



City Council Agenda 3/2/2021

Notice is hereby given of a regular meeting of the City Council of City of San Angelo to be held March 2, 2021 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 and Pledges

3. Proclamations/Recognitions

- a. Proclamation of February 12, 2021 as the NAACP Local Chapter's 75th Anniversary
- b. Proclamation of March 2021 as Disability Awareness Month
- c. Recognition of John Rangel for his retirement after 30 years of service to the City of San Angelo

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 February 16, 2021 regular meeting and February 19, 2021 and February 20, 2021 emergency meeting City Council minutes (Julia Antilley)
- b. Consider authorizing the City Manager to sign all documents necessary to dedicate a portion of a city-owned property as a public right-of-way, providing public access to residential Lots 24-A and 24-B, Block 3, Section Sixteen-E, Bentwood Country Club Estates, said right-of-way will be an extension of Beaty Rd. (Cindy Preas)
- c. Consider awarding PK-01-21 Twin Buttes Courtesy Dock to Futra-Vest Construction in the amount of \$58,999.99 budgeted for purchase with Bureau of Reclamation and City funding, and authorizing the City Manager to negotiate and execute all related documents (Charles Michalewicz)
- d. Consider a resolution authorizing the Fire Department to accept a donation of four Onan portable generators from a private citizen, with a value of \$5,000 (Patrick Brody)
- e. Consider a resolution renewing a Memorandum of Understanding with the Bureau of Reclamation and Texas Parks and Wildlife Department for the management of public hunting at the Twin Buttes Reservoir and authorizing the City Manager to negotiate and execute all related documents (Carl White)
- f. Consider approving the 2019 Consolidated Annual Performance and Evaluation Report (CAPER) (Bob Salas)

- g. Second reading of an ordinance annexing into the City of San Angelo, by petition of the property owner, for 1.658 acres out of Casper Berberich Survey 177, Abstract No. 52, Tom Green County, Texas; and authorizing the City Manager to negotiate and execute all related documents (Jon James)
- h. Second reading of ordinances approving cases:
 - 1. CP20-08, amending the City of San Angelo Comprehensive Plan, changing certain lands from the "Neighborhood" Future Land Use to the "Transitional" Future Land Use, being 1.658 acres;
 - 2. Z20-21, rezoning property from the Single-Family Residential zoning district to the General Commercial zoning district, Lots 1, 2 & Tract A in the Lucky Lou Addition, being 8.916 acres generally located south of Loop 306, west of Old Stone Dr., and east of N. Bentwood Dr. (Jon James)
- i. Second reading of an ordinance approving case Z20-22, a request for approval of a rezoning from the Neighborhood Commercial, General Commercial, General Commercial/Heavy Commercial, and Low Rise Multi-Family Residential zoning districts to the Central Business District, being 0.54 acres located at 2 N. Koenigheim St. and 2.72 acres west of Martin Luther King Dr., north of W. Harris Ave., and south of W. College Ave. (Jon James)
- j. Second reading of an ordinance approving a request to name private streets to Tractor Trl. and Roy Robb Dr., over the complete length from N. US Hwy. 67/277 extending 0.25 miles southeast and then 0.45 miles northeast, located in northeast San Angelo near the Tom Green County Detention Center (Jon James)
- k. Second reading of an ordinance amending the budget for the fiscal year beginning October 1, 2020, and ending September 30, 2021, for capital items, grants, and programs (Tina Dierschke)
- l. Consider authorizing the City Manager to negotiate and execute all related documents for a temporary monitoring well in the city's right-of-way (Kevin Pate)

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 exempt from the time limit above and must limit their remarks to less than five minutes.

- a. Consider a resolution and public hearing approving a substantial amendment to the 2020 Annual Action Plan for use of CARES Act II CDBG-CV grant funds and authorizing the City Manager to execute all related documents (applications, required certifications, and annual funding agreement) for the additional allocation of \$582,116 of CDBG-CV funding (Presentation made by Neighborhood Services Director Bob Salas)
- b. First reading and public hearing of an ordinance approving EMS Compliance and Fire Compliance Assignment Pay (Presentation made by Fire Chief Brian Dunn)
- c. MLK/Parks restroom discussion

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:
 - 1. contract for judicial services at Municipal Court
 - 2. Rodolfo Navarrette v. City of San Angelo
 - 3. water contamination issue
- b. 551.072 Deliberations about Real Property regarding:
 - 1. Block 18, San Angelo Addition
 - 2. Block 1, Kleck Addition
 - 3. Lot 9D, Section 9A, Red Arroyo Hills Addition

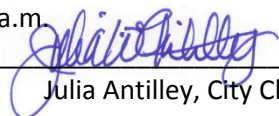
8. Follow Up and Administrative Issues

- a. Consider items discussed in Closed Session, if needed
- b. Consider approval of various Board nominations
 - Construction Board of Adjustment & Appeals:** John Rogers (SMD3) to a second term, Brooks Wehner (SMD5) to a third term, Lyndon Butler (SMD6) to a third term, and Scott Allison (Mayor) to a first full term, all ending February 2023, Roger Julien (Mayor) to a second term, and David Jacobo (Mayor) to a third term, both ending February 2022
 - Economic Development Corporation:** Max Puello (SMD3) to a second term, Erika Lara (SMD4) to a second term, and Garland Freeze (SMD6) to a second term, all ending February 2023
 - Fort Concho Museum Board:** Roger Banks (Mayor) to a third term, and Donald Barnhart (Mayor) to a first term, both ending January 2023
- 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 25th day of February 2021, at 11:58 a.m.



Julia Antilley, City Clerk

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

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

Citizen requests to display materials on the city's monitors must submit the request 96 hours prior to the meeting by email to Julia.Antilley@cosatx.us. Time limits for discussion are as stated above and materials cannot exceed 10-pages.

Citizens bringing materials for distribution to City Council members during the meeting must bring a minimum of 12 copies.

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

Proclamation

The San Angelo National Association for the Advancement of Colored People (NAACP) was formed in 1946 by a community leader, Mr. L.A. Raibon and a few dedicated Black men and women.

Throughout the years, the NAACP has helped deliver tremendous leadership from the Black community, serving as an integral voice for concerns about equality and justice. Leaders from this organization were involved in the planning committee to integrate public schools in San Angelo in 1954; the first Black person to serve as a city council representative, and as of today, the first Black woman to serve as a council member; the first Black person to be elected to a county position as a County Commissioner; and several Black men and women serving in volunteer positions on various boards and commissions. The San Angelo NAACP has repeatedly guided minority residents to register to vote and vote in all elections; serve as election workers and engage in Get Out the Vote Programs and activities. In 2017, the local chapter hosted the NAACP Regional Conference, and in 2019, served as the host chapter of the first ever NAACP State Conference in San Angelo, Texas.

The local chapter has continued to fight for voting rights, economic equality and educational opportunities, and has worked to advance the social, political, and economic conditions of ethnic people of color.

Our city has benefited from the NAACP's unwavering dedication to the objective of securing equality of opportunity for all. As this organization celebrates 75 years of service to the San Angelo community, we salute the officers and members who have worked to improve the lives of all residents of San Angelo.

Therefore, I, Brenda Gunter, Mayor of the City of San Angelo hereby recognize and honor this organization for 75 years of service as Freedom Fighters to the San Angelo community and ask that all of our citizens continue to work for the principles they have dedicated themselves to uphold.

In Witness Whereof, I have set my hand and have caused the Official Seal of the City of San Angelo to be affixed this 2nd day of March, 2021.

Brenda Gunter
Mayor of the City of San Angelo

Proclamation

The month of March 2021 has been designated as Developmental Disabilities Awareness Month in order to celebrate and recognize people with disabilities.

Individuals with developmental disabilities, their families, friends, and neighbors and co-workers encourage everyone to focus on the abilities of all people; and this month, Texans can raise awareness about how classrooms, workplaces, houses of worship, and communities are made stronger when they include people of all abilities.

We commit ourselves to promoting Intellectual and Developmental Disabilities awareness, creating more inclusiveness, and cultivating opportunities for Texans with disabilities.

NOW, THEREFORE, in order to recognize the many contributions and challenges of citizens with developmental disabilities living in San Angelo, I, Brenda Gunter, Mayor of the City of San Angelo, on behalf of the City Council, do hereby proclaim the month of March 2021 as

“DEVELOPMENTAL DISABILITIES AWARENESS MONTH”

and encourage all citizens to observe the month with appropriate programs and activities. We encourage the citizens of Tom Green County to observe this month by participating in activities that increase public awareness of developmental disabilities and take the time to get to know someone with a disability.

In Witness Whereof, I have hereunto set my hand and have caused the Official Seal of the City of San Angelo to be affixed this 2nd day of March, 2021.

Brenda Gunter
Mayor of the City of San Angelo

Recognition

Today, the City of San Angelo is honoring one of our own, John Rangel, Building Maintenance Supervisor. On February 28, 2021, John retired with 30 years of dedicated public service to the citizens of San Angelo and our organization.

While building maintenance has been John's primary responsibility, he has had several occasions to assist with Emergency Operations for our community, including recovering from tornados, hailstorms, flood events and hurricane-related evacuations.

May 25, 1995: A hailstorm damaged several City buildings, vehicles and traffic signals – **John was there!**

August 25, 2005, and Sept. 24, 2005: The City prepares for evacuations from Louisiana and Texas coastal communities during hurricanes Katrina and Rita – **John was there!**

March 2020: COVID-19 required staff to prepare for different workspaces to ensure the safety of staff and citizens – **John was there!**

May 21, 2020: Tornadic winds, hail and rain once again caused significant damage to City buildings and vehicles – **John was there!**

John recalls these significant events as just another day in the life of a City employee. He says working alongside his fellow coworkers from the many different departments has always been the culture at the City of San Angelo and he hopes it will continue to be so.

John will remain active in the San Angelo community with his family, friends and parishioners at St. Joseph Catholic Church, where he serves as a deacon.

The City of San Angelo is grateful for John's dedication and service to his hometown.

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

JOHN RANGEL

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

In Witness Whereof, I have hereunto set my hand and have caused the Official Seal of the City of San Angelo to be affixed this 2nd day of March, 2021.

Brenda Gunter
Mayor of the City of San Angelo

City of San Angelo, Texas
Regular City Council Meeting
Tuesday, February 16, 2021

Present:

Mayor Brenda Gunter
Mayor Pro tem Harry Thomas, SMD 3 via telephone Zoom call
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 via telephone Zoom call

1. Call to Order

With a quorum of the City Council Members present, Mayor Gunter called the regular session of the San Angelo City Council to order at 8:34 a.m. on Tuesday, February 16, 2021, via Zoom livestreamed to the City's YouTube channel at youtube.com/CityofSanAngelo.

2. Chaplain Prayer & Pledges

3. Proclamations/Recognitions

- a. Recognition of John Rangel for his retirement after 30 years of service to the City of San Angelo
- b. Proclamation of February 12, 2021 as the NAACP Local Chapter's 75th Anniversary

4. Public Comment

Assistant City Manager Rick Weise gave a brief update on the power outages in the area.

Mayor Gunter reminded citizens the McNease Convention Center has been set up as a warming center for those in need. The San Angelo Jeep Club is organizing rides for anyone in need.

5. Consent Agenda

- a. Approval of the February 2, 2021 City Council regular meeting minutes (Julia Antilley)
- b. Authorization of the Mayor or City Manager to negotiate and execute a lease agreement between the City and American Legion Post 572, for the building and property on 616 N. Washington St. for activities associated with the Boy Scouts of America program (Carl White)
- c. Approval of the purchase of wireless internet access points for the Foster Communications Coliseum in the amount of \$79,308.01 from Computer Solutions via DIR-TSO-4167 and authorizing the City Manager to execute all related documents (Carl White)
- d. Authorization of the purchase of Hot-Applied Crack Seal Material from Crafcro, Inc. via Sourcewell Contract #052417-CFC in the amount of \$200,000, budgeted per fiscal year, and authorizing the City Manager to execute all related documents (Patrick Frerich)
- e. Adoption of a resolution to temporarily suspend issuance of certain sign permits for a period of approximately 6 months within the area designated "Downtown" in the City's adopted Comprehensive Plan for billboard signs over 250-sq ft and digital signs pending potential changes to zoning district boundaries (Jon James) (Pg. 65, 2021-022)
- f. Approval of Tax Increment Reinvestment Zone funding for a sidewalk project on Martin Luther King Dr., from N. 17th St. to N. 19th St., in an amount not to exceed \$70,000 (Jon James)

- g. Approval of Tax Increment Reinvestment Zone incentive funding for three private projects in the North TIRZ area for the properties located at 1212 N. Chadbourne, 1218 N. Chadbourne and 2218 MLK totaling \$225,000 and three private projects in the South TIRZ area for the properties located at 200 S. Magdalen, 214 S. Chadbourne, and 220 N. Chadbourne totaling \$104,583.08 (Jon James)
- h. Ratification of a resolution by the COSADC Board authorizing the Board President to negotiate and execute a professional services agreement with Centurion Planning and Design, LLC in an amount not to exceed \$5,800 to perform professional engineering and design services for the structural design of two monument signs at the intersection of Hwy 67 Frontage Rd. and Monument Dr. at the entrance to Phase 2 of the San Angelo Business & Industrial Park, a project authorized under Chapter 501 of the Development Corporation Act for infrastructure improvements necessary for development of a portion of the San Angelo Business & Industrial Park (Robert Schneeman)
- i. Ratification of a resolution by the COSADC Board authorizing the Board President to negotiate and execute a professional services agreement with Parkhill Smith & Cooper, Inc. (Parkhill) in an amount not to exceed \$25,000 to perform professional engineering and design services for the preparation of A Storm Water Pollution Prevention Plan and technical specifications for lot clearing to be performed at Phase 2 of the San Angelo Business & Industrial Park, a project authorized under Chapter 501 of the Development Corporation Act for infrastructure improvements necessary for development of a portion of the San Angelo Business & Industrial Park (Robert Schneeman)

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

6. Regular Agenda

Mayor Gunter announced no Public Comment was received on any of the Regular Agenda items.

- a. MLK/Parks restroom discussion

No Action Taken on this Item. Moved to March 2, 2021 Regular Agenda.

- b. Adoption of a resolution of general support for construction of an affordable housing project as part of the 2021 annual Low Income Housing Tax Credit (LIHTC) program for:
 - 1. San Angelo Crossing - located at the northwest corner of W. Houston Harte Expy. and Northwest Dr. (Pg. 66, 2021-023)
 - 2. San Angelo Terrace - located behind the BLVD Apartments (Presentation made by Neighborhood & Family Services Director Bob Salas)

Motion: Council Member DeWitt made a motion, seconded by Council Member Thomas, to approve item 6b1, as presented. The motion carried unanimously (7) ayes to (0) nays.

No action taken on item 6b2. Moved to March 2, 2021 Regular Agenda.

- c. First reading and public hearing on and ordinance approving EMS Compliance and Fire Compliance Assignment Pay (Presentation made by Fire Chief Brian Dunn)

No action taken on this item. Moved to March 2, 2021 Regular Agenda.

- d. Public hearing on proposed annexation and first reading of an ordinance annexing into the City of San Angelo, by petition of the property owner, for 1.658 acres out of Casper Berberich Survey 177, Abstract No. 52, Tom Green County, Texas; and authorizing the City Manager to negotiate and execute all related documents (Presentation made by Planning & Development Services Director Jon James)

[No registered speakers for this Public Hearing.]

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

e. First reading and public hearing of ordinances:

1. amending the City of San Angelo Comprehensive Plan, changing certain lands from the "Neighborhood" Future Land Use to the "Transitional" Future Land Use, being 1.658 acres; and
2. rezoning property from the Single-Family Residential zoning district to the General Commercial zoning district, Lots 1, 2 & Tract A in the Lucky Lou Addition, being 8.916 acres generally located south of Loop 306, west of Old Stone Dr., and east of N. Bentwood Dr.
(Presentation made by Planning & Development Services Director Jon James)

[No registered speakers for this Public Hearing.]

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

f. Public hearing and first reading of an ordinance approving case Z20-22, a request for approval of a rezoning from the Neighborhood Commercial, General Commercial, General Commercial/Heavy Commercial, and Low Rise Multi-Family Residential zoning districts to the Central Business District, being 0.54 acres located at 2 N. Koenigheim St. and 2.72 acres west of Martin Luther King Dr., north of W. Harris Ave., and south of W. College Ave. (Presentation made by Planning & Development Services Director Jon James)

[No registered speakers for this Public Hearing.]

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

g. Public hearing and first reading of an ordinance approving a request to name private streets to Tractor Trl. and Roy Robb Dr., over the complete length from N. US Hwy. 67/277 extending 0.25 miles southeast and then 0.45 miles northeast, located in northeast San Angelo near the Tom Green County Detention Center (Presentation made by Planning & Development Services Director Jon James)

[No registered speakers for this Public Hearing.]

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

h. First public hearing and introduction of an ordinance amending the budget for the fiscal year beginning October 1, 2020, and ending September 30, 2021, for capital items, grants, and programs (Presentation made by Finance Director Tina Dierschke)

[No registered speakers for this Public Hearing.]

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

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 a contract for judicial services at Municipal Court

- b. ~~551.072 Deliberations about Real Property regarding:~~
 - ~~1. Block 18, San Angelo Addition~~
 - ~~2. Block 1, Kleck Addition~~

No Action taken on the Closed Session Agenda. Moved to March 2, 2021 Closed Session Agenda.

8. Follow Up and Administrative Issues

- a. Consideration of items discussed in Closed Session, if needed

None.

- b. Consideration of approving various Board nominations
~~**Construction Board of Adjustment & Appeals:** John Rogers (SMD3) to a second term ending February 2023, Brooks Wehner (SMD5) to a third term ending February 2023, Lyndon Butler (SMD6) to a third term ending February 2023, Scott Allison (Mayor) to a first full term ending February 2023, Roger Julien (Mayor) to a second term ending February 2022 and David Jacobo (Mayor) to a third term ending February 2022~~
~~**Economic Development Corporation:** Max Puello (SMD3) to a second term ending February 2023, Erika Lara (SMD4) to a second term ending February 2023, Garland Freeze (SMD6) to a second term ending February 2023~~
~~**Fort Concho Museum Board:** Roger Banks (Mayor) to a third term ending January 2023~~

No action taken on this item. Moved to March 2, 2021 Follow Up and Administrative Issues Agenda.

- c. Announcements and consideration of Future Agenda Items

Council Member Gonzales noted the absence of discussion on the MLK/Parks restroom item.

City Clerk Julia Antilley clarified that any items not addressed today would be moved to the March 2, 2021 agenda to keep this meeting brief due to internet/electricity issues related to Winter Storm Uri.

9. Adjournment

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

There being no further business, the meeting adjourned at 8:58 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.)

City of San Angelo, Texas
Emergency City Council Meeting via Audio/Video Broadcast
Friday, February 19, 2021

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 emergency session of the San Angelo City Council to order at 8:32 a.m. on Friday, February 19, 2021, via Zoom livestreamed to the City's YouTube channel at [youtube.com/CityofSanAngelo](https://www.youtube.com/CityofSanAngelo).

2. Public Comment Read into Record

No Public Comment Received.

3. Emergency Agenda

- a. Update on the status of the San Angelo water system (Presentation made by Water Utilities Director Allison Strube)
- b. Reauthorization and extension of a disaster declaration related to water contamination in the PaulAnn area and authorization of the City Manager to execute all related documents for emergency purchases up to \$100,000
- c. Approval of a local disaster declaration for Winter Storm Uri, authorizing the City Manager to execute all related documents for emergency purchases up to \$100,000, and waiving permit fees through March 18, 2021

Motion: Council Member Hiebert made a motion, seconded by Council Member Gonzales, to approve items 3a, 3b, and 3c, as presented. The motion carried unanimously (7) ayes to (0) nays.

- d. Update on emergency repair program and adoption of a resolution modifying the income thresholds related to the City's Emergency Repair Program (Presentation made by Neighborhood & Family Services Director Bob Salas) (Pg. 70, 2021-024)

Motion: Council Member Thomas made a motion, seconded by Council Member Carter, to approve the item, with the income thresholds remaining at 80% of the Area Medium Income (AMI). The motion carried unanimously (7) ayes to (0) nays.

- e. Discussion of financial impact of Winter Storm Uri and possible options (Presentation made by Finance Director Tina Dierschke)

No Action Taken on this Item.

Operations Director Shane Kelton gave a brief overview of the trash contract, services will resume within the "11 days of suspended services" allotted by contract.

City Manager Daniel Valenzuela assured that there will be pushback from the City and others on any requested increase to electricity rates from ERCOT.

City Attorney Theresa James stated that price gouging is illegal under a State Emergency for certain categories such as food, lodging, and miscellaneous housing supplies. Any suspected price gouging should be reported by individuals to <https://www.texasattorneygeneral.gov/consumer-protection/file-consumer-complaint>.

4. **Adjournment**

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

There being no further business, the meeting adjourned at 9:35 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.)

City of San Angelo, Texas
Emergency City Council Meeting
Saturday, February 20, 2021

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 via phone
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 emergency session of the San Angelo City Council to order at 2:53 p.m. on Saturday, February 20, 2021 in the San Angelo McNease Convention Center, 501 Rio Concho Drive, San Angelo, Texas 76903.

2. Public Comment

No Public Comment Received.

3. Emergency Agenda

- a. Adoption of a resolution authorizing the City Manager to execute all related documents necessary for the purchase of emergency supplies up to \$200,000 (Pg. 73, 2021-025)

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

City Attorney Theresa James asked that all Tom Green County residents complete the FEMA survey (<https://www.disasterassistance.gov/>) of estimated damages to help the county reach the financial disaster threshold for residents to qualify for individual assistance for homeowners, business owners, and renters. Residents can pick up a paper form at the Water Department or call 1-800-621-3362.

Council Member Thompson reminded citizens to check their meter while no water is running to ensure there is no leak.

Mayor Gunter reminded citizens that irrigation system leaks are commonly overlooked.

Water Utilities Director Allison Strube gave the number for reporting water leaks or to have the water disconnected (325-657-4295) at Council Member Gonzales's request.

4. Follow Up and Administrative Issues

- a. Announcements and consideration of Future Agenda Items

5. Adjournment

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

There being no further business, the meeting adjourned at 3:01 p.m.

THE CITY OF SAN ANGELO, TEXAS:

Brenda Gunter, Mayor

ATTEST:

Julia Antilley, City Clerk

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

DRAFT

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: March 2, 2021

Item type: Consent Item

Caption:

Consider authorizing the City Manager to sign all documents necessary to dedicate a portion of a city-owned property as a public right-of-way, providing public access to residential Lots 24-A and 24-B, Block 3, Section Sixteen-E, Bentwood Country Club Estates, said right-of-way will be an extension of Beaty Rd. (Cindy Preas)

Summary/History:

The City's Planning Commission approved a plat for Block 3, Section Sixteen-E, Bentwood Country Club Estates August 17, 2016. This plat included Lot 24, which does not have access to a public right-of-way, rather the access was across a private drive located on city-owned property and used by city staff to access city infrastructure at Lake Nasworthy.

A developer requested to subdivide Lot 24 into Lot 24A and 24B; the subdivision plat was approved by the Planning Commission, and it is now necessary for the City to dedicate to the public an 80' right-of-way, containing 29,406 square feet of land, for access to the new lots.

The Operations and Water Utilities Divisions of the City support this dedication.

Financial Impact:

The two residential lots will be developed, providing additional property tax revenue to the City.

Other Information/Recommendation:

Staff recommends approval.

Attachments:

- | | |
|------------------------------------|-------------------------------------|
| 1. 20120014 Beaty Road PRELIMINARY | 20120014 Beaty Road PRELIMINARY.pdf |
| 2. Bentwood CC Est. Sec.16-E | Bentwood CC Est. Sec.16-E.pdf |

Presentation:

Cynthia Preas

Approvals/Reviews:

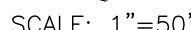
Cynthia Preas	Created/Initiated
Theresa James	Approved
Allison Strube	Approved
Shane Kelton	Approved
Jon James	Approved
Tina Dierschke	Approved
Theresa James	Approved

Julia Antilley

Final Approval

Distances shown hereon are shown as grid Texas State Plane Coordinate System distances.

○ FOUND 1/2" IRON ROD
 ○ SET 1/2" IRON ROD WITH CAP STAMPED "MQI"
 ● POINT
 — SUBJECT PROPERTY BOUNDARY
 — ADJACENT PROPERTY LINE
 — EASEMENT



Approved for recording this _____ day
of _____, 20_____.

City Planning Commission of San Angelo, Texas.

By: _____

Chairman

By: _____

Secretary

Approved for recording this _____ day
of _____, 20_____.

By: _____

Director of Public Works

Approved for recording this _____ day
of _____, 20____.

By: _____

Director of Water Utilities

Approved for recording this _____ day
of _____, 20_____.

County Clerk of Tom Green County, Texas

By: _____

REPLAT OF LOT 24, BLOCK 3,
BENTWOOD COUNTRY CLUB ESTATES,
SECTION SIXTEEN-E, TOM GREEN
COUNTY, TEXAS

Being all of Lot 24 Block 3, Bentwood
Country Club Estates, Section Sixteen-E,
Tom Green County, Texas, according to
the plat recorded in Instrument No.
201613069, Official Public Records of
Tom Green County, Texas.

Being 29406 square feet out of Eighth and Ninth Tracts, West Texas Utilities Company to The City of San Angelo, Volume 295, Page 526, Deed Records of Tom Green County, Texas.

Know all men by these presents: that I, Wesley Ray Quinn, do hereby certify that I prepared this plat from an actual and accurate survey of the land and the corner monuments shown hereon will be or were properly placed under my supervision, in accordance with the rules for land subdivision by the City Council of the City of San Angelo; and I further certify that the tract of land herein platted lies within the City Limits, or within the extraterritorial jurisdiction are of the City of San Angelo, Texas, as established by law.

PRELIMINARY DOCUMENT NOT TO BE RECORDED OR
RELIED UPON AS A COMPLETE SURVEY FOR ANY
PURPOSE

Field: BO
Office: Q
Job # 20120014
REVISED 02/10/2021

Registered Prof. Land Surveyor
Texas Registration No. 6625

MCMILLAN AND QUINN, INC.

FIRM NO. 10194241 P.O. BOX 3506 SAN ANGELO, TEXAS PHONE: (325) 939-0043 EMAIL: info@maitx.com

Copyright 2020 All Rights Reserved

I, _____, do hereby adopt this plat as the subdivision of my property and dedicate for the use to the public the streets, alleys and easements as shown.

STATE OF TEXAS
COUNTY OF TOM GREEN

This instrument was acknowledged before me on the _____ day of _____, 20____.

By: _____

Notary Public in and for the State of Texas

I, _____, do hereby adopt this plat as the subdivision of my property and dedicate for the use to the public the streets, alleys and easements as shown.

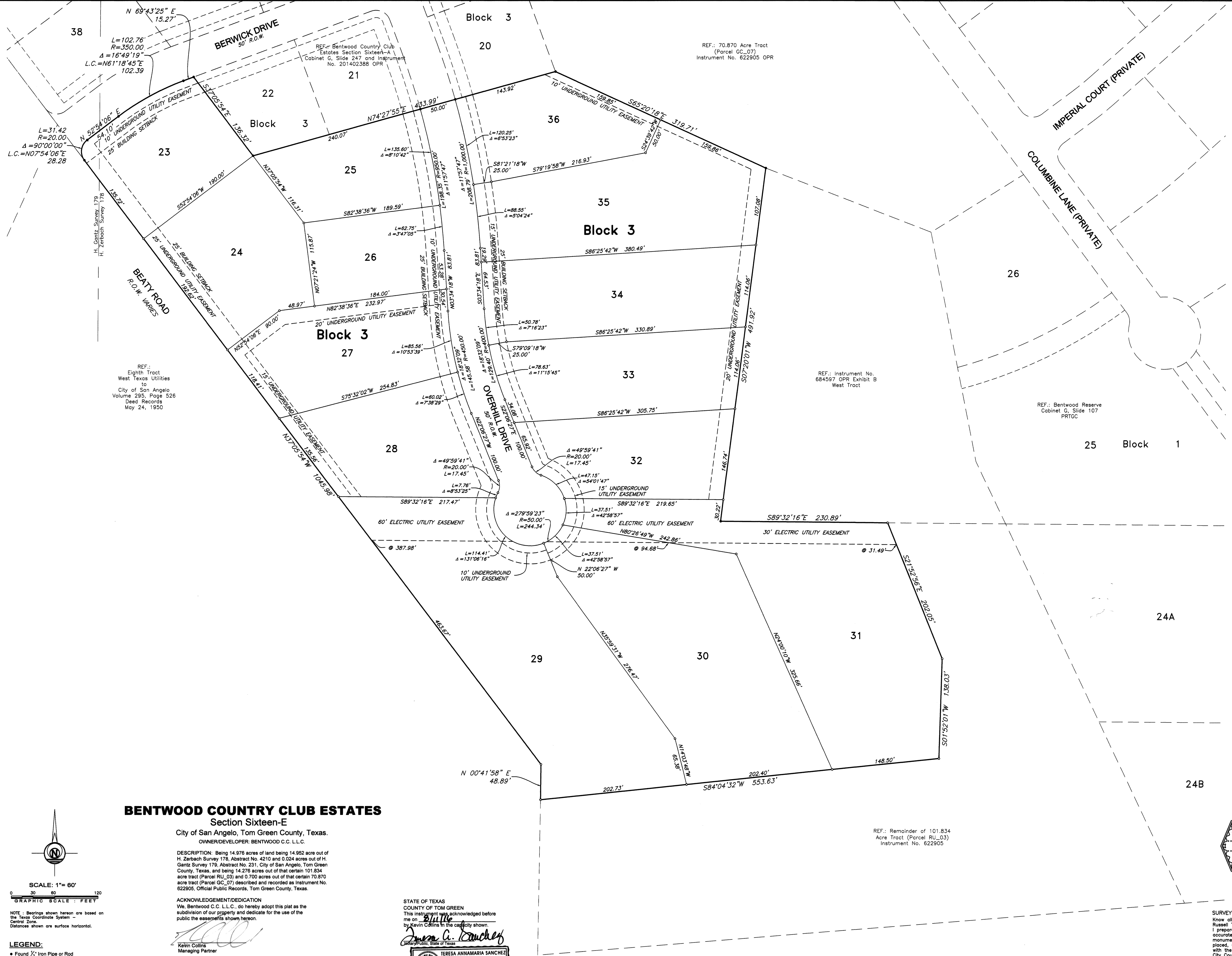
STATE OF TEXAS
COUNTY OF TOM GREEN

This instrument was acknowledged before me on the
day of , 20 .

