



City Council Agenda 4/20/2021

Notice is hereby given of a regular meeting of the City Council of City of San Angelo to be held April 20, 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 & Pledges

3. Proclamations/Recognitions

- a. Proclamation of April 2021 as Alcohol Awareness Month
- b. Proclamation of April 22, 2021 as Restore Our Earth Day

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 April 6, 2021 City Council regular meeting minutes (Julia Antilley)
- b. Consider authorizing the City Manager to negotiate and execute an agreement and all related documents with the San Angelo Stock Show and Rodeo Association for lease of the San Angelo Fairgrounds (Carl White)
- c. Consider approving Change Order #6 and amending Change Order #5 to ES-03-20 Chadbourne Street Improvements Project - Phase A to Ti-Zack Concrete, Inc. increasing the total contract amount by \$59,233.95 and authorizing the City Manager to negotiate and execute all related documents (Mitchell Gatlin)
- d. Consider awarding OP-01-21 Landfill Consulting Services to Biggs and Mathews Environmental, Inc. and authorizing the City Manager to negotiate and execute all related documents (Jeremy Miller)
- e. Consider a resolution authorizing the Solid Waste Department to provide funding to Keep San Angelo Beautiful (KSAB) in the amount of \$50,000 for a hazardous household waste collection event (Jeremy Miller)
- f. Consider a suspension resolution for this year's (2021 based on 2020 calendar-year data) "GRIP" filing by Atmos Energy (Theresa James)
- g. Consider a resolution to deny the AEP Distribution Cost Recovery Factor application and authorize the City of San Angelo to participate with other cities served by AEP Texas to hire legal counsel (Theresa James)

- h. Consider a resolution amending polling locations and election judges for the May 1, 2021 General Election (Julia Antilley)
- i. Consider a resolution approving an Electronic Bidding Policy (Tina Dierschke)
- j. Consider authorizing a railroad crossing permit with Texas Pacifico which would allow City secondary emergency vehicle access to the Baker Ranch and Homestead subdivisions, and authorizing the City Manager to negotiate and execute all related documents (Jon James)
- k. Second reading of ordinances establishing a process and standards for encroachments into the public right-of-way:
 - 1. An ordinance amending the City Code of Ordinances, Chapter 12, Planning and Development, creating a new Article 12.10 regarding encroachments, and related revisions to the sign regulations in Article 12.04; and
 - 2. An ordinance amending the City Code of Ordinances, Chapter 8, Offenses and Nuisances, Articles 8.05 and 8.06 regarding obstructions (Jon James)
- l. Consider a resolution authorizing an amendment to the City of San Angelo Budget Policy Fee Schedule to establish a reduced fee for an administrative right-of-way encroachment (Jon James)
- m. Second reading of an ordinance approving Standards of Care for Recreation Summer Camp held at Recreation Centers for children ages 5 through 12 (Brent Casey)

6. Regular Agenda

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

- a. First reading and public hearing of an ordinance approving an amendment to a Planned Development District, PD07-03, to allow an additional use of a water processing and delivery business and related accessory uses for a property located at 2909 S. A&M Ave. (Presentation made by Planning & Development Services Director Jon James)
- b. Update on the Preliminary Design Phase for the Lake Nasworthy Area Wastewater Collection System Improvements Project (Presentation made by Assistant Water Utilities Director Andy Vecellio and Allen Woelke of CDM Smith)
- c. Consider awarding AP-02-21 Airport Entrance Road to Reece Albert, Inc. in the amount of \$1,692,003.18, budgeted for purchase in fiscal year 2021, and authorizing the City Manager to negotiate and execute all related documents (Presentation made by Airport Director Jeremy Valgardson)
- d. 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 (Presentation made by Finance Director Tina Dierschke)

- e. First reading and public hearing of ordinances:
 - 1. amending the City of San Angelo Comprehensive Plan, changing certain lands from Commercial to Neighborhood, being 18.808 acres; and
 - 2. rezoning property from Heavy Commercial to General Commercial, being 13.321 acres; from General Commercial to Single Family Residence, being 7.999 acres; and from Heavy Commercial to Single Family Residence, being 5.81 acres; generally located southwest of the Arden Rd. and Northwest Dr. intersection (Presentation made by Planning & Development Services Director Jon James)
- f. First reading and public hearing of an ordinance to approve the abandonment of a 20' by 500' (0.229 acres) alley right-of-way, located north of E. Twohig Ave., east of S. Oakes St., south of E. Beauregard Ave., and west of S. Magdalen St. (Presentation made by Planning & Development Services Director Jon James)

7. Closed Session

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

- a. 551.072 Deliberations about Real Property regarding Block 18, San Angelo Addition

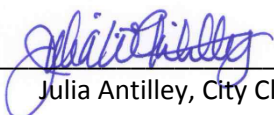
8. Follow Up and Administrative Issues

- a. Consider items discussed in Closed Session, if needed
- b. Consideration of approving various Board nominations
 - Airport Advisory Board:** Mark Clark (SMD3) to an unexpired term ending October 2021
 - Economic Development Corporation:** John Bariou (SMD5) to a first term ending February 2023
 - Public Art Commission:** Jamie Highsmith (SMD1) to a first term, Anne Shahan (SMD4) to a first full term, Richard Round (Mayor) to a second term, all ending April 2023
 - Public Housing Authority:** Barbara Brown to a first full term, Wes Masters to a fourth term, both ending April 2023
 - Zoning Board of Appeals:** Bill Feist (SMD3) to an unexpired term, Kandi Pool (SMD5) to an unexpired term, both ending January 2022
- c. Announcements and consideration of Future Agenda Items

9. Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board at City Hall in the City of San Angelo, Texas, on the 15th day of April 2021, at 4:12 p.m.



Julia Antilley, City Clerk

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

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

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

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

Proclamation

Approximately 15 million current drinkers in the United States are dependent on alcohol.

Almost 100,000 people die each year from alcohol-related causes: drinking and driving crashes, other accidents, falls, fires, and alcohol-related homicides. Suicide and alcohol abuse is linked to as many as two-thirds of all sexual assaults and date rapes.

The typical American will see 100,000 alcohol related commercials before he or she turns 18.

Adolescents use alcohol more than tobacco or illicit drugs, and young people begin drinking, on average, at 13 years of age. Youth who begin drinking before age 15 are four times more likely to develop alcohol dependence than those who begin drinking at age 21.

Alcohol is a primary factor in the four leading causes of death for youth ages 10-21.

For all these reasons, the Alcohol & Drug Abuse Council for the Concho Valley and the Concho Valley CARES Coalition are asking the residents of San Angelo to join in recognizing April as Alcohol Awareness Month.

Therefore, I, Brenda Gunter, Mayor of the City of San Angelo, Texas, on behalf of the City Council, do hereby proclaim April 2021, as

“ALCOHOL AWARENESS MONTH”

in San Angelo, Texas, and call upon all residents, parents, governmental agencies, public and private institutions, businesses, hospitals, schools, and colleges in the city of San Angelo to support efforts that will increase community awareness and support for individuals and families coping with alcoholism 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 20th day of April, 2021.

Brenda Gunter
Mayor of the City of San Angelo

Proclamation

The first Earth Day was held on April 22, 1970, when San Francisco activist John McConnell and Wisconsin Senator Gaylord Nelson asked Americans to join in a grassroots demonstration supporting environmental challenges. At that time, President Richard Nixon led the nation in creating the Environmental Protection Agency. Now, 51 years later, more than 1 billion people in 192 countries participate in Earth Day activities each year, making it the largest civic observance in the World.

Earth Day is an annual reminder of the constant need for a commitment to restoration and sustainability efforts. It is up to each and every one of us to restore our Earth because we care about the natural world. All people of this Earth, from all walks of life, have a right to a healthy, sustainable environment.

Not only is Earth Day meant to increase awareness of environmental issues, it is also a time for our community to come together at the local level to promote educational efforts, public policy, and organizations like Keep San Angelo Beautiful.

Therefore, I, Brenda Gunter, Mayor of San Angelo, do hereby proclaim April 22, 2021 as

“Restore Our Earth Day”

and encourage all residents to use this day to celebrate the Earth and commit to the stewardship of the environment; together we can make the Earth a safer and healthier place to live.

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 20th day of April 2021.

Brenda Gunter
Mayor of the City of San Angelo

City of San Angelo, Texas
Regular City Council Meeting
Tuesday, April 6, 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

With a quorum of the City Council Members present, Mayor Gunter called the regular session of the San Angelo City Council to order at 8:30 a.m. on Tuesday, April 6, 2021 in the San Angelo McNease Convention Center, 501 Rio Concho Drive, San Angelo, Texas 76903.

2. Chaplain Prayer & Pledges

An invocation was provided by San Angelo Police Department Chaplain Gary Jenkins. Pledges were led by Police Department Chaplain Marcella Jenkins.

3. Proclamations/Recognitions

- a. April 2021 was proclaimed as Fair Housing Month
- b. April 2021 was proclaimed as National Autism Acceptance Month
- c. April 2021 was proclaimed as I Chose Angelo State Month
- d. April 2021 was proclaimed as Month of the Military Child
- e. Mary Cleveland was recognized for her retirement after 31 years of service to the City of San Angelo

4. Public Comment

Citizen Justin Walcott (SMD5) requested information on the progress and results of the investigation on the water contamination.

Citizen Jennifer Pape (SMD5) expressed concern over continued lighting issues coming from Sports Next Level.

Mayor Gunter announced that the city has outlined steps and provided sample documents that citizens can use to file a formal notice of dispute and arbitration against Suddenlink. Citizens should visit www.cosatx.us/suddenlink for more information. Suddenlink terms require individual arbitration; therefore, all disputes and issues must be handled separately.

