. 4th St. totaling \$70,197 and seven private projects in the South TIRZ area for the properties located at 19 W. Beaugard, 40 W. Twohig, 109 N. Chadbourne, 136 E. Concho Ave., 226 S. Abe, 322 N. Chadbourne, and 909 W. Beaugard totaling \$172,582.94 (Jon James)
- m. Second reading of an ordinance approving Z19-19, a rezoning from the Single Family Residential zoning district to the High Rise Multifamily Residential zoning district on 12.097 acres generally located at the southeast corner of Blum St. and E. 40th St. (Jon James)
- n. Second reading of an ordinance annexing into the City of San Angelo, by petition of the property owner, 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)

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. Public hearing on proposed developments and consideration of a resolution of general support for a Low Income Housing Tax Credit project known as Walnut Trails located at the northwest corner of Houston Harte Expy. and Northwest Dr., by Trinity Housing Development Texas, LLC to construct affordable housing apartments in San Angelo (Presentation made by Neighborhood Services Director Bob Salas)

- b. Consider authorizing applicant, Spring Creek Marina, to hold a special event at Lake Nasworthy, "Live 80," permitting specified activities; imposing requirements on applicant; and granting variances relating to rules and regulations of ordinances (Presentation made by Parks and Recreation Director Carl White)
- c. First reading and public hearing of ordinances approving:
 - 1. Case CP20-01, an amendment to the City of San Angelo Comprehensive Plan, changing certain lands from the Transitional and Neighborhood Future Land Uses to the Neighborhood Center Future Land Use, being 32.4 acres located between Lutheran Way, Sunset Dr., W. Loop 306 Frontage Rd. and near Foster Rd.
 - 2. Case Z20-01, a rezoning from the Low-Rise Multi-Family zoning district to the Neighborhood Commercial zoning district, located at 3536 Lutheran Way (Presentation made by Planning & Development Services Director Jon James)

8. Closed Session

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

- a. 551.071 - Consultation with Attorney regarding
 - 1. Ford Ranch
 - 2. West Texas Water Partnership
 - 3. Water Rights
- b. 551.087 - Business Prospect/Economic Development regarding
 - 1. COSADC Project 2020-W001

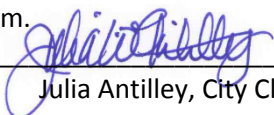
9. Follow Up and Administrative Issues

- a. Consider items discussed in Closed Session, if needed
- b. Consideration of approving various Board nominations
Economic Development Corporation: Edward Carrasco (SMD1) to a third term and William Dendle (SMD2) to a third term, both ending February 2022
- c. Discussion of upcoming meetings, April and May (Good Friday & Memorial Day holidays)
- d. 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 13th day of February 2020, at 2:32 p.m.



Julia Antilley, City Clerk

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

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

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

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

City of San Angelo, Texas
Regular City Council Meeting
Tuesday, February 4, 2020

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 Lane Carter, SMD 5
Council Member Billie F. DeWitt, SMD 6

1. Call to Order

With a quorum of the City Council Members present, Mayor Gunter called the regular session of the San Angelo City Council to order at 8:31 a.m. on Tuesday, February 4, 2020, in the San Angelo McNease Convention Center, 501 Rio Concho Drive, San Angelo, Texas 76903.

2. Legislative Prayer

San Angelo Police Department Chaplain Gary Jenkins provided an invocation.

3. Pledges

Pledges were led by Police Department Chaplain Gary Jenkins.

4. Proclamations/Recognitions

The Finance Department was recognized for earning the Certificate of Achievement for Excellence in Financial Reporting for the sixth straight year for its comprehensive annual financial report.

5. Public Comment

Mayor Gunter announced Shannon Medical Center achieved five star status.

6. Consent Agenda

- a. Approval of the January 21, 2020 City Council regular meeting minutes (Julia Antilley)
- b. Award of Task Order #1 under RFQ IT-02-19 to West Central Wireless in the amount of \$86,400, budgeted for purchase in fiscal year 2020, and authorizing the City Manager to negotiate and execute all related documents (Dusty Hohensee)
- c. Award of SB-02-20 Street Construction Materials to Crushed Stone and Asphalt (CSA), Inc. (San Angelo, TX) in the amount of \$1,600,000, budgeted annually, and authorizing the City Manager to negotiate and execute all related documents (Patrick Frerich)
- d. Award of the purchase of bunker gear to Casco Industries through Buyboard Contract #524-17 in the amount of \$107,644, budgeted for purchase in fiscal year 2020, and authorizing the City Manager to negotiate and execute all related documents (Patrick Brody)
- e. Authorization of the City Manager to execute an interlocal agreement with the Region 14 Education Service Center providing for the City's participation in cooperative purchases through the National Cooperative Purchasing Alliance (Nolan Sosa)
- f. Authorization of the City Manager to execute an interlocal agreement with Deer Park Independent School District providing for the City's participation in cooperative purchases through the 1 Government Procurement Alliance (Nolan Sosa)

- g. Adoption of a resolution accepting a WIC vehicle from the Texas Department of Health and Human Services WIC Program and authorizing the City Manager to execute all related documents (Cristina Eureste) (Pg. 90, 2020-012)
- h. Adoption of a resolution allowing the WIC Division to donate excess replaced furniture to local non-profits (Cristina Eureste) (Pg. 91, 2020-013)
- i. Ratification of COSADC's approval for funding of \$4,300 to be applied toward re-certification of Tom Green County as an ACT Work Ready Community (Guy Andrews)
- j. Ratification of COSADC's decision authorizing the board president to negotiate and execute a Real Estate Sales agreement with Coverlay Manufacturing for sale of 4.0 acres +/- out of Gateway Addition, City of San Angelo Business and Industrial Park, generally located at the southwest quadrant of the intersection of Gateway Dr. and Venture Dr. (Bob Schneeman)
- k. Ratification of a resolution by COSADC affirming the real estate sales contract for sale of 12 acres of land surveyed out of the San Angelo Business and Industrial Park to Allen's Transport USA, Inc. at a price of \$25,000 per acre; authorizing the Board President to negotiate and execute a right of first refusal and option agreement to Allen's Transport USA Inc. for 7.23 +/- additional acres of land adjacent to said surveyed 12 acre parcel (Bob Schneeman)
- l. Second reading and adoption 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 (Jon James) (Pg. 93, 2020-014)
- m. Second reading and adoption 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 (Jon James) (Pg. 96, 2020-015)
- n. Second readings and adoption 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. (Pg. 99, 2020-016)
 - 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. (Jon James) (Pg. 102, 2020-017)
- o. Second reading and adoption 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 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. (Jon James) (Pg. 107, 2020-018)
- p. Second reading and adoption 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 (Jon James) (Pg. 112, 2020-019)

Motion: Council Member Hiebert made a motion, seconded by Council Member Carter, to approve the Consent Agenda, with the exception of item 6d. The motion carried unanimously (7) ayes to (0) nays.

Motion: Council Member Thomas made a motion, seconded by Council Member DeWitt, to approve item 6d, as presented by Assistant Fire Chief Patrick Brody. The motion carried unanimously (7) ayes to (0) nays.

7. Regular Agenda

- a. Report from the Convention & Visitors Bureau (Presentation made by CVB Vice President Diann Bayes)

No action taken on this item.

- b. Consider items related to Z19-19, a rezoning from the Single Family Residential zoning district to the High Rise Multifamily Residential zoning district on 12.097 acres generally located at the southeast corner of Blum St. and E. 40th St.:

1. Approval of an appeal of the Planning Commission's decision to deny the applicant's request for a rezoning

2. First reading and public hearing on an ordinance approving Z19-19 (Presentation made by Planning & Development Services Director Jon James)

Citizens and residents of SMD2 Clay Hubbard, James McWhorter, Peggy McWhorter, Sherri Richardson, Jennifer White, Tom Johns, Marco Espinoza, Nancy Saucedo, Dennis Chowning, Walter Patterson, Julia Sanchez, Alejandro Melendez, Beth Halfmann, Melvin Johnston, and Helen Campbell all spoke in opposition to the rezoning.

Engineer Erica Carter, applicant Granger McDonald, Neighborhood & Family Services Director Bob Salas, and Home Builders Association Executive Officer Kristen Oliver all spoke in support of the rezoning.

Motion: Council Member Thompson made a motion to support the appeal, thereby overturning the Planning Commission's denial of the rezoning and approving the first reading of the rezoning ordinance. Council Member Thomas seconded the motion, as presented. The motion carried unanimously (7) ayes to (0) nays.

- c. Public hearing on a proposed annexation, 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 (Presentation made by Planning & Development Services Director Jon James)

No public comment on this item.

Motion: Council Member Carter made a motion, seconded by Council Member Hiebert, to approve the item, as presented. The motion carried unanimously (7) ayes to (0) nays.

- d. First reading and public hearing of an ordinance annexing into the City of San Angelo, by petition of the property owner, 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 (Presentation made by Planning & Development Services Director Jon James)

Motion: Council Member Carter made a motion, seconded by Council Member Hiebert, to approve the item, as presented. The motion carried unanimously (7) ayes to (0) nays.

- e. Adoption of a resolution creating a new infill development incentive program and designating a funding source (Presentation made by Planning & Development Services Director Jon James and Neighborhood Services Director Bob Salas) (Pg. 114, 2020-020)

Citizen Steve Hampton (SMD6) and Home Builders Association Executive Officer Kristen Oliver spoke regarding the item.

Motion: Council Member Hiebert made a motion, seconded by Council Member Carter, to approve the item, as presented. The motion carried unanimously (7) ayes to (0) nays.

- f. Adoption of a resolution amending the Tom Green County polling locations for the May 2020 election (Presentation made by City Clerk Julia Antilley) (Pg. 117, 2020-021)

Motion: Council Member Hiebert made a motion, seconded by Council Member Thomas, to approve the item, as presented. The motion carried unanimously (7) ayes to (0) nays.

8. Closed Session

The City Council of the City of San Angelo reserves the right to adjourn into Closed Session at any time during the course of this meeting to discuss any of the matters listed below, as authorized under the following sections of the Texas Government Code:

- a. 551.071 - Consultation with Attorney regarding:
 - i- Ford Ranch
 - ii- West Texas Water Partnership

New Quorum Present for item 8aiii only (item taken out of order):

Mayor Brenda Gunter
Mayor Pro tem Harry Thomas, SMD 3
Council Member Tommy Hiebert, SMD 1
Council Member Lucy Gonzales, SMD 4
Council Member Lane Carter, SMD 5
Council Member Billie F. DeWitt, SMD 6

iii- water rights

Quorum for Remainder of Closed Session:

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 Lane Carter, SMD 5
Council Member Billie F. DeWitt, SMD 6

iv- a potential settlement related to the loss review committee

- b. 551.072 - Deliberations about Real Property regarding:
 - Part of Miles Acre Lots Addition, Blocks 21, 22, 23
 - Part of Wells Addition of Miles Addition, Block V

Quorum for Remainder of Meeting:

Mayor Brenda Gunter
Mayor Pro tem Harry Thomas, SMD 3
Council Member Tommy Hiebert, SMD 1
Council Member Lucy Gonzales, SMD 4
Council Member Lane Carter, SMD 5

Council Member Billie F. DeWitt, SMD 6

9. Follow Up and Administrative Issues

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

No action taken on this item.

- b. Approval of various Board nominations:

Airport Advisory Board: John Bariou (SMD3) to a first term ending October 2021

Investment Oversight Committee: Zach Reyes (Investment Adviser/Analyst), Tina Dierschke (Finance Director), Michael Dane (City Manager's Designee), and Gayla Thorton (non-voting Independent Auditor)

Zoning Board of Adjustment and Appeals: David Nowlin (SMD5) to a first term ending January 2022

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

- c. Announcements and consideration of Future Agenda Items

No announcements or considerations.

10. Adjournment

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

There being no further business, the meeting adjourned at 12:02 p.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: Mitchell Gatlin, Project Engineer, Engineering Services, 325 657-

Meeting Date: February 18, 2020

Item type: Consent Item

Caption:

Consider authorizing the City Manager to negotiate and execute such license agreements, easements, or other legal documents necessary to permit certain existing encroachments into the Chadbourne St. right-of-way to remain as approved by the City Engineer for the Chadbourne Street Improvement Project, in a form approved by the City Attorney (Cindy Preas and Lance Overstreet)

Summary/History:

Pursuant to grant requirements, all properties encroaching the Chadbourne Right of way are required to have official authorization to occupy that space. These license agreements will give authorization for those properties/structures to remain as is in the Chadbourne right of way.

Properties pertaining to this request are listed below:

	Business Name	Address	Owner	Contact	Encroachment
1	Heritage Haus	228-230 S Chad/ 4E Concho	Liberty Café, LC	3619 S Jackson San Angelo, 76904	awning
2	Trimble Batjer	201 S Chadbourne	7 W Twohig Partnership	201 S. Chad (No Sec State filing)	Subsurface
3	House of FifiDubois	125 S Chadbourne	One Leg to Stand On LLC	204 S. Oaks St San Angelo, TX 76903	awning
4	House of FifiDubois	123 S Chadbourne	One Leg to Stand On LLC	204 S. Oaks St San Angelo, TX 76903	awning
5	The Black Swan	118 S Chadbourne	Daniel/Susan Merle	118 S. Chadbourne San Angelo, TX 76903	Building
6	Vacant	116 S Chadbourne	Shannon Rushing	3802 Devonian Dr., San Angelo, TX 76903	Building
7	Fat Boss Pub	114 S Chadbourne	V Square Properties	Agreement (awning)	Building & awning
8	Chadbourne Tavern	115 S Chadbourne	Juice Mule, Inc.	Agreement	awning
9	Texas Pacifico	106 S Chadbourne	First United Methodist	37 E Beauregard Ave San Angelo, TX 76903	Drainage (moat)
10	HMJ, LLC	30 S Chadbourne	Capador Springs LP	2358 Sul Ross San Angelo, TX 76904	Building
11	Myer's Drug	25 S Chadbourne	Pratt II Real Estate LLC	1506 S Sunset Ave., Ste A	Building

				Littlefield, TX 79339
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Financial Impact:

No fiscal impact.

Other Information/Recommendation:

Recommendation is Council approve license agreements.

Attachments:

Presentation:

Approvals/Reviews:

Mitchell Gatlin	Created/Initiated
Lance Overstreet	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: Jeremy Valgardson, Airport Director, Airport, 325-659-6409

Meeting Date: February 18, 2020

Item type: Consent Item

Caption:

Consider a resolution pledging to join with other leaders in the transportation industry to stop human trafficking (Jeremy Valgardson)

Summary/History:

Financial Impact:

N/A

Other Information/Recommendation:

Attachments:

- | | |
|---------------------------------------|---|
| 1. Human trafficking resolution (002) | Human trafficking resolution (002).docx |
|---------------------------------------|---|

Presentation:

Approvals/Reviews:

Jeremy Valgardson	Created/Initiated
Theresa James	Approved
Julia Antilley	Final Approval

A RESOLUTION BY THE CITY OF SAN ANGELO CITY COUNCIL PLEDGING TO JOIN WITH OTHER LEADERS IN THE TRANSPORTATION INDUSTRY TO STOP HUMAN TRAFFICKING

WHEREAS, The Department of Transportation's Transportation Leaders Against Human Trafficking (TLAHT) initiative is comprised of transportation and travel industry stakeholders working jointly to maximize their collective impact in combating human trafficking.

WHEREAS, As many as 24.9 million men, women, and children are held against their will and trafficked into forced labor and prostitution.

WHEREAS, according to the Trafficking Victims Protection Act of 2000, human trafficking is defined as:

(A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or

(B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

WHEREAS, the transportation industry is taking a united stand to stop the flow of human trafficking through America's transportation system.

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

That the City of San Angelo hereby does stand with others in the transportation industry and pledge to join with partners across the transportation industry to end human trafficking through the following actions:

1. Educating our employees on how to recognize and report signs of human trafficking.
2. Raising awareness among the traveling public on human trafficking issues by utilizing common messaging in targeted outreach campaigns.
3. Measuring our collective impact on human trafficking by tracking and sharing key data points.

PASSED and APPROVED THIS 18th DAY OF FEBRUARY, 2020.

CITY OF SAN ANGELO, TEXAS

ATTEST:

Brenda Gunter, Mayor

Julia Antilley, City Clerk

APPROVED AS TO FORM

Theresa James, City Attorney

DRAFT

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: February 18, 2020

Item type: Consent Item

Caption:

Consider approving an agreement under RFQ AP-02-15 for professional services with KSA Engineers, Inc., in the amount of \$85,919, for engineering services on the FAA approved Runway 18-36 Rehabilitation project, and authorizing the City Manager to negotiate and execute all related documents (Jeremy Valgardson)

Summary/History:

This is the engineering services agreement for FAA Grant 39 for Runway 18-36 Rehabilitation. This money covers construction admin, rebidding, project management, and closeout.

Financial Impact:

\$85,919 total contract price. This project will be funded through our budgeted 2019 FAA entitlements and PFCs.

FAA Share: \$77,327

PFC: \$8,592

Other Information/Recommendation:

Attachments:

Presentation:

Jeremy Valgardson

Approvals/Reviews:

Jeremy Valgardson

Jeremy Valgardson

Theresa James

Nolan Sosa

Tina Dierschke

Theresa James

Julia Antilley

Created/Initiated

Approved

Approved

Approved

Approved

Approved

Final Approval

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: February 18, 2020

Item type: Consent Item

Caption:

Consider approving a renewal agreement with Gilbert Consulting Services, LLC in the amount of \$60,000 and authorizing the City Manager to negotiate and execute all related documents (Daniel Valenzuela)

Summary/History:

Original contract award was approved by City Council March 5, 2019.

This contract is to allow Allen Gilbert to serve as a consultant to Municipal Court and to serve as an associate judge on an as needed basis. Historically, Municipal court has had two judges. Declining citations and more efficient operations of the court will allow the court to operate with one judge.

During this time of transition of the court this contract will allow the court administrator and municipal court judge to draw on the vast experience of Allen Gilbert to ensure the court continues to move forward in a professional and efficient manner.

Financial Impact:

Other Information/Recommendation:

Attachments:

Presentation:

Approvals/Reviews:

Julia Antilley
Theresa James
Julia Antilley

Created/Initiated
Approved
Final Approval

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: February 18, 2020

Item type: Consent Item

Caption:

Consider awarding a Master Service Agreement for Lake Nasworthy Wastewater System Improvements to CDM Smith Inc. and executing Task Order 1 in the amount of \$770,100 for Preliminary Engineering Phase, to be funded by Lake Nasworthy Trust Fund ballot approval funds and authorizing the City Manager to negotiate and execute all related documents (Allison Strube)

Summary/History:

On the April 1, 2019 City Council meeting, the Council was provided a presentation by CDM Smith Inc. on the Lake Nasworthy Area Wastewater System Evaluation. The evaluation narrowed the results or options for system upgrades to two different alternatives.

Alternative 1 is to construct a trunk main that would follow the routing of the Concho River from Nasworthy connecting into existing trunk mains near Chadbourne Street area. This option solves capacity concerns by rerouting most of the study area's sewer into that trunk main. The benefits this option has are that it removes the load and capacity out of the existing system rerouting it into a new line, solving downstream impacts, removing the flow from multiple lift stations, and reducing the time the sewage has to become septic. Reducing the time the sewage has to become septic will reduce the amount of hydrogen sulfide (odor) that is generated. Furthermore, it provides the potential for adding sewer service into a large area where those services aren't available (i.e. Butler Farms, San Angelo Country Club, County Club Rd, Grand Canal Rd and etc.). This option is the most costly but has the potential to solve the majority of the issues and provide additional benefits.

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

The Council was unanimously in favor of Alternative 1. Following the decision to move forward with this alternative, an election was called in August 2019 and voted on by residents in November 2019. This ballot was approved and allocated up to \$10 million towards the sewer improvement infrastructure.

The Task Order 1 of this Master Service Engineering Agreement will include a preliminary engineering design report that will finalize the alignment and size of the linear components, the size and location of lift stations, and prepare preliminary survey drawings of the property; collection system flow modeling; initial survey of new pipeline route; and archaeological assessments for the new facilities which includes a cultural resources background review, antiquities permit with the Texas Historical Commission, and archaeological survey. The goal for the preliminary engineering phase is to have the project clearly defined in terms of projects to be constructed within the available budget. Please see the attached anticipated scope of work for more details.

Future task orders will be prepared for design, bidding and construction services as the project progresses. Task Order 1 has a scheduled completion time frame of 180 days (6 months).

CDM Smith's local subs include McMillan and Quinn Inc. (MQI) Land Surveying and Centurion Planning and Design. They are planning on having MQI provide surveying services in Task Order No. 1 that includes establishing horizontal and vertical control, establishing property corners along the preferred alignments and staking the project for the archaeologist. We are planning on having Centurion provide preliminary engineering services that include development of the preliminary alignment background drawings using the City's LIDAR data and Tom Green County CAD property information. They are also will be responsible for the design of the small diameter pipelines and local project coordination. Centurion will have the design responsibilities for these facilities in Task Order No. 2 (Design). CDM Smith will maintain direct design responsibility for the 24-in wastewater interceptor, the force mains beneath Lake Nasworthy and any lift station improvements. The combined fee for the two local subs in Task Order No. 1 is almost half of Task Order No. 1 total budget.

Financial Impact:

The \$770,100 will initially be funded by the Wastewater Capital Fund and then be reimbursed by the Lake Nasworthy Trust Fund pursuant to the ballot that was approved by the voters for this use in November 2019. A budget amendment will be submitted to the City Council for this purpose.

Other Information/Recommendation:

Staff recommends that the Master Engineering Service Agreement be awarded to CDM Smith Inc. and the City Manager be authorized to execute a Task Order 1 contract and any related documents.

Attachments:

- | | | |
|----|--|--|
| 1. | Task Order No. 1 - Lake Nasworthy Wastewater System Improvements | Task Order No. 1 - Lake Nasworthy Wastewater System Improvements.pdf |
|----|--|--|

Presentation:

Approvals/Reviews:

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

**TASK ORDER NO. 1 TO
MASTER SERVICES AGREEMENT
BETWEEN
OWNER AND ENGINEER**

This is Task Order No. 1 dated _____, 2020 attached to and made part of the Master Services Agreement dated _____, 2020, between CDM Smith Inc. (ENGINEER) AND City of San Angelo, Texas (OWNER).

This Task Order describes the Scope of Services, Time Schedule, Charges, and Payment Conditions for the Task Order known as: Lake Nasworthy Wastewater System Improvements, Preliminary Engineering Phase (the "Project").

1. Scope of Services

ENGINEER shall provide for OWNER the following specific Services:

Preliminary Engineering Services for the Lake Nasworthy Wastewater System Improvements. This project as presented in the Lake Nasworthy Area Wastewater System Evaluation consists of a new 24-inch gravity interceptor from near S. Chadbourne St. along the South Concho River to a point approximately one mile west of the country club; two new dual-containment force mains across the Pecan Creek arm of Lake Nasworthy; a new lift station near S. Concho Dr, and a 12-inch gravity line from the eastern terminus of the two new force mains to the western terminus of the 24-in gravity line. During preliminary engineering, it will be determined if a 12-inch gravity line from the Bentwood lift station to a new lift station near the South Concho River and a new force main across the South Concho River to connect to the western terminus of the 24-inch gravity line, or a force main from the expanded Bentwood lift station to a gravity line across the South Concho can be accommodated within the project budget.

PRELIMINARY ENGINEERING PHASE

Upon this Agreement becoming effective, ENGINEER shall:

- 1.1 Consult with OWNER to clarify and define OWNER's requirements for the Project and review available data.
- 1.2 Advise OWNER as to the necessity of OWNER's providing or obtaining from others data or services which are not part of ENGINEER's Services, and assist OWNER in obtaining such data and services.
- 1.3 Identify and analyze requirements of governmental authorities having jurisdiction to approve the portions of the Project specified by ENGINEER with whom consultation is to be undertaken in connection with the Project.
- 1.4 Evaluate various alternate solutions available to OWNER as described herein, and, after consultation with OWNER, recommend to OWNER those solutions which in ENGINEER's judgment best meet OWNER's requirements for the Project.
- 1.5 Prepare a report (the "Report") which will contain the statement of OWNER's requirements for the Project and, as appropriate, will contain schematic layouts, sketches and conceptual design criteria with appropriate exhibits to indicate the considerations involved and those alternate solutions available to OWNER which ENGINEER recommends. This Report will be accompanied by ENGINEER's opinion of Total Project Costs for each solution which is so recommended for the Project, including the following: opinion of probable Construction Cost, allowances for contingencies including costs of design professional and related services based on information furnished by OWNER for allowances and other items and services included within the definition of Total Project

Costs.

- 1.6 Furnish the Report to and review it with OWNER.
- 1.7 Revise the Report in response to OWNER's comments, as appropriate, and furnish final copies of the Report in the number set forth herein.
- 1.8 Submit the Report within the stipulated period indicated herein.
- 1.9 ENGINEER's Services under the Preliminary Engineering Phase will be considered complete at the earlier of (1) the date when the Report has been accepted by OWNER or (2) thirty days after the date when such Report is delivered to OWNER for final acceptance, plus in each case such additional time as may be considered reasonable for obtaining approval of governmental authorities having jurisdiction to review the portions of the Project specified by ENGINEER, if such approval is to be obtained during the Preliminary Engineering Phase.

The duties and responsibilities of ENGINEER during the Preliminary Engineering Phase as set forth in this paragraph 1.1 are amended and supplemented as follows:

1.2 Special Services Provided by the ENGINEER.

The ENGINEER will provide certain special services that will supplement the data the OWNER needs to collect from others to complete the project. The special services provided by the ENGINEER to assist the OWNER with additional data under Task 1.1.2 are listed below.

1.2.1 Collection System Flow Modeling.

ENGINEER will update the OWNER's wastewater collection system model for the Lake Nasworthy Area to evaluate the system with the implementation of the proposed improvements. Specific tasks included in this effort are described further below:

- Model Updates and Evaluation – The physical system will be updated to include the new facilities to be analyzed. The portion of the system impacted by the new facilities will be evaluated under dry and wet weather conditions. The system will be evaluated in terms of capacity for existing condition flows.

1.2.2 Initial Survey of New Pipeline Route Project Control

Establish project control by tying into existing OWNER's monumentation and establish new primary control monumentation as needed for vertical and horizontal control of the project. The following particulars will apply.

- Create a Horizontal and Vertical Control Network of Survey Monuments by GPS observations utilizing RTK-PPK Observed Control Point survey styles, OPUS solutions and TXDOT Static Control solutions for point reduction and solution.
- An estimated ten new control monuments installed and 20 existing monuments. Monuments to be positioned within the public right of ways or within City property. Create a report of control network to be published in project documents.

Preliminary Alignment

Create an alignment for staking a preliminary route.

- Collect data to provide Points of Interest and Legal Boundaries along the preliminary alignment.
 - Points of Interest will include all existing lift stations, manholes and other city assets related to this project.
 - Legal Boundaries will include a boundary survey of approximately 20 tracts owned by the City of San Angelo called "River Tracts" and that land owned by the USA located at the Nasworthy Dam. Provide all legal research for boundary delineation.

- Approximately 40 Boundary Surveys
- Stake out the preliminary alignment at intervals not to exceed 200ft.
 - Preliminary main line = approximately 36,000 ft.
 - 12" line = approximately 5,500 ft.
 - 8" line = approximately 3,700 ft
 - Approximate Total 45,200 ft
- Stake out all PIs and the extents of all major sites of preliminary structure locations.
 - Approximate 50 PIs,
 - four topographic surveys of existing structures,
 - two topographic surveys of proposed lift station sites
- Create Preliminary documents for the Texas General Land Office Miscellaneous Easement of Pipeline Right of Ways. A possible 3 to 4 crossings will be needed for the project.
- Provide bathymetric modeling of the Concho River and of Lake Nasworthy in the project areas. Approximate 6 days of fieldwork using Side Scan Sonar Systems.

1.2.3 Archaeological Assessments for New Facilities.

As the OWNER is a political subdivision of the State of Texas, the investigations proposed below are designed to comply with the Antiquities Code of Texas (ACT), namely the identification of any prehistoric or historic cultural resources that may be eligible for designation as a State Antiquities Landmark (SAL). Additionally, the project may be subject to compliance with Section 106 of the National Historic Preservation Act (54 United States Code [USC] 306108) and its implementing regulations (36 Code of Federal Regulations [CFR] 800) in anticipation of a permit from the USACE in accordance with the Clean Water Act.

Cultural Resources Background Review

An archaeologist will perform a review of records from the Texas Archaeological Research Laboratory available on the Texas Historical Commission's (THC) online Texas Archeological Sites Atlas (Atlas) to identify previously recorded surveys or cultural resources within one-half mile of the wastewater alignment and associated project components. An archaeologist will also review historical maps, aerial photographs, topographic maps, soil survey maps, and geologic maps to identify possible historic structures or the previous locations of structures that may now be expressed as an archaeological site within the area of potential effects (APE) of the project. In addition to identifying previously recorded archaeological sites, the Atlas review will include the following types of information: National Register of Historic Places properties, SALs, Official Texas Historical Markers, Recorded Texas Historic Landmarks, cemeteries, and local neighborhood surveys. Other critical factors that will be examined include the level of previous disturbances from residential, commercial, and industrial development, types of soils, and archaeological potential. Results of the background review/study will be integrated into an Antiquities Permit application.

Please note: to minimize costs, the background review will include both the 32,000 lineal feet of wastewater line corridor survey, approximately 2-acre lift station, and the optional 9,200 lineal feet of wastewater line corridor survey.

Antiquities Permit Application

Following completion of the background review, prepare a scope of work (including the results of the background review) and permit application and submit it to the OWNER for their review and

signatures. Once complete, submit the application to the THC. Complete the background review and promptly submit the Antiquities Permit application to the THC upon receiving notice to proceed; in general, the THC will issue the permit within two weeks.

Please note: to minimize costs, the Antiquities Permit Application will include both the 32,000 lineal feet of wastewater line corridor survey, approximately 2-acre lift station, and the optional 9,200 lineal feet of wastewater line corridor survey.

Archaeological Survey

Once an Antiquities Permit has been obtained, conduct an archaeological field survey of approximately 32,000 lineal feet of wastewater line corridor survey and an approximately 2-acre lift station footprint; an optional 9,200 lineal feet of wastewater line corridor survey is also presented. Several assumptions have been made regarding the fieldwork (see Assumptions below). The field survey will be performed by a team of two archaeologists walking the proposed project area. The survey will be of sufficient intensity to determine the nature, extent, and, if possible, potential significance of any cultural resources located within the proposed project area. Subsurface explorations will be accomplished through shovel testing. The placement and quantity of these excavations will depend on the level of disturbance within the proposed project boundary and the nature of the soils, geology, and topography.

Shovel tests will be excavated in 20-centimeter (cm) arbitrary levels to 1 meter (m) in depth, unless soil characteristics or bedrock preclude reaching that depth. The matrix will be screened through ¼-inch mesh. The location of each shovel test will be plotted using a sub-meter accurate GPS receiver, and each test will be recorded on appropriate project field forms. Areas with previously recorded sites or other cultural resources revealed in the archival research will require additional shovel testing to explore the nature of the cultural deposits. Conversely, heavily disturbed and modified areas in the proposed corridor will not be shovel tested. THC survey standards call for 16 shovel tests per mile of linear project area; for a survey of the proposed length, that would require the following number of excavated shovel tests:

- For the 32,000 lineal feet of wastewater line corridor survey and 2-acre lift station footprint that equals **100 shovel tests; and,**
- For the Optional 9,200 lineal feet of wastewater line corridor survey that equals **28 shovel tests.**

If sites are encountered, a minimum of six shovel tests will be excavated per site. If an archaeological site is discovered during the investigations, it will be explored as much as possible with consideration to land access constraints. All discovered sites will be assessed for their potential significance so that recommendations can be made for proper management (avoidance, non-avoidance, or further work). Additional subsurface investigations will be conducted per THC standards at discovered sites to define horizontal and vertical boundaries. Complete appropriate State of Texas Archeological Site Data Forms for each site discovered during the investigations. A detailed plan map of each site will be produced, and locations will be plotted on USGS 7.5-minute topographic maps and relevant project maps for planning purposes.

A non-collection survey will be conducted. Artifacts will be tabulated, analyzed, and documented in the field, but not collected. Temporally diagnostic artifacts will be described in detail and photographed in the field. This policy will reduce curation costs once the fieldwork is concluded; however, as per the stipulations of the Antiquities Permit, all paperwork and photographs generated during field investigations must be curated at an approved repository.

Mechanical Deep Testing

Portions of the project encompass topographic settings that may have the potential for deeply buried archaeological sites. These areas (along the Concho River) are drainages with alluvial terraces. The

primary method for quickly and efficiently exploring these areas is with mechanical excavation (i.e., backhoe trenching). Once pedestrian survey investigations have verified that deep testing is warranted along the project, the trench placement at each location will be determined by the level of existing disturbance, the location of any impacted areas (such as construction), and the preservation potential for archaeological sites. All mechanical trenching will be monitored by an experienced archaeologist while excavations are underway, and all work will be performed in accordance with Occupational Safety and Health Administrations (OSHA) regulations (29 CFR Part 1926) and overseen by an OSHA competent archaeologist. For this project, the following number of backhoe trenches has been anticipated:

- For the approximately 16,400 lineal feet (51 percent) of wastewater line corridor identified along the Concho River that equals 25 backhoe trenches; and,
- For the Optional 4,000 lineal feet (43 percent) of wastewater line corridor survey identified along the Concho River that equals 7 backhoe trenches.

