



City Council Agenda 11/3/2020

Notice is hereby given of a regular meeting of the City Council of City of San Angelo to be held November 3, 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 & Pledges**
3. **Proclamations/Recognitions**
4. **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 number, and limit their remarks to less than three minutes.

5. **Consent Agenda**

- a. Consider approving the October 20, 2020 City Council regular meeting minutes (Julia Antilley)
- b. Consider authorizing the City Manger to negotiate and execute an amendment to the lease agreement with the Trustees of the First United Methodist Church for use of the property at 304 W. Ave. A for operation of a Boy Scout Troop and extending the lease term (Carl White)
- c. Consider a resolution accepting the donation of funds from West Texas 4Wheel & Offroad to be used for the purchase of communications equipment for the San Angelo Police Crisis Negotiation Team (Frank Carter)
- d. Consider awarding ED-01-21 Gateway Signage to Entrenos, Inc. in the amount of \$113,572.20, budgeted for purchase in fiscal year 2021, and authorizing the City Manager to execute all related documents (Alfonso Torres)
- e. Consider ratifying an agreement for the mutual termination of the Memorandum of Understanding by and between the City of San Angelo Development Corporation and the City of San Angelo providing an economic development incentive to U.S. Customs & Border Protection Air and Marine Operations with participation by the City for a project related to business enterprises that create or retain primary jobs (Guy Andrews)
- f. Consider ratifying a resolution authorizing the use of sales and use tax funds in an amount not to exceed \$150,000, to provide an economic development incentive matching grant with Ethicon, Inc. and Principal LED, LLC to SME Education Foundation for its SME Prime next generation of manufacturing, fabrication and engineering talent high school or similar program for high school students in the City of San Angelo (Guy Andrews)
- g. Consider ratifying an extension of the professional services performance agreement with the San Angelo Chamber of Commerce, Incorporated as provided in the agreement, through December 31, 2021, for adjusted compensation in the annual sum of \$262,500 (Guy Andrews)

- h. Consider ratifying a resolution of the San Angelo Development Corporation authorizing the use of Sales and Use Tax Funds in an amount not to exceed \$100,000, for monument signage and related landscaping welcoming travelers into the City of San Angelo, enhancing an approved project for cleanup, open space improvement and landscaping of the Knickerbocker Rd. right of way and adjoining Bureau of Reclamation land, open space fronting the San Angelo Regional Airport - Mathis Field (Guy Andrews)
- i. Consider ratifying the first addendum to an Memorandum of Understanding between the City of San Angelo Development Corporation and the City of San Angelo concerning a project for open space improvement, landscaping and related facilities necessary to enhance the Knickerbocker Rd. right of way and adjoining Bureau of Reclamation land fronting the San Angelo Regional Airport - Mathis Field (Guy Andrews)
- j. Second reading of an ordinance approving case PD20-02, a rezoning property from a Planned Development allowing retail sales and service uses and offices with Type 1 outdoor storage, to a Planned Development allowing multifamily housing development; being 1.425 acres located at 3824 Green Meadow Dr. (Jon James)
- k. Second reading of an ordinance approving case CP20-06, a Comprehensive Plan Amendment from Neighborhood to Neighborhood Center, being 0.553 acres located at the northwest corner of S. Bell St. and Paint Rock Rd. (Jon James)
- l. Second reading of an ordinance approving case Z20-12, a rezoning from the Single Family Residence zoning district to the Low Rise Multi-Family zoning district, being 0.415 acres located at 2314 Carlton Way (Jon James)
- m. Second reading of ordinances approving:
 - 1. Case CP20-05, an amendment to the City of San Angelo Comprehensive Plan, changing certain lands from Neighborhood and Neighborhood Center to Commercial, on 12 acres located at 913 W. 33rd St.
 - 2. Case Z20-11, a rezoning from the Single-Family Residential zoning district to the General Commercial zoning district, on 10 acres located at 913 W. 33rd St. (Jon James)
- n. Consider amending the Low Income Assistance Program Agreement with Concho Valley Community Action Agency to allow customers to receive assistance twice annually and to increase funding for 2020 by \$100,000 with CARES Act Coronavirus Relief Funds (Allison Strube)
- o. Consider approving an amendment to the lease agreement between the City of San Angelo and Golden Antlers Corp., the Spring Creek Marina lease, modifying the section entitled prohibited events, and authorizing the City Manager to negotiate and execute all related documents (Carl White)

6. 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 must limit their remarks to less than five minutes.

- a. Consider approving an Infill Empowerment Zone request for infrastructure funding for up to 50% of costs for water lines, sewer lines, fire hydrant, and roadway construction costs in an amount not to exceed \$136,400 for the Denny Addition, Section 2 (Presentation made by A'lisa Denny, introduction made by Planning & Development Services Director Jon James)
- b. 1. First reading and public hearing of an ordinance amending Article 12.04 "Signs" in Chapter 12 of the City Code of Ordinances by amending Section 12.04.005 "On-site Regulations" and deleting Section 12.04.006 "Off-site Regulations" in its entirety
2. Consider a resolution to temporarily suspend issuance of sign permits affected by this ordinance amendment pending the adoption of the ordinance (Presentation made by Planning and Development Services Director Jon James)
- c. First reading and public hearing of an ordinance approving case Z20-13, a rezoning from the Light Manufacturing zoning district to the General Commercial zoning district, being 2.97 acres located at 1801 and 1819 Knickerbocker Rd. and adjacent vacant lots located on Industrial Ave. between Market St. and Commerce St. (Presentation made by Planning and Development Services Director Jon James)
- d. First reading and public hearing of an ordinance approving case Z20-16, a request for a rezoning from Low Rise Multifamily Residence, Neighborhood Commercial, and Light Manufacturing to the Central Business District zoning district, being 6.487 acres located at 122 W. 2nd St., 209 & 215 Gillis St., 34 W. 3rd St., 214 & 218 Farr St. and other unaddressed properties in the 100 and 200 blocks of W. 2nd St. and W. 3rd St. (Presentation made by Planning & Development Services Director Jon James)

7. 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 Wastewater Treatment Plant (TCEQ Permit WQ0010641003)
- b. 551.087 Business Prospect/Economic development regarding San Angelo Regional Airport - Mathis Field
- c. 551.074 Personnel Matters regarding the annual evaluation of the City Manager

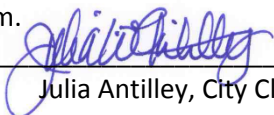
8. Follow Up and Administrative Issues

- a. Consider items discussed in Closed Session, if needed
- b. Consideration of approving various Board nominations
Airport Advisory Board: Bruce Partain (SMD1) to a first term and Teresa Special (SMD2) to a second term, both ending October 2022
- c. Announcements and consideration of Future Agenda Items

9. 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 29th day of October 2020, at 3:52 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, October 20, 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 Gonzalez, SMD 4
Council Member Lane Carter, SMD 5
Council Member Billie DeWitt, SMD 6

1. Call to Order/Roll Call to Establish Quorum

With a quorum of the City Council Members present, Mayor Gunter called the regular session of the San Angelo City Council to order at 8:32 a.m. on Tuesday, October 20, 2020, in the San Angelo McNease Convention Center, 501 Rio Concho Drive, San Angelo, Texas 76903.

2. Chaplain Prayer & Pledges

San Angelo Police Department Chaplain Marcella Jenkins provided an invocation and Chaplain Gary Jenkins led the pledges.

3. Proclamations/Recognitions

October 23-31, 2020 was proclaimed Red Ribbon Week.

4. Public Comment

Mayor Gunter spoke regarding citizen concerns over the sidewalk projects along Bryant and Knickerbocker. She reminded citizens that these are TxDOT funded improvements and therefore the funds do not come from our budget or impact our ability to fund necessary projects.

Mayor Gunter reminded citizens of the 2014 Fugro street study and stated the street projects will continue to progress based on the order established by the Fugro results, not at the direction of council or staff.

Council Member DeWitt recognized and thanked the Water Utilities employees for their response to the four water main breaks Friday and their ongoing communication to the citizens as the repair efforts were underway throughout the weekend.

5. Consent Agenda

- a. Approval of the October 6, 2020 City Council regular meeting minutes (Julia Antilley)
- b. Approval of amendment 1 to the lease agreement between the City of San Angelo and the San Angelo Stock Show and Rodeo Association, Inc., regarding "reduction in fees due to Order of the Governor" related to the COVID-19 pandemic, and authorizing the City Manager to negotiate and execute all related documents (Carl White)
- c. Approval of a three year Airport Concession Disadvantaged Business Enterprise (ACDBE) plan and goal and authorizing the City Manager to negotiate and execute all related documents (Jeremy Valgardson)
- d. Adoption of a resolution allowing the Fire Department to accept a donation of physical fitness equipment and an outdoor grill from Academy Sports and Outdoors, estimated value of donation is \$4,000 (Patrick Brody) (Pg. 464, 2020-094)

- e. Award of FD-02-20 EMS Supplies to multiple vendors (Boundtree, Henry Schein, Life Assist, QuadMed, and Zoll) based on lowest bid in compliance with bid requirements for each specific item with an aggregate annual spend of \$162,912 budgeted per fiscal year and providing for a base term of one year with four additional one year extension options and authorizing the City Manager to execute all related documents (Patrick Brody)
- f. Award of FS-05-20 Equipment Leasing to U.S. Bancorp Government Leasing and Finance, Inc. and authorizing the City Manager to negotiate and execute all related documents (Ryan Kramer)
- g. Award of FS-04-20 Heavy Duty Construction Equipment, in the amount of \$2,496,766.21, budgeted in fiscal year 2021, to various respondents and authorizing the City Manager to negotiate and execute all related documents (Ryan Kramer)
- h. Approval of Buyboard Contract 597-19 for the purchase of two crack seal machines from Crafcro, Inc., in the amount of \$109,896, budgeted in fiscal year 2021 (Ryan Kramer)
- i. Approval of Buyboard Contract 515-16 for the purchase of one street sweeper from Tymco, Inc., in the amount of \$274,081.50, budgeted in fiscal year 2021 (Ryan Kramer)
- j. Approval of the purchase of tractors and shredders from Deere & Company (San Angelo, TX) through Sourcewell Contract 110719-JDC in the amount of \$143,911.48, budgeted in fiscal year 2021, and authorizing the City Manager to execute all related documents (Ryan Kramer)
- k. Approval of an amendment to the agreement with Axon Enterprises, Inc. for additional public safety equipment, software licenses, and redaction software in the amount of \$304,768 and authorizing the City Manager to negotiate and execute all related documents (Frank Carter)
- l. Approval of a Task Order under CFM-03-19 HVAC Maintenance and Repair with Clare's Heating & Air Conditioning Commercial Refrigeration, LLC, in the amount of \$143,078 for the chiller replacement at the City Hall Annex and authorizing the City Manager to execute all related documents (Andy Vecellio)
- m. Approval of an amendment to the MCCi, LLC Master Services Agreement under BuyBoard Contract 544-17 in the amount of \$218,479.45, using CARES funding, and authorizing the City Manager to negotiate and execute all related documents (Julia Antilley)
- n. Award of FIN-02-20 to MGT Consulting Group in the total amount of \$62,000 for a three year contract and two additional one year extensions for the production of indirect cost plans (Ryan Gaddy)
- o. Approval of an amendment to the contract with the San Angelo Convention & Visitors Bureau (CVB) allowing a one-time carry-over of funds in the amount of \$200,000 of Hotel Occupancy Tax (HOT) receipts for eligible activities and authorizing the City Manager to execute all related documents (Tina Dierschke)
- p. Second reading and adoption of an ordinance amending the budget for the fiscal year beginning October 1, 2020, and ending September 30, 2021, for grants and reimbursed expenses (Tina Dierschke) (Pg. 465, 2020-095)
- q. Approval of a renewal of the contracts with Citywise Marketing, LLC and McLaughlin Advertising and authorizing the City Manager to execute all related documents (Tina Dierschke)

Motion: Council Member DeWitt made a motion, seconded by Council Member Thomas, to approve the Consent Agenda, with the exception of item 5f. The motion carried unanimously (7) ayes to (0) nays.

Motion: Council Member DeWitt made a motion, seconded by Council Member Gonzales, to approve item 5f, as presented by Fleet Services Superintendent Ryan Kramer. The motion carried unanimously (7) ayes to (0) nays.

6. Regular Agenda

- a. Presentation of the Downtown San Angelo, Inc. biannual report (Presentation made by DSA Executive Director Del Velasquez)

No Action Taken on this Item.

- b. Discussion and consideration of an event at the airport and authorizing the City Manager to negotiate and execute all related documents regarding:
1. Approval of a venue and license agreement with Air Race 1
 2. Approval of an MOU with the Convention & Visitors Bureau to provide funding and other related event services (Presentation made by Airport Director Jeremy Valgardson and SMERF Sales Manager at the CVB Suzanna Valenzuela)

Motion: Mayor Gunter made a motion, seconded by Council Member Carter, to approve moving forward with items 6b1 and 6b2, with the contingency of securing insurance and the FAA's approval. The motion carried unanimously (7) ayes to (0) nays.

- c. First reading and public hearing of an ordinance approving case PD20-02, a rezoning property from a Planned Development allowing retail sales and service uses and offices with Type 1 outdoor storage, to a Planned Development allowing multifamily housing development; being 1.425 acres located at 3824 Green Meadow Dr. (Presentation made by Planning & Development Services Director Jon James)

Motion: Council Member DeWitt 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 approving case CP20-06, a Comprehensive Plan Amendment from Neighborhood to Neighborhood Center, being 0.553 acres located at the northwest corner of S. Bell St. and Paint Rock Rd. (Presentation made by Planning & Development Services Director Jon James)

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

- e. First Reading and public hearing of an ordinance approving case Z20-12, a rezoning from the Single Family Residence zoning district to the Low Rise Multi-Family zoning district, being 0.415 acres located at 2314 Carlton Way (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.

- f. First reading and public hearing of ordinances approving:
1. Case CP20-05, an amendment to the City of San Angelo Comprehensive Plan, changing certain lands from Neighborhood and Neighborhood Center to Commercial, on 12 acres located at 913 W. 33rd St.
 2. Case Z20-11, a rezoning from the Single-Family Residential zoning district to the General Commercial zoning district, on 10 acres located at 913 W. 33rd St. (Presentation made by Planning & Development Services Director Jon James)

[Petitioner Bo Clark responded to questions from City Council.]

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

7. Closed Session

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

- a. Section 551.072 Deliberations about Real Property regarding:
 - 1. J Fenner Survey 0001, Abstract 4985

8. 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: Joseph Rallo (Mayor) to a first full term and William Pritchard (SMD6) to a second term, both ending October 2022
Design & Historic Review Commission: Lenny James (SMD3) to a second term and Stephen McLaughlin (SMD4) to a third term, both ending September 2022

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

- c. Announcements and consideration of Future Agenda Items

No Action Taken on this Item.

9. Adjournment

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

There being no further business, the meeting adjourned at 10:21 a.m.

THE CITY OF SAN ANGELO, TEXAS:

ATTEST:

Brenda Gunter, Mayor

Julia Antilley, City Clerk

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

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: November 3, 2020

Item type: Consent Item

Caption:

Consider authorizing the City Manager to negotiate and execute an amendment to the lease agreement with the Trustees of the First United Methodist Church for use of the property at 304 W. Ave. A for operation of a Boy Scout Troop and extending the lease term (Carl White)

Summary/History:

The City has leased the property (building and grounds) at 304 W. Ave. A to the Trustees of the First United Methodist Church for several years for the operation of Troop 1 of the Boy Scouts of America. The organization has been an excellent tenant and covers all their maintenance and operations costs.

The current lease expires at the end of December 31, 2020. The Trustees of the First United Methodist Church have asked that this agreement be renewed to extend the term of the lease.

Attached is an amendment that extends the term of the lease for an additional five (5) years, expiring at the end of December 31, 2025. No other terms are being amended. Staff supports the request.

Financial Impact:

The Trustees of the First United Methodist Church pay a \$1.00 a year lease and also cover the cost of all maintenance and improvements of the property.

Other Information/Recommendation:

Attachments:

- | | |
|---|--|
| 1. PK Lease Agreement FUMC BSA Jan 2015 | PK Lease Agreement FUMC BSA Jan 2015.pdf |
| 2. Amendment boy scouts lease FUMC | Amendment boy scouts lease FUMC.docx |

Presentation:

Approvals/Reviews:

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

LEASE AGREEMENT

THE CITY OF SAN ANGELO, a Texas home rule municipal corporation, hereinafter known as "Lessor", hereby leases, under the following terms and conditions as hereinafter set out, unto the TRUSTEES OF THE FIRST UNITED METHODIST CHURCH, a Texas not for profit corporation, hereinafter known as "Lessee", property described at paragraph number 1. "PREMISES" below.

1. PREMISES.

- 1.1 Lessor agrees to lease to Lessee that certain real property and improvements thereon located on Avenue A, particularly described as:

Being 0.474 acres of land out of Block 5, Park Height Addition to the City of San Angelo, Tom Green County, Texas. The leased premises include the property described in **Exhibit A** attached and made a part of this Lease Agreement for all purposes (hereinafter referred to as "Premises" or "Leased Premises").

SUBJECT TO reservations, restrictions and limitations as set forth in this Lease Agreement, including Part 6 RESERVATIONS, LIMITATIONS AND CONDITIONS.

2. TERM.

- 2.1 The term of this Lease shall be for five (5) years, beginning January 1, 2015, and ending on December 31, 2020.

3. RENT.

- 3.1 Amount. Lessee shall pay City as rent for Leased Premises, a sum of One Dollar (\$1.00) per year until the termination of this Lease Agreement on December 31, 2020.
- 3.2 Place of Payment. Said payments shall be made to the Finance Department of the City of San Angelo, 72 W College, San Angelo, Texas, 76903.
- 3.3 Insurance Payment. Lessor agrees to provide commercial property insurance coverage for the Premises. Lessor shall provide Lessee with statement of costs associated with such coverage. Lessee hereby agrees to repay Lessor all costs associated with the commercial property insurance coverage.
- 3.4 Further Consideration. Lessor hereby grants and leases to Lessee Premises to operate a Boy Scouts of America program for the citizens of the City of San Angelo which will provide youth oriented activities, subject to the terms and conditions herein stated.

4. USE OF LEASED PREMISES.

- 4.1 Use. The intended use of the Leased Premises by Lessee shall be only for activities associated with the Boy Scouts of America program and for uses normally incident

thereto and for no other purpose.

4.2 Termination.

4.2.1 If at any time the Leased Premises and any improvements thereon shall cease to be used for the purpose specified in Section 4.1, or if the Leased Premises shall be deserted or vacated, or if Lessee defaults in performance of any other term or condition of this Lease Agreement, Lessor shall have the right to terminate this Lease Agreement by giving fifteen (15) days written notice to Lessee during which time Lessee may cure the breach of the Lease Agreement and thereby avoid termination.

4.2.2 Lessor shall also have the right to terminate this Lease Agreement for any use deemed more appropriate by the City Council after written notice is given to Lessee and the elapse of sixty (60) days. If termination occurs under this provision, Lessee shall have the right to remove only those improvements placed by Lessee during the current term of this Lease Agreement, provided such improvements can be removed without damage to Lessor's property, but in no event shall Lessor be required to reimburse Lessee for improvements which remain on the Premises or expenses incurred by Lessee in connection with removal of the improvements.

4.2.3 Lessee shall have the right to terminate this Lease Agreement after written notice is given to Lessor and sixty (60) days have elapsed.

5. CONDITION OF LEASED PREMISES.

5.1 Disclaimer of Warranties. ALL WARRANTIES OF LESSOR THAT MAY ARISE IN COMMON LAW ARE EXCLUDED. LESSOR GIVES NO WARRANTY, EXPRESS OR IMPLIED, AS TO THE CONDITION OF THE LEASED PREMISES OR ANY IMPROVEMENTS THEREON, INCLUDING WARRANTY OF HABITABILITY OR FITNESS FOR A PARTICULAR USE. THERE ARE NO IMPLIED WARRANTIES OF MERCHANTABILITY, OF FITNESS FOR A PARTICULAR PURPOSE, OR OF ANY OTHER KIND ARISING OUT OF THIS LEASE AGREEMENT, AND THERE ARE NO WARRANTIES THAT EXTEND BEYOND THOSE EXPRESSLY STATED IN THIS LEASE.

5.2 Improvements. It is agreed by the parties that Lessee, subject to the prior approval of the City Council of the City of San Angelo, shall have the right from time to time at its sole cost and expense, to construct on the Leased Premises such buildings and other improvements, and such alterations, additions, and changes therein as Lessee may deemed necessary or convenient for the purpose of conducting activities relating to the uses described herein.

5.3 Permits. Lessee shall secure all necessary permits relating to any work, maintenance, construction or improvement done by Lessee or Lessee's agents. If Lessee constructs any building or improvement on the leased property, Lessee shall comply with the terms of this Lease Agreement, with the Building, Electrical, Mechanical, and Plumbing Codes

of the City of San Angelo as adopted and amended by ordinance, with ordinances of the City of San Angelo, and with the laws of the State of Texas, so far as one or more of them may be applicable.

- 5.4 Maintenance. Lessee agrees, at Lessee's expense, to keep and maintain any and all structures in place, erected, or caused to be erected or placed on the Leased Premises in good and tenantable condition and appearance, and further agrees to keep said Premises in a neat, clean, and respectable condition by prompt removal of all trash, litter, debris, and junk, and will keep said Premises cleared of all objectionable matter.
- 5.5 Failure to Maintain. In the event Lessee shall fail to keep said Leased Premises maintained as herein required, as determined in the sole discretion of Lessor, then the Lessor, after notice to Lessee of the default and providing time to comply as herein provided, shall have the power and express authority to cause or require the Premises to be cleaned, cleared, mowed, or repaired, and Lessee expressly agrees that the cost of any such cleaning, clearing, mowing, or repairing shall be deemed additional rent, becoming past due thirty (30) days from the date on which any such work or repair is completed and notice of the amount due is given to Lessee, past due amounts to accrue interest at the rate of six (6) percent per annum beginning thirty (30) days from the date on which the work or repair was completed, was until paid in full.

6. RESERVATIONS, LIMITATIONS AND CONDITIONS.

- 6.1 Reservations. Lessor, its agents or assigns, reserves the privilege and right at any time to execute and deliver valid oil, gas, and other mineral leases upon the Premises, valid right-of-way easements for gas, oil, or water pipelines, telephone, cable, electric pole transmission lines, or other utility lines on said Premises, or any part thereof, and in such event this Lease Agreement shall be subject and subordinate to the rights, terms and privileges of any such oil, gas, and other mineral lease or such easements as may have been executed heretofore or hereafter by Lessor, its agents or assigns.
- 6.2 Easements. An easement across the Premises is hereby reserved and retained by Lessor for the purpose of laying sewer and water lines and/or for necessary rights-of-way for roads, alleys, or other thoroughways.
- 6.3 No Assignment or Subletting. Lessee may not transfer, assign or sublet this Lease Agreement, in whole or in part, without the prior written consent of Lessor, which consent may be withheld in the sole discretion of Lessor.
- 6.4 No Encumbrances. Lessee shall not have the right to encumber the Leased Premises without first securing written consent from Lessor given by authority of the City Council of the City of San Angelo; provided however, this provision shall not prohibit Lessee from encumbering its personal property which may be removed from the realty without injury to the realty.
- 6.5 Lessor's Right to Enter. At all times during the term of the Lease Agreement, Lessor or its agents shall have the right to enter said Premises during reasonable hours for the purpose of examining and inspecting the same and determining whether Lessee shall

have complied with all of its obligations hereunder in respect to all the terms and conditions of this Lease Agreement.

7. DEBTS RELATED TO LEASED PREMISES.

- 7.1 Taxes. Lessee shall pay and discharge all taxes, general and special assessments, and other charges of every description which during the term of this Lease Agreement may be levied on or assessed against the Leased Premises and all interest therein and all improvements and other property thereon, whether belonging to Lessor or Lessee, or to which either of them may become liable. Lessee shall pay all such taxes, charges, and assessments to the public officer charged with the collection thereof not less than fifteen (15) days before the same shall become delinquent, and LESSEE AGREES TO INDEMNIFY AND SAVE HARMLESS LESSOR FROM ALL SUCH TAXES, CHARGES AND ASSESSMENTS. The provisions of this paragraph shall survive the expiration or termination of this agreement. Failure to pay such taxes and special assessments as provided herein shall, at the option of Lessor, result in termination of this Lease Agreement.
- 7.2 Incidental Charges. Lessee shall pay or cause to be paid all incidental charges, including, but not limited to, permit fees incurred in connection with its operations and use of the Leased Premises.
- 7.3 Utilities. Lessee shall pay or cause to be paid all charges for water, sewer, gas, electricity, telephone, trash pick-up, cable, and any and all other utilities or services used on the Leased Premises throughout the term of this Lease Agreement, including any connection fees.

8. COVERAGES.

8.1 INDEMNIFICATION AND INSURANCE.

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

9. SURRENDER OF PREMISES.

- 9.1 Restoration. Unless this Lease Agreement is terminated under Section 4.2, in which case the provisions of 4.2 apply, the Premises and any improvements and fixtures shall remain the property of Lessor. All improvements and fixtures restored to possession of Lessor, regardless of how this Lease Agreement is terminated, shall be in good condition (reasonable wear and tear, acts of nature, or casualties associated with civil disorders or military activities excepted).
- 9.2 Delivery. Lessee agrees to promptly and peacefully deliver possession of the Leased Premises and improvements to Lessor upon termination of this Lease Agreement.
- 9.3 Abandoned Property. All items of personal property, remaining in or on the Leased Premises after the expiration of sixty (60) days following the termination of this Lease Agreement shall be deemed abandoned by Lessee and shall become the property of

Lessor.

10. MISCELLANEOUS.

10.1 Invalid or Illegal Provisions. If any clause or provision of this Lease Agreement is illegal, invalid, or unenforceable under present or future laws effective during the term of this Lease Agreement, then and in that event, it is the intent of the parties that the remainder of this Lease Agreement shall not be affected. It is also the intent of the parties to this Lease Agreement that in lieu of each clause or provision of this Lease Agreement that is illegal, invalid, or unenforceable, there are added as a part of this Lease Agreement a clause or provision as similar in terms to such illegal, invalid, or unenforceable clause or provision as may be possible to be legal.

10.2 Terms of the Essence. IT IS UNDERSTOOD AND AGREED BETWEEN THE PARTIES HERETO THAT EACH AND EVERY TERM, STIPULATION AND RESTRICTION CONTAINED HEREIN IS OF THE ESSENCE TO THIS LEASE AND PROGRAM AGREEMENT, THE VIOLATION OF WHICH SHALL ENTITLE LESSOR, AT ITS OPTION, TO TERMINATE THIS LEASE AND PROGRAM AGREEMENT. FAILURE TO EXERCISE SUCH OPTION AT ANY TIME SHALL NOT BE CONSTRUED AS A WAIVER OF ANY CONDITION OF THIS LEASE AND PROGRAM AGREEMENT.

10.3 Remedies.

10.3.1 Upon Termination. Any termination of this Lease Agreement shall not relieve Lessee from the payment of any sum or sums that then shall be due and payable to Lessor hereunder, or any claim for damages then or theretofore accruing against Lessee hereunder, and any such sum or sums or claim for damages by any remedy provided by law, or from recovering damages from Lessee for any default thereunder. The provisions of this paragraph shall survive the expiration or termination of this agreement.

10.3.2 Cumulative Remedies. All rights, options, and remedies of the parties contained in this Lease Agreement or otherwise shall be construed and held to be cumulative, and no one of them shall be exclusive of the other, and either party shall have the right to pursue any one or all such remedies or any other remedy or relief which may be provided by law, whether or not stated in this Lease Agreement. No waiver by Lessor of a breach of any of the covenants, conditions, agreements, or restrictions of this Lease Agreement shall be construed or held to be a waiver of any succeeding or preceding breach of the same or any other covenant, condition, or restriction herein contained.

10.3.3 Right of Prevailing Party. If any legal action is brought by either of the parties hereto, it is expressly agreed that the prevailing party in such legal action shall be entitled to recover from the other party reasonable attorney's fees in addition to any other relief that may be awarded. For the purposes of this clause, the prevailing party is the party in whose favor final judgment is entered. In the event that declaratory or injunctive relief alone is granted, the court may

determine which, if either, of the parties shall be considered to be the prevailing party. The amount of reasonable attorney's fees shall be determined by the court, in the trial of such action or in a separate action brought for that purpose. Attorney's fees awarded under the provisions of this paragraph shall be in addition to any other relief that may be awarded

- 10.4 Notices. Any notice required or permitted to be given to a party under this Lease Agreement, shall be in writing and shall be deemed given (i) on the day it is delivered personally (with receipt); or (ii) the day after it is deposited with a nationally recognized courier service for next-day delivery; or (iii) three (3) days after it is deposited in the U.S. certified mail, postage prepaid, return receipt requested, addressed as follows:

If to Lessor: City of San Angelo
72 W College
San Angelo, Texas 76903
Attn: Carl White

If to Lessee: Trustees of First United Methodist Church of San Angelo
37 E Beauregard Ave
San Angelo, Texas 76903
Attn: Building Facilitator

- 10.5 Amendments. No modification of this Lease Agreement shall be binding unless it be in writing and executed in due form by Lessor and Lessee.

10.6 Easements and Restrictions. Lessee takes this Lease Agreement and the Leased Premises subject to all recorded easements and restrictions affecting the occupation and use thereof, and subject to all statutes, ordinances, and regulations of competent governmental authority affecting the occupancy and use thereof, and the construction and maintenance of improvements thereof.

10.7 Relationship of Lessor and Lessee. The relationship between Lessor and Lessee at all times shall remain solely that of Landlord and Tenant and shall not be deemed a partnership or joint venture.

10.8 Headings. The paragraph headings contained herein are for convenience and reference and are not intended to define, extend, or limit the scope of any provisions of this Lease Agreement.

10.9 Interpretation; Venue. This Lease Agreement shall be construed in accordance with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Tom Green County, Texas.

10.10 Anti-Discrimination. Lessee agrees that it will not violate any federal, state, civil rights, or discrimination laws. A finding of violation of any such laws by a trial court or appropriate state or federal agency is a material breach of this Lease Agreement which may result in the termination of this Lease Agreement or such other remedy as Lessor may deem appropriate.

10.11 Compliance with ADA. Lessee agrees to make any and all displays, events, or activities on Leased Premises accessible to individuals with disabilities in compliance with the Americans with Disabilities Act. Lessee further agrees to provide participants with necessary impairment aids.

10.12 Hold Over. It is distinctly understood and agreed by and between Lessor and Lessee that any holding over by Lessee of the herein demised Premises after the expiration of this Lease Agreement shall operate and be construed only as a tenancy from month to month, terminable at the will of Lessor.

10.13 Entire Agreement. The Lease Agreement constitutes the entire agreement between the parties hereto, and Lessor is not bound by any agreement, stipulation, or representation made by any agent, employee, or official of Lessor.

[Signature page to follow]

EXECUTED in duplicate originals on this the 17th day of FEBRUARY, 2015.

LESSOR
CITY OF SAN ANGELO, Texas

By: [Signature]
Daniel Valenzuela, City Manager

ATTEST:

[Signature]
Bryan Kendrick, Interim City Clerk

THE STATE OF TEXAS §
COUNTY OF TOM GREEN §

This instrument was acknowledged before me on the 24th day of February, 2015, by Daniel Valenzuela, City Manager of the CITY OF SAN ANGELO, a Texas home rule municipal corporation on behalf of said corporation.

[Signature]
Notary Public, State of Texas

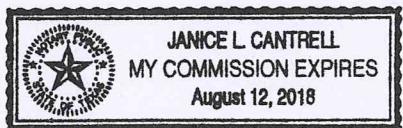


LESSEE
TRUSTEES OF FIRST UNITED METHODIST CHURCH OF SAN ANGELO

By: [Signature]
ITS: [Signature]
Trustee

THE STATE OF TEXAS §
COUNTY OF TOM GREEN §

This instrument was acknowledged before me on the 3rd day of February, 2015, by Janis Amacker, its Trustee of First United Methodist Church of San Angelo, a Texas not for profit corporation, on behalf of said corporation.



[Signature]
Notary Public, State of Texas

APPROVED AS TO CONTENT

[Signature]
Carl White, Director of Parks & Rec.

APPROVED AS TO FORM

[Signature]
Lysia H. Bowling, City Attorney

EXHIBIT A
LEASE AGREEMENT
DESCRIPTION OF LEASED PREMISES

Being 0.474 acres of land out of Block 5 Park Heights Addition to the City of San Angelo, Tom Green County, Texas. Said 0.474 acre tract being described by metes and bounds as follows:

Beginning at a point in the south line of Block 5 Park Heights Addition, for the southwest corner of this 0.474 acre tract, from which the southwest corner of Block 5 bears N. 89°31'12" W., 50.00 feet;

Thence N. 0°28'48" E., 82.22 feet to a point on contour line 1812;

Thence following contour line 1812, N. 84°16'46" E., 15.16 feet to a point;

Thence following contour line 1812, N. 66°45'48" E., 45.62 feet to a point;

Thence following contour line 1812, N. 75°34'27" E., 62.50 feet to a point;

Thence following contour line 1812, N. 83°18'01" E., 34.89 feet to a point;

Thence following contour line 1812, N. 49°21'32" E., 34.67 feet to a point;

Thence following contour line 1812, N. 70°28'56" E., 22.98 feet to a point;

Thence S. 0°28'48" W., 100.00 feet to the south line of Block 5 Park Heights Addition;

Thence with the south line of said Block 5 Park Heights Addition, N. 89°31'12" W., 200.00 feet to the beginning, and containing 0.474 acres of land.

EXHIBIT B
LEASE AND PROGRAM AGREEMENT

INSURANCE REQUIREMENTS

1 INDEMNIFICATION.

1.1 GENERAL INDEMNIFICATION. LESSEE AGREES TO INDEMNIFY, DEFEND, AND HOLD CITY, ITS COUNCIL MEMBERS, BOARD AND COMMISSION MEMBERS, OFFICIALS, AGENTS, GUESTS, INVITEES, CONSULTANTS AND EMPLOYEES FREE AND HARMLESS FROM AND AGAINST ANY AND ALL CLAIMS, DEMANDS, PROCEEDINGS, SUITS, JUDGMENTS, COSTS, PENALTIES, FINES, DAMAGES, LOSSES, ATTORNEYS' FEES AND EXPENSES ASSERTED BY ANY PERSON OR PERSONS, INCLUDING AGENTS OR EMPLOYEES OF LESSEE OR CITY, BY REASON OF DEATH OR INJURY TO PERSONS, OR LOSS OR DAMAGE TO PROPERTY, RESULTING FROM OR ARISING OUT OF, THE VIOLATION OF ANY LAW OR REGULATION OR IN ANY MANNER ATTRIBUTABLE TO ANY ACT OF COMMISSION, OMISSION, NEGLIGENCE OR FAULT OF LESSEE, ITS AGENTS OR EMPLOYEES, OR THE JOINT NEGLIGENCE OF LESSEE AND ANY OTHER ENTITY, AS A CONSEQUENCE OF ITS EXECUTION OR PERFORMANCE OF THIS LEASE AND PROGRAM AGREEMENT OR SUSTAINED IN OR UPON THE PREMISES, OR AS A RESULT OF ANYTHING CLAIMED TO BE DONE OR ADMITTED TO BE DONE BY LESSEE HEREUNDER. THIS INDEMNIFICATION SHALL SURVIVE THE TERM OF THIS LEASE AND PROGRAM AGREEMENT AS LONG AS ANY LIABILITY COULD BE ASSERTED. NOTHING HEREIN SHALL REQUIRE LESSEE TO INDEMNIFY, DEFEND OR HOLD HARMLESS ANY INDEMNIFIED PARTY FOR THE INDEMNIFIED PARTY'S OWN GROSS NEGLIGENCE OR WILLFUL MISCONDUCT.

2 Insurance.

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

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

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

2.1.3 Waiver of Subrogation. Lessee shall require its insurance carrier(s), with respect to all insurance policies, to waive all rights of subrogation against

Lessor, its council members, board and commission members, officials, agents, guests, invitees, consultants and employees.

2.1.4 Certificates of Insurance. At or before the time of execution of this Lease Agreement, Lessee shall furnish Lessor's Risk Manager with certificates of insurance as evidence that all of the policies required herein are in full force and effect and provide the required coverages and limits of insurance. All certificates of insurance shall clearly state that all applicable requirements have been satisfied. The certificates shall provide that any company issuing an insurance policy shall provide to Lessor not less than TEN (10) days advance notice in writing of cancellation, non-renewal or material change in the policy of insurance. In addition, Lessee and insurance company shall immediately provide written notice to Lessor's Risk Manager upon receipt of notice of cancellation of any insurance policy, or of a decision to terminate or alter any insurance policy. Certificates of insurance and notices of cancellations, terminations or alterations shall be furnished to Lessor's Risk Manager at City Hall, 72 West College, San Angelo, Texas 76903.

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

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

2.2 Types and Amounts of Insurance Required. Lessee shall obtain and continuously maintain in effect at all times during the term hereof, at Lessee's sole expense, insurance coverages as follows with limits not less than those set forth below:

TYPES OF COVERAGES

2.2.1 Commercial General Liability. This insurance shall be an all-risk, replacement cost, commercial property insurance equal to the value of all buildings on the Premises. It shall be maintained by Lessor as long as Lessor owns such buildings.

**FIRST AMENDMENT TO THE LEASE AGREEMENT ("AGREEMENT")
BETWEEN
THE CITY OF SAN ANGELO ("LESSOR")
AND
TRUTEES OF THE FIRST UNITED METHODIST CHURCH ("LESSEE")**

RECITALS:

WHEREAS, the LESSOR and the LESSEE entered into a lease agreement on February 3, 2015 that LESSEE is using for the Boy Scouts; and

WHEREAS, the AGREEMENT is set to expire on December 31, 2020; and

WHEREAS, under the AGREEMENT the parties may agree to amendments as necessary; and

WHEREAS, the parties have agreed upon the following amendment to the AGREEMENT extending the term.

NOW, THEREFORE, the parties agree as follows:

PART 1: Section 2 "TERM" shall be amended to add the following:

"The term of this lease shall be extended for 1 additional term of five (5) years beginning January 1, 2021 through December 31, 2025."

PART 3: All other terms and conditions of the Agreement shall remain in full force and effect unless amended and changed by further amendment.

IN WITNESS WHEREOF, the parties hereto have caused this AMENDMENT to be executed by their respective duly authorized officials on this ____ day of _____, 2020.

SIGNATURE PAGE TO FOLLOW

LESSOR

Daniel Valenzuela, City Manager

LESSEE

~~Name and Title~~ Kendall
Hirschfeld, Chair of Trustees, First United
Methodist Church, San Angelo-

ATTEST

Julia Antilley, City Clerk

APPROVED AS TO CONTENT:

Carl White, Director of Parks and Recreation

APPROVED AS TO FORM:

Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Gail Smith, Budget Analyst, Police,

Meeting Date: November 3, 2020

Item type: Consent Item

Caption:

Consider a resolution accepting the donation of funds from West Texas 4Wheel & Offroad to be used for the purchase of communications equipment for the San Angelo Police Crisis Negotiation Team (Frank Carter)

Summary/History:

West Texas 4Wheel & Offroad of San Angelo held a fund raiser for first responders on 9/16/2020 and wishes to donate \$4,190.21 to the San Angelo Police Department for the purchase of communications equipment for the San Angelo Crisis Negotiation Team. This equipment will improve communication between team members at the scene of a critical incident.

Financial Impact:

There is no fiscal impact to Police budget.

Other Information/Recommendation:

Attachments:

- | | | |
|----|--|--|
| 1. | Resolution accepting donation of funds | DONATION OF FUNDS FOR THE PURCHASE OF COMMUNICATION EQUIPMENT.docx |
|----|--|--|

Presentation:

Approvals/Reviews:

Gail Smith	Created/Initiated
Frank Carter	Approved
Theresa James	Approved
Tina Dierschke	Approved
Theresa James	Approved
Julia Antilley	Final Approval

A RESOLUTION BY THE CITY OF SAN ANGELO CITY COUNCIL ACCEPTING THE DONATION OF FUNDS FOR THE PURCHASE OF COMMUNICATION EQUIPMENT FOR THE SAN ANGELO POLICE DEPARTMENT

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

WHEREAS, a fundraiser was held to support the San Angelo Police Department; and

WHEREAS, the organizers of the fund raiser would like to donate \$4,190.21 to the City of San Angelo to be used for the purchase of communication equipment for the Police Department Crisis Negotiation Team; and

WHEREAS, the San Angelo Police Department has uses for the communication equipment that further the mission and purpose of the department; and

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

Part 1: That the City of San Angelo hereby accepts a donation in the amount of \$4,190.21 from the fund raiser sponsor West Texas 4Wheel & Offroad of San Angelo.

Part 2: That the equipment shall be used by the Police Department Crisis Negotiation Team at the scene of a critical incident.

PASSED and APPROVED THIS 3rd Day of November, 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: Alfonso Torres, Construction Manager, Construction Management, 325-657-4210 ext 138

Meeting Date: November 3, 2020

Item type: Consent Item

Caption:

Consider awarding ED-01-21 Gateway Signage to Entrenos, Inc. in the amount of \$113,572.20, budgeted for purchase in fiscal year 2021, and authorizing the City Manager to execute all related documents (Alfonso Torres)

Summary/History:

This project is to create two new Gateway signs, including lighting and landscaping, at two locations in San Angelo.

The first location is by the existing Wool Capitol Sheep statue at S. Bryant and Avenue J. This location includes the addition of a new stone sign tying into the existing stonework around the sheep statue and new columns around the statue that match the columns on each side of the sign.

The sign will read:

"WELCOME TO
SAN ANGELO
FOUNDED 1867"

The second location is by the existing Working Cowboy statue at N. Bryant and W. 3rd. This location includes the addition of a new stone sign north of the cowboy statue. Part of the ring around the cowboy will be removed and the rocks worked to appear like a rock outcropping and the remaining wall will wind to tie to the new sign. More rocks will ring the sign on each side to create patterns of new grasses and landscaping. The remainder of the island will be covered with River Rock and Decomposed granite. The existing sprinkler system will be modified for the new landscaping layout. The sign will have its message on both sides as it's visible to both south bound and north bound traffic.

The message on each side will also read:

"WELCOME TO
SAN ANGELO
FOUNDED 1867"

City sought competitive bids from qualified providers via Request for Bids ED-01-21 (Gateway Signage). City received one bid from Entrenos Inc. (d/b/a Farmer's Daughter Landscape) in the amount of \$113,572.20, which includes a five percent (5%) Owner's directed contingency.

Financial Impact:

Project budgeted at \$110,000.

Total funds allocated \$150,000 in account 700-0700-411.03-20.

Other Information/Recommendation:

Staff recommends awarding Request for Bids ED-01-21 (Gateway Signage) to Entrenos Inc. in the amount of \$113,572.20 and authorization for the City Manager to execute all related documents.

Attachments:

- | | | |
|----|-------------------------|-----------------------------|
| 1. | ED-01-21 Bid Tabulation | ED-01-21 Bid Tabulation.pdf |
|----|-------------------------|-----------------------------|

Presentation:

Approvals/Reviews:

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



City of San Angelo Purchasing Division

RFB Bid Tabulation

ED-01-21 • Gateway Signage

October 27, 2020 at 10:00 AM, Local Time

Specifications Worksheet		Entrenos Inc. d/b/a Farmer's Daughter Landscape
1	Completion of project within specified number of days	✓
2	Completion of project by City's deadline	✓
3	Vendor is not debarred/suspended	✓

Bid Sheet		Amount
1	Total base bid + Contingency (5%)	\$108,164.00

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: November 3, 2020

Item type: Consent Item

Caption:

Consider ratifying an agreement for the mutual termination of the Memorandum of Understanding by and between the City of San Angelo Development Corporation and the City of San Angelo providing an economic development incentive to U.S. Customs & Border Protection Air and Marine Operations with participation by the City for a project related to business enterprises that create or retain primary jobs (Guy Andrews)

Summary/History:

COSADC and COSA entered into a Memorandum of Understanding effective April 17, 2018 (MOU), to provide half cent sales tax funding through COSADC for COSA to acquire and install HVAC equipment at a hangar utilized by Customs and Border Protection Air and Marine Operations (CBPAMO) at the San Angelo Regional Airport—Mathis Field, owned and operated by COSA. At the City's discretion, an alternate funding source was utilized for completion of the project, eliminating the purpose to be served by the MOU. This made the MOU unnecessary therefore this agreement is necessary to close out the MOU. This agreement was approved by COSADC Board at their meeting of October 28, 2020.

Financial Impact:

\$25,000 budget amendment submitted to return funds to Contingency Account.