5. Consent Agenda

- a. Approval of the March 16, 2021 City Council regular meeting minutes (Julia Antilley)
- b. Approval of an agreement with Concho Valley Council of Governments-West Texas RSVP for lease of office space at Station 618 Senior Center and authorizing the City Manager to negotiate and execute all related documents (Sandra Aguilar)

- c. Award of ES-02-21 2021 Annual Seal Coat Project to F.N. Ploch Construction Company in the amount of \$1,497,270.88 and authorizing the City Manager to negotiate and execute all related documents (Mitchell Gatlin)
- d. Approval of Buyboard Contract #601-19 from Freightliner of Austin (Austin, TX) in the amount of \$386,423, budgeted in fiscal year 2021 for the purchase of one sewer vacuum truck, and authorizing the City Manager to negotiate and execute all related documents (Ryan Kramer)
- e. Approval of the purchase of two shredders from Deere & Company (San Angelo, TX) through Sourcewell Contract #110719-JDC in the amount of \$44,944.88, budgeted in fiscal year 2021, and authorizing the City Manager to negotiate and execute all related documents (Ryan Kramer)
- f. Authorization of the City Manager to negotiate and execute an agreement and all related documents with the Southern Drag Boat Association (SDBA) for the annual Drag Boat Races at Lake Nasworthy (Carl White)
- g. Adoption of a resolution approving non-monetary in-kind support for the Ballet San Angelo "Light Up the Night - Sharing Dance Day 2021" event to be held June 19, 2021 in front of City Hall (Carl White) (Pg. 118, 2021-039)
- h. Adoption of a resolution authorizing the adoption of the 2021-2026 Capital Improvement Plan for the City of San Angelo (Kimberly Holle) (Pg. 119, 2021-040)
- i. Grant of signature authority to the City Manager and to the Economic Development Director to execute an agreement related to a change in ownership of the City's investment advisement firm from Patterson & Associates to Meeder Investment Management, Inc. (Tina Dierschke)
- j. Second reading and adoption of ordinances:
 - 1. CP21-01, amending the City of San Angelo Comprehensive Plan, changing certain lands from the Neighborhood Future Land Use to the Commercial Future Land Use, being 0.16 acres located in the 200 block of W. 23rd St.; and (Pg. 120, 2021-041)
 - 2. Z21-01, rezoning property from the General Commercial/Heavy Commercial and Single-Family Residential zoning districts to the General Commercial zoning district, located at 2218 Martin Luther King Dr., three lots in the 200 block of W. 22nd St., and one lot in the 200 block of W. 23rd St., being 1.125 acres (Jon James) (Pg. 123, 2021-042)
- k. Second reading and adoption of an ordinance providing for the abandonment of 6,582-sq ft of the south side of the W. 23rd St. right-of-way between Martin Luther King Dr. and Farr St. (Jon James) (Pg. 126, 2021-043)
- l. Second reading and adoption of an ordinance approving case PD21-01, a rezoning from the Light Manufacturing, General Commercial/Heavy Commercial, Low Rise Multifamily Residential, and Two-Family Residential zoning districts to the Planned Development (PD21-01) zoning district to allow for museums, offices, and associated uses; located north of E. Washington St., east of S. Oakes St., south of the Texas Pacific Railway, and west of Rust St.; being approximately 38 acres (Jon James) (Pg. 131, 2021-044)
- m. Second reading and adoption of an ordinance amending the Planned Development (PD15-04) zoning district of a medical facilities campus to expand the district boundaries, to modify the development standards, and to allow all uses in the Central Business District, as well as hospitals and drug processing, and related accessory uses; being approximately 49 acres located north of E. Twohig Ave., east of Chadbourne St., south of Woodrow St., and west of Main St. (Jon James) (Pg. 135, 2021-045)

- n. Second reading and adoption of an ordinance approving case Z21-02, a request for approval of a rezoning from the Light Manufacturing zoning district to the Central Business District zoning district, being 0.396 acres located at 124-128 W. 4th St. (Jon James) (Pg. 143, 2021-046)

Motion: Council Member Hiebert made a motion, seconded by Council Member Carter, to approve the Consent Agenda, with the exception of items 5j and 5k. The motion carried unanimously (7) ayes to (0) nays.

Motion: Council Member Carter made a motion, seconded by Council Member Hiebert, to approve item 5j, as presented by Planning & Development Director Jon James. The motion carried (6) ayes to (0) nays, with (1) abstention by Council Member DeWitt.

Motion: Council Member Hiebert made a motion, seconded by Council Member Carter, to approve item 5k, as presented by Planning & Development Director Jon James. The motion carried (6) ayes to (0) nays, with (1) abstention by Council Member DeWitt.

6. Regular Agenda

- a. Final update regarding February water contamination (Presentation made by Water Utilities Director Allison Strube)

Water Utilities Director Allison Strube provided an update on the PaulAnn and Northern Industrial area contamination. The city is waiting on TCEQ to lift the restrictions on the remaining 29 residential customers residing in the industrial area. Going forward the city will implement a more rigorous backflow/cross-connection program, update its ordinances with further plumbing requirements, and dedicate employees solely to customer service inspections in coordination with the Water Utilities Department.

Citizen Dietrick Tillis (SMD4) made comments regarding the water contamination odor.

No Action Taken on this Item.

- b. Adoption of a resolution approving the award of Emergency Street Repair contracts due to the effects of Winter Storm Uri and pursuant to Texas Local Government Code §252.022 to Reece Albert, Inc. and James D. Goode Construction, Inc. in the aggregate amount not to exceed \$1,000,000 and authorizing the City Manager to negotiate and execute all related documents (Presentation made by Executive Director of Public Works Shane Kelton) (Pg. 146, 2021-047)

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

- c. First reading and public hearing of an ordinance approving Standards of Care for Recreation Summer Camp held at Recreation Centers for children ages 5 through 12 (Presentation made by Recreation Manager Brent Casey)

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

- d. First reading and public hearing of an ordinance approving an amendment to a Planned Development District, PD07-03, to allow an additional use of a water processing and delivery business and related accessory uses for a property located at 2909 S. A&M Ave. (Presentation made by Planning & Development Services Director Jon James)

Property owner Jack Gabriel responded to questions and stated he would request, if approved, that restriction 6 (regarding the lighting hours) be lifted to allow for current security lighting to remain.

Citizen Mike Wyse Chancellor of Catholic Diocese noted they recently acquired a portion of the area contained in the planned development and spoke against the planned use of the area.

Citizen Flo Loika (SMD5) read a letter from Aaron Byer (SMD5) in opposition to the planned development and then expressed her concerns against the planned development.

Motion: Council Member Carter made a motion, seconded by Council Member DeWitt, to table the item until the April 20, 2021 meeting allowing for the business owner's attendance. The motion carried (6) ayes to (1) nay, with Council Member Thompson casting the dissenting vote.

- e. First reading and public hearing of ordinances establishing a process and standards for encroachments into the public right-of-way:
 - 1. An ordinance amending the City Code of Ordinances, Chapter 12, Planning and Development, creating a new Article 12.10 regarding encroachments, and related revisions to the sign regulations in Article 12.04; and
 - 2. An ordinance amending the City Code of Ordinances, Chapter 8, Offenses and Nuisances, Articles 8.05 and 8.06 regarding obstructions
(Presentation made by Planning & Development Services Director Jon James)

Mayor Gunter expressed concern regarding administrative approval of signs on private property.

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

- f. 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)

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.

Quorum for Remainder of Meeting:

Mayor Brenda Gunter

Mayor Pro tem Harry Thomas, SMD 3

Council Member Tommy Hiebert, SMD 1

Council Member Lucy Gonzalez, SMD 4

Council Member Lane Carter, SMD 5

Council Member Billie DeWitt, SMD 6

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. 551.087 Economic Development Negotiations regarding Project 2021-L029: Business prospect negotiations concerning airport hangar
- b. 551.072 Deliberations about Real Property regarding Block 18, San Angelo Addition

8. Follow Up and Administrative Issues

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

No Action Taken on this Item.

- b. Announcements and consideration of Future Agenda items

No Action Taken on this Item.

9. **Adjournment**

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

There being no further business, the meeting adjourned at 12:44 p.m.

THE CITY OF SAN ANGELO, TEXAS:

ATTEST:

Brenda Gunter, Mayor

Julia Antilley, City Clerk

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

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: April 20, 2021

Item type: Consent Item

Caption:

Consider authorizing the City Manager to negotiate and execute an agreement and all related documents with the San Angelo Stock Show and Rodeo Association for lease of the San Angelo Fairgrounds (Carl White)

Summary/History:

The lease to the San Angelo Stock Show and Rodeo Association (SASSRA) for the entire Fairgrounds, executed on July 1, 1986, has an initial term that expires June 30, 2021 (35 years). The lease has an option to extend for an additional 35 years under the same terms.

A lot has changed in 35 years and, working with the SASSRA, we are proposing a new lease with key terms and items to address:

- * a 25-year term with a 5 year extension
- * incorporate amendments, including: shared HVAC system (Foster Communications Coliseum and Spur Arena); previously added property; previous improvements
- * updated insurance requirements
- * updated "boilerplate"

Please note that there is a separate agreement with SASSRA for the lease of the Foster Communications Coliseum for their hosting of the rodeo and other events.

Financial Impact:

The agreement can include a nominal annual fee, but the primary financial benefits to the City are: the San Angelo Stock Show and Rodeo Association improves, maintains and operates (at no cost to the City) the entire Fairgrounds and, most especially, the events and activities hosted by the Association have a significant economic impact the entire city.

Other Information/Recommendation:

Attachments:

Presentation:

Carl White

Approvals/Reviews:

Carl White
Theresa James

Created/Initiated
Approved

Tina Dierschke
Julia Antilley

Approved
Final Approval

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Charles Michalewicz, Engineer, Engineering Services, 325-657-4201

Meeting Date: April 20, 2021

Item type: Consent Item

Caption:

Consider approving Change Order #6 and amending Change Order #5 to ES-03-20 Chadbourne Street Improvements Project - Phase A to Ti-Zack Concrete, Inc. increasing the total contract amount by \$59,233.95 and authorizing the City Manager to negotiate and execute all related documents (Mitchell Gatlin)

Summary/History:

The Downtown Chadbourne Street Project is well underway and, as expected, there have been several previously unknown issues come to light. In an effort to address these issues, City staff is requesting approval of two change orders.

Change Order #5 was previously approved by Council on March 16, 2021 and reduced the project cost by \$110,068.00. Due to a mathematical error, the actual reduction for Change Order #5 should have been \$107,816.44. Thus \$2,250.00 [\$110,068.00 - \$107,816.44] needs to be added back to the project cost.

Additionally, Change Order #6 includes:

- 1) processing and compacting base material supplied by COSA;
- 2) areaway abandonment in front of The Man Store and the Trust Building;
- 3) converting units of flex base material from Cubic Yards to Tons; and
- 4) quantity overruns for lighting conduit and signal meter changes.

The total cost for Change Order #6 is an increase of \$56,983.95.

The total amendment of Change Order #5 and the total of Change Order #6 will increase the project cost by \$59,233.95 [\$2,250.00+\$56,983.95].

Financial Impact:

The amendment to Change Order #5 and the total of Change Order #6 increase the contract awarded to Ti-Zack Concrete, Inc. by \$59,233.95.

Original Contract = \$8,892,361.87

Total after Change Order #1 = \$7,689,905.99

Total after Change Order #2 = \$7,536,605.99

Total after Change Order #3, #4, #5 = \$7,578,190.89

Total after Change Order #6 = \$7,635,174.84

All change orders to-date are within the original Project Budget. No contingency has been used.

Other Information/Recommendation:

Staff recommends approving Change Order #6 and amending Change Order #5 for ES-03-20 Chadbourne Street

Improvements Project.

Attachments:

1.
- 2021.04.09_CO#6
- 2021.04.09_CO#6.pdf

Presentation:

Mitchell Gatlin

Approvals/Reviews:

Charles Michalewicz	Created/Initiated
Kevin Pate	Approved
Shane Kelton	Approved
Theresa James	Approved
Tina Dierschke	Approved
Julia Antilley	Final Approval

CONSTRUCTION CONTRACT CHANGE ORDER NUMBER: 6

1. CONTRACTOR: Ti-Zack Concrete, Inc.

2. Change Order Work Limits: Sta. 26+00 to Sta. 42+50

3. Type of Change (on federal-aid non-exempt projects): Minor (Major/Minor)

4. Describe the change and the reason for the change order. When necessary, include exceptions to this agreement.

Costs to process and compact base material supplied by COSA
Areaway Abandonment in front of the Man Store
Areaway Abandonment in front of the Trust Building
Converting units of Flex Base Material from CY to tons.
Overrun Quantities for AEP Conduit and Signal Meter Changes

CCSJ: 0907-24-048

Project: _____

Highway: _____

County: _____

District: 07 - San Angelo

Contract
Number: _____

5. New or revised plan sheet(s) are attached and numbered: N/A

Each signatory hereby warrants that each has the authority to execute this Change Order.