Backhoe trenches will be excavated to a depth sufficient to determine the presence/absence of buried cultural materials and allow the complete recording of all features and geomorphic information to depths of project impacts. Generally, trenches will be 1.2 to 1.5 m (4 to 5 feet) deep, 7 m (23 feet) in length, and 0.75 m (2.5 feet) wide and excavated approximately every 200 m (656 feet) along the corridor. When necessary to assess the potential for buried deposits deeper than 1.5 m (5 feet) below surface, the excavations will be benched back in accordance with regards to the appropriate soil type (i.e., Type A, B, or C) as indicated in OSHA regulations (29 CFR Part 1926.652[b][2]). Typically, a portion of one side of the trench is 'stepped' down and sloped to allow safe access/egress from the trench. Once the trenches / benched trenches have been excavated, an archaeologist will scrape down both walls of the trench, examining the profiles for artifacts, features, or other cultural manifestations. Stratigraphic descriptions will be recorded for each trench. All features encountered during trenching will be mapped and photographed. Upon completion of excavation, all trenches will be backfilled, leveled, and returned, as much as possible, to its original state.

In the event that a backhoe trench contains cultural materials, these items are documented on the form and (if possible) photographed in situ during the profile recording. Additionally, a column sample is excavated down one side of the backhoe trench. The column samples are 30-x-30-cm in size and extend from the ground surface to the base of the trench or until clearly pre-cultural, Pleistocene-aged deposits are encountered. Soil from the column sample is removed in 20 cm levels and screened through ¼-inch hardware screen mesh. The column sample data is documented on the backhoe trench form. If the cultural materials in the backhoe trench are identified to be within intact deposits, found in association with a cultural feature (e.g., hearth), or not isolated, then additional trenches may be excavated. Depending on the nature of the project and the limits of access, the additional trenches typically are placed on opposite ends of the trench to determine the horizontal extent of the cultural materials. These trenches are documented as described above and column sampled.

Report Preparation

Prepare a draft report of the investigations within four weeks of completion of the field survey. The archaeological report will conform to THC and Council of Texas Archeologists reporting standards. The report will document the general nature of the project area, the methodology used in the investigations, the presence and condition of any previously recorded sites revealed in the records review, the general nature and extent of cultural resources encountered during the archaeological survey, recommendations on the need for further work, and the potential significance of the cultural resources regarding future development and SAL status.

Submit a draft copy of the report to the OWNER for review and comment. Once this has been accomplished, incorporate any appropriate edits and submit a final draft report to the THC for review and comment. Once the draft report has been reviewed and accepted by the THC, one copy of the final report will be submitted to the THC and 12 copies will be sent to various designated libraries around the state, in fulfillment of the permit requirement.

1.4 Evaluation of Alternatives Solutions

1.4.1 Evaluation of Alternatives

In the report, "Lake Nasworthy Area Wastewater System Evaluation" improvements to allow a more efficient and safer wastewater collection system to serve existing and future customers in the Lake Nasworthy area. A 24-inch gravity wastewater interceptor from S. Chadbourne St. to approximately one mile west of the country club along with two dual containment force mains across the Pecan Creek arm of Lake Nasworthy, a lift station and 12-inch gravity wastewater line were recommended for a project cost of \$32 million. In the report other improvements were identified that allowed the Bentwood lift station to be taken off line. These improvements were not included in the reported project cost but would be beneficial to the operation of the wastewater collection system serving the Lake Nasworthy area. In the evaluation of alternatives, the alignment and location of these facilities will be finalized in consultation with the OWNER. Existing LIDAR data and property ownership data will be used to select the alignment of the 24-inch and 12-inch lines and the location of the force mains and lift station. In the early stage, the alignment of the facilities to remove the Bentwood lift station or provide a new force main to redirect flows from the expanded Bentwood lift station to the new 24-inch wastewater line will also be included. After the preliminary alignment has been finalized, the ENGINEER will update the opinion of probable construction costs (OPCC) and advise the OWNER whether all or parts of the Bentwood improvements can be constructed.

The selected alignment and locations will be provided to the surveyor and archaeologist for them to conduct their field work. The surveyor will stake the preliminary alignment and locations in the field so the archaeologist can determine if there are any historical or cultural resources that could potentially be impacted by the construction of the improvements. With feedback from the archaeological field investigations, the final alignment or location of the improvements will be adjusted as necessary.

Based on the final alignment, the ENGINEER will prepare preliminary plan and profile drawings of the wastewater line segments and preliminary civil and mechanical drawings for the lift station(s). The OPCC will be revised if necessary.

2. Time Schedule

The time periods for the performance of ENGINEER'S Services are as follows:

The Preliminary Engineering Phase will be completed within 180 days of the notice to proceed.

3. Compensation and Invoicing

Compensation for Services of ENGINEER described in this Task Order will be on the following basis:

Compensation will be based on a billing rate basis. Monthly invoices will be prepared based on hours expended on the project by different staff levels and the billing rate from the Billing Rate Schedule below for the particular staff levels. Other direct costs and Subconsultants will be invoiced at cost plus five (5) percent. The maximum not to exceed amount is \$770,100.

CDM Smith
Billing Rate Schedule

Personnel Category	Billing Rate (\$/hr)
Engineer 10	295
Engineer 9	280
Engineer 8	240
Engineer 7	220
Engineer 6	200
Engineer 5	180
Engineer 4	160
Engineer 3	140
Project Engineer 1/2	130
Senior Technician/CADD	135
Drafter	115
Senior Administration	110
Contract Administration	100
Clerical	90

4. Terms and Conditions

The terms and conditions of the Agreement referred to above shall apply to this Task Order except to the extent expressly modified herein. In the event of any such modification, the modification shall be set forth below and the Article of the Agreement to be modified shall be specifically referenced. Modifications included in this Task Order are:

5. Terms or Provisions in Conflict

If the provisions set forth in the Agreement are in conflict with the provisions set forth in this Task Order, the provisions of this Task Order shall govern.

Acceptance of the terms of this Task Order is acknowledged by the following authorized signatures of the parties to the Agreement:

OWNER

By:

Title:

ENGINEER

By:

Title:

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Nora Nevarez, Executive Office Coordinator, Economic Development, 325-653-7197

Meeting Date: February 18, 2020

Item type: Consent Item

Caption:

Consider ratifying a COSADC resolution authorizing the use of Sales and Use Tax funds in support of a Defense Economic Adjustment Assistance Grant award to Tom Green County for Goodfellow Air Force Base for construction of base improvements including network tower(s) and facilities bringing 5G wireless technology to GAFB, enhancing base resiliency, and constructing related improvements that will attract new military missions to the base, a project authorized under the Texas Development Corporation Act, Section 501.104 of The Local Government Code that totals \$10,462,730 (Guy Andrews)

Summary/History:

The requested \$400,000 is the San Angelo part of a matching DEAGG grant that totals \$10,462,730. This amounts to 3.82% of the total grant.

The grant application along with a detailed project overview that enumerates the projects to be funded are attached for reference.

COSADC is receiving a refund of \$200,000 from a prior DEAGG grant, so the additional amount for this grant will be a maximum of \$200,000. The refunded amount of \$200,000 will be applied to this grant.

\$155,000 of the \$400,000 will be applied in 2020, with the remaining \$255,000 applied in 2022.

Financial Impact:

Budget amendment possible

Other Information/Recommendation:

Attachments:

- | | | |
|----|---|--|
| 1. | COSADC_DEAAG_2020_RESO_ | COSADC_DEAAG_2020_RESO_FINAL.pdf |
| 2. | DEAAG 2020 Application_Tom Green County_14 Jan 2020 | DEAAG 2020 Application_Tom Green County_14 Jan 2020.docx |
| 3. | Attachment L Detailed Project Overview 13 Jan 20 | Attachment L Detailed Project Overview 13 Jan 20.docx |

Presentation:

Approvals/Reviews:

Nora Nevarez
Guy Andrews
Theresa James
Nolan Sosa

Created/Initiated
Approved
Approved
Approved

Tina Dierschke
Theresa James
Julia Antilley

Approved
Approved
Final Approval

A RESOLUTION OF THE CITY OF SAN ANGELO DEVELOPMENT CORPORATION BOARD OF DIRECTORS, AUTHORIZING THE USE OF SALES AND USE TAX FUNDS IN SUPPORT OF A DEFENSE ECONOMIC ADJUSTMENT ASSISTANCE GRANT (DEAAG) AWARD TO TOM GREEN COUNTY (TGC) FOR GOODFELLOW AIRFORCE BASE (GAFB) FOR CONSTRUCTION OF BASE IMPROVEMENTS INCLUDING NETWORK TOWER(S) AND FACILITIES BRINGING 5G WIRELESS TECHNOLOGY TO GAFB, ENHANCING BASE RESILIENCY, AND CONSTRUCTING RELATED IMPROVEMENTS THAT WILL ATTRACT NEW MILITARY MISSIONS TO THE BASE, A PROJECT AUTHORIZED UNDER THE TEXAS DEVELOPMENT CORPORATION ACT, SECTION 501.104 OF THE LOCAL GOVERNMENT CODE .

WHEREAS, Goodfellow Air Force Base (“GAFB”) is located in the City of San Angelo (“City”), Tom Green County (“TGC”), Texas and is the City’s largest employer; and,

WHEREAS, the mission of GFAB is intelligence training for all branches of the United States Military; and,

WHEREAS, GAFB desires to expand its intelligence training mission to include asymmetric digital subscriber line (ADSL) technology training and resiliency training which will require construction of additional base facilities and bring 5G wireless technology to the Base (hereinafter “Project”); and,

WHEREAS, Tom Green County (TGC) has applied for and is eligible to be awarded a Defense Economic Adjustment Assistance Grant, Spring of 2020, in the sum of \$10,462,730, (hereinafter the Application and Grant are collectively referred to as the “Grant”) from the Office of the Governor, Texas Military Preparedness Commission, to provide state funding for the Project, which funding requires local matching funds in the sum of \$400,000; and,

WHEREAS, the City of San Angelo Development Corporation (“COSADC”) is Type 4 B Development Corporation authorized to utilize half cent sales and use tax funds for Projects related to certain Military Bases or Missions that include infrastructure improvements, land acquisition, buildings, or expenditures found by the board of directors to be required or suitable for attracting new military missions to GAFB, and;

WHEREAS, TGC and COSADC recognize the strategic priority and role that they can play to support our nation’s security efforts through local support of GAFB in the form of matching funds necessary to secure the DEAAG for the Project; and,

WHEREAS the Board of Directors has determined that the Project will attract new military missions to GAFB and result in additional active duty and civilian jobs having a positive impact on the economy of TGC and City of San Angelo, and is a Project authorized under Section 501.104 of the Development Corporation Act (hereinafter the ‘Act’); and,

WHEREAS, the board of directors of COSADC has determined that the Project and provision of funding for up to \$400,000, of matching funds required as stated in the Grant are in compliance with the requirements and purposes of the Act, COSADC Articles of Incorporation, and the COSADC Business Retention and Expansion Program (BREP) approved by City Council; and, that the Project and funding serve the public purposes set forth in the Act;

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

The City of San Angelo Development Corporation offers this Resolution for City Council approval authorizing the use of sales and use tax funds in the sum of up to \$400,000, in matching funds in support of a Defense Economic Adjustment Assistance Grant (DEAAG) award to Tom Green County for Goodfellow Air Force Base (GAFB) in the sum of \$10,462,730, for construction of Base improvements including network tower(s) and facilities bringing 5G wireless technology to the Base, enhancing Base resiliency, and constructing related improvements that will attract new military missions to the base, a Project authorized under the Texas Development Corporation Act, Section 501.104 of the Texas Local Government Code, and recommending approval by City Council.

ADOPTED on this the 13th day of February, 2020.

CITY OF SAN ANGELO DEVELOPMENT
CORPORATION

BY: _____
Todd Kolls, President

ATTEST:

BY: _____
Nora Nevarez, Corporation Secretary



DEFENSE ECONOMIC ADJUSTMENT ASSISTANCE GRANT

OFFICE OF THE GOVERNOR
Texas Military Preparedness Commission
Spring 2020

<i>For TMPC Use Only</i>	
Date Received	
Applicant	
Project	

Program Overview

The program is administered by the Texas Military Preparedness Commission (Commission) within the Office of the Governor. The Defense Economic Assistance Adjustment Grant (DEAAG) is codified in Texas Government Code Chapter 436 and in Subchapter B of Title 1, Chapter 4 of the Texas Administrative Code.

Eligible local governmental entities may be awarded a grant if the commission determines that the entity may be adversely or positively affected by an anticipated, planned, announced, or implemented action of the United States Department of Defense (DoD) to close, reduce, increase, or otherwise realign defense worker jobs or facilities.

To review Texas Government Code 436, visit
<https://statutes.capitol.texas.gov/Docs/GV/htm/GV.436.htm>.

To review the Texas Administrative Code, visit
[https://texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac_view=4&ti=1&pt=1&ch](https://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=4&ti=1&pt=1&ch)

All grant funds must be expended within two years of the award date. This grant follows the Uniform Grant Management Standards.

A defense community is eligible for a grant from DEAAG if the commission determines that it satisfies one of the eligibility criteria as referenced in above in the Texas Government Code and Texas Administrative Code. The grant funds are administered on a reimbursement basis. Administrative costs will not be allowed for reimbursement. Please contact the Texas Military Preparedness Commission at tmpe@gov.texas.gov or 512-475-1475 should you have any questions.

The grant will be scored on the following criteria: military value, project probability, relation to the National Defense Strategy, dual military/community benefit, new missions, resiliency, and efficiency.

All support letters must be attached to application. They are not part of the scoring process. Please keep in mind that this application is limited to 50 pages including application pages.

Unauthorized changes to this application will render the application and any subsequent grant void.

Applications are due by 5:00 PM CST on Friday, February 28, 2020. Any application received after this time will be ineligible for consideration.

Applications are accepted via email (preferred) at tmpe@gov.texas.gov, in-person, or by the addresses below by the application deadline:

Mailing Address:
Texas Military Preparedness Commission
Office of the Governor
P.O. Box 12428
Austin, TX 78711

Street Address:
Texas Military Preparedness Commission
Office of the Governor
1100 San Jacinto
Austin, TX 78701

For additional information on DEAAG, please refer to <http://www.gov.texas.gov/military/grants>.

Applicant Information

Name of Applicant: TOM GREEN COUNTY

Address: 112 W. Beauregard Ave., San Angelo, TX 76903

Point of Contact: _____

Point of Contact Phone: _____

Point of Contact Email: _____

1. Are all involved entities current on all obligations with the State of Texas?

☒ Yes ☐ No

If no, please explain. Attach additional pages as necessary as Attachment A. Please keep in mind that this application is limited to 50 pages.

N/A

2. Is there a pending claim or litigation against any entity involved with the project?

☐ Yes ☐ No

If yes, please explain. Attach additional pages as necessary as Attachment B. Please keep in mind that

this application is limited to 50 pages.

3. Please provide documentation authorizing entity to participate in program. An example is a public hearing, ordinance, or resolution. Attach as Attachment C. Please keep in mind that this application is limited to 50 pages.

Project Summary

Project Name: Improve Goodfellow AFB's resiliency and energy security

The project will provide capital investment to **create a 5G communication system network** that is required to **establish Goodfellow as a World renowned Intelligence Training Center of Excellence**; and **benefits San Angelo** as one of the first rural communities **with 5G network capabilities**. The project includes energy conservation measures that **will reduce Goodfellow's energy demands and provide micro grid capabilities** in the event of electrical grid failure; and also meets cyber security requirements. It will **improve the warfighting capabilities** of our airmen, soldiers, sailors, and marines with the infrastructure necessary to promote functional physical fitness to include covered outdoor training area and equipment, improve the safety and health of military working dogs (MWDs) with an astro turfed covered outdoor training area, **enhance the communications between Goodfellow and local emergency first responders** with interoperable mobile radios, **improve Goodfellow's HAZMAT response capabilities** with a fully equipped emergency response trailer in Tom Green County where there has been exponential growth in the storage and transportation of hazardous materials due to the expansion of the oil industry, and **expands a joint service student resiliency assembly area**.

Provide a **short** summary of the project to be funded.

Funding Source	Total Dollar Amount	Percentage Share of Project
1. Requested Amount of DEAAG	\$5,000,000	47.79%
2. Federal	\$4,909,730	46.93%
If DEAAG is being used towards matching a federal grant, please note the total amount of the federal grant.	0	0
3. Local Community Funding (Note if funding is in-kind).	\$400,000	3.82%
4. Other Sources	\$153,000 (private donations)	1.46%

Eligibility

6. An entity is eligible for DEAAG if it satisfies one of the following; please select which qualification applies:

- ☒ Municipality or county that is a defense community as defined in Local Government Code 397.001
- ☐ Regional planning commission that has a defense community within its boundaries
- ☐ Public junior college district that is wholly or partly located in a defense community
- ☐ Campus or extension center for education purposes of the Texas State Technical College System located in a defense community
- ☐ Defense base development authority created under Local Government Code 379B
- ☐ Political subdivision having the power of a defense base development authority created under Local Government Code 379B

Eligibility of Adversely Affected Community

☐ This applicant is not adversely affected. If checked, please proceed to question 8.

7. An entity is an adversely affected defense community if it has experienced:

- ☒ An anticipated, planned, announced, or implemented action of the Department of Defense to close, reduce, or otherwise realign defense worker jobs or facilities.

Eligibility of a Positively Affected Community

☐ This applicant is not positively affected. If checked, please proceed to question 9.

8. An entity is a positively affected defense community if it has experienced:

- ☒ Increase in military missions, including personnel gains at a military installation, within a municipality or county as a result of a Department of Defense anticipated, planned, announced, or implemented action to increase or otherwise realign defense worker jobs or facilities.

Summary of Eligibility & Impact

9. Provide a Summary of Eligibility regarding status as positively or negatively affected community with documentation. **Failure to provide documentation to determine eligibility for the program will result in a return of this application without further review.** Describe the impact of the change in mission or personnel in the military installation or defense facility and community or the gain that is predicted to occur. Describe the impact on housing, transportation, infrastructure and security where applicable. Attach additional pages as necessary as Attachment D. Please keep in mind that this

Goodfellow AFB (GAFB) is eligible for this program in several ways:

First, as seen in Attachment D, GAFB is the largest employer in San Angelo. It was visited during the 2005 BRAC process and received a BRAC score of 16.78 which positioned Goodfellow as highly targeted for closure. If GAFB closed, it would be catastrophic to the City of San Angelo and Tom Green County due to its economic impact of \$3.0 billion as seen in Attachment D. This project aligns with the national defense strategy to improve energy resiliency and improve combat readiness and lethality by enhancing Goodfellow's position as a power projection platform where the in-garrison infrastructure improvements will hone expeditionary skills and expands facilities to support an increase of 30 permanent party positions, along with an average daily student load increase of 159.

Since the scare of the 2005 BRAC, GAFB was negatively affected in 2012 by the PBD720 (President's Budget Decision) where GAFB lost 169 positions. In addition, the loss included the Non-Commissioned Officer (NCO) Academy at GAFB, where 4 of 10 academies were closed throughout the Air Force. Average cost for a lost full-time position is \$74,244 per man year. The economic impact loss to the city and county is considered to be \$25,094,472 annually.

In addition the community is positively impacted with Army and Navy decisions to realign intelligence training to Goodfellow AFB. The Army projects an increase in training throughput of 192 students and the addition of 10+ permanent party instructors; and the Navy projects an increase in training throughput of 266 students and the addition of 19+ permanent party instructors. The annual economic impact of the 30+ permanent party instructors who will live in the community is \$4.5M; and \$5.8M for an average daily student load of 159.

The project will also enhance the safety and security of the local community through enhanced interoperability between Goodfellow and local first responders and improves Goodfellow's HAZMAT response capabilities through a Memorandum of Understanding with the San Angelo Fire Department.

application is limited to 50 pages.

Project Description

15. Please check all that apply:

☒ Construct New Facility / Infrastructure¹

¹ New Construction, Expansion or Renovation of Facilities or Infrastructure – Describe the use of the facility or infrastructure to be constructed or replaced, expanded or renovated.

☒ Expand Existing Facility / Infrastructure¹

☒ Renovate Facility / Infrastructure¹

☐ Federal Grant Match²

☐ Property Purchase³

☐ Purchase of Insurance⁴

☒ Purchase Capital Equipment

☐ Purchase Training Equipment

² Federal Match Grant – Summarize the use of the DEAAG funding in obtaining federal funding. A federal award letter, Memorandum of Understanding or agreement must be provided before the release of state grant funds.

³ Property Purchase – Describe the real or personal property to be purchased. Include general description of buildings and a map of the property to be purchased accompanied by a copy of the conveyance documents or a summary of conveyance negotiations.

⁴ Purchase of Insurance – Describe the insurance to be purchased including the type of coverage limits.

16. Provide an in-depth description of the project in the space below including specific details and documentation of the applicable project description as noted above. Examples include anticipated costs, project timeline, military gifting timeline, etc. Attach additional pages as necessary as

The project enhances an existing outdoor training environment for Goodfellow's military working dogs (MWD) by providing shade from the west Texas sun during the summer and artificial turf to ensure the training grounds provide a hazard free surface. The MWDs provide support for the global war on terror and also provide drug and bomb detection support to the city of San Angelo. The project also includes a covered outdoor functional (combat skills) fitness training area, repairs a rubberized 1/4 mile outdoor running track, constructs an outdoor astro turf area for Army combat fitness testing, and enhances a joint service student assembly area that will contribute to the improvement of readiness, lethality, and resiliency of over 14,000 warrior students each year. In addition the project improves the interoperability of Goodfellow's emergency response force with the local and county first responders with the purchase of mobile radios that provide critical communication links between responding agencies; and provides enhanced capabilities to respond to hazardous events within Tom Green County with the purchase of an emergency response trailer outfitted with protective equipment and sensors required to contain and combat hazardous material events. Installation of 5G tower and 5G base station antennas will serve as a capital investment to leap Goodfellow's communication infrastructure into the next generation of innovative technologies. In addition the energy savings performance contract proposes a 7 MW on site power generation plant using photovoltaics and reciprocating internal combustion engines that could ease local area concerns, if the community suffers an electrical brownout. Total cost of the project is \$10,462,730 with contributions from the City of San Angelo, private donors, federal government, and a \$5M DEAAG, if approved. If approved, it will take approximately two months to process a gift acceptance package through the AF. Execution of federal funds has already begun and completion of the entire project is projected for Dec 2012.

Attachment E. Please keep in mind that this application is limited to 50 pages.

17. Does the project add military value to a military installation or defense facility? How? Attach additional pages as necessary as Attachment F. Please keep in mind that this application is limited to

This project supports a 460 annual student growth in Army and Navy intelligence training at Goodfellow AFB, along with the addition of 30 permanent party instructors.

The multi-phased project strengthens Goodfellow's capacity to provide combat-credible military forces to defend the homeland, project power, and deter near peer adversaries through enhanced military readiness of America's military firefighters and intelligence professionals that directly supports national defense strategies; in addition to improving energy resiliency and reliance on the electrical grid. The foundation of military readiness and lethality is an integrated network of resilient installations that enable advanced-generation, multi-domain operations while also providing safe communities for our Airmen and families. Installation of a high speed 5G network will increase communication resiliency by eliminating single points of failure on legacy communication cables while also allowing geometric leaps in innovative technologies to prepare our warfighters for the next generation of battle. **This project increases Goodfellow's military value where Goodfellow provides a foundational platform from which the Air Force and sister services receive intelligence, surveillance and reconnaissance (ISR) professionals, as well feeding the core mission of rapid global mobility with joint ISR and firefighting professionals.**

Goodfellow is a power projection platform that provides an in-garrison infrastructure to hone expeditionary skills for over 14,000 warrior students per year. **The infrastructure investment strategy outlined in this proposal is inextricably linked to ensuring readiness, lethality and combat power; and aligns with the National Defense Strategy infrastructure investment requirements.** This multi phased project also provides added safety and security for the city and county through MOAs that provide emergency hazmat response/fire services and military working dogs capable of drug and bomb detection.

Finally the **project provides energy resiliency with onsite generation, energy storage, and a Smart energy approach that is designed to provide GAFB with fence-to-fence energy security and increased resiliency during any instances of grid power disruption, as well as reducing the electrical grid demand shared with the city.**

50 pages.

18. Does the project fit into the most recent National Defense Strategy? How? Attach additional pages as necessary as Attachment G. Please keep in mind that this application is limited to 50 pages.

This project improves our competitive military advantage that has eroded over the years. **The project will improve the fielding of a lethal, resilient, and rapidly adapting joint Force.** It lays the foundation for future readiness through recapitalization, innovation, and modernization. **The project builds partnerships with the intelligence community, local law enforcement, and city/county emergency response forces that address areas of economic, technological, and informational vulnerabilities.** Our enduring partnerships with the local community is well known and helps deter or respond to homeland attacks. **The focus on the resiliency of Goodfellow's Airmen meets one of the other national defense objectives to sustain a joint military force advantage, both globally and in key regions where our airmen deploy.** The micro-grid, energy independence, and **5G communication** upgrades meets another key NDS objective to establish an unmatched twenty-first century national security Innovation base that effectively supports department operations and sustains security and solvency. **K-9 military working dog support for bomb detection and drug interdiction, hazardous material response capabilities, energy security and resilience, and warrior lethality are all in direct support of the 2018 National defense strategy** (See attachment G).

19. Does the project have dual community/military benefit? How? Attach additional pages as necessary as Attachment H. Please keep in mind that this application is limited to 50 pages.

The project will reduce Goodfellow's energy consumption and reliance on the national electric grid, thus improving electrical grid resiliency for both the base and the community; it will improve Goodfellow's HAZMAT response capabilities that also supports the Concho Valley through a first responder's memorandum of agreement with the City of San Angelo; it enhances drug interdiction and bomb detection within the community; and it supports Goodfellow's mission growth in intelligence training that is expected to provide an economic local impact of over \$10M annually.

20. Does the project bring in new missions or expand current missions? How? Attach additional pages as necessary as Attachment I. Please keep in mind that this application is limited to 50 pages.

This project supports the relocation of Army and Navy intelligence training to Goodfellow AFB, as well as growth in Air Force training. Growth over the next two years will result in 29+ permanent party instructors and a throughput of 460 students annually. See attachment I for the Army and Navy basing decisions.

21. Does the project add resiliency to the military installation? How? Attach additional pages as necessary as Attachment J. Please keep in mind that this application is limited to 50 pages.

The project provides energy resiliency with on-site generation, energy storage, and a Smart energy approach that is designed to provide Goodfellow with fence-to-fence energy security and increased resiliency during any instances of electrical grid power disruptions, as well as reducing the electrical grid demand shared with the city. In addition outdoor combat readiness resiliency will be enhanced for 14,000 joint service military members annually trained at Goodfellow, as well as Goodfellow's deployable K-9 units.

22. Does the project help the military installation become more efficient or save money on costs such as utilities? How? Attach additional pages as necessary as Attachment K. Please keep in mind that this

It is estimated that Goodfellow's electrical costs will be reduced by \$420K per year with the energy upgrades proposed by an energy savings performance contractor (ESPC). The ESPC also proposes micro-grid capabilities with 7MW on site generation using photovoltaics and reciprocating internal combustion engines that could ease demands on the electrical grid and improve energy security and resilience. The micro-grid will also ease electrical grid concerns by the local community during brown out events. See Attachment K.

application is limited to 50 pages.

Projected Completion Date & Milestones of Project

23. Complete the following applicable milestones:

Begin Construction: August 2020

Complete Construction: January 2022

Purchase Machinery & Equipment: June 2020

Begin Operations: July 2020

Fully Operational: December 2021

24. Is construction on Department of Defense property?

☒ Yes ☐ No

25. Is construction on local, city, or county owned property?

☐ Yes ☒ No

26. Please provide limited and relevant information concerning your expenses for the project. For example, provide an overview of a budget as opposed to the full budget. Please provide as attachment L. Please keep in mind that this application is limited to 50 pages.

The Office of the Governor follows Universal Grant Management Standards as set by the State of Texas and the Federal Government. Please review these standards before submitting your projected expenses.

For more information, visit <https://comptroller.texas.gov/purchasing/docs/ugms.pdf>

Administrative costs will not be reimbursed through this grant.

Project Expense Estimate

Estimates Expense Schedule

27. Complete the following by state fiscal year (September 1 – August 31).

	FY 2020	FY 2021	FY 2022
Purchase of Property	0	0	0
Professional & Consultant Services	\$449,160	\$139,080	\$79,800
New Construction (Infrastructure)	\$725,000	\$2,130,000	\$1,400,000
Rehabilitation & Renovation (Infrastructure)	0	0	0
Capital Equipment ⁵	\$928,280	\$266,410	\$4,200,000
Facilities Insurance	0	0	0
Training Equipment ⁶	0	0	0
Training Supplies ⁷	0	0	0
Matching Funds	\$145,000	\$153,000	\$255,000
Total Project Cost	\$2,102,440	\$2,535,490	\$5,679,800

Matching funds are not included in the **Total Project Cost**; those funds (private and City of San Angelo) pays for County administrative fees in FY 2020 and reduces DEAAG funds required against the total project costs shown in FY 2022 and 2023. Total project value to include county administrative fees is \$10,462,730.

Provide any clarification in the following space:

⁵ Per UGMS, "Equipment" means an article of nonexpendable, tangible personal property having a useful life of more than one year and a per unit acquisition cost of \$5,000 or more.

⁶ *Id.*

⁷ Per UGMS, items of equipment with a per unit acquisition cost of less than \$5,000 are considered to be supplies.

Project Funding Sources

Funding Schedule

28. Please complete the following where applicable:

Funding Type	Source	Amount of Funding by State Fiscal Year		
		FY 2020	FY 2021	FY 2022
Federal				
O&M funds	O&M	\$1,343,280	\$150,000	\$2,748,410
In-Kind	In-Kind	\$425,500	\$121,270	\$121,270
State				
	DEAAG-TMPC	\$426,410	\$1,977,000	\$2,596,590
Other State Entity				
Local				
Cash	San Angelo	\$145,000		\$255,000
Other				
Cash	Private		\$153,000	
Total		\$1,914,690	\$2,401,270	\$5,772,860

Provide any clarification regarding the funding schedule in the following space:

Other Financial Partners

26. Is DEAAG the sole source of project funding? If no, please provide additional information in the section below.

☐ Yes ☒ No

Provide a description explaining the funding types and sources identified in the funding schedule. Include a description of any ongoing efforts to acquire funding from other sources including federal agencies and

Funding sources include a \$400K cash contribution from the City of San Angelo Economic Development Council; \$153 cash contribution from private donors to support the infrastructure investment at the dog kennel; federal funds for the track rehabilitation, resiliency center addition, alpha warrior equipment, HAZMAT response equipment, interoperable emergency response radios, and in-kind design/construction inspection services; and shared investment into Goodfellow's Energy Savings Performance Contract (ESPC) where State funding will reduce Goodfellow's repayment of the investment to the ESP contractor through the O&M energy savings generated over the life of the contract; and help ensure project viability. The ESPC contractor funds the project upfront, based on generating guaranteed utility savings.

other financial partners. Attach additional pages as necessary as Attachment M. Please keep in mind that this application is limited to 50 pages.

Request for Exceptional Funding

This question must be filled out if you are receiving more than 50% of your project funds from the TMPC. If it is not filled out, you cannot be granted more than 50% of your request.

☐ Applicant is not requesting exceptional funding

27. Establish and provide justification if requesting greater than 50 percent grant match under Texas Government Code §436.202 and 1 TAC § 4.34; provide explanation and documentation that local community budget and resources are not adequate or available. Justification should include information on the lack of revenue and resources prompting this request. Provide specific information on local efforts to secure adequate funding. *Attach additional pages as necessary as Attachment N.* Please keep in mind that this application is limited to 50 pages.

Additional Information

Please provide additional applicable information specific to this project (attach additional pages as necessary as Attachment O). Please keep in mind that this application is limited to 50 pages.

Certification of Application

Grantee Governing Body Representative (Required)

Prefix _____

First Name _____

Last Name _____

Title _____

Organization _____

Mailing Address _____

Phone Number _____

Fax Number _____

Email Address _____

To the best of my knowledge and belief, the information contained in this Defense Economic Adjustment Assistance Grant Application is true and correct, as evidenced by my signature below. Furthermore, I affirm the authorized representative, the applicant author, or contact person and the project administrator have read chapter 436 of the Texas Government Code and the program administrative rules may be found in Subchapter B of Title 1, Chapter 4 of the Texas Administrative Code and are familiar with the provisions contained therein.

Signature _____ Date _____

(Governing Body Representative)

Participating Legal Counsel (Optional)

☐ No legal counsel involved in the project

Prefix _____

First Name _____

Last Name _____

Title _____

Organization _____

Mailing Address _____

Phone Number _____

Fax Number _____

Email Address _____

I confirm that the above-named legal counsel has been retained to participate in this application process as outlined above.