By: _____

Notary Public in and for the State of Texas

201613069 PLOT Total Pages: 1



BENTWOOD COUNTRY CLUB ESTATES

Section Sixteen-E

City of San Angelo, Tom Green County, Texas.
OWNER/DEVELOPER: BENTWOOD C.C. LLC.

DESCRIPTION: Being 14.976 acres of land being 14.952 acre out of H. Zentach Survey 178, Abstract No. 4210 and 0.024 acres out of H. Gantz Survey 179, Abstract No. 231, City of San Angelo, Tom Green County, Texas, and being 14.276 acres out of that certain 101.834 acre tract (Parcel RU_03) and 0.700 acres out of that certain 70.870 acre tract (Parcel GC_07) described and recorded as Instrument No. 622905, Official Public Records, Tom Green County, Texas.

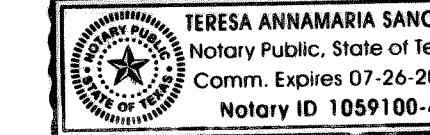
ACKNOWLEDGEMENT/DEDICATION
We, Bentwood C.C. LLC, do hereby adopt this plat as the subdivision of our property and dedicate for the use of the public the easements shown hereon.

Kevin Collins
Managing Partner

Note:
Overhill Drive shown hereon is a private street, underground utility easement and emergency vehicle access easement.

STATE OF TEXAS
COUNTY OF TOM GREEN
This instrument was acknowledged before me on August 16, 2016
by Kevin Collins in the capacity shown.

Teresa Annmaria Sanchez
Notary Public, State of Texas



REF.: Remainder of 101.834
Acre Tract (Parcel RU_03)
Instrument No. 622905



SURVEYOR'S CERTIFICATE
Know all men by these presents: that I, Russell T. Gully RPLS, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that corner monuments shown hereon were properly placed, under my supervision, in accordance with the rules for land subdivision by the City Council of the City of San Angelo and I further certify that the tract of land herein plotted lies within the city limits of the City of San Angelo, Texas.

PLANNING COMMISSION
Approved for recording this 24 day
of October, 2016, City Planning
Commission of San Angelo, Texas.
By: *[Signature]*
Secretary

DEPARTMENT OF WATER UTILITIES
Approved for recording this 16 day
of August, 2016.
By: *Allison Strubbe*
Director of Water Utilities

DEPARTMENT OF PUBLIC WORKS
Approved for recording this 17 day
of August, 2016.
By: *Joe Mayhew*
Director of Public Works

COUNTY CLERK
Filed for record this 17 day of
August, 2016 @ 3:55 PM
County Clerk of Tom Green Co., Tx.
By: *Cynthia Gullde*

This Plat is Filed in Cabinet 330
Plat Records of Tom Green County, Texas.
Field Notes are filed as Instrument No. 201613070
Official Public Records, Tom Green County, Texas.

SKG ENGINEERING, LLC
SURVEYING • ENVIRONMENTAL • LAB/CMT
708 SOUTH ABE STREET
SAN ANGELO, TEXAS 76903
PHONE: 325.655.1286
FAX: 325.657.8189
Firm No. 10102400
www.skg.com

SCALE: 1" = 60'
GRAPHIC SCALE : FEET
NOTE : Bearings shown hereon are based on the Texas Coordinate System - Central Zone.
Distances shown are surface horizontal.
LEGEND:
• Found 1/2" Iron Pipe or Rod (unless otherwise noted)
• Set 1/2" Iron Rod with Cap
Marked "SKG ENGINEERS"

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Charles Michalewicz, Engineer, Lake Operations, 325-657-4201

Meeting Date: March 2, 2021

Item type: Consent Item

Caption:

Consider awarding PK-01-21 Twin Buttes Courtesy Dock to Futra-Vest Construction in the amount of \$58,999.99 budgeted for purchase with Bureau of Reclamation and City funding, and authorizing the City Manager to negotiate and execute all related documents (Charles Michalewicz)

Summary/History:

The purpose of this project is to install a handicap accessible Fishing Courtesy/Launch Dock (Dock) at the Twin Buttes Reservoir. The project is a partnership with the Bureau of Reclamation with a 75% grant and a 25% local match. The total project cost will be \$58,999.99.

City Council approved the local match for the project at the November 19, 2019 meeting.

Financial Impact:

Budgeted in the current fiscal year with a \$15k local funds match.

Other Information/Recommendation:

Staff recommends awarding PK-01-21 to Futra-Vest Construction in the amount of \$58,999.99 and authorizing the City Manager to negotiate and execute all related documents.

Attachments:

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

Presentation:

Charles Michalewicz

Approvals/Reviews:

Charles Michalewicz	Created/Initiated
Shane Kelton	Approved
Carl White	Approved
Theresa James	Approved
Nolan Sosa	Approved
Tina Dierschke	Approved
Julia Antilley	Final Approval



City of San Angelo Purchasing Division

RFB Bid Tabulation

PK-01-21 • Twin Buttes Courtesy Dock

January 7, 2021 at 2:00 p.m.

Futra-Vest Construction

1	Base Bid	\$	58,999.99
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REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Patrick Brody, Assistant Fire Chief, Fire Department, 325-657-4355 ext 300

Meeting Date: March 2, 2021

Item type: Consent Item

Caption:

Consider a resolution authorizing the Fire Department to accept a donation of four Onan portable generators from a private citizen, with a value of \$5,000 (Patrick Brody)

Summary/History:

The Fire Department is requesting authorization to accept a donation for 4 Onan portable generators valued at \$5,000 from a private citizen. These units will be used at various stations in the event of electrical outages.

Financial Impact:

This item has no fiscal impact. These units are donated with no matching funds.

Other Information/Recommendation:

Attachments:

- | | |
|------------------------------------|--------------------------------------|
| 1. Resolution accepting generators | Resolution accepting generators.docx |
|------------------------------------|--------------------------------------|

Presentation:

Brian Dunn

Approvals/Reviews:

Patrick Brody	Created/Initiated
Brian Dunn	Approved
Theresa James	Approved
Tina Dierschke	Approved
Julia Antilley	Final Approval

A RESOLUTION BY THE CITY OF SAN ANGELO CITY COUNCIL ACCEPTING A DONATION FOUR ONAN P4500 PORTABLE GENERATORS

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, Mr. Jamey Haney has generously offered to donate to the San Angelo Fire Department four Onan P4500 portable generators which were used by the San Angelo Fire Department during winter storm Uri response; and

WHEREAS, Mr. Haney wants the San Angelo Fire Department to keep the generators after the storm emergency has passed and the San Angelo Fire Departments has use for the generators to further the mission and purpose of the Department.

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

Part 1: That the City of San Angelo hereby accepts a donation of four Onan P4500 portable generators from Mr. Jamey Haney.

Part 2: That the donations shall be used by the City of San Angelo San Angelo Fire Department.

PASSED and APPROVED THIS 2nd Day of March, 2021.

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

Meeting Date: March 2, 2021

Item type: Consent Item

Caption:

Consider a resolution renewing a Memorandum of Understanding with the Bureau of Reclamation and Texas Parks and Wildlife Department for the management of public hunting at the Twin Buttes Reservoir and authorizing the City Manager to negotiate and execute all related documents (Carl White)

Summary/History:

The purpose of this item is to adopt a resolution renewing a Memorandum of Understanding with the Bureau of Reclamation and Texas Parks and Wildlife Department for the creation and management of public hunting at the Twin Buttes Reservoir.

City Council approved a resolution to enter into the original MOU on April 19, 2016. The arrangement has been very successful for all parties and we recommend it continues. Here are some achievements, to date, since the MOU was initiated:

- Increased public access to an additional 679 acres
- Conduct bi-annual community trash removal events
- Over 10 Tons of litter removed since 2016
- Habitat Enhancement Projects
- 46 acres enhanced for migratory bird hunting
- Performed mechanical brush removal in Area 8
- Conducted annual aerial wildlife surveys (current moratorium due to TPWD policy for FY20/21)
- Received approval of the Twin Buttes Fire Management Program
- Area 8 is scheduled to be burned in February 2021
- 100k grant received for FY2021 habitat improvement (mechanical brush removal for Areas 2 & 5)
- Completed comprehensive Environmental Assessment that led to finalizing the Transportation Management Plan and issuance of Federal Notice authorizing off-road vehicle use at TBR
- Received TPWD commission approval for a 240k grant from the Recreational Trails Program (matching 60k from COSA)
- Funds projected to be in place in May of 2021
- Handicap accessible dock for the North Pool awaiting bid award

The primary purpose of the MOU is to include the recreational lands of the Twin Buttes Reservoir in TPWD's Public Hunting Program. The objective is to provide for increased law enforcement; promote recreation, hunting, and fishing opportunities; and improve public access to these lands, as well as identify opportunities to provide habitat enhancement and improvement activities.

Including these lands in TPWD's Public Hunting Program provides more opportunities for family-oriented outdoor recreational activities and increased law enforcement. Hunting, fishing, and recreation are critical in promoting enjoyment and stewardship of federal lands and water.

Here are some additional key points:

- TPWD will administer the program.
- The Public Hunting Program includes almost 900,000 acres located throughout Texas.
- Access is provided by 2 types of annual permits: the \$48 Annual Public Hunting (APH) Permit which allows full privileges including hunting, fishing, camping, hiking and other recreational uses and the \$12 Limited Public Use (LPU) Permit which also provides access for all other recreational activities except hunting.
- The permit fees are collected and used by TPWD to administer the program.
- TPWD will work to provide habitat enhancement and improvement activities.

Staff recommends approval of the MOU.

Financial Impact:

There is no fiscal impact for entering into this MOU.

Other Information/Recommendation:

Attachments:

- | | | |
|----|---|--|
| 1. | Resolution for MOU with TPWD and Bureau for Twin Buttes | Resolution for MOU with TPWD and Bureau for Twin Buttes.docx |
| 2. | Texas Admin Code TPWD Public Hunting Lands Program | Texas Admin Code TPWD Public Hunting Lands Program.pdf |
| 3. | Draft MOU TPWD and Bureau on Twin Buttes | Draft MOU TPWD and Bureau on Twin Buttes.doc |

Presentation:

Carl White

Approvals/Reviews:

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN ANGELO, TEXAS, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE FEDERAL BUREAU OF RECLAMATION (“RECLAMATION”) AND THE TEXAS PARKS AND WILDLIFE DEPARTMENT (“DEPARTMENT”) IMPLEMENTING THE DEPARTMENT’S PUBLIC HUNTING PROGRAM ON FEDERALLY OWNED LAND AT TWIN BUTTES RESERVOIR.

WHEREAS, Twin Buttes Reservoir is owned by the United States through Reclamation; and

WHEREAS, City is the assignee of Contract No. 14-06-500-368, dated June 18, 1959, as amended and supplemented, originally by and between the United States and the San Angelo Water Supply Corporation, which provides in part for the City’s operation and maintenance of facilities at the Twin Buttes Reservoir (the “Contract”); and

WHEREAS, pursuant to its rights and obligations under the Contract, City desires to cooperate with Reclamation and Department in implementing the Department’s Public Hunting Program on lands designated within the Twin Buttes Reservoir; and

WHEREAS, to facilitate such cooperation, City desires to enter into a Memorandum of Understanding with Reclamation and Department for the purposes of increasing law enforcement; promoting recreation, hunting, and fishing opportunities; and improving public access to Twin Buttes Reservoir lands, as well as to identify opportunities to provide habitat enhancement and improvement activities.

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

Part 1: All of the recitals hereinabove stated are found to be true and correct and are incorporated herein and made a part of this resolution; and

Part 2: The City Manager is hereby authorized to negotiate and execute a Memorandum of Understanding between the City, Reclamation, and Department for the purpose of implementing the Department’s Public Hunting Program at Twin Buttes Reservoir.

PASSED and APPROVED this 2nd day of March, 2021.

CITY OF SAN ANGELO, TEXAS

Brenda Gunter, Mayor

ATTEST:

Julia Antilley, City Clerk

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:

Carl White, Dir. Of Parks & Rec.

Theresa James, City Attorney

Texas Administrative Code

TITLE 31 NATURAL RESOURCES AND CONSERVATION PART 2 TEXAS PARKS AND WILDLIFE DEPARTMENT CHAPTER 65 WILDLIFE SUBCHAPTER H PUBLIC LANDS PROCLAMATION

Rules

RULE §65.190 Application

(a) This subchapter applies to all activities subject to department regulation on lands designated by the department as public hunting lands, regardless of the presence or absence of boundary markers. Public hunting lands are acquired by lease or license, management agreements, trade, gift, and purchase. Records of such acquisition are on file at the Department's central repository.

(b) On U.S. Forest Service Lands designated as public hunting lands (Alabama Creek, Bannister, Caddo National Grasslands, Moore Plantation, Sam Houston National Forest WMAs, and Lake McClellan Recreation Area) or any portion of Units 902 and 903, persons other than hunters are exempt from the provisions of this subchapter, except for the provisions of §65.199(c)(15) of this title (relating to General Rules of Conduct).

(c) On U.S. Army Corps of Engineer Lands designated as public hunting lands (Cooper, Dam B, Pat Mayse, and White Oak Creek WMAs; Granger, Somerville and Ray Roberts PHLs), persons other than hunters and equestrian users are exempt from requirements for an access permit.

(d) On state park lands designated as public hunting lands, access for fishing and recreational use is governed by state park regulations.

(e) Public hunting lands include, but are not limited to, the following:

- (1) Alabama Creek WMA (Unit 904);
- (2) Alazan Bayou WMA (Unit 747);
- (3) Atkinson Island WMA;
- (4) Bannister WMA (Unit 903);
- (5) Big Lake Bottom WMA (Unit 733);
- (6) Black Gap WMA (Unit 701);
- (7) Blue Elbow Swamp-Tony Houseman WMA/SP;
- (8) Caddo Lake WMA (Unit 730);

- (9) Caddo National Grasslands WMA (Unit 901);
- (10) Candy Abshier WMA;
- (11) Cedar Creek Islands WMA (includes Big Island, Bird Island, and Telfair Island Units);
- (12) Chaparral WMA (Unit 700);
- (13) Cooper WMA (Unit 731);
- (14) D.R. Wintermann WMA;
- (15) Dam B WMA--includes Angelina-Neches Scientific Area (Unit 707);
- (16) Designated Units of the Las Palomas WMA;
- (17) Designated Units of Public Hunting Lands Under Short-Term Lease;
- (18) Designated Units of the Playa Lakes WMA;
- (19) Designated Units of the State Park System;
- (20) Elephant Mountain WMA (Unit 725);
- (21) Gene Howe WMA (Unit 755)--includes Pat Murphy Unit (Unit 706);
- (22) Granger (Unit 709);
- (23) Guadalupe Delta WMA (Unit 729)--includes Mission Lake Unit (720), Guadalupe River Unit (723), Hynes Bay Unit (724), and San Antonio River Unit (760);
- (24) Gus Engeling WMA (Unit 754);
- (25) James Daughtrey WMA (Unit 713);
- (26) J.D. Murphree WMA (Unit 783);
- (27) Justin Hurst WMA (Unit 721);
- (28) Keechi Creek WMA (Unit 726);
- (29) Kerr WMA (Unit 756);
- (30) Lake McClellan Recreation Area (Unit 906);
- (31) Lower Neches WMA (Unit 728)--includes Old River Unit and Nelda Stark Unit;

- (32) Mad Island WMA (Unit 729);
- (33) Mason Mountain WMA (Unit 749);
- (34) Matador WMA (Unit 702);
- (35) Matagorda Island WMA (Unit 722);
- (36) McGillvray and Leona McKie Muse WMA (Unit 750);
- (37) M.O. Neasloney WMA;
- (38) Moore Plantation WMA (Unit 902);
- (39) Nannie Stringfellow WMA (Unit 716);
- (40) North Toledo Bend WMA (Unit 615);
- (41) Old Sabine Bottom WMA (Unit 732);
- (42) Pat Mayse WMA (Unit 705);
- (43) Ray Roberts (Unit 501);
- (44) Redhead Pond WMA;
- (45) Richland Creek WMA (Unit 703);
- (46) Sam Houston National Forest WMA (Unit 905);
- (47) Sierra Diablo WMA (Unit 767);
- (48) Somerville (Unit 711);
- (49) Tawakoni WMA (Unit 708);
- (50) Welder Flats WMA;
- (51) White Oak Creek WMA (Unit 727); and
- (52) Other numbered units of public hunting lands.

RULE §65.191 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise. All other words and terms shall have the meanings assigned in §65.3 of this title (relating to Statewide Hunting and Fishing Proclamation).

- (1) Adult--A person 17 years of age or older.
- (2) Airboat--A boat propelled mechanically by movement of air, including, but not limited to a fan, propeller, or jet.
- (3) All terrain vehicle (ATV)--Any vehicle meeting the definition of an ATV under Transportation Code, §663.001.
- (4) Annual Public Hunting (APH) Permit--A permit, valid from issuance date through the following August 31, which allows entry to designated public hunting lands at designated times and the taking of wildlife resources as designated.
- (5) Application fee--A non-refundable fee that may be required to accompany and validate an individual's application for a special permit.
- (6) Authorized supervising adult--A parent, legal guardian, or individual at least 18 years of age who assumes liability responsibility for a youth.
- (7) Blind--Any structure assembled of man-made or natural materials for the purpose or having the effect of promoting concealment or increasing the field of vision of a person.
- (8) Buckshot--Lead pellets ranging in size from .24-inch to .36-inch in diameter normally loaded in a shotgun (includes, but is not limited to 0 and 00 buckshot).
- (9) Camping--The use of public hunting lands for overnight accommodation, which includes sleeping, the storage of unattended personal possessions, or the use of a motor vehicle as a lodging.
- (10) Competitive hunting dog event (field trial)--A department-sanctioned contest in which the skills of hunting dogs are tested.
- (11) Concurrent hunt--A hunt that maintains the same permit requirements, hunt dates, means and methods, or shooting hours or combinations thereof for more than one species of animal, as designated and subject to any special provisions.
- (12) Consumptive user--A person who takes or attempts to take wildlife resources.
- (13) Designated campsite--A designated area where camping and camping activities are authorized.
- (14) Designated days--Specific days within an established season or period of time as designated by the executive director.
- (15) Designated road--A constructed roadway indicated as being open to the public by either signs posted to that effect or by current maps and leaflets distributed at the area. Roads closed to the public may additionally be identified by on-site signing, barricades at entrances, or informational literature made available to the public. Designated roads do not include county or state roads or highways.

(16) Designated target practice area--An area designated by on-site signing or by order of the executive director within which the discharge of firearms for target practice is authorized.

(17) Designated units of the state park system--Specific units of the state park system approved by the commission for application of provisions of this subchapter.

(18) Disabled person--A person who possesses a placard, license plate, or other documentation issued to that person by the State of Texas under the provisions of Transportation Code, Chapter 681.

(19) General Season--A specified time period, or designated days within a specified time period, during which more than one means or methods (as designated) may be used to take designated species.

(20) Headwear--Garment or item of apparel worn on or about the head.

(21) Immediate supervision--Control of a youth by an authorized supervising adult issuing verbal instructions in a normal voice level.

(22) Lands within a desert bighorn sheep cooperative--An aggregation of lands for which the concerned landowners and the Texas Parks and Wildlife Department have agreed to coordinate efforts to restore, manage, and harvest desert bighorn sheep.

(23) Limited Public Use (LPU) Permit--A permit, valid from issuance date through the following August 31, which allows access to designated wildlife management areas and public hunting lands at the same times that access is provided by an APH permit.

(24) Limited use zone--An area designated by order of the executive director and/or by boundary signs on the area, within which public use is prohibited or restricted to specified activities.

(25) Loaded firearm--A firearm containing a live round of ammunition within the chamber and/or the magazine, or if muzzleloading, one which has a cap on the nipple or a priming charge in the pan.

(26) Mentored Hunting Permit--A permit authorizing access to public hunting lands for the purpose of attending a department-sponsored workshop, including participation in a designated hunting opportunity subsequent to the workshop.

(27) Motorboat--Any vessel being propelled by machinery, but does not include a boat being propelled solely by paddle, pole, oar, or wind.

(28) Motor vehicle--As defined by Transportation Code, Chapter 541.

(29) Off-road vehicle--An ATV, a utility vehicle, a vehicle that may not lawfully be operated on a public roadway, or any vehicle that is manufactured or adapted for off-road use.

(30) On-site registration--The requirement for public users to register at designated places upon entry to and exit from specified public hunting lands, but does not constitute a permit.

(31) Permit--Documentation authorizing specified access and public use privileges on public hunting lands.

(32) Predatory animals--Coyotes and bobcats.

(33) Preference point system--A method of special permit distribution in which the probability of selection is progressively enhanced by prior unsuccessful applications within a given hunt category by individuals or groups.

(34) Public hunting area--A portion of public hunting lands designated as being open to the activity of hunting, and may include all or only a portion of a certain unit of public hunting land.

(35) Public hunting compartment--A defined portion of a public hunting area to which hunters are assigned and authorized to perform public hunting activity.

(36) Public hunting lands (PHL)--Lands identified in §65.190 of this title (relating to Application) or by order of the executive director on which provisions of this subchapter apply.

(37) Recreational use--Any use or activity other than hunting or fishing.

(38) Regular Permit--A permit issued on a first-come-first-served basis, on-site, at the time of the hunt that allows the taking of designated species of wildlife on the issuing area.

(39) Restricted area--All or portions of public hunting lands identified by boundary signs as being closed to public entry or use.

(40) Sanctuary--All or a portion of public hunting lands identified by boundary sign as being closed to the hunting of specified wildlife resources.

(41) Slug--A metallic object designed for being fired as a single projectile by discharge of a shotgun.

(42) Special Access Permit--A permit, issued pursuant to a selection procedure, that allows access to a specified unit of the state park system at a specified time.

(43) Special Permit--A permit, issued pursuant to a selection procedure, which allows the taking of designated species of wildlife.

(44) Special package hunt--A public hunt conducted for promotional or fund raising purposes and offering the selected applicant(s) a high quality experience with enhanced provisions for food, lodging, transportation, and guide services.

(45) Tagging fee--A fee which may be assessed in addition to the special permit fee for the harvest of alligators for commercial sale or prior to the attempted harvest of desert bighorn sheep or designated exotic mammals.

(46) Wildlife management area (WMA)--A unit of public hunting lands which is intensively managed for the conservation, enhancement, and public use of wildlife resources and supporting habitats.

(47) Wildlife resources--Game animals, game birds, furbearing animals, alligators, marine mammals, frogs, fish, crayfish, other aquatic life, exotic animals, predatory animals, rabbits and hares, and other wild fauna.

(48) Wounded exotic mammal--An exotic mammal leaving a blood trail.

(49) Youth--A person less than 17 years of age.

RULE §65.192 Powers of the Executive Director

(a) The executive director is authorized by the Parks and Wildlife Commission to execute lease and management agreements for public hunting lands.

(b) The executive director may designate lands acquired under short-term lease agreement or lands acquired following the adoption of this subchapter for application of regulations governing hunting, fishing, and other public use.

(c) The executive director may designate hunt areas, legal species, hunt dates, shooting hours, bag limits, means and methods, and permit requirements within the framework established by the commission to promote the proper management and public use of wildlife resources on public hunting lands.

(d) The executive director may designate specific hunts for participation only by persons who meet established criteria with respect to age or disability.

(e) The executive director may designate limited-use zones on public hunting lands, within which public use is prohibited, restricted, or limited to certain periods of time.

(f) The executive director may close public hunting lands to public use to protect sensitive sites, and may cancel hunts or close the seasons on certain areas to avoid depletion of wildlife resources or in response to severe weather or other emergencies.

(g) It is a violation to conduct business concessions on public hunting lands unless specifically authorized in writing by the executive director. Business concessions include but are not limited to activities such as selling, buying, leasing, or peddling goods, merchandise or services to the public.

RULE §65.193 Access Permit Required and Fees

(a) It is an offense for a person without a valid access permit to enter public hunting lands, except:

(1) on areas or for activities where no permit is required;

(2) persons who are authorized by, and acting in an official capacity for the department or the landowners of public hunting lands;

(3) persons participating in educational programs, management demonstrations, or other scheduled activities sponsored or sanctioned by the department with written approval;

(4) persons owning or leasing land within the boundaries of public hunting lands, while traveling directly to or from their property;

(5) for a non-hunting or non-fishing adult who is assisting a permitted disabled person; or

(6) for youth under the supervision of an authorized supervising adult possessing an APH permit or a LPU permit.

(b) Annual Public Hunting (APH) Permit and Limited Public Use (LPU) Permit.

(1) It is an offense for a person 17 years of age or older to enter public hunting lands or take or attempt to take wildlife resources on public hunting lands at times when an APH permit is required without possessing an APH permit or to fail to display the APH permit, upon request, to a department employee or other official authorized to enforce regulations on public hunting lands.

(2) A person possessing a LPU permit may enter public hunting lands at times that access is allowed under the APH permit, and is authorized to fish but may not hunt.

(3) Persons possessing an APH permit or an LPU permit may use public hunting lands to access adjacent public waters, and may fish in adjacent public waters from riverbanks on public hunting lands.

(4) The permits required under paragraphs (1) - (3) of this subsection are not required for:

(A) persons who enter Caddo Lake Wildlife Management Area and do not hunt or enter upon the land;

(B) persons who enter and hunt waterfowl within the Bayside Marsh Unit of Matagorda Island State Park and Wildlife Management Area; or

(C) persons who enter Zone C of the Guadalupe River Unit of the Guadalupe Delta Wildlife Management Area and do not hunt or fish.

(5) The permit required by paragraphs (1) - (3) of this subsection is not valid unless the signature of the holder appears on the permit.

(6) A person, by signature of the permit and by payment of a permit fee waives all liability towards the landowner (licensor) and Texas Parks and Wildlife Department (licensee).

(c) Regular Permit--A regular permit is issued on a first come-first served basis at the hunt area on the day of the scheduled hunt with the department reserving the right to limit the number of regular permits to be issued.

(d) Special Permit--A special permit is issued to an applicant selected in a drawing.

(e) Special Access Permit--A special access permit is issued to an applicant selected in a drawing.

(f) Mentored Hunting Permit--Permits issued under this subsection shall be available on a first-come, first-served basis for use on designated units of public hunting lands at designated times. A person may participate in a designated hunt under a mentored hunting permit only if the person has completed the mandatory mentored hunter workshop and has been authorized by the department to participate in hunt activities. A person who participates in a mentored hunt under a mentored hunting permit must be accompanied by a designated mentor.

(g) Permits for hunting wildlife resources on public hunting lands shall be issued by the department to applicants by means of a fair method of distribution subject to limitations on the maximum number of permits to be issued.

(h) The department may implement a system of issuing special permits or special access permits that gives preference to those applicants who have applied previously but were not selected to receive a permit.

(i) Application fees.

(1) The department may charge a non-refundable fee, which may be required to accompany and validate an individual's application in a drawing for a special hunting permit or special access permit.

(2) The application fee for a special hunting permit or special access permit is waived for a person under 17 years of age; however, the youth must apply in conjunction with an authorized supervising adult to whom an application fee is assessed, except as provided in paragraphs (3) and (4) of this subsection.

(3) The application fee for a special permit or special access permit is waived for an adult who is making application to serve as a non-hunting authorized supervising adult for a youth in a youth-only drawn hunt category.

(4) Persons under 17 years of age may be disqualified from applying for special package hunts or may be assessed the application fee.

(5) The application fee for a special permit or special access permit is waived for on-site applications made under standby procedures at the time of a hunt.

(6) Incomplete or incorrectly completed applications will be disqualified.

(j) Legal animals to be taken by special or regular permit shall be stipulated on the permit.

(k) Only one special, special access, or regular permit fee will be assessed in the event of concurrent hunts for multiple species, and the fee for the legal species having the most expensive permit will prevail.

(l) Any applicable special, special access, or regular permit fees will be waived for youth under the supervision of a duly permitted authorized supervising adult.

- (m) Any applicable regular permit fees will be waived for persons possessing an APH permit.
- (n) Certain hunts may be conducted totally or in part by regular permit. It is an offense to fail to comply with established permit requirements specifying whether a regular permit is required of all participants or required only of adult participants who do not possess an APH permit.
- (o) Any applicable regular permit fees for authorized activities other than hunting or fishing will be waived for persons possessing an APH permit or an LPU permit.
- (p) An access permit applies only to the individual to whom the permit is issued, and neither the permit nor the rights granted thereunder are transferable to another person.
- (q) A person who fails to obey the conditions of a permit issued under this subchapter commits an offense.

RULE §65.194 Competitive Hunting Dog Event (Field Trials) and Fees

The department may authorize field trials on public hunting lands. All activities conducted pursuant to this section shall be subject to the provisions of this subchapter, except as specifically provided in this section.

(1) No person shall conduct or participate in a field trial on public hunting lands unless the event has been sanctioned by the department through the issuance of a Field Trial Permit in accordance with this section.

(2) An application for a Field Trial Permit shall be submitted at least 90 days in advance of the proposed event to the Wildlife Division regional director in whose region the proposed event would take place. The application shall include, at a minimum:

(A) the name, address, and telephone number of the sponsoring person(s) or organization(s);

(B) the unit(s), compartment(s), and approximate acreage of public hunting lands that the proposed event would involve;

(C) the date(s) of the proposed event, including preparatory activity and cleanup operations;

(D) the exact nature of the event, including any construction, facilities emplacement, or other site alterations;

(E) the number of participating dogs, dog handlers, and officials, respectively, and the estimated number of spectators;

(F) the fee for the field trial permit as assessed according to the number of participating dog handlers and officials as specified by Chapter 53, Subchapter A of this title, (relating to Fees).

(G) proof of liability insurance for the event in the amount of at least \$250,000, which shall include coverage of personal injury and property damage; and

(H) a performance bond in the amount of \$5,000 to assure restoration of the involved public hunting lands to pre-field trial conditions.

(3) Approval or denial of the permit application shall be at the sole discretion of the regional director and shall be based on the anticipated impact the proposed event would have:

(A) on the natural resources of public hunting lands; and

(B) on other events or activities authorized or conducted by the department.

(4) The regional director shall, within 30 days of receipt of such application, notify the applicant of approval or denial of the application. If the application is approved, the field trial permit shall be issued in the form of a letter to the applicant. Any requirements or restrictions in addition to the provisions of this subchapter shall be specified in the permit.

(5) The field trial permit shall be present and available on-site during all field trial activities. The permittee shall, prior to commencing any competition, attach to the permit an accurate list containing the names and social security numbers of all dog handlers and officials who at any time participate in the event, and the names and social security numbers of all spectators. The aggregate number of participants named on the list shall not exceed the number of participants authorized by the field trial permit. The list shall be sent to the regional director no later than ten days following the conclusion of the event.