By signing this change order, the contractor agrees to waive any and all claims for additional compensation due to any and all other expenses; additional changes for time, overhead and profit; or loss of compensation as a result of this change. Further, the contractor agrees that this agreement is made in accordance with Item 4 and the Contract. Exceptions should be noted in the response for #5 above.

THE CONTRACTOR _____ Date _____

By _____

Typed/Printed Name _____

Typed/Printed Title _____

The following information must be provided

Time Ext. #: 0 Days added on this C.O.: 0

Amt. added by this change order: \$56,983.95

For TxDOT use only:

Days participating: _____

Amount participating: _____

Signature _____ Date _____

Name/Title _____

RECOMMENDED FOR EXECUTION:

Name/Title _____ Date _____

Name/Title _____ Date _____

☐ APPROVED

☐ REQUEST APPROVAL

Name/Title _____ Date _____

Name/Title _____ Date _____

☐ APPROVED

☐ REQUEST APPROVAL

Name/Title _____ Date _____

Name/Title _____ Date _____

☐ APPROVED

☐ REQUEST APPROVAL

Name/Title _____ Date _____

Name/Title _____ Date _____

☐ APPROVED

Engineer's Seal:



City of San Angelo
RFB: ES-03-20; Change Order Form
Chadbourne Street Improvements - Phase A

Change Order No. 6

Contractor: Ti-Zack Concrete, Inc.

Item No.	Specification	Item Description	Quantity	Unit	Unit Price	Total Price	Add Quantities	Deduct Quantities	Revised Quantities	Adjusted Total Price
Item 1: Mobilization, Temporary Access and Erosion/Sedimentation Control Measures										
1.01	TxDOT 500	Mobilization	1	LS	\$ 434,200.00	\$ 434,200.00	-	-	1	\$ 434,200.00
1.02	TxDOT 502	Barricades, Signs, and Traffic Handling	24	MO	\$ 500.00	\$ 12,000.00	-	-	24	\$ 12,000.00
1.03	TxDOT 506	Storm Water Management	24	MO	\$ 300.00	\$ 7,200.00	-	-	24	\$ 7,200.00
Subtotal =						\$ 453,400.00				\$ 453,400.00
Item 2: Utilities - Sanitary Sewer										
2.01	TxDOT 479	Adjusting Manholes (Sanitary)(Provide new ring and lid)	12	EA	\$ 1,160.00	\$ 13,920.00	-	-	12	\$ 13,920.00
2.02	---	Adjusting Sewer Clean Out to Grade	4	EA	\$ 685.00	\$ 2,740.00	-	-	4	\$ 2,740.00
2.03	---	4' Diameter FRP Manhole (TY B, <10')	1	EA	\$ 5,950.00	\$ 5,950.00	-	-	1	\$ 5,950.00
Subtotal =						\$ 22,610.00				\$ 22,610.00
Item 3: Utilities - Water										
3.01	TxDOT 479	Adjusting Water Valve Stand to Grade	34	EA	\$ 472.00	\$ 16,048.00	-	-	34	\$ 16,048.00
3.02	TxDOT 479	Adjusting Water Meter Box to Grade	21	EA	\$ 433.00	\$ 9,093.00	-	-	21	\$ 9,093.00
3.03	---	Relocate Fire Hydrant per COSA Standards	5	EA	\$ 8,500.00	\$ 42,500.00	-	-	5	\$ 42,500.00
3.04	---	Relocate Water Meter Box	19	EA	\$ 4,070.00	\$ 77,330.00	-	-	19	\$ 77,330.00
Subtotal =						\$ 144,971.00				\$ 144,971.00
Item 4: Storm Drains										
4.01	---	Remove existing inlets	2	EA	\$ 896.00	\$ 1,792.00	-	-	2	\$ 1,792.00
4.02	---	Nyloplast 30" Drain Basin	2	EA	\$ 4,760.00	\$ 9,520.00	-	-	2	\$ 9,520.00
4.03	---	18" Curb Inlet (2'x3' Rect)	2	EA	\$ 4,930.00	\$ 9,860.00	-	-	2	\$ 9,860.00
4.04	---	18" HDPE Pipe	35	LF	\$ 160.00	\$ 5,600.00	-	-	35	\$ 5,600.00
Subtotal =						\$ 26,772.00				\$ 26,772.00
Item 5: Paving										
5.01	TxDOT 104	Remove and Dispose of Existing Concrete Curb and Gutter	4,331	LF	\$ 11.10	\$ 48,074.10	-	-	3,246	\$ 36,030.60
5.02	TxDOT 104	Remove and Dispose of Existing Brick Pavers (COSA to keep brick)	18,100	SY	\$ 2.00	\$ 36,200.00	-	-	14,820	\$ 29,640.00
5.03	TxDOT 104	Remove and Dispose of Existing Trolley Rail and Cross Ties	1,650	LF	\$ 5.00	\$ 8,250.00	-	-	1,650	\$ 8,250.00
5.04	TxDOT 105	Remove and Dispose of Existing Apshalt Pavement	18,100	SY	\$ 13.10	\$ 237,110.00	-	-	14,820	\$ 194,142.00
5.05	TxDOT 105	Remove and Dispose of Existing Flexible Base	18,100	SY	\$ 4.45	\$ 80,545.00	-	-	14,820	\$ 65,949.00
5.06	TxDOT 110	Excavation (6")	3,000	CY	\$ 22.90	\$ 68,700.00	-	-	317	\$ 7,259.30
5.07	TxDOT 152	Road Grader Work (Desity Control)	19,140	SY	\$ 1.00	\$ 19,140.00	-	-	15,670	\$ 15,670.00
5.08	TxDOT 340	4" HMAC Type B Base Material	4,125.6	TON	\$ 150.00	\$ 618,840.00	-	-	437.6	\$ 65,640.00
5.09	TxDOT 528	Integral Colored Stamped Concrete - Star Intersections	3,410	SF	\$ 27.70	\$ 94,457.00	-	-	3,410	\$ 94,457.00
5.10	TxDOT 528	Integral Colored Stamped Concrete Medians (Brick Pattern Finish)	5,645	SF	\$ 19.90	\$ 112,335.50	-	-	5,645	\$ 112,335.50
5.11	TxDOT 360	7" Reinforced Concrete Pavement (Class P)	15,152.2	SY	\$ 100.00	\$ 1,515,220.00	-	-	12,407.2	\$ 1,240,720.00
5.12	TxDOT 529	6" Concrete Curb and Gutter (TY II)	6,304	LF	\$ 45.00	\$ 283,680.00	-	-	5,264	\$ 236,880.00

Item No.	Specification	Item Description	Quantity	Unit	Unit Price	Total Price	Add Quantities	Deduct Quantities	Revised Quantities	Adjusted Total Price
5.13		3" Concrete Curb and Gutter	263	LF	\$ 57.00	\$ 14,991.00	-	-	263	\$ 14,991.00
5.14	TxDOT 530	Driveway Reconnections	250	SY	\$ 83.90	\$ 20,975.00	-	-	173	\$ 14,514.70
5.15	---	Adjusting Electric Manhole to Grade	6	EA	\$ 1,030.00	\$ 6,180.00	-	-	6	\$ 6,180.00
Subtotal =										\$ 2,142,659.10
Item 6: Pavement Markings and Signage										
6.01	TxDOT 666	Refl Pav Mrk Ty 1 (Y) 4" (SLD)(100MIL) (SURF PREP subsidiary)	3,545	LF	\$ 2.70	\$ 9,571.50	-	-	4,545	\$ 12,271.50
6.02	TxDOT 666	Refl Pav Mrk Ty 1 (W) 4" (SLD)(100MIL)	7,830.00	LF	\$ 1.85	\$ 14,485.50	-	-	7,830	\$ 14,485.50
6.03	TxDOT 666	Refl Pav Mrk Ty I(BLACK)7"(BLACK)(100MIL) (SURF PREP subsidiary)	8,310	LF	\$ 3.85	\$ 31,993.50	-	-	8,310	\$ 31,993.50
6.04	TxDOT 666	Refl Pav Mrk Ty 1 (W) 4" (DOT)(100MIL)	642	LF	\$ 1.90	\$ 1,219.80	-	-	642	\$ 1,219.80
6.05	TxDOT 666	Refl Pav Mrk Ty 1 (W) 8" (SLD)(100MIL)	1,145	LF	\$ 3.45	\$ 3,950.25	-	-	1,145	\$ 3,950.25
6.06	TxDOT 666	Refl Pav Mrk Ty I(BLACK)11"(BLACK)(100MIL) (SURF PREP subsidiary)	1,157	LF	\$ 6.50	\$ 7,520.50	-	-	1,157	\$ 7,520.50
6.07	TxDOT 666	Refl Pav Mrk Ty 1 (W) 12" (SLD)(100MIL)	290	LF	\$ 6.00	\$ 1,740.00	-	-	290	\$ 1,740.00
6.08	TxDOT 666	Refl Pav Mrk Ty I(BLACK)15"(BLACK)(100MIL) (SURF PREP subsidiary)	302	LF	\$ 9.80	\$ 2,959.60	-	-	302	\$ 2,959.60
6.09	TxDOT 666	Refl Pav Mrk Ty 1 (W) (ARW) (SURF PREP subsidiary)	26	EA	\$ 210.00	\$ 5,460.00	-	-	26	\$ 5,460.00
6.10	TxDOT 666	Refl Pav Mrk Ty 1 (W) (WORD) (SURF PREP subsidiary)	12	EA	\$ 205.00	\$ 2,460.00	-	-	12	\$ 2,460.00
6.11	TxDOT 672	Raised Pav Mrk Ty II-A-A (SURF PREP subsidiary)	198	EA	\$ 26.50	\$ 5,247.00	-	-	198	\$ 5,247.00
6.12	TxDOT 672	Raised Pav Mrk Ty I-C (SURF PREP subsidiary)	59	EA	\$ 26.50	\$ 1,563.50	-	-	59	\$ 1,563.50
6.13	TxDOT 636	Aluminum Signs (TY A)	95	SF	\$ 65.00	\$ 6,175.00	-	-	67	\$ 4,355.00
6.14	TxDOT 668	Prefab Pav Mrk Acc Prkng (W) 48"x48" (SURF PREP subsidiary)	8	EA	\$ 860.00	\$ 6,880.00	-	-	8	\$ 6,880.00
6.15	TxDOT 644	IN SM RD SUP&AM TY10BWG (1) WS (P) (Wedge Anchor Steel System)	43	EA	\$ 300.00	\$ 12,900.00	-	-	43	\$ 12,900.00
Subtotal =										\$ 115,006.15
Item 7: Street Lighting										
7.01	TxDOT 628	Service Pole	1	EA	\$ 11,200.00	\$ 11,200.00	-	-	1	\$ 11,200.00
7.02	TxDOT 610	30' Strenberg Aluminium Pole with double light fixture	17	EA	\$ 20,200.00	\$ 343,400.00	-	-	17	\$ 343,400.00
7.03	TxDOT 416	30" Drill Shaft Foundation	17	EA	\$ 3,030.00	\$ 51,510.00	-	-	16	\$ 48,480.00
7.04	TxDOT 620	#2 AWG	3,500	LF	\$ 3.75	\$ 13,125.00	-	-	4,586	\$ 17,197.50
7.05	TxDOT 620	#8 AWG	1,750	LF	\$ 1.50	\$ 2,625.00	-	-	2,293	\$ 3,439.50
7.06	TxDOT 618	2" PVC conduit	1,600	LF	\$ 3.30	\$ 5,280.00	-	-	2,293	\$ 7,566.90
7.07	TxDOT 618	Trenching and backfill	1,600	LF	\$ 17.00	\$ 27,200.00	-	-	2,293	\$ 38,981.00
7.08	TxDOT 618	Bore	0	LF	\$ 55.00	\$ -	-	-	0	\$ -
7.08*	TxDOT 624	11x17 Inground Pullbox	4	EA	\$ 1,520.00	\$ 6,080.00	2	-	5	\$ 7,600.00
7.09	TxDOT 610	Roadway Illumination Assembly (Remove)	25	EA	\$ 1,150.00	\$ 28,750.00	-	-	25	\$ 28,750.00
Subtotal =										\$ 506,614.90
Item 8: Traffic Signals										
8.01	TxDOT 416	DRILL SHAFT (TRF SIG POLE) (30 IN)	132	LF	\$ 505.00	\$ 66,660.00	-	-	132	\$ 66,660.00
8.02	TxDOT 618	CONDT (PVC) (SCHD 80) (2")	60	LF	\$ 14.00	\$ 840.00	-	-	60	\$ 840.00
8.03	TxDOT 618	CONDT (PVC) (SCHD 80) (3")	420	LF	\$ 20.00	\$ 8,400.00	745	-	1,165.00	\$ 23,300.00