Other Information/Recommendation:

Attachments:

1. 21-0027_COSADC_CITY_CBPAMO_MOU_TERMINATE 21-0027_COSADC_CITY_CBPAMO_MOU_TERMINATE.pdf

Presentation:

Approvals/Reviews:

Robert Schneeman	Created/Initiated
Dan Saluri	Approved
Nolan Sosa	Approved
Tina Dierschke	Approved
Guy Andrews	Approved
Theresa James	Approved
Julia Antilley	Final Approval

AGREEMENT FOR THE MUTUAL TERMINATION OF THE MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE CITY OF SAN ANGELO DEVELOPMENT CORPORATION AND THE CITY OF SAN ANGELO PROVIDING AN ECONOMIC DEVELOPMENT INCENTIVE TO U.S. CUSTOMS & BORDER PROTECTION AIR AND MARINE OPERATIONS WITH PARTICIPATION BY THE CITY FOR A PROJECT RELATED TO BUSINESS ENTERPRISES THAT CREATE OR RETAIN PRIMARY JOBS.

THIS AGREEMENT is entered into by and between the City of San Angelo Development Corporation (COSADC) and the City of San Angelo (COSA) in consideration of the mutual covenants set forth herein.

WHEREAS, COSADC and COSA entered into a Memorandum of Understanding effective April 17, 2018 (MOU), memorializing the adoption of an economic development project providing half cent sales tax funding through COSADC for COSA to acquire and install HVAC equipment at a hangar utilized by Customs and Border Protection Air and Marine Operations (CBPAMO) at the San Angelo Regional Airport—Mathis Field, owned and operated by COSA; and

WHEREAS, an alternate funding source has been utilized for completion of the project, eliminating the purpose to be served by the MOU; and,

WHEREAS, this agreement was duly authorized by the COSADC Board on October 28, 2020, and by the City Council on November 3, 2020;

NOW THEREFORE the parties agree as follows:

1. The foregoing recitals are true and correct and are adopted as part of this agreement.
2. The described MOU shall be deemed terminated effective upon execution.

DATED this 3 day of November, 2020.

CITY OF SAN ANGELO

CITY OF SAN ANGELO
DEVELOPMENT CORPORATION

Daniel Valenzuela, City Manager

Todd Kolls, Board President

ATTEST:

ATTEST:

Julia Antilley, City Clerk

Nora Nevarez, Secretary

APPROVED FOR CONTENT

APPROVED AS TO FORM

Guy Andrews, Director of
Economic Development

Dan T. Saluri, Deputy City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: November 3, 2020

Item type: Consent Item

Caption:

Consider ratifying a resolution authorizing the use of sales and use tax funds in an amount not to exceed \$150,000, to provide an economic development incentive matching grant with Ethicon, Inc. and Principal LED, LLC to SME Education Foundation for its SME Prime next generation of manufacturing, fabrication and engineering talent high school or similar program for high school students in the City of San Angelo (Guy Andrews)

Summary/History:

This topic was introduced and discussed by Mark Jones of SME Prime at the September 23, 2020 COSADC Board meeting, and approved at the October 28, 2020 COSADC Board meeting. COSADC will match \$150,000 in funding being provided by Ethicon and Principal LED. The payments will be made over a three year period of time at \$50,000 annually beginning in 2021.

The attachments provide a description of the SME Prime program. The program is administered by the Society of Manufacturing Engineers (SME) Foundation. SME Prime stands for Society of Manufacturing Engineering Partnership Response in Manufacturing Education.

Financial Impact:

\$150,000 paid over a period of three years starting in 2021 with annual payments of \$50,000.

Other Information/Recommendation:

Attachments:

- | | | |
|----|---|---|
| 1. | City of San Angelo Development Corporation Funding Request | City of San Angelo Development Corporation Funding Request.docx |
| 2. | SME Education Foundation - Overview Brochure DIGITAL | SME Education Foundation - Overview Brochure DIGITAL.pdf |
| 3. | SME Education Foundation - Inspire - Student Summits DIGITAL | SME Education Foundation - Inspire - Student Summits DIGITAL.pdf |
| 4. | SME Education Foundation - Prepare - SME PRIME DIGITAL | SME Education Foundation - Prepare - SME PRIME DIGITAL.pdf |
| 5. | SME Education Foundation - Support - Student Scholarships DIGITAL | SME Education Foundation - Support - Student Scholarships DIGITAL.pdf |

Presentation:

Approvals/Reviews:

Nora Nevarez
Guy Andrews
Dan Saluri
Nolan Sosa
Tina Dierschke
Theresa James
Julia Antilley

Created/Initiated
Approved
Approved
Approved
Approved
Approved
Final Approval



August 31st, 2020

Mr. Guy Andrews
Economic Development Director
City of San Angelo Development Corporation
69 N. Chadbourne Street
San Angelo, TX 76903

RE: Funding request to support the development of an SME PRIME manufacturing education program within the San Angelo Independent School District

Dear Mr. Andrews,

In follow-up to our presentation in San Angelo on February 27th, as well as our recent conversations, at your request I am submitting this letter to formally request funding from the City of San Angelo Development Corporation to help establish an SME PRIME manufacturing education program within the San Angelo Independent School District (San Angelo ISD).

Funding Request:

The SME Education Foundation (SMEEF) formally requests \$150,000 to be paid over a three-year period.

Organizational Background:

The SME Education Foundation was established in 1979 as a non-profit organization and serves as the philanthropic arm of the Society of Manufacturing Engineers.

The Society of Manufacturing Engineers was founded in 1932 as a national non-profit association of professionals, educators, and students dedicated to promoting and supporting the manufacturing industry.

The mission of the SME Education Foundation is to inspire, prepare, and support the next generation of manufacturing and engineering talent.

Problem Addressed by SME PRIME:

The U.S. is facing a severe shortage of manufacturing workers nationwide.

This shortage is largely due to two key factors. First, as baby boomers age large numbers are leaving the manufacturing industry due to retirement. Second, over the past several decades young people have been discouraged from pursuing careers in manufacturing as parents and schools channeled young men and women towards traditional 4-year college degrees. As a result, the workforce shortage issue in the manufacturing sector is now acute.

According the National Association of Manufacturers, 522,000 manufacturing jobs across the country are currently unfilled. A 2018 Deloitte Manufacturing Institute report suggests that 2.4 million of these jobs could go unfilled between 2018 and 2028. The report further suggests that these unfilled jobs could cost industry approximately \$2.5 trillion by 2028.

The SME PRIME program directly addresses this shortage by establishing state-of-the-art manufacturing programs in high schools designed to educate and train the next generation manufacturing workforce.

Program Description:

SME PRIME is a manufacturing education program developed for and implemented in high schools nationwide by the SME Education Foundation.

Supported and informed by private industry, SME PRIME builds cost-effective, highly tailored manufacturing/engineering programs designed to provide students with the skills they need to pursue careers in manufacturing immediately upon graduation or to pursue post-secondary education in STEM-related or manufacturing fields.

The strength of the PRIME program is the partnership that occurs between the SME Education Foundation, a local high school, and one or more industry partners who collaborate to develop a program that teaches students manufacturing skills that are in

demand by employers in their community. **In this manner, SME PRIME directly addresses the workforce needs of local employers.**

The PRIME program focuses on implementing educational pathways that are identified through input received from manufacturers who partner with the school. The list of pathways available to PRIME schools and students is shown below:

1. Additive Manufacturing
2. Computer Aided Design and Manufacturing
3. Engineering
4. Industrial Maintenance
5. Machining and Fabrication
6. Materials Science
7. Mechatronics and Robotics
8. Metrology and Quality
9. Welding

Program Deliverables:

The PRIME program provides six key deliverables **AT NO COST** to participating schools:

1. Manufacturing equipment, materials and supplies
2. Tailored curriculum plan
3. Professional development
4. Post-secondary scholarships
5. STEM-related extra-curricular activities (camps, clubs, field trips, etc.)
6. Marketing assistance to promote the program

Program Implementation:

In implementing the PRIME program in a school, the SME Education Foundation collaborates with a variety of partners, including manufacturers, schools, foundations, local and state entities, equipment and curriculum vendors, and others to deliver the PRIME program. Each partner collaborates with SMEEF to play an important role in the implementation of a successful PRIME program:

- SME works with its industry partners and manufacturers to secure funding for the local PRIME school, solicit their input into the curriculum design process and create opportunities for students to gain relevant, hands-on knowledge and skills for manufacturing. Through PRIME, manufacturing partners are encouraged to

actively engage with their school, to serve on advisory boards and to connect with students by providing internships, co-ops and mentoring opportunities and hosting Manufacturing Day and other industry-related events.

- Schools and teachers implement the PRIME curriculum and work with manufacturers and SME Education Foundation staff to develop on-going program evaluations and performance metrics.
- Tooling-U SME, one of the country's premier providers of workforce education and development programming, plays an important role in the implementation of PRIME by providing access to its vast library of manufacturing training modules.
 - As background, Tooling-U SME is used by more than half of the Fortune 500 companies for their workforce education and development needs and has a client base of over 5,000 companies across the United States and Canada. Their extensive experience in the workforce education sector provides tremendous benefit to SME PRIME schools and partnering companies.
- SME PRIME works with the National Coalition of Certification Centers (NC3) to provide professional education to PRIME school teachers as needed. NC3 offers advanced technical education to teachers from highly skilled instructors, allowing them to bring their new knowledge back to their PRIME classrooms.
- SME PRIME also works with equipment vendors such as Starrett/Snap On, Siemens, Mastercam, FANUC, Haas Automation and others in acquiring the equipment necessary to fully equip a PRIME school.

Program Reach and Impact:

Since 2011 PRIME has reached more than 50,000 students in 60 schools located in 22 different states around the country. Importantly, our research into the efficacy of PRIME programs indicates that nearly 85% of students graduating from PRIME high schools either entered the manufacturing workforce or pursued additional education within a manufacturing or STEM-related field.

SME PRIME designated schools serve as high profile catalysts within their communities, broadening the scope of opportunities available to students while facilitating relationships between schools and local manufacturing companies. **PRIME offers the opportunity for students who are not college-bound to change the trajectory of their lives by developing marketable skills that are in great demand by manufacturers within their communities.**

Schools and teachers also benefit from PRIME. With historic cuts in vocational training, the number of experienced teachers has declined nationwide. PRIME teachers receive professional development and training that builds their instructional capabilities.

Participating schools receive state-of-the-art equipment, curriculum and other resources that strengthen their manufacturing career training programs. Manufacturers derive important benefits from PRIME. The collaborative partnerships they form with schools in their communities give them a direct connection to a local high school and the ability to influence the development of a trained future workforce tailored to meet their needs. Through their involvement with PRIME, manufacturers can fulfill two key business objectives by linking corporate citizenship goals to workforce development needs.

Funding Model:

The costs associated with funding an SME PRIME program are approximately \$315,000 over a three-year period. These funds cover the costs of the deliverables the SME Education Foundation provides to the school as described above.

Funds for PRIME programs are secured primarily from the manufacturers who become investors and partners with their PRIME school. As discussed previously, these funds underwrite the costs of equipment, materials, curriculum and other expenses associated with the implementation of PRIME. Funding for the program is also derived from foundation grants, government grants, community organizations, and other sources.

Current Status:

The San Angelo Independent School District has expressed its interest in developing an SME PRIME program.

We are currently in the process of reaching out to companies in the greater San Angelo area to introduce them to the PRIME program and to invite their investment and participation. Ethicon, through its Plant Manager, has expressed its strong interest in supporting the program and partnering with San Angelo ISD. Principal LED has also expressed tentative interest.

Grant Impact:

This grant from the City of San Angelo Development Corporation would provide approximately one-half of the necessary funding to support SME PRIME program development and implementation within San Angelo ISD.

Importantly, this level of investment by COSADC would make it more much more affordable and attractive for San Angelo area companies (regardless of size) to participate as investors and manufacturing partners as it would significantly reduce their investment costs. **In this manner, this investment is an economic development initiative that will benefit manufacturers throughout the entire greater San Angelo area.**

I am happy to provide additional information and answer any other questions you may have about the SME Education Foundation or the SME PRIME program at your convenience.

Thank you for considering this funding request.

Sincerely,

Mark Alan Jones
Senior Development Officer
SME Education Foundation
1000 Town Center, Suite1910
Southfield, MI 48075

Phone: (708) 359-1544
Email: mjones@sme.org

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FOUNDATION

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SME Education Foundation: Overview

Mission

The SME Education Foundation inspires, prepares and supports the next generation of manufacturing and engineering talent through its Student Summit event series, SME PRIME® (Partnership Response In Manufacturing Education) initiative, and Student Scholarship program.

The philanthropic arm of SME, an internationally recognized nonprofit organization serving the manufacturing industry, the SME Education Foundation has had significant impact on hundreds of thousands of people since its inception in 1979.

A national 501(c)(3) organization, the foundation draws upon SME's almost 90-year history and thought leadership in manufacturing-focused conference and events, media production, and training and workforce development — as well as its international membership — to attract and develop a skilled manufacturing workforce.

Why do we do it?

We understand that manufacturing is key to economic growth and prosperity, and that a manufacturing talent shortage and skills gap threatens both. Without a spirited, highly skilled workforce, manufacturing – and the global population who rely upon it – will suffer.

For more information,
contact us at
313.425.3000.

Join us on



smeef.org

INSPIRE

STUDENT SUMMITS

Providing student-centric programming with hands-on challenges and competitions, technology demonstrations and guided show-floor tours at SME conferences and events.

“What an amazing experience for our students regarding manufacturing and engineering. Extremely well-organized, highly educational, and student-friendly booths and vendors. One of the best field trips I have attended in my 13 years as an SPS educator.”

Paul Scoville, Springfield (Mass.) High School of Science and Technology

PREPARE

SME PRIME

Directly enhancing the skilled trades pipeline by partnering with industry to develop manufacturing programs in high schools across the country, providing modern equipment, tailored curriculum and a hands-on training experience.

“We want to expand and improve STEM education and workforce development outcomes. We’re delighted to join with local businesses, government and Fraser Public Schools to provide opportunities for students to learn hands-on skills through the PRIME curriculum — and to explore meaningful careers in Macomb County.”

Michael Simcoe, vice president of global design, GM

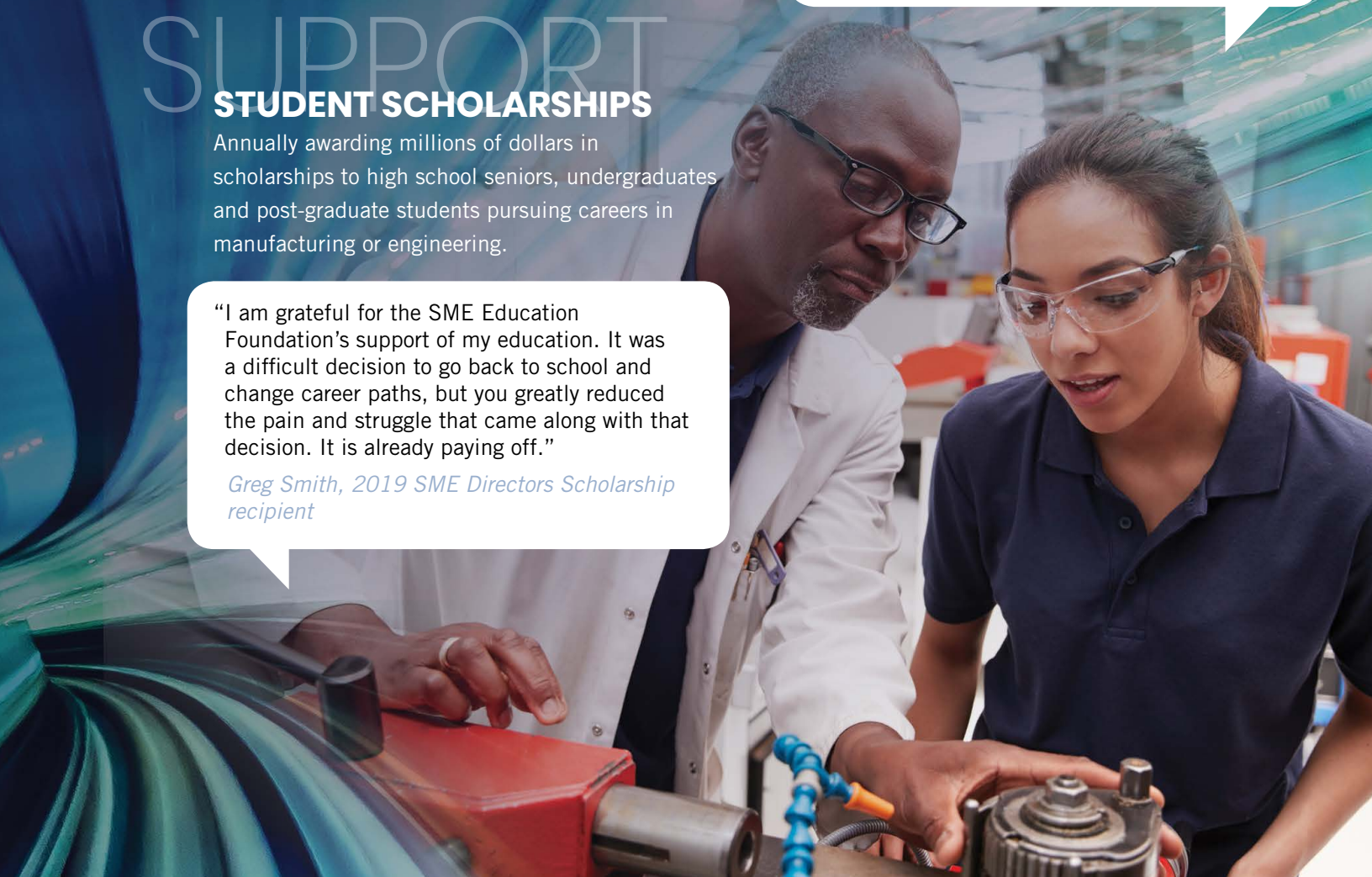
SUPPORT

STUDENT SCHOLARSHIPS

Annually awarding millions of dollars in scholarships to high school seniors, undergraduates and post-graduate students pursuing careers in manufacturing or engineering.

“I am grateful for the SME Education Foundation’s support of my education. It was a difficult decision to go back to school and change career paths, but you greatly reduced the pain and struggle that came along with that decision. It is already paying off.”

Greg Smith, 2019 SME Directors Scholarship recipient





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Student Summits

The first step in developing the next generation of talent is to inspire students to consider manufacturing as a career choice. The SME Education Foundation Student Summit event series showcases the high-tech nature of modern manufacturing and effectively fights the misperception that manufacturing is dull, dirty and dying.

Delivering student-centric programming, guest speakers, hands-on competitions, technology demonstrations and guided show-floor tours, these one-day summits are designed to provide 16- and 17-year-old students with their first taste of manufacturing.

Student Summits are hosted alongside SME conferences and events across North America, and high schools from the surrounding areas are invited to participate. Parents have the opportunity to attend with their children as chaperones.

HANDS-ON COMPETITIONS

- Drone Challenge
- Mars Rover Challenge
- Racing Challenge

*Winning teams receive cash prizes and/or scholarships

Ways you can help:

- Invest in a summit
- Refer a school
- Nominate a speaker

INSPIRE

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Student Summits take place at
SME conferences and events.





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SME PRIME

Supported and informed by private industry, SME PRIME® (Partnership Response In Manufacturing Education) builds cost-effective and tailored manufacturing/engineering programs in high schools across the country.

PRIME students receive hands-on training on modern equipment, and learn about technology and processes through tailored curriculum that is informed by local manufacturers in their communities. Students who wish to pursue a post-secondary education in manufacturing or engineering have the opportunity to apply for an exclusive PRIME scholarship.

PRIME teachers receive professional development and certifications that equip them to certify their students.

PRIME investors receive a pool of skilled talent who have been trained — and often certified — to fill specific roles at their respective manufacturing companies, providing the investors with a direct return on their investment.

Manufacturing companies of all sizes can invest in a PRIME program.

PRIME PATHWAYS

Additive manufacturing

Computer-aided design and manufacturing

Engineering

Industrial maintenance

Machining and fabrication

Materials science

Mechatronics and robotics

Metrology and quality

Welding

Ways you can help:

- Support PRIME Network
- Invest in the PRIME initiative
- Recommend a School District

TOP PRIME DELIVERABLES

- 1 Equipment and Supplies
- 2 Curriculum and Certification
- 3 Professional Development
- 4 Scholarships
- 5 Extracurricular Activities

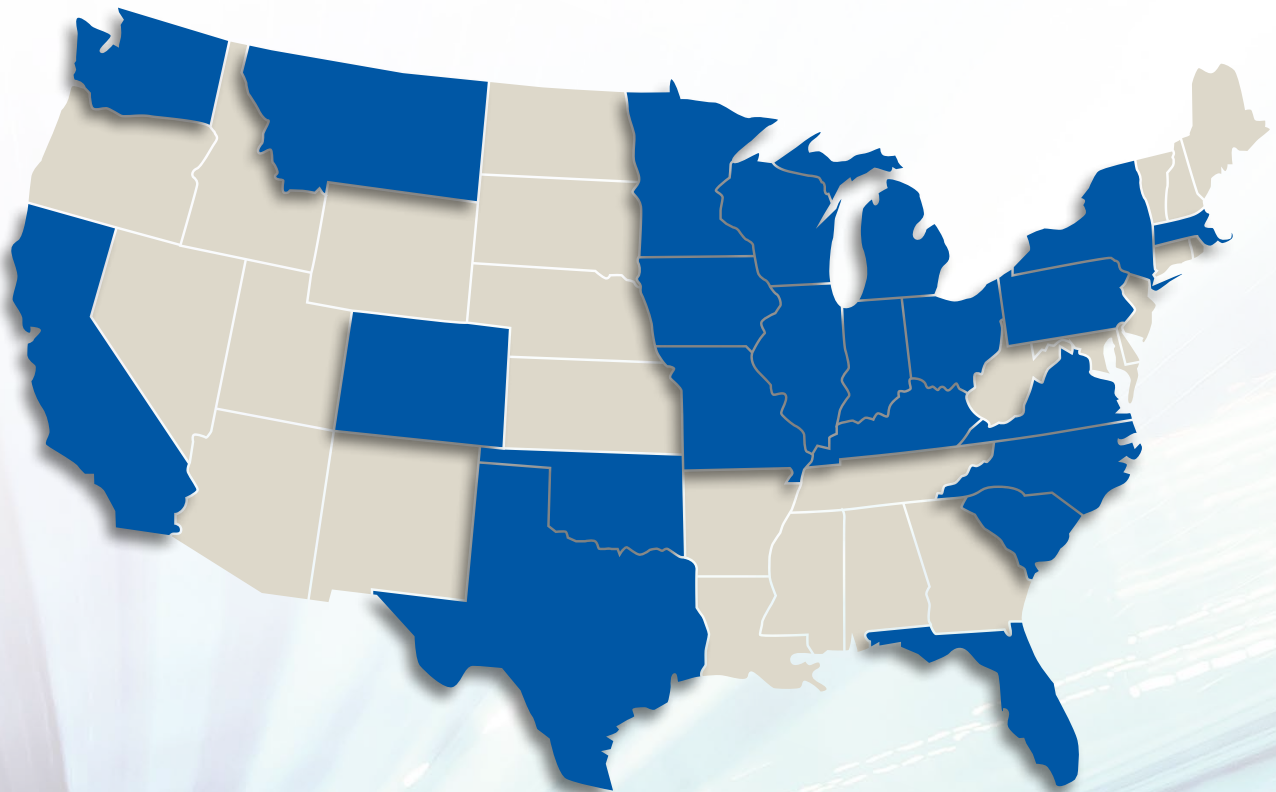
All deliverables are free to the school and informed by local manufacturers.



PREPARE

sme[?] | prime[®]

Located in more than 50 schools across dozens of states, PRIME has served nearly **100,000 students** to date. And it's gotten measurable results: **84 percent** of students who graduated from a PRIME program are pursuing careers or post-secondary education in a manufacturing or engineering field.



LEGEND

■ States with SME PRIME Schools



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Scholarship Program

The SME Education Foundation annually awards millions of dollars in scholarships to graduating high school seniors, undergraduates and graduate students pursuing two-year, four-year or advanced degrees in manufacturing or engineering.

Nearly 60 individual scholarship funds award hundreds of students with scholarships ranging from \$1,000 – \$40,000. Awardees can use the money for tuition, books, on-campus living expenses, or lab and course fees.

Scholarship applications are accepted from Nov. 1 – Feb 1. every year, and awards are announced in the spring. Winners of the larger awards, along with their parents, receive airfare and lodging to attend SME's International Awards Gala, where they are publicly recognized and presented with their checks.

Scholarship Administration

In addition to awarding scholarships from its own endowed funds, the SME Education Foundation administers scholarships on behalf of major corporations. Our professional scholarship management expertise helps corporations achieve their goals of supporting post-secondary educational opportunities for students pursuing careers in manufacturing, manufacturing technology and closely related disciplines.

Applicants are evaluated and scored via a thorough selection process, led by an exemplary scholarship review committee made up of SME Education Foundation board members, SME members and industry professionals.

Ways you can help:

- Endow a scholarship
- Refer scholarship applicants
- Ask the SME Education Foundation to administer your scholarship



SUPPORT



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MANUFACTURING ENGINEERS.**

Visit smeef.org now.



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: November 3, 2020

Item type: Consent Item

Caption:

Consider ratifying an extension of the professional services performance agreement with the San Angelo Chamber of Commerce, Incorporated as provided in the agreement, through December 31, 2021, for adjusted compensation in the annual sum of \$262,500 (Guy Andrews)

Summary/History:

This item was discussed in Executive Session at the September 23, COSADC Board of Directors Meeting, and was approved at the October 28, 2020 COSADC Board Meeting.

Extension of the COSADC - Chamber of Commerce Professional Services Agreement with a \$12,500 annual increase. This will increase the agreement from \$250,000 annually to \$262,500 annually. Payments will be made quarterly in the amount of \$65,625 beginning in January 2021. The first year of the agreement will run from January 1, 2021 through December 31, 2021. The agreement will be for a period of two (2) years. The \$12,500 will be re-allocated from discontinued membership in The High Ground of Texas.

Additional tasks are being added to include special marketing campaigns that address developing opportunities that arise such as those resulting from supply chain disruptions, on-shoring initiatives, and other adaptations resulting from the changed business and industrial environments. Also, tasks related to exploring new business opportunities in Mexico that would utilize the South Orient Freight Corridor.

Financial Impact:

This will increase the agreement from \$250,000 annually to \$262,500 annually. The \$12,500 increase will be re-allocated from the discontinued membership in The High Ground of Texas.

Other Information/Recommendation:

Attachments:

1.20-1102_COSADC_CHAMBER_K_2021_EXTEND_AMEND_RESO (FINAL)	20-1102_COSADC_CHAMBER_K_2021_EXTEND_AMEND_RESO (FINAL).docx
2.20-1102_COSADC_CHAMBER_K_2021(FINAL)	20-1102_COSADC_CHAMBER_K_2021(FINAL).docx

Presentation:

Approvals/Reviews:

Nora Nevarez
Dan Saluri
Nolan Sosa
Guy Andrews
Tina Dierschke
Theresa James
Julia Antilley

Created/Initiated
Approved
Approved
Approved
Approved
Approved
Final Approval

A RESOLUTION OF THE CITY OF SAN ANGELO DEVELOPMENT CORPORATION BOARD OF DIRECTORS, AUTHORIZING EXTENSION OF THE PROFESSIONAL SERVICES PERFORMANCE AGREEMENT WITH THE SAN ANGELO CHAMBER OF COMMERCE, INCORPORATED, THROUGH DECEMBER 31, 2022, FOR ADJUSTED COMPENSATION IN THE ANNUAL SUM OF \$262,500.

WHEREAS, on the 25th day of September, 2019, the COSADC Board approved a Project authorizing the use of sales and use tax funds for a Professional Services Performance Agreement to be negotiated with the San Angelo Chamber of Commerce, Incorporated, for the provision of marketing, recruitment and related activities pertaining to targeted industries for economic development purposes, in a form approved by the City Attorney, for an annual compensation of \$250,000, payable in quarterly installments, effective through December 31 2020, and subject to extension by duly authorized written agreement of the parties; and,

WHEREAS, the Board has determined that the contract should be extended for an additional two (2) years, through December 31, 2022, with revisions to include adjusting the annual sum payable to \$262,500 substantially in the form attached hereto as **Exhibit "A"**; and,

WHEREAS, the San Angelo Chamber of Commerce is agreeable to extend the Professional Services Agreement for the adjusted compensation on terms as set forth in the agreement attached hereto as **Exhibit "A"**; and,

WHEREAS, extension of the agreement on terms provided is subject to approval of the City of San Angelo City Council;

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

The Board President, subject to approval of the City Council, is authorized and directed to execute the 2021 Professional Services Performance Agreement extending the term of the Agreement through December 31, 2022, for an annual consideration of \$262,500 in substantially the form of **Exhibit "A"** attached hereto.

ADOPTED on this the 28th day of October, 2020.

CITY OF SAN ANGELO DEVELOPMENT
CORPORATION

By: _____
Todd Kolls, President

ATTEST:
By: _____
Nora Nevarez, Corporation Secretary

2021 COSADC-CHAMBER OF COMMERCE
PROFESSIONAL SERVICES PERFORMANCE AGREEMENT

This Agreement is entered into this 28th day of October 2020, and having an Effective Date of January 1, 2021, by and between the CITY OF SAN ANGELO DEVELOPMENT CORPORATION, a Texas nonprofit economic development corporation (“COSADC”) and the SAN ANGELO CHAMBER OF COMMERCE, INCORPORATED. a Texas non-profit corporation (“PROVIDER”).

RECITAL

A. COSADC is in need of professional economic development marketing and recruitment services to develop and implement an economic development marketing and recruitment program which will be conducive to ensuring the continued economic growth of the City of San Angelo (“Services”).

B. PROVIDER possesses all necessary qualifications and expertise to perform Services.

C. COSADC wishes to engage the services of PROVIDER, and PROVIDER wishes to perform Services for COSADC, under the terms and conditions set forth herein (“Agreement”).

NOW THEREFORE, in consideration of the mutual covenants and promises herein contained, COSADC and PROVIDER agree as follows:

TERMS

1. **RECITAL:** The recitals are true and correct and are hereby incorporated into and made a part of this Agreement.

2. **INITIAL TERM:** The Initial Term of this Agreement shall commence on the Effective Date, subject to authorization of the COSADC Board and approval of the City

Council, and shall be in effect for two (2) years, terminating on December 31, 2022 (“Term”), unless earlier terminated as herein provided and subject to extension by duly authorized written agreement of the parties.

3. SCOPE OF SERVICE:

A. PROVIDER agrees to provide Services as prescribed in **Exhibit “A”**, “SCOPE OF SERVICES”, attached here to and made a part of this Agreement for all purposes.

B. PROVIDER represents and warrants to COSADC that: (i) it possesses all qualifications, licenses and expertise required for the performance of Services; (ii) it is not delinquent in the payment of any sums due COSADC, including payment of permit fees, occupational licenses, etc., nor in the performance of any obligations to COSADC; (iii) all personnel assigned to perform Services are and shall be, at all times during the term hereof, fully qualified and trained to perform the tasks assigned to each; and (iv) Services will be performed in the manner prescribed in **Exhibit “A”**.

4. COMPENSATION:

A. The total compensation payable by COSADC to PROVIDER for the Initial Term of this Agreement shall be \$262,500. In no event shall the total compensation payable under this Agreement for the Initial Term exceed TWO HUNDRED SIXTY-TWO THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$262,500).

B. PROVIDER shall maintain supporting documentation that contains sufficient detail to reflect work performed under Agreement to allow a proper audit of expenditures should COSADC require one to be performed.

C. Compensation payable by COSADC to PROVIDER under 4(A) “COMPENSATION” shall be paid quarterly according to the following schedule:

January 1, 2021 - \$65,625.

April 1, 2021 - \$65,625.

July 1, 2021 - \$65,625.

October 1, 2021 - \$65,625.

D. PROVIDER shall refund and remit to COSADC any and all compensation paid to PROVIDER by COSADC, not later than sixty (60) days after expiration of each fiscal year or after termination of Agreement under 7. “TERMINATION” hereunder, which are verified as being attributable to Services not actually performed or rendered by PROVIDER under Agreement.

5. **AUDIT AND INSPECTION RIGHTS:** CHAMBER shall establish and maintain a reasonable accounting system necessary to track, report and verify performance of the services to be provided under this agreement. During the Initial Term of this Agreement and any extension thereof, and for a period of three years from and after its expiration of the term as the term may be extended, PROVIDER shall allow COSADC or its third party auditor, upon five (5) days advance notice, to inspect and audit all books and records of PROVIDER as necessary to verify PROVIDER’s compliance with the terms and conditions of this Agreement.

6. **INDEPENDENT PROVIDER:** This Agreement is not intended to create a joint enterprise. PROVIDER is and shall at all times be considered as an independent provider and

neither PROVIDER nor PROVIDER's employees shall be considered to be employees of COSADC or the City of San Angelo ("City").

A. PROVIDER agrees that this Agreement does not entitle PROVIDER or its employees, agents, or volunteers to workers' compensation benefits, unemployment compensation benefits, or any other benefits or protections that accrue from an employment relationship, all of which shall remain the sole and exclusive responsibility of PROVIDER or its employees or agents.

B. PROVIDER, its employees or agents shall be responsible for any business registration or licenses required by any governmental entity relating to PROVIDER's services under this Agreement.

C. Neither PROVIDER nor PROVIDER's employees, agents or volunteers are to be considered agents or employees of COSADC or City for any purpose, including that of federal and state taxation, and neither PROVIDER nor its employees or agents are entitled to any of the benefits that the COSADC or City may provide to their employees.

7. **TERMINATION:** It is understood and agreed that either COSADC or PROVIDER may terminate this Agreement for convenience upon thirty (30) days prior written notice to the other party.

8. **AMENDMENT:** Agreement constitutes the sole and entire agreement between COSADC and PROVIDER. No modification or amendment hereto shall be valid unless in a written instrument entered into by COSADC and PROVIDER, authorized by the COSADC Board and approved by City Council.

9. **CONTINGENCY CLAUSE:** COSADC funding for this Agreement is contingent on the availability of funds and continued authorization from the City Council. This Agreement

is subject to amendment or termination upon thirty days advance notice given to PROVIDER due to lack of funds, reduction of funds or discontinuance of City Council authorization.

10. **ASSIGNMENT:** This Agreement is not to be assigned by PROVIDER, in whole or in part, and PROVIDER shall not assign any part of its operations.

11. **REPORTING:** PROVIDER shall report to COSADC on its activities in relation to this Agreement as described in **Exhibit “B”** and upon request by COSADC Board.

12. **HOLD HARMLESS:** Each party agrees to indemnify, hold harmless, and defend the other from any and all claims, causes of action, and damages of every kind arising from the operations of the other, its officers, agents and employees, carried out in furtherance of this Agreement.

13. **ENTIRE AGREEMENT:** This Agreement constitutes the entire agreement between the parties hereto with respect to the subject matter contained in it, and supersedes all prior agreements, understandings and negotiations between the parties. The express terms of this Agreement control and supersede any course of performance or usage of trade inconsistent with any of the terms of the Agreement.

EXECUTED in duplicate originals this day of _____, 2020.

**CITY OF SAN ANGELO DEVELOPMENT
CORPORATION**

By: _____
Todd Kolls, President

ATTEST:

By: _____
Nora Nevarez, Corporate Secretary

SAN ANGELO CHAMBER OF

COMMERCE, INCORPORATED

By: _____

E. Walter Koenig, President

EMAIL: walt@sanangelo.org

APPROVED AS TO CONTENT

APPROVED AS TO FORM

Guy D. Andrews, Economic Development Director

Dan T. Saluri, Deputy City Attorney

EXHIBIT “A”

SCOPE OF SERVICES

The scope of services provided under this agreement include marketing, recruitment and related activities described in the “Task Summary”, **Attachment 1** to this Exhibit. The Tasks shall, pertain to industries identified in the COSADC Strategic Plan and target jobs having specific NAICS Code classifications as outlined in **Attachment 2** to this Exhibit. The task descriptions below contain a number of specifically prescribed functions to be performed in carrying out the Scope of Services.

Task 1

Marketing and Recruitment Services

- A. Provide professional economic development marketing and recruitment services to develop and implement an economic development marketing and recruitment program with all necessary qualifications and expertise to perform services.
- B. Provide Public Relations services.
- C. Participate in marketing efforts with the Governor’s Office, Texas Economic Development Council, Texas Midwest Community Network (TMCN) and other economic development organizations to promote San Angelo for job creation and capital investment.
- D. Meet with the COSADC Economic Development Director prior to presenting to the Board for consideration and final adoption of the PROVIDER’s *Plan of Action* as it relates to economic development marketing and recruitment to solicit comments and input on desired outcomes and activities related to COSADC funding.
- E. Present, no later than the October meetings of each year, such *Plan of Action* as it relates to economic development marketing and recruitment for approval at a regular meeting of the

COSADC. COSADC and PROVIDER staff will review the PROVIDER's Plan of Action as it relates to evaluating the success of efforts in the plan.

- F. Present a written report, in January, April, July and October of each year to COSADC concerning the status of each task.
- G. Maintain and publish a Community Profile, cost of living index, special media advertising land and buildings, general community information necessary for the site selection process.
- H. Provide background information for any projects including, but not limited to, the site requirement form, economic impact analysis (which may be written in cooperation with COSADC on a case-by-case basis), prospect summary reports for use by COSADC staff in their preparation of a formal incentive application, financial due diligence reviews and/or presentations to the COSADC Board of Directors and City Council. Upon award of financial incentives as recommended by COSADC and approved by the City Council, COSADC shall become the primary point of contact for said business.
- I. Work in cooperation with local economic development partners through the Business Resource Center model.
- J. Maintain a cross-branded website between COSADC and PROVIDER website, with links as deemed appropriate by PROVIDER, to other local, state, and federal business resources, that will direct traffic to other partner websites including but not limited to: San Angelo Development Corporation, Downtown San Angelo, The Business Factory, Concho Valley Workforce Development, the ASU Small Business Development Center, Howard College/West Texas Training Center, and the San Angelo Chamber of Commerce, and any other economic development partner.

- K. Coordinate San Angelo responses to all prospect leads, ensuring complete information sharing and involvement of all relevant economic development partners. All contacts and actions on leads, existing and potential companies/employers will be maintained and organized by PROVIDER using a mutually agreeable project management system.
- L. Maintain current community information and other relevant information required by business prospects. This information is to be updated as soon as relevant new market data is available each year and coordinated with COSADC Staff to ensure consistency of data provided by COSADC and PROVIDER.

Task 2

Internet & Print Marketing

This may include subscriptions to online interactive sites, internet advertising costs, and any print media.

Task 3

Marketing Campaigns

Provide marketing materials to prospective primary job creators. PROVIDER will provide information to potential prospective employers highlighting the benefits of the regional market, labor pool, facilities, amenities, etc. encouraging them to consider San Angelo for expansion, relocation or merger/acquisition with existing primary employers. Consider and encourage, when feasible, cooperative working and supply relations between prospective employers and existing San Angelo companies. PROVIDER will, considering the impacts of the COVID—19 pandemic, develop special marketing campaigns that address developing opportunities that arise such as

those resulting from supply chain disruptions, on-shoring initiatives, and other adaptations resulting from the changed business and industrial environment.

Task 4

Prospect Meetings and Coordination

Encourage personal visits to San Angelo to discuss investment in the City with PROVIDER, COSADC staff, City/County staff, Workforce Development and all other economic development partners.

Task 5

Trade Shows

PROVIDER may engage in attendance at, exhibitor participation in, or the hosting of national, regional or local trade shows.

Task 6

Site Selector/Prospect Generation Services

PROVIDER may utilize website services and electronic advertising and engage the services of qualified professional site selection/prospect generation services to create greater awareness of the benefits of the San Angelo market, workforce, facilities and incentives.

Task 7

Goodfellow AFB Outreach

Coordinate with personnel at Goodfellow AFB, Department of Defense, Department of the Air Force, NSA and related personnel to retain and increase the AFB facility size and missions.

Task 8

Third Party Services

PROVIDER may engage third-party expert consultants when appropriate to assist in the capture of new employers or the expansion of existing employers into San Angelo.

Task 9

Maintain Professional Memberships

Maintain professional memberships and contact with economic development allies, and resource providers, such as the Governor's Economic Development Office, Texas Economic Development Council, Private Lead Generation/Site Selector Companies, Utility Companies, Texas Midwest Community Network (TMCN) and other economic development organizations.

Task 10

SARMA/BRE Cooperative Efforts

Coordinate with the Business Expansion and Retention Coordinator of COSADC to conduct periodic visits to existing industries and businesses that have qualifying NAICS codes.

Task 11

Rail Business Recruitment

Actively recruit new businesses to the San Angelo intermodal rail facility, working with COSADC and consultants. Explore, along with consultants, new business opportunities in Mexico that would utilize the South Orient Freight Corridor.

Task 12

Industrial Career Promotion and/or Talent Acquisition for Post-Secondary Tech Students

Actively engage in Industrial Career Promotion and/or Talent Acquisition utilizing special outreach to post-secondary tech school students nearing graduation, encouraging them to work in the trades in San Angelo.

Task 13

Industrial Career Promotion and/or Talent Acquisition for High School Students

Actively engage in Industrial Career Promotion and/or Talent Acquisition utilizing special outreach to high school students to encourage them to acquire technical training and to work in the trades in San Angelo.

Task 14

Industrial Training

Actively engage in activities with the Texas Manufacturing Assistance Center (TMAC) and other trade organization to provide Industry Training to local industries and businesses with qualifying NAICS codes.

EXHIBIT “A”

Attachment 1

TASK SUMMARY

Task 1	Marketing and Recruitment Services	
Task 2	Internet & Print Marketing	
Task 3	Marketing Campaigns	
Task 4	Prospect Meetings and Coordination	
Task 5	Trade Shows	
Task 6	Site Selector/Prospect generation services	
Task 7	Goodfellow AFB outreach	
Task 8	Third Party Services	
Task 9	Professional Memberships	
Task 10	SARMA/BRE Cooperative Efforts	
Task 11	Rail Business and Operator Recruitment	
Task 12	Industrial Career Promotion and/or Talent Acquisition for Post-Secondary Tech Students	
Task 13	Industrial Career Promotion and/or Talent Acquisition for High School Students	
Task 14	Industrial Training	

EXHIBIT “A”

Attachment 2

NAICS CODE – ELIGIBLE “TARGETED INDUSTRIES”

NAICS code-eligible “targeted industries” that provide “Primary jobs” as approved under the Development Corporation Act of 1979 are listed in the table below. A “Primary job” means; **(A)** a job that is: (i) available at a company for which a majority of the products or services of that company are ultimately exported to regional, statewide, national, or international markets infusing new dollars into the local economy; and, (ii) included in one of the following sectors of the North American Industry Classification System (NAICS):

<u>Sector Number</u>	<u>Description</u>
111	Crop Production
112	Animal Production
113	Forestry and Logging
115	Support Activities for Agriculture and Forestry
211-213	Mining
221	Utilities
311-339	Manufacturing
42	Wholesale Trade
48-49	Transportation and Warehousing
523-525	Securities, Commodity Contracts, and other Financial Investments and related activities; Insurance Carriers and Related Activities; Funds, Trusts, and Other Financial Vehicles
5413, 5415	Scientific Research and Development Services
5416, 5417, 5419 and 551	Management of Companies and Enterprises
56142	Telephone Call Centers
922140	Correctional Institutions

(B)

<u>Sector Number</u>	<u>Description</u>
928110	A job that is included in NAICS sector number 928110, National Security, for the corresponding index entries for Armed Forces, Army, Navy, Air Force, Marine Corps, and Military Bases.

EXHIBIT “B”
REPORTING REQUIREMENTS

- 1. Weekly written update from the Chamber on all economic development related activities.**
- 2. Monthly oral and written report to the COSADC Board of projects under negotiation with prospects.**
- 3. Quarterly oral and written summary to the COSADC Board.**
- 4. Annual oral and written report to the COSADC Board.**
- 5. Other reports and meetings as requested by the COSADC Board.**

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: November 3, 2020

Item type: Consent Item

Caption:

Consider ratifying a resolution of the San Angelo Development Corporation authorizing the use of Sales and Use Tax Funds in an amount not to exceed \$100,000, for monument signage and related landscaping welcoming travelers into the City of San Angelo, enhancing an approved project for cleanup, open space improvement and landscaping of the Knickerbocker Rd. right of way and adjoining Bureau of Reclamation land, open space fronting the San Angelo Regional Airport - Mathis Field (Guy Andrews)

Summary/History:

This is part of the Airport Exit Beautification program begun in 2019 with the clearing of approximately 14 acres of brush and trees on the Bureau of Reclamation property across from the San Angelo Regional Airport on Knickerbocker Road. Funding in the amount up to \$100,000 was approved by the COSADC Board of Directors on October 28, 2020.

The design of the Gateway Monument and materials costing is being done by the City of San Angelo Construction Manager, Al Torres. Construction of the Gateway Monument is to be financed by COSADC as an open space project. The City of San Angelo will perform the construction management functions under an MOU between COSADC and the City in the same manner as the Highway 87 Gateway Monuments.