Signature _____ Date _____

(Governing Body Representative)

Printed Name _____ Title _____

To the best of my knowledge and belief, the information in this Defense Economic Adjustment Assistance Grant Application is true and correct.

Signature _____ Date _____

(Participating Legal Counsel)

Printed Name _____ Title _____

Participating Grant Administrator (Optional)

☐ No grant administrator involved in the project

Prefix _____

First Name _____

Last Name _____

Title _____

Organization _____

Mailing Address _____

Phone Number _____

Fax Number _____

Email Address _____

Please provide a brief description of grant administrator's role with this application:

I confirm that the above-named grant administrator has been retained to participate in this application process as outlined above.

Signature _____ Date _____

(Governing Body Representative)

Printed Name _____ Title _____

To the best of my knowledge and belief, the information in this Defense Economic Adjustment Assistance Grant Application is true and correct.

Signature _____ Date _____

(Participating Grant Administrator)

Printed Name _____ Title _____

Attachment L

Detailed Project Funding Source/Characteristics/Costs/Estimated Completion Date (ECD)

AF Funds/ Repair & Resurface 1/4 mile Rubberized Track/ \$302K/ ECD Apr 20

AF Funds/ Construct Student Assembly Resilience Facility Addition/ \$113K/ ECD Apr 20

Private Donations & DEAAG Funds/ Construct Military Working Dog Kennel Shade Cover/ \$300K/ ECD May 21

Private Donations & DEAAG Funds/ Install Military Working Dog Kennel Astro Turf/ \$150K/ ECD May 21

DEAAG Funds/ Construct 141' x 117' Shade Cover for Alpha Warrior & Beaver Fit Equipment/ \$1.5M/ ECD Aug 21

DEAAG Funds/ Construct Outdoor Covered Emergency Response Trailer Bays & Drive Thru/ \$310K/ECD Nov 20

DEAAG Funds/ Construct 165' x 100' Army Combat Field Training Area/ \$180K/ Dec 20

City of San Angelo & DEAAG Funds/ construct 5G Network Tower & Base Station Antennas/ \$1.4M (\$255K City & \$1,145K DEAAG)/ECD Jan 22

Sub Total Construction Costs: \$4.255M

AF In-Kind 10% Design Cost: \$425.5K

AF In-Kind 5.7% Construction Supervision, Inspection, and Overhead: \$242.54K

Total Construction Costs: \$4,923.04K

Equipment Costs

AF Funds/ Alpha Warrior & Beaver Fit Equipment/ \$150K /ECD Dec 20

AF Funds/ Mobile Interoperability Radios/ \$58K/ ECD Mar 20

AF Funds/ Hazardous Emergency Response Equipment/ \$870.28K / ECD Mar 20

AF & DEAAG Funds/ Upgrade Energy Management Control System & Micro Grid/ \$4.2M (\$2.8M AF & \$1,451.59K DEAAG)/ECD Dec 21

DEAAG Funds/ MDG & CEX Hazardous Emergency Response Trailer/ \$116.41K/ ECD Sep 20

Total Equipment Costs: \$5,394.69K

Sub Total Project Value: \$10,317.73K

Administrative Cost: \$145K (COSADC Funds)

Total Project Value: \$10,462,730

Matching Funds and In-Kind Contributions Summary:

AF Funds: Repair & Resurface Base Running Track, \$302K

AF Funds: Construct Student Assembly & Resilience Facility Addition, \$113K

AF Funds: Upgrade Energy Management Control System / Micro Grid, \$2.8M

AF Funds: Equipment for Emergency Response Trailer, \$870.28K

AF Funds: Mobile Emergency Radios, \$58K

AF In-kind: Design, \$425.5K

AF in-kind: Construction Supervision/Inspection/Overhead, \$242.54K

Private Funds: Dog Kennel Donations, \$153K

COSADC Funds: City of San Angelo Grant, \$400K

Total Matching Funds and In-kind Contributions: \$5,462.73K

Federal Funding and In-kind: \$4,909.73K (46.93%)

COSADC Funding: \$400K (3.82%)

Private Funding: \$153K (1.46%)

TX DEAAG Request: \$5M (47.79% of overall project value)

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: February 18, 2020

Item type: Consent Item

Caption:

Consider approving a janitorial services contract with ABM Building Services, LLC through 1GPA contract #16-08PV-01 in the amount of \$217,680 and authorizing the City Manager to negotiate and execute all related documents (Ron Lewis)

Summary/History:

COSA has contracted with ABM Building Services for the past five years for janitorial services to several COSA facilities. Specifications were prepared and bids solicited through required COSA guidelines and procedures. While preparing to rebid for janitorial services in mid-2019 it was indicated to us by ABM that they had a TIPS cooperative contract (The Interlocal Purchasing System) that would allow COSA to contract for additional years of janitorial service. Since there were no concerns with the services provided during the contract period staff decided to follow the procedures through the TIPS Cooperative.

City Council approved a contract with ABM at the December 17, 2019 City Council Meeting. At that time ABM provided information and their TIPS cooperative (The Interlocal Purchasing System) contract number. As required paperwork was sent to us to complete the contract for execution ABM informed COSA staff that the TIPS Contract number did not allow for the janitorial services as previously indicated.

ABM notified us that they were a member of the 1GPA (Purchasing Cooperative). COSA staff then got City Council approval to join the 1GPA Cooperative at the February 4, 2020 City Council Meeting. ABM is currently the janitorial provider for ASU through the 1GPA Cooperative. COSA is able to contract with ABM through the ASU agreement.

All departments currently utilizing the ABM janitorial services are aware of the changes in pricing for upcoming contract.

Financial Impact:

Each COSA Department that uses the janitorial services is responsible for budgeting the funds and paying invoices.

There is an annual escalation clause for the service rate at City Hall only.

Other Information/Recommendation:

Staff recommends approval of the agreement with ABM Building Services, LLC. and authorization for the City Manager to negotiate and execute all related documents.

Attachments:

Presentation:

Approvals/Reviews:

Ron Lewis

Theresa James

Nolan Sosa

Tina Dierschke

Theresa James

Julia Antilley

Created/Initiated

Approved

Approved

Approved

Approved

Final Approval

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: February 18, 2020

Item type: Consent Item

Caption:

Consider approving a Memorandum of Understanding with AEP Texas North Division for energy consulting services (SCORE/City Smart Program) through Clearesult Consulting at no cost to the City and authorizing the City Manager to execute all related documents (Ron Lewis)

Summary/History:

The City of San Angelo has participated in the City Smart Program with AEP since 2007. Please see attachments for a full explanation for the program and the incentives received by COSA and estimated cost savings from reduced electric consumption.

Financial Impact:

No cost is incurred by COSA departments for the service. COSA departments can receive financial incentives paid directly from AEP Texas for replacing or installing more energy efficient lighting, roofing and HVAC equipment in old or new buildings. The vendor evaluates existing equipment and recommends more energy efficient replacements. They calculate annual electric consumption reductions and cost savings in our facilities.

COSA departments must fund the cost of replacement, schedule followup inspection with vendor after project completion, then the incentive is paid to COSA.

Other Information/Recommendation:

Attachments:

- | | |
|----------------------------|-----------------------------|
| 1. COSA PPS | COSA PPS.pdf |
| 2. CitySmart_Overview 2020 | CitySmart_Overview 2020.pdf |
| 3. TND_MOU_2020 | TND_MOU_2020.pdf |

Presentation:

Approvals/Reviews:

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

City of San Angelo
AEP Texas CitySmart Program

January 28, 2020





Project Summary



Partner

City of San Angelo

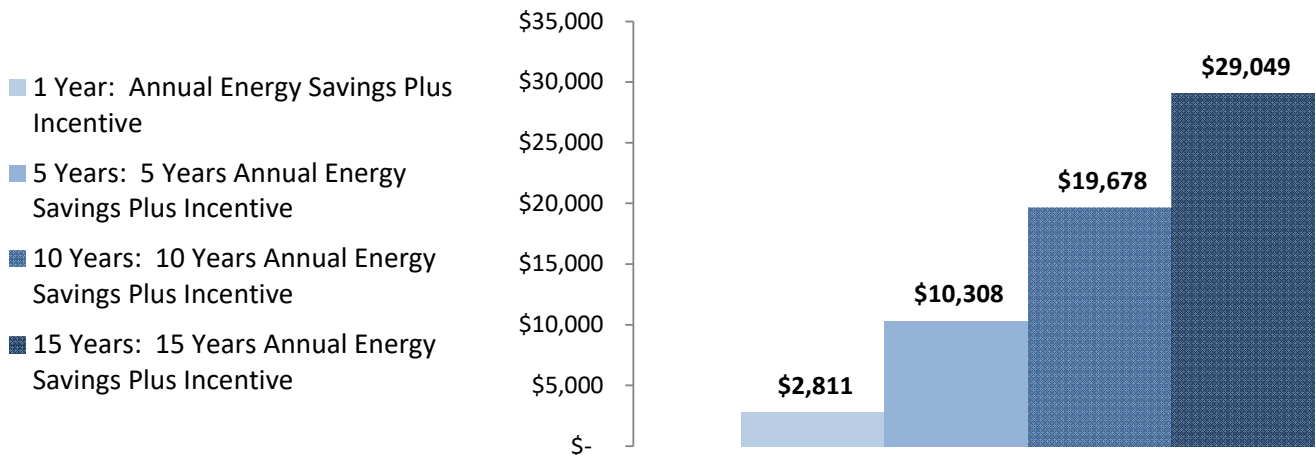
Description The following estimated energy savings and AEP Texas CitySmart Program incentives represent all projects completed. A detailed summary of each individual project can be found on the following pages.

Achieved Incentives & Energy Savings

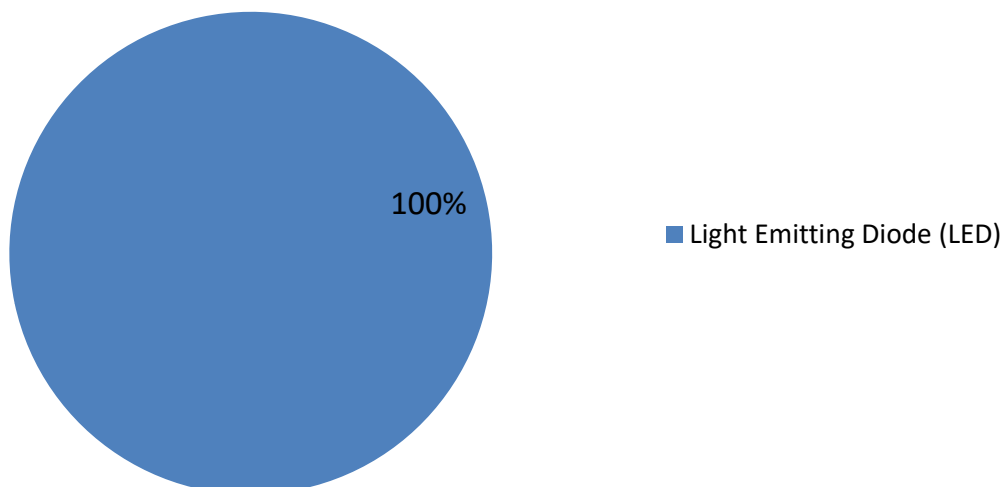
Program Incentive	\$937
Annual Energy Savings	\$1,874
(\$0.1 per kWh)	

Est. kW Savings	3
Est. kWh Savings	18,741

Projected 15-Year Energy Savings



Measure Mix

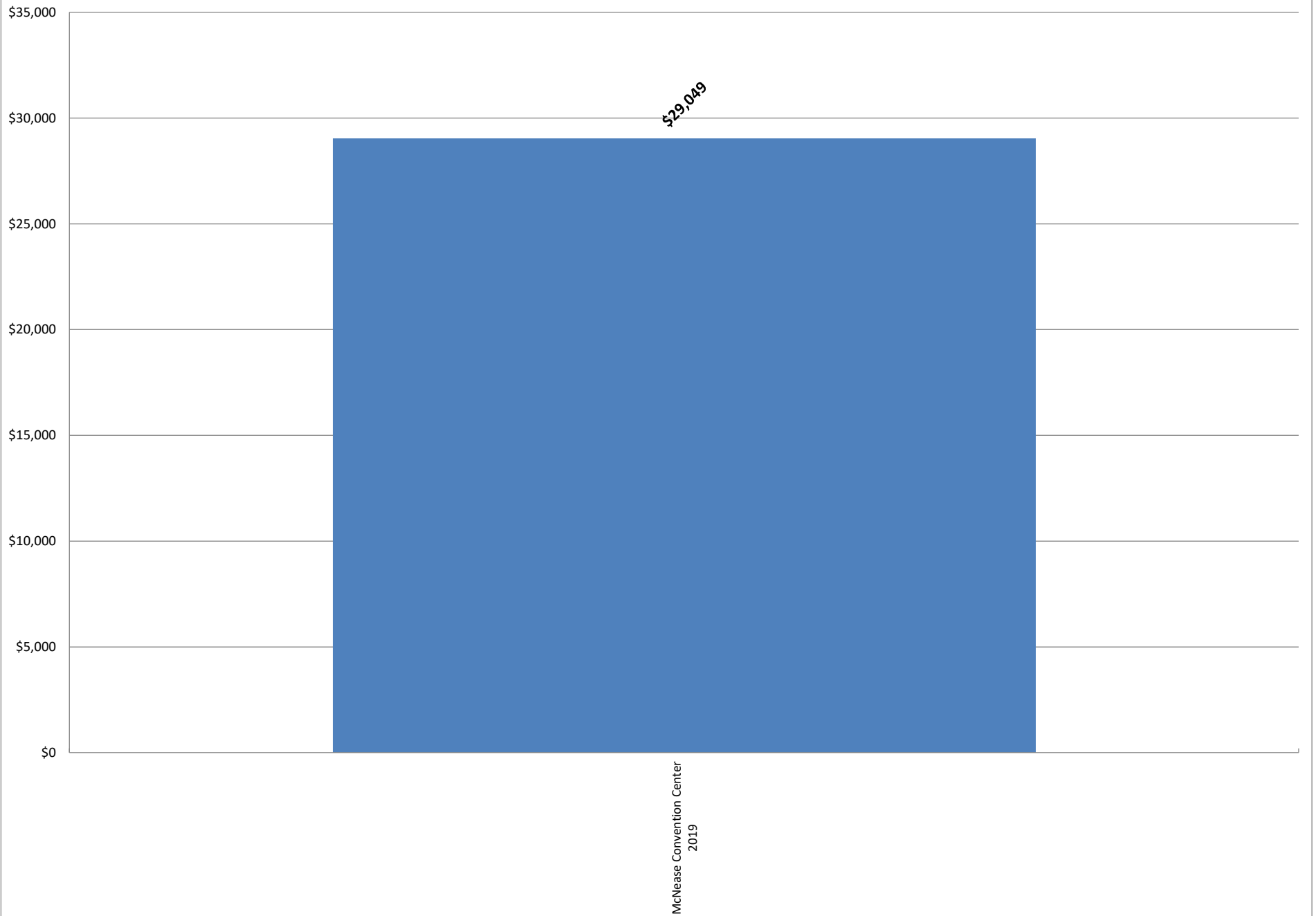


Annual Carbon Impact

*Calculated through the Environmental Protection Agency

3 cars off the road, or
1,492 gallons of gasoline, or
30 barrels of oil, or
2 homes' energy use

15-Year Energy Savings - All Projects





Project Summary



Year	Facility	Project	est. kW saved	Annual kWh saved	Incentive	Annual Energy Savings
	2019 McNease Convention Center	Retrofit	3	18,741	\$937	\$1,874
Grand Total			3	18,741	\$937	\$1,874



Project Summary: Total



Partner

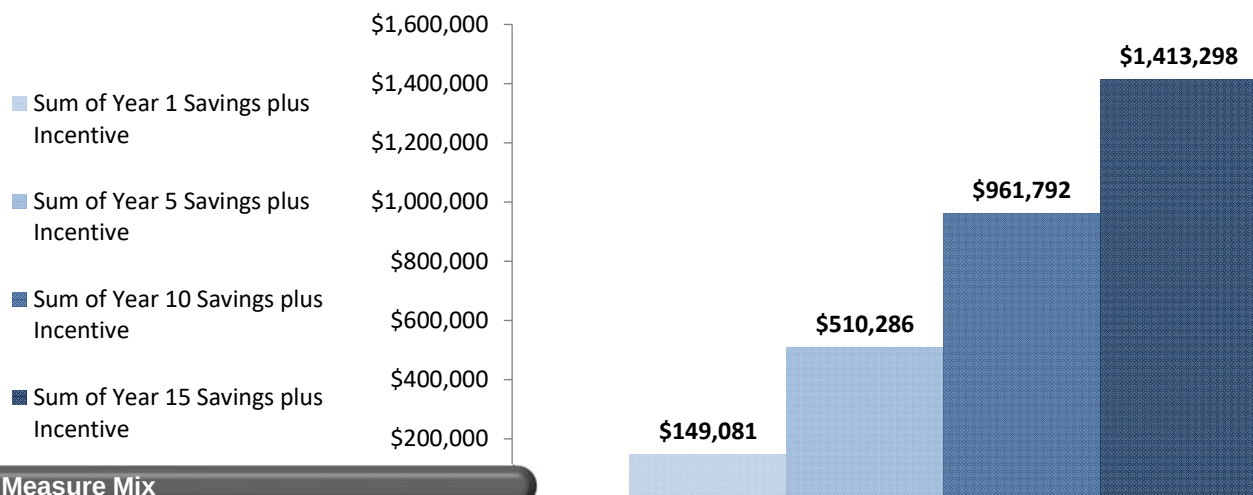
City of San Angelo

Description The following savings and incentive figures represent all projects that have received incentives through the AEP Texas CitySmart Program.

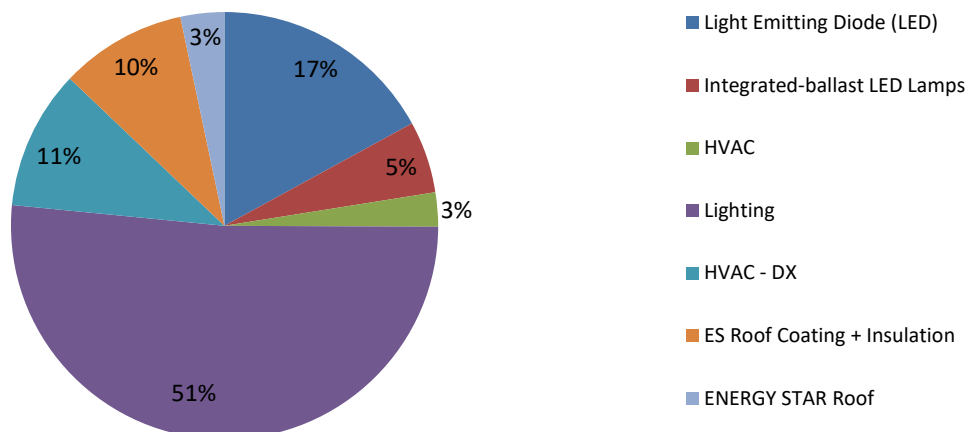
Total Achieved Incentives & Energy Savings

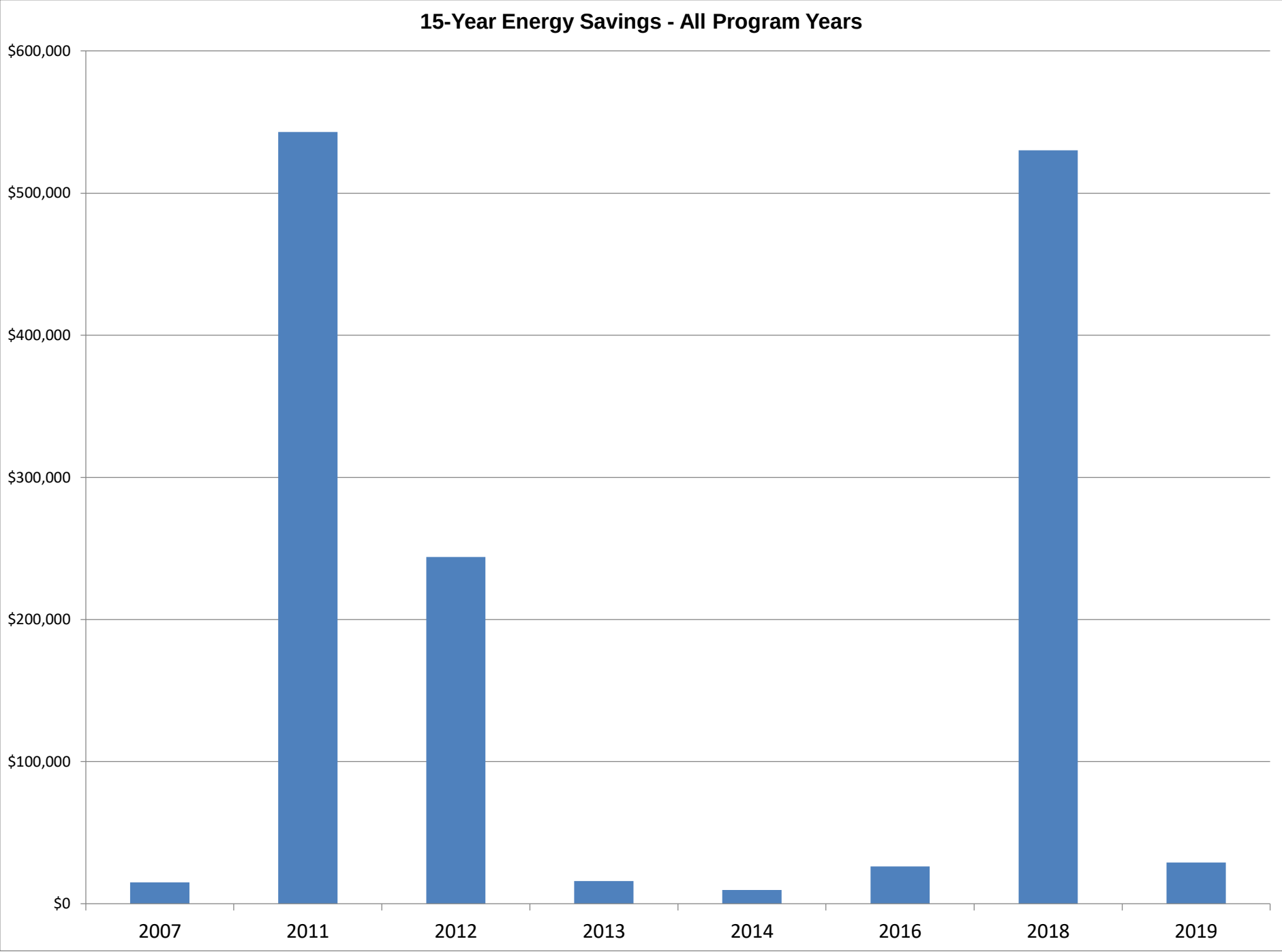
Program Year	est. kW saved	Annual kWh saved	Incentive	Annual Energy Savings
2019	3	18,741	\$937	\$1,874
2018	72	342,025	\$17,101	\$34,203
2016	6	16,983	\$805	\$1,698
2014	8	5,612	\$1,202	\$561
2013	2	10,363	\$426	\$1,036
2012	35	159,145	\$5,298	\$15,915
2011	119	350,143	\$17,897	\$35,014
2007	101	0	\$15,116	\$0
Grand Total	347	903,012	\$58,780	\$90,301

Projected 15-Year Energy Savings



Measure Mix







Year	Facility	Project	est. kW saved	Annual kWh saved	Incentive	Annual Energy Savings
2019			3	18,741	\$937	\$1,874
	McNease Convention Center	Light Emitting Diode (LED)	3	18,741	\$937	\$1,874
2018			72	342,025	\$17,101	\$34,203
	City of San Angelo - 301 Beauregard	Light Emitting Diode (LED)	23	117,787	\$5,889	\$11,779
		Integrated-ballast LED Lamps	19	87,452	\$4,373	\$8,745
	City of San Angelo - Coliseum	Light Emitting Diode (LED)	30	136,786	\$6,839	\$13,679
2016			6	16,983	\$805	\$1,698
	City of San Angelo - Carl Ray Recreation Ctr	ENERGY STAR Roof	1	1,435	\$57	\$144
	City of San Angelo - Emergency Operation Ctr	Light Emitting Diode (LED)	2	8,366	\$418	\$837
	City of San Angelo - Muni Court	Light Emitting Diode (LED)	1	4,156	\$208	\$416
		ENERGY STAR Roof	1	1,267	\$51	\$127
	City of San Angelo - Southside Recreation Ctr	ENERGY STAR Roof	1	1,759	\$70	\$176
2014			8	5,612	\$1,202	\$561
	City of San Angelo - Coliseum	ENERGY STAR Roof	8	5,612	\$1,202	\$561
2013			2	10,363	\$426	\$1,036
	City of San Angelo - Muni Court	Lighting	2	10,363	\$426	\$1,036
2012			35	159,145	\$5,298	\$15,915
	City of San Angelo - Business Resource Center	Lighting	2	11,568	\$357	\$1,157
		HVAC - DX	2	5,478	\$300	\$548
	City of San Angelo - Carl Ray Recreation Ctr	Lighting	12	54,036	\$1,743	\$5,404
	City of San Angelo - Santa Fe Senior Center	Lighting	6	26,275	\$876	\$2,628
	City of San Angelo - Southside Recreation Ctr	Lighting	5	22,137	\$738	\$2,214
	City of San Angelo - Station 618 Senior Center	Lighting	9	39,651	\$1,284	\$3,965
2011			119	350,143	\$17,897	\$35,014
	City of San Angelo - City Hall	Lighting	23	101,041	\$3,378	\$10,104
		HVAC - DX	31	79,230	\$4,710	\$7,923
	City of San Angelo - Emergency Operation Ctr	ES Roof Coating + Insulation	5	3,119	\$809	\$312
	City of San Angelo - Fire Station 5	Lighting	5	35,738	\$773	\$3,574
		HVAC - DX	2	4,036	\$240	\$404
	City of San Angelo - Fire Station 7	Lighting	4	22,068	\$632	\$2,207
		HVAC - DX	2	4,050	\$255	\$405
	City of San Angelo - Old Library	Lighting	19	83,130	\$2,919	\$8,313
	City of San Angelo - State Office Comp	ES Roof Coating + Insulation	28	17,731	\$4,182	\$1,773
2007			101		\$15,116	
	City of San Angelo - Airport Terminal	HVAC	9		\$1,350	
		Lighting	11		\$1,616	
	City of San Angelo - Livestock Bldg	Lighting	81		\$12,150	
Grand Total			347	903,012	\$58,780	\$90,301



2020 CitySmart® Program

AEP Texas (North Division)

The CitySmart® Program saves Texas government institutions **\$102 million.***



How can your community benefit by saving energy?

Energy is one of the largest operating expenses for an organization. AEP Texas North Division's CitySmart Program is here to help. The Program is designed to help government institutions manage rising energy costs by implementing energy efficiency improvements.

CitySmart is funded through AEP Texas and is provided at no cost to the Partner.

Based on your individual needs, the program will provide customized assistance, such as:

- **Incentives** of \$0.04/kWh and \$0.05/kWh for lighting, roofing, HVAC and other retrofit projects that reduce peak electric demand.
- **Energy performance benchmarking** to discover where your building is wasting energy.
- **Energy master planning workshops** to familiarize you with energy management best practices that maximize long-term savings.
- **Financing assistance** to connect you with low- and no-cost energy efficiency projects.
- **Technical assistance** to identify efficiency opportunities that are tailored to your business needs.

The benefits of increasing efficiency are endless. Call us today to get started.

Gary Throckmorton – AEP Texas North
EE/DR Coordinator
(325) 674-7341
gjthrockmorton@aep.com

Tyler Jones - CLEAResult
Program Consultant
(512) 416-5933
tyler.jones@clearesult.com

*Based on the lifetime energy savings of equipment installed and total incentives earned by Texas government partners. Data from multiple investor-owned utility programs as of December 2020.



The process is simple.

Sign up

- Sign the Memorandum of Understanding to enroll your organization in the AEP Texas North CitySmart Program.
- This authorizes CLEAResult to perform an on-site walkthrough and pay the incentive upon project completion.

Evaluate

- CLEAResult performs a pre-installation inspection to document and evaluate existing equipment.
- Only equipment that is pre-inspected prior to removal may be included in the project.

Define

- CLEAResult provides recommended projects, paybacks and preliminary incentive calculations for you to consider.
- Define the scope and timeline of the project in an incentive application.
- NOTE: There is no guarantee incentive funds are available upon project completion without a signed incentive application.

Complete

- The Partner completes the project either with an outside contractor or in-house staff.
- The Partner notifies CLEAResult upon project completion.

Inspect

- CLEAResult performs a post-installation inspection to document and evaluate the newly installed equipment.

Enjoy

- CLEAResult receives a W-9 and electric bill for the participating facility.
- AEP Texas North issues the incentive check within four to six weeks.
- Collect your incentive and enjoy long-term savings.
- NOTE: The incentive check is a live check made to the attention of the person who signed the LOI — it is not a discount on the monthly bill.

AEP Texas North Division incentive table



- Air compressor: \$0.05/kWh
- Commercial kitchen: \$0.04/kWh
- HVAC – chiller: \$0.05/kWh
- HVAC – DX: \$0.04/kWh
- LED lighting: \$0.05/kWh
- Lighting: \$0.04/kWh
- Refrigeration: \$0.05/kWh
- Roofing: \$0.04/kWh
- VFDs on VAV on AHU: \$0.05/kWh



AEP Texas (North Division) is proud to offer the SCORE/CitySmart Program, aimed at improving the energy efficiency of K-12 and local government facilities located within its service territory. AEP Texas has contracted with CLEAResult to sponsor, promote, and administer the Program. _____, (herein referred to as "Partner") recognizes that it is a willing participant of this **no cost** program designed to help reduce energy bills for its facilities, freeing up operating dollars for other needs AND improving the usability and comfort of its facilities. This Memorandum of Understanding (MOU) reflects the **voluntary collaborative** between your organization and the SCORE/CitySmart Program and details the commitments of each party in order to improve energy efficiency in your facilities. *The Program agrees to provide these services at no cost to the Partner with the understanding that the Partner will exert its best efforts to complete the applicable steps below and implement cost-effective energy efficiency recommendations. Projects being submitted to the 2020 SCORE/CitySmart Program must be completed by **November 6, 2020** to allow time for post-installation inspections to occur before the end of the calendar year.*

DESCRIPTION OF COMMITMENTS

The SCORE/CitySmart Program will assist the Partner to identify cost effective energy efficiency improvements that can help to make facilities less costly to operate and more comfortable to use. To achieve potential energy savings and facility improvements, the Program and Partner have agreed to work together to complete some or all of the following tasks according to the specific needs identified for your organization:

- Identify and assess energy efficiency measures
- Develop and adhere to an Energy Master Plan that outlines administrative and financial decision-making criteria for energy efficiency improvements, installation of energy efficiency measures, and maintenance and operation procedures in order to succeed in implementing a cost-effective energy efficiency program in a timely manner
- Implement energy efficient operations and maintenance practices and procedures identified during walk-through energy assessments of specific utility(s)
- Locate funding sources to enable the Partner to complete capital projects
- Use utility incentives to buy-down the capital cost of energy efficient systems

PRINCIPLES OF AGREEMENT

Specific responsibilities of the Partner and the Program in this agreement are listed below.

- Partner will select two contact persons to work with the SCORE/CitySmart Program throughout the term of the Partnership, including a representative from both the Facilities/Energy Management Department and the Finance/Business Department.
- If the Program elects to provide energy performance benchmarking of Partner's existing facilities, then the Partner agrees to provide the needed energy usage and building information required to complete this analysis. The SCORE/CitySmart Program will then develop a benchmarking report for the Partner illustrating the energy usage for the specified facilities.
- If the Program elects to provide assistance with the development of an Energy Master Plan, Partner agrees to attend a facilitated workshop in order to help this document and process. Partner will strive to finalize any draft Energy Master Plans that are provided by the Program and will ask that senior management endorse and approve this plan.
- The SCORE/CitySmart Program will pay to Partner monetary incentives, as discussed in program materials, for eligible energy efficiency savings achieved by projects that are completed no later than November 6, 2020.
- Partner will make its best effort to complete and submit relevant Project Application Forms, including necessary supporting documentation for each project, in a timely manner. Please note that due to increased participation in the SCORE/CitySmart Program, the Project Application process is required in order to reserve financial incentives for your projects.
- Partner acknowledges that projects that receive monetary incentives in the SCORE/CitySmart Program would not have been accomplished, or would have been completed with less efficient equipment, except for the incentives and other services provided by this Program.
- Partner will allow the Program to use Partner's name to promote participation in the Program to entities such as potential program partners, utilities, federal, state, or local entities, and the general public.