Item No.	Specification	Item Description	Quantity	Unit	Unit Price	Total Price	Add Quantities	Deduct Quantities	Revised Quantities	Adjusted Total Price
8.04	TxDOT 618	CONDT (PVC) (SCHD 80) (4")	250	LF	\$ 25.00	\$ 6,250.00	274	-	524.00	\$ 13,100.00
8.05	TxDOT 618	CONDT (PVC) (SCHD 80) (4") (BORE)	860	LF	\$ 55.00	\$ 47,300.00	-	-	860	\$ 47,300.00
8.06	TxDOT 620	ELEC CONDUCTOR (NO. 8) INSULATED	3,070	LF	\$ 1.50	\$ 4,605.00	-	-	3,070	\$ 4,605.00
8.07	TxDOT 620	ELEC CONDUCTOR (NO. 6) BARE	1,620	LF	\$ 1.60	\$ 2,592.00	-	-	1,620	\$ 2,592.00
8.08	TxDOT 620	ELEC CONDUCTOR (NO. 6) INSULATED	180	LF	\$ 1.75	\$ 315.00	-	-	180	\$ 315.00
8.09	TxDOT 624	GROUND BOX TY D (162922) W/APRON	15	EA	\$ 1,890.00	\$ 28,350.00	-	-	15	\$ 28,350.00
8.10	TxDOT 628	ELC SRV TY D 120/240 070 (NS)AL(E)PS(U)	3	EA	\$ 7,580.00	\$ 22,740.00	-	-	3	\$ 22,740.00
8.11	TxDOT 680	INSTALL HWY TRAF SIG (ISOLATED)	3	EA	\$ 41,000.00	\$ 123,000.00	-	-	3	\$ 123,000.00
8.12	TxDOT 680	REMOVING TRAFFIC SIGNALS	3	EA	\$ 11,400.00	\$ 34,200.00	-	-	3	\$ 34,200.00
8.13	TxDOT 682	VEH SIG SEC (12") LED (GRN)	24	EA	\$ 379.00	\$ 9,096.00	-	-	24	\$ 9,096.00
8.14	TxDOT 682	VEH SIG SEC (12") LED (YEL)	24	EA	\$ 379.00	\$ 9,096.00	-	-	24	\$ 9,096.00
8.15	TxDOT 682	VEH SIG SEC (12") LED (YEL ARW)	24	EA	\$ 379.00	\$ 9,096.00	-	-	24	\$ 9,096.00
8.16	TxDOT 682	VEH SIG SEC (12") LED (RED)	24	EA	\$ 379.00	\$ 9,096.00	-	-	24	\$ 9,096.00
8.17	TxDOT 682	VEH SIG SEC (12") LED (RED ARW)	12	EA	\$ 379.00	\$ 4,548.00	-	-	12	\$ 4,548.00
8.18	TxDOT 682	BACKPLATE (12")(3 SEC)(VENTED)ALUM	24	EA	\$ 107.00	\$ 2,568.00	-	-	24	\$ 2,568.00
8.19	TxDOT 682	BACKPLATE (12")(5 SEC)(VENTED)ALUM	12	EA	\$ 139.00	\$ 1,668.00	-	-	12	\$ 1,668.00
8.20	TxDOT 684	TRF SIG CBL (TY A) (14 AWG) (10 CONDR)	1,610	LF	\$ 3.00	\$ 4,830.00	-	-	1,610	\$ 4,830.00
8.21	TxDOT 684	TRF SIG CBL (TY A) (14 AWG) (20 CONDR)	1,655	LF	\$ 6.00	\$ 9,930.00	-	-	1,655	\$ 9,930.00
8.22	TxDOT 684	TRF SIG CBL (TY C) (12 AWG) (3 CONDR)	3,265	LF	\$ 2.50	\$ 8,162.50	-	-	3,265	\$ 8,162.50
8.23	TxDOT 686	INS TRF SIG PL AM (S) 1 ARM (28') LUM	12	EA	\$ 26,500.00	\$ 318,000.00	-	-	12	\$ 318,000.00
8.24	TxDOT 6058	BBU SYSTEM (EXTERNAL BATT CABINET)	3	EA	\$ 12,000.00	\$ 36,000.00	-	-	0	\$ -
8.25	---	GRIDSMART CAMERA	3	EA	\$ 39,100.00	\$ 117,300.00	-	-	0	\$ -
8.26	---	CAT5 ETHERNET CABLE	170	EA	\$ 3.50	\$ 595.00	-	-	170	\$ 595.00
Subtotal =						\$ 885,237.50				\$ 753,687.50
Item 9: Amenities										
9.01	---	Excavation of base for planters (24" depth)	551	CY	\$ 40.00	\$ 22,040.00	-	-	185	\$ 7,400.00
9.02	---	Remove existing trees	10	EA	\$ 79.30	\$ 793.00	-	-	10	\$ 793.00
9.03	TxDOT 450	TxDOT Handrail PRD-13 Type C	434	LF	\$ 99.80	\$ 43,313.20	-	-	399	\$ 39,820.20
9.04	---	Gateway Columns	8	EA	\$ 23,200.00	\$ 185,600.00	-	-	0	\$ -
9.05	TxDOT 170	Irrigation System	1	LS	\$ 140,000.00	\$ 140,000.00	-	-	0.80	\$ 112,000.00
9.06	TxDOT 192	Tree (30 gal)	18	EA	\$ 515.00	\$ 9,270.00	-	-	18	\$ 9,270.00
9.07	TxDOT 192	Tree (65 gal)	25	EA	\$ 773.00	\$ 19,325.00	-	-	17	\$ 13,141.00
9.08	TxDOT 192	Shrub (7 gal)	104	EA	\$ 77.30	\$ 8,039.20	-	-	104	\$ 8,039.20
9.09	TxDOT 192	Shrub (5 gal)	134	EA	\$ 51.50	\$ 6,901.00	-	-	104	\$ 5,356.00
9.10	TxDOT 192	Shrub (3 gal)	200	EA	\$ 30.90	\$ 6,180.00	-	-	77	\$ 2,379.30
9.11	TxDOT 192	Shrub (1 gal)	112	EA	\$ 15.50	\$ 1,736.00	-	-	86	\$ 1,333.00
9.12	TxDOT 192	Bermuda Sod	4,414	SF	\$ 0.88	\$ 3,884.32	-	-	4,414	\$ 3,884.32
9.13	TxDOT 160	Imported Topsoil	551	CY	\$ 49.40	\$ 27,219.40	-	-	185	\$ 9,139.00
9.14	TxDOT 529	12" Concrete Stand Up Curb (Planter Boxes)	2,290	LF	\$ 77.60	\$ 177,704.00	-	-	1,572	\$ 121,987.20
9.15	---	Paver-grate tree grates (1,081 sf)	27	EA	\$ 2,700.00	\$ 72,900.00	-	-	13	\$ 35,100.00
9.16	TxDOT 192	Bed Prep	7,443	SF	\$ 0.88	\$ 6,549.84	-	-	5,017	\$ 4,414.96
9.17	TxDOT 192	3/4" Rock Mulch	6,362	SF	\$ 1.80	\$ 11,451.60	-	-	5,017	\$ 9,030.60
9.18	---	Banner Pole	14	EA	\$ 1,000.00	\$ 14,000.00	-	-	14	\$ 14,000.00