Financial Impact:

Estimated cost is \$87,016.62. Request is for up to \$100,000 to allow for contingencies.

Other Information/Recommendation:

Attachments:

- | | |
|---|---|
| 1. Airport Gateway - Sketch | Airport Gateway - Sketch.pdf |
| 2. Airport Gateway - Corten | Airport Gateway - Corten.pdf |
| 3. Airport Gateway - Site | Airport Gateway - Site.pdf |
| 4. Estimate Airport Gateway Revised | Estimate Airport Gateway Revised.pdf |
| 5. 21-0032_COSADC_CITY_GATEWAYL_SIGN_P_RESO - FINAL | 21-0032_COSADC_CITY_GATEWAYL_SIGN_P_RESO - FINAL.docx |

Presentation:

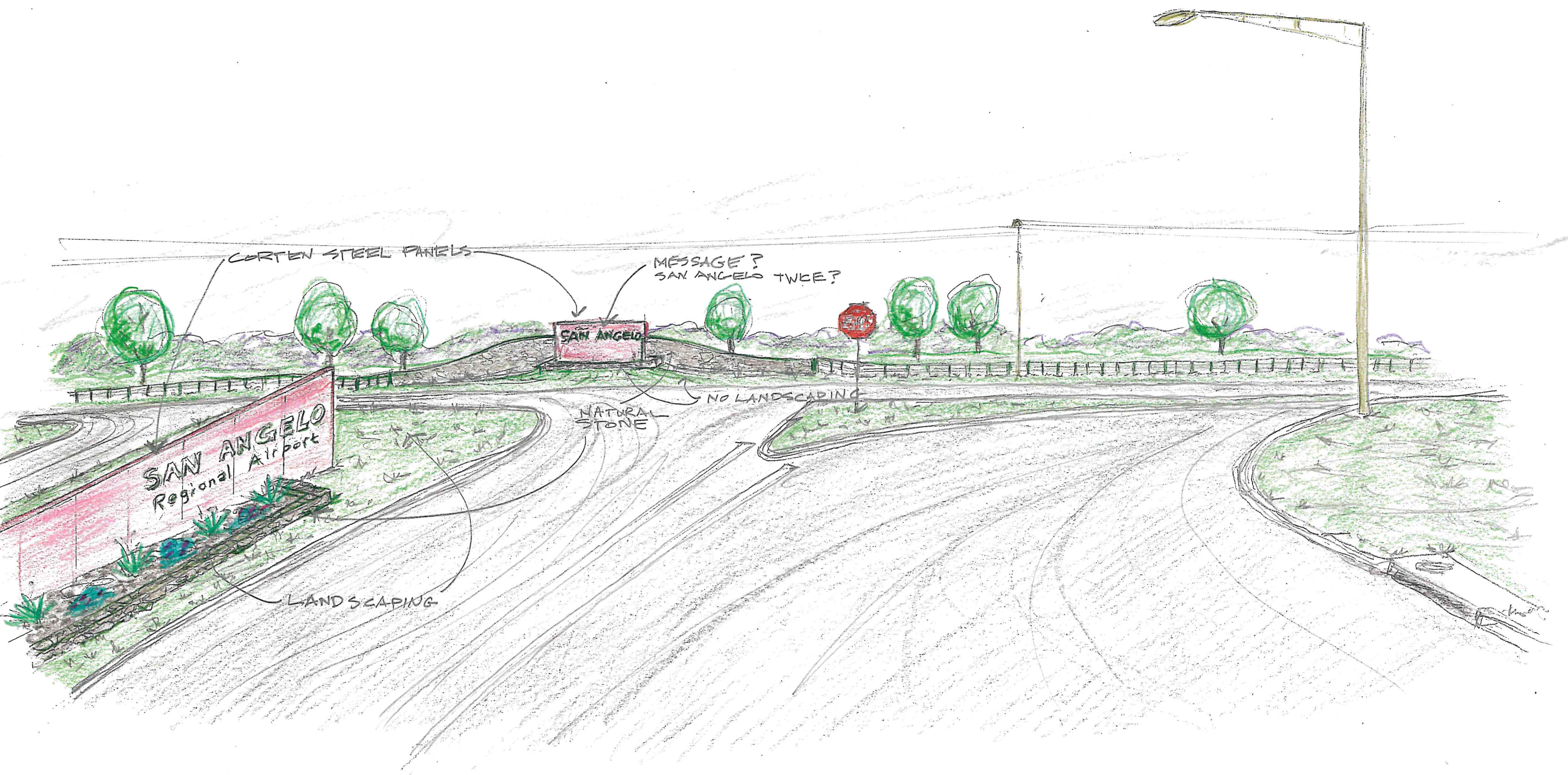
Approvals/Reviews:

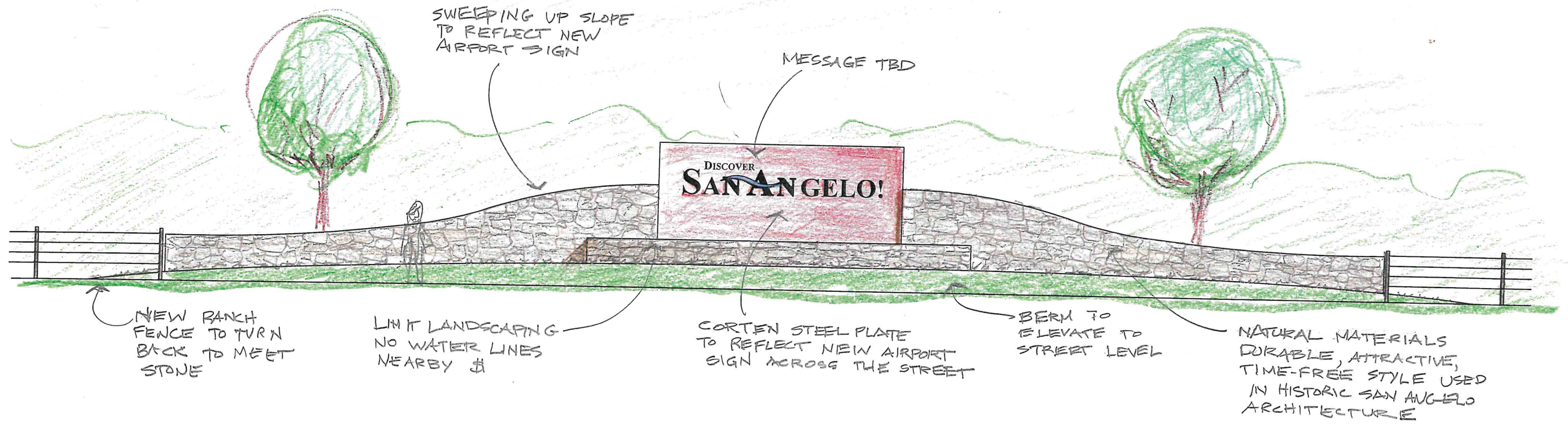
Nora Nevarez
Guy Andrews

Created/Initiated
Approved

Dan Saluri
Theresa James
Nolan Sosa
Tina Dierschke
Theresa James
Julia Antilley

Approved
Approved
Approved
Approved
Approved
Final Approval





Sweeping up slope
to reflect new
airport sign

MESSAGE TBD

DISCOVER
SAN ANGELO!

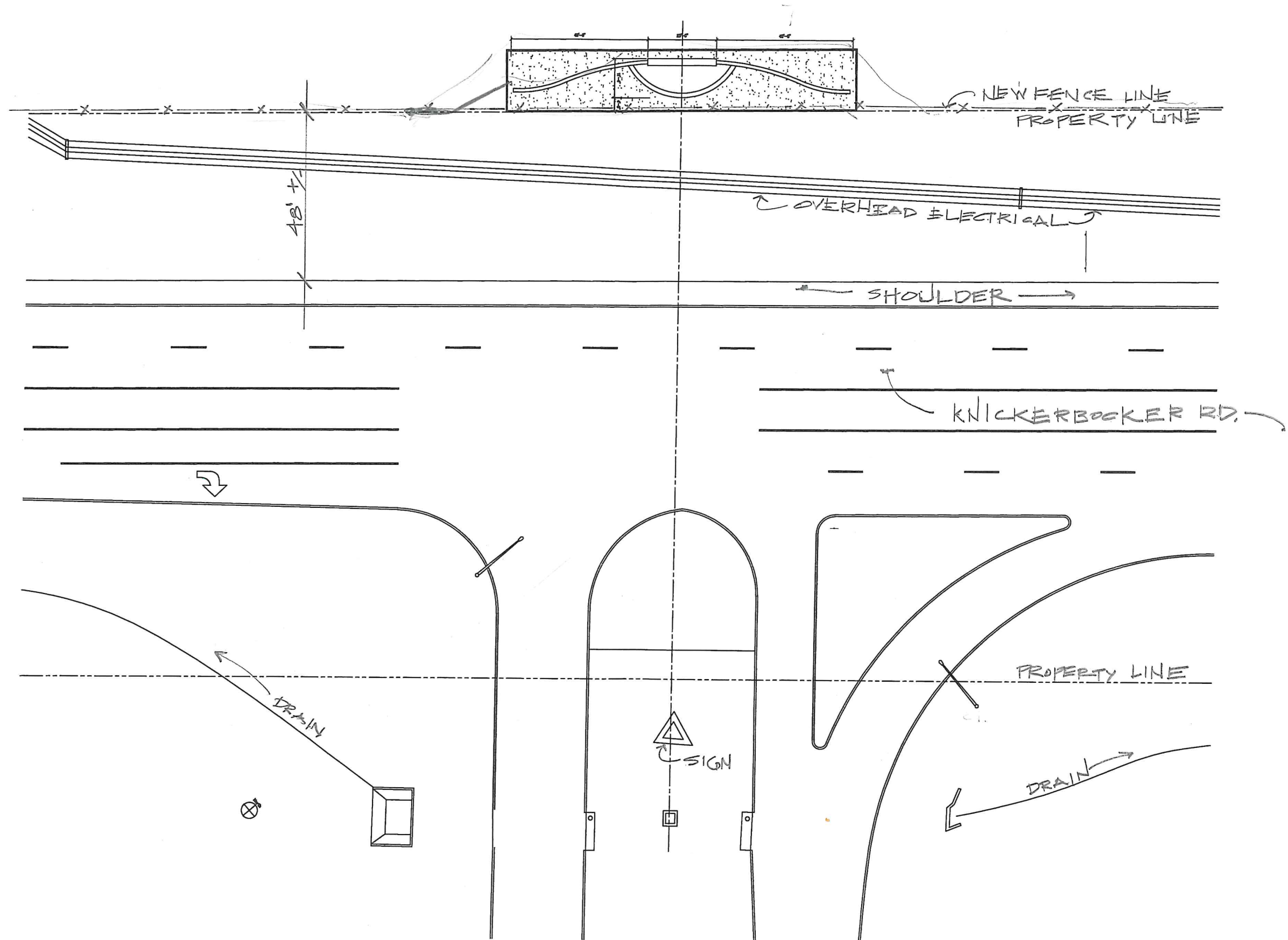
CORTEN STEEL PLATE
TO REFLECT NEW AIRPORT
SIGN ACROSS THE STREET

BERM TO
ELEVATE TO
STREET LEVEL

NATURAL MATERIALS
DURABLE, ATTRACTIVE,
TIME-FREE STYLE USED
IN HISTORIC SAN ANGELO
ARCHITECTURE

LIMIT LANDSCAPING
NO WATER LINES
NEARBY

NEW RANCH
FENCE TO TURN
BACK TO MEET
STONE



Gateway Sign Estimate -Airport Bureau of Reclamation Site

		budget	
Div	Category		Remarks
2	Clearing		
		\$3,000.00	
2	Excavation		
		\$3,500.00	111 c.y. x \$30
2	Fill		
		\$6,800.00	4,320 s.f. x \$1.56
2	Topsoil		
		\$210.00	6 CY x \$35
2	Testing		
		\$1,000.00	
2	Trench Electrical		
		\$650.00	100' x \$65
3	Footings		
		\$7,500.00	300 SF x \$25
5	Miscellaneous Metal		
		\$1,000.00	reinforcing steel
5	Steel		
		\$3,645.00	Corten steel sheet plus shipping
5	Welding		
		\$2,400.00	\$150/hr
4	Stone		
		\$19,740.00	564 s.f. x \$35
4	CMU		
		\$6,000.00	500 sf @ \$12
10	Letters		
		\$5,706.00	Eighteen 12" letters @ \$117 each, Forty 8" letters @ \$80 each, \$400 labor
2	Seeding		
		\$250.00	
2	Grass		
		\$468.00	13 @ \$36 blonde ambition
2	Yucca		
		\$288.00	Eight @ \$36
2	River Rock		
		\$2,850.00	9 tons + labor
16	Electrical Lighting/Wiring		
		\$4,000.00	250' +/- if running a new line + new meter
2	Temporary Irrigation		
		\$1,200.00	Barrell hand/watering 6 months
	Subtotal		
		\$69,007.00	
1	Contingency Fund		
		\$6,900.70	
TOTAL		\$75,907.70	
General Requirement (6%)		\$4,554.46	
Profit & Overhead (6%)		\$4,554.46	
Payment & Performance Bond		\$500.00	
Builder's Risk		\$1,500.00	
Admin subtotal		\$11,108.92	
A/E Fees		\$0.00	
GRAND TOTAL		\$87,016.62	

A RESOLUTION OF THE SAN ANGELO DEVELOPMENT CORPORATION (COSADC) AUTHORIZING THE USE OF SALES AND USE TAX FUNDS IN AN AMOUNT NOT TO EXCEED \$100,000, FOR MONUMENT SIGNAGE AND RELATED LANDSCAPING WELCOMING TRAVELERS INTO THE CITY OF SAN ANGELO, ENHANCING AN APPROVED PROJECT FOR CLEANUP, OPEN SPACE IMPROVEMENT AND LANDSCAPING OF THE KNICKERBOCKER ROAD RIGHT OF WAY AND ADJOINING BUREAU OF RECLAMATION LAND, OPEN SPACE FRONTING THE SAN ANGELO REGIONAL AIRPORT—MATHIS FIELD, A PROJECT AUTHORIZED UNDER CHAPTER 505 OF THE TEXAS LOCAL GOVERNMENT CODE FOR OPEN SPACE IMPROVEMENT AND PROMOTIONAL PURPOSES NECESSARY TO DEVELOP BUSINESS ENTERPRISES; AND, AUTHORIZING THE BOARD PRESIDENT TO NEGOTIATE AND EXECUTE AN ADDENDUM TO THE PROJECT MEMORANDUM OF UNDERSTANDING (MOU) WITH THE CITY OF SAN ANGELO, AND SUCH OTHER DOCUMENTATION WITH THE BUREAU OF RECLAMATION AS MAY BE NECESSARY, TO PROVIDE TERMS FOR PERFORMANCE, AND TO EXECUTE ANY OTHER RELATED LEGAL DOCUMENTS, IN A FORM APPROVED BY THE CITY ATTORNEY, SUBJECT TO APPROVAL OF CITY COUNCIL.

WHEREAS, the voters of the City of San Angelo on November 2, 2010, approved the use of sales and use tax proceeds for the continued economic development projects authorized under Section 4B of the Act; and,

WHEREAS, Knickerbocker Road and adjacent undeveloped Bureau of Reclamation land parallel for a distance of one quarter mile or more frontage of the San Angelo Regional Airport—Mathis Field, along the primary access to the Airport and passenger terminal building (hereinafter “Open Space”); and,

WHEREAS, On April 22, 2020, the COSADC Board adopted a project for improvement of the open space, approved by the City Council on May 5, 2020, pursuant to which Phases I and II of the project, clearing and brush removal, and replacing fencing, respectively, having been completed; and,

WHEREAS, the City of San Angelo, with concurrence of the Bureau of Reclamation, desires to complete the project with landscape signage and related landscaping; and,

WHEREAS, at least sixty (60) days prior to undertaking a project, a public notice of the specific project shall be published and at least one public hearing shall be held by the Development Corporation prior to expending funds on the Project in compliance with the requirements of the Development Corporation Act, Sections 505.159 and 505.160 of the Local Government Code and,

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

The City of San Angelo Development Corporation offers this Resolution authorizing the use of sales and use tax funds as an economic development enhancement project in an amount not to exceed \$100,000; authorizing the Board President to negotiate and execute an addendum to the project Memorandum of Understanding with the City of San Angelo, and such other documents with the Bureau of Reclamation providing terms for performance, and to negotiate and execute any related documents in compliance with the Development Corporation Act, in a form approved by the City Attorney; and, recommending to City Council ratification of the Project and Council’s authorization for the City Manager to execute an addendum to the project MOU.

PASSED this 28th day of October, 2020.

CITY OF SAN ANGELO DEVELOPMENT CORPORATION

ATTEST:

BY: _____
Todd Kolls, President

Nora Nevarez, Corporate Secretary

APPROVED FOR CONTENT

Guy Andrews, Director of
Economic Development

APPROVED AS TO FORM

Dan T. Saluri, Deputy City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: November 3, 2020

Item type: Consent Item

Caption:

Consider ratifying the first addendum to an Memorandum of Understanding between the City of San Angelo Development Corporation and the City of San Angelo concerning a project for open space improvement, landscaping and related facilities necessary to enhance the Knickerbocker Rd. right of way and adjoining Bureau of Reclamation land fronting the San Angelo Regional Airport - Mathis Field (Guy Andrews)

Summary/History:

The Addendum is the performance agreement for the new signage project (Phase Three of the entire open space project). This project adds Phase Three to the scope of the formerly approved project for clearing, and removal of brush (Phase One) and grading, seeding and fencing (Phase Two). The project provides for gateway monumentation to be added to the open space.

Financial Impact:

The accompanying resolution approves expenditures of up to \$100,000.

Other Information/Recommendation:

Attachments:

1. 21-0032_GATEWAY_SIGN_MOU_ADDEN 21-0032_COSADC_CITY_GATEWAYL_SIGN_MOU_ADDEN - FINAL.docx

Presentation:

Approvals/Reviews:

Nora Nevarez	Created/Initiated
Guy Andrews	Approved
Theresa James	Approved
Dan Saluri	Approved
Tina Dierschke	Approved
Theresa James	Approved
Julia Antilley	Final Approval

FIRST ADDENDUM TO MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE CITY OF SAN ANGELO DEVELOPMENT CORPORATION AND THE CITY OF SAN ANGELO CONCERNING A PROJECT FOR OPEN SPACE IMPROVEMENT, LANDSCAPING AND RELATED FACILITIES NECESSARY TO ENHANCE THE KNICKERBOCKER ROAD RIGHT OF WAY AND ADJOINING BUREAU OF RECLAMATION LAND FRONTING THE SAN ANGELO REGIONAL AIRPORT—MATHIS FIELD.

This First Addendum to Memorandum of Understanding ("First Addendum") entered into by and between the CITY OF SAN ANGELO DEVELOPMENT CORPORATION, a State of Texas non-profit Type B development corporation ("COSADC") and the CITY OF SAN ANGELO, TEXAS, a home rule municipal corporation ("CITY"), effective November 3, 2020 ("Effective Date"), relates to expanding the scope of a project for enhancement of the Knickerbocker Road Right-of-Way and adjoining Bureau of Reclamation vacant land fronting the San Angelo Regional Airport—Mathis Field.

RECITALS

WHEREAS, Knickerbocker Road and adjacent undeveloped Bureau of Reclamation land parallel frontage of the San Angelo Regional Airport—Mathis Field for a distance of one quarter mile or more, along the primary access to the Airport from the city, as well as being the gateway from the Airport into the city (hereinafter "Open Space"); and,

WHEREAS, the Open Space is undeveloped, unkempt and an eyesore casting a negative impression upon visitors and local citizens regarding the quality of life and state of economic development opportunities within the City of San Angelo; and,

WHEREAS, the CITY, with concurrence of the Bureau of Reclamation, desires to improve the open space as needed to enhance economic development in the City (hereinafter "project").

WHEREAS, Phases One and Two of the project were authorized by resolution of the Board adopted on April 22, 2020, and approved by the CITY on May 5, 2020. The First Phase of the project is "grubbing" the open space, clearing scrub trees, and removal of brush piles, which work has been completed. The Second Phase to be completed is grading, seeding and fencing; and,

WHEREAS, the, CITY desires to expand the scope of the project by adding a Phase Three for installation of landscape signage and related landscaping which can be accomplished contemporaneously with Phase Two of the project, and for which the CITY desires funding assistance from COSADC; and,

WHEREAS, the parties have determined that substantial economic benefits will accrue as a result of expanding the project to include landscape signage and landscaping by enhancing vacant land adjacent to the gateway to the municipal airport affording an environment that is welcoming of visitors, investors, and new and expanding business enterprises; and,

WHEREAS, on October 28, 2020, the COSADC Board approved allocation of an amount not to exceed ONE HUNDRED THOUSAND AND NO/100 DOLLARS (\$100,000) of sales and use tax proceeds for reimbursement to CITY of costs to be incurred by CITY for Phase Three of the project to include installation of landscape signage and related landscaping, and having authorized this MOU; and,

WHEREAS, on November 3, 2020, the City of San Angelo City Council approved the Board's resolution adopting the project and also authorized this MOU; and,

WHEREAS, on November 25, 2020, the Board conducted a public hearing on the project; and,

WHEREAS, more than 60 days have passed from publication of notice of the project without receiving a petition from more than ten percent of the registered voters of the municipality requesting an election prior to undertaking the project;

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

1. **Recitals:** The foregoing recitals are true and correct and are adopted by the parties as part of this First Addendum
2. **Term:** The term of this First Addendum and the MOU shall be extended through November 25, 2021.
3. **Funding Obligation of COSADC for Phase Three of the project:** Provided that CITY is in compliance with the terms and provisions of the MOU and this First Addendum:
 - a. COSADC shall provide additional funding to that of the MOU as provided for herein for reimbursing expenses incurred by CITY for contracting with qualified third parties for work and materials necessary to complete Phase Three of the project for installation of landscape signage and related landscaping.
 - b. COSADC shall deposit with the City of San Angelo Finance Department funding for reimbursement of Phase Three of project expenses incurred by CITY under contract as needed for timely reimbursement of such expenses.
 - c. COSADC shall ensure that the funds deposited pursuant to this First Addendum for reimbursement to City are expended in strict compliance with Chapter 505 of the Texas Local Government Code, and shall recover such funds if CITY fails to meet its performance requirements under the MOU and this First Addendum.
 - d. Notwithstanding anything to the contrary in this First Addendum to MOU, COSADC's funding obligations under this First Addendum shall not exceed \$100,000.
4. **City's Obligations:** In addition to CITY's obligations under the MOU, with respect to this First Addendum :
 - (a) CITY shall contract with qualified third parties for such materials and services necessary to complete Phase Three of the project, and shall provide copies of all such contracts and related invoices for such work to COSADC.
 - (b) CITY shall endeavor to substantially complete Phase Three of the project within twelve (12) months from the Effective Date of this First Addendum
 - (c) CITY shall periodically and upon completion of the project or at other times on request of COSADC report progress on the project and provide accountings of the application of COSADC project funds relating to reimbursement requests.

(d) No later than the earlier of sixty (60) days after completion of the project or expiration of the time permitted for completion CITY shall repay, refund and remit to COSADC all funds deposited for reimbursement to CITY for project costs not utilized for project expenses. CITY shall provide COSADC with such records as COSADC may in its discretion deem sufficient to verify under generally accepted accounting and audit principals the facts attested to in the accounting.

5. **Application of Provisions of MOU:** The terms and conditions of the MOU shall remain in full force and effect. Sections 5 through 12 of the MOU are adopted as part of this addendum as if fully set forth herein.

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

ATTEST: CITY OF SAN ANGELO
DEVELOPMENT CORPORATION

Nora Nevarez, Secretary

Todd Kolls, President

ATTEST: CITY OF SAN ANGELO

Julia Antilley, City Clerk

Daniel Valenzuela, City Manager

APPROVED AS TO CONTENT

APPROVED AS TO FORM

Guy Andrews, Director of
Economic Development

Theresa James, City Attorney

APPROVED AS TO FORM

Dan T. Saluri, Deputy City Attorney as
Counsel for COSADC

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: November 3, 2020

Item type: Consent Item

Caption:

Second reading of an ordinance approving case PD20-02, a rezoning property from a Planned Development allowing retail sales and service uses and offices with Type 1 outdoor storage, to a Planned Development allowing multifamily housing development; being 1.425 acres located at 3824 Green Meadow Dr. (Jon James)

Summary/History:

The proposed multifamily housing development will comprise 14 buildings with a total of 28 residential units (two units per building). Six buildings (12 units) will be one-bedroom and eight buildings (16 units) will be two-bedroom. The applicant's concept plan includes a central laundry facility and greenspace areas throughout the property.

The applicant could have rezoned to Low Rise Multifamily Residential (RM-1) which would also have allowed the duplex buildings on a single site, but requested the PD in order to reduce the side and rear yard setbacks to zero feet (RM-1 requires 10-foot side and 20-foot rear respectively). Staff supports the reduced setbacks given the property to the north is FEMA floodway which provides undevelopable open space.

Financial Impact:

N/A

Other Information/Recommendation:

On September 21, 2020, the Planning Commission voted to RECOMMEND APPROVAL of the proposed Planned Development Zone Change by a unanimous vote of 6-0.

On October 20, 2020, City Council unanimously APPROVED the Planned Development Zone Change by a vote of 7-0.

Attachments:

- | | | |
|----|------------------------|----------------------------|
| 1. | Ordinance (PD20-02) | Ordinance (PD20-02).docx |
| 2. | Staff Report (PD20-02) | Staff Report (PD20-02).pdf |

Presentation:

Jon James

Approvals/Reviews:

Jeff Fisher	Created/Initiated
Hillary Bueker	Approved
Jon James	Approved
Brandon Dyson	Approved

Jon James
Theresa James
Julia Antilley

Approved
Approved
Final Approval

AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT “A” OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO, TEXAS, WHICH ADOPTS ZONING REGULATIONS, USE DISTRICTS AND A ZONING MAP, IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING PROPERTY: **LOT 1 IN BLOCK 47, MEADOWCREEK ADDITION, SECTION TWENTY; LOCATED AT 3824 GREEN MEADOW DRIVE**; FROM THE PLANNED DEVELOPMENT (PD19-06) ZONING DISTRICT WHICH ALLOWED RETAIL SALES AND SERVICE USES AND OFFICES WITH TYPE 1 OUTDOOR STORAGE TO A PLANNED DEVELOPMENT (PD20-02) TO ALLOW FOR A MULTIFAMILY HOUSING DEVELOPMENT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE

RE: PD20-02: 3824 Green Meadow Drive

WHEREAS, on the 21st day of September, 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 Planned Development (PD20-02) Zoning District to allow for a multifamily housing development; and in conformance with the overall use in accordance with the approved Concept Plan, as further depicted on **Exhibit “A”** of this Ordinance (**“PD Concept Plan”**); and,

WHEREAS, on the 20th day of October, 2020, City Council held a public hearing on PD20-02, pursuant to published notice, and has considered the application, comments, reports and recommendations of the Planning Commission and staff, public testimony, and other relevant support materials;

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

SECTION 1: The basic zoning ordinance for the City of San Angelo, as enacted by the governing body for the City of San Angelo effective January 4, 2000, and included within Exhibit “A” of Chapter 12 of the Code of Ordinances of the City of San Angelo, and zoning map be and the same are hereby amended to designate the following described properties permanently zoned PLANNED DEVELOPMENT (PD20-02) ZONING DISTRICT;

The real property generally located north of Green Meadow Drive between Oak Grove Boulevard and Southwest Boulevard; being Lot 1 in Block 47 of the Meadowcreek Addition, Section Twenty, comprising 1.425 acres, City of San Angelo, Tom Green County, Texas as more particularly

described and depicted on Exhibit “B” of this Ordinance, shall henceforth be permanently zoned as follows: Planned Development (PD20-02) Zoning District.

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

SECTION 3: The use of the hereinabove described properties shall be subject to all applicable regulations contained in **Exhibit “C”** of this Ordinance (**“Applicable Regulations”**), and Chapter 12 of the Code of Ordinances for the City of San Angelo, as amended.

SECTION 4. The remaining provisions of Chapter 12 of the Code of Ordinances of the City of San Angelo, Texas, not amended herein shall remain in full force and effect.

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

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

INTRODUCED on the **20th day of October, 2020**, and finally PASSED, APPROVED AND ADOPTED on this the **3rd day of November, 2020**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

ATTEST:

APPROVED AS TO FORM:

Julia Antilley, City Clerk

Theresa James, City Attorney

NFPA 130 Sprinklered

- 6 1BR duplex bldgs @ 1,280 sq. ft. Each
- 8 2BR duplex bldgs @ 2,112 sq. ft. Each
- 24,576 Sq. ft. Total Habitable/Rental Space
- Laundry @ 300 sq ft.

PARKING:

- 12 1BR x 1.5 = 18
- 16 2BR x 1.75 = 28
- Total Parking = 46
- Shown = 61

Request Zero Lot Line on Right (West) Side and Rear.
These lines about South Fork of Red Arroyo 10' Setback
on AEP Transmission Line Side

**Mickey Favre
Green Meadow Duplex Units
San Angelo, Texas 76904**

**Mickey Favre Design
San Angelo Texas
325-656-8275**

SC-2	Site Concepts	DATE: 06.05.20 SCALE: 1"=40'
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Exhibit "B" (PD Boundary Map)

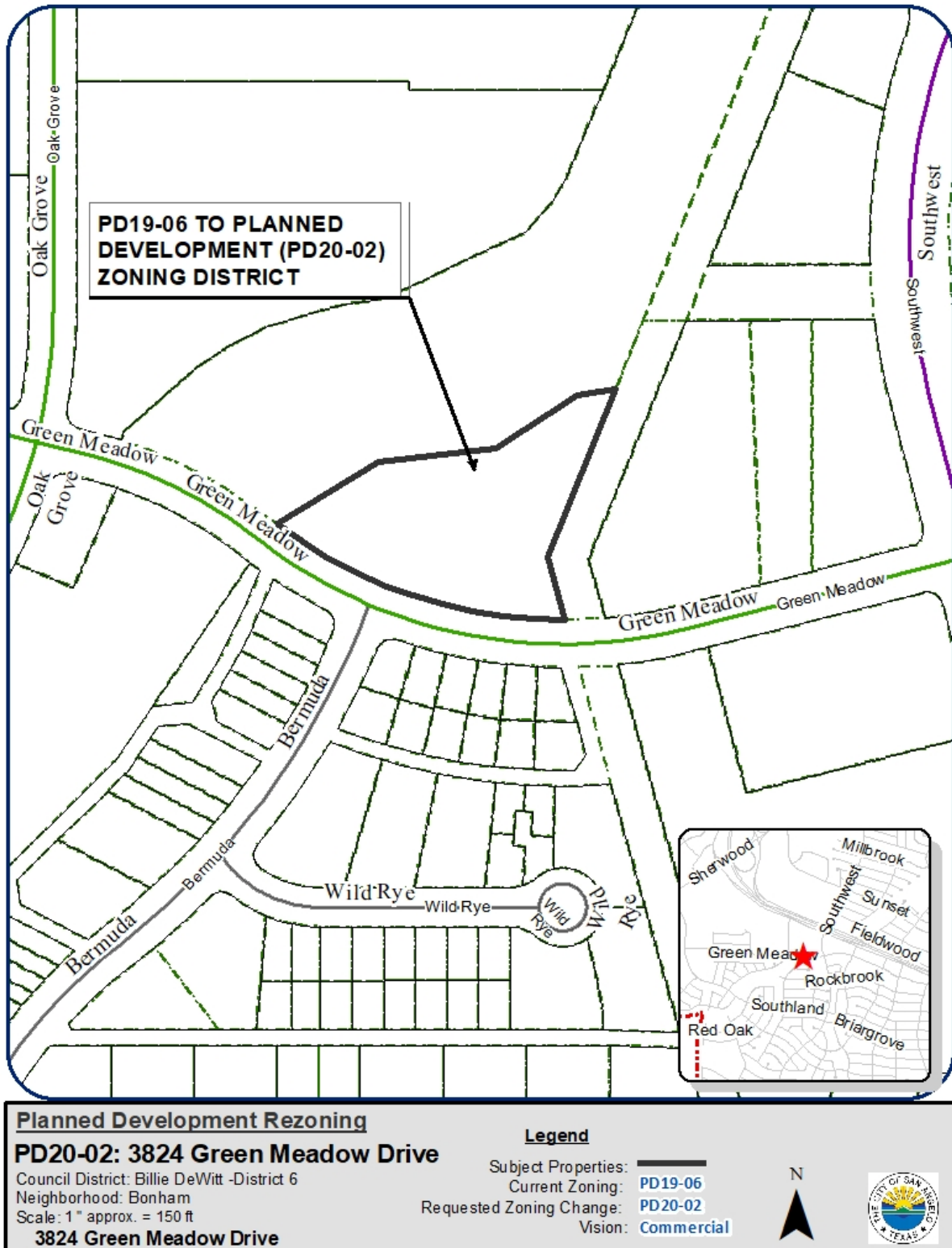


Exhibit “C”

Applicable Regulations

1. Except as otherwise specified or limited below, the development of the subject property shall generally conform to the Low Rise Multifamily Residential (RM-1) Zoning District, except for:
 - a. The minimum rear yard setback shall be 0 feet.
 - b. The minimum side yard setbacks shall be 0 feet.
2. Duplex (two-family) dwelling units shall require a minimum of 1.5 parking spaces per 1 bedroom unit and 1.75 parking spaces per 2 bedroom unit or larger.
3. Overall site use shall be in accordance with the approved Concept Plan. Major changes to the usage of this property shall be approved through an amendment to this Planned Development District with approval from the Planning Commission and City Council. Minor deviations may be approved by the Planning Director.
4. The applicant shall submit and obtain approval of an Urban Design Review (UDR) prior to any future development that includes building elevations, a landscape plan, and details of any fencing, screening, and proposed lighting.
5. All exterior lighting be shielded, downward emitting and configured in such a manner as to satisfactorily minimize or eliminate light trespass onto surrounding properties. The City has the right to periodically inspect the property to verify compliance.

CITY COUNCIL – October 20, 2020
STAFF REPORT



APPLICATION TYPE:		CASE:	
Planned Development (Rezoning)		PD20-02: 3824 Green Meadow Drive (Favre)	
SYNOPSIS:			
The applicant has applied to rezone the subject property to a Planned Development (PD20-02) Zoning District to allow for a multifamily housing development comprising of 14 buildings and 28 residential units (two units per building). Six buildings (12 units) will be one-bedroom and eight buildings (16 units) will be two-bedroom. The applicant's concept plan includes a central laundry facility and greenspace areas throughout the property. (See Additional Information).			
LOCATION:		LEGAL DESCRIPTION:	
3824 Green Meadow Drive		Being Lot 1, Block 47, Meadowcreek Addition, Section Twenty	
SM DISTRICT / NEIGHBORHOOD:		ZONING:	FUTURE LAND USE:
SMD District #6 – Billie DeWitt Bonham Neighborhood		PD19-06 (retail sales and offices with Type 1 outdoor storage)	C – Commercial
			SIZE:
			1.425 acres
THOROUGHFARE PLAN:			
Green Meadow Drive – Urban Minor Collector Street, Required: 60' right-of-way, 50' pavement, Provided: 60' right-of-way, 40' pavement			
NOTIFICATIONS:			
25 notifications mailed within 200-foot radius on September 4, 2020. None in support or opposition to date.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the rezoning to a Planned Development (PD20-02) Zoning District to allow for a multifamily housing development; being 1.425 acres located at 3824 Green Meadow Drive; subject to five conditions of approval.			
PROPERTY OWNER/PETITIONER:			
Property Owner and Applicant: Tri-Side Capital LLC TSC Commercial Series, Mr. Mickey Favre			
STAFF CONTACT:			
Jeff Fisher, AICP Principal Planner (325) 657-4210, Extension 1550 jeff.fisher@cosatx.us			



Additional Information: Multifamily residential uses were allowed on the property by right from 1983 when the property was zoned Multi-Family Residence District (R-3), (and later renamed to RM-1 in 2000) until 2019. City Council rezoned the property on August 6, 2019 to a Planned Development (PD19-06) to allow for retail sales and service uses with Type 1 outdoor storage. PD19-06 had included a concept plan for an office/warehouse building for seven tenants, but was never built. The new owner and applicant is seeking to rezone the property for a new PD20-02 to allow multifamily development again. The applicant could have rezoned to Low Rise Multifamily Residential (RM-1) which would also have allowed the duplex buildings on a single site, but required the PD in order to reduce the side and rear yard setbacks to zero feet (RM-1 requires 10-foot side and 20-foot rear respectively). Staff supports the reduced setbacks given the property to the north is located in the FEMA floodway which allows for additional open space.

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

- 1. Compatible with Plans and Policies.** **Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.** The subject property is designed “Commercial” in the City’s Comprehensive Plan which calls to “improve the relationship and connectivity between neighborhoods and Commercial areas” including the establishment of transition areas. Planning Staff believes that the proposed multifamily development adheres to this policy. It provides a transition between the residential neighborhood of townhomes to the south and west, apartments to the southeast, and the commercial uses to the east that includes an office and warehouse, salon, and spa.
- 2. Consistent with Zoning Ordinance.** **Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.** The proposed development will comply with the Low Rise Multifamily (RM-1) development standards except for the required side yard setback of 10 feet on the west side, and required 20-foot rear setback to the north. Planning Staff supports the applicant’s PD request to reduce these setbacks to 0 feet to allow the development to make the best use of available space. The applicant’s concept plan delineates a 0-foot setback for duplex buildings adjacent to the west side and north (rear) yards. While duplexes require two parking spaces per dwelling on separate lots, Staff will apply the multifamily apartment standard per the applicant’s concept plan of 1.5 spaces for one-bedroom units and 1.75 spaces for two-bedroom units, total of 46 spaces required. The applicant’s plan shows 61 spaces in compliance with either standard, but this lower standard allows for later revisions such as additional greenspace or increased drive lane widths. The proposed residential square footage is 24,576 square feet with a 300-square foot laundry building, for a total of approximately 25,000 square feet. The final site plan submitted with the required building permits will allow for minor adjustments provided the general layout is consistent with the concept plan.
- 3. Compatible with Surrounding Area.** **Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate**

zoning district for the land. As indicated above, the multifamily development is compatible with the surrounding area. There is residential development (townhouses and apartments) on the south side of Green Meadow Drive as well as seniors living complex to the west of Oak Grove Boulevard nearby. The new multifamily units will also be located in close proximity of commercial amenities that include a salon, spa, and fast food restaurants, and are within walking distance of a Concho Valley Transit bus stop. Finally, the applicant will install a five-foot wide sidewalk along Green Meadow Drive, improving walkability between the development and the bus stop and commercial amenities to the east.

4. **Changed Conditions.** **Whether and the extent to which there are changed conditions that require an amendment.** The previous owner who was approved for a retail office and warehouse project (PD19-06) on the property decided not to proceed and sold this property to the current owner and applicant. Staff believes that while the retail-office project was compatible with the area, a multifamily development is even more compatible and restores the original underlying RM-1 standards that existed between 1983 and 2019.
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.** Staff does not anticipate any adverse environmental effects from the proposed development. The concept plan delineates potential future areas for driveways, parking areas, and greenspace. The property, over one acre will require a drainage study that will address grading, drainage, and stormwater runoff prior to construction. Any drainage issues can be addressed at that time, and if necessary, a revised concept plan can be submitted for review and approval.
6. **Community Need.** **Whether and the extent to which the proposed amendment addresses a demonstrated community need.** Planning Staff concurs with the applicant that additional housing is needed, and specifically, affordable, multifamily housing. The recent 2019 *San Angelo ResIntel Housing Study* indicates that duplex, triplex and four-plex units account for only 4% of all housing units in San Angelo with an occupancy of 95.6% almost to capacity. It further indicates that rents increased by 25% in the past two years, that 54% of these were high end units, and only 1,111 multifamily units have been built in the past 10 years. Staff believes that based on these statistics, 28 additional housing units will improve this situation and provide needed multifamily housing in San Angelo.
7. **Development Patterns.** **Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.** The concept plan delineates two access driveways to the development and a third access drive in the center for additional parking, all fronting onto Green Meadow Drive. Green Meadow Drive is a minor collector road which can accommodate large traffic volumes, and Staff believes this street can accommodate the increase in traffic generated from the 28 additional residential units.

Planning Commission Recommendation:

On September 21, 2020, the Planning Commission recommended unanimous **APPROVAL** by a vote of 6-0 the rezoning from a Planned Development (PD) Zoning District which allowed for retail sales and service uses and offices with Type 1 outdoor storage, to a Planned Development (PD) Zoning District to allow for a multifamily housing development; being 1.425 acres located at 3824 Green Meadow Drive, subject to five conditions of approval as presented. The following is the complete excerpt of the draft minutes from the September 21, 2020, meeting for this case:

Jeff Fisher, Principal Planner, presented the proposed Planned Development Rezoning case. He explained that the property allowed multifamily residential development until 2019 when it was rezoned to a Planned Development (PD19-06) to allow retail and offices with some warehousing to the rear. Mr. Fisher explained that the proposed PD20-02 is for a multifamily development of 14 duplex buildings, a total of 28 units, with 12 of these being 1-bedroom units and 16 being two-bedroom units.

Mr. Fisher outlined Staff's rationale to recommend approval on the grounds that the use provides a transition between commercial uses to the east and residential ones to the south and west; that the lots comply with all underlying RM-1 zoning provisions and the PD will allow 0-foot side and rear setbacks adjacent to the FEMA floodway; that the previous office/retail development was never built and the proposed development would reinstate multifamily as an allowable use which was allowed from 1983 to 2019; and that there is a community need for duplexes in San Angelo given rents increasing 25% over the past two years, and only 4% of new housing being two, three or four-unit dwellings per the *ResIntel Study*. Mr. Fisher displayed the concept plan for the development provided by the applicant and presented the five conditions of approval as outlined in the Staff Report. These conditions include the requirement for an Urban Design Review.

Commissioner Uherik left the meeting at 10:14 a.m.

Chair Stribling opened public comment.

Chair Stribling closed public comment.

Commissioner Smith made a motion to RECOMMEND APPROVAL of a rezoning from a Planned Development (PD) Zoning District which allowed for retail sales and service uses and offices with Type 1 outdoor storage, to a Planned Development (PD) Zoning District to allow for a multifamily housing development; being 1.425 acres located at 3824 Green Meadow Drive, subject to five conditions of approval as presented. Commissioner Davis seconded the motion. The motion carried unanimously 6-0.