(6) All persons named on the list as officials, dog handlers, or spectators shall, during the event, be exempt from the access permit requirements of this subchapter.

(7) The permittee is responsible and liable for the actions of all field trial participants, spectators, and dogs during all activities conducted during this event.

(8) All construction, facilities emplacement, or other site alterations shall be performed and removed strictly in accordance with the conditions of the field trial permit. The permittee shall not be released from the obligations of this section and the performance bond shall not be returned to the permittee until the department is satisfied that the site has been restored to pre-trial conditions.

(9) During any field trial activity, it is an offense for any person attending the event or named on the list required by paragraph (2) of this section to:

(A) violate any condition of the field trial permit; or

(B) take or attempt to take any animal or bird.

RULE §65.195 Permit Revocation

Any person violating this subchapter is subject to having their permit revoked under the authority of Parks and Wildlife Code, Chapter 12, Subchapter F.

RULE §65.196 Refund of Permit Fees

There is a standard no-refund policy concerning permit fees; however, the department will consider, on a case-by-case basis, requests for refund of permit fees based on extenuating circumstances.

RULE §65.197 Reinstatement of Preference Points

Accrued preference points will be reinstated in the concerned hunt category for a selected applicant only if:

- (1) payment of hunt permit fees has been made, but the scheduled hunt is unable to be conducted in its entirety or is canceled at the discretion of the department;
- (2) the selected applicant was assigned a hunt category, hunt area, or hunt period other than was indicated on the application and does not participate in the hunt.

RULE §65.198 Entry, Registration, and Checkout

(a) It is an offense if a person:

- (1) who does not possess a valid permit enters public hunting lands at a time when access is restricted only to persons possessing a valid permit;
- (2) enters an area identified by boundary signs as a limited use zone, sanctuary, or restricted area and fails to obey the restrictions on public use posted at the area or as set forth in this subchapter; or
- (3) on areas where on-site registration is required, fails to check in at a registration station and properly complete registration procedures before initiation of hunting, fishing, or recreational use activities or fails to properly check out at the registration station before departing the area.

(b) Unless otherwise authorized in writing by the department or as provided in subsection (c) of this section, it is an offense if a person participating in a hunt conducted by special permit or totally or in part by regular permit fails to:

- (1) check in at a designated check station prior to initiation of hunting activities; and
- (2) check out at a designated check station or otherwise fails to allow inspection of the bag before leaving the area.

(c) The requirements of subsection (b) of this section may be waived for specific hunts as designated by order of the executive director or by direction of the hunt supervisor. Participation in regular permit hunts for which the check station requirement has been waived will be solely by APH permit.

(d) Access for recreational use and fishing may be temporarily restricted while hunts are being conducted by special or regular permit or at times when ongoing research or management activities may be impacted.

RULE §65.199 General Rules of Conduct

(a) This section applies to all public hunting lands unless an exception for a specific area and time period is designated by the executive director or by written permission of the department.

(b) For the purposes of this section, gear, equipment, and floating conveyances are "unattended" if the person who is responsible for the gear, equipment, or floating conveyance is not within 200 yards of the gear, equipment, or floating conveyance.

(c) It is unlawful for any person to:

- (1) fail to obey regulations posted at the area or policies established by order of the executive director, fail to comply with instructions on permits or area leaflets, or refuse to follow directives given by departmental personnel in the discharge of official duties;
- (2) possess a firearm, archery equipment, or any other device for taking wildlife resources on public hunting lands, except for persons authorized by the department to hunt or conduct research on the area, commissioned law enforcement officers, and department employees in performance of their duties;
- (3) camp or construct an open fire anywhere other than in a designated campsite. On the Alabama Creek, Bannister, Caddo, Moore Plantation, and Sam Houston National Forest WMAs, this restriction applies only during the period from the day prior to the opening of the archery deer season through the day following the close of the general deer season;
- (4) camp for more than 14 consecutive days on the same unit of public hunting lands, or for more than 21 days in any 30-day period;
- (5) cause, create, or contribute to excessive or disturbing sounds beyond the person's immediate campsite between the hours of 10 p.m. and 6 a.m.;
- (6) establish a camp and leave it unattended for a period of longer than 24 hours;
- (7) disturb or remove plants, wood, rocks, gravel, sand, soil, shell, artifacts, or other objects from public hunting lands, except as authorized by the department;
- (8) write on, scratch, or otherwise deface natural features, signs, buildings, or other structures;
- (9) fail to deposit refuse in designated containers or fail to remove it from the area;

(10) consume or be under the influence of alcohol while engaged in hunting activities, or to publicly consume or display an alcoholic beverage while on public hunting lands;

(11) possess dogs in camp that are not confined or leashed;

(12) use or possess any type of riding stock or pack animal on public hunting lands at any time, except:

(A) as may be provided by order of the executive director; or

(B) by written authorization of the department;

(13) use an airboat within the boundaries of public hunting lands, except as provided by executive order or by written permission of the department;

(14) take an antlerless deer during the general open season on wildlife management areas jointly managed by TPW and the U.S. Forest Service (Alabama Creek, Bannister, Caddo, Moore Plantation, or Sam Houston National Forest) unless that person possesses on their person a U.S.F.S. antlerless permit;

(15) enter a unit of public hunting lands with an equine or equines, or cause the entry of an equine or equines to a unit of public hunting lands, unless that person has in their immediate possession, for each equine in the person's custody or equine that the person allowed to enter the unit of public hunting lands, a completed VS Form 10-11 (Texas Animal Health Commission) showing that the equine has tested negative to an official Equine Infectious Anemia test within the previous 12 months. The documentation required by this paragraph shall be made available for inspection upon the request of any department employee acting within the scope of official duties;

(16) park or leave a motor vehicle unattended anywhere other than in designated parking areas, if parking areas have been designated;

(17) use a motor vehicle, off-road vehicle, or ATV on a road, in an area, or at a time when such use is restricted to disabled persons, unless the person is in possession of a state-issued disabled parking placard or disabled license plate or assisting such a person;

(18) leave personal gear, equipment (including decoys), or a floating conveyance unattended for more than one hour following the close of legal shooting hours. This paragraph does not apply to personal gear, equipment, or a floating conveyance:

(A) within a designated camping area or designated campsite; or

(B) that is unattended during reserved participation in a public hunting activity that has been specifically scheduled by the department.

(19) engage in any activity not specifically authorized by order of the executive director or regulation of the commission.

(d) Hunting with Dogs.

(1) Dogs may be possessed and used to hunt animals and birds on public hunting lands only as provided:

(A) in the "Legal Game Legend" provided for each unit of public hunting lands in the department publication entitled "Map Booklet for Public Hunting Lands;" or

(B) in the case of drawn hunts, in the department publication entitled "Applications for Drawings on Public Hunting Lands."

(2) It is an offense for any person to use a dog to hunt a bird or animal on public hunting lands except as authorized:

(A) in the "Legal Game Legend" provided for each unit of public hunting lands in the department publication entitled "Map Booklet for Public Hunting Lands" or

(B) in the "Applications for Drawings on Public Hunting Lands."

RULE §65.200 Construction of Blinds

(a) The construction of permanent blinds is prohibited.

(b) The use of temporary blinds is permitted only if such structures are not:

(1) nailed to trees;

(2) emplaced longer than 72 hours; or

(3) otherwise prohibited for the specific activity, area, or time period.

(c) It is an offense for a person to:

(1) fail to remove all introduced materials used in constructing a temporary blind at the conclusion of public use activity;

(2) place a blind within 50 yards of any designated road, designated campsite, or public hunting lands boundary; or

(3) attempt to establish preferential rights to use of a specific location through construction of a temporary blind. A temporary blind shall be equally available to all public users on a first-come-first-served basis.

RULE §65.201 Motor Vehicles

(a) It is an offense to not confine motor vehicle use to designated roads, except parking is permitted on the shoulder of or immediately adjacent to designated roads, and as provided for a disabled person or for a person directly assisting a disabled person.

(b) It is unlawful to hunt any wildlife resource from a motor vehicle, motor-driven land conveyance, or possess a loaded firearm in or on the vehicle, except as provided for a disabled person.

(c) A disabled person may possess a loaded firearm in or on a motor vehicle and may hunt from a motor vehicle except only paraplegics and single or double amputees of legs may hunt migratory birds from a motor vehicle, provided the motor vehicle is not in motion, the engine is not running, and the motor vehicle is not located on a designated road, designated vehicle parking area, or designated campground.

(d) Except as authorized for specific areas and time periods by order of the executive director, or by written permission of the hunt supervisor or area manager, it is an offense for an individual other than a disabled person or a person directly assisting a disabled person to operate an off-road vehicle on public hunting lands. A person who uses an off-road vehicle to directly assist a disabled person under the provisions of this subchapter may not use the off-road vehicle to travel beyond normal speaking distance of the disabled person:

(1) except to return to an authorized road or trail; or

(2) unless such use is authorized by the department on the unit of public hunting lands at that time.

(e) The provisions of Chapter 59, Subchapter J of this title (relating to Off-Highway Vehicle Trail and Recreational Area Program) do not apply to a disabled person or a person assisting a disabled person who is participating in department-sanctioned activities on public hunting lands.

RULE §65.202 Youth Hunting on Public Hunting Lands

(a) Youth participating in public hunts by special permit must be eight years of age or older at the time of application.

(b) It is an offense for a person younger than 12 years of age to fail to be under the immediate supervision of a duly permitted and authorized supervising adult when hunting on public hunting lands. For a person 12 years of age or older who has received hunter education certification, the requirement for immediate supervision is relaxed to the extent that the authorized supervising adult is required only to be present on the public hunting area. The authorized supervising adult is responsible for the actions and liability of the youth.

(c) Youth participating in a youth waterfowl hunt during the federal youth waterfowl hunting season must be 15 years of age or younger.

RULE §65.203 Hunter Safety

(a) It is an offense if a person is within a hunt area during daylight hours at a time when hunting with firearms is permitted and fails to visibly wear:

(1) a minimum of 400 square inches of daylight fluorescent orange material, of which 144 square inches must appear on both the chest and back; and

(2) orange headwear.

(b) A person is exempt from the requirements of subsection (a) of this section only if the person is:

(1) hunting turkey, migratory birds, alligators, or desert bighorn sheep;

(2) within the enclosed passenger compartment of a motor vehicle; or

(3) within a designated campground, designated vehicle parking area, designated boat launching facility, or departmental check station.

(c) It is an offense to possess a loaded firearm in or on a motor vehicle, except as provided in §65.201(c) of this title (relating to Motor Vehicles) for a disabled person.

(d) It is an offense to possess a loaded firearm within a designated campsite, vehicle parking area, boat launching facility, or departmental check station.

(e) It is an offense to discharge a firearm or archery equipment from, onto, along, or across a designated road or designated campsite.

(f) It is an offense to use or display a firearm or other device in an obviously unsafe or threatening manner.

RULE §65.204 Recreational Use of Wildlife Management Areas

(a) Hunting is allowed on wildlife management areas only as provided in this subchapter.

(b) The following recreational uses may be allowed on a wildlife management area if authorized by the executive director:

(1) camping;

(2) equestrian activities, including horseback riding;

(3) hiking;

(4) bicycling;

(5) water recreation, which may include, but is not limited to boating, canoeing, kayaking and swimming;

(6) nature viewing (wildlife watching, wildflower viewing, etc.);

(7) fishing;

(8) educational and demonstration programs; and

(9) other recreational uses consistent and compatible with the purposes for which the wildlife management area was purchased, leased or otherwise acquired.

(c) Any recreational use allowed under subsection (b) of this section is subject to conditions and restrictions, including dates, times, and locations, prescribed by the executive director,

(d) No person may engage in any of the recreational uses listed in subsection (b) of this section on a wildlife management area unless such use is expressly authorized by the executive director.

RULE §65.208 Penalties

The penalties for violation of this subchapter are prescribed by Parks and Wildlife Code, §81.007. With respect to violations in designated state parks, the penalties are prescribed by Parks and Wildlife Code, §62.069.

MEMORANDUM OF UNDERSTANDING

Between

THE UNITED STATES OF AMERICA, BUREAU OF RECLAMATION

and the

CITY OF SAN ANGELO, TEXAS

and the

TEXAS PARKS AND WILDLIFE DEPARTMENT

This Memorandum of Understanding (MOU) is entered into by the Bureau of Reclamation, Great Plains Region, Oklahoma-Texas Area Office (Reclamation), the City of San Angelo, Texas (City) and the Texas Parks and Wildlife Department (Department) to define their respective roles and responsibilities in the administration of the Department's Public Hunting Lands Program on Federal land associated with the Bureau of Reclamation's San Angelo Project, Twin Buttes Reservoir.

1. Background

In an effort to provide safer public access and hunting opportunities in Tom Green County, Texas, Reclamation, the City, and the Department will collaborate to increase law enforcement, improve public access and identify opportunities to enhance wildlife habitat within the Twin Buttes Reservoir, located in Tom Green County, Texas.

This MOU is entered into in accordance with the Act of Congress of June 17, 1902, (32 Stat. 388) and acts amendatory thereof and supplementary thereto, particularly the Act of August 16, 1957 (Public Law 85-152, 71 Stat. 372) which authorized the San Angelo Project, hereinafter termed "Project". This MOU is also entered into in accordance with the Federal Water Project Public Recreation Act of July 9, 1965, Public Law 89-72, Sec. 1 and 7(b), (79 Stat. 213) as amended, which authorizes Reclamation to enter into agreements with non-Federal public entities for the purpose of administering and managing Federal lands and facilities for recreation and other purposes.

The United States owns lands and interests in lands for the San Angelo Project (Project), Twin Buttes Reservoir. The United States and the San Angelo Water Supply Corporation (Corporation) entered into Contract No. 14-06-500-368, dated June 18, 1959, as amended and supplemented, hereinafter referred to as the "Existing Contract," for the repayment of its allocated share of the Project construction costs in accordance with Reclamation Law. Amendment No. 8 to the Existing Contract, dated September 08, 2008, transferred and assigned all duties, rights, and privileges of the Existing Contract from the Corporation to the City.

2. Purpose/Objective

This MOU establishes an agreement between Reclamation, the City and the Department in which lands located at the Project (Exhibit A) will be delineated by the Department for inclusion in the Department's Public Hunting Lands Program. The objective is to provide for increased law enforcement; promote recreation, hunting, and fishing opportunities; and improve public access to these lands, as well as identify opportunities to provide habitat enhancement and improvement activities.

Including Project Lands in the Department's Public Hunting Lands Program will provide more opportunities for family-oriented outdoor recreational activities and increase law enforcement. Hunting, fishing, and recreation are critical in promoting enjoyment and stewardship of federal lands and waters.

This agreement shall not affect, invalidate, or supersede the requirements of any existing contracts or agreements between Reclamation and the City, including contract 14-06-500-368, as amended and supplemented.

3. Roles and Responsibilities

A. All Parties will:

1. Meet, as often as deemed necessary, to discuss the specific management activities and tasks to be undertaken to meet the goals and objectives of the Department's Public Hunting Lands Program. Reclamation, the City, and the Department agree that some areas of the Project may be temporarily closed to the public for all uses (to minimize use conflicts and ensure public health and safety), and some areas of the Project may not be available to the public for hunting, but may be open for other agreed upon uses.
2. Coordinate any administration, operation, maintenance, and development activities pursuant to this agreement that could affect any of the management, operation, and maintenance activities of the United States within the subject area.

B. Reclamation will:

1. At the request of the Department, provide information on property boundaries, easements, and Use Authorizations on Reclamation lands within the Project area.
2. Recognize existing duties, rights, and privileges with the City, as outlined in the Existing Contract, as amended.

C. The City will:

1. Comply with and observe rules and regulations for public conduct within the Project area as are necessary and desirable to protect the health and safety of persons using the Project area, for the preservation of law and order, and for the protection of resources, lands and facilities. The above said rules and regulations are promulgated by Reclamation in 43 Code of Federal Regulations, Part 423 and Part 429 and other

applicable Federal, State and Local laws, rules, regulations, and policies currently in place or as may be adopted in the future.

2. To the extent allowed by law, exercise its law enforcement authority to enforce rules and regulations within the entire Project area to maintain and preserve law and order, and to protect facilities, resources, and Federal lands and waters from unauthorized use and illegal activities.
3. To the extent allowed by law, exchange law enforcement information with Reclamation and the Department. City law enforcement personnel, the Department, and Reclamation will collaborate in the exchange of law enforcement information related to the Project area. The extent and detail of information will be defined on a case-by-case basis.
4. Ensure that land use and administration of the Project area will conform to all applicable Federal laws, rules, regulations, policies, and Executive Orders. Applicable Reclamation Policies, and Directives and Standards include, but are not limited, to LND P02; LND P04; LND 01-01; LND 01-03; LND 04-02; and LND 08-01. Nothing in this provision obligates the City to perform functions not otherwise required by the Existing Contract, as amended and supplemented.
5. Investigate, within its statutory authority, or cooperate within its statutory authority in the investigation by the agency having jurisdiction, of all accidents involving death, serious injury or property damage, hazardous material spills, or other incidents of a serious nature within the Project area. The agency having jurisdiction will make an initial verbal report on such incidents to Reclamation within one (1) working day of knowledge of the incident, and will submit a written report to Reclamation within five (5) calendar days of the verbal notice of any such incidents or occurrences.
6. To the extent allowed by law, take all reasonable measures necessary to identify, investigate, and resolve incidents of unauthorized land, resource, or recreation facility use, or unauthorized encroachment within the Project area. This may include any legal actions necessary to prevent or prosecute such unauthorized use provided that any such action by the City cannot bind the United States in a manner either to payment of money or any other form of commitment. Reclamation hereby delegates to the City the right to bring action in the City's name in order to protect each party's interests, and carry out their responsibilities in connection therewith. Resolution of boundary disputes shall be the responsibility of Reclamation. The City will notify Reclamation's designated representative of boundary disputes or unauthorized incidents within 10 calendar days of discovery.
7. Retain all duties, rights, and privileges as outlined in the Existing Contract; this shall include, but not be limited to, operations and maintenance.

D. The Department will:

1. Implement and administer the Texas Parks and Wildlife Public Hunting Lands Program on all Federal fee title land associated with Twin Buttes Reservoir (see

Exhibit A), subject to the provisions of this Agreement and/or terms agreed upon during coordination meetings. The Department may issue Annual Public Hunting Permits and/or Limited Public Use Permits, in accordance with the Department's Public Hunting Lands Program, for all public use of the Federal lands.

2. Provide technical assistance on wildlife habitat and population management.
3. Exercise its law enforcement authority to enforce rules and regulations within the entire Project area to maintain and preserve law and order, and to protect facilities, resources, and Federal lands and waters from unauthorized use and illegal activities. Within the limits of its authority, adopt and enforce rules and regulations for public conduct within the Project area as are necessary and desirable to protect the health and safety of persons using the Project area, for the preservation of law and order, and for the protection of resources, lands and facilities. Federal rules and regulations are promulgated by Reclamation in 43 Code of Federal Regulations, Part 423 and Part 429 and other applicable Federal, State and Local laws, rules, regulations, and policies currently in place or as may be adopted in the future.
4. Enact temporary closures of the Project Area or portions thereof, as may be necessary, to: ensure public health and safety, preservation of law and order, minimize user conflicts, and/or protection of resources, lands, and facilities.
5. Exchange law enforcement information with Reclamation and the City. Department law enforcement personnel, the City, and Reclamation will collaborate in the exchange of law enforcement information related to the Project area. The extent and detail of information will be defined on a case-by-case basis.
6. Ensure that land use and administration of the Project area will conform to all applicable Federal laws, rules, regulations, policies, and Executive Orders. Applicable Reclamation Policies, and Directives and Standards include, but are not limited, to LND P02; LND P04; LND 01-01; LND 01-03; LND 04-02; and LND 08-01.
7. Investigate, within its statutory authority, or cooperate within its statutory authority in the investigation by the agency having jurisdiction, of all accidents involving death, serious injury or property damage, hazardous material spills, or other incidents of a serious nature within the Project area. The agency having jurisdiction will make an initial verbal report on such incidents to Reclamation within one (1) working day of knowledge of the incident, and will submit a written report to Reclamation within five (5) calendar days of the verbal notice of any such incidents or occurrences.
8. Take all reasonable measures necessary to identify, investigate, and resolve incidents of unauthorized land, resource, or recreation facility use, or unauthorized encroachment within the Project area. This includes any legal actions necessary to prevent or prosecute such unauthorized use provided that any such action by the Department cannot bind the United States in a manner either to payment of money or any other form of commitment. Resolution of boundary disputes shall be the responsibility of Reclamation. The Department will notify Reclamation's designated

representative of boundary disputes or unauthorized incidents within 10 calendar days of discovery.

4. Period of Performance

This MOU shall become effective on the date of last signature hereto and shall remain in effect for a period of five (5) years. Not later than one year prior to expiration of this MOU, the parties hereto may negotiate a new MOU.

5. Modifications

- A. Reclamation, the City, or the Department may formally request modification of this MOU. Modifications shall be made by mutual consent of all parties by the issuance of a written modification to this MOU, and signed and dated by all parties prior to any changes being performed.
- B. If any portion of this MOU is rendered null and void as a result of applicable laws, regulations, executive orders, court rulings, etc., all remaining portions of the MOU will remain in full force and effect, provided the voided portion or portions do not affect the primary purposes of this MOU.

6. Termination

This MOU will terminate and all rights and obligations of the parties under this MOU will cease under the following conditions:

- A. Upon expiration of the term of this MOU, as provided in Article 4; or
- B. If after determination by Reclamation that a Department authorized activity or use of these Federal lands is deemed to be illegal, and notice of such determination is provided to the Department, the illegal activity is not terminated, and remediated if necessary, within 60 days of notice to the Department.
- C. For any reason, other than those expressed in above herein, Reclamation, the City, or the Department may terminate this MOU with at least 60 days written notice to the other parties.

7. Principal Contacts

The principal contacts for this MOU are:

Reclamation

Mark A. Treviño, Area Manager
Oklahoma-Texas Area Office
Bureau of Reclamation
5316 Hwy 290 W, Suite 110
Austin, TX 78735-8931
Phone: (512)899-4150

City

Carl White, Director, Parks and Recreation
City of San Angelo
702 S. Chadbourne St.
San Angelo, TX 76903
(325)657-4450

Department

Justin Dreibelbis, Director
Private Lands & Public Hunting Program
4200 Smith School Road
Austin, TX 78744
(512)389-4395

8. General Provisions

- A. **This MOU is neither a fiscal nor a funds obligating document.** Any endeavor or transfer of anything of value involving reimbursement or contribution of funds between the parties of this MOU will be handled in accordance with applicable laws, regulations, and procedures including those for Government procurement and printing. Such endeavors will be outlined in separate agreements that shall be made in writing by representatives of the parties and shall be independently authorized by appropriate statutory authority. This MOU does not provide such authority.
- B. The Department may enter into financial assistance agreements with Reclamation and/or the City for recreation and/or fish and wildlife enhancements in accordance with appropriate statutory authority.
- C. All Reclamation Federal lands covered by this MOU shall be closed to off-road (cross-country) vehicle use, unless opened through a Reclamation-approved planning process (in accordance with 43 CFR Part 420). Public motorized travel on existing, designated roads may be allowed, unless otherwise posted as closed to protect project resources and health and human safety.
- D. Cultural resources will be investigated prior to the implementation of any improvement activities or surface disturbing actions. The Department or City personnel will coordinate with Reclamation to ensure that compliance with Section 106 of the National Historic Preservation Act (NHPA) (16 U.S.C. 470f), and implementing regulations at 36 CFR Part 800, is completed prior to project implementation. The management of cultural resources located within the Project area shall be consistent with Reclamation's Cultural Resources Management Policy (LND P01) and Cultural Resources Directives and Standards (LND 02-01).
- E. In the event that human remains (as defined by the Native American Grave Protection and Repatriation Act) are found within the Project area, the respective Reclamation Area Manager shall be immediately notified and provisions of the Native American Grave Protection and Repatriation Act (25 U.S.C. 3001 et seq.) and Reclamation procedures shall be followed.

- F. The collection of prehistoric or historic artifacts from the Project area must be approved by Reclamation. The unauthorized excavation of such items is prohibited by the Archaeological Resources Protection Act (ARPA) (16 U.S.C. 470aa et. Seq.). Planned collections of such items are subject to Reclamation's issuance of a permit pursuant to ARPA. Any archaeological or historical items removed from the Project area, including items collected and turned in by members of the public, shall be assessed by Reclamation to determine whether they constitute federal museum property. If so, they will be managed by Reclamation in a manner consistent with 36 CFR Part 79, the Curation of Federally-Owned and Administered Archaeological Collections. At Reclamation's request, the City and the Department will exchange information pertaining to prehistoric and historic artifacts and archaeological sites with Reclamation's archeologist.
- G. The rights of the Department and the City under this Agreement are subordinate to the prior rights of the United States, for the primary purposes of the project and any associated facilities or activities pursuant to Federal Reclamation Law, rules and regulations. The United States will give written notice to the City and the Department if the United States determines that changes in land use for Reclamation purposes within the Project area are necessary.
- H. Reclamation may close the Project area, or any portion thereof, to public use whenever Reclamation determines such restriction is necessary in the interest of Project operation, public safety or national security. Reclamation's designated representative will give written notice to the Department and City of any such closure. This notice will be given as soon as practicable after a determination for closure is made and will include the date when the closure becomes effective. The Department and the City will enforce such closure and such enforcement will include coordination and cooperation with Reclamation. Enforcement of any Reclamation mandated closure shall not obligate the City to incur costs or expenses not otherwise required by the Existing Contract, as amended and supplemented.
- I. No member of or delegate to Congress, or resident Commissioner, shall be admitted to any share or part of the MOU or to any benefit that may arise out of it.
- J. All parties to this MOU agree to comply with all Federal statutes relating to nondiscrimination, including but not limited to: Title VII of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color, religion, sex, or national origin; Title IX of the Education amendments of 1972, as amended, which prohibits discrimination on the basis of sex; the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990, as amended, which prohibit discrimination on the basis of disability; the Age Discrimination in Employment Act of 1967, as amended, which prohibits discrimination based on age against those who are at least 40 years of age; and the Equal Pay Act of 1963.
- K. Any information furnished to Reclamation, under this MOU, is subject to the Freedom of Information Act (5 U.S.C. 552).

9. Reservations

The Department's management of the Project area is subject to the following conditions and reservations:

- A. Existing land uses, rights, or interests within the Project area and lawfully held by Reclamation, the City or persons or entities not party to this MOU.
- B. The right of Reclamation, their assigns, employees and agents, to enter upon the Project area on official business without charge, for the purpose of enforcing, protecting, and exercising the rights of Reclamation and also to protect the rights of those not party to this MOU.
- C. The right of Reclamation, its assigns, agents, contractors, lessees, or permittees, to remove from the Project area, any and all materials necessary for the construction, operation, and maintenance of Project works and facilities. All such removal activities shall not encroach on developed sites without mutual agreement of the parties hereto.
- D. The right of Reclamation, and its assigns, agents, contractors, lessees, or permittees, to prospect for, extract, and carry on the management of oil, gas, coal, and other minerals and the right to issue leases or permits to prospect for oil, gas, or other minerals under the Act of February 25, 1920 (41 Stat. 437), and amendatory acts, the Act of August 4, 1939 (53 Stat. 1187), as amended, and the Act of August 7, 1947 (61 Stat. 913), subject to stipulations.

10. Signatures

IN WITNESS WHEREOF, the parties hereto have executed this MOU as of the last date written below.

Mark A. Treviño, Area Manager
Oklahoma-Texas Area Office
Bureau of Reclamation

Date

Daniel Valenzuela, City Manager
City of San Angelo

Date

John Silovsky
Division Director, Wildlife
Texas Parks and Wildlife Department

Date

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REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: March 2, 2021

Item type: Consent Item

Caption:

Consider approving the 2019 Consolidated Annual Performance and Evaluation Report (CAPER) (Bob Salas)

Summary/History:

The 2019 CAPER is a document required of all entitlement cities receiving annual Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) funds from the U.S. Department of Housing and Urban Development (HUD). The CAPER is the City's performance evaluation for the 2019 Program Year covering Oct 1, 2019 thru Sep 30, 2020. The CAPER includes a summary of expended resources, objectives and goals as they relate to affordable housing, outcome measures, geographic distribution, and barriers to affordable housing.

This report is the product of public outreach consistent with the City of San Angelo's 2015-2019 Five-Year Consolidated Plan. Public notices were posted in the Standard Times and draft copies of the CAPER were posted at various locations throughout the city and on the City's website.

Approval the 2019 CAPER will authorize the City to forward the final CAPER to the HUD Regional Office in Ft Worth.

Financial Impact:

No fiscal commitments are associated with this item.

Other Information/Recommendation:

Attachments:

1.	2019 CAPER	2019 CAPER.pdf
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Presentation:

Bob Salas

Approvals/Reviews:

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

CR-05 - Goals and Outcomes

Progress the jurisdiction has made in carrying out its strategic plan and its action plan. 91.520(a)

This could be an overview that includes major initiatives and highlights that were proposed and executed throughout the program year.

The City of San Angelo focuses the use of its Community Development Block Grant (CDBG) and Home Investment Partnerships Program (HOME) funding on a combination of housing and community development activities. The Consolidated Plan includes the following priority goals as the basis for the activities approved in the Program Year (PY) 2019 Action Plan:

1. Expand housing options to create a safe, healthy, accessible, affordable home for every resident.
2. Focus on strategies to achieve a sustainable increase in the homeownership rate.
3. Continue efforts to redevelop the six neighborhoods targeted for revitalization including homebuyer's assistance, code compliance, and rehabilitation of homes in targeted neighborhoods.
4. Continue to make housing affordable by assisting homeowners with repairs and first-time homebuyers with closing costs.
5. Assist special needs populations with supportive services, facilities, and housing needs, and expand efforts that eliminate or prevent homelessness.