Item No.	Specification	Item Description	Quantity	Unit	Unit Price	Total Price	Add Quantities	Deduct Quantities	Revised Quantities	Adjusted Total Price
Subtotal =						\$ 756,906.56				\$ 397,087.78
Item 10: Grant Eligible Items										
10.01	---	Decorative Benches	10	EA	\$ 803.00	\$ 8,030.00	-	-	10	\$ 8,030.00
10.02	---	Bike Racks	5	EA	\$ 747.00	\$ 3,735.00	-	-	5	\$ 3,735.00
10.03	---	Stone benches/seating	174	LF	\$ 258.00	\$ 44,892.00	-	-	146	\$ 37,668.00
10.04	---	Trash receptacles	5	EA	\$ 2,060.00	\$ 10,300.00	-	-	5	\$ 10,300.00
10.05	TxDOT 104	Remove Concrete (Sidewalk)	6,325	SY	\$ 33.60	\$ 212,520.00	36	-	6,361	\$ 213,729.60
10.06	TxDOT 110	Excavation	1,730	CY	\$ 87.80	\$ 151,894.00	-	-	1,730	\$ 151,894.00
10.07	TxDOT 247	Embankment (Final)(Ord Comp)(TY A) FL BS (CMP IN PLC)(TY A GR1-2)(FNAL POS)	1,447	CY	\$ 75.00	\$ 108,532.50	-	1,447	0	\$ -
10.08	TxDOT 192	Shade Trees at Rest Areas (65 gal)	7	EA	\$ 773.00	\$ 5,411.00	-	-	7	\$ 5,411.00
10.09	TxDOT 531	6" Concrete Sidewalk with Broom Finish (P-01 and P-11)	13,574	SF	\$ 18.10	\$ 245,689.40	310	-	8,161	\$ 147,714.10
10.10	TxDOT 531	6" Concrete Sidewalks with Sand Blasted Finish 3'x3' (P-02)	9,134	SF	\$ 13.90	\$ 126,962.60	-	-	8,710	\$ 121,069.00
10.11	TxDOT 531	6" Concrete Sidewalks with Sand Blasted Finish 5'x5' (P-03)	38,704	SF	\$ 13.50	\$ 522,504.00	-	-	22,963	\$ 310,000.50
10.12	TxDOT 528	Integral Colored Stamped 6" Concrete Sidewalks (Wood Grain Finish) (P-04)	11,692	SF	\$ 19.80	\$ 231,501.60	-	-	11,692	\$ 231,501.60
10.13	TxDOT 528	Integral Colored Stamped 7" Concrete Crosswalks (Brick Pattern)	5,384	SF	\$ 19.70	\$ 106,064.80	-	-	5,384	\$ 106,064.80
10.14	610	23' Strenberg Aluminium Pole with single light fixture	17	EA	\$ 15,800.00	\$ 268,600.00	-	-	17	\$ 268,600.00
10.15	416	30" Drill Shaft Foundation	17	EA	\$ 3,030.00	\$ 51,510.00	-	-	16	\$ 48,480.00
10.16	620	#2 AWG	3,500	LF	\$ 3.75	\$ 13,125.00	-	-	4,640	\$ 17,400.00
10.17	620	#8 AWG	1,750	LF	\$ 1.50	\$ 2,625.00	-	-	2,320	\$ 3,480.00
10.18	618	2" PVC conduit	1,600	LF	\$ 3.30	\$ 5,280.00	-	-	2,320	\$ 7,656.00
10.19	618	Trenching and backfill	1,600	LF	\$ 17.00	\$ 27,200.00	-	-	2,320	\$ 39,440.00
10.20	624	11x17 Inground Pullbox	4	EA	\$ 1,520.00	\$ 6,080.00	-	-	4	\$ 6,080.00
10.21	TxDOT 528	ADA Pavers	1,106	SF	\$ 11.60	\$ 12,829.60	-	-	1,106	\$ 12,829.60
10.22	TxDOT 531	Curb Ramp (TY 1)	28	EA	\$ 1,650.00	\$ 46,200.00	-	-	28	\$ 46,200.00
10.23	---	6" Wide Trench Drain with Slip Resistant Grate Cover (ADA accessible)	300	LF	\$ 264.00	\$ 79,200.00	-	-	300	\$ 79,200.00
10.24	TxDOT 666	Refl Pav Mrk Ty 1 (BIKE SYM) (SURF PREP subsidiary)	16	EA	\$ 485.00	\$ 7,760.00	-	-	16	\$ 7,760.00
10.25	TxDOT 666	Refl Pav Mrk Ty 1 (BIKE ARW) (SURF PREP subsidiary)	4	EA	\$ 269.00	\$ 1,076.00	-	-	4	\$ 1,076.00
10.26	TxDOT 666	Refl Pav Mrk Ty 1 (BIKE CHEV) (SURF PREP subsidiary)	12	EA	\$ 175.00	\$ 2,100.00	-	-	12	\$ 2,100.00
10.27	TxDOT 687	PEDESTAL POLE ASSEMBLY	12	EA	\$ 3,540.00	\$ 42,480.00	-	-	12	\$ 42,480.00
10.28	TxDOT 688	PED DETECT PUSH BUTTON (APS)	24	EA	\$ 1,010.00	\$ 24,240.00	-	-	24	\$ 24,240.00
10.29	TxDOT 688	PED DETECTOR CONTROLLER UNIT	3	EA	\$ 5,050.00	\$ 15,150.00	-	-	3	\$ 15,150.00
10.30	TxDOT 682	PED SIG SEC (LED) (COUNTDOWN)	24	EA	\$ 884.00	\$ 21,216.00	-	-	24	\$ 21,216.00
Subtotal =						\$ 2,404,708.50				\$ 1,990,505.20
Item 11: Pestrian Ramp (Grant Eligible)										
11.01	---	Excavation & Fill	150	CY	\$ 20.00	\$ 3,000.00	-	-	150	\$ 3,000.00
11.02	---	Backfill/Compact	110	CY	\$ 12.00	\$ 1,320.00	-	-	110	\$ 1,320.00
11.03	---	Level & Grade For Excavation	8,000	SF	\$ 0.29	\$ 2,320.00	-	-	8,000	\$ 2,320.00
11.04	---	Crushed Stone Base	50	TONS	\$ 35.00	\$ 1,750.00	-	-	50	\$ 1,750.00
11.05	TxDOT 531	12" CONCRETE MOW CURB	163	LF	\$ 21.70	\$ 3,537.10	-	-	163	\$ 3,537.10

Item No.	Specification	Item Description	Quantity	Unit	Unit Price	Total Price	Add Quantities	Deduct Quantities	Revised Quantities	Adjusted Total Price
11.06	TxDOT 423	CONCRETE BLOCK RETAINING WALL	5,000	FF	\$ 28.80	\$ 144,000.00	-	-	5,000	\$ 144,000.00
11.07	---	CONCRETE BLOCK RETAINING WALL FOOTING	1,500	SF	\$ 12.40	\$ 18,600.00	-	-	1,500	\$ 18,600.00
11.08	---	PRE-MANUFACTURED PEDESTRIAN BRIDGE	1	EA	\$ 43,300.00	\$ 43,300.00	-	-	1	\$ 43,300.00
11.09	---	STEEL BOLLARD	4	EA	\$ 1,130.00	\$ 4,520.00	-	-	4	\$ 4,520.00
11.10	TxDOT 531	6" Concrete Sidewalk with handrails	3,305	SF	\$ 18.10	\$ 59,820.50	-	-	3,305	\$ 59,820.50
11.11	TxDOT 531	6" Concrete Sidewalk with Broom Finish	2,171	SF	\$ 14.10	\$ 30,611.10	-	-	3,637	\$ 51,281.70
11.12	TxDOT 450	TxDOT HANDRAIL PRD-13 TYPE E	652	LF	\$ 118.00	\$ 76,936.00	-	-	588	\$ 69,384.00
11.13	TxDOT 450	TxDOT HANDRAIL PRD-13 TYPE B	170	LF	\$ 90.60	\$ 15,402.00	-	-	170	\$ 15,402.00
Subtotal = \$ 405,116.70										\$ 418,235.30
Add/Alternate 1: Tree Lighting Conduit and Lines										
AA.101	---	2" PVC Conduit	3,780	LF	\$ 3.10	\$ 11,718.00	-	-	3,780	\$ 11,718.00
AA.102	---	Trenching and Backfill	607	LF	\$ 21.30	\$ 12,929.10	-	-	607	\$ 12,929.10
Subtotal = \$ 24,647.10										\$ 24,647.10
Contingencies - Change Order #3 - Water Line Relocate										
CO3.01	---	Remove & Replace Watermain	60	LF	\$ 108.70	\$ 6,522.00	-	-	60	\$ 6,522.00
CO3.02	---	Remove Gas Mains	60	LF	\$ 28.20	\$ 1,692.00	-	-	60	\$ 1,692.00
Subtotal = \$ 8,214.00										\$ 8,214.00
Contingencies - Change Order #5 - Change in Base Material, Stairwell Removal, and Elevator Shaft Removal										
CO5.01	---	EXCAVATION (10")	4,102	CY	\$ 22.90	\$ 93,935.80	-	-	4,102	\$ 93,935.80
CO5.02	---	8" FL BS (CMP IN PLC)(TY A GR1-2)(FNAL POS)	3,294	CY	\$ 75.00	\$ 247,050.00	-	3,294	0	\$ -
CO5.03	---	PRIME COAT (AE-P)	3,108	GAL	\$ 6.77	\$ 21,041.16	-	-	3,108	\$ 21,041.16
CO5.04	---	REMOVE RAILING	68	LF	\$ 4.08	\$ 277.44	-	-	68	\$ 277.44
CO5.05	---	REMOVE PIPE	34	LF	\$ 4.08	\$ 138.72	-	-	34	\$ 138.72
CO5.06	---	SAWCUT AND REMOVE STAIRWAY	1	LS	\$ 8,416.46	\$ 8,416.46	-	-	1	\$ 8,416.46
CO5.07	---	FURNISH & INSTALL CMU WALL	152	SF	\$ 26.58	\$ 4,040.16			152	\$ 4,040.16
CO5.08	---	WATERPROOF WALL	152	SF	\$ 2.90	\$ 440.80			152	\$ 440.80
CO5.09	---	FILL SHAFT WITH FLOWABLE FILL	45.04	CY	\$ 254.29	\$ 11,453.22	-	-	45	\$ 11,453.22
Subtotal = \$ 386,793.76										\$ 139,743.76
Contingencies - Change Order #6 - Flex Base Unit Change and Area Abandonments										
CO6.01	---	PROCESS AND COMPACT FL BS (TY A GR1-2)(FNAL POS)	50	CY	\$ 49.33	\$ 2,466.50	-	-	50	\$ 2,466.50
CO6.02	---	F & I CMU WALL (TRUST BUILDING)	56.24	SF	\$ 26.58	\$ 1,494.86	-	-	56	\$ 1,494.86
CO6.03	---	WATERPROOF WALL (TRUST BUILDING)	144.08	SF	\$ 2.90	\$ 417.83	-	-	144	\$ 417.83
CO6.04	---	FILL AREAWAY WITH FLOWABE FILL (TRUST BUILDING)	33.33	CY	\$ 254.29	\$ 8,475.49	-	-	33	\$ 8,475.49
CO6.05	---	SAWCUT & REMOVE TOP SLAB FOR ACCESS	1	LS	\$ 500.00	\$ 500.00	-	-	1	\$ 500.00
CO6.06	---	F & I CMU WALL (MAN STORE)	59.22	SF	\$ 26.85	\$ 1,590.06	-	-	59	\$ 1,590.06
CO6.07	---	WATERPROOF WALL (MAN STORE)	156	SF	\$ 2.90	\$ 452.40	-	-	156	\$ 452.40
CO6.08	---	FILL AREAWAY WITH FLOWABLE FILL (MAN STORE)	39.48	CY	\$ 254.29	\$ 10,039.37	-	-	39	\$ 10,039.37
CO6.09	---	FL BS (CMP IN PLC)(TY A GR1-2)(NOT GRANT ELIGIBLE)	5929.2	TON	\$ 41.66	\$ 247,010.47	-	-	5,929.2	\$ 247,010.47

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: April 20, 2021

Item type: Consent Item

Caption:

Consider awarding OP-01-21 Landfill Consulting Services to Biggs and Mathews Environmental, Inc. and authorizing the City Manager to negotiate and execute all related documents (Jeremy Miller)

Summary/History:

The San Angelo Landfill is an existing 259-acre, Type I Municipal Solid Waste Disposal Facility (TCEQ MSW Permit No. 79) owned by the City of San Angelo. The San Angelo Landfill is located in Tom Green County, Texas and provides waste disposal capacity for residences and businesses within the City, Tom Green County, and other surrounding areas. The facility is located approximately three miles northeast of the downtown area at 3002 Old Ballinger Highway.

The City is the owner and permit holder of existing TCEQ MSW Permit No. 79. The primary function of the facility is municipal solid waste disposal. Support facilities include liquid waste stabilization, uncontaminated wood waste processing area, large item/white goods storage area, and tire storage located within the permit boundary. The entrance facilities include a gatehouse, scales, equipment maintenance and storage area, office, and site entrance road which are located outside the permit boundary on property owned by Republic Services. The landfill is currently operated by Republic Services through a contract that currently expires at the end of life of the existing permit #79.