2020 AEP Texas (North Division) Memorandum of Understanding SCORE®/CitySmart® Program



- Partner understands that local code compliance and installation safety is the responsibility of the awarded contractor and not the Program or program affiliates (i.e. AEP Texas and CLEARResult). Any inspections offered by the Program are for the sole purpose of confirming energy savings, not safety.
- Partner understands that they are responsible for contractor procurement. The Program and its affiliates (i.e. AEP Texas and CLEARResult) are vendor neutral. Any issues associated with the workmanship of an installation will be the responsibility of the awarded contractor.
- Partner understands that they are not allowed to receive incentives from the AEP Texas Commercial Standard Offer Program for any customer location or measure while they are enrolled in the SCORE/CitySmart program. Partners should work with their contractors to ensure that projects are only submitted to one program. If a partner chooses to apply for incentives through the Commercial Standard Offer Program, they will no longer be eligible to receive services from the SCORE/CitySmart program.

ACCEPTANCE OF AGREEMENT

By endorsing below, your organization accepts this agreement with the SCORE/CitySmart Program, sponsored by AEP Texas. This agreement should be signed by your organization's superintendent, assoc. or assist. superintendent, city manager, asst. city manager, county judge, or similar and is valid for the length of the 2020 program year. For your convenience, your organization's participation in the SCORE/CitySmart Program will continue automatically from year to year once you have enrolled in the program.

Partner

CLEARResult

Signature: _____

Signature: _____

Printed Name: _____

Title: _____

Company Name: _____

Address _____

City, State, ZIP: _____

Phone: _____

Fax: _____

Tax ID: *Must submit W-9 with this signed form.*

ESI ID: _____

Email: _____

Date: _____

AEP Texas Program Manager

CLEARResult

4301 Westbank Dr Bldg A – Ste 250

Austin, TX 78746

Fax: 866.740.7210

Date: _____

Please send completed MOU to:

CLEARResult

ATTN: AEP Texas Team

4301 Westbank Dr, Bldg A – Ste 250

Austin, TX 78746

Fax: 866.740.7210

Email: AEP-Efficiency@CLEARResult.com



MOU

- Sign the Memorandum of Understanding, which formally enrolls the organization into the AEP TND SCORE and CitySmart programs
- This authorizes CLEAResult to do the walkthrough & pay incentives to the Partner at the end of the project



PRE-INSPECTION

- CLEAResult documents & verifies existing equipment before removal
- The incentive is calculated off of the existing equipment; if the equipment is not pre-inspected prior to removal, the equipment cannot be included in the project



INCENTIVE APPLICATION

- Decide upon a timeline & project scope
- CLEAResult does a preliminary calculation for the incentive & energy savings based upon the existing equipment & equipment to be installed
- The incentive application guarantees money will be set aside for the project upon completion
- NOTE: There is no guarantee incentive funds will be available upon project completion without a signed incentive application



CONSTRUCTION

- The Partner moves forward with the project either through an outside contractor or use of in-house staff
- The Partner notifies CLEAResult upon project completion



POST-INSPECTION

- CLEAResult documents & verifies new equipment that was installed



INCENTIVE CHECK

- CLEAResult receives W-9 & electric bill for participating facilities
- AEP TND issues check to Partner (takes approximately 4-6 weeks)
- NOTE: The incentive check is a live check made to the attention of the person who signed the MOU - it is not a discount on the monthly bill

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Jeremy Miller, Solid Waste Contract Manager, Solid Waste, (325) 486-3798

Meeting Date: February 18, 2020

Item type: Consent Item

Caption:

Consider a resolution authorizing the Solid Waste Department to provide funding for future Keep San Angelo Beautiful (KSAB) cleanup events (Jeremy Miller)

Summary/History:

The non-profit organization Keep San Angelo Beautiful (KSAB) has requested the City of San Angelo Solid Waste Department assist with providing funding for a cleanup up event or events to be held this fiscal year. The cleanup event will be beneficial to the City of San Angelo by keeping prohibited items from the landfill and improving the appearance of the City and the quality of life of citizens. The funding for this event has been budgeted for in the current fiscal year's solid waste budget.

Financial Impact:

\$50,000 has been budgeted for this cleanup event in the Solid Waste budget.

Other Information/Recommendation:

Staff recommends adopting this resolution to provide \$50,000 in funding to the KSAB organization to conduct cleanup events.

Attachments:

- | | | |
|----|---|--|
| 1. | Draft Resolution for KSAB Project Funding 1 | Draft Resolution for KSAB Project Funding 1.docx |
|----|---|--|

Presentation:

Shane Kelton

Approvals/Reviews:

Jeremy Miller	Created/Initiated
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 AUTHORIZING THE SOLID WASTE DEPARTMENT TO FUND A SINGLE OR MULTIPLE FUTURE COMMUNITY CLEANUP PROJECTS ORGANIZED BY THE KEEP SAN ANGELO BEAUTIFUL NON-PROFIT ORGANIZATION

WHEREAS, Keep San Angelo Beautiful (KSAB) is hosting future community cleanup events;
and

WHEREAS, the City of San Angelo supports KSAB and their organization of such cleanup events because this event will assist with keeping prohibited items from the landfill and enhance the appearance and quality of life for the citizens of San Angelo; and

WHEREAS, in order to conduct the event KSAB has requested that the City of San Angelo provide funding in the amount of \$50,000 to be used to support future clean up events; and

WHEREAS, without this financial assistance it is unlikely this event will occur.

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

Part 1: That the City of San Angelo City Council hereby declares there is a public purpose in assisting KSAB with such community cleanup efforts.

Part 2: The City of San Angelo Solid Waste Division is hereby authorized to provide funding in the amount of \$50,000 to be used to assist KSAB in future cleanup events.

Part3: That the City Manager is authorized to execute any necessary documents for the funding of these events.

Part 4: That KSAB will at the conclusion of the cleanup in which these allocated funds are used provide a report in the City of San Angelo Friday packet that provides information about the effectiveness of the event and the specific use of the funds.

PASSED and APPROVED THIS 18th DAY OF FEBRUARY, 2020.

CITY OF SAN ANGELO, TEXAS

ATTEST:

Brenda Gunter, Mayor

Julia Antilley, City Clerk

APPROVED AS TO FORM

Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: February 18, 2020

Item type: Consent Item

Caption:

Consider a resolution allowing the adjacent property owners to remove trees from the S. Chadbourne St. and W. Ave. A public right-of-way consistent with Section 7.02.034 of the Code of Ordinances (Jon James)

Summary/History:

The applicant, Napoli's Italian Restaurant, owns the 0.418-acre property at the intersection of South Chadbourne Street and West Avenue A. The property is legally identified as Lots 1 through 5 & Abandoned Alley Adjacent, Block 49, J A Miller Subdivision. The applicant's insurance company is asking the trees be removed before they cause more damage to the sidewalk and building. The property is located within the River Corridor Overlay District. Per the applicant, two (2) mature, full canopy trees located within the South Chadbourne Street and West Avenue A right-of-way must be removed in order to allow for reconstruction of the sidewalk. Section 7.02.034, San Angelo Code of Ordinances, states "The mayor and city council are hereby given full and complete control over all trees growing within the confines of the city limits which are outside of property lines of the respective lots, plots and tracts." Staff recommends approval of the request, subject to the following:

- Council authorization shall not extend to any additional trees within the public rights-of-way abutting the subject property.
- Authorization is contingent upon the applicant executing an indemnification agreement with the City of San Angelo.
- The two trees must be replaced within the South Chadbourne Street public right-of-way before construction of the new sidewalk. Trees must be consistent with the Chadbourne Street proposed improvements.

Financial Impact:

N/A

Other Information/Recommendation:

Staff recommends approval.

Attachments:

- | | |
|-------------------------------------|--|
| 1. Napoli_Resolution.docx | Napolis_Resolution.docx.docx |
| 2. Napoli_TREE_REMOVAL_RELEASE.DOCX | Napolis_TREE_REMOVAL_RELEASE.DOCX.DOCX |
| 3. ROW Tree Removal Pictures | ROW Tree Removal Pictures.pdf |

Presentation:

Jon James

Approvals/Reviews:

Hillary Bueker
Jon James

Created/Initiated
Approved

Brandon Dyson
Jon James
Theresa James
Julia Antilley

Approved
Approved
Approved
Final Approval

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN ANGELO, TEXAS, TO ALLOW ADJACENT PROPERTY OWNERS TO REMOVE TWO TREES WITHIN THE SOUTH CHADBOURNE STREET AND WEST AVENUE A PUBLIC RIGHT-OF-WAY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, two trees are located within the South Chadbourne Street and West Avenue A public right-of-way and are directly adjacent to property commonly known by municipal address as 421 South Chadbourne Street, and further described as a 0.418-acre tract, being Lots 1 through 5 & Abandoned Alley Adjacent, Block 49, J A Miller Subdivision, an addition to the City of San Angelo, Tom Green County, Texas (hereinafter referred to as the “Property”); and

WHEREAS, the Property Owners’ insurance company is asking that the trees be removed before they cause more damage to the sidewalk and building; and

WHEREAS, the Owners seeks to remove two (2) mature, full canopy trees located within the South Chadbourne Street and West Avenue A public right-of-way in order to allow for reconstruction of the sidewalk; and

WHEREAS, Section 7.02.034, San Angelo Code of Ordinances, provides that “the mayor and city council are hereby given full and complete control over all trees growing within the confines of the city limits which are outside of property lines of the respective lots, plots and tracts;” and

WHEREAS, in accordance with Section 7.02.034, San Angelo Code of Ordinances, the Owners request permission from the City Council to remove the two trees within the South Chadbourne Street and West Avenue A public right-of-way abutting the Property, and identified on Exhibit “A” attached hereto, in order to facilitate redevelopment of the Property.

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

Section 1. The City Council authorizes the Owners to remove two trees within the South Chadbourne Street and West Avenue A public right-of-way abutting the Property, as identified on Exhibit “A” attached hereto.

Section 2. This Authorization shall not extend permission to remove additional trees along public rights-of-way which abut the Property.

Section 3. Authorization is conditioned upon Owners providing the City of San Angelo with an executed release, hold harmless and indemnity agreement in substantially the form attached hereto.

Section 4. Authorization is conditioned upon Owners replacing the two trees within the South Chadbourne

Street or West Avenue A public right-of-way before construction of the new sidewalk.

Section 5. 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 6. This Resolution shall be effective from and after the date of adoption.

ADOPTED on this _____ day of _____, 2020.

THE CITY OF SAN ANGELO, TEXAS:

Brenda Gunter, Mayor

ATTEST:

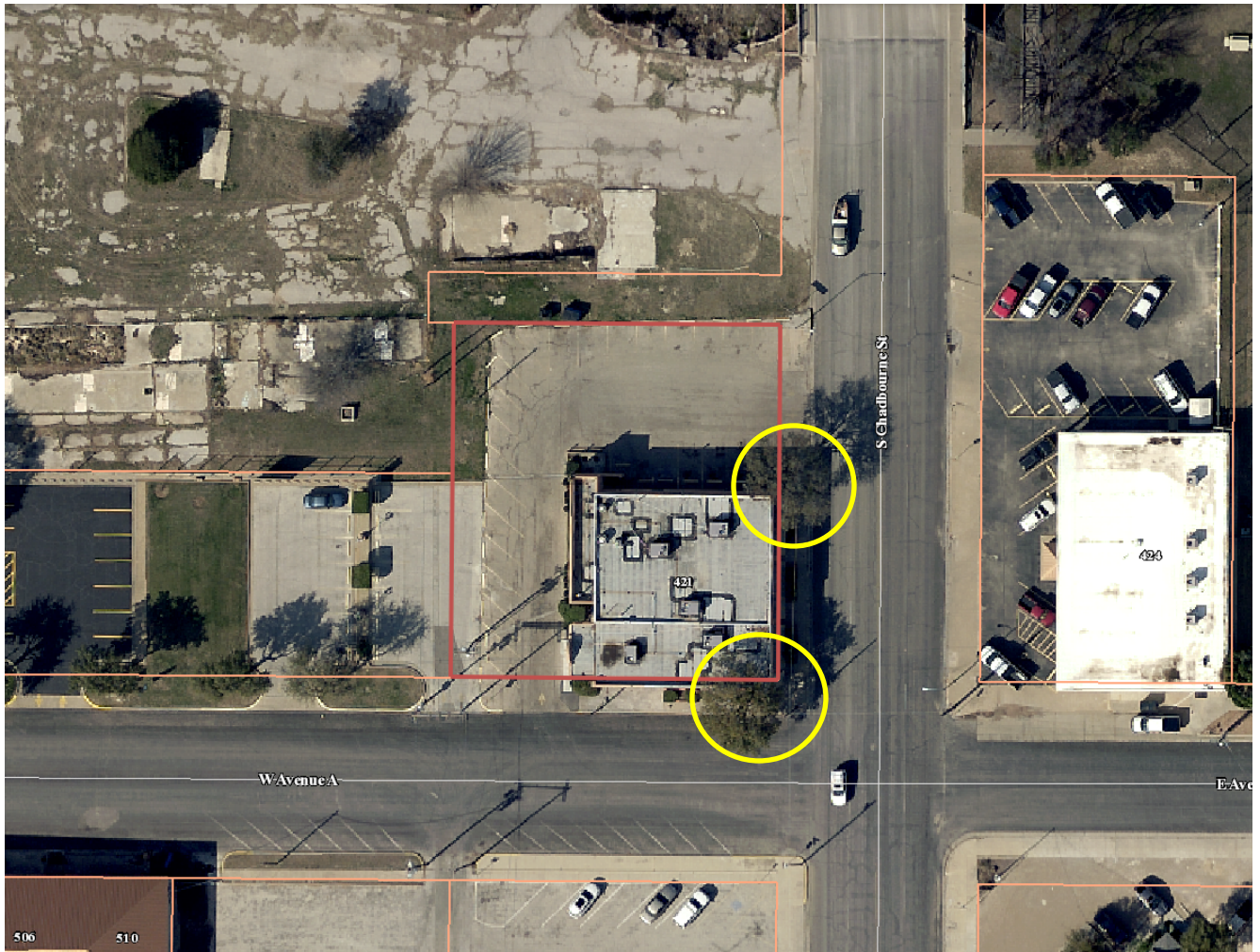
APPROVED AS TO FORM:

Julia Antilley, City Clerk

Theresa James, City Attorney

Exhibit "A"

Trees to be removed along South Chadbourne Street and West Avenue A Public Right-of-way



RELEASE OF LIABILITY, HOLD HARMLESS AND INDEMNITY AGREEMENT

Releasors: Shala Ardijan and Kenda Brooks

Releasee: City of San Angelo, Texas, and its council members, board and commission members, officials, agents, guests, invitees, consultants and employees

Premises: Sidewalk area and street right of way along South Chadbourne Street and West Avenue A, adjacent to Property owned by Releasors and described as Lots 1 through 5 & Abandoned Alley Adjacent, Block 49, J A Miller Subdivision, an addition to the City of San Angelo, Tom Green County, Texas.

Warranty: The undersigned warrants that he has the proper authority to execute this Release of Liability, Hold Harmless and Indemnity Agreement.

Purpose: Releasee is providing consent in the form of a Resolution of the City Council for the City of San Angelo, for Releasors to remove two trees in the public sidewalk area and street right-of-way adjacent to Releasors' property (the "Benefit").

Consideration for Release: In consideration for receiving the above-described consent from the Releasee for the Benefit, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned Releasors agree not to sue Releasee, releases Releasee from any liability, and agrees to hold harmless and indemnify Releasee as herein provided.

Covenant Not to Sue and Release: Releasors hereby COVENANT NOT TO SUE Releasee, and WAIVES, RELEASES and DISCHARGES Releasee from any and all liability, penalty, claim, demand, action and cause of action whatsoever arising out of or relating to any loss, property damage, personal injury or death that may be sustained by Releasors, or Releasors' officers, employees, agents or contractors, WHETHER OR NOT CAUSED BY THE NEGLIGENCE OF THE RELEASEE, or otherwise, in the performance of the described Benefit.

Indemnification: Releasors further AGREE TO INDEMNIFY AND HOLD HARMLESS the RELEASEE from any claim, loss, liability, damage or costs, including court costs and reasonable attorney's fees, that may be incurred by Releasee or due directly or indirectly to performance by Releasee of the Benefit referred to hereinabove, WHETHER CAUSED BY THE NEGLIGENCE IN WHOLE OR PART OF THE RELEASEE, or otherwise.

DATED and effective from and after _____ day of _____, 2020.

Signatures on following page.

RELEASORS:

Shala Ardijan

Property Owner

Kenda Brooks

Property Owner

North Chadbourne Street ROW



W. Avenue A ROW







REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: February 18, 2020

Item type: Consent Item

Caption:

Consider approving Tax Increment Reinvestment Zone incentive funding for one private project in the North TIRZ area for the property located at 124 W. 4th St. totaling \$70,197 and seven private projects in the South TIRZ area for the properties located at 19 W. Beauregard, 40 W. Twohig, 109 N. Chadbourne, 136 E. Concho Ave., 226 S. Abe, 322 N. Chadbourne, and 909 W. Beauregard totaling \$172,582.94 (Jon James)

Summary/History:

At the monthly TIRZ Board meeting conducted January 28th, 2020 the TIRZ Board approved funding 1 TIRZ North Project out of the North TIRZ Private funds for a total of \$70,197 and 7 TIRZ South Projects out of the South TIRZ Private funds for a total of \$172,582.94. The details of these projects include:

North:

124 W. 4th St – Twofold Journey Properties: The funding amount requested from the applicant was \$70,197 and the TIRZ Board approved unanimously 6-0 to approve the entirety of the project. The summary of work to be performed includes asbestos abatement, upgrades to the façade to include 3 new exterior doors, 10 new windows, an outside stairwell awning, new exterior light fixtures, 2 new garage doors and assistance with development fees.

South:

19 W. Beauregard – Box Hanger Two Ten: The funding amount requested from the applicant was \$75,000 and the TIRZ Board approved unanimously 6-0 to approve a portion of the project in the amount of \$39,872. The summary of work to be performed includes upgrades to the façade to include demo. of the front entry, reconstruction of the front entry glass, painting of the exterior, installation of 15 new windows, 4 new exterior doors, construction on the rear entry stair case and front entry balcony, new sign installation and front and rear entry landscaping.

40 W. Twohig- Spur Building: The funding amount requested from the applicant was \$75,000 and the TIRZ Board approved unanimously 6-0 to approve a portion of the project in the amount of \$28,000. The summary of work to be performed includes the installation of an updated fire sprinkler system on all 5 floors as well as a fire and smoke alarm system throughout the building.

109 N. Chadbourne – Concho Venue: The funding amount requested from the applicant was \$43,013.25 and the TIRZ Board approved unanimously 6-0 to approve a portion of the project in the amount of \$28,393.12. The summary of work to be performed includes upgrades to the façade to include demo. and cut for new windows and doors, construction of a barricade wall, refacing of the brick, a front porch awning, new paint and outside electrical work.

136 E. Concho Ave. – San Angelo Autism Center, PLLC : The funding amount requested from the applicant was \$14,778.44 and the TIRZ Board approved unanimously 6-0 to approve the entirety of the project. The summary of work

to be performed includes new landscaping to include the removal of the current plants and weeds along the building and sidewalk and replacing with new drought resistant plants, boulders and river rock.

226 S. Abe – Reyna’s Tacos: The funding amount requested from the applicant was \$15,467.53 and the TIRZ Board approved unanimously 6-0 to approve a portion of the project in the amount of \$10,579.38. The summary of work to be performed includes upgrades to the façade by installing new garage doors and the addition of a concrete pad for more parking space.

322 N. Chadbourne – Burlap & Paisley: The funding amount requested from the applicant was \$30,000 and the TIRZ Board approved unanimously 6-0 to approve a portion of the project in the amount of \$28,000. The summary of work to be performed includes the installation of a new fire alarm system.

909 W. Beauregard – Concho Self Storage: The funding amount requested from the applicant was \$75,000 and the TIRZ Board approved unanimously 6-0 to approve a portion of the project in the amount of \$22,960. The summary of work to be performed includes upgrades to the façade in the form of new exterior paint, Austin stone, and EIFS as well as new sign installation, outside storage screening, new landscaping and paving to include concrete and striping.

Financial Impact:

1 TIRZ North project out of the TIRZ North Private Incentives in the amount of \$70,197.

7 TIRZ South projects out of the TIRZ South Private Incentives in the amount of \$172,582.94.

Other Information/Recommendation:

At the monthly TIRZ Board meeting conducted January 28th, 2020 the TIRZ Board approved funding 1 TIRZ North Project out of the North TIRZ Private funds for a total of \$70,197 and 7 TIRZ South Projects out of the South TIRZ Private funds for a total of \$172,582.94. These recommendations were approved by the TIRZ Board unanimously by a vote of 6-0.

Attachments:

Presentation:

Approvals/Reviews:

Shannon Scott	Created/Initiated
Jon James	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: February 18, 2020

Item type: Consent Item

Caption:

Second reading of an ordinance approving Z19-19, a rezoning from the Single Family Residential zoning district to the High Rise Multifamily Residential zoning district on 12.097 acres generally located at the southeast corner of Blum St. and E. 40th St. (Jon James)

Summary/History:

The applicant is intending to construct 15 apartment buildings, four of which are three story buildings with a total of 156 one, two and three bedroom units, and an office/recreation center. A total of 287 parking spaces will be provided. Total density is 13 units per acre where 35 units per acre would be allowed under the RM-2 zoning designation.

Based on the denial by the Planning Commission, and opposition from surrounding property owners, approval of this rezoning will require a super-majority vote by Council (at least 6 in favor). This requirement for a super-majority vote is found in Section 213(E)(4) of the Zoning Ordinance and Section 211.006 of the Local Government Code.

Financial Impact:

N/A

Other Information/Recommendation:

On December 16, 2019 Planning Commissioner Jackson made a motion to recommend DENIAL of the proposed rezoning. Commissioner Self seconded the motion. The motion passed 5-1 with Commissioner Smith voting in opposition.

On February 4, 2020 City Council voted to overturn Planning Commission's denial and approve the rezoning, 7-0.

Attachments:

- | | |
|-------------------------|--------------------------|
| 1. Staff Report | Staff Report.docx |
| 2. Z19-19 Ordinance | Z19-19 Ordinance.docx |
| 3. (7b) Citizen Letters | (7b) Citizen Letters.pdf |

Presentation:

Jon James

Approvals/Reviews:

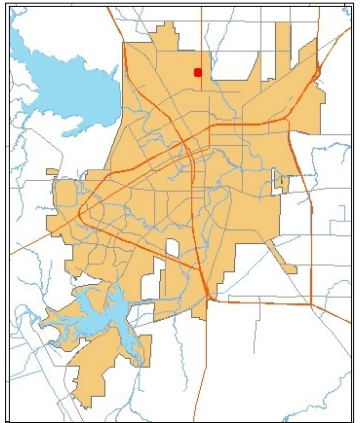
Sherry Bailey	Created/Initiated
Hillary Bueker	Approved
Jon James	Approved
Brandon Dyson	Approved

Jon James
Theresa James
Julia Antilley

Approved
Approved
Final Approval

CITY COUNCIL – FEBRUARY 4, 2020
STAFF REPORT



APPLICATION TYPE:		CASES:	
Rezoning		Z19-19: Carter-Fentress	
SYNOPSIS:			
A request for a rezoning from the Single Family Residential (RS-1) Zoning District to the High Rise Residential (RM-2) Zoning District on 12.097 acres generally located at the southeast corner of Blum St. and E. 40th St. The applicant is intending to construct 15 apartment buildings, four of which are three story buildings with a total of 156 one, two, and three bedroom units, and an office/recreation center. A total of 287 parking spaces will be provided. Total density is 13 units per acre where 35 units per acre would be allowed under the RM-2 zoning designation.			
LOCATION:		LEGAL DESCRIPTION:	
1011 East 40 th Street; Generally located southeast of the intersection of East 40th Street and Blum Street		Abst. A-7985 S-0182 Survey: Jim Farr	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District 2 – Tom Thompson Lake View Neighborhood	Single-Family Residential (RS-1)	Neighborhood	12.097 acres
THOROUGHFARE PLAN:			
<u>E 40th St</u> –Urban Local Street, Required 50’ min. ROW (60’ Existing), 40 min. pavement width (36’ Existing). <u>Blum St.</u> –Urban Local Street, Required 50’ min. ROW; 40 ft. pavement width (Proposed with Plat)			
NOTIFICATIONS:			
32 notifications were mailed within a 200-foot radius on December 6, 2019: January 10, 2020 27 responses have been received in opposition at this time, another 20 outside the 200 ft. One in support.			
STAFF RECOMMENDATION:			
APPROVAL of a rezoning from the Single Family (RS-1) Zoning District to the High Rise Multiple Family (RM-2) Zoning District			
PROPERTY OWNER/PETITIONER:			
<u>Owner</u> Nuhome Constructors LLC <u>Representative</u> Carter-Fentress Engineering			
STAFF CONTACT:			
Sherry Bailey Principal Planner (325) 657-4210, Extension 1546 sherry.bailey@cosatx.us			

Planning Commission Action: Denial Z19-19: Carter-Fentress

Public hearing and consideration of a request for approval a rezoning from the Single Family Residential (RS-1) Zoning District to the High Rise Multifamily Residential (RM-2) Zoning District on 12.097 acres generally located at the southeast corner of Blum Street and East 40th Street.

Sherry Bailey, Principal Planner, presented the proposed rezoning. She explained that the purpose of the rezoning from RS-1 to RM-2 is to allow a 156- unit apartment complex comprising of 15 buildings. She explained that the original application was for RM-1 but because some of the buildings are three-story, the application is now for RM-2 to allow this.

Ms. Bailey displayed a concept plan of the proposed site for the Commissioners. She explained that the RM-2 zone allows 35 units/acre and the applicant is only proposing 13 units/acre. Ms. Bailey indicated that of the 32 notices mailed, 9 were opposed.

Ms. Bailey outlined Staff's rationale to approve the rezoning request on the grounds that it will conform with the Future Land Use of Neighborhood in the Comprehensive Plan; that the proposed rezoning is consistent with the RM-2 provisions and less than the allowable number of units per acre; that it is compatible with the surrounding area which includes a mix of residential uses; that the street network can accommodate the traffic; that more affordable housing has been demonstrated by a recent study; and that edge placement for multiple family is reasonable.

Chair Stribling asked for clarification that the proposed rezoning is RM-2 to allow three-story structures.

Ms. Bailey responded that this was correct.

Chair Stribling asked how many units would be allowed if zoned RS-1 for single family units.

Hillary Bueker, Planning Manager, indicated that about 70-80 units would be allowed at RS-1.

Ms. Bailey indicated this would be a bit more than double what the applicant is proposing now.

Chair Stribling opened public comment.

Ms. Erica Carter, Carter-Fentress Engineering, representing the applicant, indicated that she was available for questions. She also indicated that Hunter Patterson with McDonald Company was in attendance to answer building questions, as was Chad

Decker and Michael Biggerstaff who are in partnership with McDonald Company on this project.

Chair Stribling if there were any public meetings for this case.

Ms. Carter responded she did not believe so.

Mr. Clay Hubbard, a resident of 3721 Armstrong, expressed him and his wife's opposition to the request which would facilitate a 156-unit apartment complex. He indicated that he is submitting a petition with 53 names and including his wife and him, and those who live in the surrounding area whom are opposed. He said he found no one who he petitioned in favor of this request. Ms. Hubbard indicated that the neighborhood did not want an apartment complex and it does not belong in this area. He indicated that no one was objecting to houses but that they are opposed to the apartment complex.

Ms. Diana Mirez, a resident on 41st Street, asked how kids would be divided up and was worried about an increased number of kids from the apartments leading to more kids in her son's school.

Ms. Bueker responded that staff cannot address school district questions.

Ms. Mirez responded that apartments were not a good idea in this location but was in support of houses. She expressed her concerns that apartment dwellers will not take care of their apartments the way homeowners do.

Mr. James McWhorter, a resident of 3939 Armstrong, explained that he has lived on his property since 1968. He raised concerns about additional traffic. He believed that most traffic will come down 40th Street where his house is. He understand there were plans for sidewalks and he did not want to have to give up more land for sidewalks.

Ms. Carter responded that a sidewalk will be only be along the subject property, and there will be no reason to acquire more land.

Ms. Julia Sanchez, a resident of 3825 Armstrong, explained that she purchased her property because it would not be overcrowded and is now considered about overcrowding and traffic from the apartments.

Ms. Sandy Sancero, a resident of 1021 E 40th Street, indicated that she purchased her house not too far from the City, and raised concerned about flooding.

Ms. Carter indicated plans for a detention pond and park that will capture any excess water.

Ms. Beth Hawman, a resident of East 40th and Blum, indicated that a 3-story building can look into her backyard despite having a privacy fence. She also indicated that traffic is already intense and that she has lived in this quiet area for 20 years.

Mr. Hunter Patterson with McDonald Company, representing the applicant, spoke on behalf of the request. He explained that San Angelo has a need for housing as per housing studies and his company already has apartments in San Angelo at River Place and Red Creek. Mr. Patterson indicated that these complexes have increased property values. He indicated that the current property has been used as a dumping ground and has caught fire. He concluded that while traffic will be busy before and after work, traffic will be minimal during the day as per a preliminary traffic study.

Chair Stribling asked if there had been any meetings with neighbors.

Mr. Patterson responded that there has not been, but that he would arrange one.

Chair Stribling closed public comment.

Chair Stribling indicated that this a lot of density in a residential area and advised the applicant to meet with neighbors first.

Commissioner Jackson made a motion to recommend DENIAL of a rezoning from the Single Family Residential (RS-1) Zoning District to the High Rise Multifamily Residential (RM-2) Zoning District. Vice Chair Spano seconded the motion. The motion passed 6-1 with all Commissioners voting to DENY, except for Commissioner Smith who voted against the denial.

Additional Information: The applicant applied for a rezoning for 12.097 acres out of the larger 23.237 acre parcel. This 12.097 acres is proposed to be a multi-family housing tax credit project with 156 units. In reviewing the project staff noted that there are four of the 15 proposed building that are three story buildings all the rest of the building are one or two stories in height. Two of the buildings will back up to the new road to be constructed for access (Blum St.) but the other two buildings are adjacent to the R&E zoned property adjacent to Armstrong St. If the two three story buildings adjacent to the R&E zoning could be moved farther into the project site it would relieve some of the adjacent property owners concerns.

The Future Land Use has this area as Neighborhood. Neighborhood includes everything from single family to multifamily. The Vision plan often talks about mixing the density types within an area in order to provide housing options. The proposed development would supply that mixture of housing types for this area. The predominate land use presently is single family units in this area of San Angelo all the way down to Houston Harte Expressway.

The expected increase in traffic can be dependent on many factors. While a formal traffic study has not been prepared, staff believes that the fact that this proposed development is only about 1,000 feet from Armstrong Street, a major arterial, which is also State Highway 206. Most traffic from this development will likely use this arterial to get out of the neighborhood to other destinations nearby and around the City. It is not expected that the existing neighborhood will be significantly impacted by the anticipated increase in traffic.

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 designates this property as Neighborhood. The “Neighborhood” designation in the City’s Comprehensive Plan which intends to “promote vibrant and viable neighborhoods and improve relationship between adjacent commercial and residential land use adjacencies.” Multiple family is part of the neighborhood concept and is encouraged to locate within neighborhood areas to provide a broader range of housing choices.
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 applicant has requested rezoning to high rise multiple family because of the proposed three story buildings. If approved, RM-2 allows 35 units per acre as a density standard. What the applicant is proposing is 13 units per acre which is well below the density standard for either RM-1 or RM-2.
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 uses in the area are single family and rural residential. Although it would appear that this conflicts to the existing uses, studies have shown that multi-family housing can be a good neighbor to single family areas if designed appropriately. In looking at the proposed site plan the distance between most of the apartment buildings and the single family zoning is often 70 feet or more. The parking, fire lane and green space provides a significant setback separation from nearby single-family residential.
4. **Changed Conditions.** *Whether and the extent to which there are changed conditions that require a rezoning.* The zoning requested is in keeping with the density and intensity of the proposed use of multiple family. This is part of a larger planned development that includes multi-family and single family housing, as well as some commercial development on the 25 acre property.
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. The existing streets can move the increased traffic away from the complex to Armstrong and then around the area in an efficient manner. Although the density seems greater than currently existing in the area, the site is laid out in a manner that provides green space and parking near the individual units rather than a large parking lot configuration. In addition, multi-family housing generally has a lower total impact on the environment as compared to single-family housing.

6. **Community Need.** **Whether and the extent to which the proposed amendment addresses a demonstrated community need.** This will be the only apartment complex in that area of the city. It is well established through the recent Housing Study that San Angelo has a need for multi-family housing and this development would help in this regard.
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 single family. Placing this complex at the edge of the single family area is a reasonable and orderly development pattern.