PY 2019 Consolidated Annual Performance Evaluation Report (CAPER) captures the expenditures, accomplishments, and progress made on the strategies and goals outlined in the approved 2015-2019 Consolidated Plan, for HUD programs approved by the City of San Angelo City Council on July 7, 2015. The CAPER outlines achievements in affordable housing, homeless services, and community development programs. The PY2019 CAPER covers the time period starting October 1, 2019 to September 30, 2020, and is the fifth and final annual report of the Consolidated Plan. It also includes activities funded in previous fiscal years with accomplishments reported during PY2019. As with most new construction projects,

the outcomes are not reported until the completion of the project. The following are several accomplishments achieved during the reporting period:

- Twenty-Three (23) households identified as Special Needs were assisted with Tenant-Based Rental assistance.
- Thirty-five (35) low-to-moderate income homeowners were assisted with the Emergency Repair Program.
- Six (6) low-to-moderate income homeowners were assisted with minor rehabilitation in the Neighborhood Blitz Program.
- Eight (8) low-to-moderate income first-time homebuyers were provided with down payment and closing cost assistance.
- Eight (8) housing units were built for first-time homeowners.

Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)

Categories, priority levels, funding sources and amounts, outcomes/objectives, goal outcome indicators, units of measure, targets, actual outcomes/outputs, and percentage completed for each of the grantee's program year goals.

Goal	Category	Source / Amount	Indicator	Unit of Measure	Expected – Strategic Plan	Actual – Strategic Plan	Percent Complete	Expected – Program Year	Actual – Program Year	Percent Complete
Affordable Housing	Affordable Housing	HOME: \$	Homeowner Housing Added	Household Housing Unit	30	26	86.67%	3	7	233.33%
Decent Housing	Affordable Housing	CDBG: \$	Homeowner Housing Rehabilitated	Household Housing Unit	125	248	198.40%	25	35	140.00%
Home Ownership	Affordable Housing	HOME: \$	Homeowner Housing Added	Household Housing Unit	0	0		0	0	

Home Ownership	Affordable Housing	HOME: \$	Direct Financial Assistance to Homebuyers	Households Assisted	65	53	81.54%	8	8	100.00%
Neighborhood Revitalization	Affordable Housing	CDBG: \$	Homeowner Housing Rehabilitated	Household Housing Unit	150	196	130.67%	22	6	27.27%
Neighborhood Revitalization	Affordable Housing	CDBG: \$	Buildings Demolished	Buildings	5	1	20.00%			
Neighborhood Revitalization	Affordable Housing	CDBG: \$	Housing Code Enforcement/Foreclosed Property Care	Household Housing Unit	20000	13405	67.03%			
Special Needs & Homelessness	Homeless Non-Homeless Special Needs	HOME: \$	Tenant-based rental assistance / Rapid Rehousing	Households Assisted	150	134	89.33%	25	23	92.00%

Table 1 - Accomplishments – Program Year & Strategic Plan to Date

Assess how the jurisdiction's use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.

The City has continued to address housing and community development needs in carrying out the PY 2019 Action Plan. Actions undertaken during PY2019 were consistent with the primary goals and objectives of the Consolidated Plan. The Consolidated Plan identified three key

funding priorities:

1. Assist in the creation and preservation of affordable housing opportunities for low income and special needs households.
2. Support activities to end homelessness.
3. Support activities that strengthen targeted low-income neighborhoods.

Based on these three priorities, COSA developed six major goals that address these three priorities:

1. Expand housing options to create a safe, healthy, accessible home for residents
2. Continue to focus on strategies to achieve a sustainable increase in the homeownership rate
3. Continue efforts to redevelop the six neighborhoods targeted for revitalization
4. Improve livability in targeted neighborhoods by purchasing vacant lots and building new homes
5. Assist special needs/homeless populations with supportive services, facilities, and housing
6. Continue efforts to eliminate slum/blight and conditions detrimental to the health, safety and public welfare of residents in the targeted

neighborhoods

All of the funded projects for PY2019 directly addressed the City's priorities and goals.

Neighborhood Blitz – replaced siding, trim, and paint for 6 low/moderate-income households in the Reagan Target Area; Emergency Repairs – assisted in preserving affordable housing by addressing needed repairs detrimental to the health and safety of 35 low/moderate-income homeowners; Homebuyers Assistance Program (HAP) – helped create affordable housing opportunities for 8 low/moderate-income individuals and families by assisting them in the purchase of new homes; CHDO activities – Galilee CDC, the City's CHDO helped create affordable housing opportunities for low/moderate-income individuals and families by constructing and selling 8 affordable housing units in targeted neighborhoods which also helped maintain and strengthen those targeted neighborhoods.

CR-10 - Racial and Ethnic composition of families assisted

Describe the families assisted (including the racial and ethnic status of families assisted).

91.520(a)

	CDBG	HOME
White	39	34
Black or African American	2	4
Asian	0	0
American Indian or American Native	0	0
Native Hawaiian or Other Pacific Islander	0	0
Total	41	38
Hispanic	32	18
Not Hispanic	9	20

Table 2 – Table of assistance to racial and ethnic populations by source of funds

Narrative

The City tracked demographics of the households directly benefiting from the CDBG and HOME grant programs, including race, ethnicity, family size, which had female heads of households, and how many persons had a disability. The direct benefit activities included housing rehab and emergency repairs grants, HAP financing, and CHDO activities. This information is used for reporting in IDIS and (in the case of housing activities) for fair housing statistics.

The City identified the Hispanic ethnicity as the only minority group with a large percentage of persons in San Angelo. Of the number of persons directly receiving benefits, 41% were Hispanic and 7% were African American while the rest were White-not Hispanic. That aligns with the City's minority makeup of 38% Hispanic and 5% African American.

CR-15 - Resources and Investments 91.520(a)

Identify the resources made available

Source of Funds	Source	Resources Made Available	Amount Expended During Program Year
CDBG	public - federal	681,073	492,615
HOME	public - federal	367,961	338,230
Other	public - federal	388,646	179,460

Table 3 - Resources Made Available

Narrative

The City of San Angelo began the Fiscal Year with a reported balance of \$XX,XXX CDBG funds at the end of the previous program year. According to the PR26 report (Attached), \$XXX,XXX in CDBG funds were expended in the program year.

Identify the geographic distribution and location of investments

Target Area	Planned Percentage of Allocation	Actual Percentage of Allocation	Narrative Description
BLACKSHEAR			
FORT CONCHO			
REAGAN			
RIO VISTA			

Table 4 – Identify the geographic distribution and location of investments

Narrative

The City tracked demographics of the households directly benefiting from the CDBG and HOME grant programs, including race, ethnicity, family size, which had female heads of households, and how many persons had a disability. The direct benefit activities included housing rehab and emergency repairs grants, HAP financing, and CHDO activities. This information is used for reporting in IDIS and also (in the case of housing activities) for fair housing statistics. No publicly owned land or property located within the jurisdiction was used to address the needs identified in the plan.

Leveraging

Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.

Community & Housing Support leveraged other City departments in order to obtain operating support to include financial, legal, planning, human resources, and purchasing. Community & Housing Support also leveraged over \$275K of local sales tax revenue for gap financing provided to low to moderate-income first-time homebuyers. Moreover, the city received a grant from Atmos to continue a housing weatherization program, expending \$20,473 to assist 11 homeowners.

The City of San Angelo complies with federal matching requirements for HOME. Over \$71K of match funds was accumulated for the 2019 program year. As of Sept 30, 2019, San Angelo maintained \$2,081,676.95 in excess matching funds. This reserve was more than adequate to meet the required match liability for the 2019 program year.

HOME Match Report, Form 40107-A is attached to this report.

Fiscal Year Summary – HOME Match	
1. Excess match from prior Federal fiscal year	2,083,018
2. Match contributed during current Federal fiscal year	71,015
3. Total match available for current Federal fiscal year (Line 1 plus Line 2)	2,154,033
4. Match liability for current Federal fiscal year	72,356
5. Excess match carried over to next Federal fiscal year (Line 3 minus Line 4)	2,081,677

Table 5 – Fiscal Year Summary - HOME Match Report

Match Contribution for the Federal Fiscal Year								
Project No. or Other ID	Date of Contribution	Cash (non-Federal sources)	Foregone Taxes, Fees, Charges	Appraised Land/Real Property	Required Infrastructure	Site Preparation, Construction Materials, Donated labor	Bond Financing	Total Match

Table 6 – Match Contribution for the Federal Fiscal Year

HOME MBE/WBE report

Program Income – Enter the program amounts for the reporting period				
Balance on hand at begin-ning of reporting period \$	Amount received during reporting period \$	Total amount expended during reporting period \$	Amount expended for TBRA \$	Balance on hand at end of reporting period \$
0	15,846	14,262	14,262	1,585

Table 7 – Program Income

Minority Business Enterprises and Women Business Enterprises – Indicate the number and dollar value of contracts for HOME projects completed during the reporting period						
	Total	Minority Business Enterprises				White Non-Hispanic
		Alaskan Native or American Indian	Asian or Pacific Islander	Black Non-Hispanic	Hispanic	
Contracts						
Dollar Amount	0	0	0	0	0	0
Number	0	0	0	0	0	0
Sub-Contracts						
Number	0	0	0	0	0	0
Dollar Amount	0	0	0	0	0	0
	Total	Women Business Enterprises	Male			
Contracts						
Dollar Amount	0	0	0			
Number	0	0	0			
Sub-Contracts						
Number	0	0	0			
Dollar Amount	0	0	0			

Table 8 - Minority Business and Women Business Enterprises

Minority Owners of Rental Property – Indicate the number of HOME assisted rental property owners and the total amount of HOME funds in these rental properties assisted						
	Total	Minority Property Owners				White Non-Hispanic
		Alaskan Native or American Indian	Asian or Pacific Islander	Black Non-Hispanic	Hispanic	
Number	0	0	0	0	0	0
Dollar Amount	0	0	0	0	0	0

Table 9 – Minority Owners of Rental Property

Relocation and Real Property Acquisition – Indicate the number of persons displaced, the cost of relocation payments, the number of parcels acquired, and the cost of acquisition						
Parcels Acquired		0		0		
Businesses Displaced		0		0		
Nonprofit Organizations Displaced		0		0		
Households Temporarily Relocated, not Displaced		0		0		
Households Displaced	Total	Minority Property Enterprises				White Non-Hispanic
		Alaskan Native or American Indian	Asian or Pacific Islander	Black Non-Hispanic	Hispanic	
Number	0	0	0	0	0	0
Cost	0	0	0	0	0	0

Table 10 – Relocation and Real Property Acquisition

CR-20 - Affordable Housing 91.520(b)

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served.

	One-Year Goal	Actual
Number of Homeless households to be provided affordable housing units	0	0
Number of Non-Homeless households to be provided affordable housing units	63	56
Number of Special-Needs households to be provided affordable housing units	30	23
Total	93	79

Table 11 – Number of Households

	One-Year Goal	Actual
Number of households supported through Rental Assistance	30	23
Number of households supported through The Production of New Units	3	7
Number of households supported through Rehab of Existing Units	50	41
Number of households supported through Acquisition of Existing Units	10	8
Total	93	79

Table 12 – Number of Households Supported

Discuss the difference between goals and outcomes and problems encountered in meeting these goals.

The City made progress during the program year on its new Consolidated Plan with regard to providing new affordable housing including the following:

- 41 homes were rehabilitated for low to moderate-income homeowners - 6 rehabilitations and 35 emergency repair rehabilitations
- 7 new homes constructed by City's CHDO sold to low/moderate-income homebuyers at 40% below appraised value thru the City's gap financing program
- 8 first time homebuyers assisted with down payment and closing cost to purchase homes
- 23 low/moderate income special needs individuals provided rent assistance to move into new rental units
- 30 families were assisted with CARES Rent and Mortgage Assistance

Our projects fell a little short of meeting goals with the exception of the CHDO's new construction program and the newly implemented CARES Rent and Mortgage Assistance program. The city was deeply affected when the COVID Pandemic threatened the health and safety of it's citizens. Many businesses were closed for a period of time.

Discuss how these outcomes will impact future annual action plans.

The City will continue to review program performance and adjust as appropriate to ensure that the goals and objectives cited in the subsequent 5-year Strategic Plan are met. High performing programs such as the Housing Rehabilitation programs will be renewed in future annual plans while under-performing programs will be adjusted to meet the need or terminated if necessary.

Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine the eligibility of the activity.

Number of Households Served	CDBG Actual	HOME Actual
Extremely Low-income	35	18
Low-income	6	14
Moderate-income	6	6
Total	47	38

Table 13 – Number of Households Served

Narrative Information

The City's activities that were required to serve extremely low-income, low-income, and/or moderate-income persons to meet the eligibility requirements of CDBG and HOME served the intended populations.

CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c)

Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The City of San Angelo is a key community partner in the Local Homeless Coalition (LHC). The City applied for and received a Continuum of Care grant to establish and manage a Rapid Rehousing (RRH) program for the homeless community. As part of the grant, the City has initiated a Coordinated Entry (CE) process using the HMIS process to ensure that homeless persons' needs are addressed. These needs will be assessed at entry into the RRH CE process and coordination with community resources via HMIS. In addition, the LHC developed an Outreach Group that routinely conducts outreach to local homeless persons in order to provide information on ongoing services and resources.

Addressing the emergency shelter and transitional housing needs of homeless persons

The City's only emergency shelter is dedicated to victims of domestic violence. For the general homeless community, the LHC developed a program called "Out of the Cold" that provides temporary shelter in local hotels when the temperatures drop below a certain threshold. In addition, Galilee CDC, a local housing non-profit, constructed three new single family housing units to be used as transitional housing for families with children that are homeless.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

The City currently is providing rent/mortgage assistance thru the CARES Act CDBG-CV funds to help low/mod individuals remain in their home. In addition, the City received state funds to carry out eviction diversion program for those who have entered the eviction process in order to help those families and individuals from being evicted.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were

recently homeless from becoming homeless again

Resources from community partners provide resources that target homeless veterans, homeless families with children, and chronically homeless individuals to assist them transition into permanent housing. These programs include the HUD-VASH program, RRH program, Galilee CDC's transitional housing and TBRA programs.

CR-30 - Public Housing 91.220(h); 91.320(j)

Actions taken to address the needs of public housing

In PY2019, HASA, through the Housing Choice Voucher Program (Section 8) provided 8,376 months of rental assistance for low-income families at a total annual cost of \$4,306,423.44. Rent assistance was provided to an average of 522 families a month at an average cost of \$507 per month per household.

Public Housing is at 174 units with 6 vacancies. No new units were added in PY2019.

Actions taken to encourage public housing residents to become more involved in management and participate in homeownership

The Housing Authority of San Angelo encourages resident involvement in management by filling a spot on the HASA Board of Directors with a Resident commissioner and promoting a separate Resident Advisory Board. Ms. Beck Fraser serves as the Public Housing resident commissioner on our HASA Board of directors.

The Housing Authority promotes homeownership by encouraging participants to apply for the Homeownership voucher program. The Housing Authority also encourages participants to join the voluntary Family Self Sufficiency program. The program's goal is to help residents achieve self-sufficiency and homeownership. A third of the monthly meetings are dedicated to homeownership education. Guest speakers and program staff work with residents on sound budgeting practices as well as ways to improve credit scores. The FSS program also offers education on other resources available to assist first-time homebuyers.

Actions taken to provide assistance to troubled PHAs

Not applicable as the San Angelo Housing Authority is not troubled.

CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)

Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment. 91.220 (j); 91.320 (i)

Per the Analysis of Impediments to Fair Housing Choice, the City was unable to identify public policies that are detrimental to the return on residential investment. City policies have acted to support affordable housing programs and projects that have allowed homes across neighborhoods targeted for revitalization to increase in value.

Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)

There were no specific activities to address obstacles to meeting the underserved needs in the PY2019 Annual Action Plan; however, actions and activities throughout the year and as described in this CAPER benefited the underserved as a whole. These activities that helped meet underserved needs included the City's affordable housing programs and rental assistance programs.

Actions taken to reduce lead-based paint hazards. 91.220(k); 91.320(j)

The City addresses LBP on all owner-occupied residential homes that have been approved for rehabilitation work and were built prior to 1978 (includes Emergency Repair Program projects) or on any post-1978 constructed home where a child or person resides who has been identified with an Elevated Blood Lead Level (EBLL). A Lead Inspection and or Risk Assessment will be done on these homes to determine if there is any lead-based paint in the home or in the soil around the home. If lead is found, a determination of the lead-based paint hazards associated with the presence of the detected lead will be conducted. The requirements for rehabilitation will correspond to the three approaches to lead hazard evaluation and reduction. Complete rehabilitation work must meet more stringent requirements than emergency repairs. The three approaches and the levels of rehabilitation assistance (costs) are as follows: 1) Do No Harm (<\$5,000) - Perform the rehabilitation in a way that does not create additional lead hazards. Clearance of work site. 2) Identify and Control Lead Hazards (\$5,000 to \$25,000) - Identify lead-based paint and hazards and use a range of interim control and abatement methods to address the hazards. Clearance of unit. 3) Identify and Abate Lead Hazards (>\$25,000) - Identify lead-based paint hazards and remove them permanently by abatement. Clearance of unit.

Actions taken to reduce the number of poverty-level families. 91.220(k); 91.320(j)

While the City does not have a mechanism or process to track and report on the number of families removed from poverty, the City recognizes that its future economic viability rests with the elimination of poverty. San Angelo has and will continue to undertake efforts in housing and supportive services to improve the quality of life of its low/moderate-income residents so long as funding for such activities is

available.

Education and Job Training

Workforce development and area-wide economic development have been identified as priorities that will aid the City in reducing the number of persons living below the poverty level. The West Texas Training Center, San Angelo Independent School District, Angelo State University, Howard College, the Chamber of Commerce, and regional business, industry and health care organizations continued to meet the occupational training needs of the Concho Valley region and West Texas.

Housing

Affordable housing is one of the City's anti-poverty activities. The City oversaw several housing programs aimed at either improving the quality of the housing stock or reducing the housing costs of low/moderate-income families in order to help keep families' housing costs down and thus helping families from falling into poverty.

- Affordable housing emergency repair and rehabilitation
- First-time homebuyers
- Tenant-based Rental Assistance
- Homeless Prevention Program
- CHDO new home construction

Actions taken to develop institutional structure. 91.220(k); 91.320(j)

The City's institutional structure is solid and City staff that oversees and manages federal grants has been in place for over ten years. The team is tenured and experienced and are provided with training that is required and appropriate. To ensure widespread information and access to the programs, especially by LMI households, the funding process involved the participation of representatives from several governmental entities, non-profit organizations, and grassroots citizen support group. In this way, local policymakers and administrators were able to identify the needs of LMI neighborhoods and evaluate applications accordingly.

Running concurrently with the City's review process was a series of hearings and meetings at the local City and neighborhood level. These meetings provided information to local residents, specifically targeted neighborhoods, regarding the process for preparation, submission, and selection of project

proposals. During this project development phase, City staff members worked with local citizens to assess local needs and develop project proposals. The City held two neighborhood public meetings to discuss potential projects and two City Council public hearings to once again review and approve projects that were selected for funding in PY2019.

Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k); 91.320(j)

The CHS staff participates in an ad-hoc Affordable Housing Committee that includes public and private entities that deal with housing. This ad hoc committee discusses issues related to housing to include coordinating areas for housing investment and project development.

While the City does not have a social services department, City staff are members of the Concho Valley Homeless Planning Coalition board of directors and are very active in the planning process and coordination of social services for homeless families and individuals with a goal to help develop and maintain an unofficial continuum of care for those in need.

Identify actions taken to overcome the effects of any impediments identified in the jurisdictions analysis of impediments to fair housing choice. 91.520(a)

The City's Analysis of Impediments to Fair Housing Choice discovered that the major barriers to affordable housing in San Angelo are lack of financial resources and all the implications that are associated with that condition. Low-income persons will have a difficult time finding affordable housing, defined as housing that costs less than 30% of gross income. Education and job training may provide a way to higher income and better living conditions for some low-income families. However, elderly and disabled individuals are often unable to increase their income or improve their living conditions through these means. In addition to inadequate income and creditworthiness, a growing elderly population, racial and ethnic divergences, and slow economic growth are other contributing factors that help create impediments.

To help ameliorate these impediments, the City worked to develop and further increase the affordable housing stock through several programs and projects that included:

- Affordable housing emergency repair and rehabilitation
- First-time homebuyers
- Homeless Prevention Program
- Tenant-based Rental Assistance
- CHDO new home construction

CR-40 - Monitoring 91.220 and 91.230

Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

Monitoring was conducted every month for each subrecipient not only to verify that the reimbursements submitted were for eligible expenses but also to verify that each subrecipient was complying with all the requirements in their agreement. Each reimbursement request was verified for eligibility. Also, each of the participants in each program was examined to verify their eligibility for assistance.

The City does not discriminate against minority or women-owned businesses during the bidding process and awarded several emergency repair projects to minority and women-owned businesses to include a business owned by an African American male (Mayberry Electric) and a female-owned business (Electric by Deb). The bids include an invitation for minorities and women to bid on all projects. All projects approved for funding listed in the Annual Action Plan comply and follow the 2015-2019 Consolidated Plan. The City met all comprehensive planning requirements.

Citizen Participation Plan 91.105(d); 91.115(d)

Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.

A complete draft of this report has been made available for public review and comment for a fifteen (15) day period beginning February 17, 2021. The availability of this report has been publicly advertised consistently with the provisions of the City of San Angelo's Consolidated Plan with printed copies available at strategic locations throughout the city as specified in the Citizen Participation Plan. There were no public comments received during the fifteen-day period.

CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

This was the fifth and final year of the 2015-2019 Consolidated Plan and the objectives did not change from those identified in the plan other to include the CARES Act Funding to assist households affected by the COVID-19 pandemic. The City met the requirements to have not more than 1.5 times the annual grant and activities are reaching completion in a timely manner once underway.

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?

No

[BEDI grantees] Describe accomplishments and program outcomes during the last year.

CR-50 - HOME 91.520(d)

Include the results of on-site inspections of affordable rental housing assisted under the program to determine compliance with housing codes and other applicable regulations

Please list those projects that should have been inspected on-site this program year based upon the schedule in §92.504(d). Indicate which of these were inspected and a summary of issues that were detected during the inspection. For those that were not inspected, please indicate the reason and how you will remedy the situation.

The City provided funding in support of a LIHTC 36 single family unit project called Noah Estates. HOME funds covered the construction of two units. The units were inspected on October 15, 2019. There were no issues detected at the time of inspection.

Provide an assessment of the jurisdiction's affirmative marketing actions for HOME units. 92.351(b)

All units in the Noah Estates were occupied throughout the entire program year so there were no vacancies. In addition, there is a waiting list of over 50 potential renters for any vacancy that may open up, making it unnecessary to market the program outside of the normal advertisements in local magazines, websites, and periodicals to include Conexion San Angelo, a Spanish/English bi-weekly newspaper.

Refer to IDIS reports to describe the amount and use of program income for projects, including the number of projects and owner and tenant characteristics

Program income in the amount of \$1,4261.80 was drawn for tenant-based rental assistance (IDIS activity # 1862). All households are LMI households.

Describe other actions taken to foster and maintain affordable housing. 91.220(k) (STATES ONLY: Including the coordination of LIHTC with the development of affordable housing). 91.320(j)

The City Council approved support for a LIHTC 48-unit senior living duplexes development in the Ft Concho area which is one of the six neighborhoods targeted for revitalization earmarking \$10K from local Economic Development Sales Tax program funds. The complex received the tax credits in July 2017 and construction began in February 2018 and was recently completed in 2019.

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: March 2, 2021

Item type: Consent Item

Caption:

Second reading of an ordinance annexing into the City of San Angelo, by petition of the property owner, for 1.658 acres out of Casper Berberich Survey 177, Abstract No. 52, Tom Green County, Texas; and authorizing the City Manager to negotiate and execute all related documents (Jon James)

Summary/History:

The property owner is requesting annexation of a triangular piece of property to square off a larger piece of property that is already partially within the city limits along the South Loop 306 Service Road between Old Stone Drive and North Bentwood Drive. The property owner has already platted this property and plans to bring forward a rezoning request to zone the property General Commercial.

Financial Impact:

There is no anticipated financial impact for this annexation.

Other Information/Recommendation:

Staff informed the Planning Commission that the property owner was requesting annexation at the December 14, 2020 Planning Commission meeting where they approved the Lucky Lou Preliminary and Final Plats. Then at the January 25, 2021 Planning Commission meeting the Planning Commission approved the proposed rezoning of the Lucky Lou property which is on the City Council agenda for February 16, 2021.

No formal recommendation is required from the Planning Commission.

At the February 15, 2021 City Council meeting the Council approved the first reading of the annexation ordinance unanimously.

Attachments:

- | | |
|--------------|----------------|
| 1. Ordinance | 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

AN ORDINANCE ANNEXING INTO THE CITY OF SAN ANGELO, TOM GREEN COUNTY, TEXAS, ON PETITION OF PROPERTY OWNERS, TERRITORY GENERALLY DESCRIBED AS 1.658 ACRES OF LAND OUT OF CASPER BERBERICH SURVEY 177, ABSTRACT NO. 52, AND BEING OUT OF A 31.987 TRACT, TOM GREEN COUNTY, TEXAS; SITUATED IMMEDIATELY SOUTH/SOUTHEAST OF THE CITY LIMITS; GENERALLY LOCATED SOUTH OF LOOP 306, WEST OF OLD STONE DRIVE; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING FOR AMENDMENT OF THE BOUNDARIES AND OFFICIAL MAP OF THE CITY; APPROVING A SERVICE AGREEMENT THEREFORE; SUBJECTING THE PROPERTY SITUATED THEREIN TO BEAR ITS PRO RATA PART OF TAXES LEVIED; PROVIDING RIGHTS AND PRIVILEGES AS WELL AS DUTIES AND RESPONSIBILITIES OF INHABITANTS AND OWNERS OF SAID TERRITORY; DIRECTING NOTICES AS REQUIRED BY LAW; PROVIDING A SEVERABILITY CLAUSE; DECLARING COMPLIANCE WITH OPEN MEETINGS ACT; AND, PROVIDING AN EFFECTIVE DATE

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

WHEREAS, pursuant to Texas Local Government Code, Section 43.0671, all of the owners of a tract of land containing 1.658 acres situated immediately south/southeast of the City, generally located south of Loop 306, west of Old Stone Drive, more fully described in Exhibit "A," attached hereto and made a part hereof for all purposes (hereinafter the "Territory"), have petitioned the City Council in writing to annex the Territory into the corporate limits of the City; and,

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

WHEREAS, the City Council accepted the Petition Requesting Annexation by Territory owners, and directed Planning staff to proceed with the proposed annexation schedule, at a regularly held meeting of the City Council on December 15, 2020; and,

WHEREAS, a public hearing on the annexation was held, the 16th of February, 2021, as required by law, where all interested persons were provided an opportunity to be heard on the proposed annexation of the Territory; and

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

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

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

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

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

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

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

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

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

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

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

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

herein shall become inoperative or fail by reason of any unconstitutionality of any other part hereof, and all provisions of this ordinance are declared to be severable for that purpose.

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

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

INTRODUCED on the 16th day of February, 2021, and finally PASSED, APPROVED AND ADOPTED on this the 2nd day of March, 2021.

THE CITY OF SAN ANGELO

By: _____
Brenda Gunter, Mayor

ATTEST:

By: _____
Julia Antilley, City Clerk

APPROVED AS TO FORM

Theresa James, City Attorney

EXHIBIT "A" (Legal Description and Survey)

"Exhibit A" – Field Notes – 1.658 acres

Description of 1.658 acres

Being 1.658 acres out of Casper Berberich Survey 177, Abstract No. 52, Tom Green County, Texas and being out of a 31.987 acre tract as described in Deed from Charles A. Duncan, Michael S. Duncan, and Duncan Interests LP to Debra L. Farr dated September 28, 2020 and recorded as Instrument # 202015444 of the Official Public Records of Tom Green County, Texas.

Said 1.658 acres being described as follows:

Beginning at a point for the northwest corner of this tract and in the west line of said 31.987 acres and in the east line of Lot D, Block 72, Section 41, Bentwood Country Club Estates, City of San Angelo, Tom Green County, Texas, according to the Plat recorded in Cabinet H, Slide 13 of the Plat Records of Tom Green County, Texas from which a found 1/2 inch iron rod with cap for the northwest corner of said 31.987 acres bears North 00° 06' 45" East 539.29 feet;

Thence with the north line of this tract and within said 31.987 acres South 67° 52' 49" East 632.36 feet to a point for the northeast corner of this tract and in the east line of said 31.987 acres and in the west line of Lot 1, Block B, Section 1, Old Stone Ranch, City of San Angelo, Tom Green County, Texas, according to the Plat recorded in Cabinet H, Slide 11 of the Plat Records of Tom Green County, Texas from which a found 1/2 inch iron rod with cap for the northeast corner of said 31.987 acres bears North 00° 06' 45" East 539.29 feet;

Thence with the east line of this tract and the east line of said 31.987 acres and the west line of said Lot 1 South 00° 06' 45" West 4.75 feet to a found 1/2 inch iron rod with cap for the southeast corner of this tract and the southwest corner of said Lot 1 and the northwest corner of Lot 2 of said Section 1, Old Stone Ranch and in the east line of said 31.987 acres from which a found 1/2 inch iron rod with cap for the southeast corner of said 31.987 acres bears South 00° 06' 45" West 1691.82 feet;

Thence with the south line of this tract and within said 31.987 acres North 89° 53' 15" West 589.28 feet to a point for the southwest corner of this tract and in the west line of said 31.987 acres and in the east line of said Lot D from which a found 1/2 inch iron rod with cap for the southwest corner of said 31.987 acres bears South 00° 06' 45" West 1736.37 feet;

Thence with the west line of this tract and the west line of said 31.987 acres and the east line of said Lot D North 00° 06' 45" East 241.70 feet to the point of beginning and containing 1.658 acres.

See attached Plat of Survey.

These field notes are VOID without an original signature and EMBOSSSED SEAL.

Surveyed on the ground September 4, 2020.