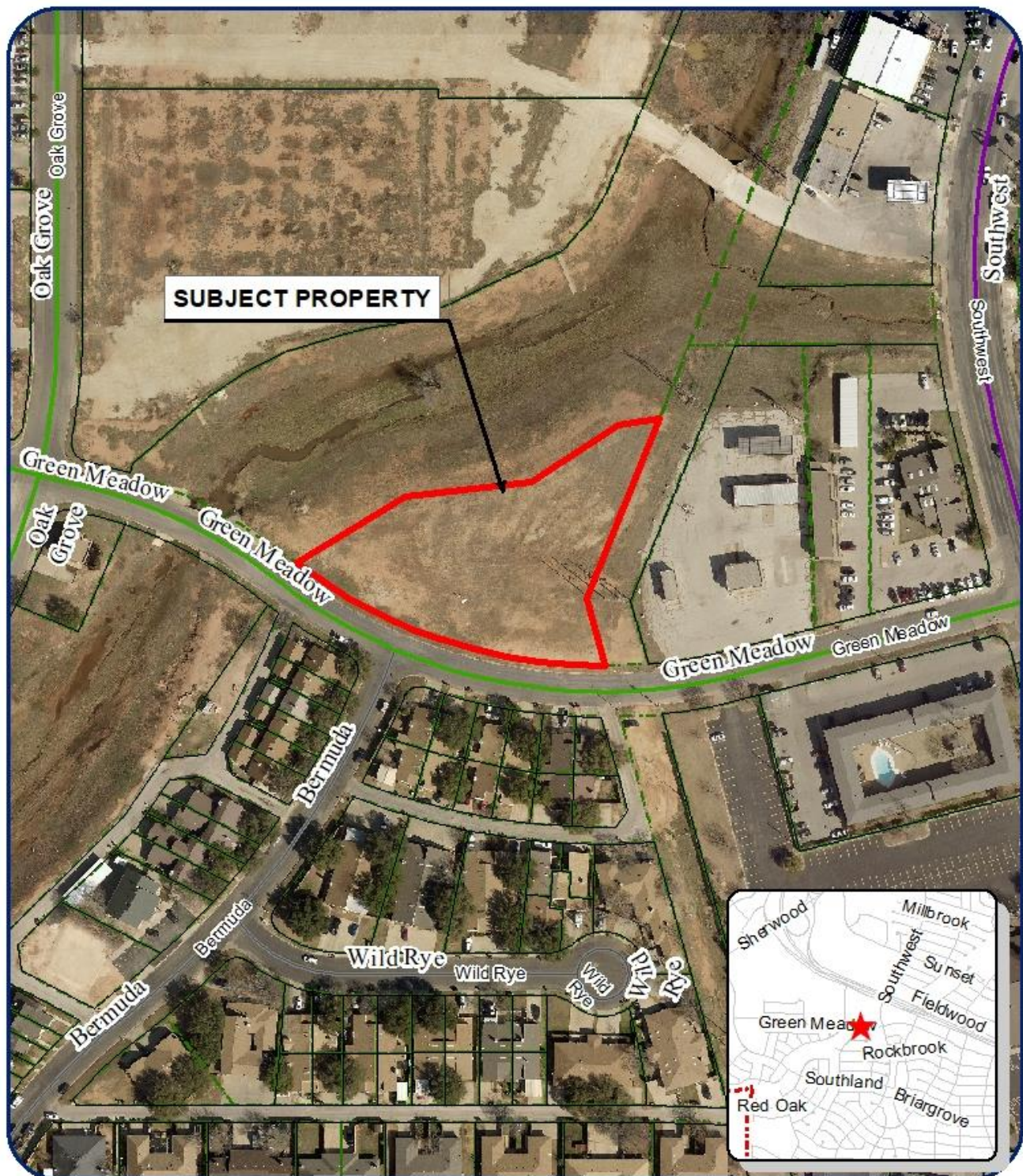
Recommendation:

Staff's recommendation is for City Council to **APPROVE** the rezoning to a Planned Development (PD20-02) Zoning District to allow for a multifamily housing development; being 1.425 acres located at 3824 Green Meadow Drive; **subject to five conditions of approval:**

1. Except as otherwise specified or limited below, the development of the subject property shall generally conform to the Low Rise Multifamily Residential (RM-1) Zoning District, except for:
 - a. The minimum rear yard setback shall be 0 feet;
 - b. The minimum side yard setbacks shall be 0 feet
2. Duplex (two-family) dwelling units shall require a minimum of 1.5 parking spaces per 1 bedroom unit and 1.75 parking spaces per 2 bedroom unit or larger.
3. Overall site use shall be in accordance with the approved Concept Plan. Major changes to the usage of this property shall be approved through an amendment to this Planned Development District with approval from the Planning Commission and City Council. Minor deviations may be approved by the Planning Director.
4. The applicant shall submit and obtain approval of an Urban Design Review (UDR) prior to any future development that includes building elevations, a landscape plan, and details of any fencing, screening, and proposed lighting.
5. All exterior lighting be shielded, downward emitting and configured in such a manner as to satisfactorily minimize or eliminate light trespass onto surrounding properties. The City has the right to periodically inspect the property to verify compliance.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Photographs
Concept Plan
Application



Planned Development Rezoning

PD20-02: 3824 Green Meadow Drive

Council District: Billie DeWitt -District 6

Neighborhood: Bonham

Scale: 1" approx. = 150 ft

3824 Green Meadow Drive

Legend

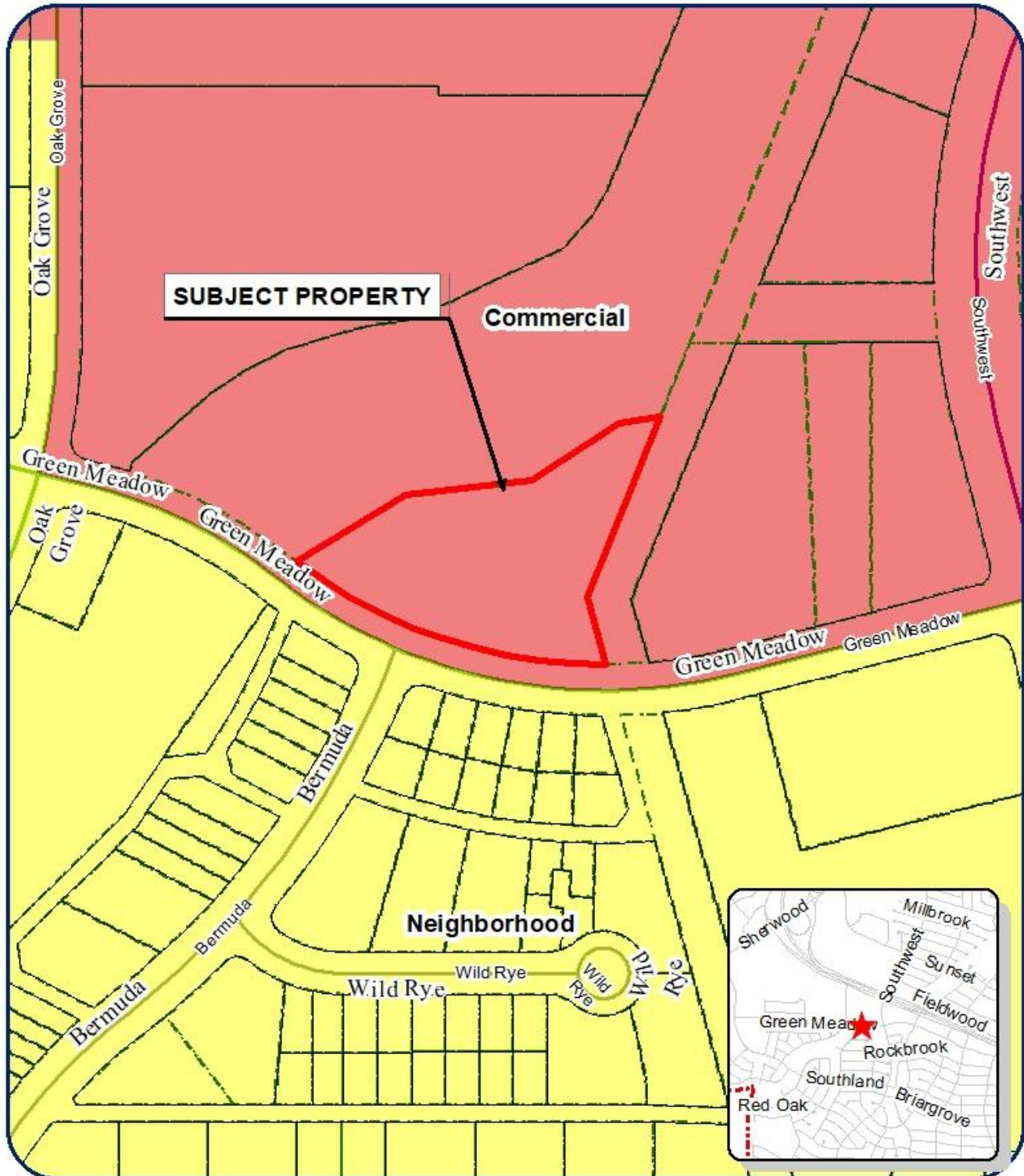
Subject Properties:

Current Zoning: **PD19-06**

Requested Zoning Change: **PD20-02**

Vision: **Commercial**





Planned Development Rezoning

PD20-02: 3824 Green Meadow Drive

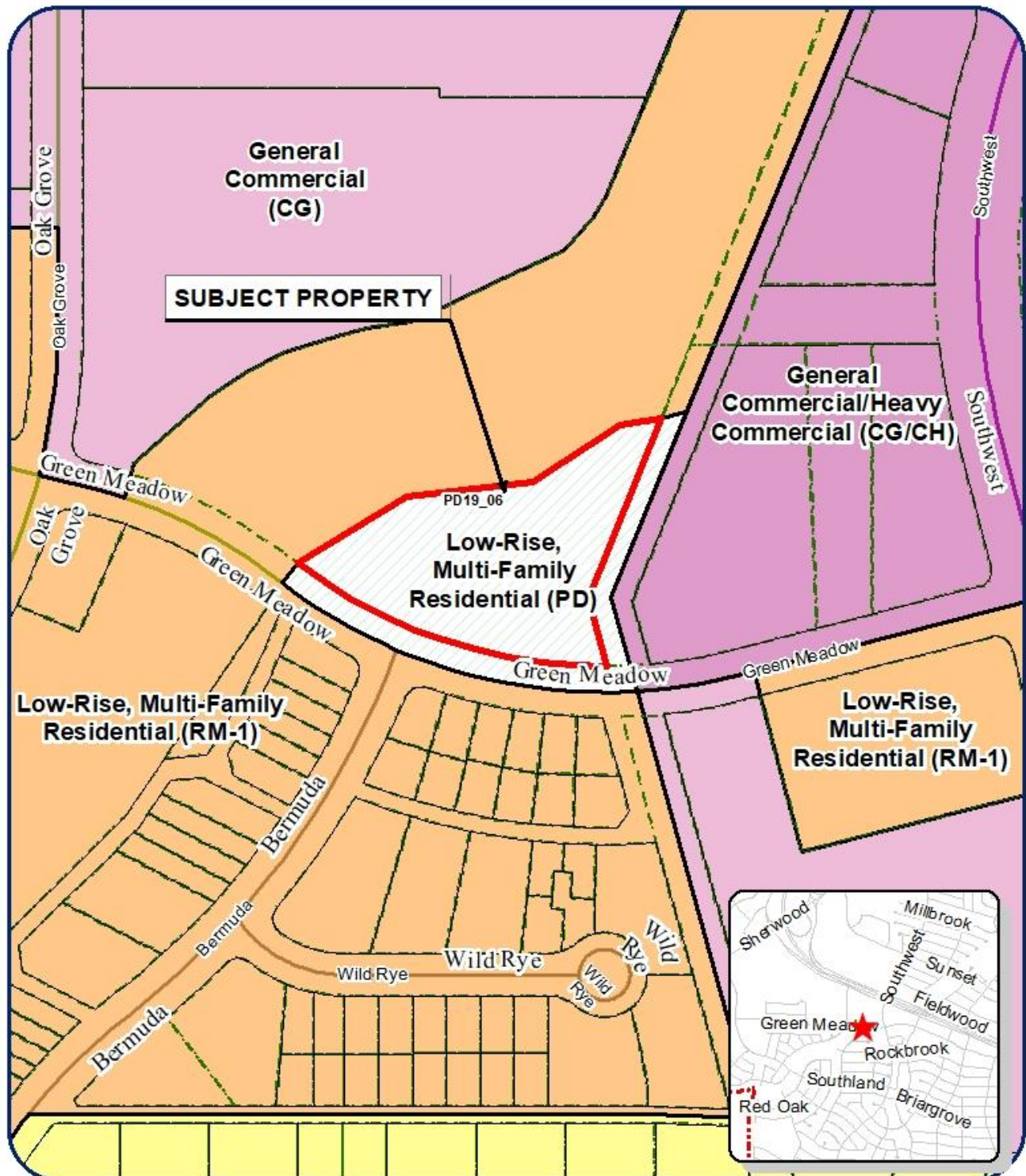
Council District: Billie DeWitt -District 6
Neighborhood: Bonham
Scale: 1" approx. = 150 ft

3824 Green Meadow Drive

Legend

Subject Properties: 
Current Zoning: PD19-06
Requested Zoning Change: PD20-02
Vision: Commercial





Planned Development Rezoning

PD20-02: 3824 Green Meadow Drive

Council District: Billie DeWitt -District 6

Neighborhood: Bonham

Scale: 1" approx. = 150 ft

3824 Green Meadow Drive

Legend

Subject Properties:

Current Zoning: **PD19-06**

Requested Zoning Change: **PD20-02**

Vision: **Commercial**



Photos of Site and Surrounding Area

WEST



EAST



NORTH AT SUBJECT PROPERTY



SOUTH



Concept Plan



Effective April 1, 2020

	City of San Angelo, Texas – Planning Division 52 West College Avenue Planned Development (PD) - Zone Change or Site Plan	
Section 1: Basic Information		
Name of Applicant(s): <u>Tri - Side Capital LLC TSC Commercial Series</u>		
☒ Owner ☐ Representative (Notarized Affidavit Required)		
<u>4122 Forest Trl #8 San Angelo Texas 76904</u>		
Mailing Address	City	State Zip Code
<u>325-656-8275</u>	<u>mickey.favre@outlook.com</u>	
Contact Phone Number	Contact E-mail Address	
<u>3824 Green Meadow Drive , San Angelo, Texas 76904</u>		
Subject Property Address	City	State Zip Code
Legal: Acres: 1.423, Lot: 1 SECTION 20 BEING 1.4250 ACS, Blk: 47, Subd: MEADOWCREEK ADD		
Legal Description (can be found on property tax statement or at www.tamgreencad.com)		
Property ID: <u>R000013149</u>		
Lot width (in feet):	Lot depth (in feet):	Lot area (in acreage or square feet):
<u>Varied</u>	<u>varied</u>	<u>1.423 Acres</u>
Existing Zoning: <u>PD</u> (Zoning Map available on City Maps)		
Section 2: Type of PD Request (minimum one acre property is required):		
1. New PD District (City Council approval required) ☐ Text Amendment to PD District Ordinance (City Council approval required) ☐ Major Site Plan Amendment (Planning Commission approval required) ☐ Minor Site Plan Amendment (Planning Director approval required) ☐		
2. Concept Plan attached? Yes ☒ No ☐		
Notes: 1. For site plan amendments, the Planning Director shall determine if the plan is deemed minor or major based on the criteria outlined in Section 210 of the Zoning Ordinance. 2. The concept plan shall be drawn to scale and shall include but not be limited to: locations of new and existing buildings on the property with required zoning setbacks; outdoor uses and storage areas; location of all drive approaches and maneuvering areas; layout, striping and surfacing of all parking and loading spaces; sidewalks; and required fencing. Additional requirements such as landscaping, dumpster screening, and lighting may be provided on the concept plan or separate plan as determined by the Planning Director at time of submission or afterwards.		
Section 3: Site Specific Details (Use separate attachment if necessary)		
Existing Use of Property: <u>Vacant Land</u>		
*Proposed Use of Property: <u>Multifamily Duplexes</u>		
I understand that City Council is required by law to consider the following criteria when making a zone change decision, and I assert that my request meets <u>all</u> of the required criteria based on my explanation(s) below:		
1. Compatible with Plans and Policies. Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council. (Vision Plan Map available on City Maps and see pages 34-44 in San Angelo Strategic Plan)		
Explanation: <u>The Existing PD was for a commercial development. Due to the housing shortage and neighborhood surroundings multifamily would be well suited for this vacant land</u>		
2. Consistent with Zoning Ordinance. Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance .		
Explanation: <u>Planned Development for residential would conform to neighborhood surroundings</u>		

Effective April 1, 2020

Section 3: Site Specific Details continued

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.

Explanation: Planned Development for residential would conform to neighborhood surroundings

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

Explanation: _____

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

Explanation: Positive improvement to vacant land

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

Explanation: Our community is in need of additional housing

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

Explanation: The property is adjacent to single and multifamily

Section 4: 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 PD 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;

☒ Minor site plan amendments may be approved or denied by the Planning Director, or referred by the Director to the Planning Commission for a decision where a revision constitutes a substantial alteration from the original approved plan. An applicant may appeal a denial by the Planning Director to the Planning Commission within 30 days of the decision.

☒ Major site plan amendments may be approved, approved with conditions, or denied by the Planning Commission at a public hearing. An applicant may appeal a denial by the Planning Commission to the City Council within 30 days of the decision.

☒ 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 PD zone change is applied to the property, not the property owner.

☒ For PD zone changes, one or more notice sign(s) will be placed on the subject property by the Planning Department. The Planning Department will also notify, in writing, owners of property within 200-feet of the subject property of the PD zone change request.

☒ For PD zone changes, the Planning Commission shall conduct a public hearing and shall recommend that the City Council approve, approve with modifications, or deny the proposed amendment. If the Planning Commission recommends approval of a PD zone change request, the case must still go before City Council for final action.

☒ A recommendation by the Planning Commission to deny a request for a PD zone change may be appealed in writing to City Council within 10 days, or the decision is considered final.

Effective April 1, 2020

- ☒ For PD zone changes, a public hearing and final decision will be made by City Council.
- ☒ The City Council may approve, approve with modifications, or deny the proposed PD zone change. Where the Planning Commission has recommended denial, or written protest against such amendment is made and signed by (a) the owners of 20 percent or more of the area subject to the zone change or (b) the owners of 20 percent or more of the area within 200 feet of the affected area, then the proposed amendment shall require a favorable vote of at least three-fourths of all the members of the City Council to become effective. The area of rights-of-way and streets shall be included in any computation of land area under this subsection.
- ☒ Appeal of a City Council decision to deny a PD zone change shall be made within 30 days to the applicable state District Court in Tom Green County.
- ☒ If a PD 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.
- ☒ The applicant shall ensure at the time of permitting, that the proposed uses and buildings comply with all development standards of the new zoning district(s) and the general development standards of the Zoning Ordinance including setbacks, parking, and any required privacy fencing. These requirements are outlined in San Angelo's Zoning Ordinance.
- ☒ The applicant or an authorized representative should attend public hearing(s) pertaining to his/her request, prepared to present his/her case and to answer any relevant questions from Planning Commission or City Council members.

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

Michael Favre	Michael E Favre	Tri-Side Capital LLC TSC Commercial Series	08/21/2020
Owner Name (Print)	Signature	Company/Organization (If Applicable)	Date
Same			
Representative Name (Print)	Signature	Company/Organization	Date

FOR OFFICE USE ONLY:

☐ Verified Complete ☐ Verified Incomplete

Date of Application: ____/____/____

Case No.: PD ____ -- ____

Fully-dimensioned concept plan: ☐

Select from the following:

Date paid: ____/____/____

New PD District nonrefundable fee (\$600.00):	\$ _____	Receipt #: _____
Text Amendment or Major Site Plan Amendment (\$225.00):	\$ _____	Receipt #: _____
Minor Site Plan Amendment (\$125.00):	\$ _____	Receipt #: _____
Newspaper Notice Fee \$125.00 (minor site plans exempt)	\$ _____	Receipt #: _____
Sign Deposit \$20.00 (minor site plans exempt)	\$ _____	Receipt #: _____

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

Related Case(s)? ☐ Yes ☐ No If yes, case nos.: ____ -- ____

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

City Council hearing date: ____/____/____ Newspaper publication date: ____/____/____

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

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: November 3, 2020

Item type: Consent Item

Caption:

Second reading of an ordinance approving case CP20-06, a Comprehensive Plan Amendment from Neighborhood to Neighborhood Center, being 0.553 acres located at the northwest corner of S. Bell St. and Paint Rock Rd. (Jon James)

Summary/History:

The applicant has applied for a Comprehensive Plan Amendment from Neighborhood to Neighborhood Center, and has been approved, by the Planning Commission, for a Conditional Use to allow a building permit issuance and move forward with the proposed improvements while continuing with the Comprehensive Plan Amendment. The applicant is proposing a new retail business on the subject property. The current zoning of Office Commercial does not allow retail sale and service by right. While researching the development, Staff discovered the property's future land use is currently Neighborhood, which would not be in line with the proposed conditional use. The proposed comprehensive plan amendment to Neighborhood Center would support the conditional use and proposed development.

Financial Impact:

N/A

Other Information/Recommendation:

On September 21, 2020, the Planning Commission voted to RECOMMEND APPROVAL of the comprehensive plan amendment by a unanimous vote of 6-0.

On October 20, 2020, the City Council voted to APPROVE the comprehensive plan amendment on first reading by a unanimous vote of 7-0.

Attachments:

- | | | |
|----|-------------------------|-----------------------------|
| 1. | Ordinance (CP20-06) | Ordinance (CP20-06).docx |
| 2. | CP20-06_staff report CC | CP20-06_staff report CC.pdf |

Presentation:

Jon James

Approvals/Reviews:

Hillary Bueker	Created/Initiated
Hillary Bueker	Approved
Jon James	Approved
Brandon Dyson	Approved
Jon James	Approved
Theresa James	Approved

Julia Antilley

Final Approval

AN ORDINANCE OF THE CITY OF SAN ANGELO, TEXAS, AMENDING THE CITY'S COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE PLAN MAP DESIGNATION OF CERTAIN LANDS LOCATED ON THE NORTHWEST CORNER OF SOUTH BELL STREET AND PAINT ROCK ROAD, BEING 0.553 ACRES, FROM "NEIGHBORHOOD" TO "NEIGHBORHOOD CENTER;" PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

CP-20-06

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 on the northwest corner of South Bell Street and Paint Rock Road, specifically being 0.553 acres in Lots 2, 3 and 4 in Block D, Glenmore Annex, San Angelo, Tom Green County, Texas; 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 **20th day of October, 2020**, and finally ADOPTED on this the **3rd day of November, 2020**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

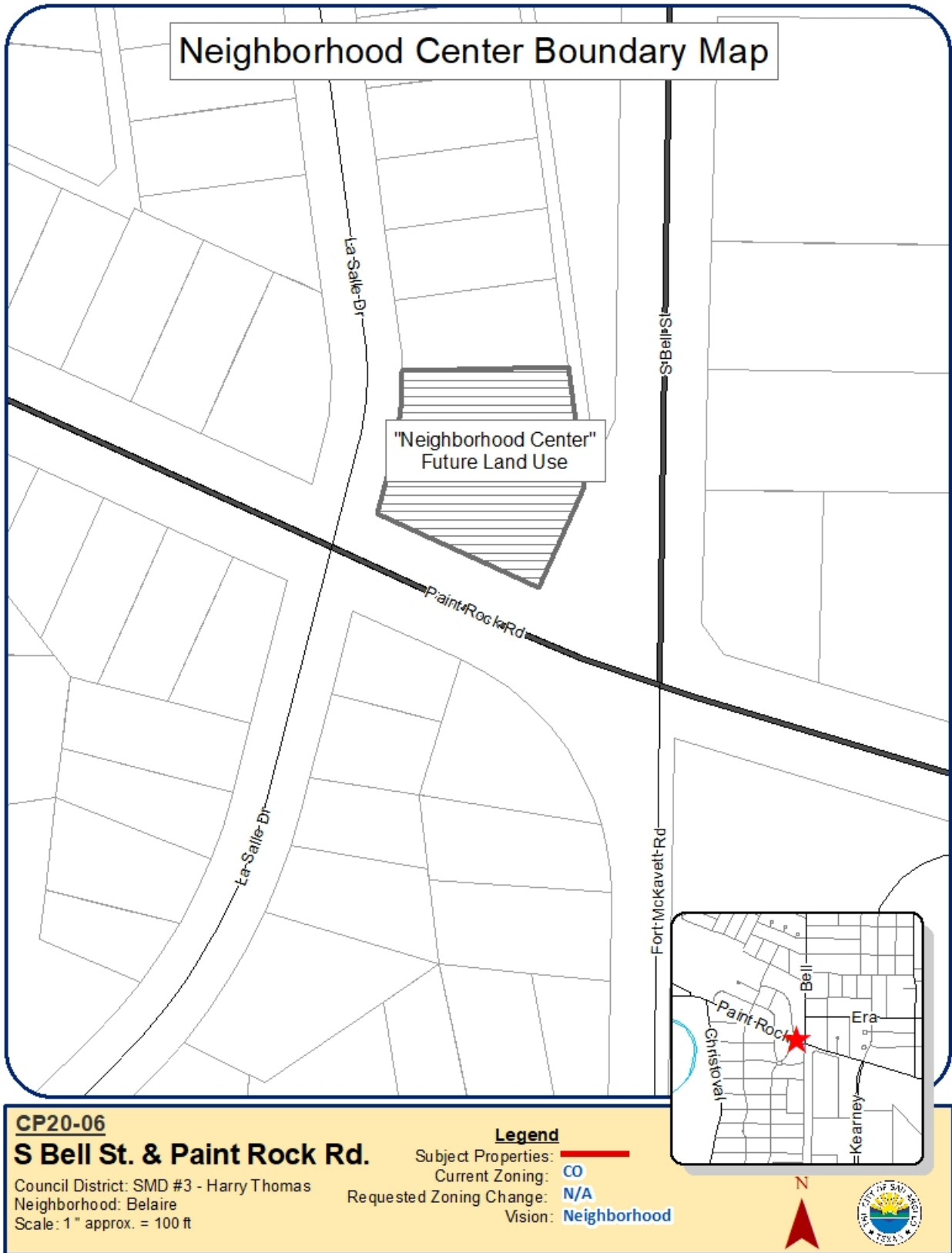
ATTEST:

APPROVED AS TO FORM:

Julia Antilley, City Clerk

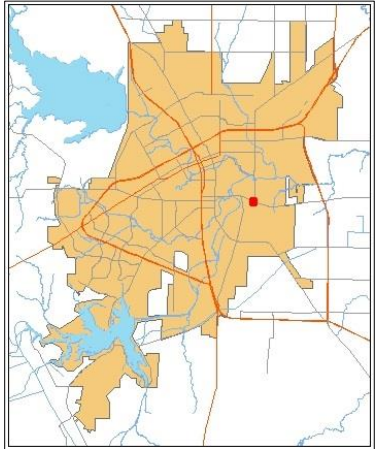
Theresa James, City Attorney

EXHIBIT "A"



**CITY COUNCIL –OCTOBER 20 & NOVEMBER 3, 2020
STAFF REPORT**



APPLICATION TYPE:		CASES:	
Comprehensive Plan Amendment		CP20-06: South Bell Street and Paint Rock Road	
SYNOPSIS:			
The applicant has applied for a Comprehensive Plan Amendment from Neighborhood to Neighborhood Center. The applicant has been approved by the Planning Commission for a Conditional Use to allow a building permit issuance and move forward with the proposed improvements while continuing with the Comprehensive Plan Amendment. (See Additional Information).			
LOCATION:		LEGAL DESCRIPTION:	
Generally located on the northwest corner of South Bell Street and Paint Rock Road		Being Lots 2-4, Block D, Glenmore Annex	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #3 – Harry Thomas Belaire Neighborhood	Office Commercial (CO)	Neighborhood	0.553 acres
THOROUGHFARE PLAN:			
South Bell Street –Urban Minor Arterial Street, Required: 80’ right-of-way, 64’ pavement; Provided: 100’ right-of-way, 67’ pavement Paint Rock Road – TXDOT - Urban Minor Arterial Street, Required: 80’ right-of-way, 64’ pavement; Provided: 80’ right-of-way, 60’ pavement			
NOTIFICATIONS:			
23 notifications were mailed within a 200-foot radius of the property on September 9, 2020 for both cases. No responses received in favor or in opposition.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of a Comprehensive Plan Amendment from Neighborhood to Neighborhood Center on a 0.553-acre property located at the northwest corner of South Bell Street and Paint Rock Road.			
PROPERTY OWNER/PETITIONER:			
Larry Coon and Joseph Kilman dba Kilcon Properties LLC.			
STAFF CONTACT:			
Hillary Bueker Planning Manager (325) 657-4210, Extension 1547 Hillary.bueker@cosatx.us			

Additional Information: The applicant is proposing a new retail business on the subject property. The current zoning of Office Commercial does not allow retail sale and service by right so the applicant has been approved for a conditional use to allow the proposed development. While researching the development, Staff discovered the property's future land use is currently Neighborhood, which would not be in line with the proposed conditional use. The applicant has also applied for a comprehensive plan amendment to Neighborhood Center, which would support the conditional use and proposed development.

Comprehensive Plan Amendment Analysis: The comprehensive plan states that the intent of Neighborhood Center is to "Establish Neighborhood Centers that take on a more pedestrian-friendly character, are more integrated with and connected to their surroundings, and cluster buildings to generate synergies between complementary uses. These neighborhood centers should individually have a primary use, but should allow for a mix of uses allowing for increased activity, interest, and long-term viability." Directly east across South Bell Street is a Stripes Convenience Store and southeast of the subject property is Goodfellow AFB. North, west, and south of the property is currently residential. The subject property would make a great transition with included features such as sidewalks and required screening to the neighboring homes. The proposed development will be required to meet all current zoning ordinance regulations. The current Neighborhood future land use has not been used and is likely due to the location near a major intersection in Southeast San Angelo. Changing the future land use from Neighborhood to Neighborhood Center allows for the proposed development instead of continuing with an underutilized designation.

Planning Commission Recommendation:

On September 21, 2020, the Planning Commission unanimously recommended **APPROVAL** of the Comprehensive Plan Amendment changing the Future Land Use designation from "Neighborhood" to "Neighborhood Center" on 0.553-acre property as identified on the attached maps. The following is the complete excerpt of the draft minutes from the September 21, 2020 meeting for these cases:

Hillary Bueker, Planning Manager, presented the proposed Comprehensive Plan Amendment and Conditional Use cases. She explained that the zoning was already Office Commercial (CO) which allows a conditional use option for retail sales. She showed photographs of the site and surrounding area. Ms. Bueker outlined Staff's rationale to recommend approval of the Comprehensive Plan Amendment on the grounds that the Future Land Use of Neighborhood Center allows the proposed future use; that this future land use would create a transition from commercial to residential with sidewalks and screening; and that the current Neighborhood designation which supports residential homes has not developed because it is at a major intersection. Ms. Bueker then outlined Staff's recommended approval of the conditional use on the grounds that impacts will be minimized with screening and sidewalks; that the proposed development is consistent with the current CO zoning; that the area is a mix of uses which includes commercial to the east and southeast; and that the proposed development will fit into the commercial area along South Bell Street, and that sidewalks and screening will help it blend with the residential uses nearby. Ms. Bueker indicated that 23 notifications were mailed out

and no responses were received in support or against the requests. She concluded her presentation by outlining the three conditions of approval for the Conditional Use which included a landscape plan and a requirement for a sidewalk along La Salle Drive. She mentioned that she believes a sidewalk already exists along Paint Rock Road.

Chair Stribling opened public comment.

Russell Gully with SKG Engineering, representing the applicant, asked how a landscape plan could be designed to resemble the neighborhood and there is not a lot of landscaping in this area. He also asked if the landscaping plan and sidewalk conditions could be deferred to the building permit phase.

Ms. Bueker indicated that a deferral on the sidewalk and landscape plan could be achieved. She explained that adding some landscaping would help as well as screening.

Mr. Gully indicated that a 3-foot fence may help as well.

Ms. Bueker responded that this could be done.

Chair Stribling closed public comment.

Vice Chair Jackson made a motion to RECOMMEND APPROVAL of an amendment to the City of San Angelo Comprehensive Plan, changing certain lands from the Neighborhood Future Land Use to the Neighborhood Center Future Land Use on the subject property; and to APPROVE a Conditional Use to allow for Retail Sales and Service in the Office Commercial (CO) Zoning District on the subject property, subject to three conditions of approval as presented, DEFERRING Conditions #2 and #3 to the building permit phase. Commissioner Self seconded the motion. The motion carried unanimously 7-0.

Recommendation:

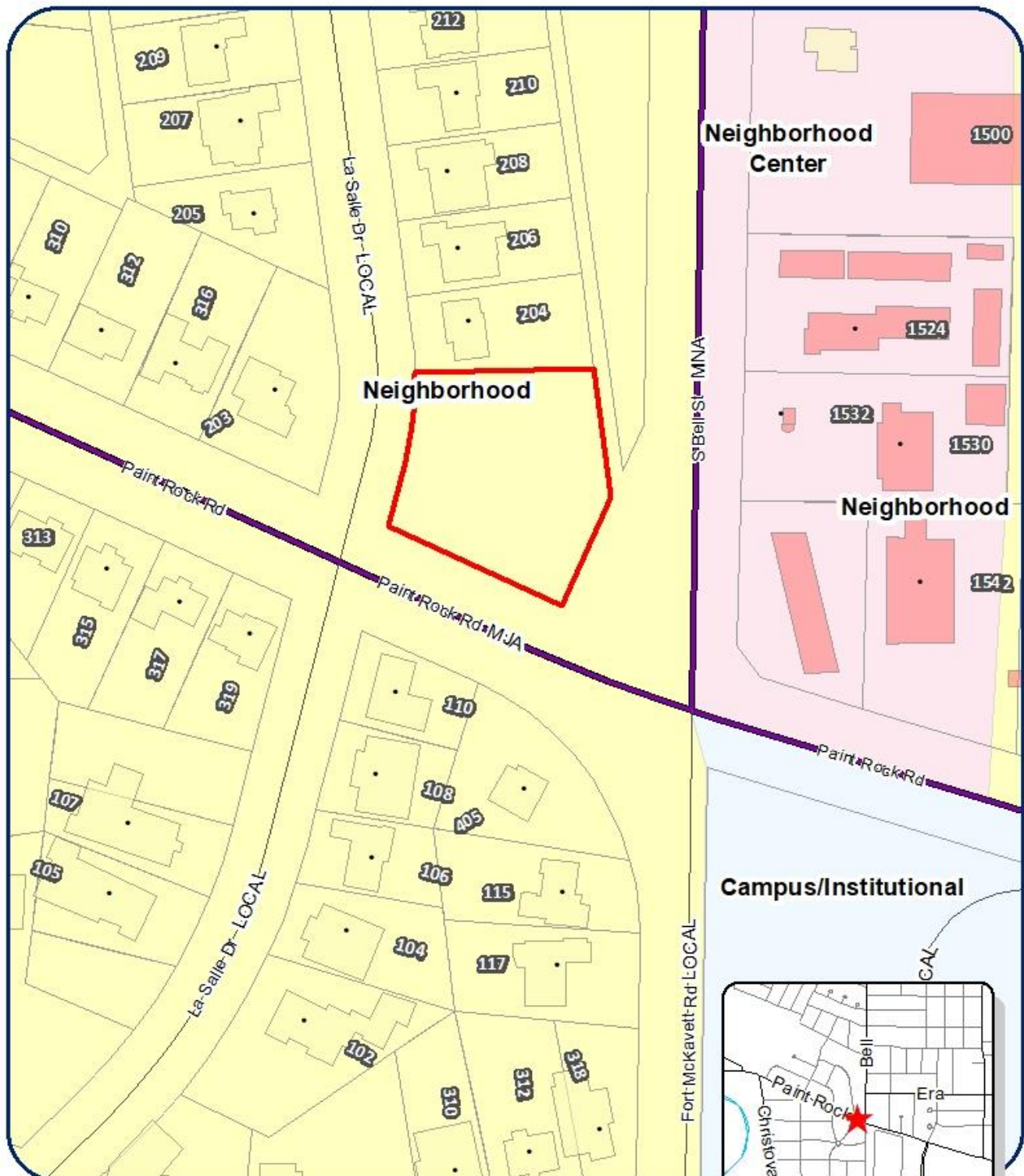
Staff recommends **APPROVAL** of a Comprehensive Plan Amendment from Neighborhood to Neighborhood Center on a 0.553-acre property located at the northwest corner of South Bell Street and Paint Rock Road.

Attachments:

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

Staff Report – CP20-06: South Bell Street and Paint Rock Road
October 20 & November 3, 2020



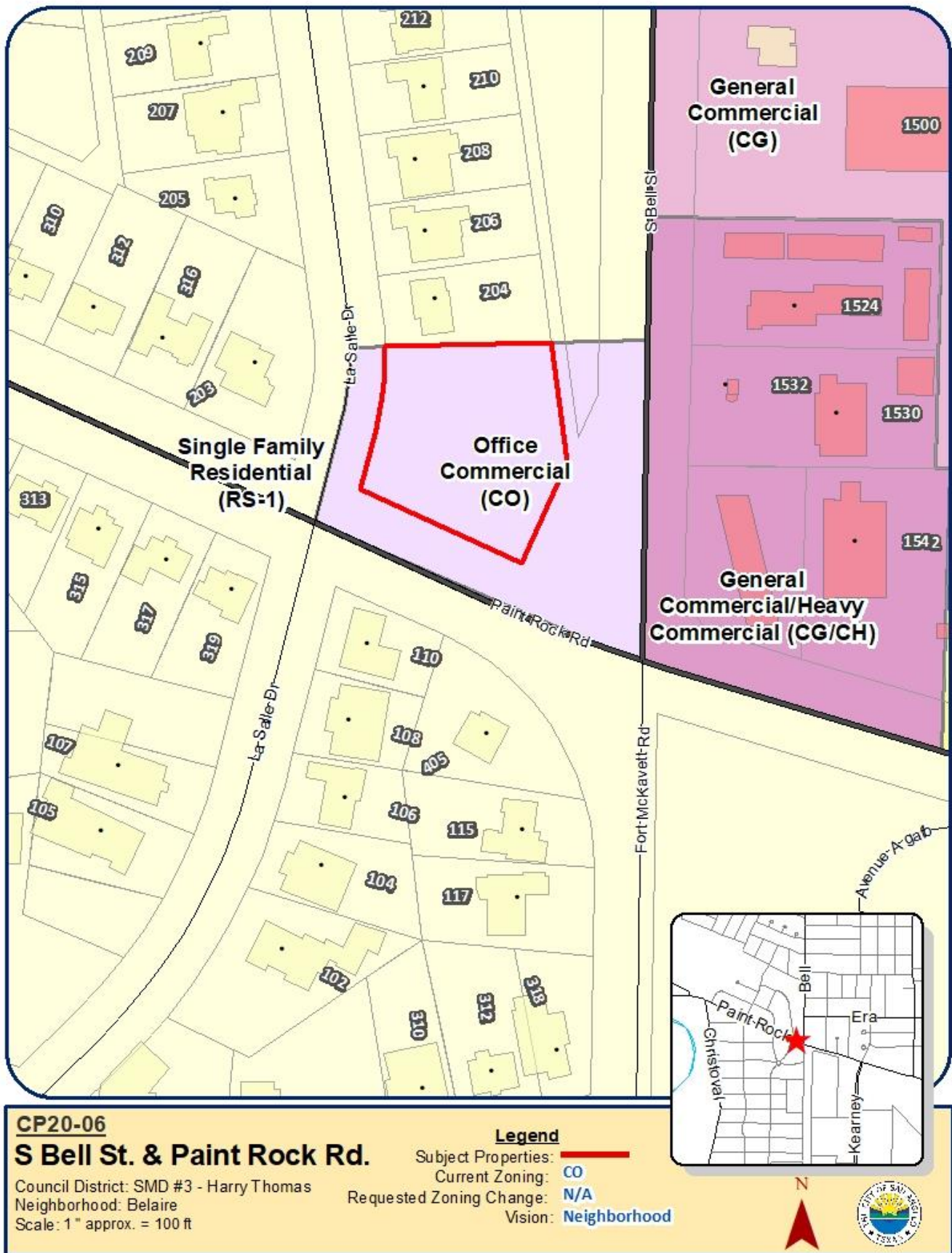
**CP20-06****S Bell St. & Paint Rock Rd.**

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

Legend

Subject Properties: —
 Current Zoning: **CO**
 Requested Zoning Change: **N/A**
 Vision: **Neighborhood**





Photos of Site and Surrounding Area



Looking west at Subject Property



Looking east at Subject Property



Residential Properties to the north



Stripes directly across South Bell Street

Staff Report – CP20-06: South Bell Street and Paint Rock Road

October 20 & November 3, 2020



Effective January 3, 2017



City of San Angelo, Texas – Planning Division
52 West College Avenue



Application for Request to Amend Comprehensive Plan

Section 1: Basic Information

Name of Applicant(s): Larry D. Coon and Joseph Kilman dba Kilcon Properties, LLC.

☐ Owner ☐ Representative (Notarized Affidavit Required)

1205 Pinehurst Ct San Angelo TX 76904

Mailing Address City State Zip Code

325-374-6644 Larconfoods@yahoo.com

Contact Phone Number Contact E-mail Address

Lot: 2 THRU 4, Blk: D, Subd: GLENMORE ANNEX, San Angelo TX 76903

Subject Property Address City State Zip Code

Lot Size: .553 acres Zoning: Commercial Office

Section 2: Site Specific Details

Existing Use of Property: Vacant

Proposed Use of Property: Retail Restaurant

Existing Comprehensive Plan Land Use Designation: Commercial Office

Requested Comprehensive Plan Land Use Designation: Retail Sales in the CO Zoning District

Reason(s) and justification(s) for requesting Comprehensive Plan Amendment:

We plan to build a new restaurant that would fill a large void in this part of San Angelo. This
new location will also employ 25-30 people, many of which will be first time jobs for young
adults and due to the proximity of the location, many employees can be within walking
distance to this location.

Effective January 3, 2017

Section 3: Applicant(s) Acknowledgement**Please initial the following:**

LDC This process does NOT change the zoning on the property. Future applications filed for zone change will be evaluated by comparing the request against the Comprehensive Plan category, to insure consistency as required by the Local Government Code. This Code directs cities to make zoning decisions in accordance with this planning document.

LDC Filing of this application is simply a request that the Planning Commission consider an amendment to the Comprehensive Plan map. Both the Planning Commission and City Council have the option to determine no amendment is necessary. If amendment is deemed necessary, staff will recommend updates based on the facts and evidence collected, and in accordance with the principles of the Comprehensive Plan adopted in 2009.

LDC If approved, the Comprehensive Plan Amendment is applied to the property and runs with the land; it does not apply to the property owner(s).

LDC The Planning Commission makes recommendations to City Council. If the Planning Commission recommends approval of a Comprehensive Plan Amendment request, the request must still go before City Council for final action.

LDC If a Comprehensive Plan Amendment request is granted by City Council, a Zone Change application must still be filed to begin the rezoning process. While such applications may be filed concurrently, refund of a rezoning application fee is not possible; as such, it may be advisable to wait for a final decision on said Comprehensive Plan Amendment before proceeding with a rezoning request.

LDC Comprehensive Plan Amendments are not done on a property by property basis, since zoning is largely based upon anticipating & mitigating the effects and unintended consequences land uses have on their surroundings. The neighborhood or area where your property lies will be evaluated and studied by staff, the Planning Commission, and City Council.

LDC Areas will be examined no more than once per calendar year. The analysis, study, and evaluation by staff, the Planning Commission is a three month process; City Council must also adopt any changes.

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

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


Signature of licensee or authorized representative

08/21/2020

Date

Larry D. Coon

Printed name of licensee or authorized representative

Kilcon Properties, LLC.

Name of business/Entity of representative

FOR OFFICE USE ONLY:

Case No.: CPA.: ____ -- ____ Planning Commission Date: ____/____/____

City Council Date(s): ____/____/____

Non-Refundable Fee: \$ ____ Receipt #: ____ Date paid: ____/____/____

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

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: November 3, 2020

Item type: Consent Item

Caption:

Second reading of an ordinance approving case Z20-12, a rezoning from the Single Family Residence zoning district to the Low Rise Multi-Family zoning district, being 0.415 acres located at 2314 Carlton Way (Jon James)

Summary/History:

The applicant has operated a daycare at this location for a long time. She needs recertification from the state but the use is currently not allowed in the RS-1 zoning district. Rezoning to RM-1 would allow the continuation of a residential use as well as the daycare component. The applicant and her family will continue to live in the home while maintaining a respite day care service.

Financial Impact:

N/A

Other Information/Recommendation:

On September 21, 2020, Planning Commission meeting recommended approved the request with a 7-0 vote.

On October 20, 2020, the City Council voted to approve the request on first reading on a 7-0 vote.

Attachments:

- | | | |
|----|---------------------|-------------------------|
| 1. | Z20-12 staff report | Z20-12 staff report.pdf |
| 2. | Z20-12_Ordinance | Z20-12_Ordinance.docx |

Presentation:

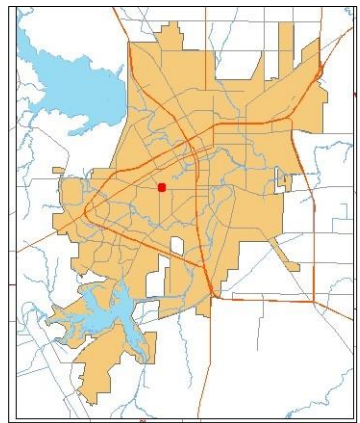
Jon James

Approvals/Reviews:

Sherry Bailey	Created/Initiated
Hillary Bueker	Approved
Jon James	Approved
Brandon Dyson	Approved
Jon James	Approved
Theresa James	Approved
Julia Antilley	Final Approval

CITY COUNCIL – October 20, 2020
STAFF REPORT



APPLICATION TYPE:		CASES:	
Rezoning		Z20-12: 2314 Carlton Way	
SYNOPSIS:			
A request for approval of a rezoning from the Single Family Residence (RS-1) Zoning District to the Low Rise Multi-Family (RM-1) Zoning District, being 0.415 acres located at 2314 Carlton Way, located at the northeast corner of Carlton Way and Lincoln Street. The applicant has operated a daycare at this location for a long time but the use is currently not allowed in the RS-1 zoning district. Rezoning to RM-1 would allow the continuation of a residential use and the daycare component.			
LOCATION:		LEGAL DESCRIPTION:	
2314 Carlton Way.; generally located at the northeast corner of Carlton Way and Lincoln Street.		Lot 7, 8 & W. 20 ft. of Lot 9; Block 27, Westmoreland Addition.	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District 5 – Lane Carter Santa Rita Neighborhood	Single Family Residential (RS-1)	Neighborhood	0.415 acres
THOROUGHFARE PLAN:			
<u>Carlton Way</u> –Urban Local Street, Required 50’ min. ROW (60’ Existing), Required paving 40’ or 36’ with a 4’sidewalk (30’ Existing). <u>South Lincoln Street</u>- Urban Local Street, Required 50’ min. ROW (60’ existing), Required paving 40’ or 36’ with a 4’sidewalk (30’ existing)			
NOTIFICATIONS:			
19 notifications were mailed within a 200-foot radius on September 4, 2020. Zero responses received in favor and Zero responses received in opposition			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of a rezoning from Single Family Residential (RS-1) Zoning District to Low Rise Multi-Family Residence (RM-1) Zoning District. Planning Commission voted 6-0 to recommend approval.			
PROPERTY OWNER/PETITIONER:			
Kathy Sutters (Hobson)			
STAFF CONTACT:			
Sherry Bailey Principal Planner (325) 657-4210, Extension 1546 sherry.bailey@cosatx.us			

Additional Information: The applicant has owned this property for a long time, and 20 years ago she was approved a Special Use (SU00-09) for a Day Care facility at her home. Since conditions of that Special Use were never met, the Special Use expired. She now wishes to have a day care facility again and rather than try a Special Use again she is requesting rezoning to (RM-1) Low Rise Multi-Family Residence. RM-1 is a residential zoning district that allows a Day Care facility by right. It is also a reasonable buffer between the Neighborhood Commercial across the street to the southwest and the single family residential to the east.