Recommendation:

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

Attachments:

Project Exhibits
Aerial Map, Future Land Use Map, and Zoning Map
Application
Photographs
Notification Map



PROJECT TABULATIONS

NET UNIT DATA

UNIT	TYPE	AREA	QUAN.	TOTALS
A1	1B/1B	733 SF	40	29,320 SF
B1	2B/2B	1,037 SF	64	66,368 SF
C1	3B/2B	1,246 SF	82	84,896 SF

NET BUILDING DATA

TOTAL NO. OF UNITS	186	U
AVERAGE NET UNIT SIZE	1,029	SF
TOTAL NET UNIT AREA	160,584	SF
REC / LEASING AREA	2,636	SF
TOTAL BUILDING NET AREA	163,420	SF

NOTES

- ALL BUILDINGS ARE 2-STORY IN HEIGHT UNLESS NOTED OTHERWISE (3-STORY SHOWN HATCHED)
- ALL GROUND FLOOR UNITS TO BE ACCESSIBLE PER FAIR HOUSING GUIDELINES
- REC / LEASING BUILDING TO BE ACCESSIBLE PER ADA REQUIREMENTS
- ACCESSIBLE SIGNAGE W/ THE INTERNATIONAL SYMBOL OF ACCESSIBILITY TO COMPLY WITH THE CITY OF SAN ANGELO REQUIREMENTS

SITE DATA

LAND AREA (826,963 SF)	12.09	A
DENSITY	12.90	U/A

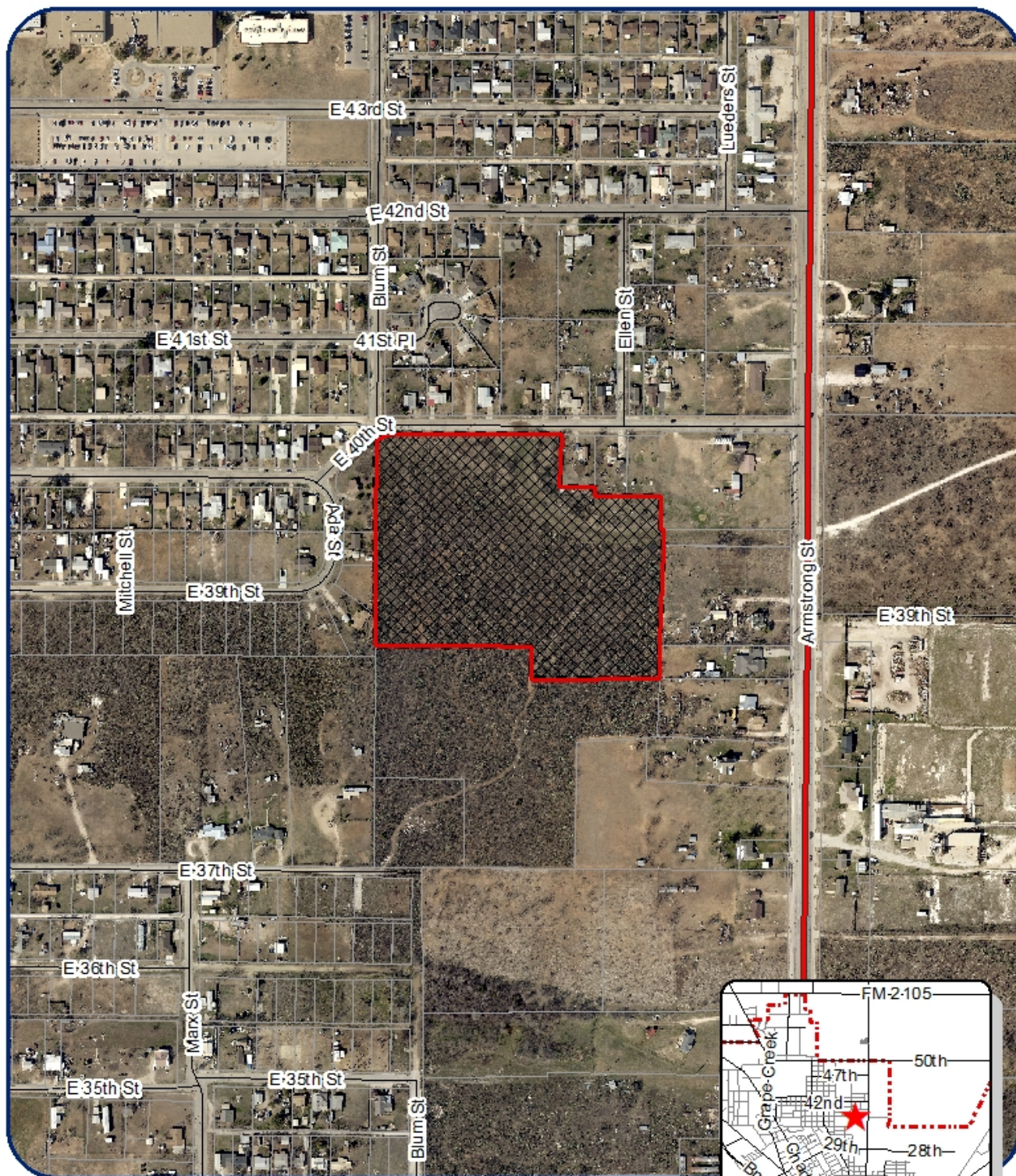
PARKING DATA

PARKING REQUIRED		
(1.5 SP / 1 BEDROOM UNIT)	60	SP
(1.75 SP / 2 BEDROOM UNIT)	112	SP
(2 SP / 3 BEDROOM UNIT)	104	SP
(REC / LEASING)	11	SP
TOTAL REQUIRED	287	SP

TOTAL PARKING PROVIDED (274 OPEN, 13 HC OPEN)	287	SP
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3-STORY BUILDING

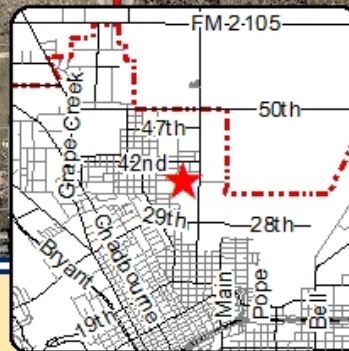


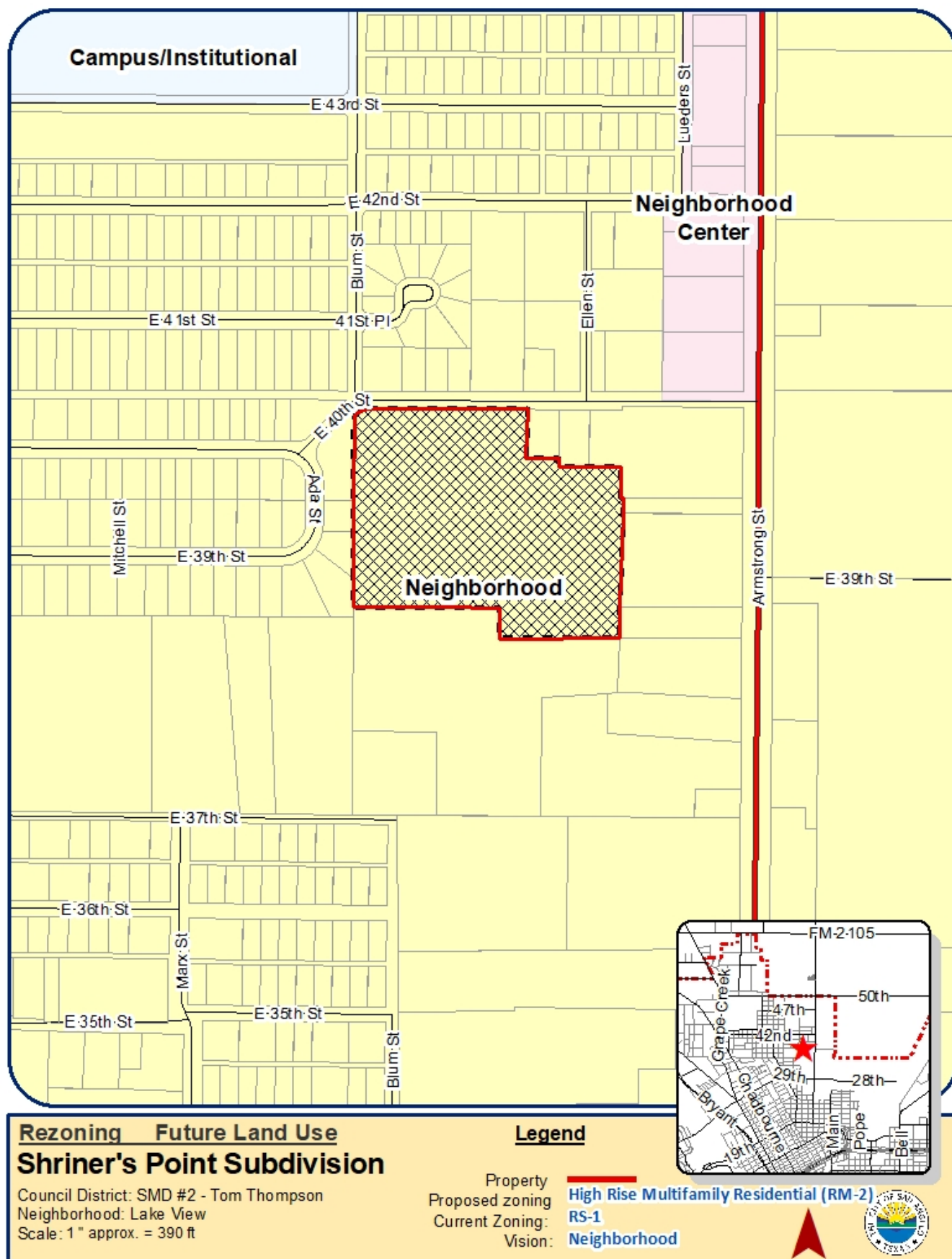
Rezoning Aerial map Shriner's Point Subdivision

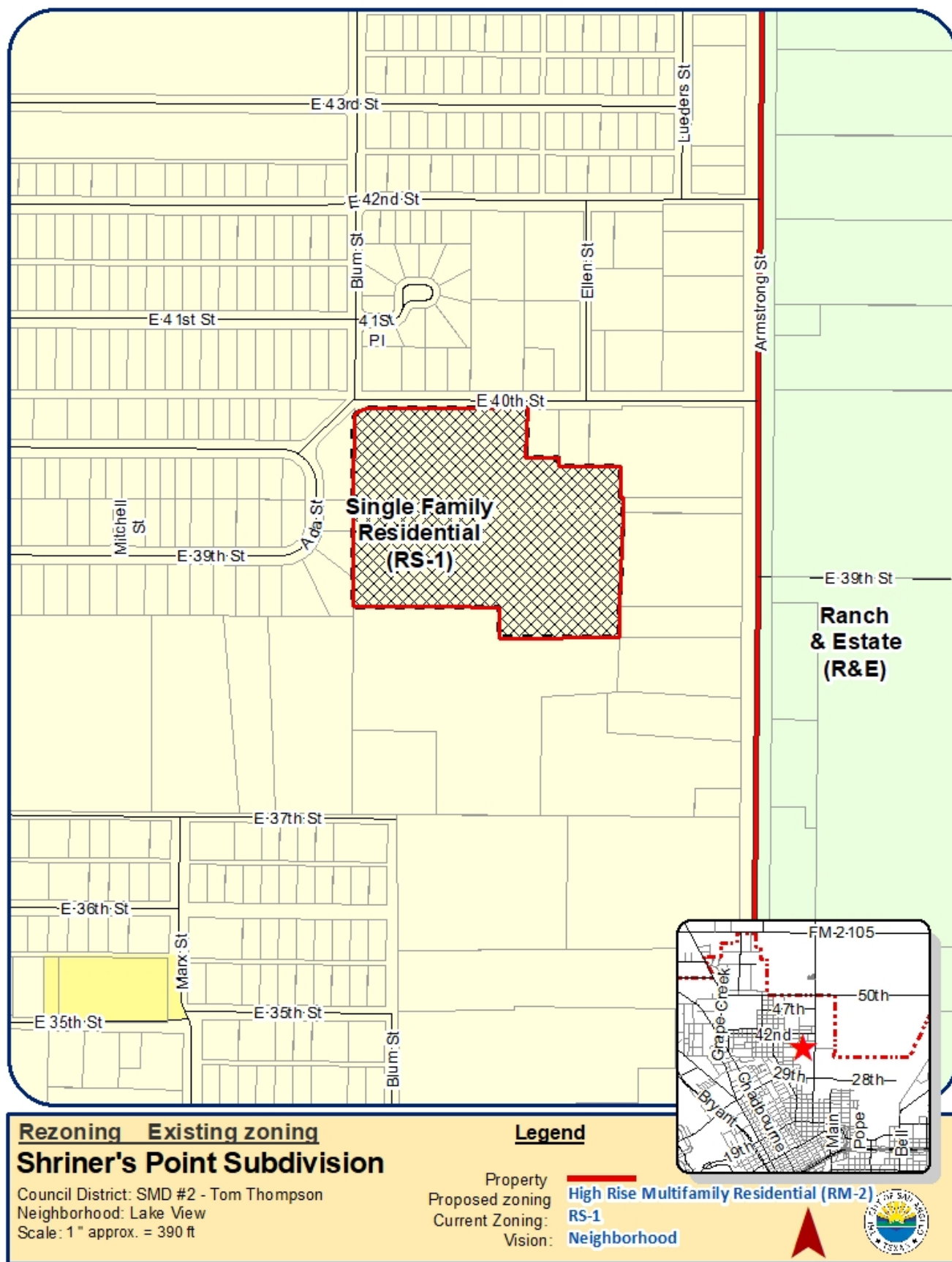
Council District: SMD #2 - Tom Thompson
Neighborhood: Lake View
Scale: 1" approx. = 390 ft

Legend

Property █
Proposed zoning █ High Rise Multifamily Residential (RM-2)
Current Zoning: RS-1
Vision: █ Neighborhood







Effective January 3, 2017



City of San Angelo, Texas – Planning Division
52 West College Avenue
Application for Approval of a Zone Change



Section 1: Basic Information

Name of Applicant(s): Michael Biggerstaff & Chad Decker

☒ Owner

☐ Representative (Notarized Affidavit Required)

2007 W. Beauregard

San Angelo

Texas

76901

Mailing Address

City

State

Zip Code

325-223-0300

Contact Phone Number

Contact E-mail Address

Not addressed at this time (See legal Description)

Subject Property Address

City

State

Zip Code

Abst: A-7985 S-0182, Survey: JIM FARR, 21.43 (& ARMSTRONG)

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

Existing Zoning: RS-1

Proposed Zoning: RM-1

Lot size: 12.097 acres

(Zoning Map available on City Maps)

Section 2: Site Specific Details

Existing Use of Property: Undeveloped Land.

*Proposed Use of Property: Apartment Complex (Major Site Plan/Amendment) Site Plan is attached with new and existing buildings, parking spaces, easements, maneuvering areas, and drive entrances.

*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.

JOHN C DECKER *[Signature]* *Michael* *[Signature]* Nu-Home Constructors, LLC
Owner Name (Print) Signature Company/Organization (If Applicable)

11/13/19
Date

Erica Carter *[Signature]* Carter-Fentress Engineering
Representative Name (Print) Signature Company/Organization

11/13/19
Date

FOR OFFICE USE ONLY:

☐ Verified Complete ☐ Verified Incomplete

Date of Application: ____/____/____

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

Fully-dimensioned site plan: ☐

Nonrefundable fee: \$ *645.00*

Receipt #: *49915* 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 4th - Final Decision*

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

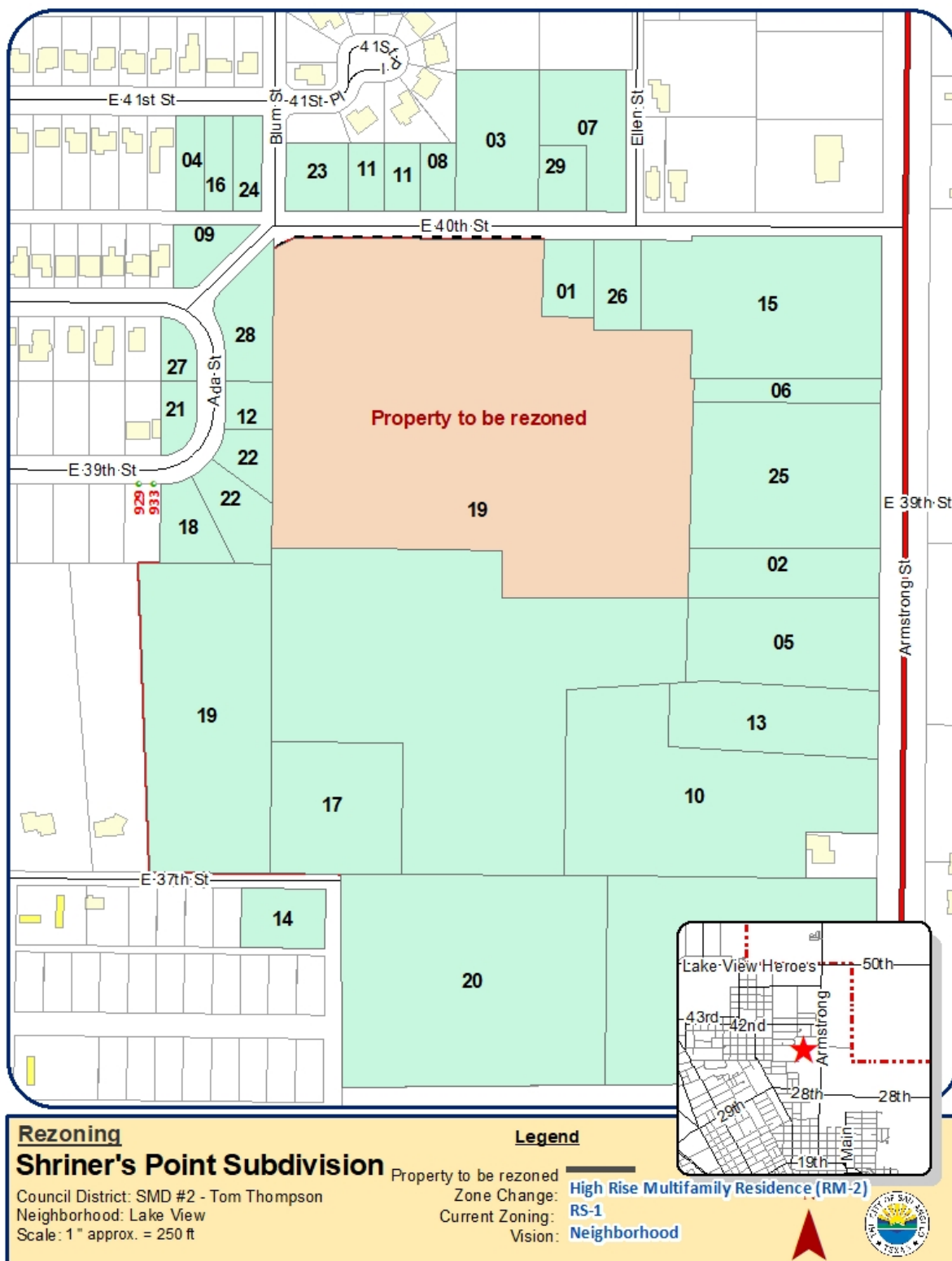
Site Photos



Property immediately adjacent to complex



Site location



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 1011 EAST 40TH STREET, GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF EAST 40TH STREET AND BLUM AVENUE, SAN ANGELO, TEXAS**, FROM SINGLE FAMILY RESIDENTIAL ZONING DISTRICT (RS-1) TO THE HIGH RISE MULTIFAMILY RESIDENCE ZONING DISTRICT (RM-2); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Z19-19: Carter - Fentress

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 deny the proposed High Rise Multifamily Residence Zoning District (RM-2); and,

WHEREAS, on the 4th day of February, 2020, City Council held a public hearing on an appeal to the denial of Z19-19 pursuant to published notice, and has considered the application, comments, reports and recommendations of the Planning Commission and staff, public testimony, and other relevant 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 HIGH RISE MULTIFAMILY RESIDENT (RM-2) Zoning District:

The real property generally located at 1011 East 40th Street, specifically being 12.097 acres out of Abst. A-7985 S-0182 Survey: Jim Farr, 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 **4th day of February, 2020**, and finally PASSED, APPROVED AND ADOPTED on this the **18th day of February, 2020**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

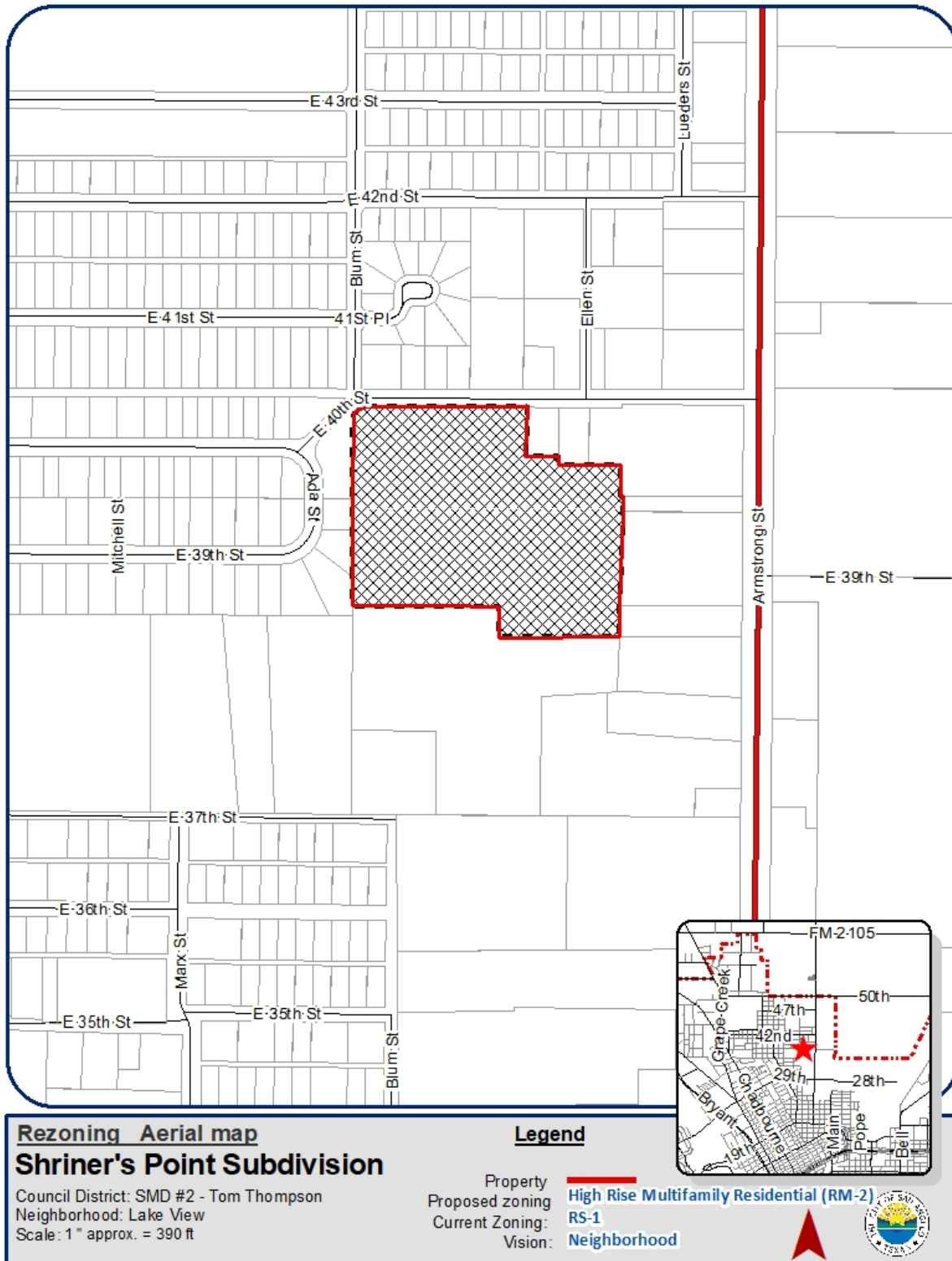
ATTEST:

APPROVED AS TO FORM:

Julia Antilley, City Clerk

Theresa James, City Attorney

EXHIBIT "A"



 ORIGINAL

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) SAN ANGELO IS IN TREMENDOUS NEED OF QUALITY

AFFORDABLE / ATTAINABLE HOUSING. THE NEED EXISTS IN BOTH

FOR SALE & FOR LEASE / RENT MARKETS. THESE FACTS ARE

CLEARLY REVEALED IN THE RECENT SAN ANGELO HOUSING STUDY.

THE LAKEVIEW AREA OF SAN ANGELO DESPERATELY NEEDS

RE-VITALIZATION AS A RESULT OF DECADES OF NEGLECT.

THE CURRENT RE-VITALIZATION UNDERWAY IN LAKEVIEW HAS

PROVEN THAT ANY/ALL EFFORTS PRODUCE POSITIVE RESULTS

FOR EXISTING NEIGHBORHOODS. A DEVELOPMENT LIKE

SHRINERS POINT CONTAINING MIXED-USE HOUSING WILL

ENHANCE & SUPPORT CURRENT REVITALIZATION EFFORTS
CURRENTLY UNDERWAY.

NAME:

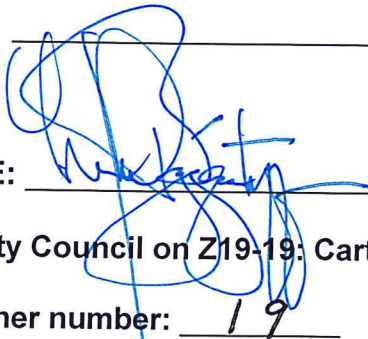
MICHAEL BIGGERSTAFF

ADDRESS:

2007 W. BEAUREGARD AVE.

SAN ANGELO, TX 76901

SIGNATURE:



Appeal to City Council on Z19-19: Carter-Fentress

Property owner number:

19

If you have any questions about these proceedings, please call Sherry Bailey, with the City of San Angelo's Planning Division at (325) 657-4210 ext. 1546 or at sherry.bailey@cosatx.us.

PLEASE SEE ADDITIONAL ATTACHED INFORMATION (MYTH VS. FACT) REGARDING THE BENEFITS TO THE COMMUNITY OF MIXED HOUSING DEVELOPMENTS IN BLIGHTED AREAS.

Mixed Use Development (Myth vs. Fact)

The following information was retrieved from a recent study conducted in partnership by the National Multi Housing Council, the Sierra Club, the American Institute of Architects and the Urban Land Institute. The study specifically addresses the growing issues and concerns surrounding the lack of inner-city/quality, affordable housing.

New compact developments with a mix of uses and housing types throughout the country are being embraced as a popular alternative to sprawl. Unfortunately, in too many communities higher-density mixed-use development is difficult to construct because of zoning and building codes that favor low-density development with segregated uses and because of opposition from the community.

The traditional two-parent household with children is now less than a quarter of the population and getting proportionally smaller. Single-parent households, single-person households, empty nesters, and couples without children make up the new majority of American households, and they have quite different real estate needs. These groups are more likely to choose higher-density housing in mixed-density communities that offer vibrant neighborhoods over single-family houses far from the community core.

The fact is that continuing the sprawling, low-density haphazard development pattern of the past 40 years is unsustainable, financially and otherwise. Local officials now realize that paying for basic infrastructure—roadways and schools, libraries, fire, police, and sewer services—spread over large and sprawling distances is inefficient and expensive.

Most public leaders want to create vibrant, economically strong communities where citizens can enjoy a high quality of life in a fiscally and environmentally responsible manner, but many are not sure how to achieve it. Planning for growth is a comprehensive and complicated process that requires leaders to employ a variety of tools to balance diverse community interests. Arguably, no tool is more important than increasing the density of existing and new communities, which includes support for infill development, the rehabilitation and reuse of existing structures, and denser new development. Indeed, well-designed and well-integrated higher density development makes successful planning for growth possible.

Most land use professionals and community leaders now agree that creating communities with a mix of densities, housing types, and uses could be the antidote to sprawl when implemented regionally. And across the country, the general public is becoming more informed and engaged in making the tough land use choices that need to be made while understanding the consequences of continuing to grow as we have in the past. Many have also come to appreciate the “place-making” benefits of density and the relationship between higher-density development and land preservation.

Yet despite the growing awareness of the complexity of the issue and growing support for higher-density development as an answer to sprawl, many still have questions and fears related to higher-density development. How will it change the neighborhood? Will it make traffic worse? What will happen to property values? And what about crime? Ample evidence suggests that well-designed higher-density development, properly integrated into an existing community, can become a significant community asset that adds to the quality of life and property values for existing residents while addressing the needs of a growing and changing population.

Many people's perception of higher-density development does not mesh with the reality. Studies show that when surveyed about higher-density development, those interviewed hold a negative view. But when shown images of higher-density versus lower-density development, people often change their perceptions and prefer higher density. Even very high-density housing can be practical, safe, and desirable. With the anticipated population growth and continuing demographic and lifestyle changes, consensus is building that creating communities with a mix of densities, housing types, and uses will be both necessary and desirable.

Low-density suburbs and exurban areas generally attract families with more school-age children. In fact, single-family developments average 64 children for every 100 units, compared with only 21 children for every 100 units of garden apartments and 19 children for every 100 units of mid-to high-rise apartments. The reason that multi-family housing attracts predominantly childless couples, singles, and empty nesters.

Introducing higher-density projects into a community will actually increase that community's revenue without significantly increasing the infrastructure and public service burdens. Blending apartments into low-density communities can help pay for schools without drastic increases in the number of students.

Increasing density provides a real economic boost to the community and helps pay for the infrastructure and public services that everybody needs.

Although location and school district are the two most obvious determining factors of value, location within a community and size and condition of the house also affect value. Several studies have examined whether multifamily housing has any impact on the value of nearby single-family detached houses. These studies have shown either no impact or even a slightly positive impact on appreciative rates.

For instance, one study by the National Association of Home Builders looked at data from the American Housing Survey, which is conducted every two years by the U. S. Census Bureau and the Department of Housing and Urban Development.

It found that between 1997 and 1999, the value of single-family houses within 300 feet of an apartment or condominium building went up 2.9 percent a year, slightly higher than the 2.7 percent rate for single-family homes without multifamily properties nearby.

Not only is there compelling evidence that increased density does not hurt property values of nearby neighbors: researchers at Virginia Tech University have concluded that over the long run, well placed market-rate apartments with attractive design and landscaping actually increases the overall value of detached houses nearby. They cite three possible reasons. First, the new apartments could themselves be an indicator that an area's economy is vibrant and growing. Second, multifamily housing may increase the pool of potential future homebuyers, creating more possible buyers for existing owners when they decide to sell their houses. Third, new multifamily housing, particularly as part of mixed-use development, often makes an area more attractive than nearby communities that have fewer housing and retail choices.

Concerned citizens should use the entitlement process to demand high-quality development in their communities while understanding that density and adjacent property values are not inversely related. Higher-density real estate developers and investors in higher-density real estate need to appreciate that fact that most Americans' wealth is held in their home equity. Therefore, changes in property values can have very real consequences to existing property owners. Likewise, homeowners would benefit from knowing that developers make a substantial financial commitment when investing in new higher-density projects. This investment is an incentive to make the project successful, which can give the community leverage in working with the developer. Such interrelated and overlapping economic interests among these stakeholders make it all the more likely that a mutually beneficial agreement can be reached. Such an agreement can result in a project that enhances the existing community, ensures the appreciation of residents', developers', and the local government's financial interests, and addresses the needs of current and future residents of the community and region.

Researchers found that when police data are analyzed per unit, apartments actually create less demand for police services than a comparable number of single-family houses. Higher-density developments can actually help reduce crime by increasing pedestrian activity and fostering a 24-hour community that puts more "eyes on the street" at all times.

Higher-density development offers the best solution to managing growth and protecting clean air and clean water. Placing new development into already urbanized areas that are equipped with all the basic infrastructure like utility lines, police and fire protection, schools, and shops eliminates the financial and environmental costs of stretching those services farther and farther out from the core community.

Many communities employ techniques such as infill and brownfield development to transform unused, abandoned lots into vibrant, revenue-generating components of the community. Some create direct incentives for higher-density development. Other award points for a variety of attributes, such as transit access, the redevelopment of empty lots.

Increasing density not only improves air and water quality and protects open space but also redirects investments to our existing towns and cities.

When many of us think of the American Dream, we envision married couples with children living in single-family detached houses in the suburbs. The notion is that the only people who want to live in higher-density areas are those who cannot afford a traditional house with a back yard or who want to live in the middle of the city. Both perceptions are flawed.

This country's population is changing, and so are its real estate preferences. These lifestyle changes have significant implications for suburban development. For the first time, there are more single-person households (26.4 percent) than married-couple-with-children households (23.3 percent). The groups growing the fastest, people in their mid-20's and empty nesters in their 50's, are the groups most likely to look for an alternative to low-density, single-family housing. A growing number of Americans are redefining their American Dream. They are seeking a more convenient and vibrant lifestyle.

Providing balanced housing options to people of all income groups is important to a region's economic vitality. The availability of affordable multifamily housing helps attract and retain the workers needed to keep any economy thriving. In many American towns and cities, rapidly rising house prices are forcing working families to live farther away from their jobs. In fact, the lack of affordable housing is mentioned as the number one problem facing working families today.

As the problem of affordability worsens, workers on the lower end of the salary scale may move to more affordable cities, leaving a labor shortage in their wake. Such shortages make a region less desirable as an employment center. According to PricewaterhouseCoopers, access to a large and diverse labor pool is the most important factor in making corporate decisions on locations. Communities that do not provide housing for all income groups become less desirable corporate locations.