Blake Wilde
Registered Professional Land Surveyor No. 6759
TBPLS Firm # 10,193,857

EXHIBIT "A" MAP

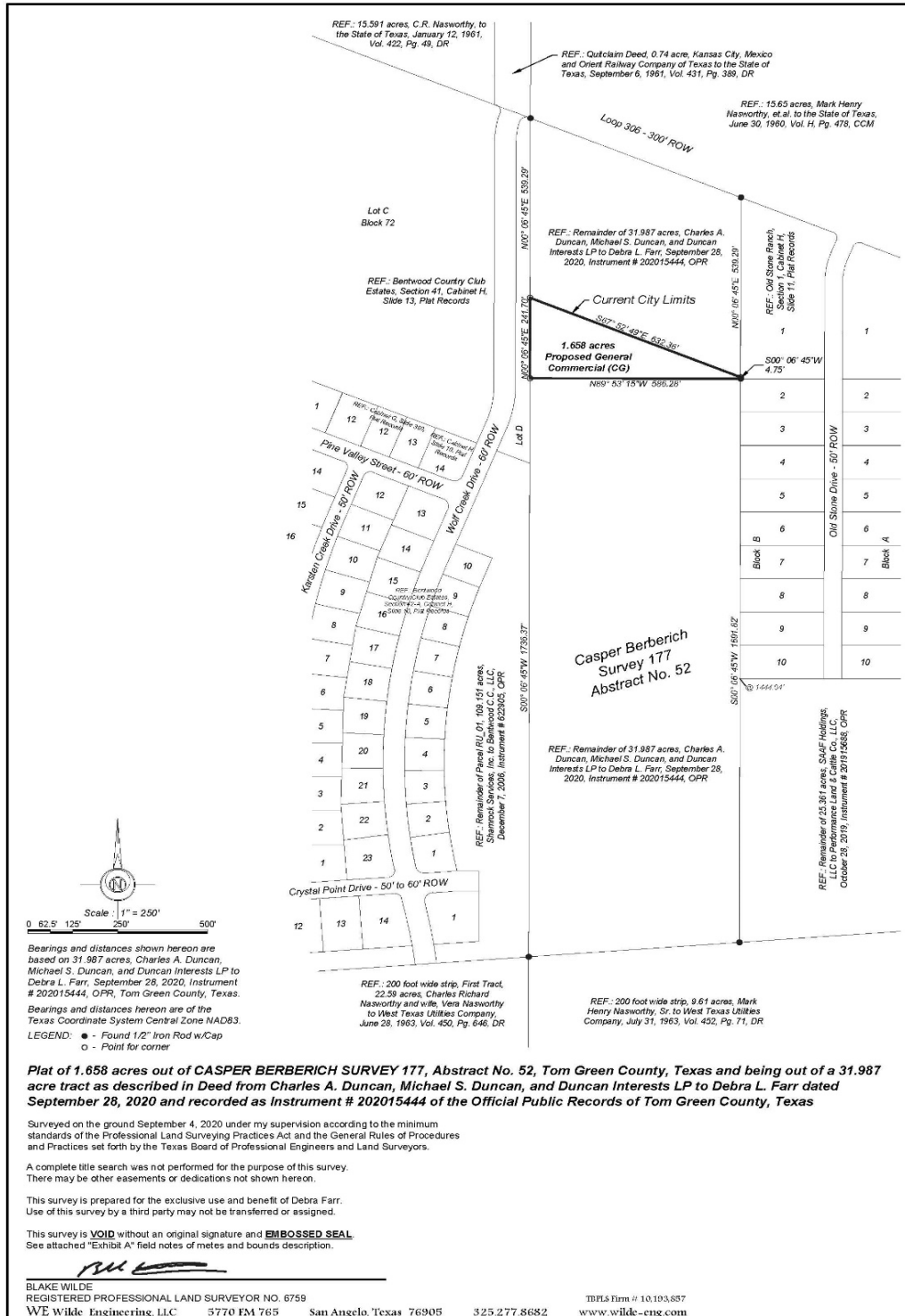


EXHIBIT B

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

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

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

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

Executed on the ____ day of March, 2021, to be effective on the effective date of annexation of the Territory.

CITY OF SAN ANGELO

By: _____
Daniel Valenzuela
City Manager

Attest:

Julia Antilley, City Clerk

Approved as to Content:

Jon James, Planning &
Development Services Director

LUCKY LOU ADDITION (OWNER)

By: _____
Debra L. Farr
Owner

Approved as to Form and Legality:

Theresa James, City Attorney

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

Generally located south of Loop 306 and west of Foster Road along Old Stone Drive and specifically described as approximately 1.658 acres of land out of Casper Berberich Survey 177, Abstract No. 52, City of San Angelo, Tom Green County, Texas and said 1.658 acre tract also being out of that certain 31.987 tract as described in deed from Charles A. Duncan, Michael S. Duncan interest LP to Debra L. Farr recorded as instrument # 202015444 official public records Official Public Records of Tom Green County, Texas more particularly described by metes and bounds in Exhibit "A" to the duly adopted Ordinance annexing the Territory.

SERVICE PROVIDED ON THE EFFECTIVE DATE OF ANNEXATION:

1. POLICE PROTECTION

Existing Services: None

Services to be provided:

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

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

2. FIRE PROTECTION AND EMERGENCY SERVICES

Existing Services: Emergency medical services provided by the City of San Angelo currently extend to medical emergencies county wide. No other services currently provided.

Services to be provided:

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

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

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

3. **SOLID WASTE COLLECTION**

Existing Services: None

Services to be provided:

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

4. **MAINTAINING WATER AND WASTEWATER FACILITIES**

Existing Services: None.

Services to be provided:

Water and wastewater services will be provided in accordance with the applicable codes and departmental policy. When other property develops in the adjacent area, water and wastewater services shall be provided in accordance with extension ordinances. Extension of service shall comply with City of San Angelo codes and ordinances.

5. **MAINTAINING ROADS, STREETS, AND ALLEYWAYS**

Existing Services: None

Services to be provided:

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

6. **MAINTAINING PARKS, PLAYGROUNDS, AND SWIMMING POOLS**

Existing Services: None

Services to be provided:

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

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

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

7. **BUILDING INSPECTION**

Existing Services: None

Services to be provided:

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

8. PLANNING AND ZONING

Existing Services: None

Services to be provided:

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

9. CODE COMPLIANCE

Existing Services: None

Services to be provided:

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

10. MAINTAINING OTHER PUBLIC OWNED FACILITIES OR BUILDINGS

Existing Services: None

Services to be provided:

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

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

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

11. STORM WATER MANAGEMENT

Existing Services: None

Services to be provided:

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

12. **STREET LIGHTING**

Existing Services: None

Services to be provided:

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

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: March 2, 2021

Item type: Consent Item

Caption:

Second reading of ordinances approving cases:

1. CP20-08, amending the City of San Angelo Comprehensive Plan, changing certain lands from the "Neighborhood" Future Land Use to the "Transitional" Future Land Use, being 1.658 acres;
2. Z20-21, rezoning property from the Single-Family Residential zoning district to the General Commercial zoning district, Lots 1, 2 & Tract A in the Lucky Lou Addition, being 8.916 acres generally located south of Loop 306, west of Old Stone Dr., and east of N. Bentwood Dr. (Jon James)

Summary/History:

A request for approval of an amendment to the City of San Angelo Comprehensive Plan, CP20-08, changing certain lands from the Neighborhood Future Land Use to the Transitional Land Use, being 1.658 acres and a request for approval of a rezoning, Z20-21, from the Single-Family Residential (RS-1) Zoning District to the General Commercial (CG) Zoning District, being 8.916 acres out of Casper Berberich Survey 177, Abstract No. 52, (Lots 1, 2 & Tract A Lucky Lou Addition) Tom Green County & Texas; generally located south of Loop 306, west of Old Stone Drive and east of North Bentwood Drive.

Financial Impact:

N/A

Other Information/Recommendation:

The Planning Commission at their January 25, 2021 meeting voted unanimously (6-0) to recommend that the City Council approve the request for a future land use amendment and rezoning.

At their February 15, 2021 City Council meeting the Council approved the first reading of the ordinance unanimously.

Attachments:

- | | |
|------------------------|--------------------------|
| 1. Staff Report | Staff Report.pdf |
| 2. Ordinance (CP20-08) | Ordinance (CP20-08).docx |
| 3. Ordinance (Z20-21) | Ordinance (Z20-21).docx |

Presentation:

Jon James

Approvals/Reviews:

Sherry Bailey	Created/Initiated
Hillary Bueker	Approved
Jon James	Approved

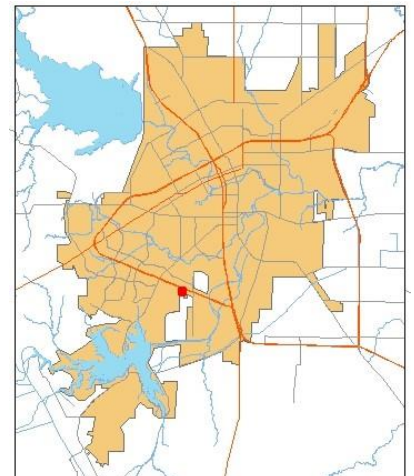
Brandon Dyson
Jon James
Theresa James
Julia Antilley

Approved
Approved
Approved
Final Approval

CITY COUNCIL – FEBRUARY 16, 2021
STAFF REPORT



APPLICATION TYPE:		CASES:	
Comprehensive Plan Amendment & Rezoning		CP20-08 & Z20-21: Lucky Lou	
SYNOPSIS:			
A request for approval of an amendment to the City of San Angelo Comprehensive Plan, changing certain lands from the Neighborhood Future Land Use to the Transitional Land Use, being 1.658 acres and a request for approval of a rezoning from the Single-Family Residential (RS-1) Zoning District to the General Commercial (CG) Zoning District, being 9.182 acres out of Casper Berberich Survey 177, Abstract No. 52, (Lots 1, 2 & Tract A Lucky Lou Addition) Tom Green County & Texas; generally located south of Loop 306, west of Old Stone Drive and east of North Bentwood Drive.			
LOCATION:		LEGAL DESCRIPTION:	
Loop 306 Service Road between Old Stone Drive and North Bentwood Drive		9.182 acres out of Casper Berberich Survey 177, Abstract No. 52, (Lots 1, 2 & Tract A Lucky Lou Addition) Tom Green County & Texas	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD: District 1 – Tommy Hiebert Neighborhood: Country Club	Single Family Residence (RS-1) / Unzoned (ETJ)	Neighborhood & Transitional	9.182 acres
THOROUGHFARE PLAN:			
<u>Loop 306 Frontage Road</u> – TxDOT service road, 30 feet pavement, 300 foot Right-of-Way for the Expressway			
NOTIFICATIONS:			
4 notifications were mailed within a 200-foot radius of the property on January 8, 2021. No response was received in favor or against, to date.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of a request to approve a Comprehensive Plan amendment to Transitional for 1.658 acres and the rezoning to General Commercial (CG) for 9.182 acres, generally located south of Loop 306, west of Old Stone Drive and east of North Bentwood Drive.			
PROPERTY OWNER/PETITIONER:			
Owner: Debbie Farr Petitioner: Erica Carter; Carter- Fentress Engineering			
STAFF CONTACT:			
Sherry Bailey Principal Planner (325) 657-4210, Extension 1546 sherry.bailey@cosatx.us			



Additional Information:

The subject property is designated “Transitional” in the City’s Comprehensive Plan which intends to encourage “Commercial areas may be a bridge to neighborhoods.” “Transition Areas imply increased density and greater mix of uses than neighborhoods. In this case the transition area will provide for a buffer from the intense traffic along Loop 306 while still providing for easy access to that main traffic movement expressway. The purpose of the proposed development is to provide commercial development that meets the needs of the residential development along Loop 306 and to eventually provide additional residential development in phase two. The applicant intends on constructing a self-storage facility that is easily accessible to the residents south of Loop 306. It will then act as a low intensity buffer to future residential development in the area.

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

1. **Compatible with Plans and Policies.** **Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.** The proposed General Commercial zoning will be consistent with the Transitional Future Land Use in the City’s Comprehensive Plan once CP20-08, the Comprehensive Plan Amendment necessitated by this rezoning request is approved. The City is in support of that amendment. The Transitional policies in the Comprehensive Plan encourage the mix of uses and development options to buffer a more Neighborhood residential use away from the major traffic carrier of Loop 306. Commercial with a lower density buffering the residential and traffic provides a blending of uses. The proposed rezoning is a good example of the mix of uses within an area that are compatible.
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 zoning allows a mix of commercial uses generally on a smaller scale that separate residential from the more intense use areas. The Zoning Ordinance contains specific development standards that must be met by this Zoning Category and those will be adhered to by this development.
3. **Compatible with Surrounding Area.** **Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.** This area of San Angelo is a growth area. Sewer capacity is being expanded into this area and will likely spur additional development in the area. New residential neighborhoods have evolved and uses have blended. The proposed development of self-storage construction often follows new areas of residential development and help build a foundation for commercial growth. This use is consistent with the City of San Angelo’s Comprehensive Plan and development staging.
4. **Changed Conditions.** **Whether and the extent to which there are changed conditions that require an amendment.** With the growth of the City to the southwest and the evolution of this area the neighborhoods have adapted to change. This area is a good example of uses working

within an area to help keep the residential growth relevant and alive while waiting for Commercial growth to meet the developing needs.

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.* Maintaining the natural areas and the habitat while accommodating storm water runoff is a very important aspect of this neighborhood area. As the development of this area continues some undisturbed habitat will be disturbed. It is up to the City of San Angelo to oversee and help developers mitigate that disturbance while meeting the needs of the community. Often a park located in a new growth area can fulfill that aspect of community development. This area is generally listed on the Park Master Plan for future development.
6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.* Planning Staff believe there is a demonstrated community need for additional housing in this area and services that meet the needs of the new residential development. The proposed development is part of that growth element that is a result of community expansion.
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 proposed zoning will result in a logical and orderly development pattern while still providing for choice and flexibility. The accesses to the site and the major traffic movement patterns are beneficial to the neighborhood as well as to the city. Continuing to develop within a neighborhood to encourage mixed development contributes to overall pattern of development and growth the City encourages. There is a large apartment complex in the process of being built to the west of this commercial proposal. With the mix of housing types comes the demand for additional services and the continued growth of an area. The development pattern for this area will follow established trends for this community.

Recommendation:

Staff's recommendation for the City Council to **APPROVAL** the request to approve a Comprehensive Plan amendment to Transitional for 1.658 acres and the rezoning to General Commercial (CG) for 9.182 acres, generally located south of West Loop 306, west of Old Stone Drive and east of North Bentwood Drive.

Planning Commission:

West Loop 306, 1700 Block

i. **CP20-08: West Loop 306, 1700 Block**

A request for approval of an amendment to the City of San Angelo Comprehensive Plan, changing certain lands from the Neighborhood Future Land Use to the Transitional Land

Use, being 1.658 acres located south of Loop 306, west of Old Stone Drive and east of North Bentwood Drive.

ii. **Z20-21: West Loop 306, 1700 Block**

A request for approval of a rezoning from the Single-Family Residential (RS-1) Zoning District to the General Commercial (CG) Zoning District, being 9.182 acres out of Casper Berberich Survey 177, Abstract No. 52, (Lots 1, 2 & Tract A Lucky Lou Addition) located south of Loop 306, west of Old Stone Drive and east of North Bentwood Drive.

These cases were presented concurrently as they pertain to a portion of the same property.

Sherry Bailey, Principal Planner, presented the proposed Comprehensive Plan Amendment and Rezoning. Ms. Bailey explained that the plat was recently approved by the Commission and the property will be annexed into the City. She then outlined Staff's recommendation of approval of both cases. She explained that the Comprehensive Plan Amendment will change the piece of the property designated Neighborhood to Transitional, and this will provide a buffer from a more intense to a lower intense residential use. She then outlined Staff's recommendation of approval for the rezoning given that the CG is compatible adjacent to areas of residential development; that the property to the east is CG while west is RM-1 and is therefore compatible; that this area is beginning to develop given the City sewer expansion project leading to additional rezoning and annexations and therefore CG is appropriate; that San Angelo is still in need of both commercial development backed by residential; and that the property has frontage onto Loop 306 which can accommodate traffic.

Vice Chair Jackson opened public comment.

Vice Chair Jackson closed public comment.

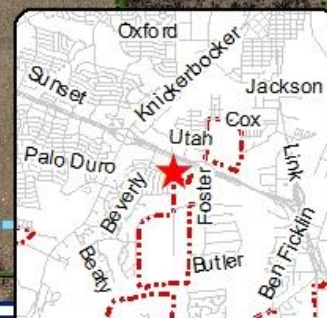
Vice Chair Jackson asked if two separate motions were needed.

Ms. Bueker responded one motion could be taken.

Commissioner Davis made a motion to **RECOMMEND APPROVAL** of a rezoning from the Single-Family Residential (RS-1) Zoning District to the General Commercial (CG) Zoning District, being 9.182 acres out of Casper Berberich Survey 177, Abstract No. 52, (Lots 1, 2 & Tract A Lucky Lou Addition) located south of Loop 306, west of Old Stone Drive and east of North Bentwood Drive. Commissioner Uherik seconded the motion. The motion carried unanimously 6-0.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Notification Map
Application



Legend

Subject Properties:

Current Zoning:

Requested Zoning Change:

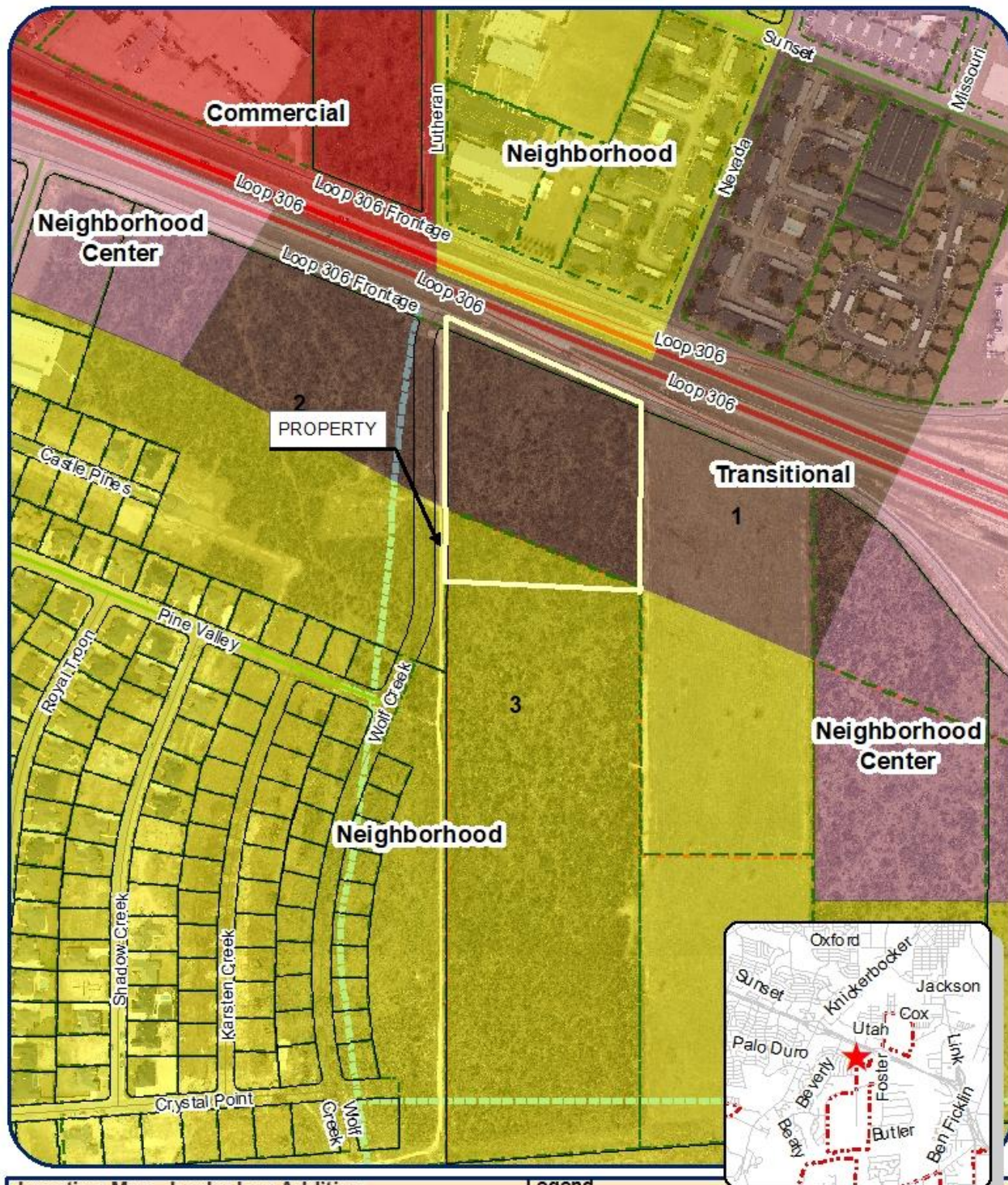
Vision:

Genral Commercial (CG)

Neighborhood & Transitional

9.182 acres out of Casper Berberich Survey 177, Abstract No. 52, (Lots 1, 2 & Tract A Lucky Lou Addition)





Location Map Lucky Lou Addition

CP20-08/Z 20-21

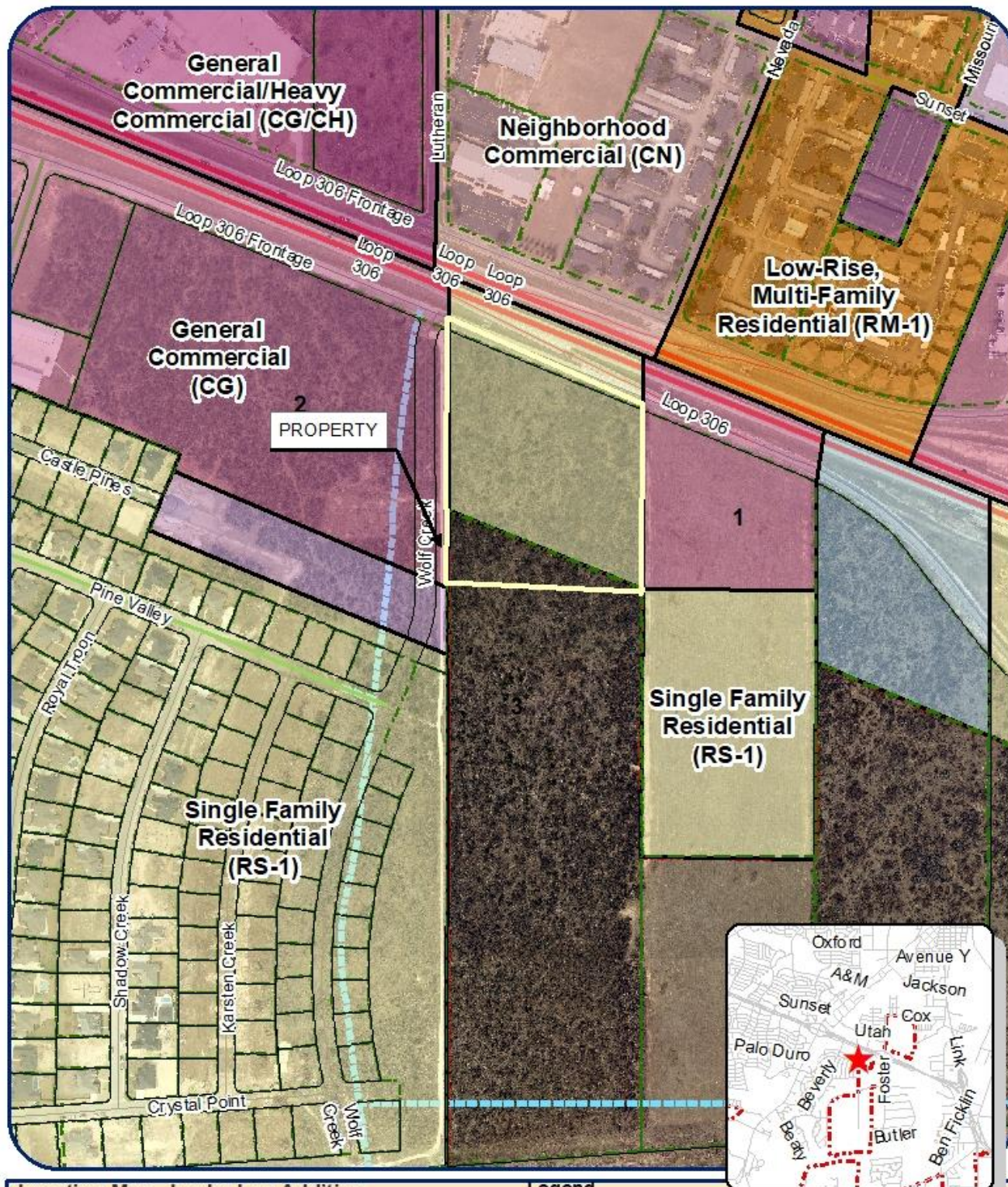
Council District 1 - Tommy Hiebert
Neighborhood: Country Club
Scale: 1" approx. = 380 ft

Legend

Subject Properties: **Single Family (RS-1)**
Current Zoning: **General Commercial (CG)**
Requested Zoning Change: **Neighborhood & Transitional**
Vision: **Neighborhood & Transitional**

9.182 acres out of Casper Berberich Survey 177, Abstract No. 52, (Lots 1, 2 & Tract A Lucky Lou Addition)





Location Map Lucky Lou Addition

CP20-08/Z 20-21

Council District 1 - Tommy Hiebert
Neighborhood: Country Club
Scale: 1" approx. = 380 ft

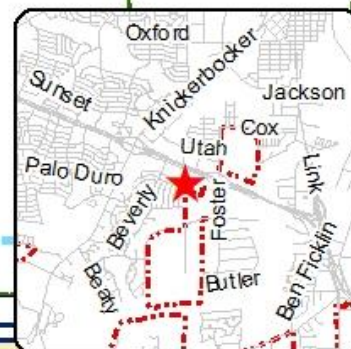
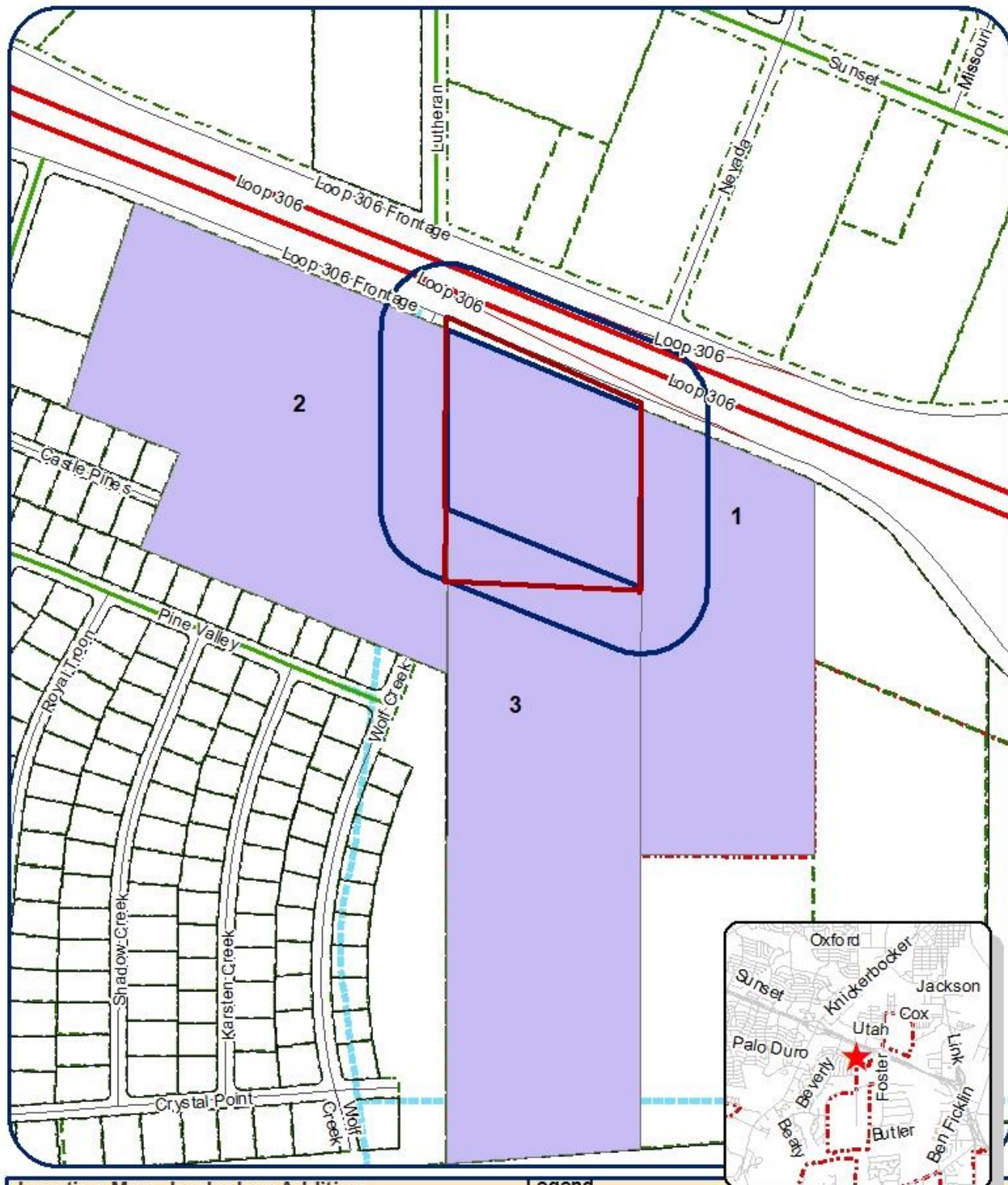
Legend

Subject Properties: **Single Family (RS-1)**
Current Zoning: **General Commercial (CG)**
Requested Zoning Change: **Neighborhood & Transitional**
Vision: **Neighborhood & Transitional**

N



9.182 acres out of Casper Berberich Survey 177, Abstract No. 52, (Lots 1, 2 & Tract A Lucky Lou Addition)



Location Map Lucky Lou Addition

CP20-08/Z 20-21

Council District 1 - Tommy Hiebert
Neighborhood: Country Club
Scale: 1" approx. = 380 ft

Legend

Subject Properties: Single Family (RS-1)
Current Zoning: General Commercial (CG)
Requested Zoning Change: Neighborhood & Transitional
Vision: Neighborhood & Transitional



9.182 acres out of Casper Berberich Survey 177, Abstract No. 52, (Lots 1, 2 & Tract A Lucky Lou Addition)

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): Carter-Fentress Engineering, LLC.

☐ Owner

☒ Representative (Notarized Affidavit Required)

113 East Twohig

San Angelo

Texas

76901

Mailing Address

City

State

Zip Code

325-716-3013

ecarter@fentresseng.com

Contact Phone Number

Contact E-mail Address

None at this time

Subject Property Address

City

State

Zip Code

31.987 acres out of Casper Berberich Survey 177, Abstract No. 52, Tom Green County, Texas

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

Existing Zoning: RS-1

Proposed Zoning: CG

Lot size: 9.182 Acres

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

Section 2: Site Specific Details

Existing Use of Property: Vacant

*Proposed Use of Property: Commercial

*Use separate attachment if necessary

Section 3: Applicant(s) Acknowledgement

(By checking the boxes you indicate that you understand below rules and regulations for the Planning Commissions case.)