The City also owns an approximate 320-acre property located north of the existing landfill. This property is designated as a potential soil borrow source for the existing landfill operations and a potential landfill expansion property.

The San Angelo Landfill accepted approximately 216,000 tons of municipal solid waste as reported in the TCEQ MSW Annual Report 2020, with a projected remaining site life of about 6 years.

The City is seeking a professional engineering firm to provide the professional services required to explore future options for the San Angelo Landfill. This process, which includes permitting through the Texas Commission on Environmental Quality, typically takes 2-5 years depending on the type of permit sought and related requirements.

RFQ OP-01-21 was published on January 18, 2021 and closed on February 24, 2021. The City received statements of qualifications from 7 firms. The top 5 firms were interviewed by City staff and Biggs & Mathews Environmental emerged as the preferred choice.

Financial Impact:

\$1,709,600 from the Solid Waste Fund.

Other Information/Recommendation:

Staff recommends awarding RFQ OP-01-21 to Biggs & Mathews Environmental, Inc.

Attachments:

1. OP-01-21 Landfill Consulting - Executive Summary (2) OP-01-21 Landfill Consulting - Executive Summary (2).docx

Presentation:

Shane Kelton

Approvals/Reviews:

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



Submissions

Supplier	Date Submitted	Name	Email	Confirmation Code
SCS Engineers	Feb 23, 2021 2:43 PM CST	Brett DeVries	bdevries@scsengineers.com	MTI0NDY3
BIGGS AND MATHEWS ENVIRONMENTAL	Feb 16, 2021 1:39 PM CST	Kenneth Welch	kwelch@biggsandmathews.com	MTIyODYw
Arredondo, Zepeda & Brunz, LLC	Feb 24, 2021 10:28 AM CST	Cathy Coursey	ccoursey@azb-engrs.com	MTI0NTg4
eHT	Feb 23, 2021 1:19 PM CST	Jessica Long	jessica.long@e-ht.com	MTI0NDEx
Civil & Environmental Consultants, Inc.	Feb 23, 2021 3:34 PM CST	Mike Widner	mwidner@cecinc.com	MTI0NDg4
Parkhill, Smith & Cooper, Inc.	Feb 24, 2021 10:36 AM CST	Alissa Holloway	mkt@team-psc.com	MTI0NTk1
Golder Associates Inc.	Feb 24, 2021 1:22 PM CST	Cameron Beul	cbeul@golder.com	MTI0NjUw

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: April 20, 2021

Item type: Consent Item

Caption:

Consider a resolution authorizing the Solid Waste Department to provide funding to Keep San Angelo Beautiful (KSAB) in the amount of \$50,000 for a hazardous household waste collection event (Jeremy Miller)

Summary/History:

The non-profit organization Keep San Angelo Beautiful (KSAB) has asked the City of San Angelo Solid Waste Department to assist with funding for a hazardous household waste collection event to be held in 2021. The cleanup event will be beneficial to the City of San Angelo by allowing citizens to dispose of chemicals and other waste that have no other method of proper disposal and thus improve the appearance of the City and the quality of life of citizens. The funding for this event has been budgeted for in the current fiscal year's solid waste budget.

Financial Impact:

\$50,000 has been budgeted for this collection event in the Solid Waste budget. The solid waste department has historically provided funding for these events that were held by the non-profit organization SAFE Recycling until the organization dissolved. The KSAB non-profit organization has taken on the role of hosting these events. The Solid Waste Department provided funding for the same event conducted in 2020 in the amount of \$65,000. Additionally, the Solid Waste fund has a 3 year agreement to contribute \$65,000 annually to KSAB for operating costs. We are currently in year 2 of the agreement.

Other Information/Recommendation:

Staff recommends adopting this resolution to provide \$50,000 in funding to the KSAB organization to conduct a hazardous household waste collection event.

Attachments:

1. Draft Resolution for KSAB Project Funding 2021 Draft Resolution for KSAB Project Funding 2021.docx

Presentation:

Shane Kelton

Approvals/Reviews:

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

A RESOLUTION BY THE CITY OF SAN ANGELO CITY COUNCIL AUTHORIZING THE SOLID WASTE DEPARTMENT TO FUND A HAZARDOUS HOUSEHOLD WASTE COLLECTION EVENT ORGANIZED BY THE KEEP SAN ANGELO BEAUTIFUL NON-PROFIT ORGANIZATION

WHEREAS, Keep San Angelo Beautiful (KSAB) is hosting A hazardous household waste collection event; and

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

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

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

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

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

Part 2: The City of San Angelo Solid Waste Division is hereby authorized to provide funding in the amount of \$50,000 to be used to assist KSAB in a hazardous household waste collection event.

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

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

PASSED and APPROVED THIS 6th DAY OF APRIL, 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: Julia Antilley, City Clerk, Legal, 325-657-4405

Meeting Date: April 20, 2021

Item type: Consent Item

Caption:

Consider a suspension resolution for this year's (2021 based on 2020 calendar-year data) "GRIP" filing by Atmos Energy (Theresa James)

Summary/History:

The City is a member of the Atmos Texas Municipalities ("ATM"). The ATM group was organized by a number of municipalities served by Atmos Energy Corporation – MidTex Division ("Atmos Energy") and has been represented by the law firm of Herrera Law & Associates, PLLC to assist in reviewing applications to change rates submitted by Atmos Energy.

Under Section 104.301 of the Gas Utility Regulatory Act (GURA), a gas utility is allowed to request increases in its rates to recover a return on investments it makes between general rate cases.

On or about February 26, 2021 Atmos Energy filed for an increase in gas utility rates under the Gas Reliability Infrastructure Program ("GRIP"). Atmos Energy's application if approved by the Commission will result in an increase in the monthly customer charges as shown below:

Rate Schedule	Current Customer Charge	Proposed 2021 Interim Rate Adjustment (Based on 2020 Data)**	Adjusted Customer Charge	Increase Per Bill
Rate R – Residential Sales	\$26.45 per customer per month	\$4.55 per customer per month	\$31.00 per customer per month	\$4.55
Rate C – Commercial Sales	\$66.80 per customer per month	\$14.52 per customer per month	\$81.32 per customer per month	\$14.52
Rate I (Industrial) & Rate T (Transportation)	\$1,201.73 per customer per month	\$262.44 per customer per month	\$1,464.17 per customer per month	\$262.44

Atmos Energy proposed an effective date of April 27, 2021.

Under a decision by the Supreme Court of Texas, the Court concluded that a filing made under the GRIP statute permitted gas utilities the opportunity to recover return on capital expenditures made during the interim period between general rate cases by applying for an interim rate adjustment and that proceedings under the GRIP statute did

not contemplate either adjudicative hearings or substantive review of utilities' filings for interim rate adjustments. Instead, the Court concluded, the GRIP statute provides for a ministerial review of the utility's filings to ensure compliance with the GRIP statute and the Railroad Commission's rules, and that it is within the Railroad Commission's authority to preclude cities from intervening and obtaining a hearing before the Railroad Commission.

In light of the Texas Supreme Court's opinion, the City's ability to review and effectuate a change in Atmos Energy's requested increase is limited. Nonetheless, it is recommended that the City suspend Atmos Energy's proposed effective date of April 27, 2021 for forty-five days as allowed by state law, so that the City may evaluate whether the data and calculations in Atmos Energy's rate application are correctly done.

Therefore, it is recommended that the City adopt a resolution suspending Atmos Energy's proposed effective date for 45 days. Assuming a proposed effective date of April 27, 2021 Atmos Energy's proposed effective date is suspended until June 11, 2021.

Financial Impact:

Other Information/Recommendation:

Attachments:

- | | | |
|----|--------------------------|-------------------------------|
| 1. | February 2021 GRIP ATMOS | February 2021 GRIP ATMOS.docx |
|----|--------------------------|-------------------------------|

Presentation:

Theresa James

Approvals/Reviews:

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

RESOLUTION NO. _____

A RESOLUTION BY THE CITY OF SAN ANGELO, TEXAS, ("CITY") REGARDING THE APPLICATION OF ATMOS ENERGY CORPORATION – MIDTEX DIVISION, TO INCREASE RATES UNDER THE GAS RELIABILITY INFRASTRUCTURE PROGRAM; SUSPENDING THE EFFECTIVE DATE OF THIS RATE APPLICATION FOR FORTY-FIVE DAYS; AUTHORIZING THE CITY TO CONTINUE TO PARTICIPATE IN A COALITION OF CITIES KNOWN AS THE "ATMOS TEXAS MUNICIPALITIES;" DETERMINING THAT THE MEETING AT WHICH THE RESOLUTION WAS ADOPTED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, on or about February 26, 2021 Atmos Energy Corporation – MidTex Division (“Atmos Energy”) filed for an increase in gas utility rates under the Gas Reliability Infrastructure Program (“GRIP”), which if approved, results in an increase in the monthly customer charges as follows:

Rate Schedule	Current Customer Charge	Proposed 2021 Interim Rate Adjustment (Based on 2020 Data)	Adjusted Customer Charge	Increase Per Bill
Rate R – Residential Sales	\$26.45 per customer per month	\$4.55 per customer per month	\$31.00 per customer per month	\$4.55
Rate C – Commercial Sales	\$66.80 per customer per month	\$14.52 per customer per month	\$81.32 per customer per month	\$14.52
Rate I (Industrial) & Rate T (Transportation)	\$1,201.73 per customer per month	\$262.44 per customer per month	\$1,464.17 per customer per month	\$262.44

WHEREAS, Atmos Energy’s application, if approved by the Railroad Commission, will result in a systemwide increase in Atmos Energy’s revenue of about \$111.5 million, of which ATM’s portion is about \$11.11 million; and

WHEREAS, the City has a special responsibility to exercise due diligence with regard to rate increases of monopoly utilities who operate within its boundaries; and

WHEREAS, the application to increase rates by Atmos Energy is complex; and

WHEREAS, the effective date proposed by Atmos Energy is April 27, 2021, but a suspension by the City will mean that the rate increase cannot go into effect prior to June 11, 2021; and

WHEREAS, it is necessary to suspend the effective date for the increase in rates for forty-five days, so that the City can assure itself that the data and calculations in Atmos Energy's rate application are correctly done and are in conformity with Section 104.301 of the Gas Utility Regulatory Act.

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

Section 1. That the statements and findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. The City suspends the requested effective date by Atmos Energy for forty-five days pursuant to the authority granted the City under Section 104.301 of the Gas Utility Regulatory Act to allow the City to review the data and calculations that provide the basis for Atmos Energy's proposed increase in rates.

Section 3. The City shall continue to act jointly with other cities that are part of a coalition of cities known as the Atmos Texas Municipalities ("ATM").

Section 4. The City authorizes the law firm of Herrera Law & Associates, PLLC, to act on its behalf in connection with Atmos Energy's application to increase rates.

Section 5. To the extent Atmos Energy's application to increase rates under section 104.301 of the Gas Utility Regulatory Act ("GURA") is considered a ratemaking proceeding, Atmos Energy is ordered to reimburse the City's reasonable rate case expenses incurred in response to Atmos Energy's rate increase application within 30 days of receipt of invoices for such expenses to the extent allowed by law.