Petition AGAINST Rezoning (Or Replatting) Acreage Located
Between
East 37th St. and East 40th St.

	Name	Address
1	Clay Hubbard	3721 Armstrong
2	Cathy Huber	3721 Armstrong
3	Roger Owen	2801 Armstrong
4	James W Chatham	3801 Armstrong
5	Lydia Cardenas	3813 armstrong st
6	Pete Cardenas	3813 armstrong
7	Anneth Peeg	1029 E 41st Plc.
8	^{Gene} Thomas & Bailey	1025 E. 41 st
9	Bill We	1005 E 41 st PLACE
10	Luis Mochales	1041 E 41 st PL
11	Jim Owens	1005 E. 39 th ST
12	Thomas John	3910 AOA ST.

Petition AGAINST Rezoning (Or Replatting) Acreage Located
Between
East 37th St. and East 40th St.

	Name	Address
13	<u>Ernst Hoffmann</u>	<u>962 E 40th</u>
14	<u>Beth Hoffmann</u>	<u>962 E 40th</u>
15	<u>James Petersen</u>	<u>941 E 41st</u>
16	<u>Francisca Jimenez</u>	<u>1006st 40st</u>
17	<u>Donna [unclear]</u>	<u>1004 E. 40th St.</u>
18	<u>Kenny Alexander</u>	<u>1012 E. 40th</u>
19	<u>Guillermo Gonzalez</u>	<u>1102 E 40th</u>
20	<u>Kaden Van</u>	<u>3515 ARMSTRONG</u>
21	<u>Roxann Prier</u>	<u>3515 Armstrong</u>
22	<u>Genevieve [unclear]</u>	<u>3400 Armstrong</u>
23	<u>Walter Patterson</u>	<u>950 E. 40th St</u>
24	<u>Jackie Gilbert</u>	<u>929 E. 40th St.</u>

Petition AGAINST Rezoning (Or Replatting) Acreage Located
Between
East 37th St. and East 40th St.

	Name	Address
25	Carol L. Tomlinson	1001 E. 40 th
26	Deanna Peel	931 E. 40 th
27	Danny Porter	914 E. 37 th
28	Pam Kuse	3411 Armstrong
29	Ronald Kuse	3411 Armstrong
30	Delia Valdez	1014 East 40 th
✓ 31	Spring Bowman	1017 East 40 th
✓ 32	Roy Garcia Jr.	1021 E. 41 st Place
33	Alejandro Melendez	937 E. 41 st
34	María Ema Cruz	805 E. 40 st
35	Cipriano Cruz	805 E. 40 st
36	Bryan Padilla	801 E 40 st

Petition AGAINST Rezoning (Or Replatting) Acreage Located
Between
East 37th St. and East 40th St.

	Name	Address
37	Rocio Padilla	801 E. 40 th St.
38	Steve Cabrera	822 E 40 th St.
39	Al Qui	825 E 40 th
40	H. S. S. S. S.	925 E 40 th
41	Maria Ego	944 E 40 th
42	Leon Jose. Oran	910 930 E. 39 th St.
43	Danny Sacedo	1091 E. 40 th St
44	Leo Dorci	1090 E. 40 th
45	Maria B. Torres	942 E 41 st
46	SE Lopez	938 E 41 st
47	Abel Soria	3619 Armstrong
48	Silvia M. M. M.	4001 Armstrong
49	Elvira C. Rodriguez	4002 Armstrong St.

Petition AGAINST Rezoning (Or Replatting) Acreage Located
Between
East 37th St. and East 40th St

Name	Address
50 Bill Blank	2915 ARMSTRONG
51 Franky Blank	2915 ARMSTRONG
52 Peggy J. McWhorter	3939 ARMSTRONG
53 Julia S. Hurston	3825 ARMSTRONG
54	
55	
56	
57	
58	
59	
60	

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

() IN FAVOR

(X) IN OPPOSITION

REASON(S) We do not want this to bring
in more traffic, we have a elementary
middle school, and a high school within
walking distance we already have a
high traffic problem during school hours
this will add to traffic, make strangers
around our schools + children. This
is a safe neighborhood we want to
keep it that way - we say No!

NAME: Pete + Lydia Cardenas

ADDRESS: 3813 Armstrong Street
San Angelo Texas 76903

SIGNATURE: Pete Cardenas + Lydia Cardenas

Z19-19: Carter-Fentress

Property owner number: 2

If you have any questions about these proceedings, please call Sherry Bailey, with the City of San Angelo's Planning Division at (325) 657-4210 ext. 1546 or at sherry.bailey@cosatx.us.

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() IN FAVOR

(☒) IN OPPOSITION

REASON(S) _____

A Multi-family complex in our back yard would be very detrimental to our way of living in a predominantly single Family Ranch or Farm type community. Alleyways behind ~~up~~ our property would increase more of the theft & destruction of property than we are already seeing with the increase in more families to our South.

NAME: _____

Jamer W Chatham

ADDRESS: _____

3801 Armstrong St
San Angelo TX 76903

SIGNATURE: _____

Jamer W Chatham

Z19-19: Carter-Fentress

Property owner number: 5

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() IN FAVOR

(X) IN OPPOSITION

REASON(S) Crime, Increase in Traffic, Noise pollution
Apartments looking down into my property
property value ~~are~~ lowers & Taxes stay the same
Low water pressure already
High School kid hang out it will be
possible drugs & Drive by Shooting
middle to low income (fixed income) already
in Area unable to move and/or elderly
plenty of better locations to put this complex
S. Bryant, Lake Dr, Chadbourne etc.

NAME: Lee & Beth Halfmann

ADDRESS: 962 E. 40th
San Angelo TX 76903

SIGNATURE: Lee & Beth Halfmann

Z19-19: Carter-Fentress

Property owner number: 9

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() IN FAVOR

(☒) IN OPPOSITION

REASON(S) _____

- 1) An apartment complex is not conducive to this neighborhood
- 2) traffic concerns
- 3) security concerns
- 4) drainage issues

How can you put a commercial Apartment complex in the middle of a neighborhood?

NAME: Clay Hubbard

ADDRESS: 3721 Armstrong
San Angelo, TX 76903

SIGNATURE: Luther Clay Hubbard

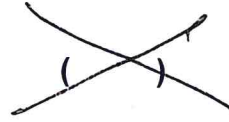
Z19-19: Carter-Fentress

Property owner number: 10

If you have any questions about these proceedings, please call Sherry Bailey, with the City of San Angelo's Planning Division at (325) 657-4210 ext. 1546 or at sherry.bailey@cosatx.us.

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() IN FAVOR



IN OPPOSITION

REASON(S)

This is an established Residential neighborhood & it is inappropriate to establish a High Rise facility w/ fish bringi w/ it all. The traffic flow issue, crime issue, school capacity issue & utility issues. I will oppose this in Every way Possible!!!

NAME: Tom JOHNS

ADDRESS: 3910 ADA
San Angelo, 76903

SIGNATURE:

Z19-19: Carter-Fentress

Property owner number: 12

If you have any questions about these proceedings, please call Sherry Bailey, with the City of San Angelo's Planning Division at (325) 657-4210 ext. 1546 or at sherry.bailey@cosatx.us.

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() IN FAVOR

(X) IN OPPOSITION

REASON(S) TRAFFIC CONJESTION AT 40TH AND
ARMSTRONG STREET.

POSSIBLE OVERCROWDING OF SCHOOLS IN THE AREA.

NAME: JAMES D. + PEGGY J. McWHORTER

ADDRESS: 3939 ARMSTRONG

SAN ANGELO, TX 76903

SIGNATURE: James D. McWhorter, Peggy J. McWhorter

Z19-19: Carter-Fentress

Property owner number: 15

If you have any questions about these proceedings, please call Sherry Bailey, with the City of San Angelo's Planning Division at (325) 657-4210 ext. 1546 or at sherry.bailey@cosatx.us.

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()

IN FAVOR



IN OPPOSITION

REASON(S) _____

This building complex will invariably stick out like the proverbial sore thumb disrupting the quiet, the privacy, and other Single-Family Resident characteristics of the neighborhood and negatively affect the property values of the houses in the area. A whole host of other potential problems may also emerge from this high-density housing including traffic, public safety, and other quality-of-life issues. Plan in a way that enhances, instead of destroys, the character of the neighborhood and property values of adjacent homes.

As homeowners, we are significant taxpayers. Our home is our biggest investment, and a healthy property tax base is essential for the operations of nearby schools and government. Any new ordinance that overturns existing zoning without considering its impact on the character and property values of the affected neighborhoods erodes the public trust in local zoning laws and governance, drives away potential home buyers, and is therefore detrimental to the long-term interest of our neighborhood.

NAME: Charles Melender

ADDRESS: 937 EAST 41ST STREET

San Angelo, TX 76903

SIGNATURE: _____

Appeal to City Council on Z19-19: Carter-Fentress

Property owner number: 16

If you have any questions about these proceedings, please call Sherry Bailey, with the City of San Angelo's Planning Division at (325) 657-4210 ext. 1546 or at sherry.bailey@cosatx.us.

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() IN FAVOR

(X) IN OPPOSITION

REASON(S) _____

- 1) Security
- 2) Traffic
- 3) Apartment Complex: Not for this neighborhood too many people

NAME: Abel Soria

ADDRESS: 3619 Armstrong
San Angelo, TX. 76903

SIGNATURE: Abel Soria

Z19-19: Carter-Fentress

Property owner number: 20

If you have any questions about these proceedings, please call Sherry Bailey, with the City of San Angelo's Planning Division at (325) 657-4210 ext. 1546 or at sherry.bailey@cosatx.us.

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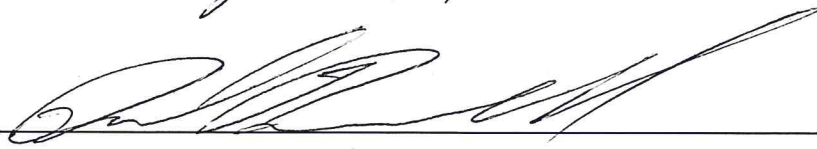
() IN FAVOR

(/) IN OPPOSITION

REASON(S) 1) I feel like it would cause a Higher Crime
rate in this area. And a Higher traffic rate in a already
high traffic street. It would also cause a Higher
strain on the ~~school~~ schools that are already
at or above there capacity in class room sizes.
It would cause the homes in the neighborhood
to depreciate. And it would cause a lot of families
here to possibly move if there was cause of the higher
crime rate or cause them to have to make costly upgrades
to try and prevent them from having their house
broken into. This is a working class neighborhood that
can not afford to do all the improvements it would take to
NAME: David Peasnell
combat all the crime this would bring.

ADDRESS: 1004 E. 40th Street.

San Angelo, Tx, 76903

SIGNATURE: 

Z19-19: Carter-Fentress

Property owner number: 23

If you have any questions about these proceedings, please call Sherry Bailey, with the City of San Angelo's Planning Division at (325) 657-4210 ext. 1546 or at sherry.bailey@cosatx.us.

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() IN FAVOR

(✓) IN OPPOSITION

REASON(S) _____

For security Propuse there
going to be able to look
in my back yard
tax purpose we don't need
also was water run off
build there going to flood
yards alot worse

NAME: James A Peterson

ADDRESS: 941 E 41st

SIGNATURE: _____

James A Peterson

Appeal to City Council on Z19-19: Carter-Fentress

Property owner number: 24

If you have any questions about these proceedings, please call Sherry Bailey, with the City of San Angelo's Planning Division at (325) 657-4210 ext. 1546 or at sherry.bailey@cosatx.us.

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() IN FAVOR

(~~X~~)

IN OPPOSITION

REASON(S)

Safety, To Much traffic, bought property because seem like a calm area away from to much housing, the noise, tranquility, there will be to many people.

NAME:

Jose Sanchez

ADDRESS:

3825 Armstrong
San Angelo TX 76905

SIGNATURE:

Jose R Sanchez

Z19-19: Carter-Fentress

Property owner number:

25

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() IN FAVOR

(~~X~~) IN OPPOSITION

REASON(S) _____

NAME: MARIA Saucedo

ADDRESS: 1021 E. 40th St.
San Angelo, TX 76903

SIGNATURE: Maria Saucedo

Z19-19: Carter-Fentress

Property owner number: 26

If you have any questions about these proceedings, please call Sherry Bailey, with the City of San Angelo's Planning Division at (325) 657-4210 ext. 1546 or at sherry.bailey@cosatx.us.

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() IN FAVOR

(✓) IN OPPOSITION

REASON(S) Most of the neighbors on 40th street are seniors.
all that project will bring all kinds of Criminal activity.
Mostly I think it will be drugs. The high school is
only three blocks away. That's going to bring a lot
of bad things to the kids, it's just to close.
That should be on commercial land, like like North
Bryant, plenty of land to the north. I hope you all
would keep the children in mind before
you make any decision.

Thank you

NAME: CAROL L. TOMLINSON

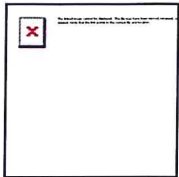
ADDRESS: 1001 E. 40th street.
San Angelo, Texas - 76903

SIGNATURE: Carol L. Tomlinson

Z19-19: Carter-Fentress

Property owner number: 28

If you have any questions about these proceedings, please call Sherry Bailey, with the City of San Angelo's Planning Division at (325) 657-4210 ext. 1546 or at sherry.bailey@cosatx.us.



From: Melvin Donavon Johnston [mailto:mdjohnstonphoto@gmail.com]
Sent: Tuesday, December 10, 2019 6:32 PM
To: Bailey, Sherry <sherry.bailey@cosatx.us>
Subject: 3725 Armstrong

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

My neighbor called to let me know that the property behind my home is being developed.

I am 1/3 owner of the property 3725 Armstrong.....attempting via legal process to obtain the other 2/3rd.

This was my Mom's home and one I grew up in.

I am totally against a development of a large number of homes or appliances.

Please respond to this email so that I know you received it.

Thanks

Melvin D. Johnston

940 453 5134

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Bailey, Sherry

From: ann perez <cyn.annperz@gmail.com>
Sent: Tuesday, January 21, 2020 4:50 PM
To: Bailey, Sherry
Subject: Re: Objection to the appeal before City Council

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

I live at 905 E. 37th St . My name is Cynthia Lopez . I enjoy the where I live because it is so quiet and peaceful night & day , I moved from the other side of town because I didn't have as many neighbors, very happy the way it is . I am very much against the project 150-180 doesn't matter I do not want this to happen I'm happy with the quiet neighborhood .

Sent from my iPhone

On Jan 21, 2020, at 3:17 PM, Bailey, Sherry <sherry.bailey@cosatx.us> wrote:

Cynthia, if you can send me an email stating your name, your address and why you object to the 156 apartment project I will include your comments in the appeal packet that goes to City Council. I will be putting the packet together for council next week so if I can have your comments by Wednesday I will make sure they are included.

Sherry

Sherry L. Bailey
Principal Planner
Planning Department
52 W. College Ave.
San Angelo, TX 76903
(325) 657-4210 Ext. 1546
Sherry.bailey@cosatx.us

Let us know how we are doing; please take a quick [survey](#).

<image001.png>

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REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: February 18, 2020

Item type: Consent Item

Caption:

Second reading of an ordinance annexing into the City of San Angelo, by petition of the property owner, 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)

Summary/History:

On July 15, 2019 the Planning Commission approved Old Stone Ranch Preliminary Plat and Old Stone Ranch , Section One Final Plat. A condition of the plat approval was the submittal of a petition by the owner to annex the property into the City of San Angelo since the developer wanted City water and eventually City sewer. On August 26, 2019 the owners submitted their application for annexation. At the City Council meeting on November 19, 2019 the City Council accepted that petition and set the annexation Public Hearing for December 17, 2019. However, the ownership of the property changed during this process and the City had to restart part of the process with the new owner. Having now held the annexation public hearing and considered the information presented, staff is bringing forward to City Council for public hearing and first reading the ordinance approving the annexation of the 8.401 acres of land being a tract of land south of State Hwy Loop 306, adjacent to the city limits, east of N. Bentwood Dr. and west of Foster Rd. The total annexation on phase one is 8.401 acres.

Financial Impact:

Annexations may have long-term impacts on city finances, which may be discussed at the meeting. However, there are no immediate anticipated fiscal impacts.

Other Information/Recommendation:

On July 15, 2019 Planning Commission approved the plat for Old Stone Ranch, Section One which stipulated the requirement for annexation of the property to the City of San Angelo in order to connect to city water and eventually, when available, city sewer, 4-0.

On February 4, 2020 City Council voted to approve the ordinance annexing the property into the City of San Angelo, 7-0.

Attachments:

- | | | |
|----|-----------------------|----------------------------|
| 1. | CC Ordinance 2020 (1) | CC Ordinance 2020 (1).docx |
|----|-----------------------|----------------------------|

Presentation:

Jon James

Approvals/Reviews:

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

Created/Initiated
Approved
Approved
Approved
Approved
Approved
Final Approval

AN ORDINANCE ANNEXING INTO THE CITY OF SAN ANGELO, TOM GREEN COUNTY, TEXAS, ON PETITION OF PROPERTY OWNERS, TERRITORY GENERALLY DESCRIBED AS 8.401 ACRES OF LAND SITUATED IMMEDIATELY SOUTH/SOUTHEAST OF THE CITY, GENERALLY LOCATED SOUTH OF LOOP 306, EAST OF N. BENTWOOD DRIVE AND WEST OF FOSTER ROAD; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING FOR AMENDMENT OF THE BOUNDARIES AND OFFICIAL MAP OF THE CITY; APPROVING A SERVICE PLAN THEREFORE; SUBJECTING THE PROPERTY SITUATED THEREIN TO BEAR ITS PRO RATA PART OF TAXES LEVIED; PROVIDING RIGHTS AND PRIVILEGES AS WELL AS DUTIES AND RESPONSIBILITIES OF INHABITANTS AND OWNERS OF SAID TERRITORY; DIRECTING NOTICES AS REQUIRED BY LAW ; PROVIDING A SEVERABILITY CLAUSE; DECLARING COMPLIANCE WITH OPEN MEETINGS ACT; AND, PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of San Angelo, Texas (the "City") is a home-rule municipality authorized by State law and the City Charter to annex territory lying adjacent and contiguous to the corporate limits of said City; and

WHEREAS, pursuant to Texas Local Government Code, Section 43.0671, all of the owners of a tract of land containing 8.401 acres situated immediately south/southeast of the City, generally located south of Loop 306 and east of N. Bentwood Dr. and west of Foster Rd., more fully described in Exhibit "A," attached hereto and made a part hereof for all purposes (hereinafter the "Territory"), have petitioned the City Council in writing to annex the Territory into the corporate limits of the City; and,

WHEREAS, the Territory is not appraised for ad valorem tax purposes as land for agricultural or wildlife management use, or as timber land, and Section 43.016 of the Texas Local Government Code does not apply to the proposed annexation; and,

WHEREAS, the City Council accepted the Petition Requesting Annexation by Territory owners, and directed Planning staff to proceed with the proposed annexation schedule, at a regularly held meeting of the City Council on January 21, 2020; and,

WHEREAS, a public hearing on the annexation was held, the 4th day of February, 2020, as required by law, where all interested persons were provided an opportunity to be heard on the proposed annexation of the Territory; and

WHEREAS, all notices have been issued as required by law and all public hearings have been held within the time required by law pursuant to notices duly posted and published; and

WHEREAS, a service plan has been prepared that provides for the extension of appropriate municipal services into the Territory, which plan is attached hereto, and the City is able to provide such services; and

WHEREAS, the Territory is not within the boundaries of any other municipality, lies within the extraterritorial jurisdiction of the City, and lies adjacent to and adjoins the present boundaries of the City;

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

Section 1. Findings of Fact. All of the above premises are hereby found to be true and correct and are incorporated into the body of this ordinance as if fully set forth; and all required legal conditions for annexation have been met.

Section 2. Annexation. The Territory described in Exhibit "A," attached hereto and incorporated herein for all purposes, said Territory lying adjacent to and contiguous with the present boundaries of the City, be and is hereby added and annexed into the City, and said Territory shall hereafter be included within the corporate limits of the City, and the present boundary lines of said City, at various points contiguous with the Territory annexed, are hereby altered, extended and amended so as to include said Territory within the corporate limits of the City.

Section 3. Amendment of Boundaries and Official Map of City. The official map and boundaries of the City, heretofore adopted and amended, shall be and are hereby amended so as to include the aforementioned annexed Territory as part of the City.

Section 4. Service Plan. The service plan attached hereto as Exhibit "B" is hereby approved and is incorporated herein for all purposes. The City makes an affirmative determination that this service plan provides for the extension of services to the annexed Territory which are comparable to other areas within the City with similar land utilization, population density and topography. It is further found that those characteristics of land use, population density and topography which distinguish this Territory from other areas of the City are considered a sufficient basis for providing a different level of services in the annexed Territory.

Section 5. Pro Rata Share of Taxes. The annexed Territory, being a part of the City for all purposes, shall bear its pro rata part of taxes levied by the City; and,

Section 6. Rights, Privileges and Duties of Inhabitants. The inhabitants of the annexed Territory shall be entitled to all the rights and privileges of the other citizens of the City and shall be bound by the Charter, Ordinances, Resolutions and other regulations of the City.

Section 7. Filing and Notice of Ordinance. The City Clerk is hereby directed to file a certified copy of this Ordinance with the County Clerk of Tom Green County, Texas, the Voting Registrar of Tom Green County, the Tom Green County Appraisal District, and the Texas Comptroller of Public Accounts in the manner required by law. The City Clerk is further directed to notify any service providers of services in the annexed Area, and all other parties as required by law.

Section 8. Severability. If any part, provision, section, subsection, sentence, clause or phrase of this ordinance (or the application of same to any person or set of circumstances) is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining parts of this ordinance (or their application to other persons or sets of circumstances) shall not be affected thereby, it being the intent of City Council in adopting this ordinance, that no part thereof or provision contained herein shall become inoperative or fail by reason of any unconstitutionality of any other part hereof, and all provisions of this ordinance are declared to be severable for that purpose.

Section 9. Open Meeting Act Compliance. The City Council for the City of San Angelo hereby finds and declares that the meetings at which this ordinance was introduced and finally passed were open to the public as required by law and that public notice of the time, place and purpose of said meetings was given as require by the Open Meetings Act, Chapter 551 of the Texas Government Code.

Section 10. Effective Date. This ordinance will become effective on, from and after its date of adoption.

INTRODUCED on the 4th day of February, 2020, and finally PASSED, APPROVED AND ADOPTED on this the 18th day of February, 2020.

THE CITY OF SAN ANGELO

By: _____
Brenda Gunter, Mayor

ATTEST:

APPROVED AS TO FORM:

By: _____
Julia Antilley, City Clerk

Theresa James, City Attorney

Exhibit "A" (Legal Description and Survey)

FIELD NOTES

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 ½" iron rod with cap marked "SKG ENGINEERS" found for the northwest corner of said 25.361 acre tract bears N. 00° 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° 52' 49" E. 564.72 feet to the northeast corner of this tract in the east line of said 25.361 acre tract;

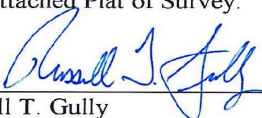
Thence with the east line of this tract and said 25.361 acre tract, S. 00° 06' 45" W. 593.13 feet to a ½" iron rod with cap marked "SKG ENGINEERS" set for the southeast corner of this tract;

Thence with the south line of this tract, N. 89° 53' 15" W. 523.57 feet to a ½" 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° 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.

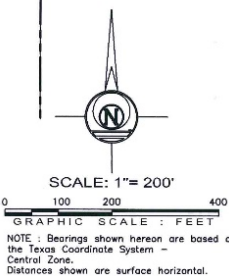
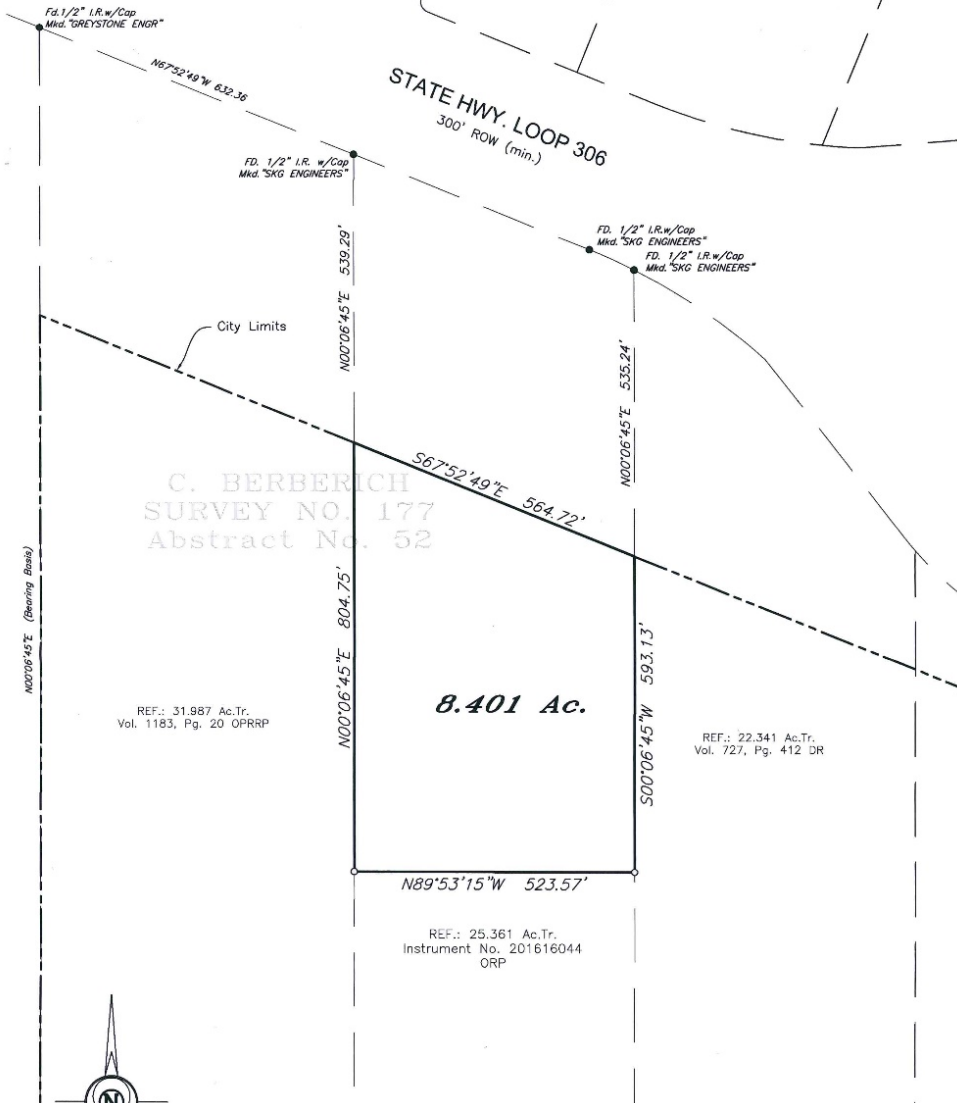


Russell T. Gully
Registered Professional Land Surveyor No. 5636
SKG Engineering, LLC
Firm No. 10102400



SKG
ENGINEERING, LLC
SURVEYING • ENVIRONMENTAL • LAB/CMT

706 SOUTH ABE STREET
SAN ANGELO, TEXAS 76903
PHONE: 325.855.1295
FAX: 325.857.8199
FIRM No.: 10102400
www.skg.com



- 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

EXHIBIT B

SERVICE PLAN AGREEMENT. This Agreement, including the following Service Plan, constitutes the service plan agreement between the parties and supersedes all prior oral and written agreements between said parties. This Agreement shall not be amended unless executed in writing by both parties.

COMMENCEMENT OF SERVICES. Except as otherwise provided herein, the City will provide the municipal services set forth below commencing on the effective date of annexation. As used in this Agreement, "providing services" includes having services provided by any method or means by which the City may extend municipal services to any other area of the City, including the City's infrastructure extension policies and developer or property owner participation in accordance with applicable city ordinances, rules, regulations, and policies.

SERVICES NOT PROVIDED. Pursuant to Texas Local Government Code Section 43.0672(c), it is understood and agreed that the City is not required to provide a municipal service that is not included in this Agreement.

AGREEMENT RUNS WITH THE LAND. This Agreement is binding on and inures to the benefit of the parties, their successors, and assigns. The terms of this Agreement constitute covenants running with the land comprising the Property and is binding on the Owner(s).

Executed on the ____ day of February, 2020, to be effective on the effective date of annexation of the Property.

CITY OF SAN ANGELO

**OWNER: PERFORMANCE LAND & CATTLE
CO. LLC**

By: _____
Daniel Valenzuela
City Manager

By: _____
Name: _____
Title: _____

Attest:

Approved as to Form and Legality:

Julia Antilley, City Clerk

Theresa James, City Attorney

Approved as to Content:

Jon James, Planning & Development
Services Director

SERVICE PLAN FOR MUNICIPAL SERVICES WITHIN AN AREA/TERRITORY DESCRIBED AS FOLLOWS:

Generally located south of Loop 306 and east of Bentwood and specifically described as approximately 8.401 acres of land out of Casper Berberich Survey 177, Abstract No. 52, City of San Angelo, Tom Green County, Texas, and also being out of a 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 in Exhibit "A" to the duly adopted Ordinance annexing the Territory.

SERVICE PROVIDED ON THE EFFECTIVE DATE OF ANNEXATION:

1. POLICE PROTECTION

Existing Services: None

Services to be provided:

The City of San Angelo, Texas and its Police Department will provide police protection to the newly annexed territory at the same or similar service now being provided to other areas of the City of San Angelo, Texas.

Patrolling, radio and dispatch responses to calls, traffic enforcement, and other routine police services will be provided. The typical response time within City limits is less than 3.5 minutes for emergency calls.

2. FIRE PROTECTION AND EMERGENCY SERVICES

Existing Services: None

Services to be provided:

The City of San Angelo, Texas and its Fire Department will provide fire protection and emergency medical service to the newly annexed territory at the same or similar level of service now being provided to other areas of the City of San Angelo, Texas which exhibit land use and population densities similar to that of the newly annexed area.

The City of San Angelo Fire Department will respond to all dispatched calls (including those for emergency medical services) and other requests for service or assistance within the newly annexed area, the same as it would within other areas inside the City limits of San Angelo. The typical Fire Department response time is under 4 minutes.

Topography, land use, and population density will not affect fire or emergency services. The newly annexed area has provided plans and a proposed installation schedule for new water hydrants to service the area.

3. SOLID WASTE COLLECTION

Existing Services: None

Services to be provided:

The same regular solid waste collection services now provided within the city will be extended (as appropriate) to the newly annexed area on the effective date of annexation.

4. MAINTAINING WATER AND WASTEWATER FACILITIES

Existing Services: None

Services to be provided:

Water mains and wastewater mains services will be required to be extended per the City of San Angelo Code of Ordinances and as provided in a development agreement between the Owner and City.

The developer/owner shall prepare and submit plans for approval of a looped water main system within ten years of the annexation date, illustrating the proposed installation of a water main and complete the installation in accordance with the approved version of these plans and an approved development agreement.

Until such time as wastewater main lines are extended into the annexed area, homes to be constructed in the annexation area will be allowed to construct septic systems that comply with the Tom Green County Environmental Health Department designs and specifications. Property owners shall be required to connect to the city sewer main as existing septic systems fail as required by the City of San Angelo Code of Ordinances and an approved development agreement as needed. When wastewater mains are extended to this area, homes constructed thereafter will be required to connect to the City's wastewater system.

5. MAINTAINING ROADS, STREETS, AND ALLEYWAYS

Existing Services: None

Services to be provided:

Developers of land within the newly annexed territory will be required to provide internal streets (and to improve peripheral or boundary streets) in accordance with applicable ordinances of the City of San Angelo, and such street improvements shall comply with specifications required by the City of San Angelo, for properly dedicated streets. Any and all roads, streets or alleyways which have been dedicated to the public shall be maintained to the same degree and extent that other roads, streets and alleyways are maintained in areas with similar land use, population density and topography.

Municipal maintenance of properly dedicated roads, streets and alleyways (which may be installed by developers of land within this newly annexed territory) will be consistent with such maintenance provided by the City of San Angelo to other roads, streets and alleyways in areas exhibiting land use, population densities and topography similar to that of the newly annexed area.

6. MAINTAINING PARKS, PLAYGROUNDS, AND SWIMMING POOLS

Existing Services: None

Services to be provided:

The City Council of the City of San Angelo, Texas **is not** aware of the existence of any parks, playgrounds or public swimming pools now located in the newly annexed territory.

Upon annexation, the owners and residents of property located within the annexed area shall be entitled to the use of all municipal parks and recreational facilities, subject to the same restrictions, fees, and availability that pertains to the use of those facilities by other citizens of the city.

Private parks, playgrounds, and/or swimming pools will remain under private ownership and will be maintained under private ownership and responsibility.

The subject annexation area has been identified as a key underserved area in the City of San Angelo Parks Master Plan. The City is in the process of updating its Master Plan which will also review these underserved areas.