☒ An application for a zone change on a property may only be made by the owner of that property, an authorized representative of the property owner, the Planning Director, the Planning Commission or City Council. An authorized representative shall present a notarized affidavit from the property owner;

☒ No application will be processed if a zoning violation exists on the property, unless such processing is authorized by City Council. Use of the subject property for any new activity (not allowed by present zoning) cannot occur before City Council's approval of the requested zone change. Any such unauthorized use of the subject property is subject to prosecution in Municipal Court.

☒ If approved, a zone change is applied to the property, not the property owner.

☒ The Planning Commission makes recommendations to City Council. If the Planning Commission recommends approval of a zone change request, the case must still go before City Council for final action.

☒ If a zone change request is granted by City Council, permits for building construction and/or utility connection may be obtained from the City's Permits and Inspections Department.

☒ Certain minimum building setbacks from some or all property lines must be maintained, and room for a minimum number of off-street parking spaces must be reserved on a subject property, based on that property's zoning classification and the nature of its proposed use. A privacy fence may also be required between more restrictive and less restrictive zoning districts. These requirements are outlined in San Angelo's Zoning Ordinance. It is to the applicant's benefit to make sure that any proposed development will fit onto the subject property, in compliance with these and other applicable requirements of the City's Code of Ordinances.

☒ One or more notice sign(s) will be placed on the subject property by the Planning Department. However, it is the applicant's responsibility to ensure that the notice sign(s) has/have been posted at least ten (10) days prior to the Planning Commission meeting. If notice sign(s) is/are not posted accordingly, City Council may delay a request. The Planning Department will also notify, in writing, owners of property within 200-feet of the subject property of the zone change request.

☒ If the Planning Commission recommends denial of a request, the applicant will have ten (10) days to appeal this decision, in writing, to the City Council. If an appeal is made within three (3) days from the Planning Commission meeting, no re-notification fee will be required. Otherwise, there will be a nonrefundable \$35 fee to re-notify owners of nearby property of City Council's public hearing date. If Planning Commission's recommendation of denial is not appealed, it will be the final action on a request.

Section 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.

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

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.

Erica Carter
Owner's Signature
Erica Carter
Digitally signed by Erica Carter
Date: 2020.11.16 12:20:43 -0600
Representative's Signature

11-16-20
Date
11/16/2020
Date

FOR OFFICE USE ONLY:

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

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

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

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.

Debra Farr

Debra Farr

11/16/2020

Owner Name (Print)

Signature

Company/Organization (If Applicable)

Date

Erica Carter

Erica Carter

Carter-Fentress Engineering, LLC.

11/16/2020

Representative Name (Print)

Signature

Company/Organization

Date

FOR OFFICE USE ONLY:

☐ Verified Complete ☐ Verified Incomplete

Date of Application: ____/____/____

Case No.: Z ____ -- ____

Fully-dimensioned site plan: ☐

Nonrefundable fee: \$ ____

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

Sign Deposit \$37.50

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

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

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

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

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

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

Publication date: ____/____/____

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

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 **GENERALLY LOCATED IN THE 1700 BLOCK OF SOUTH LOOP 306 SERVICE ROAD, BETWEEN OLD STONE DRIVE AND NORTH BENTWOOD DRIVE**, BEING 1.658 ACRES, AS "TRANSITIONAL" PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

CP-20-08

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 in the 1700 block of South Loop 306 Service Road, between Old Stone Drive and North Bentwood Drive; more particularly described as approximately 1.658 acres being Lots 1, 2 & Tract A, Lucky Lou Addition, City of San Angelo, Tom Green County, Texas; to “Transitional”.

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 **16th day of February, 2021**, and finally ADOPTED on this the **2nd day of March, 2021**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

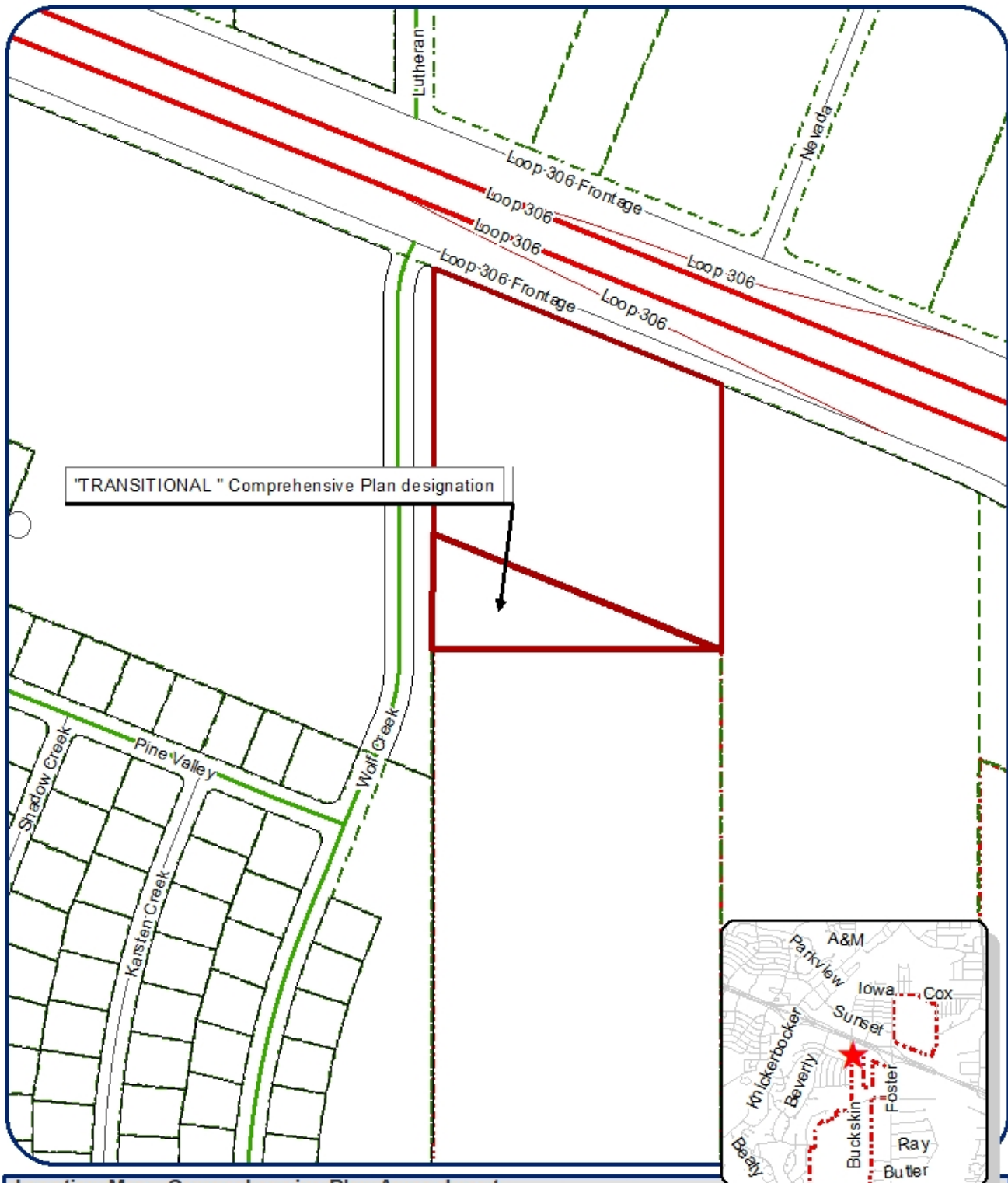
ATTEST:

APPROVED AS TO FORM:

Julia Antilley, City Clerk

Theresa James, City Attorney

EXHIBIT "A"



AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO, TEXAS, WHICH ADOPTS ZONING REGULATIONS, USE DISTRICTS AND A ZONING MAP, IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING PROPERTY: **7.258 ACRES LOCATED IN THE 1700 BLOCK OF SOUTH LOOP 306 SERVICE ROAD, FROM THE SINGLE-FAMILY RESIDENCE (RS-1) ZONING DISTRICT TO GENERAL COMMERCIAL (CG) ZONING DISTRICT; AND IN CONNECTION WITH AN ANNEXATION, 1.658 ACRES OF UNZONED LAND TO GENERAL COMMERCIAL (CG) ZONING DISTRICT; GENERALLY LOCATED BETWEEN OLD STONE DRIVE AND NORTH BENTWOOD DRIVE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE**

Z20-21: Lucky Lou

WHEREAS, on the 25th day of January, 2021, 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 Zoning District; and,

WHEREAS, on the 16th day of February, 2021, the City Council held a public hearing on Z20-21, 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 Zoning District:

The real properties generally located in the 1700 block of South Loop 306 Service Road, between Old Stone Drive and North Bentwood Drive; more particularly described as approximately 8.916 acres being Lots 1, 2 & Tract A, Lucky Lou 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 **16th day of February, 2021**, and finally ADOPTED on this the **2nd day of March, 2021**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

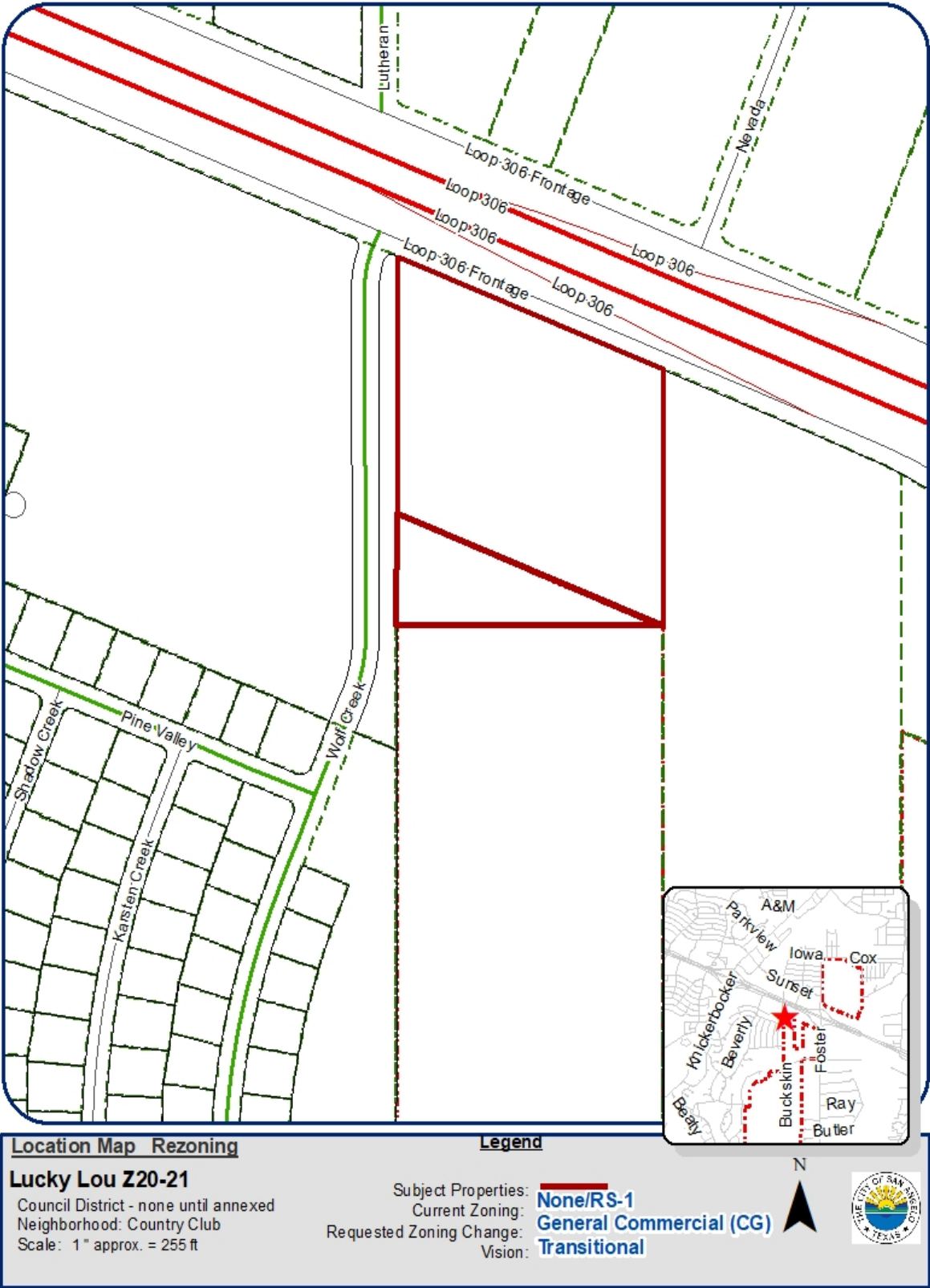
ATTEST:

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: March 2, 2021

Item type: Consent Item

Caption:

Second reading of an ordinance approving case Z20-22, a request for approval of a rezoning from the Neighborhood Commercial, General Commercial, General Commercial/Heavy Commercial, and Low Rise Multi-Family Residential zoning districts to the Central Business District, being 0.54 acres located at 2 N. Koenigheim St. and 2.72 acres west of Martin Luther King Dr., north of W. Harris Ave., and south of W. College Ave. (Jon James)

Summary/History:

The applicant is requesting the rezoning on 0.54 acres located at 2 North Koenigheim Street. With no objection from the property owners, City staff is initiating a rezoning on surrounding properties, including 2.72 acres west of Martin Luther King Drive, north of West Harris Avenue, and south of West College Avenue. This rezoning consist of Jack's convenience store and lube/carwash, a law office, and the Tom Green County Sheriff's office building and storage yard. The entire area is within the "Downtown" area as designated in the Comprehensive Plan.

Financial Impact:

N/A

Other Information/Recommendation:

At their regular meeting on January 25, 2021, the Planning Commission unanimously approved the rezoning by a 6-0 vote.

At their regular meeting on February 16, 2021, the City Council unanimously approved this request.

Attachments:

- | | | |
|----|------------------------|-----------------------------|
| 1. | Z20-22_Ordinance | Z20-22_Ordinance.docx |
| 2. | CC Z20-22_Staff Report | CC Z20-22_Staff Report.docx |

Presentation:

Jon James

Approvals/Reviews:

Shelly Paschal	Created/Initiated
Hillary Bueker	Approved
Jon James	Approved
Brandon Dyson	Approved
Jon James	Approved
Theresa James	Approved
Julia Antilley	Final Approval

AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO, TEXAS, WHICH ADOPTS ZONING REGULATIONS, USE DISTRICTS AND A ZONING MAP, IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING PROPERTY: **2 NORTH KOENIGHEIM STREET; 14 NORTH KOENIGHEIM STREET; 228 WEST HARRIS AVENUE; 200-224 WEST HARRIS AVENUE & LOT DIRECTLY NORTH ACROSS THE ALLEY, SPECIFICALLY BEING LOTS 1-10 & EAST 240 FT OF LOT 13, BLOCK 20, SAN ANGELO ADDITION & LOT 11A, BLOCK: 20, MILES ADDITION, 1ST REPLAT IN BLOCK A MILES ADDITION & BLOCK 20 MAIN TOWN**, FROM THE NEIGHBORHOOD COMMERCIAL (CN), GENERAL COMMERCIAL (CG), GENERAL COMMERCIAL/HEAVY COMMERCIAL (CG/CH), AND LOW RISE MULTI-FAMILY RESIDENTIAL (RM-1) ZONING DISTRICTS TO THE CENTRAL BUSINESS DISTRICT (CBD) ZONING DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Z20-22: 2 North Koenigheim Street; 14 North Koenigheim Street; 228 West Harris Avenue; 200-224 West Harris Avenue & Lot Directly North across the Alley

WHEREAS, on the 25th day of January, 2021, 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 (CBD) Zoning District; and,

WHEREAS, on the 16th day of February, 2021, City Council held a public hearing on Z20-22, 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 CENTRAL BUSINESS DISTRICT (CBD) Zoning District:

The real property located at 2 North Koenigheim Street; 14 North Koenigheim Street; 228 West Harris Avenue; 200-224 West Harris Avenue & Lot directly north

across the alley, Specifically Being Lots 1-10 & East 240 ft of Lot 13, Block 20, San Angelo Addition & Lot 11a, Block: 20, Miles Addition, 1st Replat In Block A Miles Addition & Block 20 Main Town, San Angelo, Tom Green County, Texas.

SECTION 2: The Director of the Planning & Development Services Department, or his/her designee, is hereby directed to correct zoning district maps in the office of the Planning & Development Services 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 **16th day of February, 2021**, and finally PASSED, on this the **2nd day of March, 2021**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

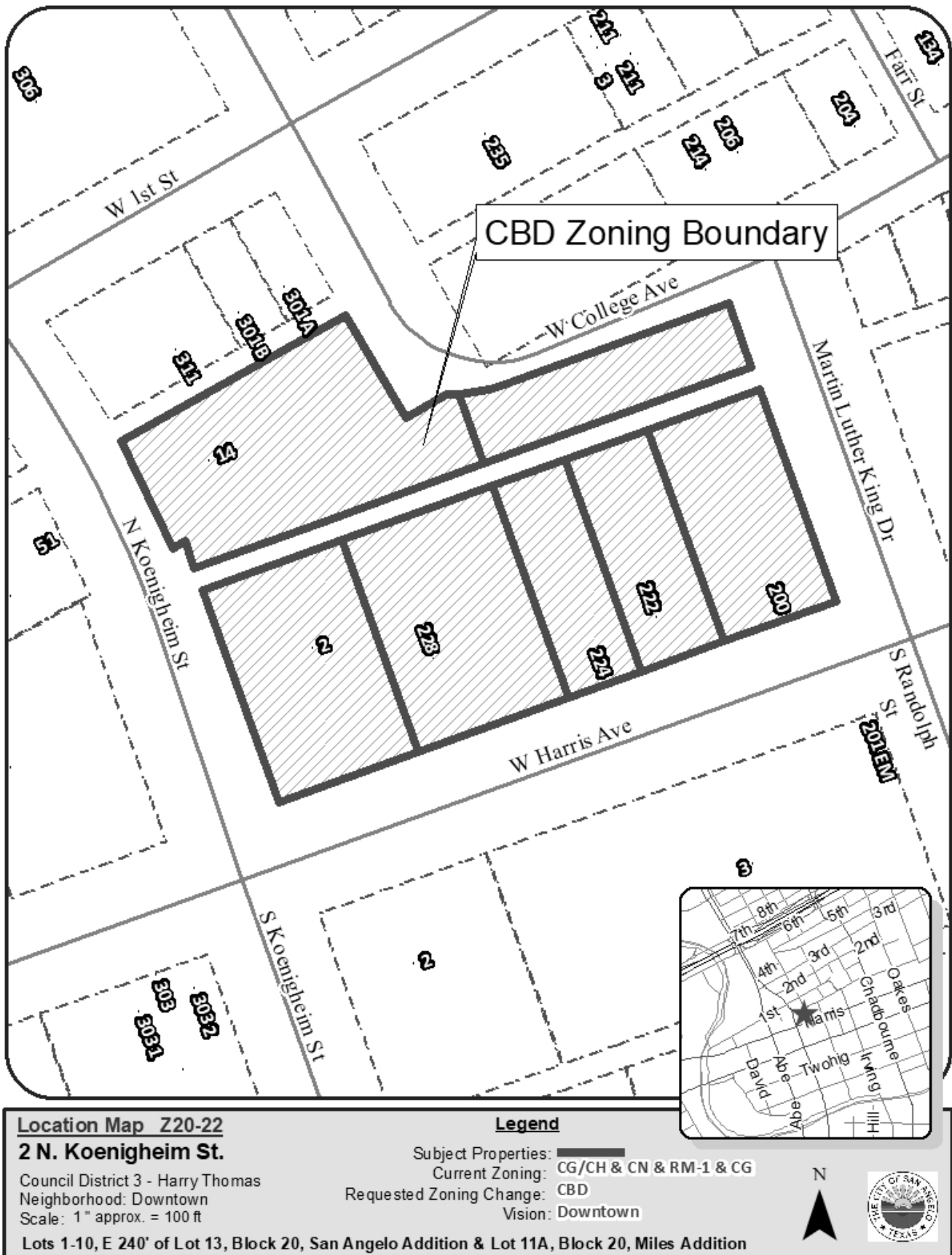
ATTEST:

APPROVED AS TO FORM:

Julia Antilley, City Clerk

Theresa James, City Attorney

EXHIBIT "A"



CITY COUNCIL – FEBRUARY 16 & MARCH 2, 2021
STAFF REPORT



APPLICATION TYPE:		CASES:	
Rezoning		Z20-22: 2 North Koenigheim Street	
SYNOPSIS:			
A request for approval of a rezoning from the Neighborhood Commercial (CN), General Commercial (CG), General Commercial/Heavy Commercial (CG/CH), and Low Rise Multi-Family Residential (RM-1) Zoning Districts to the Central Business District (CBD). The applicant is request the rezoning on 0.54 acres located at 2 North Koenigheim Street and the City is initiating a rezoning on 2.72 acres west of Martin Luther King Drive, north of West Harris Avenue, and south of West College Avenue. This rezoning consist of Jack's convenience store and lube/carwash, a law office, and the Tom Green County Sheriff's office building and storage yard.			
LOCATION:		LEGAL DESCRIPTION:	
2 North Koenigheim Street; 14 North Koenigheim Street; 228 West Harris Avenue; 200-224 West Harris Avenue and lot directly north across the alley.		<u>Applicant:</u> West 1/2 of Lot 8 & Lots 9-10, Block 20, San Angelo Addition <u>COSA initiated:</u> Lots 1-7, east 1/2 of Lot 8, and east 240 feet of Lot 13, Block 20, San Angelo Addition; Lot 11A, Block 20, Miles Addition, 1st Replat in Block A, Miles Addition & Block 20, Main Town	
SM DISTRICT / NEIGHBORHOOD:		ZONING:	FUTURE LAND USE:
SMD District #3 – Harry Thomas Neighborhood – Downtown		General Commercial (CG/CH), Neighborhood Commercial (CN), Low Rise Multi-Family (RM-1), General Commercial (CG)	Downtown
			3.26 acres
THOROUGHFARE PLAN:			
<u>North Koenigheim Street</u> – Major Arterial – TXDOT road - 80' ROW required, 64' pavement required <u>West Harris Avenue</u> – Minor Arterial, 80' ROW required (100' existing), 64' pavement required (70' provided) <u>Martin Luther King Drive</u> – Local, 50' ROW required (100' existing), 40' pavement required (70' provided)			
NOTIFICATIONS:			
16 notifications were mailed within a 200-foot radius on January 8, 2021. Zero responses have been received in support and zero in opposition.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of a rezoning from the Neighborhood Commercial (CN), General Commercial (CG), General Commercial/Heavy Commercial (CG/CH), and Low Rise Multi-Family Residential (RM-1) Zoning Districts to the Central Business District (CBD).			
PROPERTY OWNER/PETITIONER:			
Representative: Corey Peddy; Fastsigns & COSA			
STAFF CONTACT:			
Shelly Paschal Planner (325) 657-4210, Extension 1533 shelly.paschal@cosatx.us			

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

1. **Compatible with Plans and Policies.** **Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.** The subject area has been identified as Downtown Future Land Use since the 2009 update to the City's Comprehensive Plan. The goal of the Downtown designation is to reinforce downtown San Angelo "as the principal commercial service and cultural center in the region." The Downtown policies include considering the expansion of CBD zoning in these areas to allow for greater variety of commercial uses, as well as the elimination of incompatible CG/CH zoning. Staff believes that the proposed CBD expansion will achieve the above policy objective. These parcels have the opportunity to continue the existing commercial uses at their locations; therefore this rezoning to CBD 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 CBD zoning has additional benefits not allocated to other zoning districts which include a full exemption from parking requirements; higher allowance for free-standing signs; full exemptions from front yard setback requirements (allow a building to have a setback of 0 feet from the front property line); floor area ratio of 3.2 (gross floor area of all buildings on a lot divided by the total lot area). These reduced standards allow redevelopment and expansion on downtown lots which may contain legal non-conforming structures that would otherwise not be able to meet current setbacks or parking requirements. Staff believes that the proposed zone change is consistent with the Zoning Ordinance for these subject properties.
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 mixed uses of mostly commercial and some residential. The existing development fits in with the existing mixed use development pattern, and would allow from continuation of existing businesses.
4. **Changed Conditions.** **Whether and the extent to which there are changed conditions that require an amendment.** As indicated, the subject properties have been part of the Downtown Future Land Use designation since the 2009 Comprehensive Plan update, and were identified as part of the Future Land Use CBD Extension in the original 2003 Comprehensive Plan. Staff believes it is time to rezone these properties to CBD to be consistent with the Plan and to stimulate growth and investment in this area. The flexibility in the CBD standards, in particular the height of free-standing signs, allows existing development more options for signs.
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. Most of the redevelopment of this area would come from reuse and rehabilitation of existing structures.

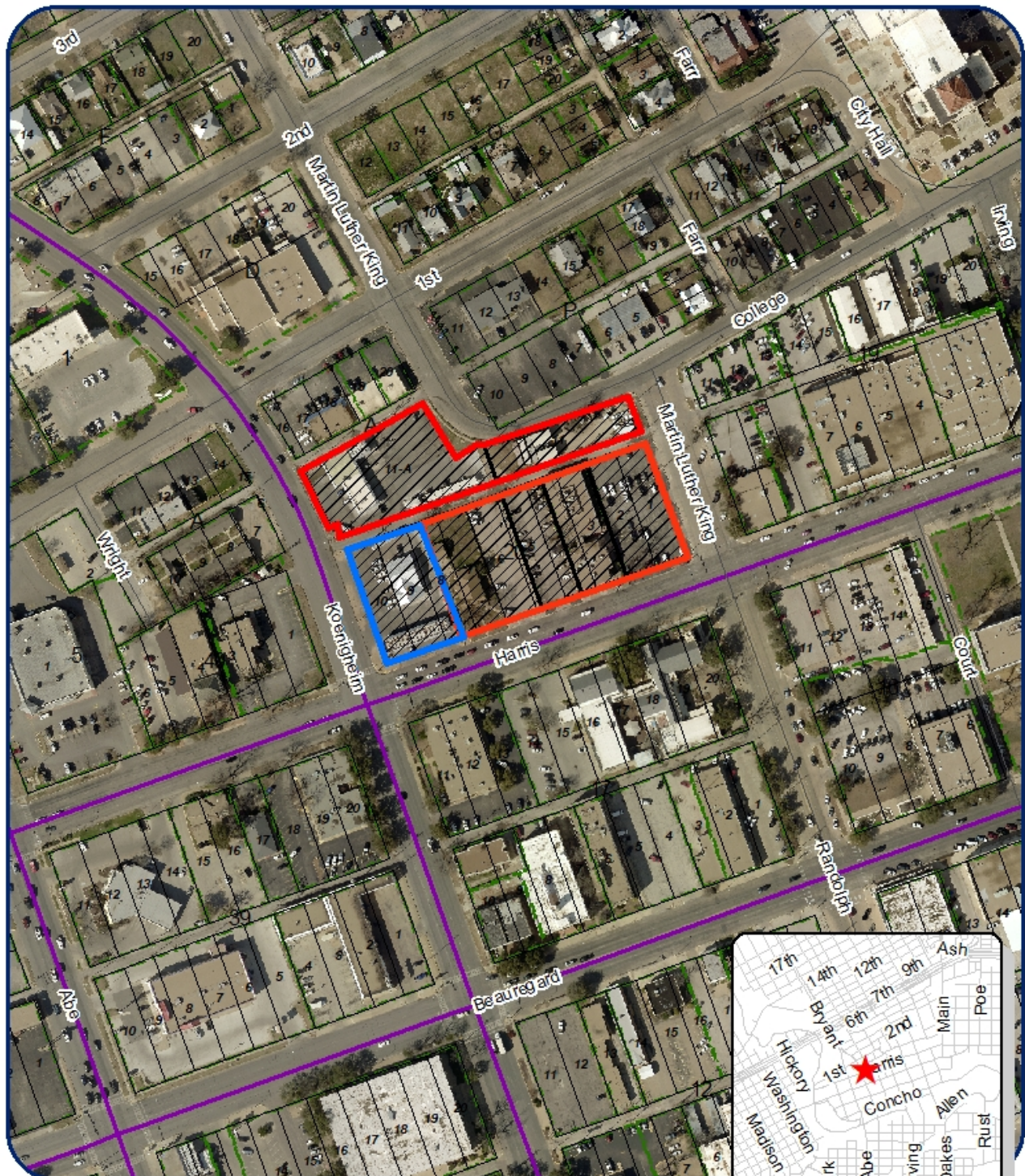
6. **Community Need.** **Whether and the extent to which the proposed amendment addresses a demonstrated community need.** Rezoning to CBD would expand redevelopment opportunities in the area to address many different community needs.
7. **Development Patterns.** **Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.** The existing development pattern in the subject area is a mixture of both commercial with some residential, approving the rezoning will be consistent with the development pattern in the area.

Recommendation:

Staff recommends **APPROVAL** of a rezoning from the Neighborhood Commercial (CN), General Commercial (CG), General Commercial/Heavy Commercial (CG/CH), and Low Rise Multi-Family Residential (RM-1) Zoning Districts to the Central Business District (CBD) for properties located at 2 North Koenigheim Street, 14 North Koenigheim Street, 228 West Harris Avenue, 200-224 West Harris Avenue and lot directly north across the alley.