The applicant and her family reside in the home and will continue to do so. They have set aside a number of rooms and spaces for the day care use and will be modifying the home to accommodate a second food preparation area separate from the family kitchen. There is also a large outdoor space that is equipped as a play area for the day care children. The applicant specializes in respite care for at risk youth from special foster homes. She wants to be licensed for 15 to 25 children and she may have up to five employees. The front wide driveway will accommodate the needed drop off parking. The family parking and some staff parking can be behind the fencing in the back yard area. Additional staff parking can be accommodated for two spots on the S. Lincoln Street side. The drop off area will be limited to two main times of the day.

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 identifies this area as Neighborhood residential. The zone change proposed is compatible with that designation in that both single family and low rise multi-family residential fit under the Neighborhood residential designation as neighborhood uses.
2. **Consistent with Zoning Ordinance.** **Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.** The proposed zone change is consistent with the existing residential zones in the area and the neighborhood commercial uses within the neighborhood. The older sections of San Angelo have a variety of structure types within the residential districts. As a result, the neighborhoods exhibit a checkerboard of uses approved over time. The lot meets the size requirements for a multi-family use. Parking requirements for the intended use can be accommodated on the site with two spaces as the countable street parking.
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 zoning types. There is Neighborhood Commercial directly across the street to the southwest, and General Commercial starting to the south at mid-block. This area is adjacent to ASU and is evolving. The lot in question is larger than a normal residential lot and can accommodate the

needed parking and special use areas. However, the zoning change will not result in a home design change, at least for the foreseeable future, since it is the applicant's family home.

4. **Changed Conditions.** *Whether and the extent to which there are changed conditions that require an amendment.* The zoning requested is in keeping with the existing uses and compatible with those uses. The intended use is compatible with single family uses. This is demonstrated by the fact that many of these type of uses have been located within this larger neighborhood for over 40 years.
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.
6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.* Allowing the site to rezone continues an already demonstrated need for day care, specially this specific day care type.
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 reflects a transitional development pattern which is in keeping with the older neighborhoods. This is common in older areas near the city center as they change and grow. This rezoning seeks to allow a balance to allow for mixed growth while allowing the transition to adaptable neighborhoods.

Recommendation:

Staff's recommendation is for the City Council to **APPROVE** the Rezoning from the Single Family Residential (RS-1) Zoning District to the Low Rise Multi-Family (RM-1) Zoning District.

Planning Commission:

Commissioner Smith left the meeting at 10:16 a.m.

Sherry Bailey, Principal Planner, presented the proposed Rezoning case.

Ms. Bailey explained that the entire lot is almost half an acre. She displayed photographs of the site showing the drop off parking area, front street parking, play are, and resident parking with possible staff parking. Ms. Bailey indicated that the applicant plans to have a staff of five and between 15-25 children. She indicated that of the 19 notifications that were mailed, Staff received no responses in favor or opposition.

Ms. Bailey explained that the applicant was granted a Special Use in 2000 but that it expired because she did not complete the conditions, and that she was only made aware when the

State conducted a review of the day care. Ms. Bailey indicated that the applicant and her family live in the home and that they want to reestablish this day care.

Ms. Bailey outlined Staff's rationale to recommend approval on the grounds that the proposed zoning is residential but allows daycares which is a good transition; that the home is directly across from neighborhood commercial and a short walk to Angelo State University; that the intended use is compatible with residential uses in the area and there are a number of day cares already in the area; that there is a community need for this use in the area; and that the existing development pattern shows a transition area which is a good balance for growth of a mix of uses.

Commissioner Uherik returned to the meeting at 10:26 a.m.

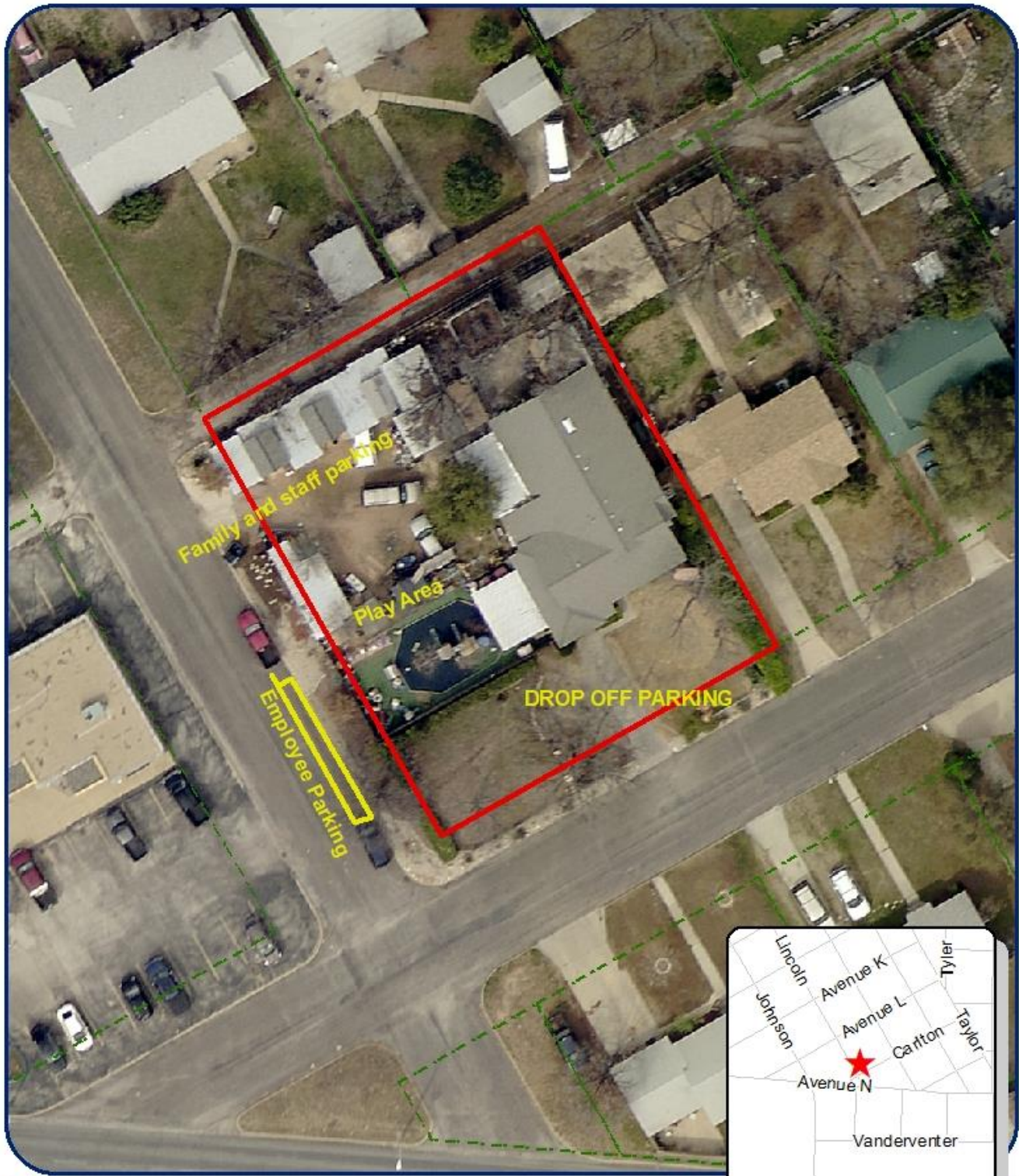
Chair Stribling opened public comment.

Chair Stribling closed public comment.

Vice Chair Jackson made a motion to RECOMMEND APPROVAL of a rezoning from the Single Family Residence (RS-1) Zoning District to the Low Rise Multi-Family (RM-1) Zoning District, being 0.415 acres located at 2314 Carlton Way. Commissioner Davis seconded the motion. The motion carried unanimously 6-0.

Attachments:

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



Location Map Z20-12: Sutters

2314 Carlton Way
Council District 5 - Lane Carter
Neighborhood: Santa Rita
Scale: 1" approx. = 40 ft

Lot 7, 8 & W 20 Ft. of Lot 9; Block 27, Westmoreland Addition

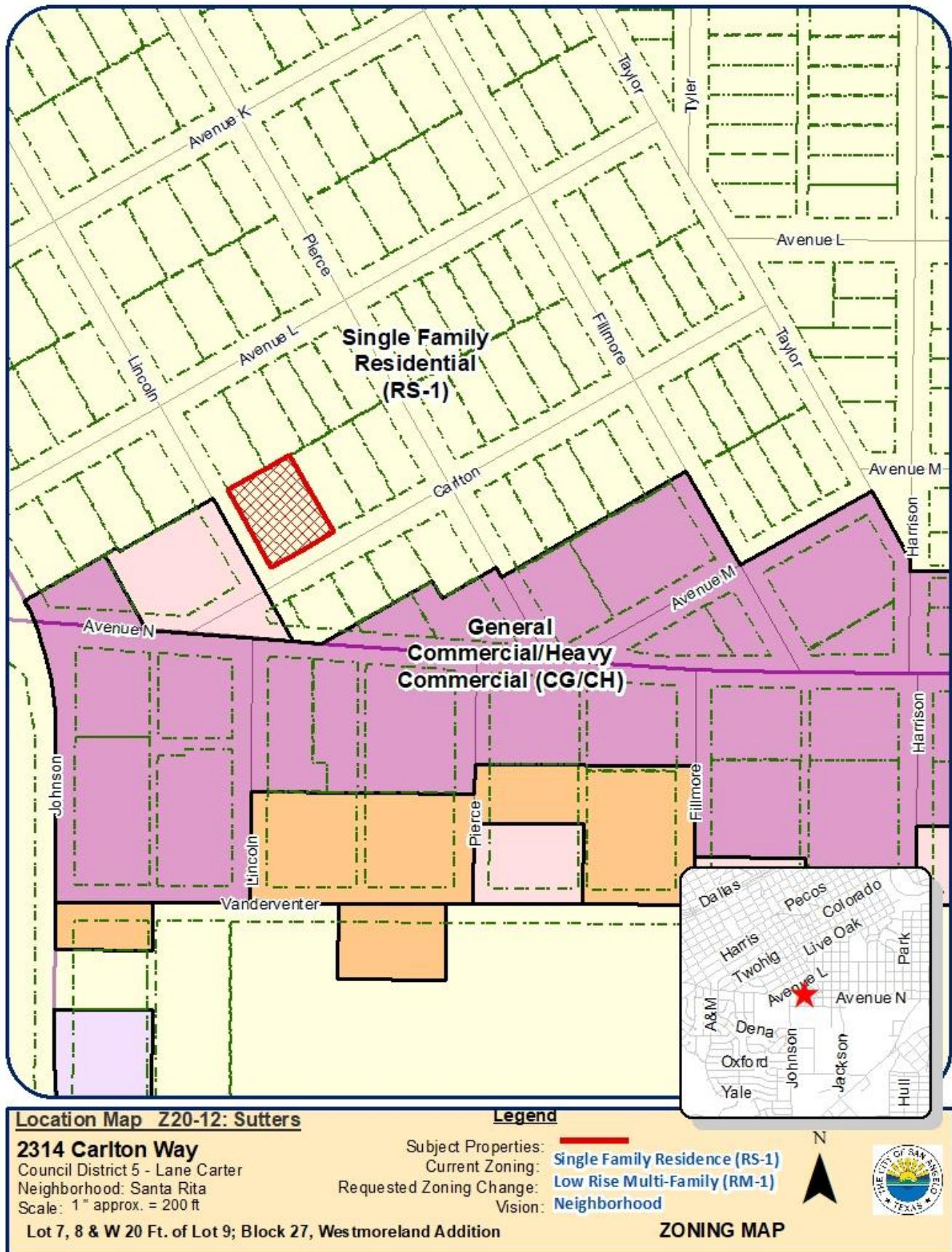
Legend

Subject Properties: 
Current Zoning: **Single Family Residence (RS-1)**
Requested Zoning Change: **Low Rise Multi-Family (RM-1)**
Vision: **Neighborhood**

SITE MAP









Location Map 2314 Carlton Way

Z20-12: Sutters

Council District 5 - Lane Carter
Neighborhood: Santa Rita
Scale: 1" approx. = 140 ft

Legend

Subject Properties: 
Current Zoning: **Single Family Residence (RS-1)**
Requested Zoning Change: **Low Rise Multi-Family (RM-1)**
Vision: **Neighborhood**

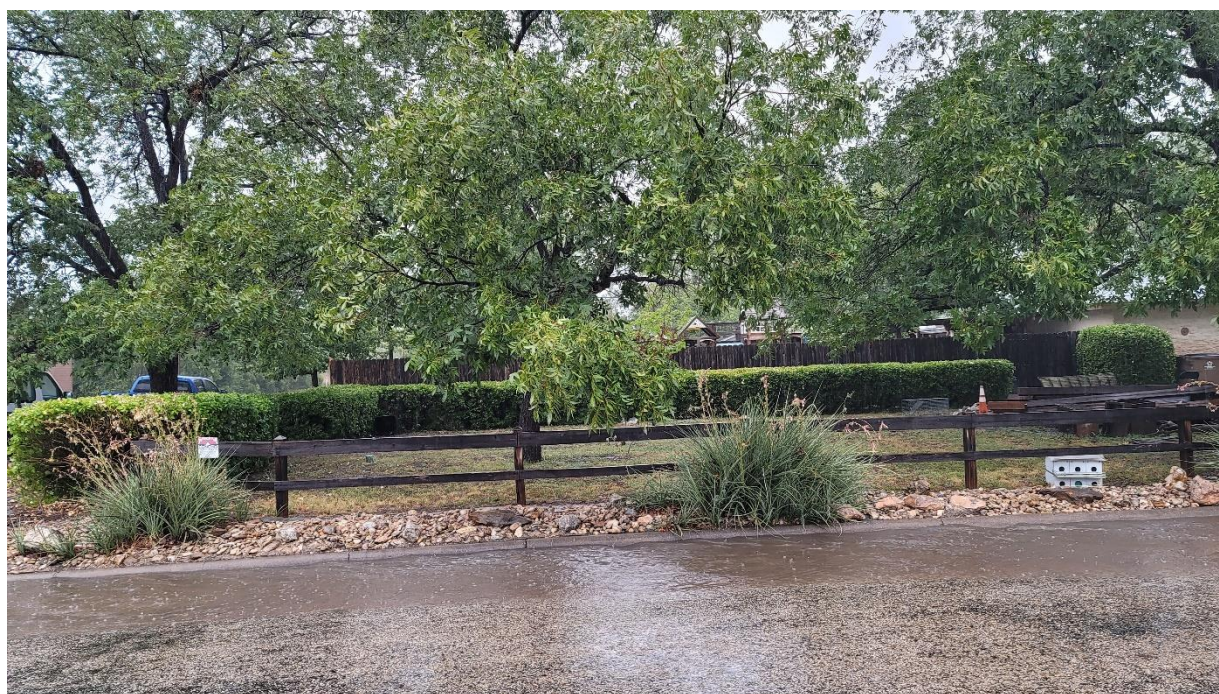
Lot 7, 8 & W. 30 Ft. of Lot 9, Block 27 Westmoreland Addition



Photos



Front of house at 2314 Carlton showing drop off drive



Play area behind hedge



Lincoln Street showing entry to back yard parking for family and staff and street parking

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): Kathy Sutters

☒ Owner ☐ Representative (Notarized Affidavit Required)

Mailing Address: 2314 Carlton Way City: San Angelo State: TX Zip Code: 76901

Contact Phone Number: 325-652-6528 Contact E-mail Address: Kathy.Sutters@gmail.com

Subject Property Address: 2314 Carlton Way City: San Angelo State: TX Zip Code: 76901

Legal Description (can be found on property tax statement or at www.tamgreencad.com): 0.415 Lot 7.8 & W 20' of Lot 9 comb 27-48800-Blk 27

Westmoreland Addition

Existing Zoning: Resident Proposed Zoning: Commercial Lot size: 1

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

Section 2: Site Specific Details

Existing Use of Property: Childcare

*Proposed Use of Property: Childcare

*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.

KATHY SUTTERS Kathy Sutters Kathys Babes 8-24-20
Owner Name (Print) Signature Company/Organization (If Applicable) Date

Representative Name (Print) Signature Company/Organization Date

FOR OFFICE USE ONLY:

☐ Verified Complete ☐ Verified Incomplete

Date of Application: 8 / 24 / 20

Case No.: Z 20 - 12

Fully-dimensional site plan: ☐

Nonrefundable fee: \$ 500/125

Receipt #:

Date paid: 8 / 31 / 20

Sign Deposit \$37.50 20.00 645.00

Receipt #:

Date paid: 8 / 31 / 20

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

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

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

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

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

Publication date: ____/____/____

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

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 2314 CARLTON WAY, GENERALLY LOCATED AT THE NORTHEAST CORNER OF CARLTON WAY AND LINCOLN STREET** FROM THE SINGLE-FAMILY RESIDENCE (RS-1) ZONING DISTRICT TO THE LOW RISE MULTIFAMILY RESIDENCE (RM-1) ZONING DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Z20-12: 2314 Carlton Way

WHEREAS, on the 21st day of September, 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 Low Rise Multifamily Residence Zoning District; and,

WHEREAS, on the 20th day of October, 2020, City Council held a public hearing on Z20-12, 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 LOW RISE MULTIFAMILY RESIDENCE Zoning District:

The real properties located at 2314 Carlton Way, generally located at the Northeast corner of Carlton Way and Lincoln Street, more particularly described as approximately 0.415 acres being Lots 7, 8 & West 20 Feet of Lot 9, Block 27, Westmoreland Addition, City of San Angelo, Tom Green County, Texas;

SECTION 2: The Director of the Planning & Development Department, or his/her designee, is hereby directed to correct zoning district maps in the office of the Planning

& Development Department, to implement the zoning provision adopted herein, as further depicted on **Exhibit A** of this Ordinance.

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

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

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

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

INTRODUCED on the **20th day of October, 2020**, and finally ADOPTED on this the **3rd day of November, 2020**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

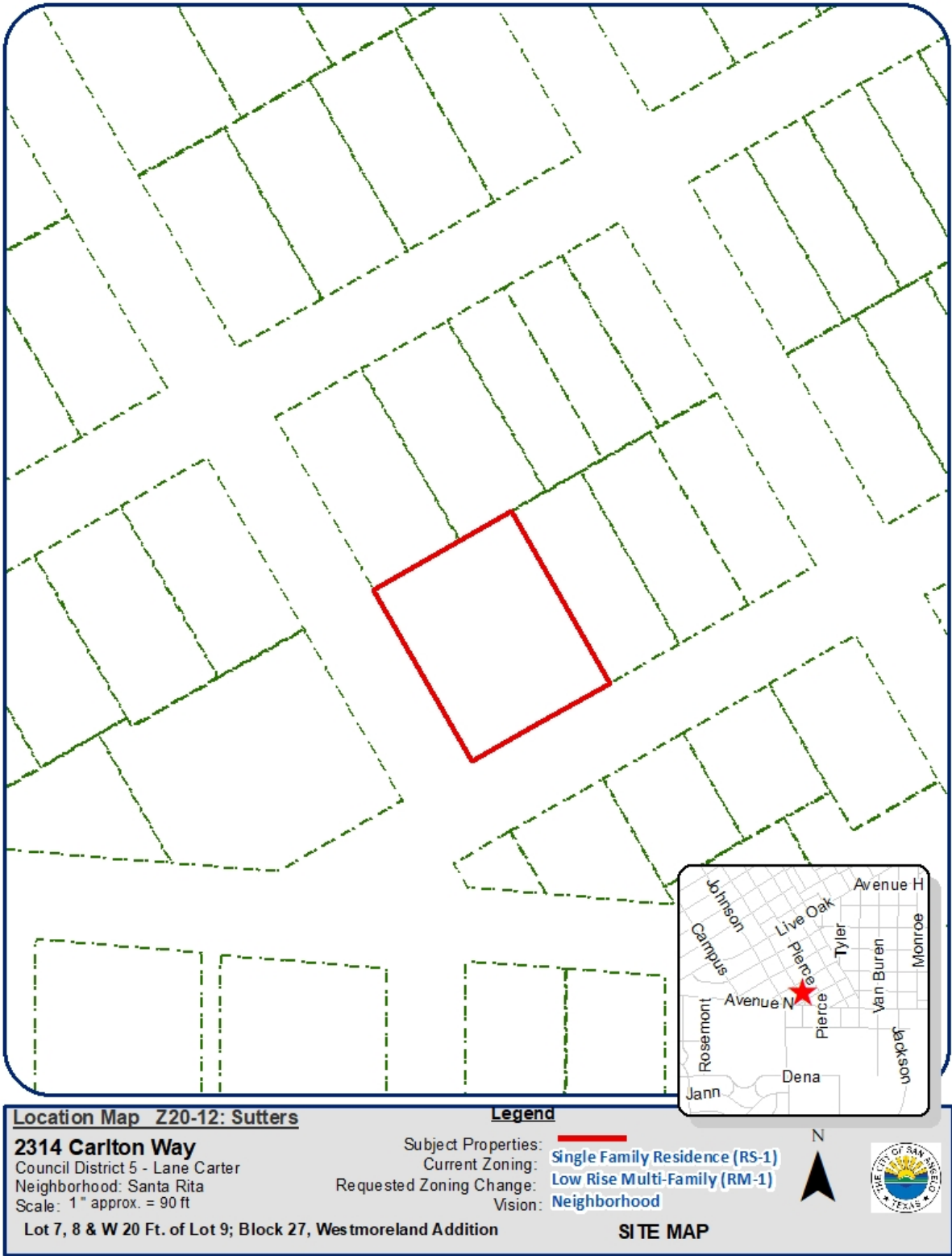
ATTEST:

APPROVED AS TO FORM:

Julia Antilley, City Clerk

Theresa James, City Attorney

EXHIBIT "A"



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: November 3, 2020

Item type: Consent Item

Caption:

Second reading of ordinances approving:

1. Case CP20-05, an amendment to the City of San Angelo Comprehensive Plan, changing certain lands from Neighborhood and Neighborhood Center to Commercial, on 12 acres located at 913 W. 33rd St.
2. Case Z20-11, a rezoning from the Single-Family Residential zoning district to the General Commercial zoning district, on 10 acres located at 913 W. 33rd St. (Jon James)

Summary/History:

The applicant intends to build a business on a portion of this subject property. The proposed use is not an allowed use within the existing RS-1 zoning district.

A rezoning to the property also warrants 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 September 21, 2020, the Planning Commission recommended APPROVAL of both the amendment to the Comprehensive Plan and the rezoning by unanimous vote of 6-0.

On October 20, 2020, the City Council recommended APPROVAL of both the amendment to the Comprehensive Plan and the rezoning by unanimous vote.

Attachments:

- | | |
|-----------------------------|-------------------------------|
| 1. Z20-11_Ordinance | Z20-11_Ordinance.docx |
| 2. CP20-05_Ordinance | CP20-05_Ordinance.docx |
| 3. Z20-11_CP20-05_CC report | Z20-11_CP20-05_CC report.docx |

Presentation:

Jon James

Approvals/Reviews:

Shelly Paschal	Created/Initiated
Hillary Bueker	Approved
Jon James	Approved
Brandon Dyson	Approved

Jon James
Theresa James
Julia Antilley

Approved
Approved
Final Approval

AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO, TEXAS, WHICH ADOPTS ZONING REGULATIONS, USE DISTRICTS AND A ZONING MAP, IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING PROPERTY: **LOCATED AT 913 WEST 33RD STREET, GENERALLY LOCATED ON THE EAST SIDE OF NORTH BRYANT BOULEVARD, JUST SOUTH OF EAST 33RD STREET**, FROM THE SINGLE-FAMILY RESIDENTIAL (RS-1) ZONING DISTRICT TO THE GENERAL COMMERCIAL (CG) ZONING DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Z20-11: 913 West 33rd Street

WHEREAS, on the 21st day of September, 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 General Commercial (CG) Zoning District; and,

WHEREAS, on the 20th day of October, 2020, City Council held a public hearing on Z20-11, pursuant to published notice, and has considered the application, comments, reports and recommendations of the Planning Commission and staff, public testimony, and other relevant support materials;

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

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

The real properties located at 913 West 33rd Street, generally located on the east side of North Bryant Boulevard, just south of East 33rd Street, more particularly described as approximately 10 acres being Abstract 0353, Survey 0317, Joseph Heckel and 2 acres as Abstract 0353, Survey 0317, Joseph Heckel, City of San Angelo, Tom Green County, Texas;

SECTION 2: The Director of the Planning & Development Department, or his/her designee, is hereby directed to correct zoning district maps in the office of the Planning

& Development Department, to implement the zoning provision adopted herein, as further depicted on **Exhibit A** of this Ordinance.

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

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

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

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

INTRODUCED on the **20th day of October, 2020**, and finally ADOPTED on this the **3rd day of November, 2020**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

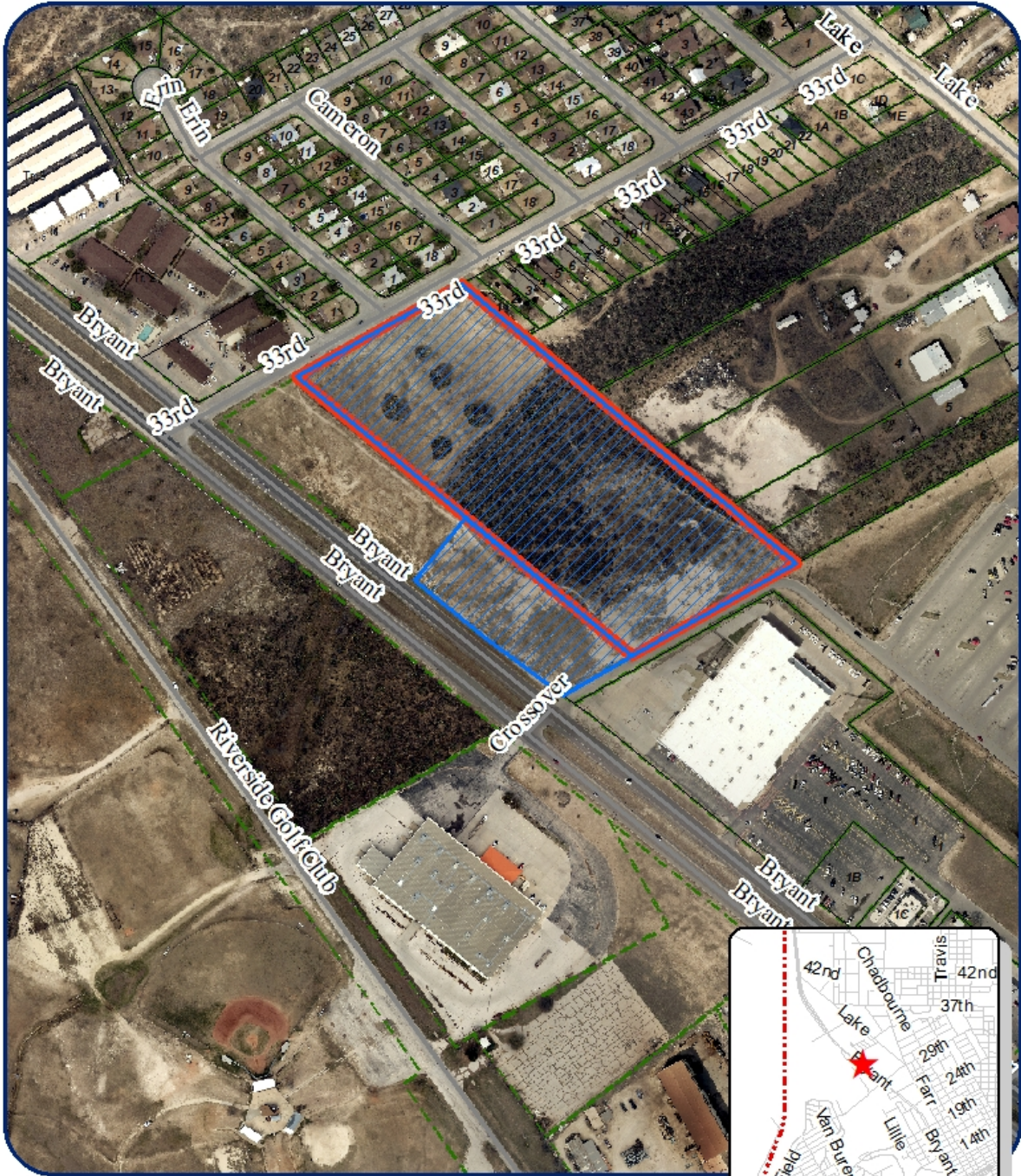
ATTEST:

APPROVED AS TO FORM:

Julia Antilley, City Clerk

Theresa James, City Attorney

EXHIBIT "A"



Location Map **Z20-11** & **CP20-05**

Zone Change **Comp Plan Amend**

Council District 2 - Tom Thompson

Neighborhood: Riverside

Scale: 1" approx. = 300 ft

Legend

Subject Properties **ZC20-11** **CP20-05**

Current Zoning: **RS-1 & CG**

Requested Zoning Change: **CG**

Vision: **Neighborhood & Neighborhood Center**

15 ft. by 200 ft. alley adjacent to Lots 3-4 & 9-10, Blk. 3, Miller VE Re-subdivision of Garett Annex Addition



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 AT **913 WEST 33RD STREET, GENERALLY LOCATED ON THE EAST SIDE OF NORTH BRYANT BOULEVARD, JUST SOUTH OF EAST 33RD STREET**, FROM "NEIGHBORHOOD" AND "NEIGHBORHOOD CENTER" TO "COMMERCIAL"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

CP-20-05

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 located at 913 West 33rd Street, generally located on the east side of North Bryant Boulevard, just south of East 33rd Street, more particularly described as approximately 10 acres being Abstract 0353, Survey 0317, Joseph Heckel and 2 acres as Abstract 0353, Survey 0317, Joseph Heckel, City of San Angelo, Tom Green County, Texas, from “Neighborhood” and “Neighborhood Center” to “Commercial”;

SECTION 2: The Director of the Planning and Development Services Department is hereby authorized and directed to amend the Future Land Use Planning Map maintained in the Office of the Director to incorporate the foregoing amendments, as further depicted on **Exhibit “A”** of this Ordinance.

SECTION 3: The terms and provisions of this Ordinance shall be deemed to be severable in that, if any portion of this Ordinance shall be declared to be invalid, the same shall not affect the validity of the other provisions of this Ordinance.

SECTION 4: This Ordinance shall be effective on, from and after the date of adoption.

INTRODUCED on the **20th day of October, 2020**, and finally ADOPTED on this the **3rd day of November, 2020**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

ATTEST:

APPROVED AS TO FORM:

Julia Antilley, City Clerk

Theresa James, City Attorney

EXHIBIT "A"



CITY COUNCIL – October 20th & November 3rd
STAFF REPORT



APPLICATION TYPE:		CASES:	
Rezoning & Comprehensive Plan Amendment		CP20-05 & Z20-11: 913 West 33 rd Street	
SYNOPSIS:			
A request for approval of a Comprehensive Plan Amendment from Neighborhood and Neighborhood Center to Commercial, on 12 acres located at 913 West 33rd Street, and a rezoning from the Single-Family Residential (RS-1) Zoning District to the General Commercial (CG) Zoning District, on 10 acres located at 913 West 33rd Street. The applicant intends to build a business on a portion of this subject property. The proposed use is not an allowed use within the existing RS-1 zoning district (see additional information). A rezoning of 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:	
913 West 33 rd Street, generally located on the east side of North Bryant, just south of East 33 rd Street		Being 10 acres as Abstract 0353, Survey 0317, Joseph Heckel and 2 acres as Abstract 0353, Survey 0317, Joseph Heckel, City of San Angelo, Tom Green County, Texas	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #2 – Tom Thompson Neighborhood – Riverside	Single-Family Residential (RS-1) & General Commercial (CG)	Neighborhood & Neighborhood Center	10/12 acres
THOROUGHFARE PLAN:			
West 33rd Street – Local Street, 50' ROW required (60' existing), 40' pavement required (40' provided) North Bryant Boulevard – Major Arterial – TXDOT, 80' ROW required (150' Provided), 64' pavement required (pavement varies)			
NOTIFICATIONS:			
27 notifications were mailed within a 200-foot radius on September 4, 2020. No responses have been received in support or opposition.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of a Comprehensive Plan amendment changing the Future Land Use designation from Neighborhood and Neighborhood Center to Commercial; and APPROVAL of a rezoning Single-Family Residential (RS-1) Zoning District to the General Commercial (CG) Zoning District.			
PROPERTY OWNER/PETITIONER:			
Houston Clark			
STAFF CONTACT:			
Shelly Paschal Planner (325) 657-4210, Extension 1533 shelly.paschal@cosatx.us			

Additional Information:

The existing zoning on the 10 acres does not allow the proposed use of wholesale trade. The applicant will only be utilizing a portion of this 10 acres. A way to allow this proposed use is a rezoning to General Commercial, followed by a subsequent approval of a Conditional Use. There is a strip of existing General Commercial on the front 2 acres that abuts North Bryant Boulevard.

The Future Land Use map for this area is currently incompatible for this requested zone change. The existing area is currently designated Neighborhood Center and Neighborhood Future Land Use. The proposed change to General Commercial would be consistent with Commercial Future Land Use. In exploring the rationale, we see that property directly adjoining North Bryant Boulevard is appropriate for commercial uses. Any future non-residential development will be required to create a buffer to the single family neighborhood which is directly northeast.

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 Center and Neighborhood is consistent with the surrounding development pattern in the area and facilitate the associated rezoning to General Commercial (CG). The “Commercial” designation “often are single-use centers consisting or large retail and office clusters that seek visibility and convenient access onto the major street network.” The subject property would be a better fit for the Commercial, due to the property being partially surrounded by commercial uses and the fact that it directly abuts North Bryant Boulevard. The rezoning will allow the applicant to move forward with commercial uses.
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 subject property is currently vacant. However, the applicant is proposing to build a commercial use on the property. To allow the proposed wholesale trade use, the applicant will also have to apply for a Conditional Use approval. The proposed zone change will allow a wide variety of commercial uses on the subject property and any new development must comply with the zoning ordinance regulations.
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 to the south and residential uses to the north. There is a single-family residential neighborhood directly to the northeast from the subject property, and also an apartment complex directly north as well. The subject parcels fit in with the existing commercial development pattern along North Bryant Boulevard, and would allow for similar commercial

uses on this subject property.

4. **Changed Conditions.** *Whether and the extent to which there are changed conditions that require an amendment.* Single-family homes never developed on this property and it has remained vacant. 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 other than during construction of the proposed commercial use.
6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.* Allowing the site to rezone to Commercial would be reflective of the continuing need for commercial in the area, instead of the current zoning designation that has not been fully utilized.
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 North Bryant Boulevard is commercial and higher intensity residential, consistent with the proposed rezoning.

Planning Commission Recommendation:

On September 21, 2020, the Planning Commission recommended **APPROVAL by a vote of 6-0** of an amendment to the City of San Angelo Comprehensive Plan, changing from the Neighborhood and Neighborhood Center Future Land Use to the Commercial Future Land Use; and recommend **APPROVAL by a vote of 6-0** of a rezoning from the Single-Family Residential (RS-1) Zoning District to the General Commercial (CG) Zoning District at 913 West 33rd Street. The following is the complete excerpt of the draft minutes from the September 21, 2020, meeting for this case:

2. Related Comprehensive Plan Amendment & Rezoning

City Council has final authority for approval of Comprehensive Plan Amendments and Rezonings.

Items 2.A.i and 2.A.ii which apply to the same property were presented concurrently with one motion.

A. CP20-05 – 913 West 33rd Street

A request for approval of an amendment to the City of San Angelo Comprehensive Plan, changing certain lands from the Neighborhood and Neighborhood Center Future Land Uses to the Commercial Future Land Use, being 12 acres located at 913 West 33rd Street.

B. Z20-11 – 913 West 33rd Street

Vice Chair Jackson recused herself from these cases.

Shelly Paschal, Planner presented the proposed Comprehensive Plan and Rezoning cases. She explained that the Comprehensive Plan Amendment which is for 12 acres is from Neighborhood Center and Neighborhood to Commercial, and the Rezoning which is for 10 acres is changing from Single-Family Residential (RS-1) to General Commercial (CG).

Ms. Paschal showed the boundaries of each case on the land use maps. She indicated that 27 mailed notifications were sent but no responses were received.

Ms. Paschal provided background on these cases which explained that the current zoning does not allow the proposed use of wholesale trade, and that the proposed rezoning to CG will allow wholesale trade with a Conditional Use option. She explained that the front two acres that abuts North Bryant Boulevard is already zoned CG.

Ms. Paschal outlined Staff's rationale to approve both cases on the grounds that the Comprehensive Plan Amendment to Commercial would be consistent with the surrounding development pattern in the area; that the proposed zone change will allow a wide variety of commercial uses; that the property is located within an area that has mixed commercial to the south and an existing commercial development pattern along North Bryant Boulevard; that single-family homes never developed on this property; and that rezoning to CG would be more reflective of commercial uses already in the area.

Chair Stribling opened public comment.

Mr. Bo Clark, the applicant, indicated that the intended business on the property is Tractor Supply which is thrilled to be in San Angelo. He also indicated that being located on North Bryant Boulevard will assist the development.

Chair Stribling closed public comment.

Commissioner Smith left the meeting at 9:51 a.m.

Commissioner Davis made a motion to RECOMMEND APPROVAL of an amendment to the City of San Angelo Comprehensive Plan, changing certain lands from the Neighborhood and Neighborhood Center Future Land Uses to the Commercial Future Land Use, being 12 acres located at 913 West 33rd Street; and to RECOMMEND APPROVAL of a Rezoning from the Single-Family Residential (RS-1) Zoning District to the General Commercial (CG) Zoning District, being 10 acres located at 913 West 33rd Street. Commissioner Uherik seconded the motion. The motion to RECOMMEND APPROVAL of the Comprehensive Plan Amendment and RECOMMEND APPROVAL of the Rezoning carried unanimously 5-0.