7. BUILDING INSPECTION

Existing Services: None

Services to be provided:

The Permits & Inspections Division will provide building permitting and inspection services upon annexation. This includes issuing building, electrical, plumbing, mechanical, and related permits for any new construction and remodeling, and enforcing all other applicable codes which regulate building construction within the City of San Angelo. These services can be provided within the division's current budget.

8. PLANNING AND ZONING

Existing Services: None

Services to be provided:

The Planning Division's responsibility for regulating development and land use through the administration of the City of San Angelo Zoning Ordinance and Comprehensive Plan will extend to this area on the effective date of the annexation. The property will also continue to be regulated under the requirements of the City of San Angelo Land Development and Subdivision Ordinance. These services can be provided within the division's current budget.

9. CODE COMPLIANCE

Existing Services: None

Services to be provided:

The Code Compliance Division generally enforces compliance with the City's Codes and Ordinances, largely on a complaint basis. This includes inspection of properties to ensure such compliance.

10. MAINTAINING OTHER PUBLIC OWNED FACILITIES OR BUILDINGS

Existing Services: None

Services to be provided:

In the event any such publicly-owned facility or building does exist and would become the responsibility of the City of San Angelo, or is constructed in the future, the City shall maintain such facilities or buildings to the same extent and degree that it maintains similar municipal facilities and buildings now incorporated in the City of San Angelo, Texas, subject to funding by the City Council.

The City Council of the City of San Angelo, Texas is not aware of the existence of any publicly-owned facility or building now located in the area proposed for annexation.

Upon annexation, the owners and residents of property located within the newly annexed areas shall be entitled to the use of all municipal facilities, buildings, and services, subject to the same restrictions, fees, and availability that pertains to the use of those

11. STORM WATER MANAGEMENT

Existing Services: None

Services to be provided:

Developers will provide storm water drainage at their own expense and will be inspected by the City Engineers at time of completion. Upon approval and acceptance by the City, the City will then maintain be responsible for ongoing maintenance of drainage facilities.

12. STREET LIGHTING

Existing Services: None

Services to be provided:

The City of San Angelo will coordinate any request for improved street lighting with the local electric provider in accordance with standard policy for all areas within the city limits of the City of San Angelo.

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: February 18, 2020

Item type: Regular Item

Caption:

Public hearing on proposed developments and consideration of a resolution of general support for a Low Income Housing Tax Credit project known as Walnut Trails located at the northwest corner of Houston Harte Expy. and Northwest Dr., by Trinity Housing Development Texas, LLC to construct affordable housing apartments in San Angelo (Presentation made by Neighborhood Services Director Bob Salas)

Summary/History:

Each year, the Texas Department of Housing and Community Affairs (TDHCA) makes funding available for single and multi-family rental construction projects through a very competitive project selection process. A resolution of support from the city helps projects score higher on the state's scoring process. The proposed projects, Walnut Trails is a 48-60 unit rental apartment complex. Walnut Trails is located on the corner of Houston Harte Expressway and Northwest Drive.

LIHTC projects are awarded funding through a complex point system which includes monetary and non-monetary city government support. One of the scoring criteria is the amount of city contributions and support. Trinity Housing Development, LLC is requesting for council to approve a general resolution of support in order to make this proposed project more competitive.

Financial Impact:

No direct financial impact on City budget.

Other Information/Recommendation:

Approve resolutions of support.

Attachments:

1. 20-0260_NS_TRINITY_LIHTC_RESO_REVISED 20-0260_NS_TRINITY_LIHTC_RESO_REVISED.docx

Presentation:

by Bob Salas and Michael Fogel from Trinity Development

Approvals/Reviews:

Bob Salas	Created/Initiated
Theresa James	Approved
Tina Dierschke	Approved
Theresa James	Approved
Dan Saluri	Approved

Theresa James
Julia Antilley

Approved
Final Approval

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN ANGELO, TEXAS, IN SUPPORT OF THE APPLICATION OF TRINITY HOUSING DEVELOPMENT TEXAS, LLC TO BE MADE TO THE HOUSING TAX CREDIT PROGRAM THROUGH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR AN AWARD AND ALLOCATION OF 2020 LOW INCOME HOUSING TAX CREDIT PROGRAM FUNDS FOR THE CONSTRUCTION OF BETWEEN 48 AND 60 AFFORDABLE HOUSING APARTMENT UNITS FOR LOW INCOME CITIZENS, KNOWN AS WALNUT TRAILS, TO BE LOCATED AT THE NORTHWEST CORNER OF W. HOUSTON HARTE EXPRESSWAY AND NORTHWEST DRIVE

WHEREAS, the City of San Angelo, Texas, has a Community Development Program, implemented pursuant to Article 1.06 of the City of San Angelo Code of Ordinances, adopted pursuant to the Texas Community Development Act of 1975, Texas Local Government Code Chapter 373; and,

WHEREAS, one of the primary goals of the Community Development Program is to improve the living and economic conditions of persons of low and moderate income; and,

WHEREAS, Trinity Housing Development Texas, LLC intends to submit to the Low Income Housing Tax Credit (LIHTC) Program through the Texas Department of Housing and Community Affairs (TDHCA) for an award and allocation of 2020 competitive nine percent (9%) LIHTC Program funds for the construction of 48 to 60 affordable housing apartment units for low income citizens, to be known as Walnut Trails, to be located at the northwest corner of W Houston Harte Expressway and Northwest Drive in the City of San Angelo (the "Project"); and,

WHEREAS, consistent with the primary goals of the Community Development Program the City of San Angelo has previously supported federal assistance to encourage construction of qualified Low Income Housing Tax Credit development projects;

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

Section 1. The City Council for the City of San Angelo adopts the foregoing recitals as true and correct, and hereby affirms that it supports the application of Trinity Housing Development Texas, LLC to the Low Income Housing Tax Credit (HTC) Program through the Texas Department of Housing and Community Affairs (TDHCA) for an award and allocation of 2020 competitive nine percent (9%) LIHTC Program funds for the construction of 48 to 60 affordable housing apartment units for low income citizens, known as Walnut Trails, to be located at the northwest corner of W. Houston Harte Expressway and Northwest Drive in the City of San Angelo, Texas.

Section 2. This resolution in support of Trinity Housing Development Texas, LLC application for 2020 Low Income Housing Tax Credit Program funds relating to its proposed affordable housing project known as Walnut Trails shall not be construed as support for or approval of any permit or other project related application that may be made to the City or any

of its departments, the City Council, or any of the City's boards or commissions.

Section 3. That this resolution shall take effect immediately from and after its adoption.

Section 4. The City Clerk is hereby authorized and directed to certify this resolution to the Texas Department of Housing and Community affairs.

PASSED, APPROVED, AND ADOPTED this 18th day of February 2020.

CITY OF SAN ANGELO

Brenda Gunter, Mayor

ATTEST:

BY: _____
Julia Antilley, City Clerk

APPROVED AS TO CONTENT:

Robert Salas, Neighborhood & Family
Services Director

APPROVED AS TO FORM:

Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: February 18, 2020

Item type: Regular Item

Caption:

Consider authorizing applicant, Spring Creek Marina, to hold a special event at Lake Nasworthy, "Live 80," permitting specified activities; imposing requirements on applicant; and granting variances relating to rules and regulations of ordinances (Presentation made by Parks and Recreation Director Carl White)

Summary/History:

The variances sought are related to permits for tents and signs, the placements of signs and banners, and to the City's noise ordinance which prohibits loud or prolonged noises that disturb the public.

The "Live 80" event, hosted by the San Angelo Blues Society, would occur on the new leased area at Spring Creek Marina on April 11, 2020. Live, amplified music is scheduled to be performed from 7:00 p.m. until 10:00 p.m. The event is expected to draw up to 2,000 people.

Since this would be the first public event/concert on this property, we are seeking Council's guidance if we should proceed with permitting it. If so, and with any stipulations, we will return at the next meeting with a Resolution regarding the event for Council's consideration.

The noise ordinance reads as follows:

Sec. 8.114 Noises Prohibited

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

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

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

The area surrounding the Spring Creek Marina is residential.

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

Financial Impact:

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

Other Information/Recommendation:**Attachments:**

- | | | |
|----|---|---|
| 1. | Spring Creek Marina event request for April 2020 | Spring Creek Marina event request for April 2020.pdf |
| 2. | Amendment to Spring Creek Marina agreement for additional property executed | Amendment to Spring Creek Marina agreement for additional property executed.pdf |

Presentation:**Approvals/Reviews:**

Carl White	Created/Initiated
Theresa James	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Julia Antilley	Final Approval

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

Complete and return this application to the City of San Angelo Parks and Recreation Department Office at 702 South Chadbourne St. at least 30 days prior to the event for events not requesting City Support, at least 90 days for events requesting City Support.

Event Information	
Event Name: <u>Live 80</u>	
Event Date(s) and Hours: <u>4/11/20 7PM - 10PM</u>	Event Purpose & Description: <u>Live music/concert</u>
Event Location(s): <u>NEW LEASED SPRING CREEK MARINA</u> <u>2680 Camper</u>	
Attendance, Estimated Daily/Overall: <u>1500-2000</u> <u>1</u>	
Type of Event (Check one – see Special Events Policy for additional information)	
☐ Non-Profit Event ☒ For-Profit Event * for private events contact Parks & Rec. Admin. at 325-657-4279 for reservations ☐ City Operated/Sponsored Event ☐ City Co-Sponsored Event ☐ Political or Ballot Issue Event ☐ Parade, Block Party, Road Run/Walk/Etc – Specify: _____ ☐ other (describe): _____	
Event Sponsor Information	
Legal Business Name: <u>Golden Antlers Corp /dba Spring Creek MARINA & RV</u>	
Address: <u>2680 Camper rd SAN Angelo Texas 76904</u>	
Mailing Address: <u>SAME</u>	
Telephone: <u>775 455 5745</u>	Email Address: <u>goldantlers72@gmail.com</u>
Contact Name: <u>Pat Broadway</u>	Title: <u>President</u>
Contact Number: <u>775 455 5745</u>	Email Address: <u>goldantlers72@gmail.com</u>
Event Information (continued)	
Estimated date/time for set up: <u>4/11 8AM</u>	Describe set up and clean up procedures: <u>Bring in stage.</u> <u>clean up properly</u> *Sponsoring organization may be required to supply a dumpster and portable restrooms.
Estimated date/time for clean up: <u>4/12 12PM</u>	
Will street closure and/or use be necessary? ☐ YES ☒ NO If yes, complete the street closure/use form. <u>If yes, show proposed road uses, emergency vehicle access, and barricade locations on your event map.</u> Note that the City of San Angelo does not have authority to close County and State roads.	
Describe crowd and parking control and security plans for this event: Sponsors of an event must have certified police officers present, if required. This requirement, as well as the number of officers needed, will depend on the type of event (including activities), number of anticipated attendees at the event, whether or not alcohol will be consumed at the event, as well as other factors. <u>would like to use PD /private company</u>	

Event Information (continued)

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

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

Proposed time music will begin:

Proposed time music will end:

Describe noise control:

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

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

Describe the general nature of signage used for the event:

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

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

☐ YES ☒ NO Only inflatable jump vendors who meet insurance requirements and have been pre-approved by the Parks & Recreation Department will be allowed to operate in the parks.

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

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

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

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

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

At this point BYOB

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

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

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

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

BYOB At this time Leased properly

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

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

Item	Quantity	Item	Quantity
☒ Booths:	1	☒ Tables:	
☐ Tents*:		☐ Trash cans:	4
☐ Awnings:		☒ Portable Toilets:	
☐ Canopies:		(may be required depending on event)	
☐ Rides:		☐ other (describe):	

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

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

Event Information (continued)**Application Check List** (failure to provide necessary documentation will delay application review and approval)

I have attached the following items:

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

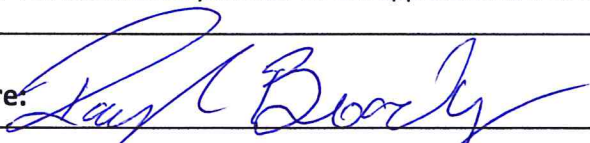
If any document is missing, please explain:**The applicant and sponsoring organization understands and agrees to:**

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

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

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

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

Applicant Signature:**Date:**

1/15/2020

Complete and return this application to the City of San Angelo Parks and Recreation Department Office at 702 South Chadbourne St. at least 30 days prior to the event for events not requesting City Support or at least 90 days prior for events requesting City Support. Contact the Parks & Recreation Department at 657-4279/4450 if you have any questions about this application, this policy, or your event.

**Final
Approval:****Date:**Application 01-15-2020
Receipt Date & Time:



Total: 25.35 Acres

2.89

To Remain Natural Buffer

GROUP

1.17

1.57

**FIRST AMENDMENT TO
COMMERCIAL LEASE AGREEMENT
SPRING CREEK MARINA**

THIS FIRST AMENDMENT TO COMMERCIAL LEASE AGREEMENT SPRING CREEK MARINA (the "First Amendment") is made and entered into by and between the CITY OF SAN ANGELO, a Texas municipal corporation (Lessor), whose address is 72 West College, San Angelo, Tom Green County, Texas 76903; and, GOLDEN ANTLERS CORP, a Foreign For-Profit Corporation, (Lessee), effective the 1st day of November, 2019.

WHEREAS, the City of San Angelo and Lee Brown and wife, Gale Brown entered into a certain lease agreement, entitled COMMERCIAL LEASE AGREEMENT SPRING CREEK MARINA, dated November 20, 2015, (the "Lease Agreement") wherein Lessee leased premises consisting of approximately 12.025 acres at Lake Nasworthy commonly known as Spring Creek Marina and R.V. Park; and,

WHEREAS, said Lease was transferred by Lee Brown and wife, Gale Brown to Seven K's Enterprises of WY, Inc., a Wyoming corporation, doing business in Texas as Spring Creek Marina Inc., by Permission to Transfer Lake Nasworthy Lease, dated December 16, 2015, and recorded as Instrument Number 20151178, Official Public Records, Tom Green County, Texas; and,

WHEREAS, said Lease was transferred by Seven K's Enterprises of WY, Inc. to Golden Antlers Corp, by Permission to Transfer Commercial Lease Agreement Spring Creek Marina at Lake Nasworthy, dated June 27, 2019, and recorded as Instrument Number 201908510, Official Public Records, Tom Green County, Texas; and,

WHEREAS, Lessor and Lessee desire to amend the Lease Agreement to expand the leased premises and adjust the consideration paid for the additional leased premises; and,

NOW THEREFORE, for and in consideration of the premises undertakings and mutual covenants of the parties set forth herein, and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged by each of the parties, it is agreed by and between the parties hereto that the Lease Agreement is amended as follows:

A. Section entitled "LEASED PREMISES" at page 1, is hereby deleted in its entirety and the following paragraphs are substituted therefore:

LEASED PREMISES

1. Lessor leases to Lessee and Lessee leases from Lessor the following tracts of land, which combined constitute the "Leased Premises":
 - a. Tract 1: approximately 12.025 acres generally known as Spring Creek Marina, 2680 Camper Road, Lake Nasworthy, San Angelo, Tom Green County, Texas, and more particularly described and depicted in Exhibit "A-1", which is incorporated herein by reference for all purposes.

- b. Tract 2: approximately 25.35 acres abutting Tract 1, and being more particularly depicted in Exhibit "A-2", which is incorporated herein by reference for all purposes.

B. Section entitled "JOINT USE OF LEASED PREMISES" is hereby amended to add Tract 2 as described in Section 1(b) above, and depicted in Exhibit "A-2," as "Joint Use Area #4" subject to all provisions applicable to Joint Use Areas, in addition to the following further amendments: Subsection d(i) is hereby amended to allow Lessor's right to use, authorize the use of, or lease the Joint Use Areas for one (1) special event per year as may be approved by the City Council for the City of San Angelo; and, Subsection d(iii) is hereby deleted in its entirety.

C. Section entitled "TERM AND CONSIDERATION", Subsection 1., is hereby deleted in its entirety and replaced with the following:

TERM AND CONSIDERATION

1.

- a. **Initial Term. Tract 1:** This lease is granted for a period of twenty (20) years beginning November 1, 2015 and ending October 31, 2035 in consideration of (1) the annual payment of Eleven Thousand Three Hundred Forty-Six Dollars (\$11,346.00) during the first ten (10) years of the lease, subject to a twenty percent (20%) rent adjustment at the end of this time, based upon a two percent (2%) per year increase with the annual fee to be Thirteen Thousand Six Hundred Fifteen Dollars (\$13,615.00) for the period of November 1, 2025 to October 31, 2035, which payment is payable in advance quarterly installments, the first installment being due and payable on November 1, 2025; (2) the payment of Two Hundred Dollars (\$200.00) granting fee at the time of executing this lease; and (3) Lessee's compliance with the stipulations and conditions hereinafter set forth.
- b. **Initial Term. Tract 2:** This lease is granted for the period beginning November 1, 2019 and ending October 31, 2035. Rent concerning Tract 2 shall be calculated in accordance with the following schedule:

<u>Time Period</u>	<u>Annual Rent</u>
November 1, 2019 – October 31, 2022	\$2,390.50
November 1, 2022 – October 31, 2025	\$21,346.74
November 1, 2025 – October 31, 2035	\$25,616.09*

*This amount includes a 20% rent adjustment that coincides with the rent adjustment in 1(a) above.

- c. **Option to Renew.** Provided that Lessee is not in default in the performance of this Lease, Lessee shall have the option to renew the Lease for one (1) additional term of ten (10) years commencing November 1, 2035 with written consent of Lessor. In consideration, the

annual fee shall be subject to a twenty percent (20%) increase at the end of this time, based upon a two percent 2% per year increase, which payment is payable in advance quarterly installments, the first installment being due and payable on November 1, 2035. All of the terms and conditions of the Lease shall apply during the renewal term. The option shall be exercised by written notice given to Lessor not less than ninety (90) days prior to the expiration of the prior Lease term. If notice is not given in the manner provided herein within the time specified, this option shall lapse and expire.

D. A new section entitled "DEVELOPMENT ACTIVITIES" is hereby added to the Lease Agreement and shall read as follows: "Lessee's development of Tract 2 shall be limited to the improvements and related infrastructure depicted in the Site Plan presented and finally approved by City Council at its regular meeting on October 1, 2019, which is attached hereto and incorporated herein for all purposes as Exhibit "A-3". Deviations from the Site Plan shall require written approval by City Council.

E. A new section entitled "WASTE WATER" is hereby added to the Lease Agreement and shall read as follows: "Lessee shall be required, at Lessee's sole cost and expense, to install, maintain and operate on the Leased Premises infrastructure necessary to transfer waste water to Lessor's facility, to include pumps, grinders and a lift station. Due to the restriction downstream in Lessor's wastewater system, the current max flow rate shall not be increased from current conditions as of the execution of this First Amendment. Any Lessee managed lift stations shall not pump simultaneously to Lessor's waste water system. Lessee shall obtain all necessary permits and agree to and abide by Lessor's sewer operational plan, as approved by the Water Utilities Department, for the Leased Premises."

F. A new section entitled "PROHIBITED EVENTS" is hereby added to the Lease Agreement and shall read as follows: "In no event shall the Leased Premises be utilized to host concerts or similar events requiring staging, amplified sound systems, etc., unless otherwise authorized by City Council."

G. All references to Exhibit "A" in the Lease Agreement are hereby amended to refer to Exhibit "A-1".

In the event of conflict between the terms or conditions of this First Amendment and the Lease Agreement, the terms or conditions of this First Amendment shall prevail. In all other respects, the terms and conditions of the Lease Agreement shall remain in full force and effect.

[Signature page follows]

EXECUTED this 4th day of November, 2019.

LESSEE:
GOLDEN ANTLERS CORP

BY: [Signature]
Raymond Broadway, President

LESSOR:
CITY OF SAN ANGELO

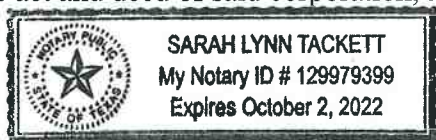
BY: [Signature]
Daniel Valenzuela, City Manager

Attest:

[Signature]
Julia Antilley, City Clerk

STATE OF TEXAS §
COUNTY OF TOM GREEN §

This instrument was acknowledged before me on the 1st day of November, 2019, by **RAYMOND BROADWAY**, President of **GOLDEN ANTLERS CORP**, a Nevada corporation, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to met that he had executed the same for the purposes and considerations therein expressed, as the act and deed of said corporation, and in the capacity therein stated.



[Signature]
Notary Public, State of Texas

STATE OF TEXAS §
COUNTY OF TOM GREEN §

This instrument was acknowledged before me on the 4th day of November, 2019, by **DANIEL VALENZUELA**, as City Manager, of the **CITY OF SAN ANGELO**, a Texas municipal corporation, on behalf of said corporation.



[Signature]
Notary Public, State of Texas

EXHIBIT "A-1"

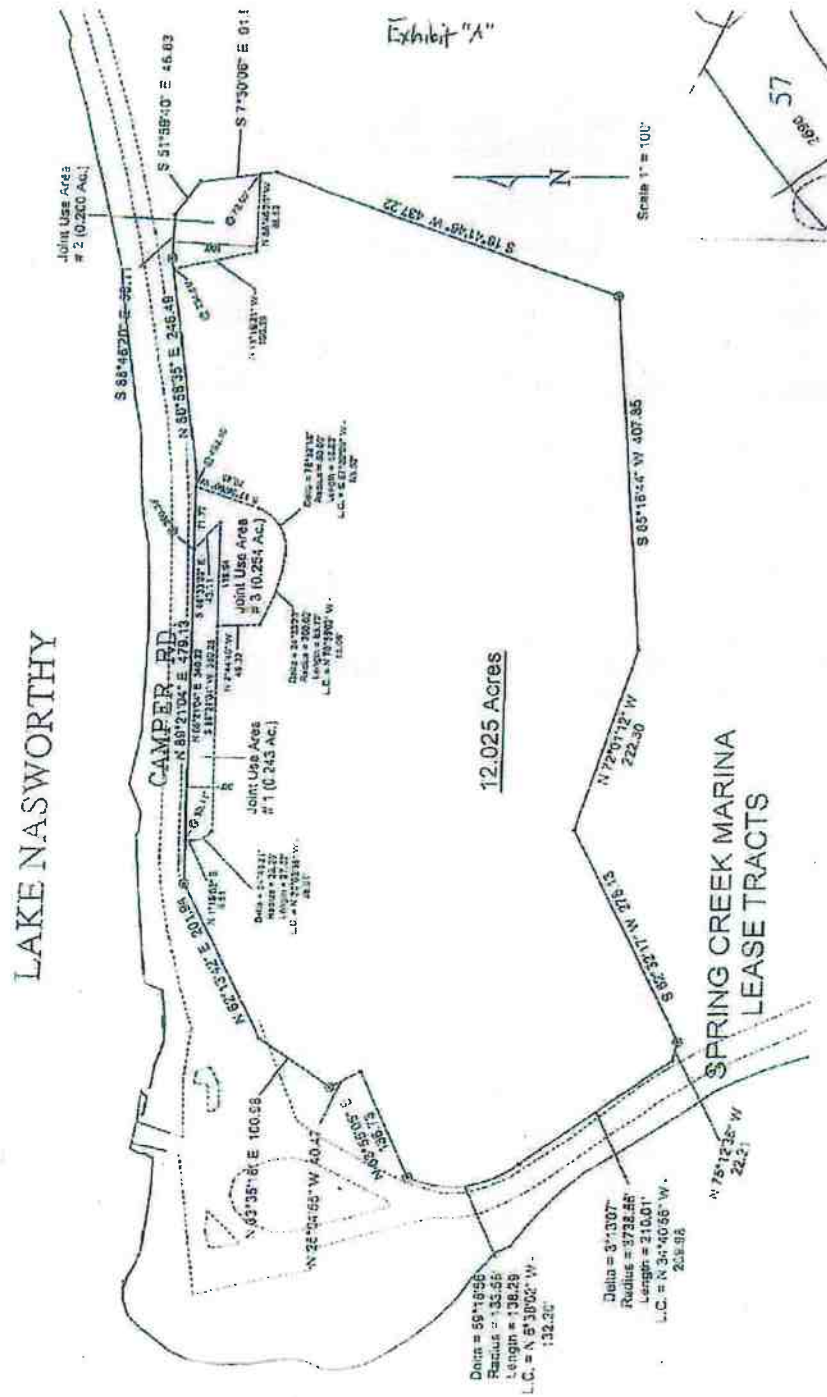


Exhibit "A"

Field Notes

12.025 Acres

Being an area of 12.025 acres of land out of Hrs. of P. Kurzenbacker Survey 647, Abstract No. 1566 and Hrs. of J.J. Schaefer Survey 646, Abstract No. 1882 and also being out of Tracts 20 and 21 described and recorded in Volume 295, Page 526, Deed Records of Tom Green County, Texas and being more particularly described by metes and bounds as follows:

Beginning at a 1/2" iron rod found for a northwestern corner of this tract whose Texas State Plane Coordinate System (NAD 27 Texas Central Zone) coordinates are X=1944202.26, Y=621920.06;

Thence N. 62°13'42" E. a distance of 201.94 feet to a set 5/8" iron rod;

Thence N. 89°21'04" E. at 50.11 feet pass a 5/8" iron rod for the northwest corner of Joint Use Area #1 (0.243 Ac.), at 390.33 feet pass a 5/8" iron rod for the northeast corner of said Joint Use Area #1, in all a distance of 479.13 feet to a point of intersection in an existing pipe rail fence;

Thence N. 80°58'35" E. at 234.65 feet pass a pipe rail fence opening for the northwest corner of Joint Use Area #2 (0.200 Ac.) in all a distance of 246.49 feet to an aluminum monument set on a 5/8" iron rod;

Thence S. 88°46'20" E. a distance of 50.11 feet to a pipe rail fence opening and an angle corner of this tract;

Thence following said pipe rail fence S. 51°59'40" E. a distance of 46.83 feet to a point of intersection of said pipe rail fence;

Thence S. 7°30'06" E. at 72.80 feet pass a 5/8" iron rod for the southeast corner of said Joint Use Area #2 in all a distance of 91.92 feet to the end of said pipe rail fence;

Thence S. 18°41'46" W. a distance of 437.22 feet to an aluminum monument set on a 5/8" iron rod and the southeast corner of this tract;

Thence S. 85°16'44" W. a distance of 407.85 feet to a 1/2" iron rod found from which the end of a pipe rail fence bears N. 74°21'47" W. a distance of 1.63 feet;

Thence following said pipe rail fence N. 72°01'12" W. a distance of 222.30 feet to a point of intersection of said pipe rail fence and an angle corner of this tract;

Thence following or near said pipe rail fence S. 62°32'17" W. a distance of 278.13 feet to an aluminum monument set on a 5/8" iron rod;

Thence N. 75°12'36" W. a distance of 22.21 feet to a point of intersection of said pipe rail fence and the southwest corner of this tract and the beginning of a curve to the left;

Thence following said pipe rail fence and curve to the left whose radius is 3738.56 feet, central angle of $3^{\circ}13'07''$, arc length of 210.01 feet and whose long chord bears N. $34^{\circ}40'56''$ W. a distance of 209.98 feet to a point of reverse curvature;

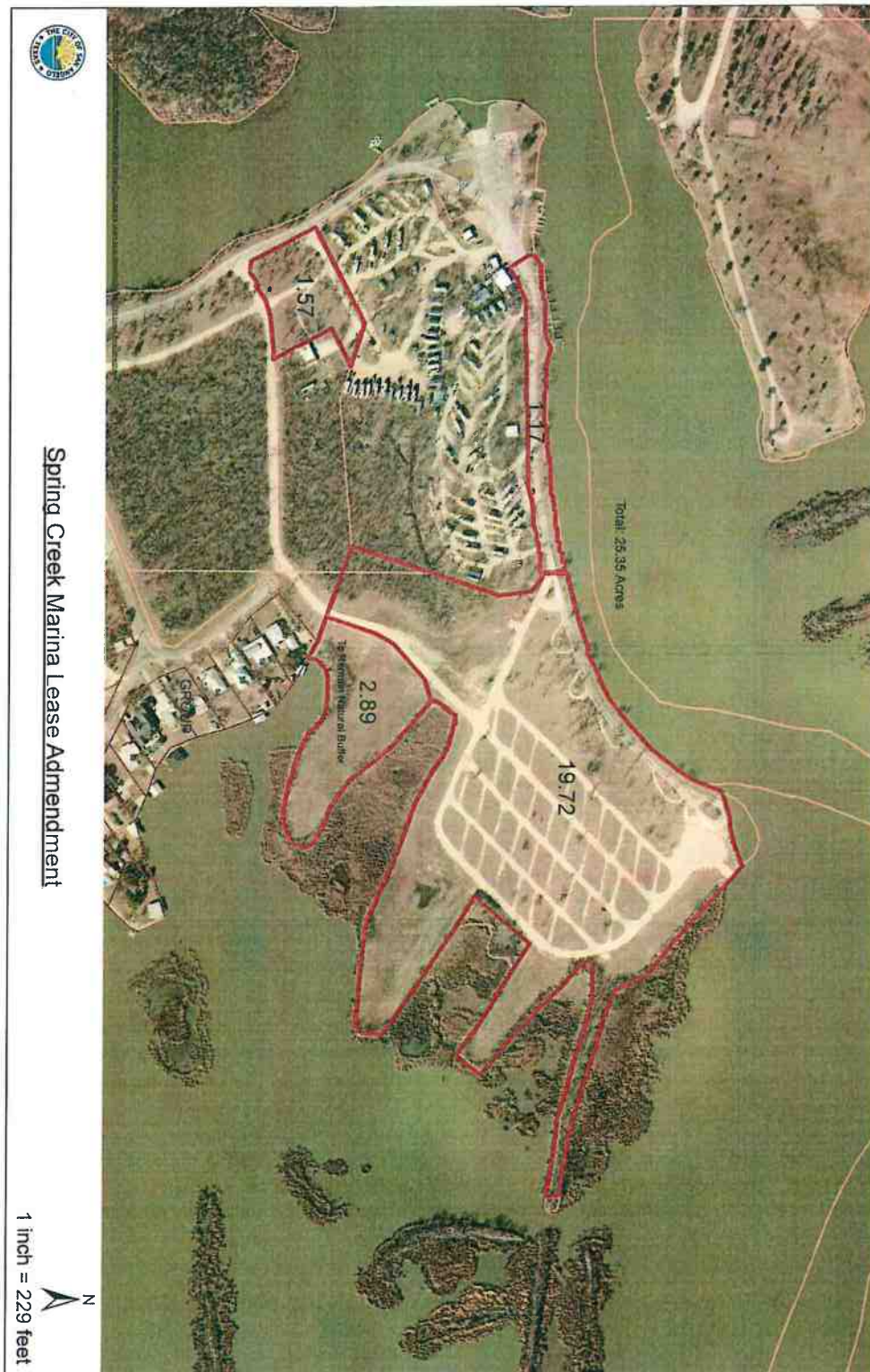
Thence continuing along said pipe rail fence and a curve to the right whose radius is 133.58 feet, central angle of $59^{\circ}18'56''$, arc length of 138.29 feet and whose long chord bears N. $6^{\circ}38'02''$ W. 132.20 feet to an aluminum monument set on a $5/8''$ iron rod and from which a point of intersection of said pipe rail fence bears S. $22^{\circ}17'49''$ W. a distance of 3.39 feet;

Thence N. $63^{\circ}55'05''$ E. a distance of 136.73 feet to a $5/8''$ iron rod set and an angle corner of this tract;

Thence N. $26^{\circ}04'55''$ W. a distance of 40.47 feet to an aluminum monument set on a $5/8''$ iron rod and an angle corner of this tract;

Thence N. $33^{\circ}35'16''$ E. a distance of 100.98 feet to the place of beginning and containing an area of 12.025 acres of land.