Attachments:

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



Location Map Z20-22

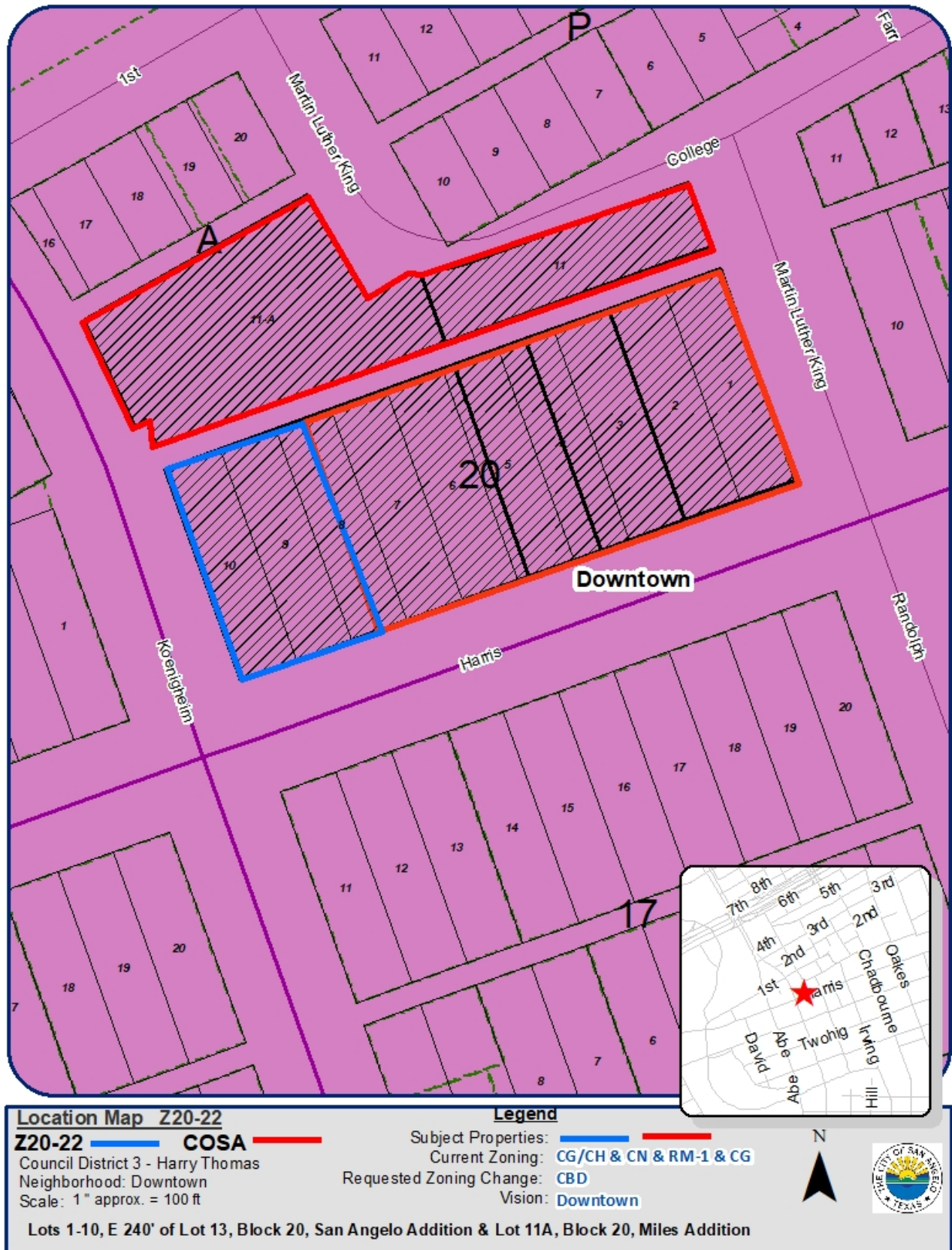
Z20-22 — **COSA** —
 Council District 3 - Harry Thomas
 Neighborhood: Downtown
 Scale: 1" approx. = 200 ft

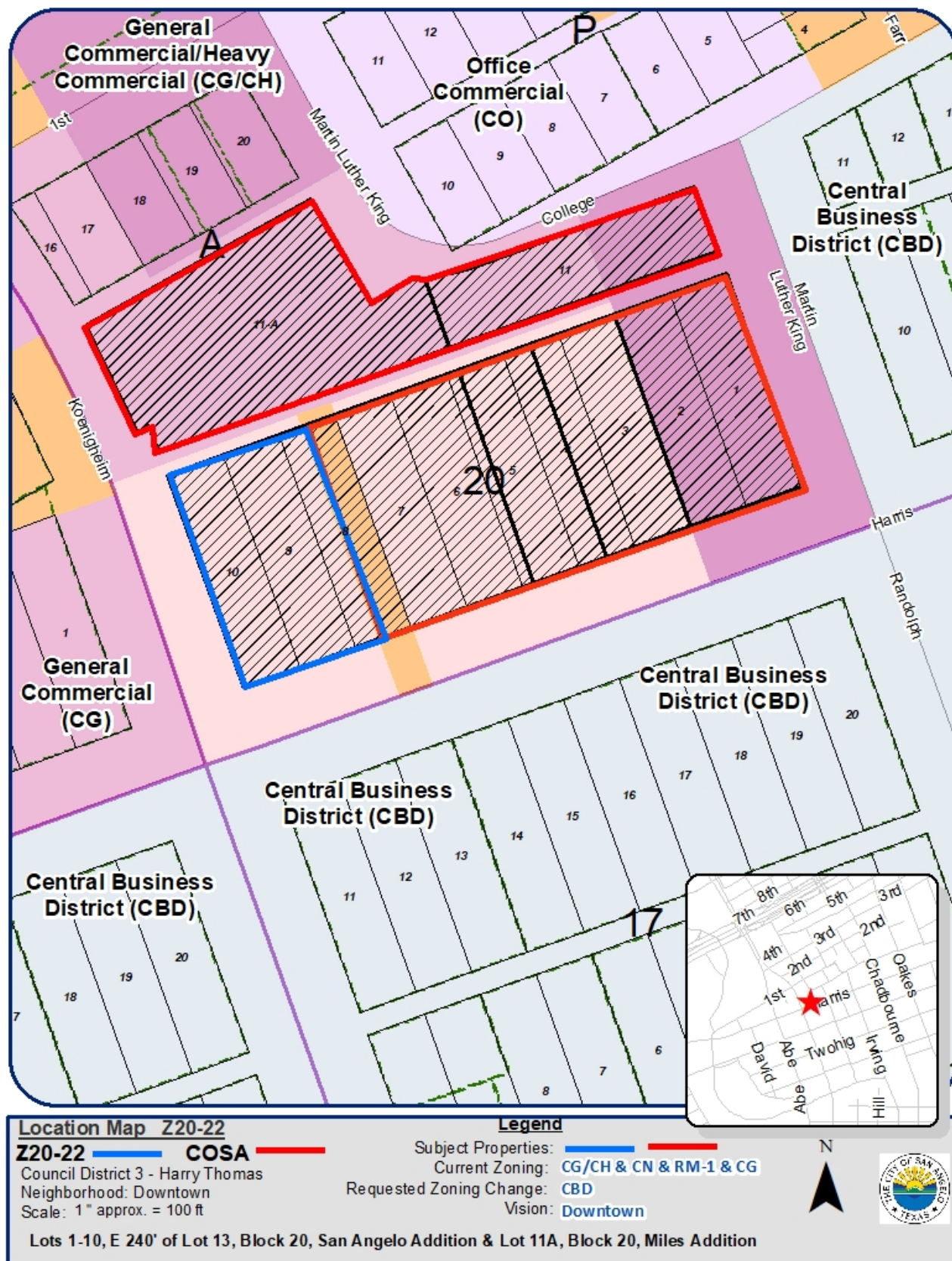
Legend

Subject Properties: — —
 Current Zoning: **CG/CH & CN & RM-1 & CG**
 Requested Zoning Change: **CBD**
 Vision: **Downtown**

Lots 1-10, E 240' of Lot 13, Block 20, San Angelo Addition & Lot 11A, Block 20, Miles Addition









Site and surrounding property photos



Jack's convenience store



Jack's lube/carwash



Law office



Sheriff's office



Sheriff's office



Sheriff's office storage yard

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): Fastsigns of San Angelo

☒ Owner

☐ Representative (Notarized Affidavit Required)

720 Knickerbocker Rd

San Angelo

TX

76903

Mailing Address

City

State

Zip Code

325-227-4826

corey.peddy@fastsigns.com

Contact Phone Number

Contact E-mail Address

2 N. Koenigheim st

San Angelo

TX

76901

Subject Property Address

City

State

Zip Code

Lot: 9 & W /2 OF LOT 8 & ALL LOT 10, Blk: 20, Subd: SAN ANGELO ADDITION

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

Existing Zoning: CN Proposed Zoning: CBD Lot size: .55 Acres

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

Section 2: Site Specific Details

Existing Use of Property: Convenient Store

*Proposed Use of Property: Convenient Store

*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

Corey Peddy

Corey Peddy

Fastsigns of SA

12-21-20

Representative Name (Print)

Signature

Company/Organization

Date

FOR OFFICE USE ONLY:

☐ Verified Complete ☐ Verified Incomplete

Date of Application: ____/____/____

Case No.: Z *20* - *22*

Fully-dimensioned site plan: ☐

Nonrefundable fee: \$ _____

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

Sign Deposit \$37.50

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

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

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

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

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

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

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: March 2, 2021

Item type: Consent Item

Caption:

Second reading of an ordinance approving a request to name private streets to Tractor Trl. and Roy Robb Dr., over the complete length from N. US Hwy. 67/277 extending 0.25 miles southeast and then 0.45 miles northeast, located in northeast San Angelo near the Tom Green County Detention Center (Jon James)

Summary/History:

These private streets are currently located exclusively on property owned by the City of San Angelo and Tom Green County. For emergency services personnel, these private streets need to be named to ensure timely service calls. Tom Green County uses these streets to access the New Detention Center and has agreed to maintain the street until they are improved to City standards. The east-west street, proposed to be Tractor Trail, is identified as a "Future Major Collector" in the City's Master Thoroughfare Plan. At this time the county has named the section of this private road that lies within their property as "Detention Facility Access Road". This action would name the portion within the City of San Angelo property, which has not to this point been designated, and will rename the portion on Tom Green County Land to provide a consistent name the whole length of the road.

Financial Impact:

N/A

Other Information/Recommendation:

On Monday January 25, 2021, the Planning Commission unanimously recommended approval of the street naming by a vote of 6-0.

At their regular meeting on February 16, 2021, the City Council unanimously approved this request.

Attachments:

- | | | |
|----|--------------|---|
| 1. | Ordinance | Draft Ordinance.docx |
| 2. | Staff Report | CC Tractor Trail-Roy Robb Dr Staff Report.pdf |

Presentation:

Jon James

Approvals/Reviews:

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

Theresa James
Julia Antilley

Approved
Final Approval

AN ORDINANCE NAMING TRACTOR TRAIL AND ROY ROBB DRIVE, PRIVATE STREETS IN NORTHEAST SAN ANGELO, BEING APPROXIMATELY 0.25-MILES AND 0.45-MILES IN LENGTH RESPECTIVELY, EXTENDING 0.25 MILES SOUTHEAST FROM NORTH US HIGHWAY 67/277 AND THEN 0.45 MILES NORTHWEST TOWARDS THE TOM GREEN COUNTY DETENTION CENTER; PROVIDING FOR PERMANENTLY AFFIXING NECESSARY GEOGRAPHICAL AND ADDRESS-RELATED REFERENCES THERETO; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, There are currently private streets located on City of San Angelo and Tom Green County property, located in Northeast San Angelo near the Tom Green County Detention Center, being approximately 0.25 miles and 0.45 miles in length respectively, extending southeast from N US Highway 67/277 and then northwest towards the Tom Green County Detention Center; and

WHEREAS, the currently east-west private street, proposed to be "Tractor Trail", is identified as a "Future Major Collector" in the City's Master Thoroughfare Plan; and

WHEREAS, Tom Green County has agreed to maintain the currently private roads until they are brought up to City standards and are publicly dedicated; and

WHEREAS, these private streets are used to access the new Tom Green County Detention Facility and need to be named to ensure timely emergency service calls;

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

SECTION 1: Private streets located in Northeast San Angelo near the Tom Green County Detention Center, being approximately 0.25 miles and 0.45 miles in length respectively, extending southeast from N US Highway 67/277 and then northwest towards the Tom Green County Detention Center, be and are hereby named: "Tractor Trail" and "Roy Robb Drive."

SECTION 2: Geographical and address related references to said streets shall be updated and permanently affixed, identifying said reconfigured street as "Tractor Trail" and "Roy Robb Drive."

SECTION 3: The Director of the Planning & Development Services, or his/her designee, is hereby directed to correct maps in the office of the Planning & Development Services Department, to implement the naming provision adopted herein, as further depicted on Exhibit A of this Ordinance.

SECTION 4: 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: This Ordinance shall become effective from and after the date of adoption.

INTRODUCED on the **16th day of February, 2021**, and finally PASSED, APPROVED AND ADOPTED on this the **2nd day of March, 2021**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

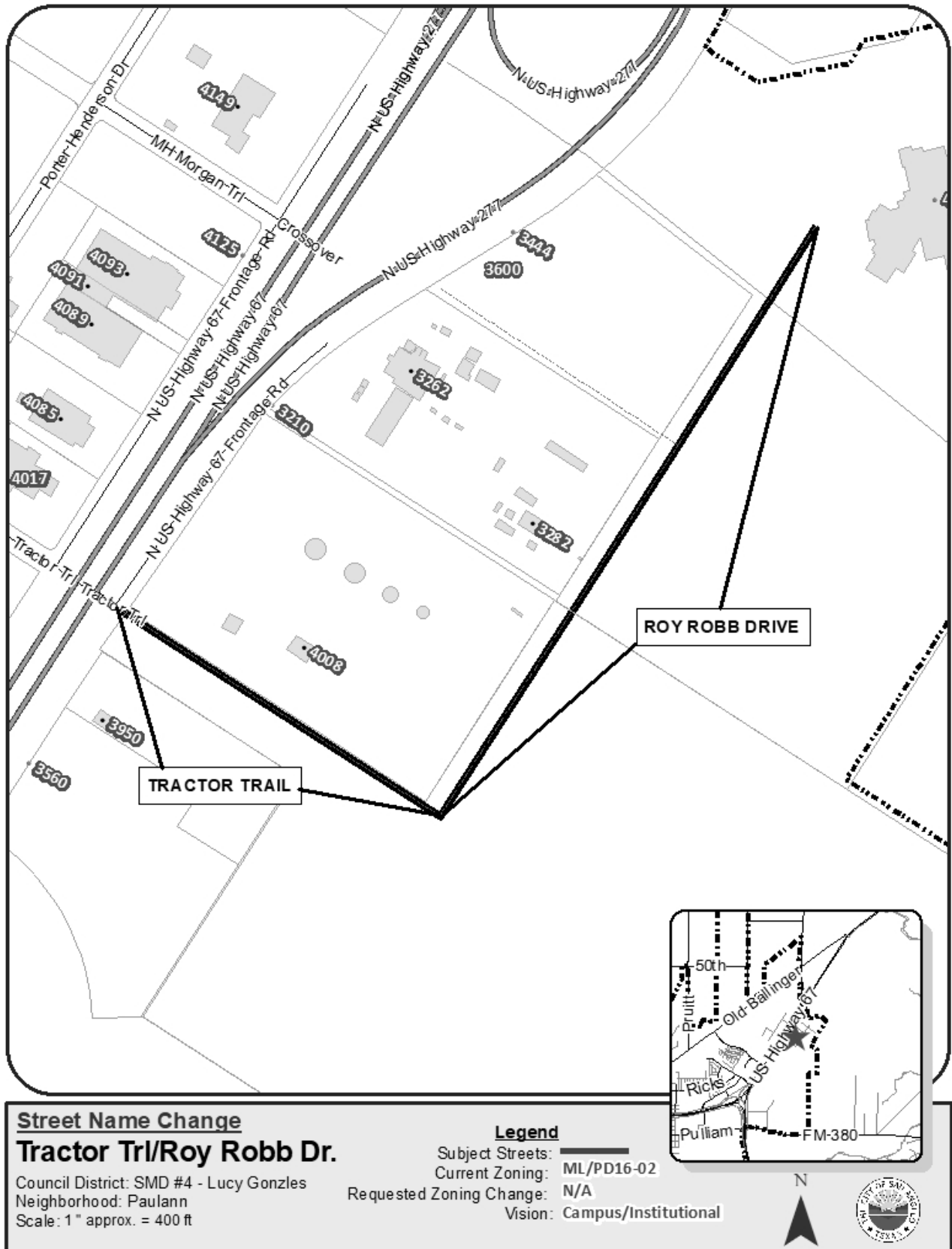
ATTEST:

Julia Antilley, City Clerk

APPROVED AS TO FORM:

Theresa James, City Attorney

Exhibit A

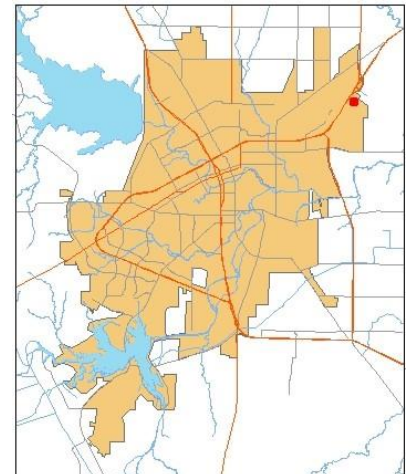


CITY COUNCIL – FEBRUARY 16 & MARCH 2, 2021

STAFF REPORT



APPLICATION TYPE:		CASE:	
Street Naming		Tractor Trail – Roy Robb Drive	
SYNOPSIS:			
A request to name private streets to Tractor Trail and Roy Robb Drive, over the complete length from N US Hwy 67/277 0.25 miles southeast and then 0.45 miles northeast, located in Northeast San Angelo near the Tom Green County Detention Center. The east-west street, proposed to be Tractor Trail, is identified as a “Future Major Collector” in the City’s Master Thoroughfare Plan.			
LOCATION:		LEGAL DESCRIPTION:	
N US HWY 67/277 & Tractor Trail		Being approximately 0.25 miles southeast and then 0.45 miles northeast from N US HWY 67/277; generally located Northeast San Angelo near the Tom Green County Detention Center.	
SM DISTRICT / NEIGHBORHOOD:		ZONING:	FUTURE LAND USE:
SMD District #4 – Lucy Gonzales Paulann Neighborhood		ML/PD16-02	Campus/Institutional
			SIZE:
			0.70 miles
THOROUGHFARE PLAN:			
Tractor Trail – Urban Minor Collector Street, 60’ ROW required (0’ Existing), 50’ pavement required (30’ Existing) Roy Robb Drive – Urban Local Street, 50’ ROW required (0’ Existing), 36’ with a 4’ sidewalk or 40’ pavement required (30’ Existing)			
NOTIFICATIONS:			
N/A			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the Street Naming to “ Tractor Trail and Roy Robb Drive. ”			
PROPERTY OWNER/PETITIONER:			
COSA/Tom Green County			
STAFF CONTACT:			
Hillary Bueker, RLA Planning Manager (325) 657-4210, Ext. 1547 hillary.bueker@cosatx.us			



Street Name Change: These private streets are located in the Northeast San Angelo, and are currently located exclusively on property owned by the City of San Angelo and Tom Green County. For emergency services personnel, these private streets need to be named to ensure timely service calls. Tom Green County uses these streets to access the New Detention Center and has agreed to maintain the street until they are improved to City standards. At this time the county has named the section of this private road that lies within their property as “Detention Facility Access Road”. This action would name the portion within the City of San Angelo property, which has not to this point been designated, and will rename the portion on Tom Green County Land to provide a consistent name the whole length of the road.

The following are three guidelines which the Division uses to determine the applicability and appropriateness of any proposed street name change.

1. Whether or not the street name change would confuse motorists and emergency vehicles

The proposed street name change appears unlikely to confuse motorists and emergency vehicles. Since the proposed street are primarily for access to the new detention facility, this change would help relieve confusion by giving the access streets names. The configuration of these private streets are currently an L-shape Street and no properties are addressed on either of these streets. From an emergency response standpoint, city staff stand ready to make any necessary data changes to ensure a minimal disruption in response times, should the Ordinance authorizing the name designation be adopted.

2. Whether there is the same or similar name to the proposed street name

There are no existing streets in San Angelo with the same or similar name. This change would remove the previous county designation of Detention Facility Access Road, extend the current Tractor Trail, and create Roy Robb Drive.

3. Whether or not there is a justified reason to rename the street such as the naming for the betterment of the community or to honor a public figure

In this case, most of the length of these roads have not yet been given names, so no renaming is occurring. For the portion that is being renamed, it is to ensure naming consistency for the entire length of the roadway. It should be noted that County officials have indicated support for the change.

Planning Commission Recommendation:

On January 25, 2021 the Planning Commission recommended APPROVAL of a request to name private streets to Tractor Trail and Roy Robb Drive, over the complete length from N US Hwy 67/277 0.25 miles southeast and then 0.45 miles northeast, located in Northeast San Angelo near the Tom Green County Detention Center. The following is the complete excerpt from the draft minutes from the meeting.

Hillary Bueker, Planning Manager, outlined the proposed street name change. She explained that these are both private streets, and that the Tom Green County will ratify at their Commissioner’s Court. She explained that this will change the current name of Detention Facility Access Road.

Ms. Bueker outlined Staff's recommendation for approval on the grounds that the renaming would assist with emergency service calls; and would clarify the street use for emergency personnel, residents, and visitors.

Vice Chair Jackson opened public comment.

Vice Chair Jackson closed public comment.

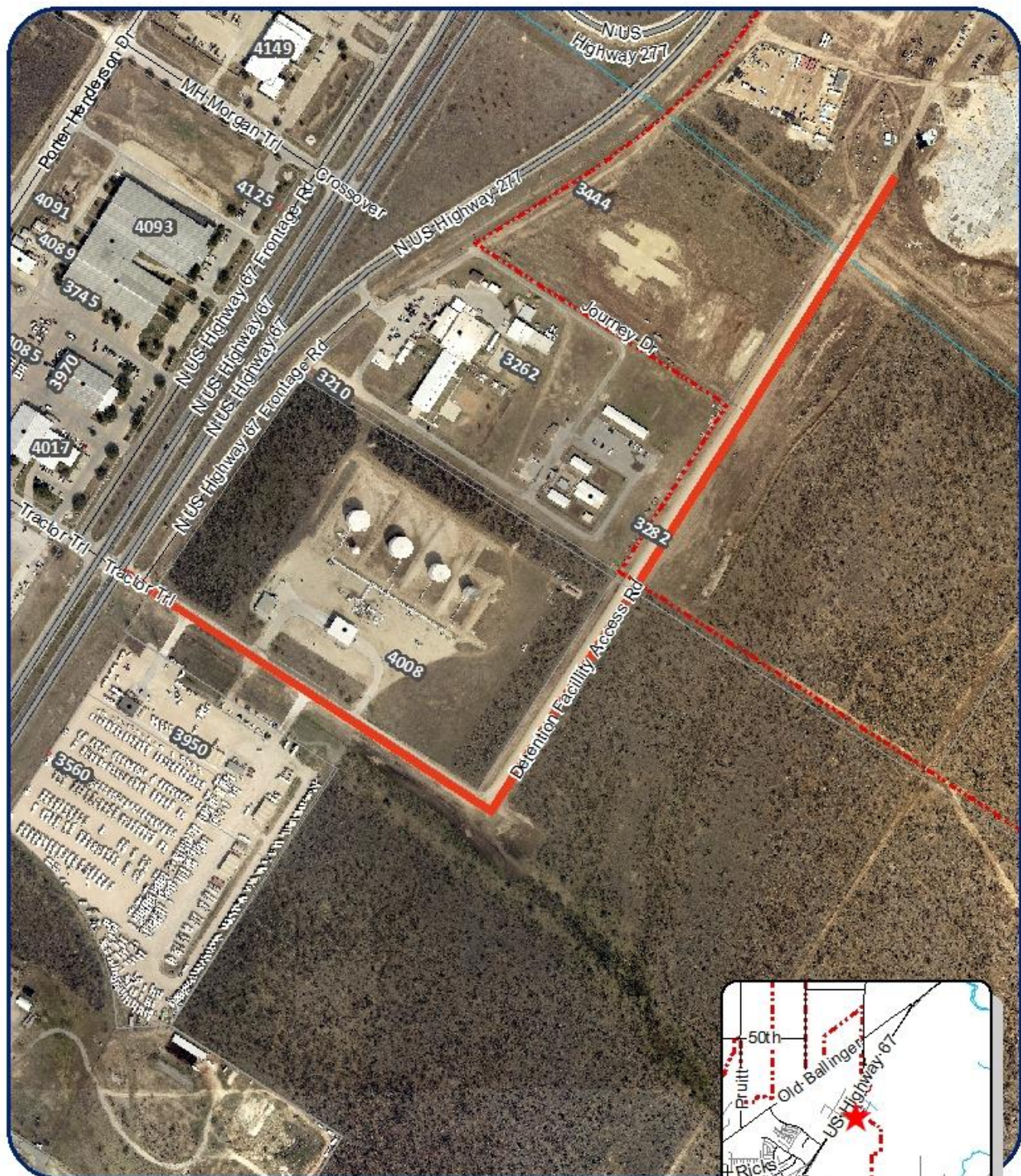
Commissioner Davis made a motion to RECOMMEND APPROVAL of a request to name private streets to Tractor Trail and Roy Robb Drive, over the complete length from N US Hwy 67/277 0.25 miles southeast and then 0.45 miles northeast, located in Northeast San Angelo near the Tom Green County Detention Center. Commissioner Self seconded the motion. The motion carried unanimously 6-0.

Recommendation:

Staff's recommendation is to recommend **APPROVAL** of the proposed street name designations of "Tractor Trail" and "Roy Robb Drive."

Attachments:

Aerial Maps
Future Land Use Map
Zoning Map



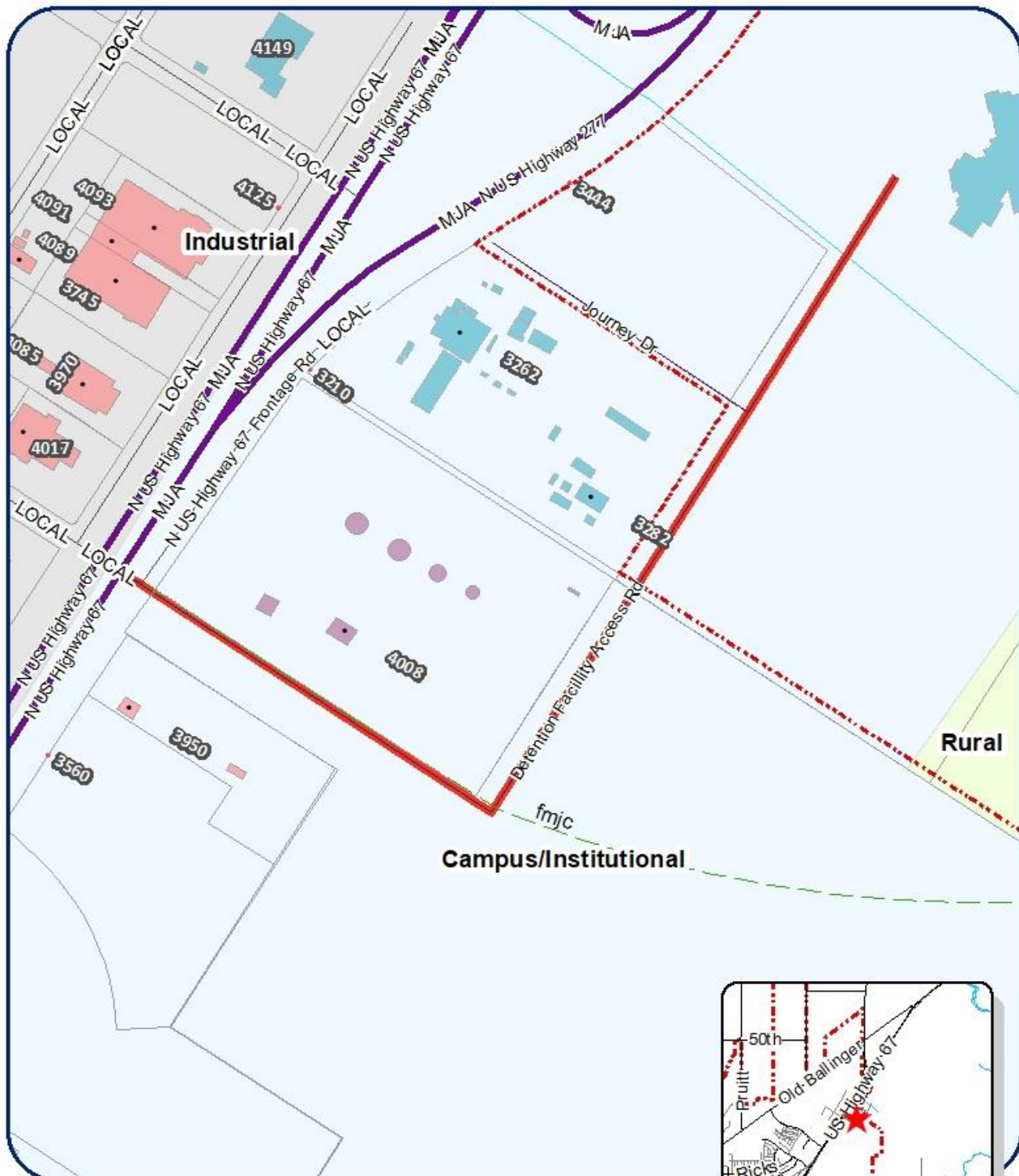
Street Name Change
Tractor Trl/Roy Robb Dr.