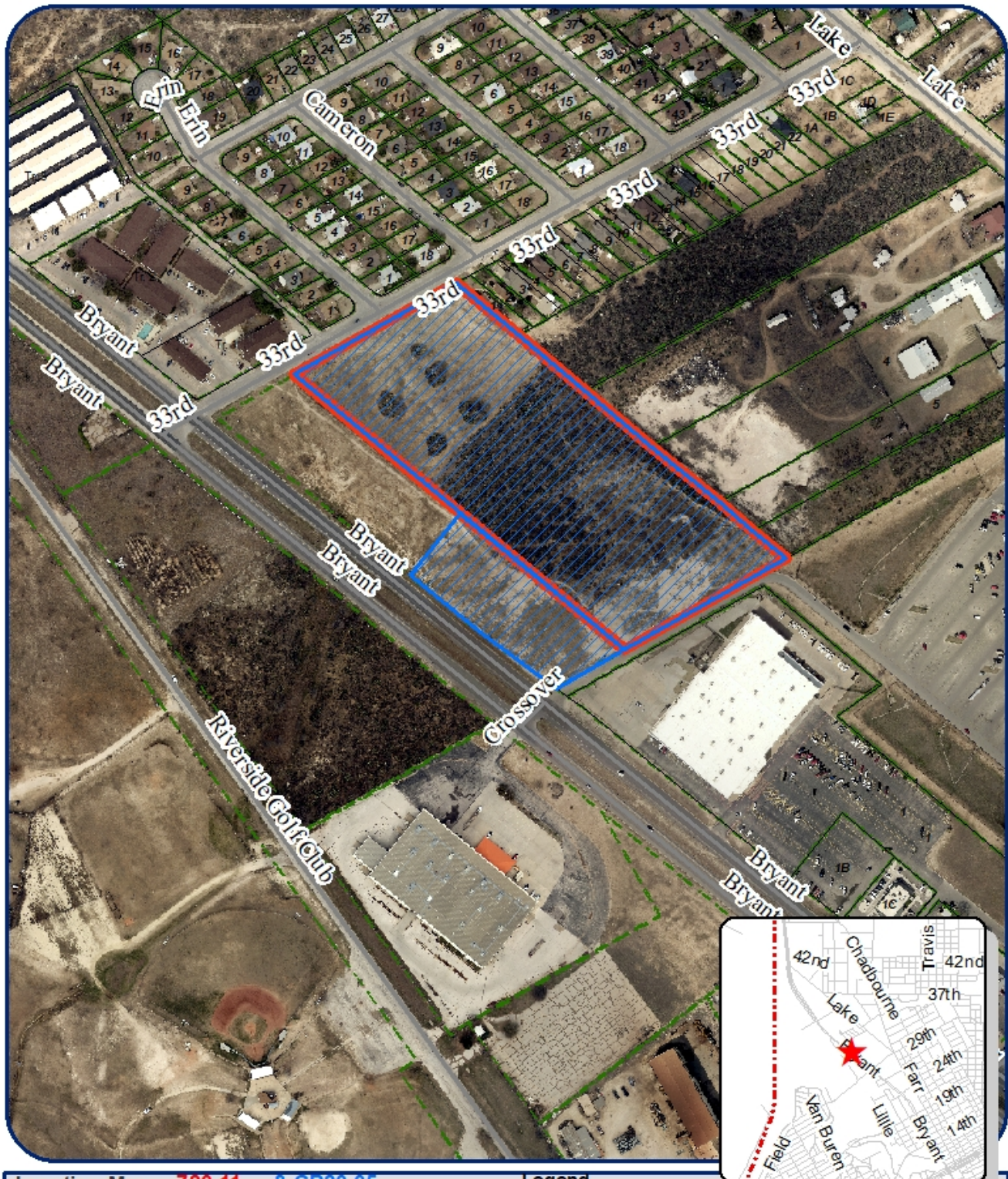
Recommendation:

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

APPROVE of a rezoning from Single-Family Residential (RS-1) zoning district to the General Commercial (CG) zoning district; and

Attachments:

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

**Location Map Z20-11 & CP20-05****Zone Change Comp Plan Amend**

Council District 2 - Tom Thompson

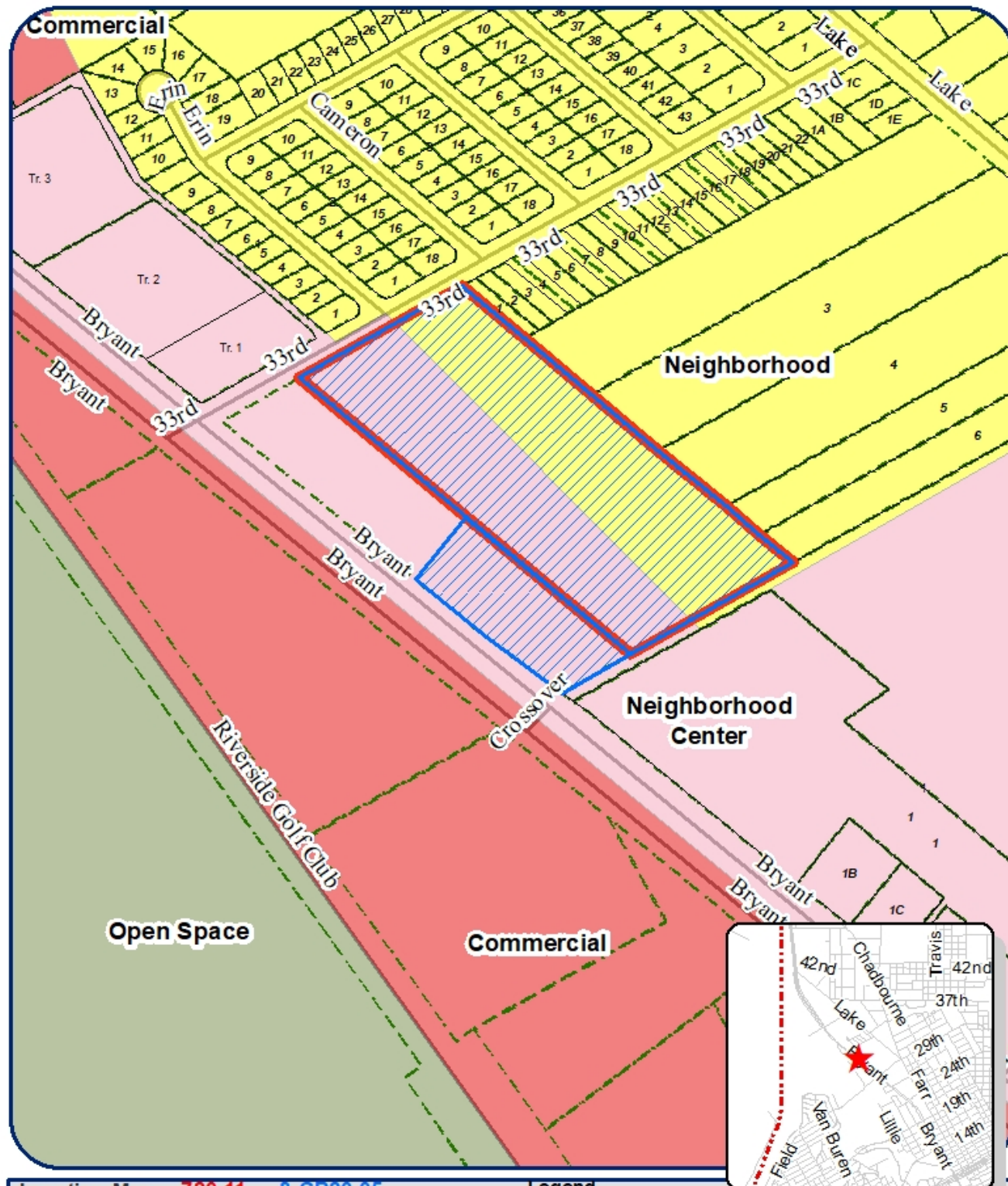
Neighborhood: Riverside

Scale: 1" approx. = 300 ft

LegendSubject Properties ZC20-11Current Zoning: RS-1 & CGRequested Zoning Change: CGVision: Neighborhood & Neighborhood Center

15 ft. by 200 ft. alley adjacent to Lots 3-4 & 9-10, Blk. 3, Miller VE Re-subdivision of Garet Annex Addition





Location Map Z20-11 & CP20-05

Zone Change **Comp Plan Amend**

Council District 2 - Tom Thompson

Neighborhood: Riverside

Scale: 1" approx. = 300 ft

Legend

Subject Properties ZC20-11

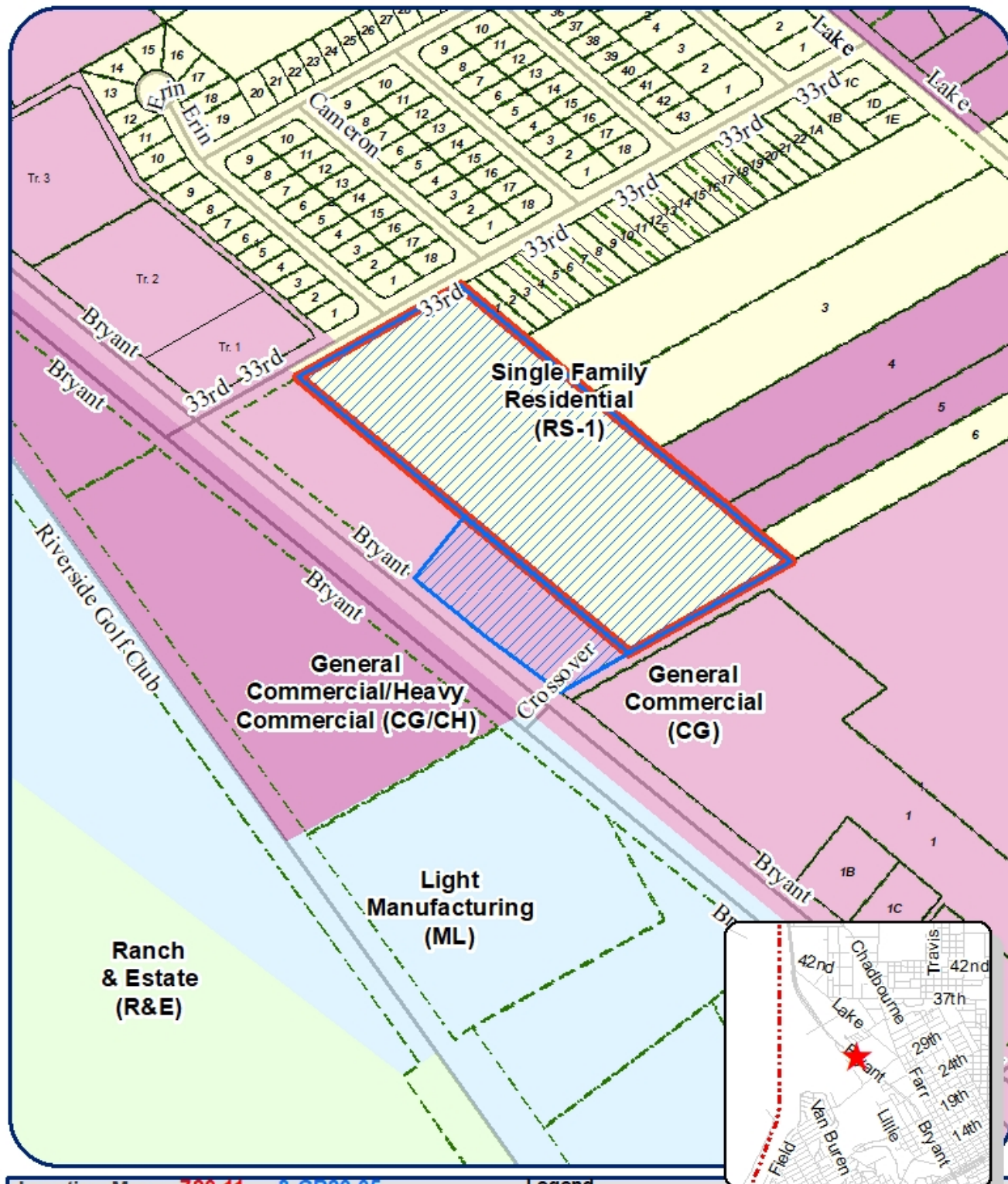
Current Zoning: RS-1 & CG

Requested Zoning Change: CG

Vision: Neighborhood & Neighborhood Center

15 ft. by 200 ft. alley adjacent to Lots 3-4 & 9-10, Blk. 3, Miller VE Re-subdivision of Garett Annex Addition





Location Map Z20-11 & CP20-05

Zone Change Comp Plan Amend

Council District 2 - Tom Thompson

Neighborhood: Riverside

Scale: 1" approx. = 300 ft

Legend

Subject Properties: ZC20-11 CP20-05

Current Zoning: RS-1 & CG

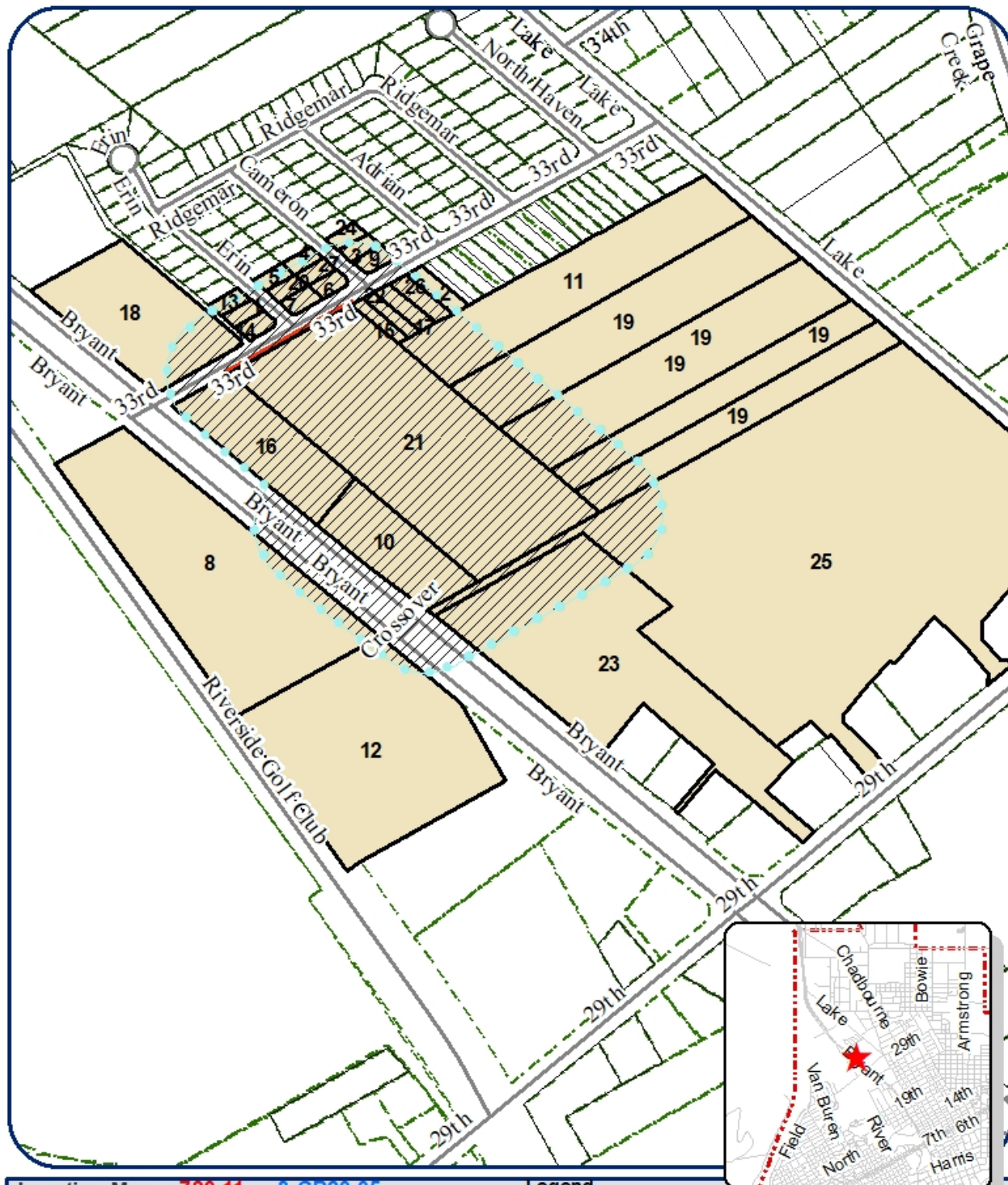
Requested Zoning Change: CG

Vision: Neighborhood & Neighborhood Center

N



15 ft. by 200 ft. alley adjacent to Lots 3-4 & 9-10, Blk. 3, Miller VE Re-subdivision of Garett Annex Addition

**Location Map** **Z20-11** & **CP20-05****Zone Change** **Comp Plan Amend**

Council District 2 - Tom Thompson

Neighborhood: Riverside

Scale: 1" approx. = 400 ft

LegendSubject Properties **ZC20-11**Current Zoning: **RS-1 & CG**Requested Zoning Change: **CG**Vision: **Neighborhood & Neighborhood Center****CP20-05**

N



15 ft. by 200 ft. alley adjacent to Lots 3-4 & 9-10, Blk. 3, Miller VE Re-subdivision of Garet Annex Addition

Site and surrounding property photos



Subject property



Subject property



Across North Bryant



South of Subject Property



Residential north of subject property



Residential north of subject property

Effective May 1, 2020



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): San Angelo WF LLC (Houston B. Clark)

☐ Owner

☒ Representative (Notarized Affidavit Required)

2611 Harrison Street, Suite 900

Wichita Falls

TX

76308

Mailing Address

City

State

Zip Code

940-767-0050

bolin@hbcinterests.com

Contact Phone Number

Contact E-mail Address

913 W 33rd Street

San Angelo

TX

76093

Subject Property Address

City

State

Zip Code

A-0353 S-0317, Survey: Joseph Heckel, 10.00 acres

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

Lot width (in feet): 1029 Lot depth (in feet): 447 Lot area (in acreage or square feet): 10.00 acres

Existing Zoning: RS-1 (Zoning Map available on [City Maps](#)) Proposed Zoning: CG

Future Land Use designation (Comprehensive Plan): Neighborhood (Vision Plan Map available on [City Maps](#))

Notes:

1. Proposed zoning to conform with Future Land Use designation, or Comprehensive Plan Amendment Application also required.
2. For Planned Development (PD) Districts, please use the "Planned Development (PD) Zone Change Application" available on the [Planning webpage](#)

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

Existing Use of Property: Vacant

Proposed Use of Property: Tractor Supply Retail store along with future commercial uses

I understand that City Council is required by law to consider the following criteria when making a zone change decision, and I assert that my request meets all of the required criteria based on my explanation(s) below:

1. Compatible with Plans and Policies. Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council. (Vision Plan Map available on [City Maps](#) and see pages 34-44 in [San Angelo Strategic Plan](#))

Explanation: Yes the proposed rezoning is compatible with the land use policies adopted by the City.

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

Explanation: Yes is consistent

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.

Explanation: The majority of the surrounding properties are zoned for commercial uses.

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

Explanation: N/A

Effective May 1, 2020

Section 2: Site Specific Details continued

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

Explanation: Do not for see any effects on the natural environment.

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

Explanation: We feel that there is a need in the community for the proposed service.

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.

Explanation: Yes, the majority of the surrounding properties are currently zoned and developed for commercial type uses.

Section 3: Applicant(s) Acknowledgement

(By checking the boxes you indicate that you understand below rules and regulations for the Planning 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 (or Historic Preservation Commission in the case of designation of an Historic Overlay Zone). 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.

☒ One or more notice sign(s) will be placed on the subject property by the Planning Department. The Planning Department will also notify, in writing, owners of property within 200-feet of the subject property of the zone change request.

☒ The Planning Commission shall conduct a public hearing and shall recommend that the City Council approve, approve with modifications, or deny the proposed amendment. If the Planning Commission recommends approval of a zone change request, the case must still go before City Council for final action.

☒ A recommendation by the Planning Commission to deny a request for a zone change may be appealed in writing to City Council within 10 days, or the decision is considered final.

☒ A public hearing and final decision will be made by City Council.

☒ The City Council may approve, approve with modifications, or deny the proposed amendment. Where the Planning Commission has recommended denial of the proposed amendment, or written protest against such amendment is made and signed by (a) the owners of 20 percent or more of the area subject to the zone change or (b) the owners of 20 percent or more of the area within 200 feet of the affected area, then the proposed amendment shall require a favorable vote of at least three-fourths of all the members of the City Council to become effective. The area of rights-of-way and streets shall be included in any computation of land area under this subsection.

☒ Appeal of a City Council decision to deny a zone change shall be made within 30 days to the applicable state District Court in Tom Green County.

☒ 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.

☒ The applicant shall ensure at the time of permitting, that the proposed uses and buildings comply with all development standards of the new zoning district(s) and the general development standards of the Zoning Ordinance including setbacks, parking, and any required privacy fencing. These requirements are outlined in San Angelo's Zoning Ordinance.

Effective May 1, 2020

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)

Houston B. Clark



San Angelo WF LLC

9/2/20

Representative Name (Print)
Date

Signature

Company/Organization

(If Applicable)

FOR OFFICE USE ONLY:☐ Verified Complete ☐ Verified Incomplete

Date of Application: ____/____/____

Case No.: Z ____ -- ____

Nonrefundable application fee: \$ ____ Newspaper notice fee \$ ____ Receipt #: ____

Sign deposit: \$ ____ Receipt #: ____ Date paid: ____/____/____

Affidavit attached? ☐ Yes ☐ No ☐ N/A Applicant's signature on Application? ☐ Yes ☐ NoRelated Case(s)? ☐ Yes ☐ No If yes, case nos.: ____

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

City Council hearing date: ____/____/____ Newspaper publication date: ____/____/____

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

Effective June 15, 2020



City of San Angelo, Texas – Planning Division
52 West College Avenue



Application for Request to Amend Comprehensive Plan

Section 1: Basic Information

Name of Applicant(s): San Angelo WF, LLC (Houston B. Clark)

☐ Owner ☒ Representative (Notarized Affidavit Required)

2611 Harrison St., Ste. 900 Wichita Falls TX 76038

Mailing Address City State Zip Code

940-767-0050 bolin@hbcinterests.com

Contact Phone Number Contact E-mail Address

913 W 33rd St San Angelo TX 76093

Subject Property Address City State Zip Code

A-0353 S-0317, Survey: JOSEPH HECKEL, 10.00 acres

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

Lot width (in feet): 1029 Lot depth (in feet): 447 Lot area (in acreage or square feet): 10.00 acres

Existing Zoning: RS-1 (Zoning Map available on [City Maps](#))

Current Land Use designation (Comprehensive Plan): Neighborhood (Vision Plan Map available on [City Maps](#))

Proposed Land Use designation (Comprehensive Plan): Commercial

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

Existing Use of Property: Vacant

Proposed Use of Property: Tractor Supply Retail store and future commercial uses.

Reason(s) and justification(s) for requesting Comprehensive Plan Amendment (amendment must conform to the land use policies of the proposed designation (see pages 34-44 in [San Angelo Strategic Plan](#)):

Reason for the amendment is to allow for the proposed Tractor Supply Store use. We feel the amendment is justified due to the property's location along North Bryant Boulevard and with the existing commercial developments in the surrounding area.

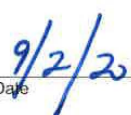
Effective June 15, 2020

Section 3: Applicant(s) Acknowledgement**Please initial the following:**

- ☐ 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 (or Historic Preservation Commission in the case of designation of an Historic Overlay Zone). 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.
- ☐ One or more notice sign(s) will be placed on the subject property by the Planning Department. The Planning Department will also notify, in writing, owners of property within 200-feet of the subject property of the zone change request.
- ☐ The Planning Commission shall conduct a public hearing and shall recommend that the City Council approve, approve with modifications, or deny the proposed amendment. If the Planning Commission recommends approval of a zone change request, the case must still go before City Council for final action.
- ☐ A recommendation by the Planning Commission to deny a request for a zone change may be appealed in writing to City Council within 10 days, or the decision is considered final.
- ☐ A public hearing and final decision will be made by City Council.
- ☐ The City Council may approve, approve with modifications, or deny the proposed amendment. Where the Planning Commission has recommended denial of the proposed amendment, or written protest against such amendment is made and signed by (a) the owners of 20 percent or more of the area subject to the zone change or (b) the owners of 20 percent or more of the area within 200 feet of the affected area, then the proposed amendment shall require a favorable vote of at least three-fourths of all the members of the City Council to become effective. The area of rights-of-way and streets shall be included in any computation of land area under this subsection.
- ☐ Appeal of a City Council decision to deny a zone change shall be made within 30 days to the applicable state District Court in Tom Green County.
- ☐ 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.
- ☐ The applicant shall ensure at the time of permitting, that the proposed uses and buildings comply with all development standards of the new zoning district(s) and the general development standards of the Zoning Ordinance including setbacks, parking, and any required privacy fencing. These requirements are outlined in San Angelo's Zoning Ordinance.
- ☐ The applicant or an authorized representative should attend public hearing(s) pertaining to his/her request, prepared to present his/her case and to answer any relevant questions from Planning Commission or City Council members.

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


 Signature of licensee or authorized representative


 Date

Houston B. Clark

Printed name of licensee or authorized representative

San Angelo WF, LLC

Name of business/Entity of representative

FOR OFFICE USE ONLY:

Case No.: CPA.: _____ Planning Commission Date: ____/____/____

City Council Date(s): ____/____/____

Non-Refundable Fee: \$ _____ Receipt #: _____ Date paid: ____/____/____

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

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: November 3, 2020

Item type: Consent Item

Caption:

Consider amending the Low Income Assistance Program Agreement with Concho Valley Community Action Agency to allow customers to receive assistance twice annually and to increase funding for 2020 by \$100,000 with CARES Act Coronavirus Relief Funds (Allison Strube)

Summary/History:

In July 2019, the City of San Angelo entered into an agreement (attached to this agenda item) with Concho Valley Community Action Agency (CVCAA) to be the administering agent of a low income assistance program. The program provides that the City of San Angelo will fund the program in the amount of \$50,000 annually. In 2020, the funds were completely committed within the first three months of the year, almost entirely before the strong effects of COVID-19 took its toll on our local residents. Starting March 18th through July 1st, the utility did not disconnect any customers due to non-payment and also did not access late fees for two months – April and May.

Many customers have worked with our Customer Service Agents to set up payment plans, but it is a continual conversation with many customers that are struggling to make their payments due to the economic hardships associated with COVID-19.

The agreement with CVCAA allows for the program continuation when additional funds are available throughout the year as approved by City Council. The City is requesting \$100,000 from CARES Act Coronavirus Relief Funds to allow utility customers to continue to receive these essential services that are eligible for the program. Hand washing and maintaining personal hygiene is extremely important to lessen the spread of COVID-19 and to decrease the effects of the public health emergency.

The agreement currently stipulates that a recipient can receive assistance from the Program no more than once in any calendar year. Since the initial 2020 \$50,000 from the City funds were spent prior to the economic hardships that have been brought on by this year, staff is recommending that portion of the agreement be amended to allow for recipients to receive funding twice within a calendar year.

Financial Impact:

The additional \$100,000 for additional low income assistance program will come from CARES Act Coronavirus Relief Funds. Concho Valley Community Action Agency will receive 10% of the \$100,000 for administration costs associated with the Low Income Assistance program as stipulated in their current contract.

Other Information/Recommendation:

In July 2019 the City Council declared a public purpose for the use of funds for the financial assistance programs. Staff recommends the amendment be approved with Concho Valley Community Action Agency.

Staff also recommends the City Manager be authorized to execute agreements and any related documents with Concho Valley Community Action Agency to administer the Low Income Assistance Program.

Attachments:

- | | | |
|----|--|--|
| 1. | 19-0316_WU_COSA-CVCAA_Low Income Assist
ance.docx | 19-0316_WU_COSA-CVCAA_Low Income Assist
ance.docx.pdf |
|----|--|--|

Presentation:

Approvals/Reviews:

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

**City of San Angelo
Low Income Assistance Program Agreement
With
Concho Valley Community Action Agency**

The Financial Assistance Program with the City of San Angelo Water Utilities Department (COSA) ("Agreement") is entered into and effective as of July 1, 2019 ("Effective Date"), by and between Concho Valley Community Action Agency (The "Administering Agency") an established social service agency under Section 501(c)(3) of the United States Internal Revenue Code.

Purpose of Agreement:

Under this Agreement the Administering Agency and COSA shall implement the program known as "COSA Low Income Assistance Program" under which COSA will provide funding to be used by the Administering Agency for payment of COSA utility bills, of low income residential utility customers. The Parties, in consideration of the promises and commitments found herein, agree as follows:

I. Program Established:

A. The COSA Low Income Assistance Program (hereinafter referred to as the "Program") is hereby intended to help low income people experiencing a hardship or crisis to assist in paying their COSA utility bill. The Administering Agency shall, subject to the terms of this Agreement, utilize these funds to aid low income people with their COSA utilities expenses and shall coordinate when possible with the Program with the Low Income Home Energy Assistance Program (LIHEAP).

B. "COSA Utility Charges" shall mean any debt incurred by a Recipient

for the use of City utilities (water, sewer, stormwater, and trash) related to the primary residence of the Recipient. Debt incurred may arise from both current and prior utility charges.

II. Program Funding:

COSA shall, with the approval of City Council, provide annual funding for the Program pursuant to the following terms. The funding amount shall be determined annually at COSA's sole discretion, and may be limited to one time per calendar year assistance.

III. Recipients:

A. A Recipient is any individual who receives assistance as contemplated by this Agreement. There can be only one Recipient for each household. In order to qualify as a Recipient, an individual must meet all of the following conditions at the time he or she receives this assistance.

1. The individual must reside at the residential service address and be responsible for the COSA utility charges to be paid.
2. The individual must meet the income eligibility criteria based on household income not to exceed one hundred fifty percent (150%) of the federal poverty guideline limit.
3. The individual may not be enrolled in the Senior Assistance Program offered by COSA.

B. The Administering Agency shall select Recipients from those qualifying individuals seeking assistance in its sole discretion, but COSA may, from time to time, refer special cases for consideration for assistance from the Program. The Administering

Agency shall give due consideration to any such special cases, but shall nonetheless retain the ultimate authority in selecting Recipients.

IV. Use of Funds:

A. All funds forwarded to the Administering Agency, subject to the administrative fee discussed in Article VII, shall be used by the Administering Agency in accordance with this Agreement to help Recipients pay their City of San Angelo utility expenses.

B. No Program funds may be used for deposits and/or activation and tap fees.

C. A Recipient can receive assistance from the Program no more than once in any calendar year.

D. Except to the extent specified in this Agreement, COSA shall have no power or authority to direct the Administering Agency in the management or control of the Program.

V. Reports:

The Administering Agency shall submit monthly reports to COSA Water Utility, reflecting the total receipts and amounts pledged per eligible household, the identity, of each person helped by the Program, the identity of the person assisted and the amount of assistance received. The Administering Agency shall submit each monthly report, within ten (10) calendar days of the end of the month being reported. Such information and reports shall be available for audit verification by COSA or their designated agents, at their individual expense. The Administering Agency agrees to maintain all records necessary to COSA to verify the accuracy of such reports and information for a minimum of two (2) years. The Administering Agency's obligation to maintain records shall survive termination of this Agreement.

VI. Term of Agreement:

This Agreement shall become effective on July 1, 2019, and shall continue in effect for an initial term through December 31, 2019, and may be renewed annually each January with the signatures of both Parties prior to expiration of the current term. Either party may terminate this Agreement at any time by delivering written notice of termination to COSA at least thirty (30) days prior to the effective date of termination.

VII. Fees:

The administrative fee retained by the Administering Agency is intended to cover only Program costs. Program costs include costs directly related to Program outreach, application processing, accounting, reporting and other Program activities. To defray the cost of the Administering Agency's duties and responsibilities for outreach, application processing, accounting, reporting and other related Program administration activities, the Administering Agency shall be entitled to retain up to ten percent (10%) of the total annual funding provided under this Agreement. Retainer of the administrative fee is optional. If the Administering Agency wishes to utilize the administrative fee for utility assistance, an email to the Program Coordinator can be sent, clearly stating how they wish to use the administrative fee for each disbursement.

VIII. Contractor Performance:

A. The Administering Agency shall, on an equitable basis throughout the City of San Angelo area, disburse pledges/assistance for the Program. The Administering Agency shall operate the Program consistent with this Agreement in conformance with applicable accounting and reporting standards.

B. The Administering Agency agrees to use diligent, good faith efforts to fully distribute all funds less the administrative fee for the benefit of Recipient households on an annual basis.

IX. Miscellaneous:

A. Any notices to be given by either Party shall be in writing and shall be sent by certified or registered mail. Addresses for notices are as follows:

COSA Water Utilities

City of San Angelo Water Utilities
301 W. Beauregard Ave.
San Angelo, TX 76903
Attn: Allison Strube, Water Utilities
Director

Administering Agency

Concho Valley Community Action
Agency
36 East Twohig B2
San Angelo, TX 76902
Attn: Tracey Dishon, Community
Programs Director

B. This Agreement shall be governed by and construed in accordance with the laws of the State of Texas.

C. This Agreement can be modified or amended only by an agreement in writing executed by the authorized representatives of all Parties.

D. This Agreement will supersede and replace any previous agreements between the Parties related to the Program.

E. This Agreement may be executed by electronic signature. Such electronically signed document shall be considered an original for all purposes.

[Signature Page Follows]

**“ADMINISTERING AGENCY”
CONCHO VALLEY COMMUNITY
ACTION AGENCY**

DocuSigned by:
By: Mark Bethune
Mark Bethune, Executive Director

Email: mbethune@cvcaa.org

CITY OF SAN ANGELO

DocuSigned by:
By: Michael Dane
Michael Dane, Assistant City Manager

ATTEST:

DocuSigned by:
Julia Antilley
Julia Antilley, City Clerk

APPROVED AS TO CONTENT:

DocuSigned by:
Allison Strube
Allison Strube, Director – Water
Utilities

APPROVED AS TO FORM:

DocuSigned by:
Theresa James
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: November 3, 2020

Item type: Consent Item

Caption:

Consider approving an amendment to the lease agreement between the City of San Angelo and Golden Antlers Corp., the Spring Creek Marina lease, modifying the section entitled prohibited events, and authorizing the City Manager to negotiate and execute all related documents (Carl White)

Summary/History:

Golden Antlers Corp. is requesting an amendment to the Spring Creek Marina lease allowing for events and concerts to be held. At present, the lease contains a clause stating, "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."

We seek to amend the lease by amending this clause. New language in the amendment regarding special events will only require events to go to Council that seek waiver of any City Ordinance, such as the noise ordinance. All events that are open to the public or that involve ticket sales will need an SAPD-approved traffic and security plan and all necessary health approvals.

We also want to add a year to the "Time Period" for annual rent, extending the period by a year due to the impacts of the COVID-19 pandemic.

Financial Impact:

There is no cost associated with this amendment.
It will delay the payment schedule one year due to COVID-19.

Indirectly, the amendment will allow for more events for the city which will have an indirect and positive financial impact.

Other Information/Recommendation:

Attachments:

Presentation:

Approvals/Reviews:

Carl White

Created/Initiated

Theresa James
Nolan Sosa
Tina Dierschke
Theresa James
Julia Antilley

Approved
Approved
Approved
Approved
Final Approval

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Aaron Vannoy, Development Administrator, Planning and Development Services, 325-657-4210 Ext. 15

Meeting Date: November 3, 2020

Item type: Regular Item

Caption:

Consider approving an Infill Empowerment Zone request for infrastructure funding for up to 50% of costs for water lines, sewer lines, fire hydrant, and roadway construction costs in an amount not to exceed \$136,400 for the Denny Addition, Section 2 (Presentation made by A'lisa Denny, introduction made by Planning & Development Services Director Jon James)

Summary/History:

The City of San Angelo needs housing units and lots with the City neighborhoods that are vacant are ready for development. Many of these lots have infrastructure challenges. The City Council created two tiers for housing development assistance

1. The first tier is a \$5,000 incentive for each new residential unit created in the designated infill areas. Those funds are not restricted and the developer can use them for any project costs. This applicant applies for the funds when they apply for a new building permit for the home, but only receive the funds upon issuance of a Certificate of Occupancy for the home.
2. The second tier is for lot clean-up and infrastructure costs. An applicant can request up to a 50% match for infrastructure costs for a project to develop new housing.

A Developer/Builder may choose one, but not both, of these two options.

In this case, the applicant, Developer A'lisa Denny, is applying for funds under tier 2 in the amount of up to \$136,400 for the development of 11 single-family housing lots.

Financial Impact:

The applicant is requesting up to \$136,400 out of the available designated Infill Funding of \$200,000, which was set aside for the fiscal year 2020-2021 budget year.

Other Information/Recommendation:

The City Engineer and Director of Planning have reviewed the request, the plat layout, and the proposed construction of the infrastructure. They believe it conforms to the Subdivision Ordinance and the Engineering design manual for infrastructure improvement to create these 11 lots. The Planning Commission approved the Denny Addition Section 2 plat in September 2020.

Staff has no recommendation but is seeking direction from the City Council on whether to provide the requested funding and, if so, in what amount.

Attachments:

1. Subdivision App Sec Two Signed
2. Empowerment Zone #1 - Infill Incentives
3. Infill Development Incentive Program.docx
4. proposalforinfill11-3-2020

Subdivision App Sec Two Signed.pdf
Empowerment Zone #1 - Infill Incentives.pdf
Infill Development Incentive Program.docx.pdf
proposalforinfill11-3-2020.pptx

Presentation:

Jon James

Approvals/Reviews:

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

Created/Initiated
Approved
Approved
Approved
Approved
Approved
Final Approval



City of San Angelo, Texas - Planning Land Subdivision Application



NOTE: Incomplete applications will not be accepted. All required fields must be filled in adequately. The Authorized Representative (as designated in Section 1) will be notified of any changes in status & contacted with any questions. Use "N/A" where an item is not applicable.

Section 1: Basic Information

Denny Addition - Section Two

Proposed Subdivision Name

2.588 acres out of west 138.8 feet Lots 4,5,6,7,8, all of Lot 9, west 114 feet of Lot 10; Lot 1, Blk 1, Denny Addition, City of San Angelo, Tom Green County, Texas

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

R73253, R73240; R18984; R19043; R19042; R19040; R19036; R19035

Tax ID Number(s) (can be found on property tax statement or at www.tomgreencad.com under Geographic ID)

One Authorized Representative must be selected below. All communications regarding this application will be conducted with this individual.

Authorized Representative: ☐ Tenant ☐ Property Owner ☐ Contractor ☒ Engineer

Tenant:

Name	Phone Number	Email Address
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Property Owner:	A'Lisa Denny	734.516.7307	amdenny@foxsanangelo.com
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Name	Phone Number	Email Address
------	--------------	---------------

Architect/Engineer/Design Professional: SKG Engineering 325-655-1288 rg@skge.com

Name	Phone Number	Email Address
------	--------------	---------------

Subdivision Type: ☐ Final Plat ☒ Replat - requiring Planning Commission approval ☐ Plat Vacation
☐ Preliminary Plat ☐ Replat - administratively eligible* ☐ Amended Plat

*If claiming eligibility for administrative approval, please note that **all of the following criteria** must be met; otherwise, the application will be scheduled for hearing by Planning Commission according to the adopted COSA submittal schedule.

- includes no more than four new lots or tracts;
- no dedication of land (including right-of-way, right-of-way expansion, corner clip dedication, etc) is required;
- all new lots or tracts front onto an existing public street right-of-way which is fully improved to City specifications;
- no extension of water or sewer mains are required to furnish service to the new lots or tracts;
- there is an absence of need for a detailed drainage plan;
- existing easement(s) for utilities are not removed or realigned without the express written permission from each utility service, or without the formalized release of said easement(s); and,
- in the case of replats requiring notification, no written opposition is received before the close of the public hearing.

Section 2: Utility & Easement Information

Water: ☒ City - requesting new services Proposed size? 1"
☐ City - utilizing existing services Existing size? _____
☐ Other Please specify: _____

Sewer: ☒ City - requesting new services Proposed size? 4"
☐ City - utilizing existing services Existing size? _____
☐ Other Please specify: _____
☐ Septic System Lot size? _____

(NOTE: Please see Tom Green County Health Department for Septic System Permit 325-658-1024)

Are any off-site drainage, access or other types of easements necessary for this subdivision? ☐ Yes ☒ No

If yes, briefly describe each, including the use and size: _____

Section 3: Property Characteristics

2.588

10

Total Acreage of Proposed Subdivision/Resubdivision

Total Number of Lots Proposed

Existing Zoning:

☒ RS-1 ☐ RS-2 ☐ RS-3 ☒ RM-1 ☐ RM-2 ☐ PD (include case number: _____)
☐ R&E ☐ CN ☐ CO ☐ CG ☐ CG/CH ☐ CBD ☐ OW ☐ ML ☐ MH

Has the zoning or deed restrictions for this property limited each lot to no more than two dwelling units?* ☐ Yes ☐ No

*NOTE: if so, notification is required, and an additional notification fee is required.

Existing Land Use (Include the number of acres devoted to this use):

☒ Vacant 2.588 ☐ Single-Family Residential _____ ☐ Office _____
☐ Multi-Family Residential _____ ☐ Industrial/Manufacturing _____ ☐ Commercial/Retail _____

Proposed Land Use (Include the number of acres devoted to this use):

☐ Vacant _____ ☒ Single-Family Residential 2.588 ☐ Office _____
☐ Multi-Family Residential _____ ☐ Industrial/Manufacturing _____ ☐ Commercial/Retail _____

Are there existing structures on the property? ☐ Yes ☒ No

If yes, how many structures exist? _____ What type of structures exist currently? _____

If yes, are any of the structures planned to remain? ☐ Yes (NOTE: requires one copy of proposed plat showing structures to remain)

☐ No

Are there existing deed restrictions? ☐ Yes ☒ No

If yes, provide deed reference information: _____

Is this proposed plat within the ETJ?* ☐ Yes ☒ No

*NOTE: The ETJ (Extra-Territorial Jurisdiction) is an area outside the City limits but encompassing all land within 3 ½ miles of it.

Section 4: Variance Requests

Are any variances for this application being requested? ☒ Yes ☐ No

If yes, provide all of the following information:

Request 1: Section & subsection from Subdivision Ordinance from which variance is requested: 10.III.A.2.

☐ Full variance requested ☒ Partial variance requested (proposed variation from standard): To allow narrower street widths

Check which of the following criteria apply, & include a detailed explanation of how each item applies to this request. Attach additional sheets if necessary to provide more explanation, or if additional variances are requested.

☒ The granting of the variance will not be detrimental to the public safety, health or welfare, or be injurious to other property.

The current condition of Irene Street functions in a safe manner.

A proposed width of 32' for a new cul-de-sac street would not be detrimental as this generally fits the functional widths of the streets in the area.

☒ The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.

There is only 55 feet of frontage on Irene. To widen Irene would create an unsafe curve in the street.

The new cul-de-sac street only serves 9 lots and is relatively short and a low density.

Section 4, continued

☒ Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.

Irene Street is the same with in both directions from this property.

The proposed width of the street as a hammer-head shaped cul-de-sac results in a particular shape suitable for a narrower street width.

☒ The variance will not, in any significant way, vary the provisions of applicable ordinances.

As other conditions are met, the provisions of applicable ordinances would not vary in a significant way.

The owner understands that upon approval of this submitted plat, certain site improvements may be required and that no plats will be released for recording or building permits issued until such improvements are installed and accepted by the City or a suitable performance guarantee is/has been accepted by the City. Furthermore, the owner is aware of all fees and costs involved in applying for subdivision approval and that the subdivision processing fee is payable to the City regardless of the outcome of this request. Lastly, the owner/representative agree to provide recording information of the plat in writing within seven calendar days, as required by Chapter 7.II of the Subdivision Ordinance.

The undersigned hereby applies for subdivision plat approval in accordance with the subdivision policies and regulations of the City of San Angelo and certifies that the information contained on this application is true and accurate to the best of my knowledge.

Owner's Signature

Date

Representative's Signature

Date

FOR OFFICE USE ONLY:

Submitted to front desk: _____ Date _____ Deemed preliminary complete: _____ Date _____ Time _____ Initials _____

Received by Development Services Technician for completeness review: _____ Date _____ Time _____ Initials _____

Completeness review passed? ☐ Yes _____ Date _____ ☐ No _____ Date _____

If yes, when was application scheduled for staff review, if applicable? _____ Date _____ Initials _____

If no, when was rejection & list of deficiencies (attach copy) sent to Authorized Representative? _____ Date _____ Initials _____

Resubmittal received by Development Services Technician for completeness review: _____ Date _____ Initials _____

Completeness review passed? (Note: If resubmittal still incomplete after a second review, schedule appointment with Authorized Representative.)

☐ Yes _____ Date _____ ☐ No _____ Date _____

Approvals required for this application:

	Approval Date	Case Number	Notes
Administrative Approval	_____	_____	_____
Planning Commission	_____	_____	_____
City Council (cases with appeal)	_____	_____	_____

Date of Approval Expiration: _____

Date Recorded: _____

City of San Angelo Infill Incentive Programs

The City of San Angelo has developed two infill development incentive programs. Developers may choose to participate in one, but not both, for a development project. City Council has authorized funding for these incentives. Once that funding has been depleted, no further incentives will be given until such time that Council takes official action allocating additional funds.

Option #1 – Infill Incentive for new home construction

- \$5,000 incentive per unit for the construction of single-family homes, duplexes, and apartments up to 8 units within the neighborhoods included in the City's Neighborhood Revitalization Plan
- This incentive is available for any project meeting the program guidelines on a first-come, first-served basis.
- To be eligible, a developer must obtain building permits for the proposed homes and register with the Office of Community and Housing Support, which will reserve funding. The developer has 8 months to submit proof of a Certificate of Occupancy to receive the funds.

Option #2 – Empowerment Zone #1 Infill Incentives

- Boundaries are the same as new home incentive – neighborhoods included in the City's Neighborhood Revitalization Plan
- A developer should submit incentive requests to the Office of the Planning Director for review. Incentives will be negotiated through a written agreement between the developer and the City.
- The following incentives may be authorized by City staff:
 - o Waiver or reduction of fees related to the construction or remodel of buildings in the Zone, including fees related to building or related permits, the inspection of buildings, or impact fees.
 - o Reimbursement for the provision of roll-off containers and associated haul-on, haul-off and tipping charges.
 - o Waiver or reduction of sewer and water tap fees.
 - o Waiver or reduction of zoning, subdivision, or related development application fees.
- The following incentives must be approved by the City Council:
 - o Agreements refunding municipal sales tax on sales made within the zone for a period of not more than ten years for the purpose of benefitting the zone.
 - o Agreements abating municipal property taxes on property within the zone subject to the duration limits of Section 312.204 of the Tax Code.
 - o City participation in up to 50% of the cost of water or sewer line extension necessary to serve property being developed within the Zone.
 - o Economic Development agreements as provided in Chapter 380 of the Texas Local Government Code.
 - o City Council may require baseline performance standards to encourage the use of alternative building materials that address concerns relating to the environment, building costs, maintenance, or energy consumption.

Infill Development Incentive Program



**Community & Housing Support Division
City of San Angelo, Texas**

October 1, 2019

GOAL.

The primary goal of the Infill Development Incentive Program is to encourage infill development within the neighborhoods targeted for revitalization pursuant to the City's Neighborhood Revitalization Plan (NRP) to make a positive impact on those neighborhoods in terms of reducing the crime rate, increasing property values, encouraging new home starts, reducing code compliance issues, and the elimination of slum and blight. In addition to tangible benefits, there are intangible benefits that are just as important such as pride of homeownership and being part of a neighborhood. Moreover, neighborhood revitalization has proven to be successful in helping to spur economic development.

Although it takes years for a city's revitalization investments to bear fruit, San Angelo has already seen benefits with its clean up and redevelopment of aging and neglected neighborhoods. This Infill Development Incentive program will be an additional tool in the City's neighborhood revitalization toolbox and support the City's NRP goals.

PROGRAM DESIGN.

The program is managed by the Community & Housing Support (CHS) staff and is open to any housing developer willing to build new home construction consisting of either single-family housing, duplexes, or a small apartment project with no more than 8 units in one of the six neighborhoods targeted for revitalization (henceforth referred to as a project). For eligible projects, a \$5,000 per unit incentive will be paid at the completion of the project to be used at the discretion of the developer. The program will be first-come-first-served and continue until funding is exhausted. Attached are maps of the vacant lots across the city to date and of the neighborhoods targeted for revitalization.

Developers will have up to eight (8) months from the application date to complete the project or forfeit the incentive payment. Once completed, developers will present a Certificate of Occupancy (CO) to the CHS staff in order to receive payment.

APPLICATION AND ELIGIBILITY.

Developers must first contact the City's CHS staff located at 52 W. College, 325-655-0824 when a permit is issued and before starting construction. Staff will verify that the property is in an eligible location and ensure there are funds available. If eligible, staff will earmark funds for each approved project based on permit information. Applications will be accepted until the funds available are exhausted. Only new construction with a permit dated on or after October 1, 2019 is eligible on vacant lots with or without existing sewer/water infrastructure.

CHS staff will determine if a project is eligible based on the boundaries established in the City's Neighborhood Revitalization Plan (NRP) as updated on February, 2018 which includes the Blackshear, Reagan, Ft Concho, Rio Vista, Lakeview, and Belaire neighborhoods.

- **Blackshear** is located in the northwest section of the city bounded by 29th St on the north, N. Chadbourne to the east, Houston Hart to the south, and the railroad tracks to the west.
- **Reagan** area is located on the northeast section of the city bounded by 29th St on the north, N. Chadbourne on the west, Houston Hart on the south, and Armstrong and N. Main St on the east.
- **Ft Concho** area is located in central San Angelo bounded by Houston Hart on the north, Bell St and Lowrie Ave on the east, Main St and Hill on the west, and Rio Concho River on the south.
- **Rio Vista** neighborhood is located in the south end of the city bounded by S. Chadbourne and Metcalf St on the east; Ave I and Ave L on the north; Hill St, the railroad tracks, and Foster on the east; and Arroyo Drive, W Ave X on the south.
- **Lakeview** is located in the north end of the city bounded by Armstrong to the east; E. 50th, Grape Creek Rd, and Cauley Lane to the north; Bryant and Lake Drive to the west; and 29th and 28th Streets to the south.
- **Belaire** is bounded by Paint Rock Road to the south; Loop 308 to the east; Concho River to the north; and Bell Street to the west.