EXHIBIT "A-2"



PROPOSED RV SITES FOR
SPRING CREE
SAN ANGELO, TEXAS

**PROPOSED RV SITES FOR:
SPRING CREEK MARINA
SAN ANGELO, TEXAS**

PAR I DESIGNS
P.O. BOX 441
DRESSA, TEXAS 75750
OFFICE: 409 545-4203
FAX: 409 577-5246

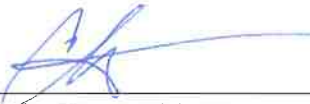
■ *Continued from page 10*

PROPOSED BY STEVE FINE
SPRING CREEK MARINA
3400 COWLEY RD.
WILSONVILLE, OR 97156
754-2222

COMMERCIAL LEASE AGREEMENT
SPRING CREEK MARINA

CITY OF SAN ANGELO
AND
GOLDEN ANTLERS CORP

Approved as to Insurance Requirements:



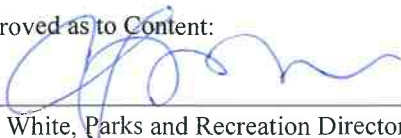
Charles Hagen, Risk Manager

Approved as to Form:



Brandon Dyson, Assistant City Attorney

Approved as to Content:



Carl White, Parks and Recreation Director



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
11/1/2019

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

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

PRODUCER Leavitt Recreation & Hospitality Insurance, Inc. 942 14th Street Sturgis SD 57785		CONTACT NAME: Mel Conrad PHONE (A/C, No, Ext): (800) 525-2060 E-MAIL ADDRESS: mel-conrad@leavitt.com FAX (A/C, No): (866) 465-2797	
INSURED Golden Antlers Corp., DBA: Spring Creek Marina & RV Park 2680 Camper Road San Angelo TX 76904-7995		INSURER(S) AFFORDING COVERAGE INSURER A: Philadelphia Indemnity Insurance Compar INSURER B: FirstComp Insurance Company INSURER C: INSURER D: INSURER E: INSURER F:	
		NAIC # 18058 27626	

COVERAGES **CERTIFICATE NUMBER:** 19/20 COI **REVISION NUMBER:**

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC OTHER:	X	Y	PHPK1966598	4/18/2019	4/18/2020	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 Liquor Liability \$ 1,000,000
A	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ALL OWNED AUTOS ☒ HIRED AUTOS ☒ SCHEDULED AUTOS ☒ NON-OWNED AUTOS			PHPK1966598	4/18/2019	4/18/2020	COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ Uninsured motorist BI split limit \$ 1,000,000
	UMBRELLA LIAB ☐ EXCESS LIAB DED ☐ RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N ☐	N/A	MWC0110424-03	4/21/2019	4/21/2020	PER STATUTE ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
IT IS UNDERSTOOD AND AGREED THAT THE CERTIFICATE HOLDER IS NAMED AS ADDITIONAL INSURED, BUT ONLY WITH RESPECT TO ITS LIABILITY ARISING OUT OF THE ACTIVITIES OF THE NAMED INSURED. THE CERTIFICATE HOLDER WILL BE GIVEN A 30 DAY NOTICE OF CANCELLATION OR NONRENEWAL.
Waiver of Subrogation

CERTIFICATE HOLDER City of San Angelo Parks & Recreation Department 72 W. College Ave. San Angelo, TX 76903	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE Damian Petty/MECONR
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REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: February 18, 2020

Item type: Regular Item

Caption:

First reading and public hearing of ordinances approving:

1. Case CP20-01, an amendment to the City of San Angelo Comprehensive Plan, changing certain lands from the Transitional and Neighborhood Future Land Uses to the Neighborhood Center Future Land Use, being 32.4 acres located between Lutheran Way, Sunset Dr., W. Loop 306 Frontage Rd. and near Foster Rd.
2. Case Z20-01, a rezoning from the Low-Rise Multi-Family zoning district to the Neighborhood Commercial zoning district, located at 3536 Lutheran Way (Presentation made by Planning & Development Services Director Jon James)

Summary/History:

A request for an amendment to the City of San Angelo Comprehensive Plan, changing certain lands from the "Neighborhood" Future Land Use to "Neighborhood Center" on the subject property and nearby adjoining properties, and a request for approval of a rezoning from the Low-Rise Multi-Family (RM-1) zoning district to the Neighborhood Commercial (CN) zoning district on the subject property. The applicant is intending to continue to utilize the property as a church, school and early childhood center but proposed improvements would not be allowed by right in the existing zoning district (see additional information). A rezoning to the property would also warrant a Comprehensive Plan amendment as part of the criteria for approval per Section 212.G of the Zoning Ordinance.

Financial Impact:

N/A

Other Information/Recommendation:

On January 27, 2020, the Planning Commission unanimously recommended APPROVAL of the Comprehensive Plan Amendment and the Rezoning (6-0).

Attachments:

- | | |
|-----------------------------|-------------------------------|
| 1. CP20-01_Z20-01_CC_report | CP20-01_Z20-01_CC_report.docx |
| 2. CP20-01_Ordinance | CP20-01_Ordinance.docx |
| 3. Z20-01_Ordinance | Z20-01_Ordinance.docx |

Presentation:

Jon James

Approvals/Reviews:

Shelly Paschal
Hillary Bueker
Jon James
Brandon Dyson

Created/Initiated
Approved
Approved
Approved

Jon James
Theresa James
Julia Antilley

Approved
Approved
Final Approval

CITY COUNCIL – February 18 & March 3, 2020
STAFF REPORT



APPLICATION TYPE:		CASES:	
Comprehensive Plan Amendment & Rezoning		CP20-01/Z20-01: Trinity Lutheran/COSA	
SYNOPSIS:			
A request for an amendment to the City of San Angelo Comprehensive Plan, changing certain lands from the “Neighborhood” Future Land Use to “Neighborhood Center” on the subject property and nearby adjoining properties, and a request for approval of a rezoning from the Low-Rise Multi-Family (RM-1) zoning district to the Neighborhood Commercial (CN) zoning district on the subject property. The applicant is intending to continue to utilize the property as a church, school and early childhood center but proposed improvements would not be allowed by right in the existing zoning district (see additional information). A rezoning to the property would also warrant a Comprehensive Plan amendment as part of the criteria for approval per Section 212.G of the Zoning Ordinance.			
LOCATION:		LEGAL DESCRIPTION:	
3512-3536 Lutheran Way & nearby adjoining properties		Being Lot 1A being 6.2510 acres Tract A (Replat) & 2.6980 acres of Lot 2A, Tract A (Replat) & 1.3840 acres of 2A, Sunset Joint Venture Addition, City of San Angelo, Tom Green County, Texas.	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District 1 – Tommy Hiebert Neighborhood – Rio Vista	Low-Rise Multi-Family (RM-1)	Neighborhood	10.3 acres (RZ) 19.52 acres (CP)
THOROUGHFARE PLAN:			
Lutheran Way – Minor Collector, 60’ ROW required (80’ existing), 50’ pavement required (47’ provided) Sunset Drive – Major Collector, 60’ ROW required (80’ existing), 50’ pavement required (64’ provided) Nevada Drive – Local Street, 50’ ROW required (60’ existing), 40’ pavement required (48’ provided) West Loop 306 Frontage Road – TXDOT ROW			
NOTIFICATIONS:			
CP20-01: 67 notifications were mailed within a 200-foot radius on January 13, 2020. Z20-01: 17 notifications were mailed within a 200-foot radius on January 13, 2020. One response has been received in support and two in opposition.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of a Comprehensive Plan Amendment changing the Future Land Use designation from the “Neighborhood” Future Land Use to “Neighborhood Center” and APPROVAL of a rezoning from Low-Rise Multi-Family (RM-1) zoning district to the Neighborhood Commercial (CN) zoning district.			
PROPERTY OWNER/PETITIONER:			
Ron Fritsche – Trinity Lutheran			
STAFF CONTACT:			
Shelly Paschal Planner (325) 657-4210, Extension 1533 shelly.paschal@cosatx.us			

Additional Information: The applicant originally applied for a Sign Variance for a new sign on the subject property. In reviewing the zoning ordinance, it became apparent that rezoning to Neighborhood Commercial (CN) was a better fit with what they hope to accomplish. They currently have a church, early childhood center and a school. Recently, Trinity Lutheran has grown and now has high school students on the campus. This growth makes the rezoning necessary.

The Future Land Use map for this area is incompatible for this zone change. However, when looking at the Comprehensive Plan and the Vision Plan for this area, the existing land use and the Future Land Use is consistent with the proposed change to Neighborhood Center. In exploring the rationale, we see that property directly adjoining the Loop is more appropriate for commercial. The proposed Neighborhood Center is still less intensive for the neighborhood to the north of Sunset Drive. Along Sunset Drive is a commercial strip center with commercial offices and other commercial uses. Those uses act as a buffer to the single family neighborhood which is directly north. Changing the Future Land Use for the subject properties would be a more appropriate fit for the existing uses.

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

1. **Compatible with Plans and Policies. Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.** The proposed Comprehensive Plan Amendment from Neighborhood to Neighborhood Center would be consistent with the surrounding development pattern in the area and facilitate the associated rezoning to Neighborhood Commercial (CN). The subject property is designated “Neighborhood.” The “Neighborhood” designation in the City’s Comprehensive Plan intends to “promote vibrant and viable neighborhoods and improve relationship between adjacent commercial and residential land use adjacencies.” The “Neighborhood Center” designation in the City’s Comprehensive Plan intends to “contract retail commercial corridors into series of identifiable nodes or centers at key intersections.” The subject property would be a better fit for the Neighborhood Center, due to the property being more commercial in use and the fact that it directly abuts Loop 306. The commercial strip center north of Sunset Drive acts as the buffer from the more extensive commercial to the single family residential direct north. The rezoning will allow the applicant to continue and expand with the church and uses thereof.
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 the subject property as an early childhood center (daycare) and elementary/junior high school are allowed uses within the existing RM-1 zoning classification. However, the church and high school are only allowed with RM-1 with specific approval of a Conditional Use. The church lawfully occupies the subject property, since it was existing before the change of the Zoning Ordinance in January of 2000. Therefore, the church is considered a lawful conditional use. However, the new expansion of a high school is not an allowed use on this property. The proposed zone change

allows all existing uses of the subject property.

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 has mixed commercial and residential uses. There is a single-family residential neighborhood directly north and a high density multifamily apartment complex to the east of the subject property. Directly across Sunset Drive from the subject property is a strip center of a variety of commercial uses. The subject parcels fit in with the existing commercial development pattern, and would allow for continuance of the subject property.
4. **Changed Conditions.** *Whether and the extent to which there are changed conditions that require an amendment.* The low-rise multi-family development never developed on this property, the rezoning would make use of the land in a manner consistent with the proposed future land use change 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 Comprehensive Plan amendment and rezoning are anticipated to have little adverse impact on the natural environment. The existing uses of the subject property have little adverse impact on the natural environment.
6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.* Allowing the site to rezone to Neighborhood Commercial would be reflective of the continuing need for commercial in the area, rather than allowing a continuance of a zoning designation that has not been fully utilized in the past and is not in keeping with the existing uses on the subject property.
7. **Development Patterns.** *Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.* The existing development pattern in the immediate area along Loop 306 is considerably commercial and higher intensity residential. These parcels will keep in continuity with the adjoining lots directly adjacent to along this corridor.

Planning Commission Recommendation:

On January 27, 2020, the Planning Commission recommended unanimous **APPROVAL by a vote of 6-0** of an amendment to the City of San Angelo Comprehensive Plan, changing from the Neighborhood Future Land Use to the Neighborhood Commercial Future Land Use; and recommend unanimous **APPROVAL by a vote of 6-0** of a rezoning from the Low-Rise Multi-Family (RM-1) Zoning District to the Neighborhood Commercial (CN) Zoning District at 3512-3536 Lutheran Way. The following is the complete excerpt of the draft minutes from the January 27, 2020, meeting for this case:

Shelly Paschal, Planner, presented the Comp Plan Amendment and the requested zone change together. Ms. Paschal outlined Staff's recommendation to approve the proposed Comp Plan amendment and requested zone change. Staff sent out 67 notifications for the Comp Plan amendment and 17 notifications for the rezoning request.

Vice-Chair Jackson opened public comment.

Ron Fritsche came forward and stated that Trinity Lutheran wanted to put up a new sign and expand to allow high school students on the subject property.

Vice-Chair Jackson closed public comment.

Commissioner Smith made a motion to APPROVE the proposed Comp Plan Amendment and the requested zone change, as presented; Commissioner Self seconded the motion. The motion carried unanimously, 6-0.

Recommendation:

Staff's recommendation is for City Council to: **APPROVE** a Comprehensive Plan Amendment changing the Future Land Use designation lands from the "Neighborhood" Future Land Use to the "Neighborhood Center"; and

APPROVE a rezoning from Low-Rise Multi-Family (RM-1) zoning district to the Neighborhood Commercial (CN) zoning district.

Attachments:

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



Location Map CP20-01

Trinity Lutheran/COSA

Council District 1 - Tommy Hiebert

Neighborhood: Rio Vista

Scale: 1" approx. = 400 ft

3536 Lutheran Way and area nearby

Legend

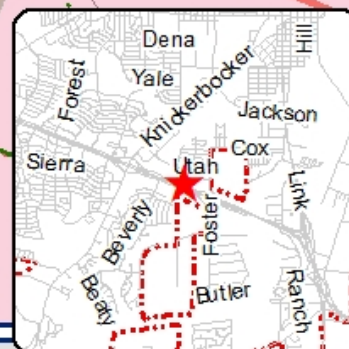
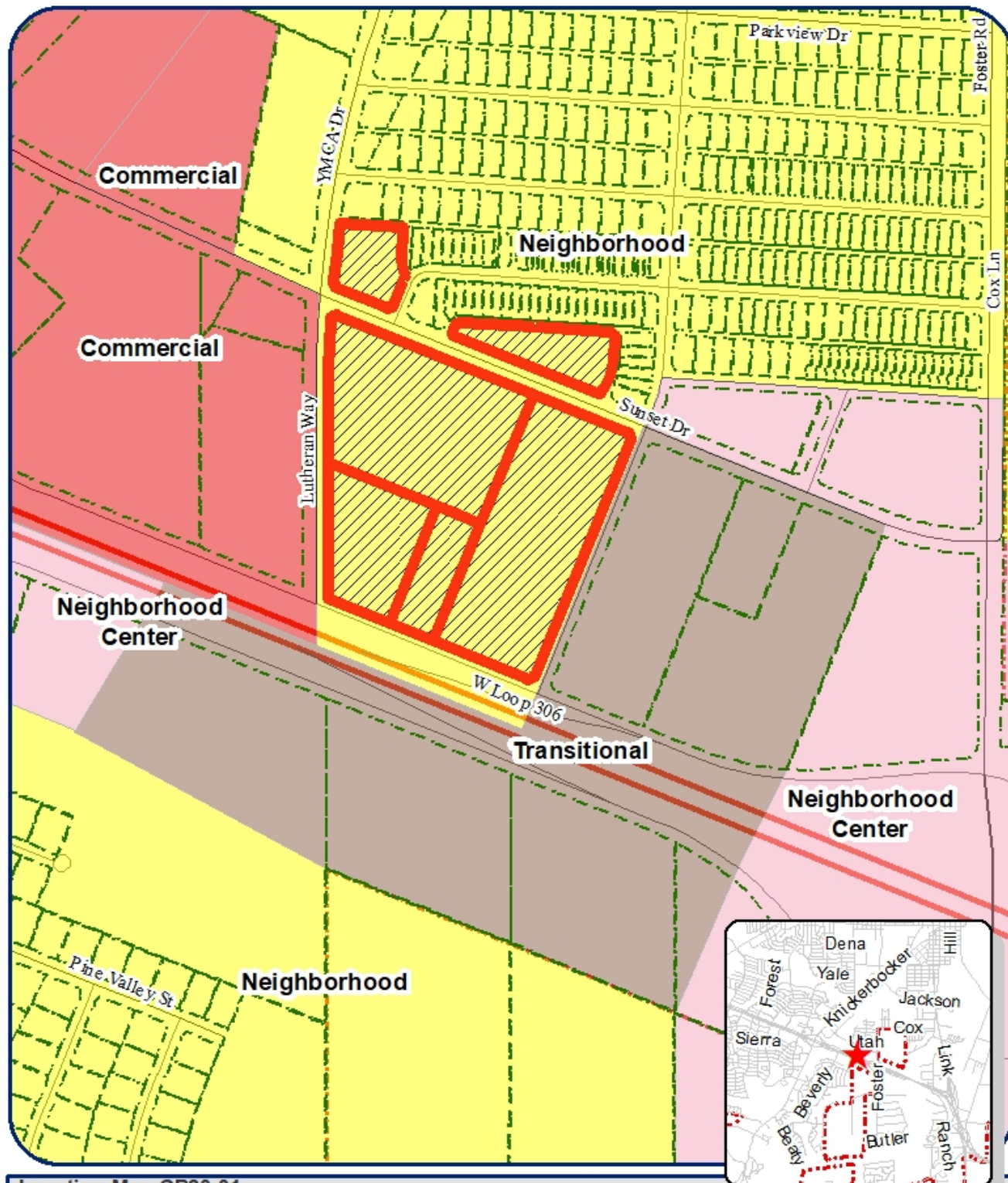
Subject Properties: —

Current Zoning: RM-1/CN

Requested Zone Change: CN

Vision: Neighborhood





Location Map CP20-01

Trinity Lutheran/COSA

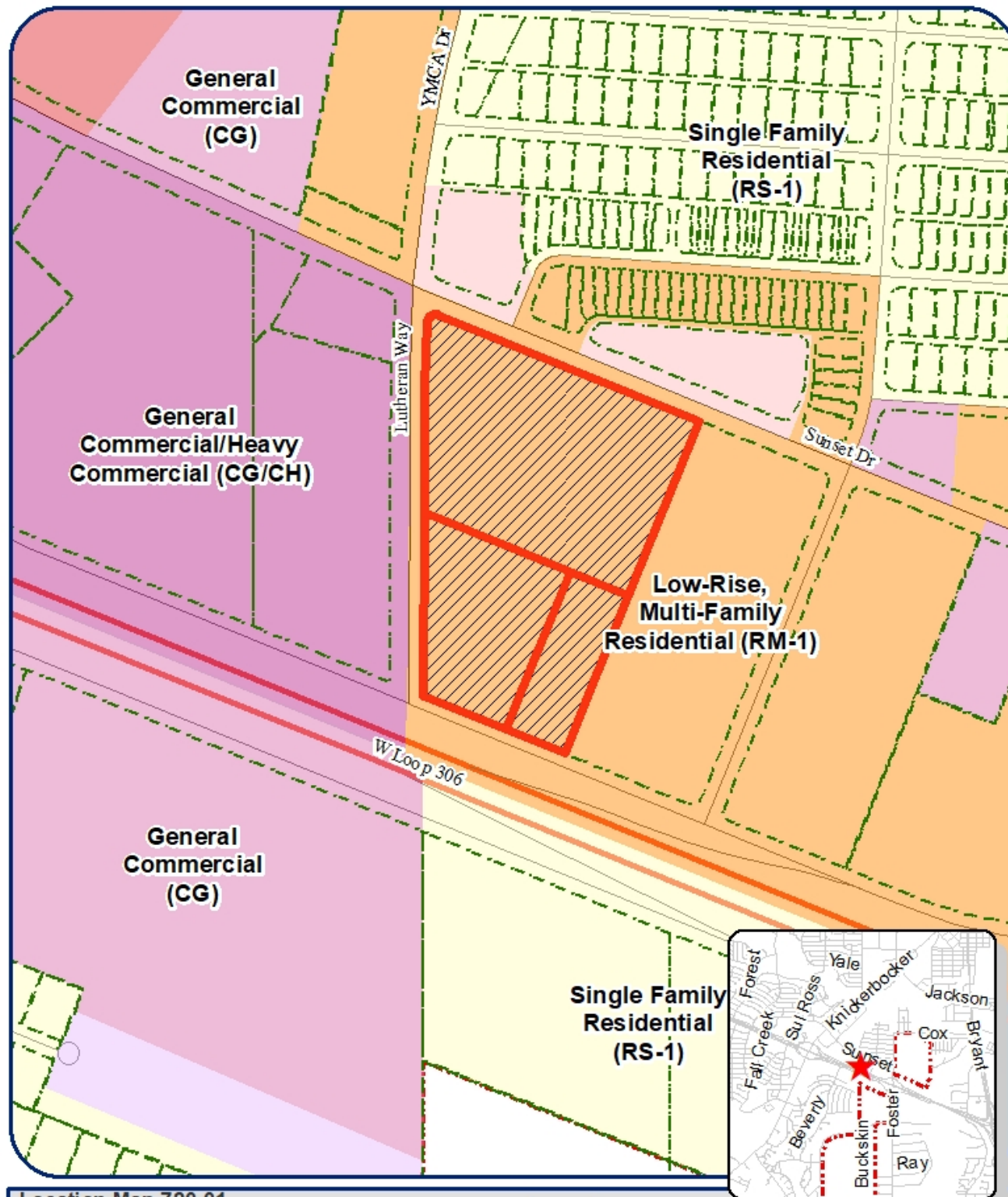
Council District 1 - Tommy Hiebert
 Neighborhood: Rio Vista
 Scale: 1" approx. = 400 ft

3536 Lutheran Way and area nearby

Legend

Subject Properties: —
 Current Zoning: RM-1/CN
 Requested Zone Change: CN
 Vision: Neighborhood





Location Map Z20-01

Trinity Lutheran

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

3536 Lutheran Way

Legend

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



Effective January 3, 2017



City of San Angelo, Texas – Planning Division
52 West College Avenue
Application for Approval of a Zone Change

**Section 1: Basic Information**

Name of Applicant(s): Trinity Lutheran Church and School

☒ Owner ☐ Representative (Notarized Affidavit Required)

Mailing Address: 3536 Lutheran Way San Angelo Tx 76904
City State Zip Code

Contact Phone Number: 325-947-1275 Contact E-mail Address: ron@tlcsanangelo.com

Subject Property Address: 3536 Lutheran Way San Angelo Tx 76904
City State Zip Code

Legal Description: 6.251, Lot 1-A Being 6.251 Acres Tract A (Replat) Sunset Joint Venture
(can be found on property tax statement or at www.tamgreenca.com)

Existing Zoning: RM-1 Proposed Zoning: CN Lot size: 10.3

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

Section 2: Site Specific Details

Existing Use of Property: Church, School, Early Childhood Ctr.

*Proposed Use of Property: Same

*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
Representative Name (Print)	Signature	Company/Organization	Date

Ron Fritzsche Ron Fritzsche Trinity Lutheran 12-16-2019

FOR OFFICE USE ONLY:

☐ Verified Complete ☐ Verified Incomplete

Date of Application: 12 / 16 / 19

Case No.: Z 20 -- 01

Fully-dimensioned site plan: ☐

Nonrefundable fee: \$ _____

Receipt #: 81285 Date paid: 12 / 16 / 19

Sign Deposit \$37.50

Receipt #: 81287 Date paid: 12 / 16 / 19

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

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

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

Planning Commission hearing date: 01 / 27 / 20 Date notifications due: ____/____/____

City Council hearing date: 2 / 18 / 20 Packets due date: ____/____/____

Publication date: ____/____/____

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

Site Photos



Commercial across Sunset Drive

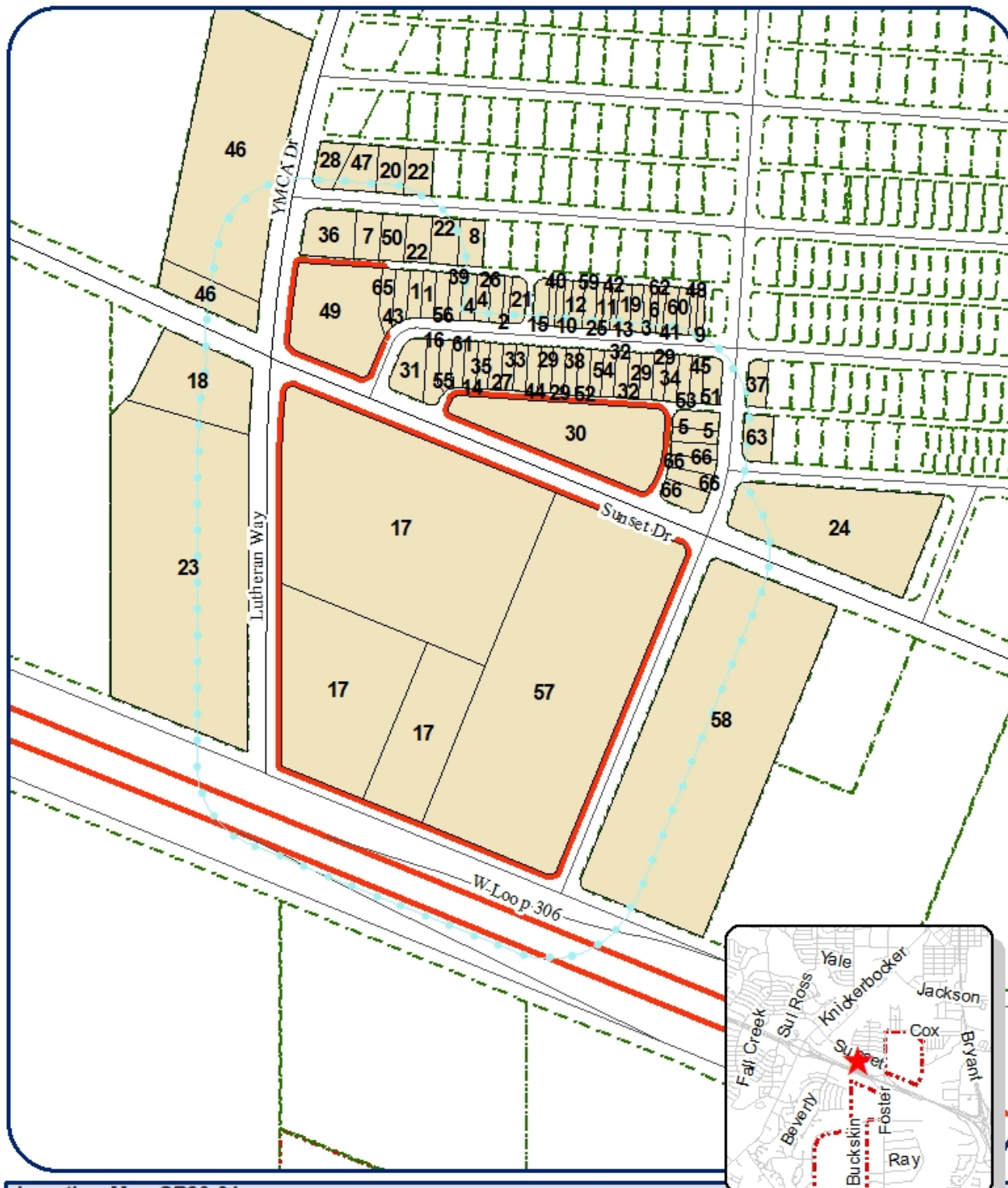


Adjoining

properties

Apartments east of subject property





Location Map CP20-01

Trinity Lutheran/COSA

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

3536 Lutheran Way and area nearby

Legend

Subject Properties: —
 Current Zoning: RM-1/CN
 Requested Zone Change: CN
 Vision: Neighborhood





Location Map Z20-01

Trinity Lutheran

Council District 1 - Tommy Hiebert
 Neighborhood: Rio Vista
 Scale: 1" approx. = 200 ft

3536 Lutheran Way

Legend

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



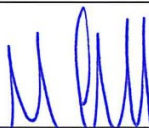
TO BE FORMALLY ON RECORD IN FAVOR OR AGAINST THIS REQUEST, YOU MAY ALSO FILL OUT THIS FORM, SIGN IT AND MAIL IT BACK TO THE PLANNING DIVISION AT 52 W COLLEGE STREET IN SAN ANGELO, TEXAS 76903.

(☒) IN FAVOR () IN OPPOSITION

REASON(S) _____

NAME: Morgan Trainer Chegwidder

ADDRESS: 1710 Utah Ave San Angelo Tx 76901

SIGNATURE: 

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) Children's safety & traffic

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 EAST OF LUTHERAN WAY AND YMCA DRIVE, NORTH OF WEST LOOP 306, AND BOTH NORTH AND SOUTH OF SUNSET DRIVE BEING 19.52 ACRES IN BEING 2.6980 ACRES OUT OF LOT 2A, TRACT A, AND 1.3840 ACRES OUT OF LOT 2A, AND LOT 1A BEING 6.2510 ACRES OF TRACT A, SUNSET JOINT VENTURE ADDITION AND BLOCK 1, TRACT C BEING 1.1020 ACRES BEING SECTION 1, CAPITOL HEIGHTS ADDITION, AND LOT 16, SECTION 1 REPLAT TRACT A BEING 1.4580 ACRES, CAPITOL HEIGHTS ADDITION, AND TRACT B, BEING 6.6270 ACRES, SUNSET JOINT VENTURE ADDITION, FROM "NEIGHBORHOOD" TO "NEIGHBORHOOD CENTER"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

CP-20-01

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 east of Lutheran way and YMCA drive, north of West Loop 306, and both north and south of Sunset Drive being 19.52 acres in being 2.6980 acres out of Lot 2a, Tract A, and 1.3840 acres out of Lot 2a, and Lot 1A being 6.2510 acres of Tract A, Sunset Joint Venture Addition and Block 1, Tract C being 1.1020 acres being Section 1, Capitol Heights Addition, and Lot 16, Section 1 Replat Tract A being 1.4580 acres, Capitol Heights Addition, and Tract B, being 6.6270 acres, Sunset Joint Venture Addition, from “Neighborhood” 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 **18th day of February, 2020**, and finally ADOPTED on this the **3rd day of March, 2020**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

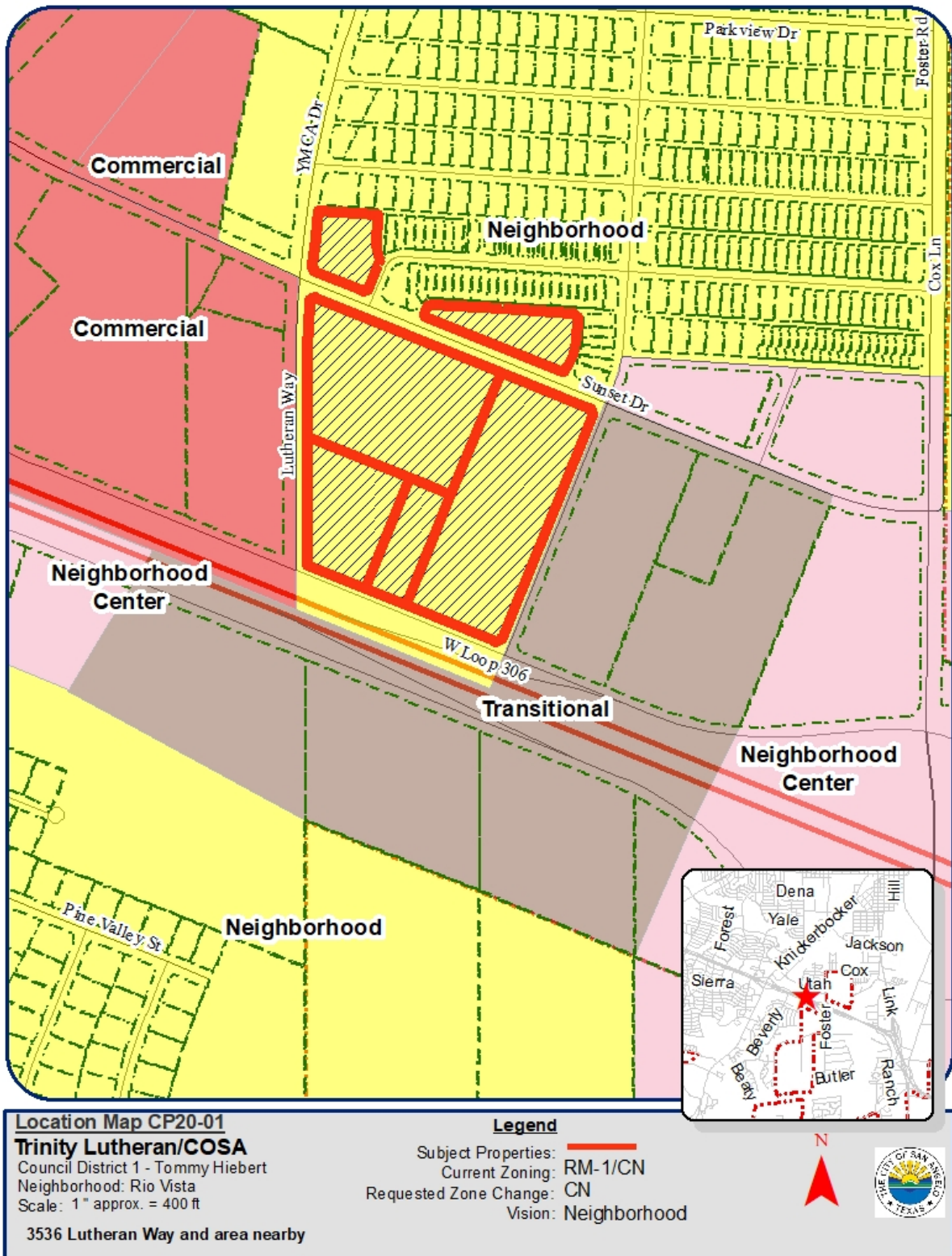
ATTEST:

APPROVED AS TO FORM:

Julia Antilley, City Clerk

Theresa James, City Attorney

EXHIBIT "A"



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 3512-3536 LUTHERAN WAY, GENERALLY LOCATED AT THE SOUTHEAST OF THE INTERSECTION OF LUTHERAN WAY AND SUNSET DRIVE, SAN ANGELO, TEXAS**, FROM LOW-RISE MULTI-FAMILY (RM-1) ZONING DISTRICT TO THE NEIGHBORHOOD COMMERCIAL (CN) ZONING DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Z20-01: Trinity Lutheran

WHEREAS, on the 27th day of January, 2020, 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 18th day of February, 2020, City Council held a public hearing on Z20-01, 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 3512-3536 Lutheran Way, specifically being 2.6980 acres out of Lot 2A, Tract A, and 1.3840 acres out of Lot 2A, and Lot 1A being 6.2510 acres of Tract A, Sunset Joint Venture 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 **18th day of February, 2020**, and finally PASSED, APPROVED AND ADOPTED on this the **3rd day of March, 2020**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

ATTEST:

APPROVED AS TO FORM:

Julia Antilley, City Clerk

Theresa James, City Attorney

EXHIBIT "A"

Exhibit A (CN Boundary Map)