Council District: SMD #4 - Lucy Gonzles
Neighborhood: Paulann
Scale: 1" approx. = 400 ft

Legend

Subject Properties: —
Current Zoning: PD16-02
Requested Zoning Change: N/A
Vision: Campus/Institutional



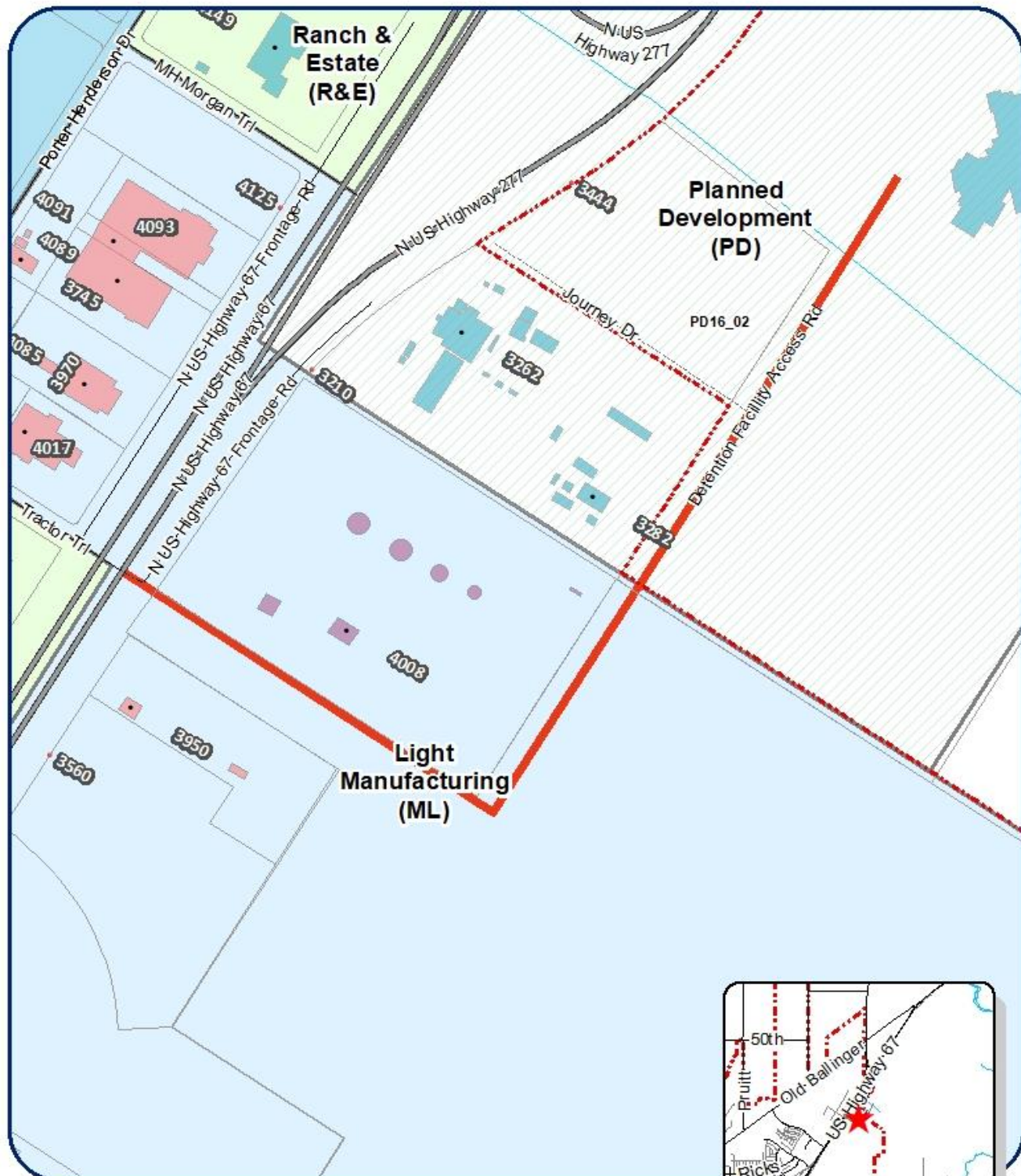


Street Name Change Tractor Trl/Roy Robb Dr.

Council District: SMD #4 - Lucy Gonzales
Neighborhood: Paulann
Scale: 1" approx. = 400 ft

Legend
Subject Properties: —
Current Zoning: PD16-02
Requested Zoning Change: N/A
Vision: Campus/Institutional





Street Name Change
Tractor Trl/Roy Robb Dr.

Council District: SMD #4 - Lucy Gonzales
 Neighborhood: Paulann
 Scale: 1" approx. = 400 ft

Legend

Subject Properties: —
 Current Zoning: PD16-02
 Requested Zoning Change: N/A
 Vision: Campus/Institutional



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: March 2, 2021

Item type: Consent Item

Caption:

Second reading of an ordinance amending the budget for the fiscal year beginning October 1, 2020, and ending September 30, 2021, for capital items, grants, and programs (Tina Dierschke)

Summary/History:

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

- Water Reclamation Infill
- Twin Buttes Boat Dock
- Airport Monument
- Rental Assistance
- Homebuyer's Assistance
- SkyWest Project Incentive

Financial Impact:

See Exhibit A of the ordinance.

Other Information/Recommendation:

Staff recommends approval. First reading approved February 16, 2021.

Attachments:

- | | | |
|----|----------------|------------------------------------|
| 1. | Ordinance | 03.02.21 Ordinance.docx |
| 2. | Presentation | 02.16.21 FIN Budget Amendment.pptx |
| 3. | BA Memos - All | BA Memo - All.pdf |

Presentation:

Tina Dierschke, Bob Salas, Alfonso Torres, Guy Andrews, Jon James, Allison Strube

Approvals/Reviews:

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

ORDINANCE 2020-121

AN ORDINANCE OF THE CITY OF SAN ANGELO AMENDING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020, AND ENDING SEPTEMBER 30, 2021, FOR CAPITAL ITEMS, GRANTS, AND PROGRAMS

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

WHEREAS, the resources necessary for these changes are available.

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

The City's budget for fiscal year 2020-2021 be amended by the amounts contained in **Exhibit "A"**.

INTRODUCED with public hearing on the 16th day of February 2021, and finally **PASSED** on this 2nd day of March.

ATTEST:

THE CITY OF SAN ANGELO, TEXAS:

Julia Antilley, City Clerk

Brenda Gunter, Mayor

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:

Tina Dierschke, Finance Director

Theresa James, City Attorney

Exhibit A

**City of San Angelo
Proposed Budget Amendment**

Fund	Total Revenue Amendment	Total Expense Amendment	Net Benefit/(Cost)
General Fund	40,000	40,000	-
Intergovernmental Fund	207,919	207,919	-
Waste Reclamation Fund	-	-	-
HOME Fund	12,383	12,383	-
General Capital Fund	94,500	94,500	-
Development Corporation Fund	-	1,000,000	(1,000,000)
	\$354,802	\$1,354,802	\$(1,000,000)

City of San Angelo
Proposed Budget Amendment
Additional Information

Project/Need	Source of Funding	Revenue	Expense	Net Benefit/(Cost)
Wastewater Infill	Waste Reclamation Fund	40,000	40,000	-
Twin Buttes Boat Dock	Grant	10,000	10,000	
Airport Monument	Development Corporation Fund	94,500	94,500	-
Rental Assistance	Grant	197,919	197,919	-
Homebuyer Assistance	Homebuyer Assistance Repayment	12,383	12,383	-
SkyWest Incentive	Development Corporation Fund	-	1,000,000	(1,000,000)
		\$354,802	\$1,354,802	\$(1,000,000)



City Council

February 16, 2021



Budget Amendment

General Fund	Revenue	Expense
Water Reclamation Contribution	\$40,000	
Infill Development		\$40,000



Budget Amendment

Intergovernmental Fund	Revenue	Expense
Grant Revenue	\$10,000	
Twin Buttes Boat Dock		\$10,000



Budget Amendment

General Capital Fund	Revenue	Expense
COSA DC Contribution	\$94,500	
Monument Expense		\$94,500



Budget Amendment

Intergovernmental Fund	Revenue	Expense
Grant Revenue	\$197,919	
Program Expense		\$197,919



Budget Amendment

HOME Fund	Revenue	Expense
Recaptured Funds	\$12,383	
Homebuyers Assistance Program		\$12,383



Budget Amendment

COSA DC Fund	Revenue	Expense
SkyWest Incentive		\$1,000,000





City Council

February 16, 2021



Memo

To: Tina Dierschke, Finance Director
From: Robert Salas, Director of Neighborhood & Family
Date: 02/16/21
Re: Budget Amendment Request

Purpose of Budget Amendment Request:

Budget for Water Reclamation's contribution to the Infill Development Program

Source of Funding:

Water Reclamation Fund

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

Project/Budget to be amended	Current Budget	Proposed Change	Proposed Revised Budget
Revenue:			0
Wastewater Contribution		40,000	40,000
			0
Expense			0
Infill Development		40,000	40,000
			0

Additional Comments:

Memo

To: Tina Dierschke, Finance Director
From: Carl White, Parks and Recreation
Date: 02/16/21
Re: Budget Amendment Request

Purpose of Budget Amendment Request:

Budget for additional grant funds and increase the overall project budget by \$10,000 for the new courtesy dock at Twin Buttes Reservoir.

Source of Funding:

The Bureau of Reclamation

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

The project and original matching funds were approved at the Nov. 19, 2019.

Project/Budget to be amended	Current Budget	Proposed Change	Proposed Revised Budget
Grant Revenue	35,000	10,000	45,000
Capital Expense	50,000	10,000	60,000
			0
			0
			0
			0

Additional Comments:

Council approved working with the Bureau of Reclamation to add a new courtesy dock to the main ramp at the Marina Park. They provide 75% funding with a City match of 25%. The project came in at just under \$60k. The City already had \$15k committed to this project. We are working with the Bureau now to amend the agreement to have them put in \$45k to give us \$60k.

Memo

To: Tina Dierschke, Finance Director
From: Alfonso Torres, Construction Manager
Date: 02/16/21
Re: Budget Amendment Request

Purpose of Budget Amendment Request:

Budget for the Airport signage project

Source of Funding:

Development Corporation

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

COSA DC funding up to \$100,000 was approved on 11/3/20 and project was awarded to FutraVest Construction on 1/19/21.

Project/Budget to be amended	Current Budget	Proposed Change	Proposed Revised Budget
Development Corporation	0	94,500	94,500
Project Expense	0	94,500	94,500
			0
			0
			0
			0

Additional Comments:

Council approved working with the Bureau of Reclamation to add a new courtesy dock to the main ramp at the Marina Park. They provide 75% funding with a City match of 25%. The project came in at just under \$60k. The City already had \$15k committed to this project. We are working with the Bureau now to amend the agreement to have them put in \$45k to give us \$60k.

Memo

To: Tina Dierschke, Finance Director
From: Bob Salas, Director of Neighborhood & Family
Date: 02/16/21
Re: Budget Amendment Request

Purpose of Budget Amendment Request:

Texas Emergency Rental Assistance Program provides to income-eligible households impacted by COVID-19. 10% of funds are for eviction diversion.

Source of Funding:

Texas Department of Housing and Community Affairs

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

Yes, January 12, 2021

Project/Budget to be amended	Current Budget	Proposed Change	Proposed Revised Budget
Revenue:	0	197,919	197,919
Emergency Payments	0	178,128	178,128
General Administration	0	19,791	19,791
			0
			0
			0

Additional Comments:

Memo

To: Tina Dierschke, Finance Director
From: Bob Salas, Director of Neighborhood & Family
Date: 02/16/21
Re: Budget Amendment Request

Purpose of Budget Amendment Request:

Repayment of funds to the Homebuyer Assistance Program

Source of Funding:

Cash repayment from title company

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

No

Project/Budget to be amended	Current Budget	Proposed Change	Proposed Revised Budget
Recaptured Funds	0	12,383	12,383
Homebuyers Program Expense	99,861	12,383	112,244
			0
			0
			0
			0

Additional Comments:

Recaptured Homebuyer Assistance funds from sale of 2416 Forest Park (Schuyler) prior to 5 year affordability period.

Memo

To: Tina Dierschke, Finance Director
From: Guy Andrews, Director of Economic Development
Date: 02/16/21
Re: Budget Amendment Request

Purpose of Budget Amendment Request:

SkWest will be reimbursed quarterly for flights that do not meet the passenger revenue requirements to cover current fuel and non-fuel hourly costs to operate.

Source of Funding:

City of San Angelo Development Corporation

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

COSA & COSADC, Joint Meeting Jan. 19, 2021.

Project/Budget to be amended	Current Budget	Proposed Change	Proposed Revised Budget
SkyWest Project Expense	0	1,000,000	1,000,000
			0
			0
			0
			0
			0

Additional Comments:

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Kevin Pate, Project Engineer, City Clerk, (325) 657-4263

Meeting Date: March 2, 2021

Item type: Consent Item

Caption:

Consider authorizing the City Manager to negotiate and execute all related documents for a temporary monitoring well in the city's right-of-way (Kevin Pate)

Summary/History:

The property located at 1719 Kenwood Dr. has underground fuel storage tanks. TCEQ has required the property owner install two (2) temporary monitoring wells. The installer, EE&G, has proposed two locations in the City Right of Way on the east side of Kenwood Dr.

Financial Impact:

Other Information/Recommendation:

Attachments:

- | | |
|----------------------|-----------------------|
| 1. Well Location Map | WELL LOCATION MAP.pdf |
|----------------------|-----------------------|

Presentation:

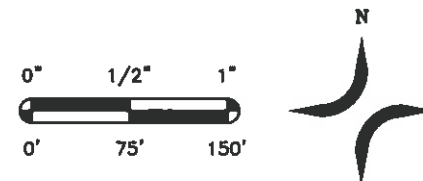
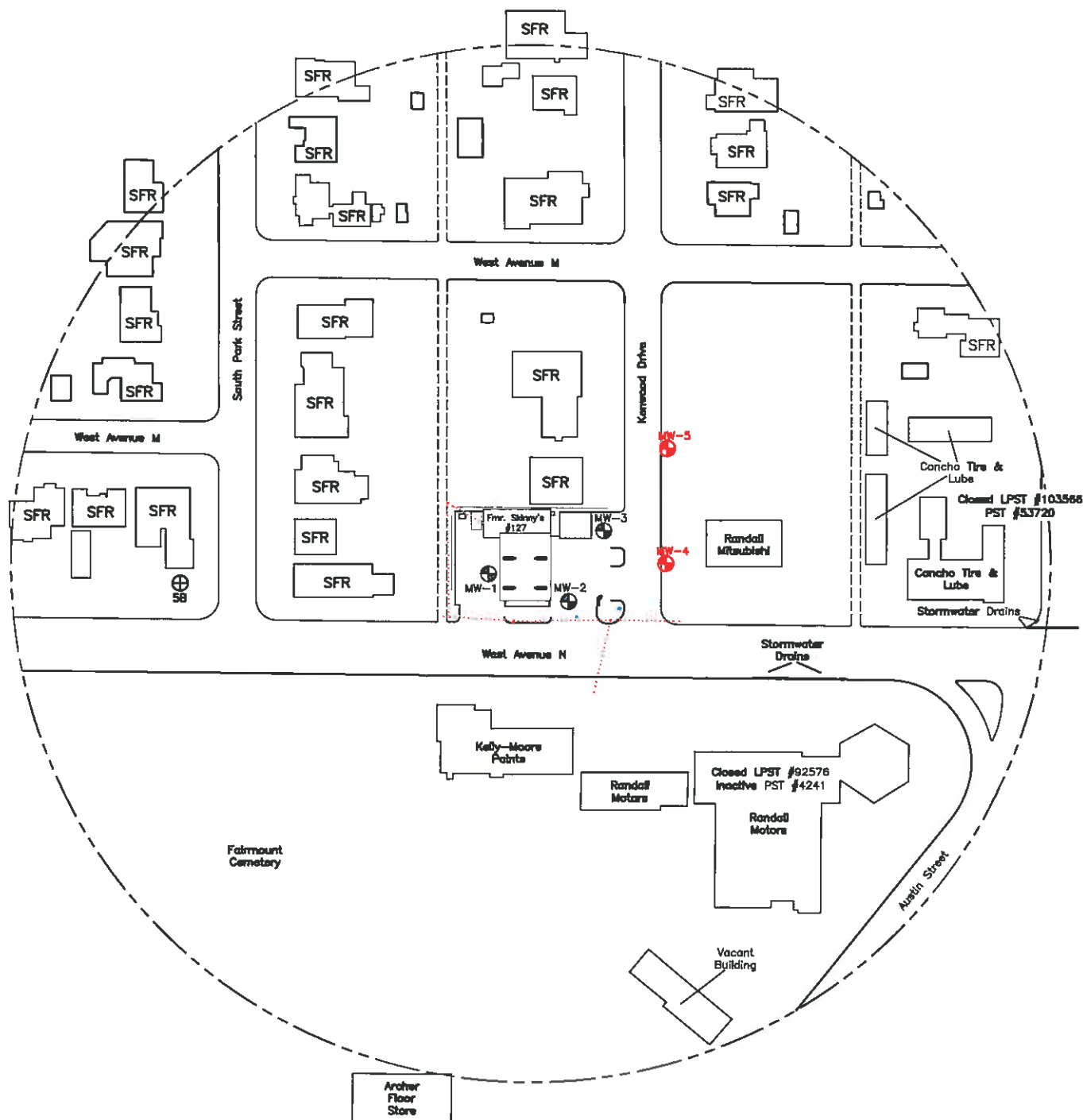
Kevin Pate

Approvals/Reviews:

Kevin Pate	Created/Initiated
Theresa James	Approved
Julia Antilley	Final Approval

LEGEND

- ◆ - Relative Benchmark Elevation at 100.00 Feet
- - Proposed Monitor Well Locations
- SFR - Single Family Residence
- ⊕ - Monitor Well Locations
- ⊕ - Dry Hole Location



EE & G ENVIRONMENTAL
ENGINEERING &
GEOTECHNICS

Skinny's LLC

Proposed Well Map

Former Skinny's #127
1719 Kanwood Drive
San Angelo, Texas

Project No. 20.1401AT

Date: 2/3/2021

Scale: 1" = 150'

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Bob Salas, Neighborhood Services Director, Community and Housing Support, 325-655-0824

Meeting Date: March 2, 2021

Item type: Regular Item

Caption:

Consider a resolution and public hearing approving a substantial amendment to the 2020 Annual Action Plan for use of CARES Act II CDBG-CV grant funds and authorizing the City Manager to execute all related documents (applications, required certifications, and annual funding agreement) for the additional allocation of \$582,116 of CDBG-CV funding (Presentation made by Neighborhood Services Director Bob Salas)

Summary/History:

The City of San Angelo received \$582,116.00 of additional CDBG-CV funding to assist with recovery from the effects of the COVID-19 pandemic. HUD requires that grantees amend their current Annual Action Plan (AAP) to reflect planned use of the CDBG-CV funds.

To assist the community with COVID recovery, staff issued a Notice of Funding Availability (NOFA) to local non-profits in order to better allocate funds to help the most vulnerable citizens. We received two requests for funding, one from Mental Health & Mental Retardation (MHMR) and one from the Concho Valley Community Action Agency (CVCAA). Below is our recommended allocation:

MHMR - \$95,080 for MHMRCV Supportive Housing

CVCAA – \$250,000 for Utility Assistance

COSA - \$120,636 for Rental/Mortgage Assistance

COSA - \$116,400 for Admin, Program Delivery

Detailed explanation of proposed projects are provided in attachment "Project Descriptions". Staff requests approval of the proposed allocation listed above.

Financial Impact:

Will amend the current budget by \$582,116 to reflect council approved allocations.

Other Information/Recommendation:

Attachments:

- | | |
|---------------------------------------|---|
| 1. Project Descriptions CARES Act II | Project Descriptions CARES Act II.docx |
| 2. Resolution amending 2020 AAP (003) | Resolution amending 2020 AAP (003).docx |

Presentation:

Bob Salas

Approvals/Reviews:

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

PROPOSED CARES Act CDBG-CV PROJECT DESCRIPTIONS

Listed below are detailed descriptions of activities recommended for funding under 2020 CDBG-CV ant programs. Descriptions include timelines for each project, additional funding received for specific use of the project, and what national/local objectives the project addresses.

\$120, 636 City's Rental/Mortgage Assistance (RMA) Program

Continues funding for RMA program to assist homeowners and renters with mortgage/rental payments in response to income loss due to COVID.

Additional Funding: CDBG-CV from CARES Act I

NATIONAL OBJECTIVE: Benefit Low/Moderate Income Persons

CONS. PLAN OBJECTIVE: Affordable Housing

ELIGIBLE ACTIVITY: 05S Tenant-Based Rental Assistance §92.205(a)

\$95,080 MHMR Supportive Housing

Funds provide housing case management services for those affected by COVID and suffering from mental illness and/or substance abuse use disorder to include housing navigation and tenant-based rental assistance, and provide community outreach to assist those affected by COVID-19. At least 40 individuals will be assisted with these funds.

Additional Funding: None

NATIONAL OBJECTIVE: Benefit Low/Moderate Income Persons

CONS. PLAN OBJECTIVE: Special Needs/Homeless Populations

ELIGIBLE ACTIVITY: 05S Tenant-Based Rental Assistance §92.205(a)

\$250,000 CVCAA Utility Assistance

Funds provide utility payment assistance for qualified households to include water, gas, electric utility assistance within the city limits. At least 150 households, with at least 375 individuals are expected to be served.

Additional Funding: Comprehensive Energy Assistance Program

NATIONAL OBJECTIVE: Benefit Low/Moderate Income Persons

CONS. PLAN OBJECTIVE: Affordable Housing

ELIGIBLE ACTIVITY: 05Z Public Service §570.201(e)

\$116,400 Program Administration

Funds salaries and benefits for program staff and provide funds for operating and administering the RMA program.

Additional Funding: None

NATIONAL OBJECTIVE: Benefit 100% low/moderate income households

CONS. PLAN OBJECTIVE: Affordable Housing

ELIGIBLE ACTIVITY: 21 A General Program Administration §570.202

RESOLUTION 2021- _____

A RESOLUTION OF THE SAN ANGELO CITY COUNCIL AMENDING THE 2020 ANNUAL ACTION PLAN (AAP) FOR USE OF U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS; ACCEPTING CDBG GRANT FUNDS IN THE SUM OF \$582,116 TO BE ALLOCATED FOR QUALIFYING USES AND PROJECTS; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE SUCH GRANT APPLICATIONS, AGREEMENTS AND RELATED DOCUMENTS FOR SAID GRANT

WHEREAS, the City of San Angelo has applied for and received federal Housing and Urban Development (HUD) Community Development Block Grant (CDBG) funds for municipal affordable housing projects; and

WHEREAS, in response to the COVID-19 pandemic, the City has been awarded additional CDBG-CV Grant funds through the 2020 Cares Act; and

WHEREAS, on July 16, 2019, the City Council held a public hearing for approving and adopting the Annual Action Plan (AAP), and subsequently amended the same on May 5, 2020, at duly called regular meetings of the City Council pursuant to notice posted as required under Chapter 551 of the Texas Government Code, during which all interested persons had the opportunity to testify before the City Council and during that meeting City Council approved the AAP; and

WHEREAS, the City is eligible to receive \$582,116.00 of additional CDBG-CV Grant funding to assist with recovery from the effects of the COVID-19 pandemic; and

WHEREAS, HUD requires that the City's AAP be amended to allocate awards of CDBG-CV Grant funds for qualifying uses and projects.

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

SECTION 1: The Annual Action Plan for 2020 shall be amended to allow additional funding to be allocated as follows:

- a.** Mental Health & Mental Retardation (MHMR) - \$95,080 for MHMRCV Supportive Housing;
- b.** Concho Valley Community Action Agency (CVCAA) – \$250,000 for Utility Assistance;
- c.** COSA - \$120,636 for Rental/Mortgage Assistance;
- d.** COSA - \$116,400 for Admin, Program Delivery.

SECTION 2: The grant funds in the approximate sum of \$582,116 are accepted.

SECTION 3: The City Manager or his designee is hereby authorized and directed to execute such grant applications, agreements and related documents to accept such grant funds and provide for their application for the purposes stated.

Adopted this 2nd day of March, 2021.

CITY OF SAN ANGELO, TEXAS:

Brenda Gunter, Mayor

Approved as to Form:

Theresa James, City Attorney

Attest:

Julia Antilley, City Clerk

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: March 2, 2021

Item type: Regular Item

Caption:

First reading and public hearing of an ordinance approving EMS Compliance and Fire Compliance Assignment Pay
(Presentation made by Fire Chief Brian Dunn)

Summary/History:

The San Angelo Fire Department will have to assume several new responsibilities in administering and ensuring DSHS (Department of State Health Services) and TCFP (Texas Commission on Fire Protection) procedures Starting in January 2021. TCFP has decided that they will no longer write curriculum for any certification courses other than basic structural firefighting. This means that someone from this department must take on the responsibility of writing the curriculum for all the other courses that we certify our personnel in. The list is as follows:

ARFF-Aircraft Rescue Fire Fighting
PADO-Pumper Apparatus Driver Operator
Incident Safety Officer
Fire Instructor
Fire Investigator
Fire Inspector
Officer 1
Officer 2
Officer 3
Officer 4
Wildland Fire Fighting
Plans Examiner
Hazardous Materials Incident Commander
Haz-Mat Technician

TCFP wrote the curriculum for all of these classes in the past. It is now the responsibility of the department that is giving the certification class to write an up dated curriculum each time the source material changes which is every 2-3 years. Several of these certifications are vital to the city on a daily basis such as the ARFF which allows us to keep enough aircraft firefighters to keep the airport and commercial air traffic coming and going to and from the city. Another one is fire inspector so as to keep the public safe within the buildings in the city.

Added Responsibilities for the Fire Compliance Assignment:

Oversee Compliance with TCFP
Oversee compliance with SFFMA
Develop and write certification courses
Run basic fire academy for SAFD

Run basic fire academy for high school and adults when implemented
Liaison with TCFP, TEEX, SFFMA, and GAFB
Coordinate and lead Area School

Howard College is moving from completing the paramedic portion of training that we currently are enrolled in from 12 months to about 30 months. The impact for the city in this is that the recruits that we hire can't begin work for us until they are completely certified. Currently they are completely fire and EMS certified in about 16 months. The new total certification period would be about 36 months. We are working on a MOA (Memorandum of Agreement) with Howard so that we may continue to instruct our own paramedic class under their credentialing umbrella. This will allow us to continue to complete our entire training for fire and EMS in 16 months. There are several things that we need to do to make sure we comply with DSHS in several areas. The EMS compliance assignment would be responsible for the following:

Oversee compliance with DSHS (Department of State Health Services)
Oversee ordering and inventory of EMS supplies
Evaluation and correction of QA/QI (Quality Assurance/Quality Improvement)
Liaison between medical director, hospitals, nursing homes
Ensure all SAFD personnel are up to date on all training and certifications
Serve as CPR instructor for SAFD and future public CPR program
Serve as Administrator of Record for DSHS
Hold EMS Coordinator Certification in the future
Hold EMS Instructor

This assignment pay would be in the amount of \$1250 per month to take on these responsibilities and whomever is placed in this assignment would be in an Exempt position.

If we hired 2 FTE's (full time employees) it would be a minimum of about \$150,000 with benefits.

If we paid each position 10 hours of overtime per week it would cost about \$61,000 per year.

The assignment pay comes out to \$37,332 with the benefits attached.

I can adjust some budgets to pay for this, through savings of the department doing some of items internally. We aren't asking for any extra funding to accomplish this assignment pay. We are at council because it happens in 143 civil service and must be approved by council.

Financial Impact:

\$37,332 within the fire departments operating budget. No outside funding needed.

Other Information/Recommendation:

Attachments:

1. ORD amending Chapter 2 Assignment Pay ORD amending Chapter 2 Assignment Pay .docx

Presentation:

Brian Dunn

Approvals/Reviews:

Julia Antilley

Brian Dunn

Theresa James

Nolan Sosa

Tina Dierschke

Theresa James

Julia Antilley

Created/Initiated

Approved

Approved

Approved

Approved

Approved

Final Approval

ORDINANCE 2021-0xx

AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE CITY OF SAN ANGELO, TEXAS AMENDING CHAPTER 2 "ADMINISTRATION AND PERSONNEL", ARTICLE 2.08 "CLASSIFIED SERVICE", SECTION 2.08.016 "ASSIGNMENT PAY" BY ADDING SUBSECTION E "EMS COMPLIANCE AND FIRE COMPLIANCE"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY OF SAN ANGELO:

- 1) THAT**, Chapter 2, Article 2.08, Section 2.08.016 "Assignment Pay" is hereby amended by adding subsection (e) as follows:

"(e) EMS Compliance and Fire Compliance. Firefighters assigned by the Chief to oversee EMS Compliance or Fire Compliance for the San Angelo Fire Department shall be eligible for additional assignment pay in the amount of \$1250 per month for each month assigned."

- 2) THAT**, all remaining provisions not amended by this ordinance remain in full force and effect.

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

SEVERABILITY:

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

- 5) THAT**, this Ordinance shall be effective on, from, and after the date of its passage.

INTRODUCED on the 16th day of February, 2021, and finally **PASSED, APPROVED** and **ADOPTED** on this the 2nd day of March, 2021.

THE CITY OF SAN ANGELO:

Brenda Gunter, Mayor

ATTEST:

Julia Antilley, City Clerk

APPROVED AS TO FORM:

Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: March 2, 2021

Item type: Regular Item

Caption:

MLK/Parks restroom discussion

Summary/History:

At the February 2, 2021 Council Meeting, Council Member Gonzales requested a discussion on restrooms.

Financial Impact:

Other Information/Recommendation:

Attachments:

Presentation:

Approvals/Reviews:

Julia Antilley
Theresa James
Julia Antilley

Created/Initiated
Approved
Final Approval



APPLICATION FOR BOARDS and COMMISSIONS

Name: Donald R Barnhart
 Address: [REDACTED]
 City: San Angelo (unless otherwise noted) Zip: 76904
 Phone (Home): [REDACTED] (Office): ---
 Resident of San Angelo since: 2007 SMD: 6
 Are you a registered voter of San Angelo? Yes: X No: ---
 Occupation / Business Affiliation: RETIRED
 Occupation / Business Address: ---
 Position: ---
 Email: [REDACTED]

By executing this document, the applicant does hereby certify and affirm the truth and accuracy of the information contained herein. The applicant further authorizes the City Council, or its designee, to verify any information. The applicant agrees to release and hold harmless the City from all claims incident to the verification of information contained herein.

X Donald R Barnhart 1/20/2021
 Applicant's Signature Date

NOTE: This application is information of public record.* Public Service opportunities are offered by the City of San Angelo without regard to race, color, national origin, religion, sex or disability.

RETURN TO: City of San Angelo, c/o City Clerk, 72 W. College, San Angelo, Texas 76902-1751

Applying for:

- ☐ Airport Advisory Board
- ☐ Animal Shelter Adv Cmm*
- ☐ Civic Events Adv Board
- ☐ Civil Service Commission
- ☐ Construction Board of Adj/Apps*
- ☐ Design & Historic Review Cmm*
- ☐ Development Corporation
- ☐ Downtown Development Cmm*
- ☒ Fort Concho Museum Board
- ☐ Park Commission
- ☐ Parks & Recreation Adv Board
- ☐ Planning Commission
- ☐ Public Art Commission*
- ☐ Public Housing Authority
- ☐ Tax Incrmt Reinvsmnt Zone Board*
- ☐ Water Advisory Board*
- ☐ Zoning Board of Adjustment

*specific membership criteria requirements apply-See back page for more information

Recommended by:

Tell us about yourself. Feel free to attach additional sheets, if necessary.

Based on you board selection, do you meet the membership criteria*? Yes No If so, which criteria: ---
 (see back page for board criteria)

Education and/or Professional Licenses: BS Human Resources Mgmt - TROY STATE

Current Municipal and Civic Organization Memberships (Positions & Dates): ZBA member - Nov 2020
Member of Mayor's Task Force FOR SAPD Policy Review

Previous Municipal Experience (Positions, Dates, Where): Parks & Rec board, Civic board,

What personal qualifications can you bring to this board? I'm a huge fan of FT Concho!

What is your personal vision for the City? ---

Why do you want to serve on this board? To help however I can so folks can enjoy FT CONCHO.

Anything else you would like for us to know? N/A

*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 at 657-4405.

For Office Use Only:

Appointed by:

CiCo Appt/Reappt Date:

Term Dates: To

From