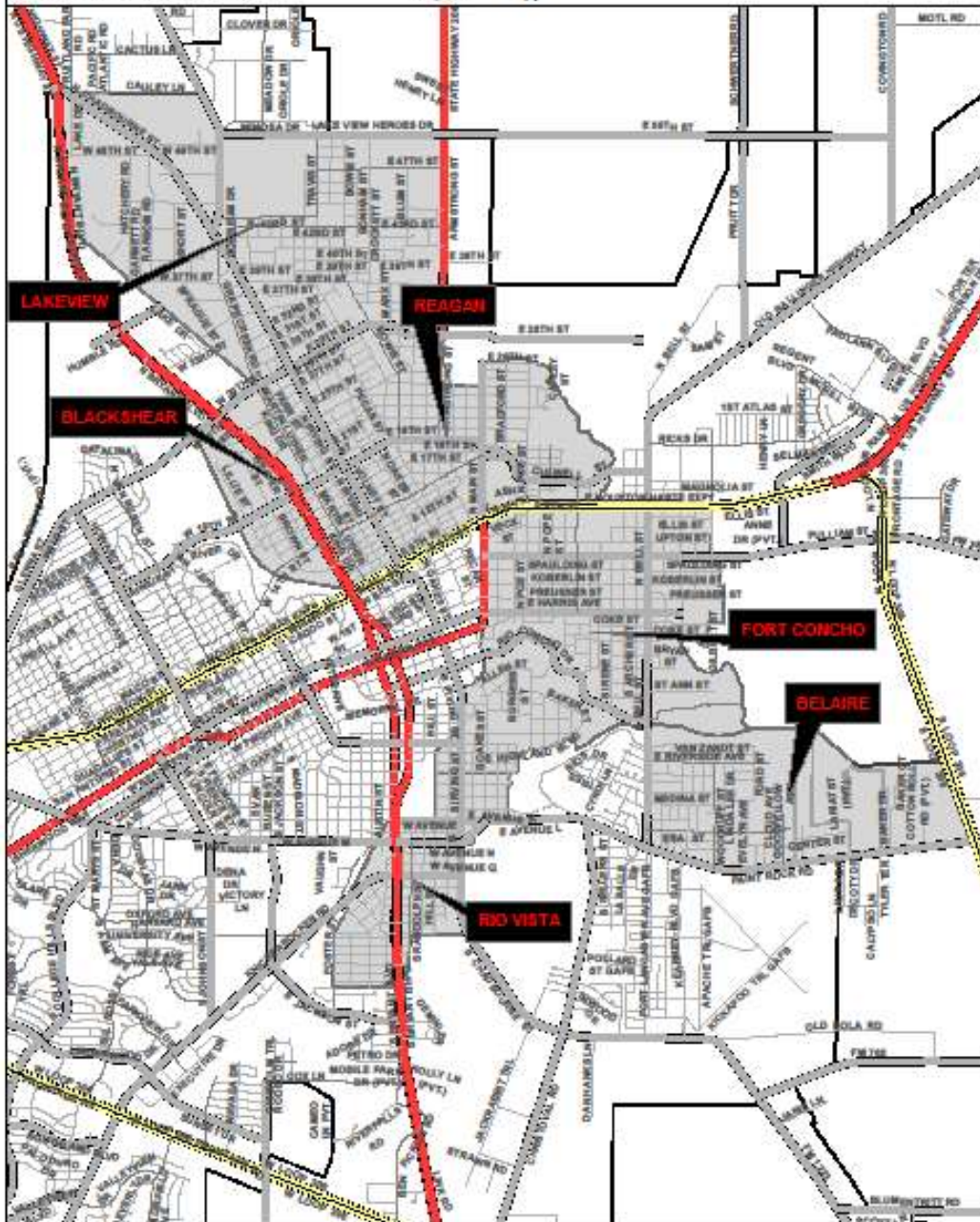
PAYMENT

Upon completion of the project, developers will present a Certificate of Occupancy (CO) to CHS staff who will then submit a payment request. Be aware that payment may take up to two weeks after submission of the payment request.

Date: 2/2/2018
COSA GIS Division
Copyright 1987 - 2018 City of San Angelo

Community Development Target Area Map

1 inch = 5,375 feet



Document Path: Y:\GISFiles\Dept Neighborhood Family Services\Functions\Target Areas CDBG\workarea\2018_Community_Development_Areas.mxd

Funding Request

for Infill Development Program



By A'Lisa Denny
Unbridled Investments, LLC

The REQUEST

- Allowance of Funding to expedite and facilitate the construction of 11 single family homes on Lots 1-11, on Roosevelt St., Denny Addition Section 2; which is currently resting in the status of proposed (and approved but not recorded) plats which would then quickly generate residential property tax revenue, as well as provide much needed housing, for the City of San Angelo.

The OPTIONS*

- Funding for half of Utility Installation Costs in the amount of \$66,950
- Funding for half of City Road Construction Costs in the amount of \$68,450
- Funding for half of a Combination of both Utility Installation Costs and Road Construction Costs in the amount of \$136,400**

*Contingent Upon Approval by City Council **This amount is increased by \$16,000 due to Engineering Requiring a loop water system in order for me to receive funding from the Infill Program post my previous utility installation bid

The BID (Utility Connection)

REECE ALBERT, INC.

HEAVY CONSTRUCTION, UTILITIES AND PAVING



PROPOSAL

To A'Lisa Denny

Date September 17, 2020
Project Denny Addition Section 2

Location San Angelo, TX

WE, THE UNDERSIGNED, PROPOSE TO FURNISH THE NECESSARY MATERIAL, EQUIPMENT, AND LABOR TO DO THE FOLLOWING MENTIONED WORK ON ABOVE PROJECT:

DENNY ADDITION SECTION 2 - WATER AND SEWER IMPROVEMENTS

(Per plans by SKG Engineering dated 8-14-2020)

- a. Install 8" C-900 PVC water line, complete with fittings, Double 2" water services (5 ea.), Single water service (1 ea.) 8" X 8" water tap on existing line, fire hydrant (1 ea.), and asphalt street repair.
- b. Install 8" SDR-35 PVC san. sewer line, 4" sewer serv. (16 ea.), sewer cleanouts (1 ea.), and manholes (1 ea.), and break into existing manhole.

Total Lump Sum

\$103,900.00

The BID (Road Construction)

REECE ALBERT, INC.

HEAVY CONSTRUCTION, UTILITIES AND PAVING

PROPOSAL

To A'Lisa Denny

Date September 28, 2020
Project Denny Addition Section 2

Location San Angelo, TX

WE, THE UNDERSIGNED, PROPOSE TO FURNISH THE NECESSARY MATERIAL, EQUIPMENT, AND LABOR TO DO THE FOLLOWING MENTIONED WORK ON ABOVE PROJECT:

DENNY ADDITION SECTION 2 - STREET AND DRAINAGE IMPROVEMENTS
STREETS TO BE 41' BACK OF CURB TO BACK OF CURB

(Per plans by SKG Engineering dated 8-14-2020)

- a. Street subgrade to follow existing ground/rock.
- b. Install 6" base in streets, per city specs.
- c. Construct 24" non-reinforced concrete mountable curb & gutter and header curb.
- d. Construct concrete valley gutters.
- e. Backfill curb, with site material, and grade 10' behind curb.
- f. Prime base and pave with 1.5" type D hot mix asphalt pavement per city specs.

Total Lump Sum

\$136,900.00

The REASON

- Due to the substantial costs required to construct a brand new City Street and to expand the geography covered by City Utilities in an area where none have previously existed, I ask that these funds be allocated to enable expansion not only to my project, but to allow for future development feasibility in the multitude of vacant lots adjacent, insuring additional tax revenue; as well as revenue from new utility services.
- Based upon the fact that in 2020, not one single grant was issued for this portion of the Infill Program, I am confident that this is a tremendous opportunity to allocate these funds as they were originally intended.
- I am an independent developer and a local resident here in the city San Angelo, who has already invested a substantial amount of money into this project. I hope that consideration will be given, as you weigh the opportunity to help me transform what is now unused and “unusable” land, into the safe and beautiful future Rancho Rio Neighborhood area of San Angelo.

Questions?



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Jon James, Director of Planning & Development Services, Planning and Development Services, x1180

Meeting Date: November 3, 2020

Item type: Regular Item

Caption:

1. First reading and public hearing of an ordinance amending Article 12.04 "Signs" in Chapter 12 of the City Code of Ordinances by amending Section 12.04.005 "On-site Regulations" and deleting Section 12.04.006 "Off-site Regulations" in its entirety
2. Consider a resolution to temporarily suspend issuance of sign permits affected by this ordinance amendment pending the adoption of the ordinance (Presentation made by Planning and Development Services Director Jon James)

Summary/History:

A recent decision by the United States Court of Appeals for the Fifth Circuit in "Reagan National Advertising/Lamar Outdoor Advantage v. City of Austin" resulted in portions of the City's ordinance regarding signs being deemed unconstitutional. This decision resulted in the inability to distinguish between on-site (business) signs and off-site (billboard) signs in the City's sign regulations.

The existing ordinance needs to be updated to reflect these changes in case law, but such a change will take some time to prepare. The attached ordinance represents a temporary fix pending a more thorough review of the City's sign regulations. This ordinance effectively eliminates the distinction between on-site (business) signs and off-site (billboard) signs in order to comply with the recent court decision. This will allow the City to continue to apply most of the requirements of the ordinance while immediately addressing the impacts of the court decision pending a more comprehensive amendment to the ordinance.

The second part of this item implements a temporary moratorium on the issuance of new sign permits pending approval of this ordinance change on second reading. This will prevent non-compliant signs from being erected during the period when the current ordinance is unconstitutional and, therefore, possibly unenforceable.

Financial Impact:

N/A

Other Information/Recommendation:

Attachments:

- | | |
|--|--|
| 1. Adopting Ordinance off site sign deletion (Final) | Adopting Ordinance off site sign deletion (Final).docx |
| 2. Exhibit A_Sign Regulations (ver2) | Exhibit A_Sign Regulations (ver2).pdf |
| 3. Resolution - Temporary suspension of sign permits | Resolution - Temporary suspension of sign permits.docx |

Presentation:

Jon James

Approvals/Reviews:

Jon James

Jon James

Brandon Dyson

Jon James

Theresa James

Julia Antilley

Created/Initiated

Approved

Approved

Approved

Approved

Final Approval

AN ORDINANCE OF THE CITY OF SAN ANGELO, TEXAS, AMENDING CHAPTER 12 “PLANNING AND DEVELOPMENT”, ARTICLE 12.04 “SIGNS”, SECTION 12.04.005 “ON-SITE REGULATIONS” AND DELETING SECTION 12.04.006 “OFF-SITE REGULATIONS” IN ITS ENTIRETY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EXPIRATION DATE

WHEREAS, a recent decision by the United States Court of Appeals for the Fifth Circuit in “Reagan National Advertising/Lamar Outdoor Advantage v. City of Austin” resulted in the on-site and off-site sign designations of the City’s Sign Ordinance being deemed unenforceable; and

WHEREAS, the existing ordinance needs to be updated to reflect these changes in case law, but such a change will take some time to prepare; and

WHEREAS, suspension of specific ordinance provisions will allow the City to continue to apply the remaining requirements of the ordinance while immediately addressing the impacts of the court decision pending a more comprehensive amendment to the ordinance.

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

SECTION 1. THAT Chapter 12 “Planning and Development”, Section 12.04.005 “On Site Regulations” is hereby amended and Section 12.04.006 “Off-Site Regulations” is hereby deleted as set out in Exhibit A.

SECTION 2. THAT any reference to Section 12.05.006 in the Code of Ordinances shall be changed to Section 12.05.005.

SECTION 3. THAT all references to “on-site” or “off-site” shall be deleted.

SECTION 4. THAT the terms and provisions of this Ordinance shall be deemed to be severable in that, if any portion of this Ordinance shall be declared to be invalid, the same shall not affect the validity of the other provisions of this Ordinance.

SECTION 5. THAT this Ordinance shall take effect and be in full force and effect from and after the date of its passage and shall remain in effect until December 31, 2021 unless otherwise replaced or extended by the San Angelo City Council.

INTRODUCED with public hearing on the 3rd day of November, 2020 and finally PASSED, APPROVED AND ADOPTED on this the 17th day of November, 2020.

THE CITY OF SAN ANGELO

ATTEST:

Brenda Gunter, Mayor

Julia Antilley, City Clerk

APPROVED AS TO FORM

Theresa James, City Attorney

EXHIBIT A

Section 12.04.005 “On-Site regulations” and Section 12.04.006 “Off-Site regulations” shall hereby be amended as follows:

Sec. 12.04.005 — ~~Sign On-site R~~egulations

- (a) *Residential districts.* Freestanding and attached signs as defined within this article are prohibited within districts zoned for residential use except where specifically authorized elsewhere in this article.
 - (1) *Multifamily residence district regulations.* Any use authorized in RM-1 (Low Rise Multifamily Residence) and RM-2 (High Rise Multifamily Residence) zoning districts shall be allowed signage according to the following regulations, except where specifically prohibited elsewhere in the code:
 - (A) *Area.* A multifamily residence sign shall be no larger than one-half square foot of sign area for one linear foot of lot frontage, not to exceed a maximum of 64 square feet.
 - (B) *Height.* A multifamily residence sign shall be no taller than one foot of height for each foot of setback from the property line, not to exceed eight feet in height. Five feet of height is allowed at the property line, provided a ten-foot minimum setback is maintained from the curb line.
 - (C) *Number.* No more than one multifamily residence sign per street frontage is allowed.
 - (D) *Setback.* A multifamily residence sign must be set back ten feet from the curb line or zero feet from the property line, whichever is greater. Additionally, one foot of additional setback is required for each additional foot of height in excess of five feet.
 - (2) *Nonresidential uses allowed within residential zoning districts.* Nonresidential uses allowed within a residential district shall be allowed signage according to the following regulations:
 - (A) *Area.* A nonresidential use sign shall be no larger than one-half square foot of sign area for one linear foot of lot frontage, not to exceed a maximum of 64 square feet.
 - (B) *Height.* A nonresidential use sign shall be no taller than one foot of height for each foot of setback from the property line, not to exceed eight feet in height. Five feet of height is allowed at the property line, provided a ten-foot minimum setback is maintained from the curb line.
 - (C) *Number.* No more than one nonresidential use sign one per street frontage is allowed.
 - (D) *Setback.* A nonresidential use sign must be set back ten feet from the curb line or street edge or zero feet from the property line, whichever is greater. Additionally, one foot of additional setback is required for each additional foot of height in excess of five feet.
 - (3) *Subdivision development signs.* A subdivision development sign is a sign identifying a residential development or subdivision and is designed to be permanent. The ongoing future maintenance of the sign shall be provided for prior to issuance of a permit or placement of the sign.
 - (A) *Area.* A subdivision development sign shall be no larger than 48 square feet.
 - (B) *Height.* A subdivision development sign shall be no taller than six feet in height.
 - (C) *Number.* No more than two subdivision development signs per development are authorized.

(D) *Setback.* A subdivision development sign may not be placed closer than 15 feet from any curb line or zero feet for the property line, whichever is greater.

(b) *Commercial districts.* ~~On-site~~^F-freestanding and attached signs shall be allowed as a matter of right in all commercial and manufacturing zoning districts, except as regulated by the terms of section 12.04.017 regulating signs in the River Corridor District, Downtown District, Cultural District Overlays and in section 12.04.018 regulating signs in the Fort Concho Historic District.

(1) *Freestanding signs.* Freestanding ~~on-site~~ signs shall be governed by the following regulations:

(A) *Area.*

(1) The aggregate area of all freestanding signs shall not exceed an amount equal to one and one-half square feet for each one linear foot of land on the lot's frontage abutting the primary street, except that a minimum 48 square feet of sign area is allowed regardless of lot frontage. ~~In-Except as provided in 12.04.005(b)(1)(A)(2) no case shall the sign area of any one freestanding sign shall not exceed 250 square feet.~~ Only one street frontage shall be considered the primary street frontage on a lot.

(2) Except as prohibited by the terms of section 12.04.009 prohibiting the use of public right-of-way, section 12.04.017 regulating signs in the River Corridor District, Downtown District, Cultural District Overlays, and in section 12.04.018 regulating signs in the Fort Concho Historic District, signs in excess of 250 square feet shall be allowed as a matter of right in the following zoning districts:

(a) CH, OW, ML, and MH; and

(b) in CG and CG/CH districts in a designated area adjacent to the following thoroughfares:

i. North Bryant Boulevard (U.S. Highway 87) from West 14th Street north to the city limits

ii. North Chadbourne Street from 37th Street north to the city limits.

iii. Pulliam Street from North Bell Street east to the city limits.

iv. South Chadbourne Street from Avenue N south to the city limits.

v. Loop 306 from Sherwood Way east to the city limits.

vi. South Bryant Boulevard (U.S. Highway 87) from San Jacinto Street south to the city limits.

vii. Sherwood Way from Clare Drive southwest to the city limits.

viii. Arden Road from Sherwood Way west to the city limits.

(c) Area. In the ML and MH zoning districts, signs shall not exceed 700 square feet of copy area per face. In the CH, OW, CG and CG/CH zoning districts, signs

shall not exceed 300 square feet of copy area per face. Sign extensions of not more than ten percent of the total sign area shall be permitted in addition to the maximum area permitted above.

(d) Spacing. Spacing between signs permitted under Section 12.04.005(b)(2) shall be at least 500 feet measured along the same side of the street and separated from a lot or parcel of land in an RS-1, RS-2, RS-3 or MHS zoning district by a minimum of 100 feet. Signs located closer than 100 feet to a lot or parcel of and in an RM-1 or RM-2 zoning district shall have a maximum height of 30 feet.

(B) *Number.*

- (1i) The maximum number of freestanding signs allowed shall be determined by the linear feet of land on the lot's frontage abutting the primary street, as follows:

Lot Frontage	Number of Signs Permitted
0 - 199.99'	One
200' - 349.99'	Two
350' - 499.99'	Three
500' - 699.99'	Four
700'+	Five

The maximum number of freestanding signs allowed on a lot shall be five. Only one street frontage shall be considered the primary street frontage on a lot.

- (2ii) All lots located at the intersection of two streets shall be allowed a minimum of one freestanding sign on each of both such street frontages. The message portion for only one sign on a lot located at the intersection of two streets may be placed at a 45 degree angle perpendicular to the street corner such that the sign is legible from each intersecting street.

- (C) *Setback.* Each sign shall be set back from the front property line, and any other property line which is adjacent to a major collector or arterial street, ten feet from the curb line or street edge or zero feet from the property line, whichever is greater. A maximum height of 20 feet shall be authorized at the property line. One foot of additional setback is required for each two feet of height. A five-foot minimum setback from the side property line shall be required. Where the side property line borders a residential lot, a 30-foot setback shall be required from said property line for a 75 square foot or less size sign. A 100-foot setback shall be required from said property line for a sign greater than 75 square feet where the property line borders a residential lot.

(D) *Height.* Maximum sign height for each zoning district shall be as follows:

(1i) CN and CO districts: 25 feet.

(2ii) CBD district: 40 feet.

(3iii) CG, CH, CG/CH, OW, ML and MH districts: 50 feet.

(E) ~~—~~*Ground clearance.* The sign shall maintain a clearance from the ground of nine feet, unless the sign is a ground sign with the base of the sign within three feet of the average grade.

(2) ~~—~~*Attached signs.* Attached on-site signs shall be allowed on any building, wall or canopy within any commercial or industrial zoning districts and shall be governed by the following regulations:

(A) *Area.* Total aggregate area of canopy, fixed awning, fascia, projecting or sloping roof signs attached to a structure shall not exceed 25 percent of the area of the wall on which the sign is attached or fronts.

(B) *Setback.* No setback shall be required for any sign in the CBD zoning district. Projection over the public right-of-way shall be permitted in the CBD zoning district, provided the leading edge of any sign shall maintain a distance of at least 18 inches from the curb line or street edge. Any sign which projects into the public right-of-way shall maintain a minimum height of nine feet from the grade level to the bottom of the sign.

(C) *Height.*

(1i) No sloping roof sign shall project horizontally beyond the perimeters of the roof or vertically more than three feet above the roof ridgeline.

(2ii) No fascia sign shall extend more than three feet above the top of the wall to which the sign is attached.

(3iii) No projecting sign shall extend vertically or horizontally beyond the perimeter of the wall on which it is attached.

(4iv) Any projecting sign larger than 16 square feet that extends into the public right-of-way shall be subject to approval of city council on consideration of the purposes of this article 12.04, after notice and public hearing.

(3) *Roof signs.* For purposes of this article, standard roof signs, excluding those on sloping roofs, shall be considered as freestanding signs, and as such shall conform to all of the requirements for freestanding signs contained within this article.

Sec. 12.04.006 — ~~Reserved.~~ Off-site regulations

~~(a) — Residential districts. Off-site signs are prohibited within districts zoned for residential use except for garage sale, auction and estate sale signs and real estate signs as authorized under section 12.04.008 of this article.~~

~~(b) — Commercial districts. Except as prohibited by the terms of section 12.04.009 [12.04.017] regulating signs in the River Corridor and in section 12.04.009 [12.04.018] regulating signs in the Fort Concho Historic District, off-site signs shall be allowed as a matter of right in the following zoning districts:~~

~~(1) — CH, OW, ML, and MH; and~~

~~(2) — Off-site signs in CG and CG/CH districts are allowed in a designated area adjacent to the following thoroughfares:~~

~~(A) — North Bryant Boulevard (U.S. Highway 87) from West 14th Street north to the city limits.~~

~~(B) — North Chadbourne Street from 37th Street north to the city limits.~~

- ~~(C) — Pulliam Street from North Bell Street east to the city limits.~~
- ~~(D) — South Chadbourne Street from Avenue N south to the city limits.~~
- ~~(E) — Loop 306 from Sherwood Way east to the city limits.~~
- ~~(F) — South Bryant Boulevard (U.S. Highway 87) from San Jacinto Street south to the city limits.~~
- ~~(G) — Sherwood Way from Clare Drive southwest to the city limits.~~
- ~~(H) — Arden Road from Sherwood Way west to the city limits.~~

- ~~(3) — *Area*. In the ML and MH zoning districts, signs shall not exceed 700 square feet of copy area per face. In the CH, OW, CG and CG/CH zoning districts, signs shall not exceed 300 square feet of copy area per face. Sign extensions of not more than ten percent of the total sign area shall be permitted in addition to the maximum area permitted above.~~
- ~~(4) — *Height*. Off site signs shall meet the same height requirements as set forth for freestanding signs in section 12.04.006(a) [sic] and as set forth in section 12.606(g) [sic].~~

Editor's note — As set forth in the 1996 Code, subsection (4) contained a reference to section 12.605(a) (now 12.04.006(a)) and section 12.606(g). Both references appear to be incorrect. There was no section 12.606(g) in the code.

- ~~(5) — *Ground clearance*. Signs shall maintain a minimum clearance from the ground of nine feet unless the sign is a ground sign with the base of the sign within three feet of the average grade.~~
- ~~(6) — *Setback*. Each sign shall be set back from the front property line, and any other property line which is adjacent to a major collector or arterial street, 25 feet from the curb line or street edge or zero feet from the property line, whichever is greater. A maximum height of 20 feet shall be authorized at the property line. One foot of additional setback is required for each two feet of height. A five foot minimum setback from the side property line shall be required. Where the side property line borders a residential lot, a 30 foot setback shall be required from said property line for a 75 square foot or less size sign. A 100 foot setback shall be required from said property line for a sign greater than 75 square feet where the property line borders a residential lot.~~
- ~~(7) — *Definition of "adjacent"*. For the purposes of this subsection, an off site sign is considered adjacent to a thoroughfare if the following statements are both true:~~
 - ~~(A) — The supporting post is placed at a distance no greater than 75 feet from the right of way line of the listed thoroughfare; and~~
 - ~~(B) — The message portion of the off site sign is placed at an angle perpendicular to the right of way line of the thoroughfare, such that the message faces traffic flow on that thoroughfare only.~~
- ~~(8) — *Spacing*. Spacing between off site signs shall be at least 500 feet measured along the same side of the street.~~
- ~~(9) — *Separation from residential zoning districts*. Any off site sign shall be separated from a lot or parcel of land in an RS 1, RS 2, RS 3 or MHS zoning district by a minimum of 100 feet. Signs located closer than 100 feet to a lot or parcel of and in an RM 1 or RM 2 zoning district shall have a maximum height of 30 feet.~~
- ~~(10) — *Identification*. Every off site sign erected in the city shall bear a clearly marked means of identification, attached to the fascia or structure, which can be easily read and is clearly visible. This identification shall show the name of the owner of the sign.~~

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN
ANGELO, TEXAS, TO TEMPORARILY SUSPEND ISSUANCE OF
CERTAIN SIGN PERMITS; PROVIDING FOR SEVERABILITY;
AND PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, a recent decision by the United States Court of Appeals for the Fifth Circuit in “Reagan National Advertising/Lamar Outdoor Advantage v. City of Austin” resulted in portions of the City’s ordinance regarding signs being deemed unenforceable; and

WHEREAS, this decision resulted in the inability to distinguish between on-site and off-site signs in the City’s sign regulations; and

WHEREAS, the existing ordinance needs to be updated to reflect these changes in case law, but such a change will take some time to prepare; and

WHEREAS, staff has recommended a temporary ordinance amendment pending a comprehensive review of the sign ordinance in light of this court decision; and

WHEREAS, suspension of the issuance of new sign permits until this temporary fix can be adopted will ensure that the intent of the sign regulations will not be impeded while this new ordinance is being considered.

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

Section 1. The issuance of any new sign permit for a freestanding sign is temporarily suspended from the effective date of this resolution through November 17, 2020, or as may be extended by the City Council to allow for the adoption of amendments to the City’s sign regulations to address the unenforceable distinction in the current regulations regarding “off-site” and “on-site” signs.

Section 2. The intent of this suspension is only for signs that fall under the current ordinance provisions for “off-site” signs or “on-site” signs and does not apply to permits for other types of signs, such as attached signs, temporary signs, or portable signs.

Section 3. Interpretations of the applicability of this suspension shall be made by the Planning Director.

Section 4. 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 5. This Resolution shall be effective from and after the date of adoption.

ADOPTED on this 3rd day of November, 2020.

THE CITY OF SAN ANGELO, TEXAS:

Brenda Gunter, Mayor

ATTEST:

APPROVED AS TO FORM:

Julia Antilley, City Clerk

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: November 3, 2020

Item type: Regular Item

Caption:

First reading and public hearing of an ordinance approving case Z20-13, a rezoning from the Light Manufacturing zoning district to the General Commercial zoning district, being 2.97 acres located at 1801 and 1819 Knickerbocker Rd. and adjacent vacant lots located on Industrial Ave. between Market St. and Commerce St. (Presentation made by Planning and Development Services Director Jon James)

Summary/History:

As part of a sales contract for 1819 Knickerbocker Road, the applicant is seeking the requested rezoning. Staff is unaware, at this time what the new proposed use will be. 1801 Knickerbocker Road is the only property within the current block that would remain Light Manufacturing (ML) zoning so City Staff has initiated a rezoning for this property. The current use is a restaurant which would not be allowed in the ML but with the proposed CG zoning would be allowed to continue and possibly expand if needed.

Financial Impact:

N/A

Other Information/Recommendation:

On October 19, 2020, the Planning Commission unanimously recommended APPROVAL of the rezoning.

Attachments:

- | | | |
|----|------------------------|----------------------------|
| 1. | Ordinance (Z20-13) | Ordinance (Z20-13).docx |
| 2. | Staff Report Z20-13 CC | Staff Report Z20-13 CC.pdf |

Presentation:

Jon James

Approvals/Reviews:

Hillary Bueker	Created/Initiated
Hillary Bueker	Approved
Jon James	Approved
Brandon Dyson	Approved
Jon James	Approved
Theresa James	Approved
Julia Antilley	Final Approval

AN ORDINANCE 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: **1801 AND 1819 KNICKERBOCKER ROAD AND ADJACENT VACANT LOTS LOCATED ON INDUSTRIAL AVENUE BETWEEN MARKET STREET AND COMMERCE STREET; BEING 2.034 ACRES IN ABST: A-1641 S-0176.25, SURVEY: J MC NEESE AND 0.936 ACRES IN LOT 1, BLOCK 1, GOLDEN CORRAL ADDITION,** FROM THE LIGHT MANUFACTURING (ML) ZONING DISTRICT TO THE GENERAL COMMERCIAL (CG) ZONING DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Z20-13: 1819 Knickerbocker Road

WHEREAS, on the 19th day of October, 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 General Commercial (CG) Zoning District; and,

WHEREAS, on the 3rd day of November, 2020, City Council held a public hearing on Z20-13, pursuant to published notice, and has considered the application, comments, reports and recommendations of the Planning Commission and staff, public testimony, and other relevant support materials;

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

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

The real property located at 1801 and 1819 Knickerbocker Road and adjacent vacant lots located on Industrial Avenue between Market Street And Commerce Street; Being 2.034 Acres in Abst: A-1641 S-0176.25, Survey: J Mc Neese And 0.936 Acres in Lot 1, Block 1, Golden Corral 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 with public hearing on the **3rd day of November, 2020**, and finally PASSED, on this the **17th day of November, 2020**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

ATTEST:

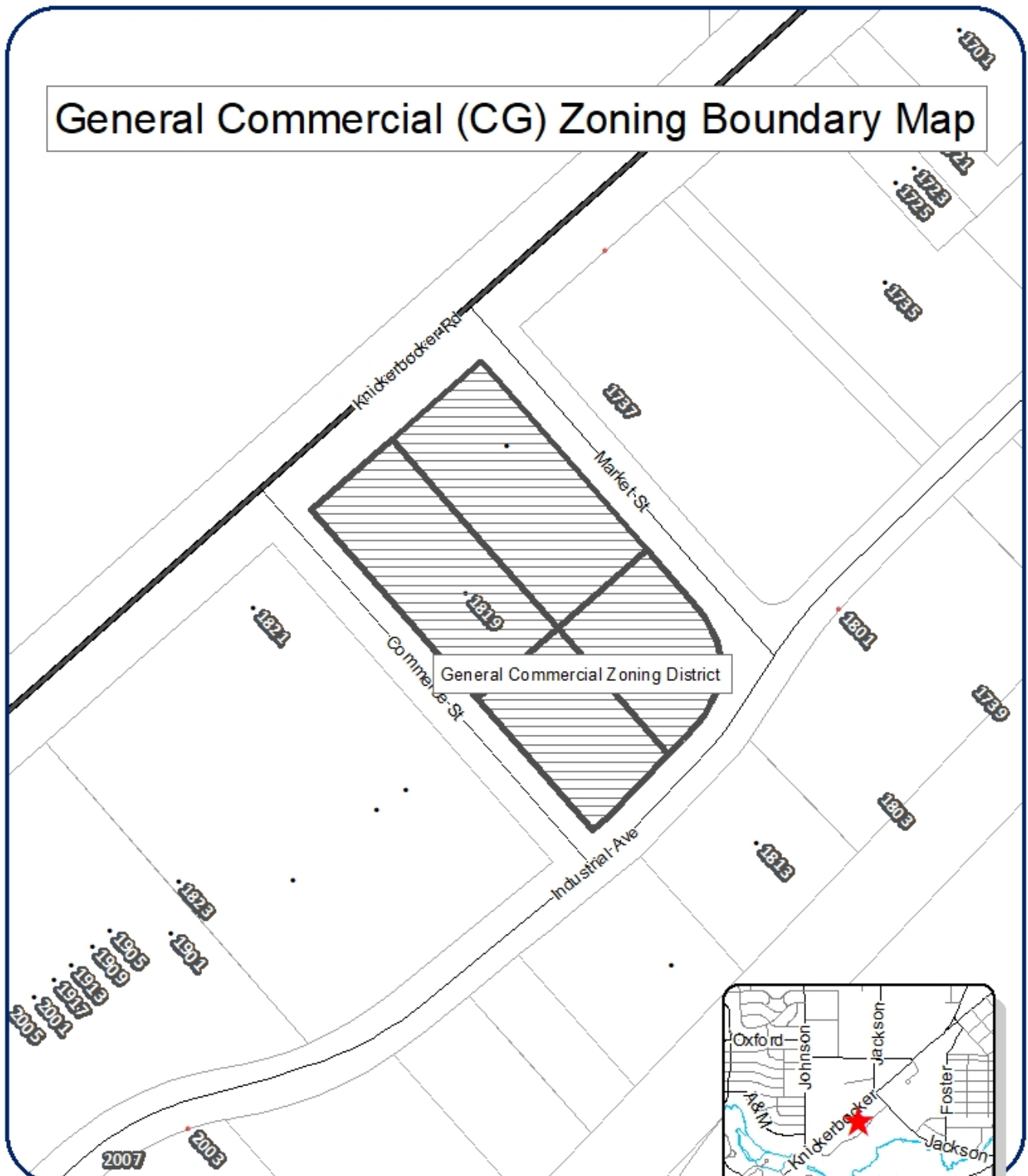
APPROVED AS TO FORM:

Julia Antilley, City Clerk

Theresa James, City Attorney

EXHIBIT "A"

General Commercial (CG) Zoning Boundary Map



Z20-13: 1819 Knickerbocker Rd/COSA **1819/1801 Knickerbocker Road**

Council District: SMD #5 - Lane Carter
Neighborhood: ASU-College Hills
Scale: 1" approx. = 150 ft

Legend

Subject Properties: —
Current Zoning: ML
Requested Zoning Change: CG
Vision: Commercial



PLANNING COMMISSION – OCTOBER 19, 2020

STAFF REPORT



APPLICATION TYPE:		CASES:	
Rezoning		Z20-13: 1819 Knickerbocker Road	
SYNOPSIS:			
A request for approval of a rezoning from the Light Manufacturing (ML) Zoning District to the General Commercial (CG) Zoning District, being 2.97 acres located at 1819 & 1801 Knickerbocker Rd. As part of a sales contract this property is seeking a rezoning. Staff is unaware at this time what the new proposed use will be.			
LOCATION:		LEGAL DESCRIPTION:	
1819 & 1801 Knickerbocker Road		Being 2.034 acres in Abst: A-1641 S-0176.25, Survey: J Mc Neese, and 0.936 acres in Lot 1, Block 1, Golden Corral Addition	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #5 – Lane Carter ASU – College Hills Neighborhood	Light Manufacturing (ML)	Commercial	2.97 acres
THOROUGHFARE PLAN:			
<u>Knickerbocker Road</u> – TXDOT - Urban Arterial Street, Required 80' min. ROW (108' Existing), Required 64' min. pavement width (87' Existing). <u>Market Street, Commerce Street, Industrial Avenue</u> – Urban Local Streets, Required 50' min. ROW (60' Existing), Required 40' or 36' with a 4' sidewalk min. pavement width (40' Existing).			
NOTIFICATIONS:			
6 notifications were mailed within a 200-foot radius on October 8, 2020. Zero received in support or opposition.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of a rezoning from the Light Manufacturing (ML) Zoning District to the General Commercial (CG) Zoning District located at 1819 & 1801 Knickerbocker Road.			
PETITIONER:			
Patricia Bunyard, FAB-KOR, Inc., The Estate of Mary Louise Korona/ COSA			
STAFF CONTACT:			
Hillary Bueker Planning Manager (325) 657-4210, Ext. 1547 hillary.bueker@cosatx.us			

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

1. **Compatible with Plans and Policies.** **Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.** The subject area has been identified as Commercial Future Land Use since the 2009 update to the City's Comprehensive Plan. The goal of the Commercial designation is to "create single-use centers consisting of large retail and office clusters that seek visibility and convenient access offered by frontage on the major street network. The uses within this area often draw from the larger regional area." This area of Knickerbocker is predominately commercial and offers access from major street networks. This parcels have the opportunity to draw customers from a larger regional area and there for this rezoning to General Commercial would be consistent with the Comprehensive Plan.
2. **Consistent with Zoning Ordinance.** **Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.** The subject properties exceed the minimum lot width of 50 feet, lot depth of 80 feet, and lot area of 6,000 square feet in the CG zoning district. The current buildings exceed the front yard setback for Knickerbocker Rd. and with no residential adjacent there are currently no rear or side setbacks. If the existing buildings apply for a change of occupancy, then parking will have to meet current standards. For the two vacant properties, any new development will have to meet current ordinances.
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 properties are located within an area that is currently comprised of mostly commercial with minimal residential. The existing development fits in with the existing mixed use development pattern, and would allow from continuation of existing businesses and additional commercial development.
4. **Changed Conditions.** **Whether and the extent to which there are changed conditions that require an amendment.** The property have been zoned ML since 1959 when at that time this area was envisioned to be an industrial park. That park did not developed and since commercial spread along the Knickerbocker Rd. frontage. Approving this zone change will be consistent with the comprehensive plan and surrounding existing development.
5. **Effect on Natural Environment.** **Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.** The rezoning is anticipated to have little to no adverse impact on the natural environment. Two of the properties are currently developed and continue to operate in a commercial capacity. Any new development may have temporary noise and air impacts during construction. The subject lots are not located within any floodway or

floodplain, and a review of grading, drainage, and stormwater would be conducted at time of any future permitting.

6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.* Allowing this area to rezone to general commercial would allow existing businesses to continue to serve the community while also allowing additional commercial development in a mixed use area.
7. **Development Patterns.** *Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.* The existing development pattern in the subject area is predominately commercial with some residential, approving the rezoning will allow the parcels to keep in continuity with the adjoining development in the area.

Planning Commission Recommendation:

On October 19, 2020, the Planning Commission unanimously recommended **APPROVAL** of a rezoning from the Light Manufacturing (ML) Zoning District to the General Commercial (CG) Zoning District located at 1819 & 1801 Knickerbocker Road. The following is the complete excerpt of the draft minutes from the October 19, 2020 meeting for these cases:

Hillary Bueker, Planning Manager, presented the rezoning case. She explained that the current zoning is Light Manufacturing (ML) and there was a recent rezoning approved to the south to General Commercial (CG). Ms. Bueker explained that the rezoning includes the Korona and Bonzai Garden properties and two properties immediately behind them. She indicated that of the 6 notices that were mailed, Staff did not receive any responses. Ms. Bueker then outlined Staff's recommendation to approve the rezoning on the grounds that the rezoning is compatible with the Commercial Future Land Use; that the property complies with the CG zoning standards including the front yard setbacks; that the area is already mostly commercial; that the properties have remained retail or vacant since at least 1970s and 1980s; and that the rezoning will allow continuity of commercial uses within the adjacent area.

Chair Stribling opened public comment.

Chair Stribling closed public comment.

Commissioner Smith made a motion to RECOMMEND APPROVAL of a rezoning from the Light Manufacturing (ML) Zoning District to the General Commercial (CG) Zoning District, being 2.97 acres located at 1801 and 1819 Knickerbocker Rd. Vice Chair Jackson seconded the motion. The motion carried unanimously 7-0.