Section 6. A copy of this resolution shall be sent to Mr. Christopher A. Felan, Vice President, Rates & Regulatory Affairs, Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1862, Dallas, Texas 75240; and to Mr. Alfred R. Herrera, Herrera Law & Associates, PLLC, 4524 Burnet Road, Austin, Texas 78756.

Section 7. The meeting at which this resolution was approved was in all things conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 8. This resolution shall be effective immediately upon passage.

PASSED AND APPROVED this 20th day of April, 2021.

MAYOR

ATTEST:

CITY SECRETARY

APPROVED AS TO FORM:

CITY ATTORNEY

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: April 20, 2021

Item type: Consent Item

Caption:

Consider a resolution to deny the AEP Distribution Cost Recovery Factor application and authorize the City of San Angelo to participate with other cities served by AEP Texas to hire legal counsel (Theresa James)

Summary/History:

On April 6, 2021, AEP Texas Inc. ("AEP" or "Company") filed an Application to Amend its Distribution Cost Recover Factors ("DCRF") to increase distribution rates with each of the cities in their service area. In the filing, the Company asserts that it is seeking an increase in distribution revenues of approximately \$54.56 million, an approximately \$2.60 increase to the average residential customer's bill from the rates just approved in the Company's rate case.

The resolution authorizes the City to join with the Cities Served by AEP to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.

Financial Impact:

Other Information/Recommendation:

The Company will reimburse Cities for their reasonable rate case expenses. Legal counsel and consultants approved by Cities will submit monthly invoices that will be forwarded to AEP for reimbursement.

Attachments:

1. Denial Resolution - 2021 AEP Texas April filing Denial Resolution - 2021 AEP Texas April filing.DOC

Presentation:

Theresa James

Approvals/Reviews:

Julia Antilley

Theresa James

Julia Antilley

Created/Initiated

Approved

Final Approval

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SAN ANGELO, TEXAS FINDING THAT AEP TEXAS INC.'S APPLICATION TO AMEND ITS DISTRIBUTION COST RECOVERY FACTORS TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; AUTHORIZING PARTICIPATION WITH THE CITIES SERVED BY AEP TEXAS; AUTHORIZING HIRING OF LEGAL COUNSEL; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

WHEREAS, the City of San Angelo, Texas ("City") is an electric utility customer of AEP Texas Inc. ("AEP" or "Company"), and a regulatory authority with an interest in the rates and charges of AEP; and

WHEREAS, the City is a member of the Cities Served by AEP ("Cities"), a membership of similarly situated cities served by AEP that have joined together to efficiently and cost effectively review and respond to electric issues affecting rates charged in AEP's service area; and

WHEREAS, on or about April 6, 2021 AEP filed with the City an Application to Amend its Distribution Cost Recovery Factor ("DCRF"), PUC Docket No. 51984, seeking to increase electric distribution rates by approximately \$54.56 million (an approximately \$2.60 increase to the average residential customer's bill from the rates just approved in the Company's rate case); and

WHEREAS, all electric utility customers residing in the City will be impacted by this ratemaking proceeding if it is granted; and

WHEREAS, Cities are coordinating its review of AEP's DCRF filing with designated attorneys and consultants to resolve issues in the Company's application; and

WHEREAS, Cities members and attorneys recommend that members deny the DCRF.

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

Section 1. That the City is authorized to participate with Cities in PUC Docket No. 51984.

Section 2. That subject to the right to terminate employment at any time, the City of hereby authorizes the hiring of the law firm of Lloyd Gosselink and consultants to negotiate with the Company, make recommendations to the City regarding reasonable rates, and to direct any necessary administrative proceedings or court litigation associated with an appeal of this application filed with the PUC.

Section 3. That the rates proposed by AEP to be recovered through its DCRF charged to customers located within the City limits, are hereby found to be unreasonable and shall be denied.

Section 4. That the Company shall continue to charge its existing rates to customers within the City.

Section 5. That the City's reasonable rate case expenses shall be reimbursed in full by AEP within 30 days of presentation of an invoice to AEP.

Section 6. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

Section 7. That a copy of this Resolution shall be sent to Leila Melhem, American Electric Power Service Corporation, 400 West 15th Street, Suite 1520, Austin, Texas 78701 and to Thomas Brocato, General Counsel to the Cities, at Lloyd Gosselink Rochelle & Townsend, 816 Congress Ave., Suite 1900, Austin, Texas 78701.

PASSED AND APPROVED this 20th day of April, 2021.

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: April 20, 2021

Item type: Consent Item

Caption:

Consider a resolution amending polling locations and election judges for the May 1, 2021 General Election (Julia Antilley)

Summary/History:

The original polling locations and election judges were set out in the Election Notice and Election Order approved at the January 19, 2021 meeting. Since that time, the Tom Green County Election Administrator has made us aware of changes to both. This resolution will update the full lists of both and authorizes the TGC Election Administrator to approve the selection of additional, or changes to existing, polling locations and election judges/alternates.

Financial Impact:

N/A

Other Information/Recommendation:

Authorizing the TGC Election Administrator to make these changes ensures we have a timely decision on updates to two very fluid election-related functions.

Attachments:

- | | | |
|----|--|---|
| 1. | 2021-04-20 (5xx) Resolution 2021-xxx Amending Polling Places and Election Judges | 2021-04-20 (5xx) Resolution 2021-xxx Amending Polling Places and Election Judges.docx |
|----|--|---|

Presentation:

Julia Antilley

Approvals/Reviews:

Julia Antilley
Theresa James
Julia Antilley

Created/Initiated
Approved
Final Approval

RESOLUTION 2021-0xxx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN ANGELO, TEXAS, AMENDING RESOLUTION 2021-014 ORDERING A GENERAL ELECTION TO BE HELD IN SAID CITY ON THE 1ST DAY OF MAY, 2021, TO UPDATE DESIGNATED POLLING LOCATIONS, AND THE DESIGNATED ELECTION JUDGES OUTLINED IN THE AGREEMENT WITH TOM GREEN COUNTY ELECTIONS ADMINISTRATOR

WHEREAS, the City Council pursuant to provisions of the Texas State Constitution, Texas Election Code and Home Rule Charter called a general election for the purpose of electing the Mayor, Single Member District Two Council Member, Single Member District Four Council Member, and Single Member District Six Council Member through Resolution 2021-014 passed on January 19, 2021; and

WHEREAS, Section 7 of Resolution 2021-014 designates Election Day polling places as the locations designated by Tom Green County; and

WHEREAS, the contract for Election Services between the Tom Green County Elections Administrator and the City of San Angelo designates election judges and alternate judges for the voting centers; and

WHEREAS, the City of San Angelo has received updated polling locations and alternate judges as a result of scheduling conflicts; and

WHEREAS, it is conceivable that the Elections Administrator may need to continue to reconfigure election day judge assignments and reassign polling locations in a timely manner that would necessitate immediate action.

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

Section 1: Section 7 of Resolution 2021-014, is hereby amended to read as follows:

“Section 7: The Election Day polling places where qualified voters shall cast ballots will be at the locations designated by Tom Green County pursuant to Texas Election Code Section 42.002, as provided for in **Exhibit “A”** attached hereto and adopted as part of this Resolution.”

Section 2: **Exhibit “A”** to Resolution 2021-014 is hereby amended as set forth in **Exhibit “A”** attached to this Resolution.

Section 3: The City of San Angelo authorizes the Tom Green County Elections Administrator, as the Contracting Officer, to make any necessary changes to election judges and polling locations without further action by City Council or approval by the City of San Angelo, to include the selection of additional people/places, or changes to existing people/places, or moving the election judges/alternates from one location to another.

Section 4: All provisions of Resolution 2021-014, adopted January 19, 2021, not amended by this Resolution, shall remain in full force and effect.

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

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

ADOPTED this the 20th day of April, 2021.

THE CITY OF SAN ANGELO, TEXAS:

ATTEST:

Julia Antilley, City Clerk

Brenda Gunter, Mayor

APPROVED AS TO FORM:

Theresa James, City Attorney

EXHIBIT "A"

**POLLING PLACES FOR MAY 1, 2021 GENERAL ELECTION AND SUBSEQUENT UNIFORM
ELECTION DATES AND RELATED EARLY VOTING DATES**

**EARLY VOTING
(VOTACION ADELANTADAS)**

April 19 -23, 2021 8:00 A.M. to 5:00 P.M.
(8:00 de la mañana y las 5:00 de la tarde empezando el 19 de abril y terminadneo el 23 de abril 2021)
April 24, 2021 7:00 A.M. to 7:00 P.M.
(7:00 de la mañana y las 7:00 de la tarde el 24 de abril 2021)
April 25, 2021 12:30 P.M. to 5:30 P.M.
(12:30 de la tarde y las 5:30 de la tarde el 25 de abril 2021)
April 26-27, 2021 7:00 A.M. to 7:00 P.M.
(7:00 de la mañana y las 7:00 de la tarde empezando el 26 de abril y terminadneo el 27 de abril 2021)

Edd B. and Francis Frink Keyes Building
113 W. Beauregard, 1st floor (Primer Piso)
San Angelo, Texas 76903

During early voting, any person residing in Tom Green County may go to this location and vote on all officers or measures for which the person is entitled to vote. (Durante la votación temprana, cualquier votante puede ir a este lugar y votar en todos los temas para los cuales son elegibles.)

**ELECTION DAY
(DIA DE LAS ELECCIONES)
May 1, 2021, 7 A.M. to 7 P.M.
(el 1 de mayo, 2021, desde las 7 hasta las 7)**

On Election Day, any person residing in Tom Green County may go to any of the polling places designated by Tom Green County pursuant to Texas Election Code Section 42.002 and vote on all officers or measures for which the person is entitled to vote. (Durante la votación temprana, cualquier votante puede ir a este lugar y votar en todos los temas para los cuales son elegibles.)

Polling locations are posted on the Tom Green County Elections website and are available to the public at <http://www.co.tom-green.tx.us/page/ele.ElectionsHome>. (Los lugares de votación se publican en el sitio web de Tom Green County Elections y están disponibles para el público en <http://www.co.tom-green.tx.us/page/ele.ElectionsHome>).