Recommendation:

Staff recommends **APPROVAL** of a rezoning from the Light Manufacturing (ML) Zoning District to the General Commercial (CG) Zoning District located at 1819 & 1801 Knickerbocker Road.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Photographs
Notification Map



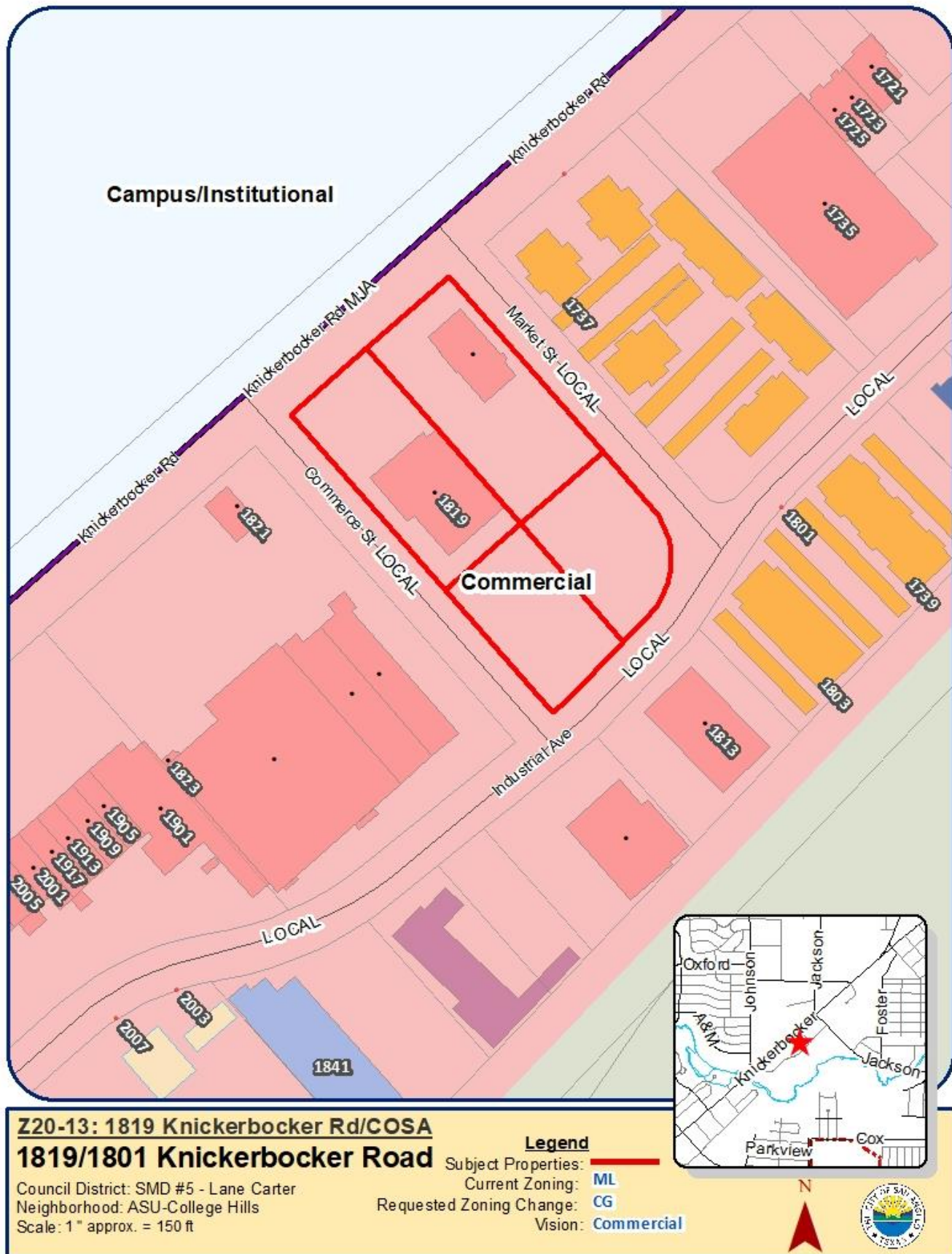
Z20-13: 1819 Knickerbocker Rd/COSA
1819/1801 Knickerbocker Road

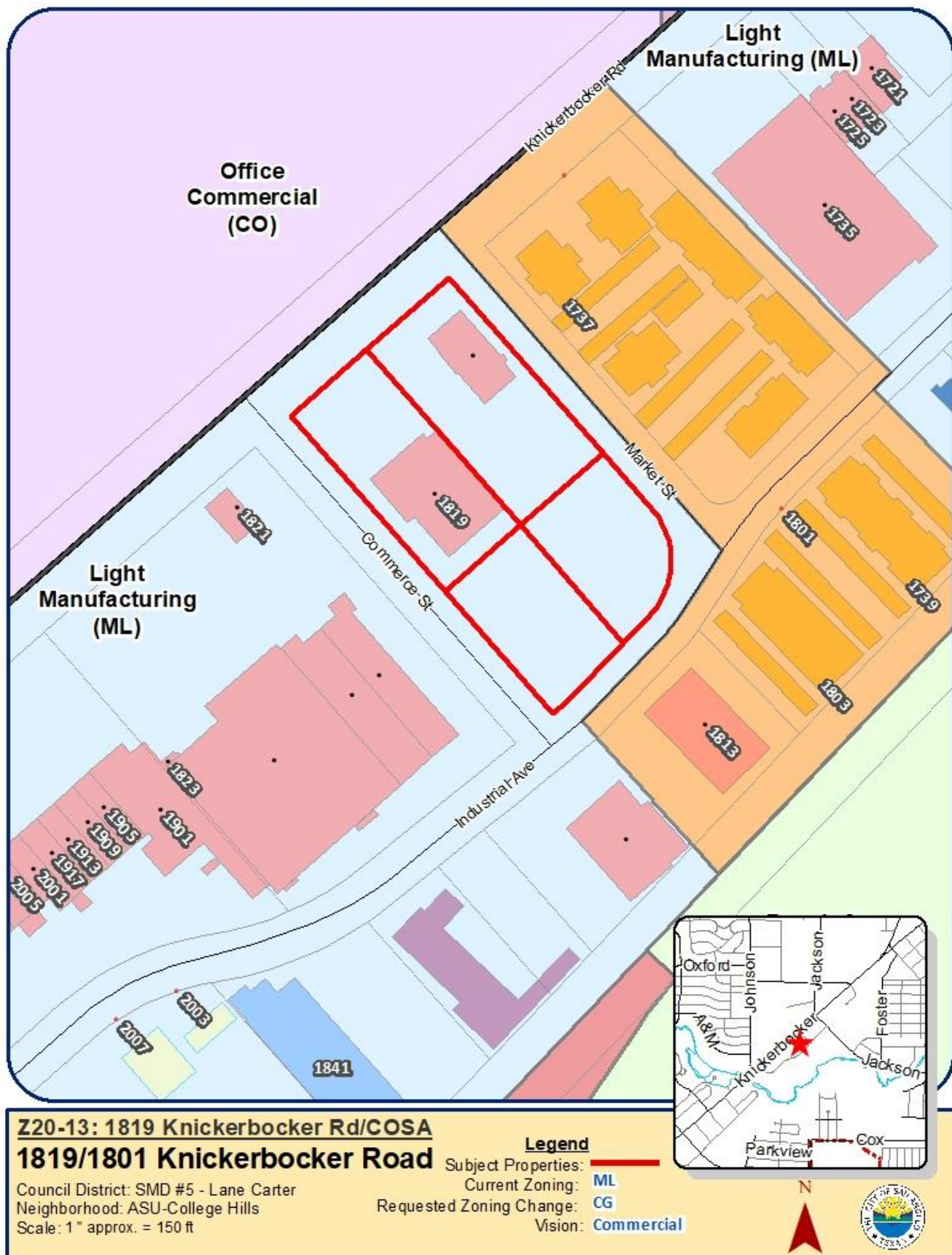
Council District: SMD #5 - Lane Carter
Neighborhood: ASU-College Hills
Scale: 1" approx. = 150 ft

Legend

Subject Properties: —
Current Zoning: ML
Requested Zoning Change: CG
Vision: Commercial







Photos



Applicant's existing commercial property



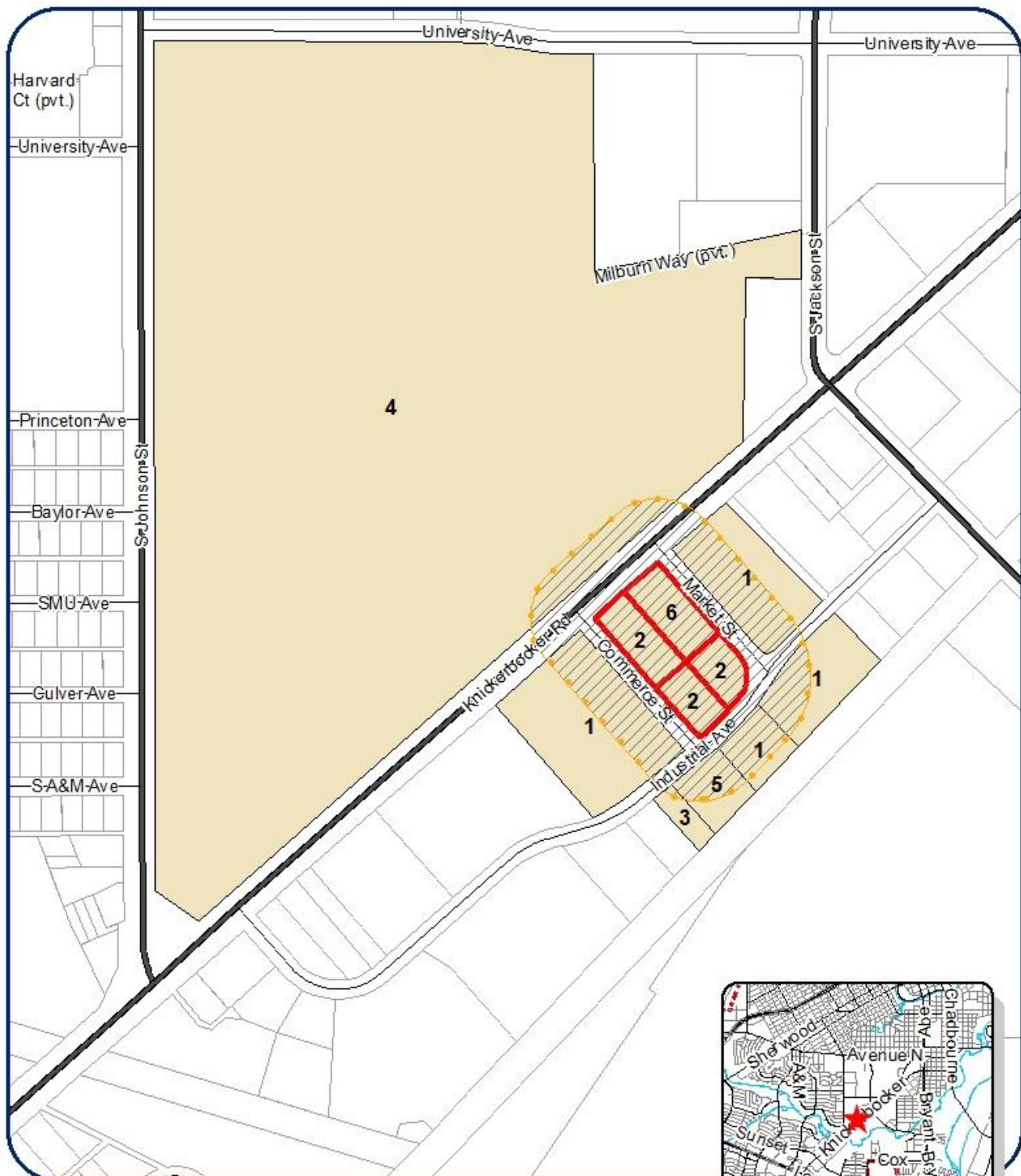
Adjacent property (rezoning initiated by COSA)



Vacant Property at Commerce Street and Industrial Avenue



Vacant Property at Market Street and Industrial Avenue

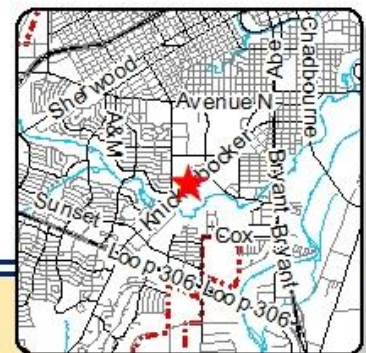


Z20-13: 1819 Knickerbocker Rd/COSA
1819/1801 Knickerbocker Road

Council District: SMD #5 - Lane Carter
 Neighborhood: ASU-College Hills
 Scale: 1" approx. = 400 ft

Legend

Subject Properties:
 Current Zoning: ML
 Requested Zoning Change: CG
 Vision: Commercial



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: November 3, 2020

Item type: Regular Item

Caption:

First reading and public hearing of an ordinance approving case Z20-16, a request for a rezoning from Low Rise Multifamily Residence, Neighborhood Commercial, and Light Manufacturing to the Central Business District zoning district, being 6.487 acres located at 122 W. 2nd St., 209 & 215 Gillis St., 34 W. 3rd St., 214 & 218 Farr St. and other unaddressed properties in the 100 and 200 blocks of W. 2nd St. and W. 3rd St. (Presentation made by Planning & Development Services Director Jon James)

Summary/History:

The Salvation Army is divesting the organization of multiple properties in both of the blocks mentioned above to facilitate consolidation of their operations and move their organization to a central campus. These properties are located one block off Chadbourne Street, generally located at the Gillis Street and 3rd Street intersection. The applicant's proposed rezoning brings forward a situation that rarely happens in an older downtown area. The applicant has requested rezoning to Central Business District for 16 individual properties. Those properties are contained within a two block area and are adjacent to each other. Some of the properties have structures on them, some have parking lots and some are vacant.

Financial Impact:

N/A

Other Information/Recommendation:

At their October 19, 2020 Planning Commission meeting the Planning Commission voted unanimously (7-0) to recommend approval of the request to rezone the property to Central Business District (CBD).

Attachments:

- | | | |
|----|------------------------|----------------------------|
| 1. | Z20-16_Ordinance | Z20-16_Ordinance.docx |
| 2. | Z20-16 Staff report CC | Z20-16 Staff report CC.pdf |

Presentation:

Jon James

Approvals/Reviews:

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

Julia Antilley

Final Approval

AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO, TEXAS, WHICH ADOPTS ZONING REGULATIONS, USE DISTRICTS AND A ZONING MAP, IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING PROPERTY: **LOCATED AT 122 WEST 2ND STREET, 209 & 215 GILLIS STREET, 34 WEST 3RD STREET, 214 & 218 FARR STREET AND VARIOUS PROPERTIES IN THE 100 AND 200 BLOCKS OF WEST 2ND STREET AND WEST 3RD STREET**, FROM THE LOW RISE MULTIFAMILY RESIDENCE (RM-1) ZONING DISTRICT, THE NEIGHBORHOOD COMMERCIAL (CN) AND LIGHT MANUFACTURING (LM) ZONING DISTRICTS TO THE CENTRAL BUSINESS DISTRICT ZONING DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Z20-16: Salvation Army Properties

WHEREAS, on the 19th day of October, 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 Central Business District Zoning District; and,

WHEREAS, on the 3rd day of November, 2020, City Council held a public hearing on Z20-16, 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 CENTRAL BUSINESS DISTRICT Zoning District:

The real properties located at 122 West 2ND Street, 209 & 215 Gillis Street, 34 West 3RD Street, 214 & 218 Farr Street and various properties in the 100 and 200 blocks of West 2ND Street and West 3RD Street, more particularly described as approximately 6.487 acres described in Exhibit A, City of San Angelo, Tom Green County, Texas;

SECTION 2: The Director of the Planning & Development Department, or his/her designee, is hereby directed to correct zoning district maps in the office of the Planning & Development Department, to implement the zoning provision adopted herein, as further depicted on **Exhibit B** 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 **3rd day of November, 2020**, and finally ADOPTED on this the **17th day of November, 2020**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

ATTEST:

APPROVED AS TO FORM:

Julia Antilley, City Clerk

Theresa James, City Attorney

EXHIBIT "A"

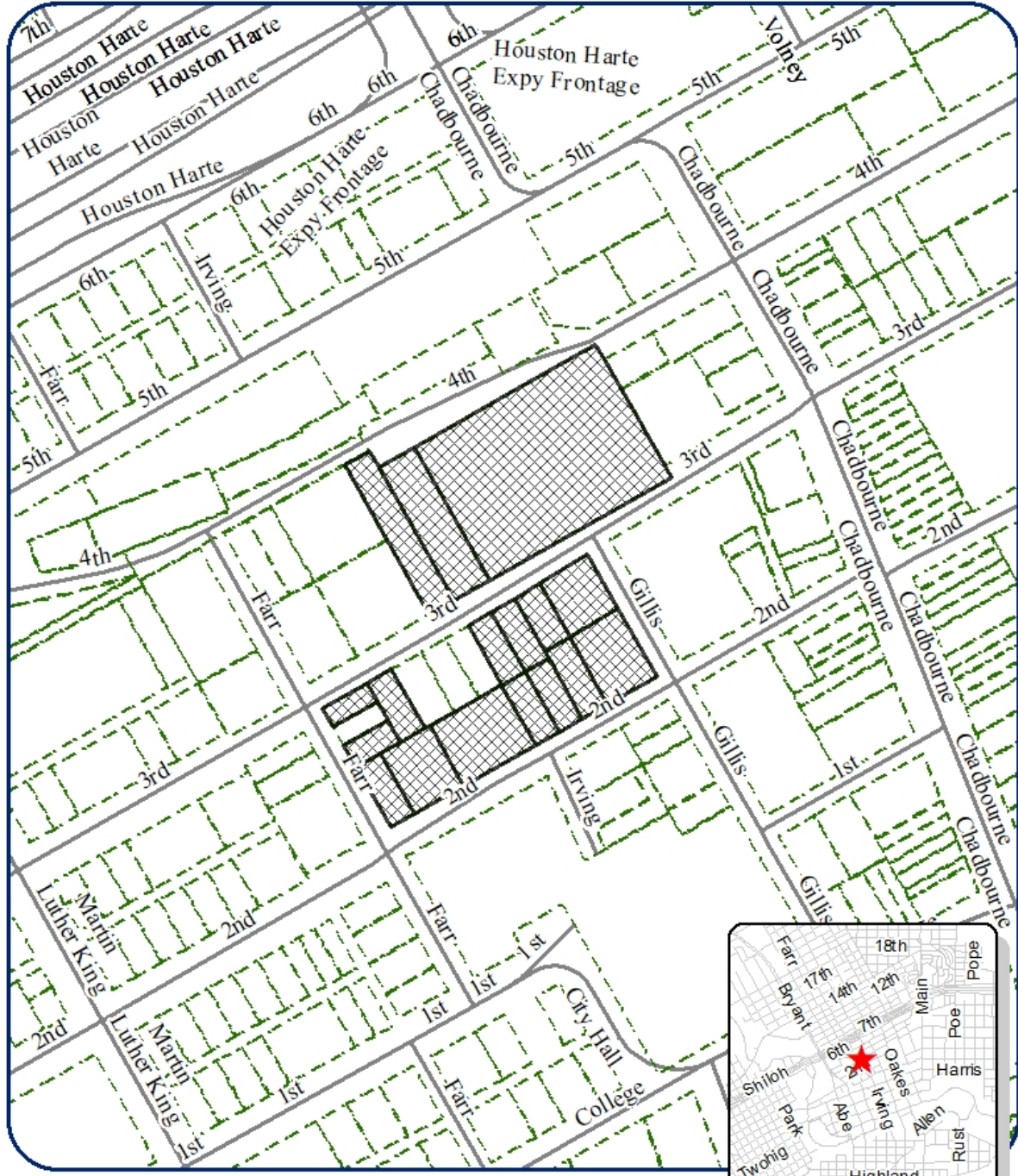
TRACT 1

Blk. V., Wells Subd. of Miles Addition, N38.9 ft. of Lot 4 & N38.9 ft. of W 40 ft. of Lot 5
Blk. V., Wells Subd. Of Miles Addition, E10 ft. of Lot 5 & W40 ft. of Lot 6
Blk. V., Wells Subd. Of Miles Addition, S45 ft. of Lot 4 & s45 ft. of W40 ft. of Lot 5
Lot 1, Blk. V. Wells Subd. Of Miles Addition
Lot 2 & 3 (former Orlebeke Tract) Blk. V Wells Subd. Of Miles Addition
Miles Acre Lots Addition, W47 3/4 of S1/2 of W95 1/2 of AC Blk.22
Miles Acre Lots Addition, South 1/2 of Acre Blk. 12 (Planned Parenthood Tract)
Miles Acre Lots Addition, E47 3/4 of S 1/2 of W95 1/2 of AC Blk. 22 Former Carroll Tract
Miles Acre Lots Addition, E52 ft. of N111 of AC Blk. 22
Miles Acre Lots Addition, S135 ft. of E52 ft. of AC Blk. 22
Miles Acre Lots Addition, N111 ft. of 100 ft. of AC 23
Miles Acre Lots Addition, S135 ft. of W100 ft. of AC 23
Miles Acre Lots Addition, W1/2 of N1/2 of W95 ft. of AC 22
Miles Acre Lots Addition, E 1/2 of N 1/2 of W 95 1/2 ft. of AC 22 (Former Garcia Tract – V 13 PG 580)

TRACT 2

Lot 21 & 27, Blk. X & the W 73.6 ft. of Blk. PT, Blk. X, Wells Subd. Of Miles Addition
East 1/2 of Blk. 33 and all of Blk. 34, Miles Acre Lots Addition

EXHIBIT "B"



Location Map Z20-16

Legend

Salvation Army properties

Council District 3 - Harry Thomas
Neighborhood: Downtown
Scale: 1" approx. = 225 ft

Future Land Use Map

Subject Properties: **ML, RM-1, CN**
Current Zoning: **Central Business District (CBD)**
Requested Zoning Change: **Downtown**
Vision:



CITY COUNCIL – NOVEMBER 3, 2020
STAFF REPORT



APPLICATION TYPE:		CASES:	
Rezoning		Z20-16: 122 West 2 nd Street, 209 & 215 Gillis Street, 34 West 3 rd Street, 214 & 218 Farr Street and various properties	
SYNOPSIS:			
A request for a rezoning from Low Rise Multifamily Residence (RM-1) , Neighborhood Commercial (CN) and Light Manufacturing (ML) Zoning Districts to the Central Business District (CBD) Zoning District, being 122 West 2 nd Street, 209 & 215 Gillis Street, 34 West 3 rd Street, 214 & 218 Farr Street and various properties in the 100 and 200 blocks of West 2 nd Street and West 3 rd Street. The Salvation Army is divesting the organization of multiple properties in both of the blocks mentioned above to facilitate consolidation of their operations and move their organization to a central campus. These properties are located one block off Chadbourne Street, generally located at the Gillis Street and 3 rd Street intersection. (Continued)			
LOCATION:		LEGAL DESCRIPTION:	
Near Farr Street, Gillis Street, 3 rd Street and 2 nd Street		Being 6.487 acres with properties listed on a separate page 16 individual pieces of property	
SM DISTRICT / NEIGHBORHOOD:		ZONING:	FUTURE LAND USE:
SMD District #3 – Harry Thomas Downtown		ML; RM-1; CN	Downtown
THOROUGHFARE PLAN:		SIZE:	
Gillis Street – Urban Local Street, Required: 50’ right-of-way, 40’ pavement or 36’ with 4’ sidewalk; Provided: 48’ right-of-way, 38’ pavement with no sidewalk Farr Street - Urban Local Street, Required: 50’ right-of-way, 40’ pavement or 36’ with 4’ sidewalk; Provided: 50’ right-of-way, 30’ pavement with no sidewalk 2nd and 3rd Street -- Urban Local Street, Required: 50’ right-of-way, 40’ pavement or 36’ with 4’ sidewalk; Provided: 50’ - 43’ right-of-way , 36-38’ pavement with no sidewalk		6.487 acres	
NOTIFICATIONS:			
Twenty eight notifications were mailed within a 200-foot radius of the property on October 1, 2020. One response in favor and one against were received.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of a rezoning from the Light Manufacturing (ML) Zoning District, Low Rise Multifamily (RM-1) and Neighborhood Commercial (CN) to the Central Business District Zoning District (CBD).			
PROPERTY OWNER/PETITIONER:			
The Salvation Army Steve Eustis - Representative			
STAFF CONTACT:			
Sherry Bailey Principal Planner (325) 657-4210, Extension 1546 Sherry.bailey@cosatx.us			

Additional Information: The applicant's proposed rezoning brings forward a situation that rarely happens in an older downtown area. The applicant has requested rezoning to Central Business District for 16 individual properties. Those properties are contained within a two block area and are adjacent to each other. Some of the properties have structures on them, some have parking lots and some are vacant. There are multiple corner pieces of property. There is a church, a shelter, and a business property with a fenced yard. All of these properties are within one block of the main downtown area on Chadbourne Street, well within the larger downtown area that should be attractive to mixed-use development, offices, and retail development. The property is also adjacent to the Performing Arts Center and the City Hall Complex. With some active marketing and downtown organization participation, a creative developer could see the potential for development. Utilities are available, streets with curbs and gutter are existing, and the property has multiple parking lots existing alongside the existing buildings or vacant property. This area is identified as part of the "Downtown" in the City's Vision plan, which encourages innovative out of the box thinking. Even the church property presents a unique approach to offices for development. There are three homes on 3rd Street and one home on Farr Street that are not included within the rezoning request. Those are owned by individual property owners who are maintaining their residential character. These homes are zoned RM-1 and will remain so for the time being.

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 rezoning to Central Business District is in keeping with the Future Land Use of the City's Master Plan and makes development sense. The properties are within the larger area identified by the City recently for rezoning to CBD. This request is timely and matches the goal for the area as identified in the City's Master Plan.
2. **Consistent with Zoning Ordinance.** **Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.** Once the property is rezoned, the development requirements for the Central Business District will apply, including reduced setback requirements and parking requirements. This property will benefit from the reduced development requirements found in the CBD.
3. **Compatible with Surrounding Area.** **Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.** As mentioned previously, the property immediately adjacent to these 16 lots is part of the City's cultural, governmental, and entertainment core. These properties could help with the overall goal of downtown development and redevelopment.
4. **Changed Conditions.** **Whether and the extent to which there are changed conditions that require an amendment.** The Salvation Army collected these properties over time. However, now pulling

them all together as a cohesive six acres presents opportunities that positive marketing should be able to build upon. Now rezoning them to the one Central Business District (CBD) Zoning District with its development friendly requirements should attract interest.

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.* Staff does not believe that there will be any adverse effects on the natural environment. The area is already developed and is part of the downtown area. Encouraging downtown development, where utilities and services already exist, helps avoid excessive development in lower density, less environmentally friendly areas.
6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.* There are ample indications from past comments that pulling this amount of developable land together in a cohesive approach to development may well meet the needs that have been identified for a variety of desirable downtown uses.
7. **Development Patterns.** *Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.* The property has access to multiple developed street frontages, with large parcels having access to two or three streets. The development patterns are existing and additional traffic would have little impact on the existing ability to meet development needs.

Recommendation:

Staff recommends **APPROVAL** of a rezoning from the Light Manufacturing (ML) Zoning District, Low Rise Multifamily (RM-1) Zoning District, and Neighborhood Commercial (CN) Zoning District to the Central Business District (CBD).

Planning Commission:

Z20-16: 122 West 2nd Street, 34 West 3rd Street, and 209 & 215 Gillis Street

A request for a rezoning from Low Rise Multifamily Residence (RM-1), Neighborhood Commercial (CN), and Light Manufacturing (ML) Zoning Districts to the Central Business District (CBD) Zoning District, being 6.487 acres located at 122 West 2nd Street, 209 & 215 Gillis Street, 34 West 3rd Street, 214 & 218 Farr Street, and other unaddressed properties in the 100 and 200 blocks of West 2nd Street and West 3rd Street.

Sherry Bailey, Principal Planner, presented the rezoning case. She explained that the Salvation Army is the property owner and plans to rezone these properties and divest themselves of them. Ms. Bailey explained the properties are a mix of different zoning districts and the rezoning would change all of the properties to the Central Business District (CBD). She indicated that of the 34 notices mailed, she received one in favor and zero opposed. Ms. Bailey then outlined Staff's recommendation to approve the rezoning on the grounds that the proposed rezoning is in keeping with the City's Vision and Comprehensive Plan; that the CBD zoning is logical given the property is Downtown; that this an opportunity to combine several properties downtown for development; and there is a community need for more economic opportunities downtown.

Chair Stribling opened public comment.

Steve Eustis, representing the applicant, indicated that he was available for questions.

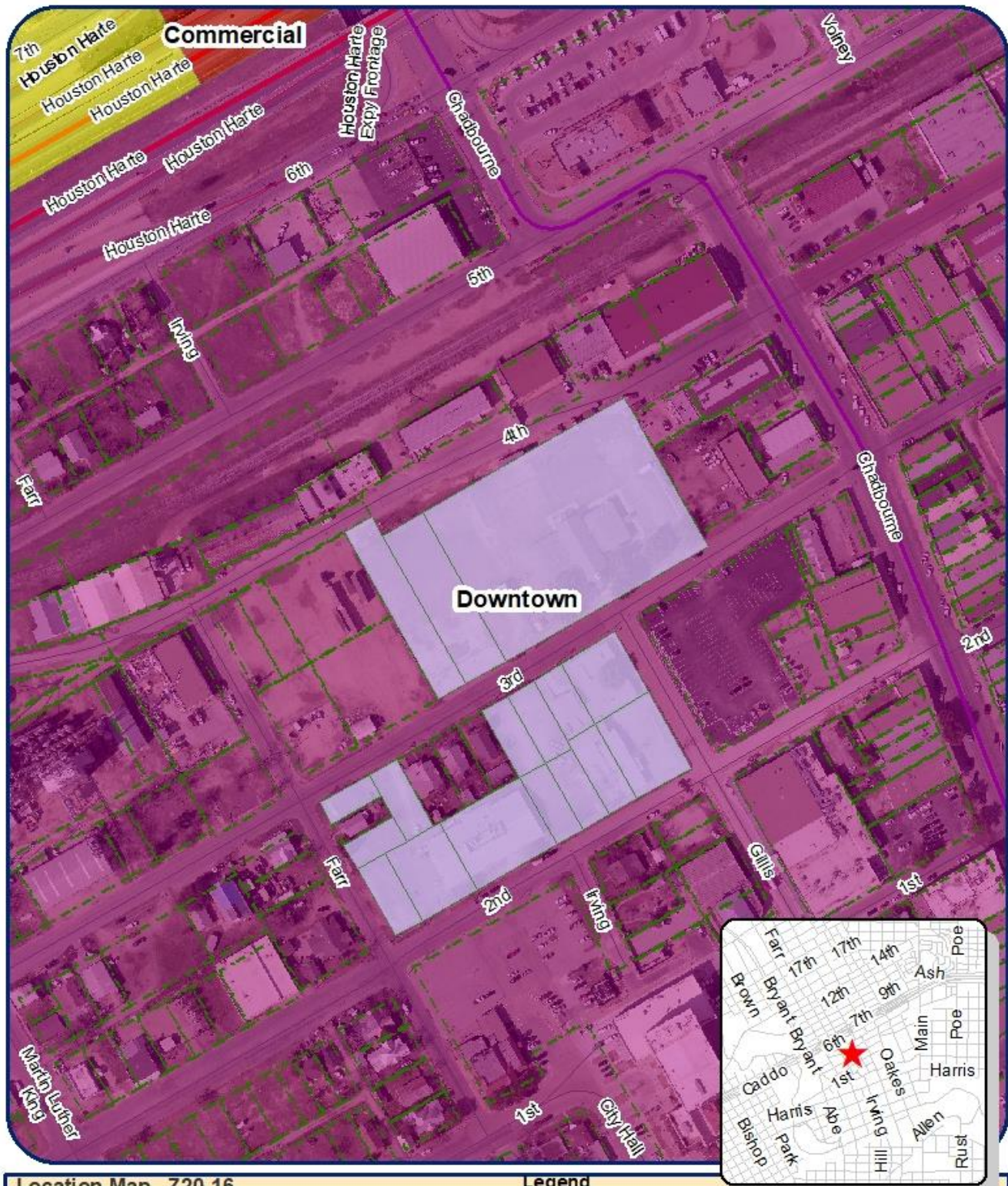
Chair Stribling closed public comment.

Vice Chair Jackson made a motion to RECOMMEND APPROVAL of a rezoning from Low Rise Multifamily Residence (RM-1), Neighborhood Commercial (CN), and Light Manufacturing (ML) Zoning Districts to the Central Business District (CBD) Zoning District, being 6.487 acres located at 122 West 2nd Street, 209 & 215 Gillis Street, 34 West 3rd Street, 214 & 218 Farr Street, and other unaddressed properties in the 100 and 200 blocks of West 2nd Street and West 3rd Street. Commissioner Uherik seconded the motion. The motion carried unanimously 7-0.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Notification Map
Photographs
Zone Change Application
Legal Descriptions





Location Map Z20-16

Legend

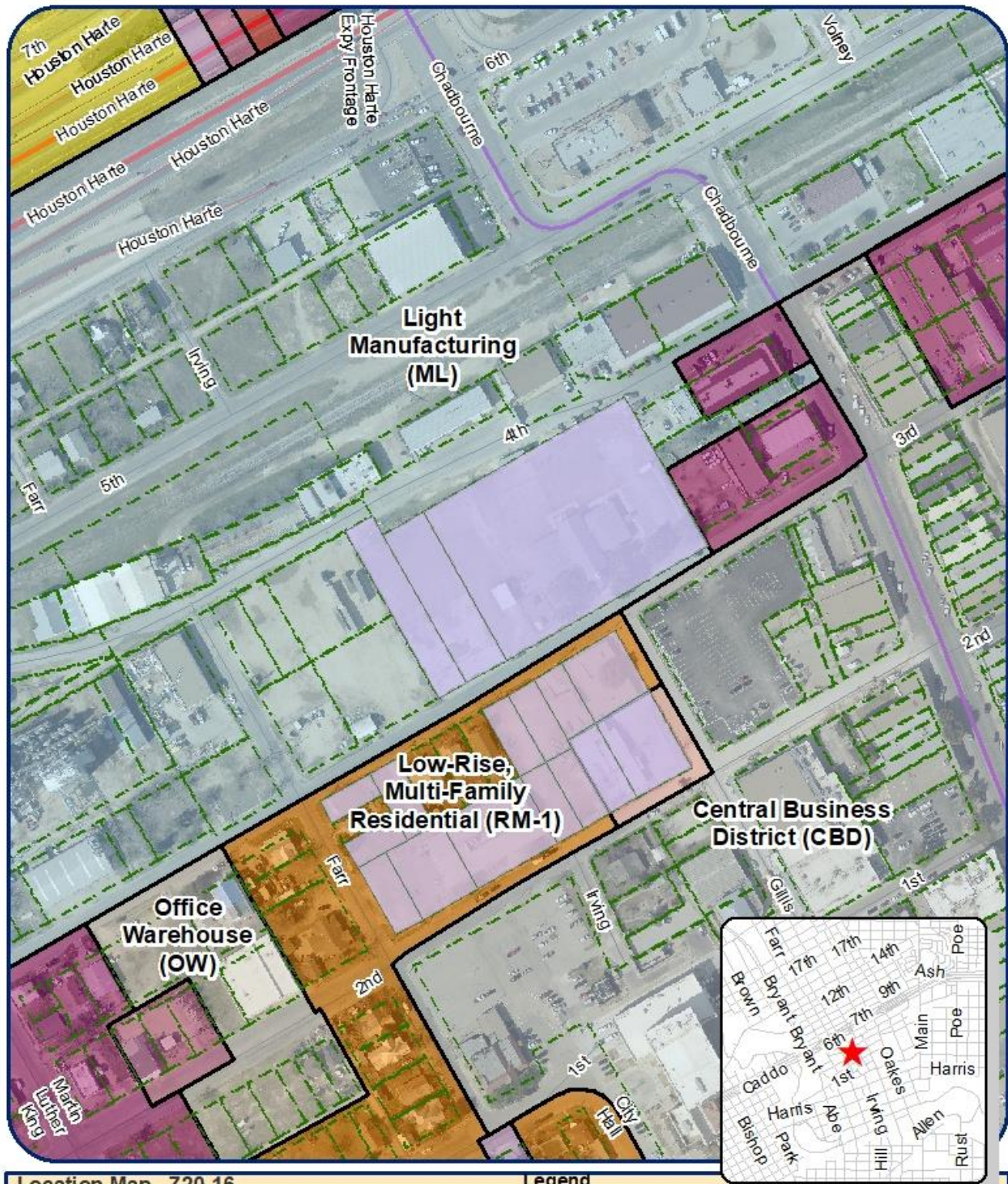
Salvation Army properties

Council District 3 - Harry Thomas
Neighborhood: Downtown
Scale: 1" approx. = 200 ft

Subject Properties: **ML, RM-1, CN**
Current Zoning: **Central Business District (CBD)**
Requested Zoning Change: **Downtown**
Vision: **Downtown**

Future Land Use Map





Location Map Z20-16

Legend

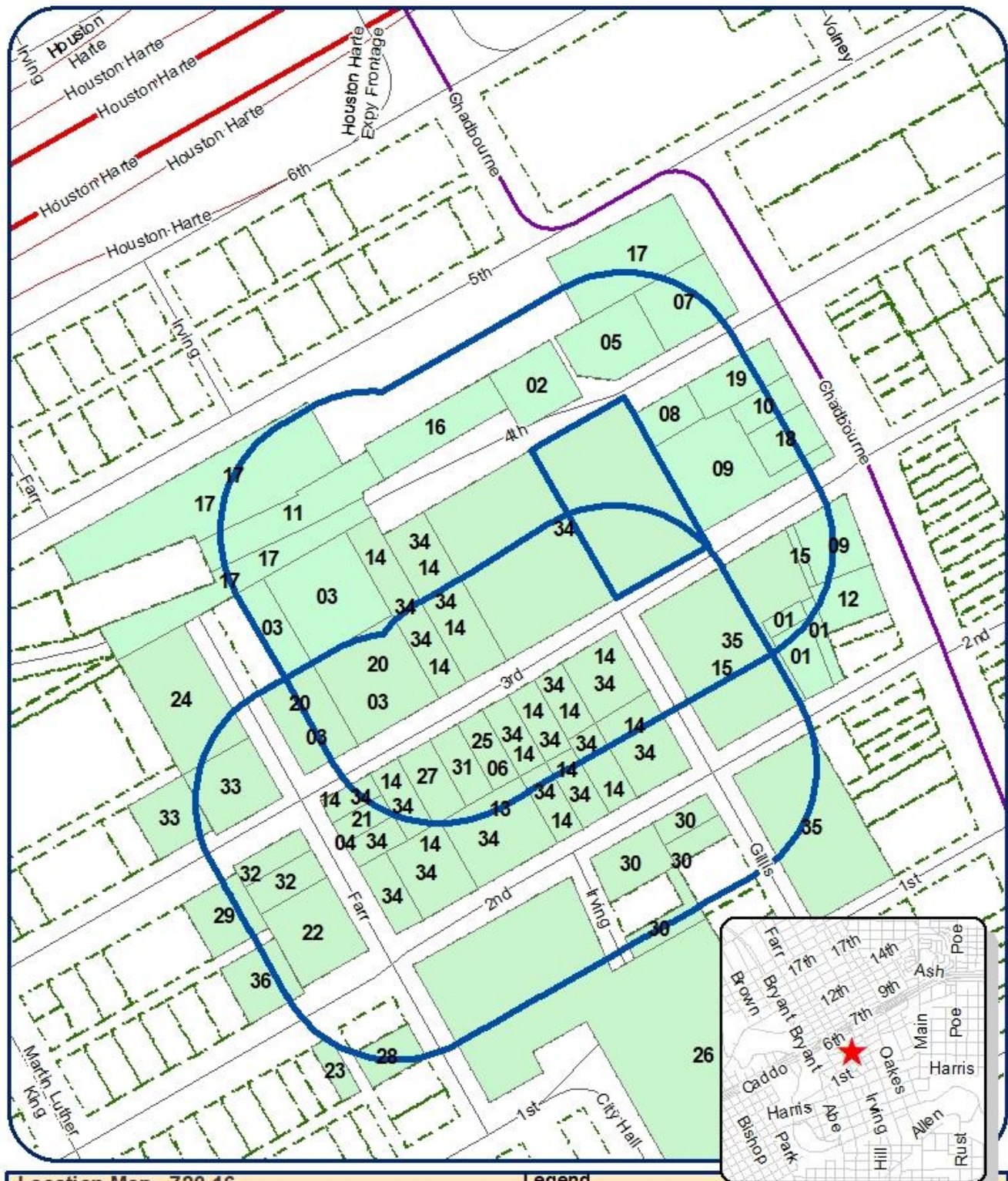
Salvation Army properties

Council District 3 - Harry Thomas
Neighborhood: Downtown
Scale: 1" approx. = 200 ft

Subject Properties: ML, RM-1, CN
Current Zoning: Central Business District (CBD)
Requested Zoning Change: Downtown
Vision:

Zoning Map





Location Map Z20-16

Legend

Salvation Army properties

Council District 3 - Harry Thomas
Neighborhood: Downtown
Scale: 1" approx. = 200 ft

Subject Properties: **ML, RM-1, CN**
Current Zoning: **Central Business District (CBD)**
Requested Zoning Change: **Downtown**
Vision:

Notification Map



OFFICE

DATE: OCTOBER 13, 2020
TO: LEE
FROM: CYNTHIA
PERSONNEL RETURNED YOUR CALL

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.

(X) IN FAVOR () IN OPPOSITION

REASON(S) _____

NAME: Southwest Orient Properties
ADDRESS: Owner #16

SIGNATURE: Addison Lee Ruzon

Z20-16:
Z20-26: Salvation Army Properties

Property owner number: 16

If you have any questions about these proceedings, please call Sherry Bailey, Principal Planner, with the City of San Angelo's Planning Division at telephone number 325-657-1546. The Planning Division staff may also be reached by email at sherry.bailey1@cosatx.us.

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

() IN FAVOR

(X) IN OPPOSITION

REASON(S)

Worried about Bars/Clubs opening in
this neighborhood. Also will
Taxes increase?

NAME: Thomas & Frances Dempsey

ADDRESS: 117 West 3rd
San Angelo, Tx. 76903

SIGNATURE: Thomas & Frances Dempsey

Z20-16:

Z20-26: Salvation Army Properties

Property owner number: 27

If you have any questions about these proceedings, please call Sherry Bailey, Principal Planner, with the City of San Angelo's Planning Division at telephone number 325-657-1546. The Planning Division staff may also be reached by email at sherry.bailey@cosatx.us.

Photos of Site are Properties



Gillis Street building



Gillis Street and 3rd Street corner



Old Emergency Shelter building



Church and playground



Corner of Farr Street and 2nd Street



Corner of Farr Street and 3rd Street



Houses not included in rezoning



Three houses not included in rezoning

220-16

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): The Salvation Army

☒ Owner

☐ Representative (Notarized Affidavit Required)

1221 River Bend Dr.

Dallas

TX

75247

Mailing Address

City

State

Zip Code

214.956.6000 barry.corbett@uss.salvationarmy.org or our representative Steve Eustis 653.1489

Contact Phone Number

Contact E-mail Address

122 W 2nd; 209 & 215 Gillis; 34 W 3rd and all contiguous vacant land that is owned by Salvation Army (see attached)

Subject Property Address

City

State

Zip Code

See attached

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

Existing Zoning: RM-1; CN; ML Proposed Zoning: CBD Lot size: attached

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

Section 2: Site Specific Details

Existing Use of Property: The former Red Lodge Shelter, offices, former thrift store and church

*Proposed Use of Property: Some will stay the same, 122 W. 2nd will be a kidney dialysis clinic

*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 <i>[Signature]</i>	Company/Organization <i>THE SOLVED ALLEY</i>	Date <i>9-16-20</i>

FOR OFFICE USE ONLY:

☐ Verified Complete ☐ Verified Incomplete

Date of Application: ____/____/____

Case No.: *2* - ____

Fully-dimensioned site plan: ☐

Nonrefundable fee: \$ _____

Receipt #: *396702* Date paid: ____/____/____

Sign Deposit \$37.50

Receipt #: *396772* Date paid: ____/____/____

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

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

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

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

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

Publication date: ____/____/____

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

ArcGIS Web Map



9/17/2020, 2:50:58 PM

Address Parcel popups

Parcel Lines ETJ

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS,
ArcGIS Web AppBuilder
COSA GIS | COSA GIS Division | Maxar, Microsoft | Esri, HERE, Garmin, IBC, I

SUBJECT PROPERTY - TRACT 1	
<u>Legal Description</u>	
Acres: 0.080, Blk: V, Subd: WELLS S/D OF MILES ADDN, N38.9 OF LOT 4 & N 38.9 OF W 40 OF 5	
Acres: 0.140, Blk: V, Subd: WELLS S/D OF MILES ADDN, E10' OF 5 & W40' OF 6	
Acres: 0.093, Blk: V, Subd: WELLS S/D OF MILES ADDN, S45 FT OF LOT 4 & S45 FT OF W40 FT OF LOT 5	
Acres: 0.140, Lot: 1, Blk: V, Subd: WELLS S/D OF MILES ADDN	
Acres: 0.280, Lot: 2 & 3 (FORMER ORLEBEKE TRACT) *PARKING, Blk: V, Subd: WELLS S/D OF MILES ADDN	
Acres: 0.133, Subd: MILES ACRE LOTS ADDITION, W47 3/4OF S1/2OF W95 1/2OF AC BLK22	
Subd: MILES ACRE LOTS ADDITION, SOUTH 1/2 OF ACRE BLOCK 21 (PLANNED PARENTHOOD TRACT)	
Acres: 0.133, Subd: MILES ACRE LOTS ADDITION, E47 3/4OF S1/2OF W95 1/2OF AC BLK22 FORMER CARROLL TRACT	
Subd: MILES ACRE LOTS ADDITION, E52' OF N 111 OF AC BLK 22	
Subd: MILES ACRE LOTS ADDITION, S135' OF E52' OF AC BLK 22	
Subd: MILES ACRE LOTS ADDITION, N111' OF W100' OF AC 23	
Subd: MILES ACRE LOTS ADDITION, S135 OF W100 OF AC 23	
Acres: 0.134, Subd: MILES ACRE LOTS ADDITION, W1/2 OF N1/2 OF W95 OF AC 22	
Acres: 0.134, Subd: MILES ACRE LOTS ADDITION, E 1/2 OF N 1/2 OF W 95 1/2 OF AC 22 (FORMER GARCIA TRACT-VOL 13 PG 580)	

SUBJECT PROPERTY – TRACT 2

Legal Description

Lot 21 & 27, Blk X & the West 73.6 ft of Blk PT, Blk X, Wells S/D of Miles Addition
East ½ of Block 33 and all of Block 34, Miles Acre Lot Addition



**APPLICATION FOR
BOARDS and COMMISSIONS**

Name: **Bruce R. Partain**

Address: **San Angelo, TX 76904**

Phone (Home): _____ (Office): **325-400-7100**

Resident of San Angelo since: **2018** SMD: **1**

Are you a registered voter of San Angelo? **Yes**

Occupation/Business Affiliation: **NextHome Legends Realty**

Occupation/Business Address: **303 W. Harris Ave., Suite 1, 76903**

Title/Position: **Real Estate Agent**

Email: _____

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

Bruce R. Partain
Applicant's Signature

10-12-2020
Date

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

Applying for:

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

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

Recommended by: _____

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

Feel free to attach additional sheets, if necessary.

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

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

Education and/or Professional Licenses: see attached for this & following questions

Current Municipal and Civic Organization Memberships (position and dates): _____

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

What personal qualifications can you bring to this board? _____

What is your personal vision for the City? _____

Why do you want to serve on this board? _____

Additional relevant information: _____

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

Professional Licenses and Certifications

- Licensed Real Estate Agent – Texas Real Estate Commission
- Economic Development Institute, University of Oklahoma – Graduate
- Certified Chamber Executive – US Chamber of Commerce

Education

All degrees completed with 3.5 GPA or higher on a 4.0 scale

- Master of Science, Geology, University of Texas of the Permian Basin
- Bachelor of Science, Geology, University of Texas of the Permian Basin
- Bachelor of Science, Journalism, Oklahoma State University

Current Municipal and Civic Organization Memberships:

- Member, San Angelo Association of Realtors
- Member, San Angelo Chamber of Commerce
- Member, San Angelo Museum of Fine Arts

Previous Municipal Experience

- Chamber executive in San Angelo, Longmont CO, Midland and Nacogdoches, 1990-2020
- Board member, Metropolitan Planning Organization (MPO) – San Angelo, 2018-20
- Honorary Commander, 17th Force Support Squadron, Goodfellow Air Force Base, 2019
- Co-founder, Northwest Chamber Alliance – a coalition of five Colorado Chambers, 2017-18
- Member, Envision Longmont interagency council, 2015-17
- Volunteer, Longmont Start-up Week, 2017-18
- Board member, Nacogdoches Economic Development Corporation, 2001-15
- Chair, Texas Chamber of Commerce Executives, 2014-15
- Board member, Rotary Club of Nacogdoches, 2014
- Co-founder and board member, Nacogdoches Film Festival, 2013-15
- Advancement chair, Buffalo Trail Council, Boy Scouts of America, late-1990s
- Assistant Scoutmaster, Troop 19, Boy Scouts of America, 1993-2000
- Coach and assistant coach, Midland youth basketball and baseball, 1990-98
- Board member, Better Business Bureau of the Permian Basin, mid-1990s

What personal qualifications can you bring to this board?

I have worked with the leadership of airports ranging from small municipal to medium-sized international. While in Midland, I had the opportunity to help recruit the Commemorative Air Force. I worked closely with CAF and City staff as an airshow volunteer, including air-to-air photography, public relations and marketing.

I am a committed, collaborative community supporter. I will study issues, listen to staff, and be present and engaged at meetings. I have an understanding of municipal dynamics, opportunities and constraints. I respect the rights of others. I will listen attentively and draw on the experience and viewpoints of others before forming or expressing my own opinions.

What is your personal vision for the City?

San Angelo is a unique community. It is of a size that it serves as a regional hub, while still small enough to provide leadership opportunities for many. I believe San Angelo can grow in quality and size while maintaining its character. The next 30 years are crucial. As we approach the mid-century mark of 2050, it is important that leaders and citizens recognize our potential while acknowledging the areas that require attention, resources and patience. My personal vision for San Angelo includes a vibrant airport with at least two commercial carriers, improved business/industrial aviation hangar capacity and development of a business park at the airport.

Why do you want to serve on this board?

My personal interest in aviation drives a part of my desire to serve. Most importantly, San Angelo Regional Airport is a key economic driver. The recent Master Plan highlights the multi-million dollar economic impact of the airport. The direct jobs are often high-paying – leading to economic multipliers as those paychecks circulate into our economy. The recruiting potential for new business is significant, tapping both the commercial aviation resources we already have, but also looking to attract more industrial and service businesses directly linked to aviation resources. Medical, tech, manufacturing, education, military, tourism and energy all rely on superior transportation – and our airport already provides key elements of that equation.

While improvements to the aesthetics of the airport have taken place – most notably the terminal - there is work to be done to create more business development areas. The airport also serves as the first impression many have of San Angelo. The landscaping and roadways leading into and out of the airport deserve resources and attention. This first impression must be positive, uplifting and representative of the beautiful community in which we live.