Vote Center	Address	Judges	
Angelo Bible Church	3506 Sherwood Way Lobby	Sandi Smith	Judge
Angelo Bible Church	3506 Sherwood Way Lobby	Yolanda Lozano	Alternate Judge
Belmore Baptist Church	1214 S Bell Fellowship Hall	Yvette Vasquez	Judge
Belmore Baptist Church	1214 S Bell Fellowship Hall	Carol Cruz	Alternate Judge
Calvary Baptist Church	2401 Armstrong St Fellowship Center	Jeannine Rundell	Judge
Calvary Baptist Church	2401 Armstrong St Fellowship Center		
Christoval Community Center	20022 Main, Christoval, Multi-Purpose Room	Martin Cortez	Judge
Christoval Community Center	20022 Main, Christoval, Multi-Purpose Room	Philip Montalvo	Alternate Judge
Concho Valley Transit District (Bus Depot)	506 N. Chadbourne, Annex Building	Lyleann McClellan Thee	Judge
Concho Valley Transit District (Bus Depot)	506 N. Chadbourne, Annex Building	Bill Ware	Alternate Judge
SAF First Assembly of God	1442 Edmund Blvd, Fellowship Hall	JoAnn Turner	Judge
SAF First Assembly of God	1442 Edmund Blvd, Fellowship Hall	Carl Zabecki	Alternate Judge
Grape Creek ISD	8207 US Hwy 87 N, Gene Marsh Board Room	Betty Lacy	Judge
Grape Creek ISD	8207 US Hwy 87 N, Gene Marsh Board Room	Gena Franks	Alternate Judge
Keating Paint & Body	5050 N. Chadbourne, Reception Area	Lessie Pickard	Judge
Keating Paint & Body	5050 N. Chadbourne, Reception Area	-	Alternate Judge
MHMR Services of The Concho Valley, Admin Bldg.	1501 W. Beauregard Ave., Jack Ray Room	Matthew Leal	Judge
MHMR Services of The Concho Valley, Admin Bldg.	1501 W. Beauregard Ave., Jack Ray Room	Rebecca Long	Alternate Judge
PaulAnn Baptist Church	2531 Smith Blvd., Fellowship Hall	Michael LePak	Judge
PaulAnn Baptist Church	2531 Smith Blvd., Fellowship Hall	Kat Lucas	Alternate Judge
Southgate Church of Christ	528 Country Club Rd., Fellowship Hall	Luis Mares	Judge
Southgate Church of Christ	528 Country Club Rd., Fellowship Hall	Doug Smith	Alternate Judge
Southside Recreation Center	2750 Ben Ficklin Rd., Multi-Purpose Room	Domingo Sedeno	Judge
Southside Recreation Center	2750 Ben Ficklin Rd., Multi-Purpose Room	Molly Swirsky	Alternate Judge
St Ambrose Catholic Church	8602 Loop 570, Wall, Fellowship Hall	Charlene Dusek	Judge
St Ambrose Catholic Church	8602 Loop 570, Wall, Fellowship Hall	LaRita Jansa	Alternate Judge
St. Mark Presbyterian Church	2506 Johnson Ave., Fellowship Hall	Kat Rowoldt	Judge
St. Mark Presbyterian Church	2506 Johnson Ave., Fellowship Hall		Alternate Judge
Trinity Lutheran Church	3536 Lutheran Way, Fellowship Hall	Michelle Chinn	Judge
Trinity Lutheran Church	3536 Lutheran Way, Fellowship Hall		Alternate Judge
Southland Shopping Center	5030 A Knickerbocker Rd., Unit A	Clarence Griffin	Judge
Southland Shopping Center	5030 A Knickerbocker Rd., Unit A	Jerry Montalvo	Alternate Judge
Veribest Baptist Church	50 FM 2334, Veribest, Fellowship Hall	Rhonda Reed	Judge
Veribest Baptist Church	50 FM 2334, Veribest, Fellowship Hall	-	Alternate Judge
Wesley Trinity United Methodist Church	301 W. 18th St, Fellowship Hall	Delfina Leal	Judge
Wesley Trinity United Methodist Church	301 W. 18th St, Fellowship Hall	Ida Montez	Alternate Judge

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: April 20, 2021

Item type: Consent Item

Caption:

Consider a resolution approving an Electronic Bidding Policy (Tina Dierschke)

Summary/History:

The attached resolution and policy allow the City to correlate our policies and procedures with State law and to ensure the integrity and security of the online bidding process.

Financial Impact:

None

Other Information/Recommendation:

Attachments:

1. Online Bid Policy - Draft Resolution with Exhibit A Online Bid Policy - Draft Resolution with Exhibit A.pdf

Presentation:

Tina Dierschke

Approvals/Reviews:

Tina Dierschke
Tina Dierschke
Theresa James
Julia Antilley

Created/Initiated
Approved
Approved
Final Approval

RESOLUTION 2021-0XX

**A RESOLUTION ADOPTING RULES GOVERNING THE RECEIPT OF ELECTRONIC BIDS AND PROPOSALS IN
ACCORDANCE WITH SECTION 252.0415 OF THE TEXAS LOCAL GOVERNMENT CODE**

WHEREAS, under Chapter 252 of the Texas Local Government Code, the City of San Angelo, Texas (the “City”) is subject to competitive procurement requirements for certain contracts involving the expenditure of municipal funds in excess of \$50,000.00; and

WHEREAS, the City is authorized under Section 252.0415 of the Texas Local Government Code to receive competitive bids and competitive proposals through electronic transmission if the City Council adopts rules to ensure the identification, security and confidentiality of electronic bids and proposals, and to ensure that they remain effectively unopened until the proper time; and

WHEREAS, the increased use of electronic communications by businesses and government entities necessitates the ability to accept bids or proposals through electronic transmission; and

WHEREAS, the ability to receive bids and proposals via electronic transmission will potentially lead to the submission of more bids or proposals, thereby increasing competition, potentially reducing prices, improving efficiency and lowering costs associated with the solicitation process for both vendors and the City; and

WHEREAS, the City Council desires to adopt rules for receipt of electronic bids and proposals so that the City can take advantage of the benefits anticipated by such action.

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

SECTION 1: The City Council hereby adopts the rules attached hereto in **Exhibit “A”** (the “Rules”) to ensure the identification, security, and confidentiality of electronic bids and proposals and to ensure that such bids and proposals remain effectively unopened until the proper time, as required by Section 252.0415 of the Texas Local Government Code.

SECTION 2: The rules will take effect immediately upon passage of this resolution.

SECTION 3: The City Council authorizes the City Manager, or their designee, to amend these rules to promote efficiencies in the City’s Procurement Practices and to comply with applicable laws and regulations.

ADOPTED this 6th day of April, 2021.

City of San Angelo, Texas

Brenda Gunter, MayorCity of San

Angelo, Texas

Julia Antilley, City Clerk

APPROVED AS TO FORM:

Theresa James, City Attorney

EXHIBIT "A"

RULES GOVERNING THE RECEIPT OF ELECTRONIC BIDS OR PROPOSALS

I. POLICY STATEMENT FOR ELECTRONIC BIDS OR PROPOSALS

This policy establishes the City of San Angelo's (the "City") rules for electronic solicitation in accordance with Section 252.0415, Texas Local Government Code to ensure the identification, security and confidentiality of electronic bids or proposals, and to ensure that they remain effectively unopened until the proper time (the "Rules"). The Policy will apply to both bids and proposals that are submitted to the City pursuant to the requirements of Chapter 252, Texas Local Government Code, as well as those contracts and procurements for which the City has voluntarily elected to follow the competitive processes outlined in Chapter 252, Texas Local Government Code.

II. ADMINISTRATION OF RULES FOR ELECTRONIC BIDS OR PROPOSALS

The City Manager or their designee is authorized to amend or adopt procedures as necessary to further implement and comply with these Rules. The Purchasing Manager will be responsible for the administration of the City's electronic solicitation processes in accordance with the City's procurement procedures, local, and state law. City staff responsible for assisting with electronic solicitation shall be trained to ensure compliance with these rules. Additionally, the Purchasing Manager shall provide adequate notice of any modifications or amendments of these rules to all participants of the City's electronic solicitation process. The Purchasing Manager shall report any violation of these rules by staff to the City Manager, the City Attorney, and the employee's direct supervisor.

III. RULES FOR ELECTRONIC BIDS OR PROPOSALS

The City's system shall meet the following specifications:

A. Vendor Accounts: Each Vendor shall have an authorized signatory establish an account for their business. The Vendor Account shall be accessible only via input of a valid username and password, which must meet the e-Procurement Software Provider's minimum requirements for account security. Authorized Vendor Accounts and the associated passwords shall be inputted to access the e-Procurement Portal and view, submit, alter, or withdraw a bid or proposal.

B. Submitted Bids or Proposals: The e-Procurement Platform will assign each submitted bid or proposal a unique identifier that is linked with a particular solicitation (i.e., a specific Request for Bids or Request for Proposals). The electronic submission will identify the name of the submitting entity as well as the specific solicitation associated with the bid or proposal.

C. City Accounts: The City's Purchasing Manager shall establish an Administrator Account and serve as the System and Organization Administrator for the City's e-Procurement Platform. The Purchasing Manager shall manage Staff access to the e-Procurement Platform and maintain all modules (e.g., Procurement, Contracting, Vendor Management, etc.) within the City's e-Procurement Platform.

IV. Ensuring Security of Electronic Bids and Proposals

To ensure the security of bids and proposals submitted through electronic transmission, the e-Procurement Platform ("System") used to receive bids and proposals will comply with the following specifications:

1. Access Rights: The System shall require input of a username and password to exercise access rights and will limit access in accordance with these Rules.

2. Encryption: The System shall keep all passwords and sealed submissions secure using best practices for algorithmic encryption.

3. Record Retention: The System shall maintain an electronic log and audit trail that can be retrieved for the minimum required retention period from the Bid Opening data. The electronic log shall document each attempted access to the System, the project number attempted to be accessed, and date/time stamps documenting the attempted access. The System shall also maintain a backup of all data in an off-site location (e.g., Cloud-based storage).

V. Ensuring Confidentiality of Electronic Submissions

To ensure the confidentiality of bids and proposals that are submitted through electronic transmission, the System shall comply with all of the following specifications:

1. Before Bid Opening. Until the designated Bid Opening has occurred, the System shall limit access to a bid submission only to the Vendor that submitted the bid or proposal ("Submitting Entity"). The City shall conduct the Bid Opening before the bid or proposal contents can be accessed by any person who is not associated with the Submitting Entity. Buyer access shall be restricted until the official time of the bid opening. In the event of a formal amendment to the bid solicitation, the City shall generate a notice through the System to inform them of the change.

2. After Bid Open. After the Bid Opening has occurred, the System shall limit access to the contents of each bid or proposal to a person who inputs a username with sufficient access rights to review bid submissions. Contents being released to public view with respect to a particular request for bids or proposals must be released simultaneously for all submitted bids and proposals. After contents have been released for public view, the System shall allow any person who inputs a valid username and associated password to access those parts of a bid or proposal that have not been designated as confidential or proprietary and hide from view all contents that have been designated as confidential or proprietary in accordance with Chapter 552 of the Texas Government Code.

3. Award. After tabulation of the bids or proposals, staff will post the bid tabulation electronically on the City's Purchasing Division's website or on City's Public Facing Agenda Software Site. The award shall be made in accordance with the City's procurement procedures, local, and state law.

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: April 20, 2021

Item type: Consent Item

Caption:

Consider authorizing a railroad crossing permit with Texas Pacifico which would allow City secondary emergency vehicle access to the Baker Ranch and Homestead subdivisions, and authorizing the City Manager to negotiate and execute all related documents (Jon James)

Summary/History:

Fire Code restrictions limit the number of lots that only have one way in and one way out of a neighborhood. There is an area of subdivisions for single-family home lots along Twin Mountain Drive that have reached this limit without having a secondary access to the area.

Given the physical barriers of topography to the south and the railroad to the north, there are limited options for such secondary access until Twin Mountain Drive is extended to Hwy 67. In order to facilitate additional development in this area, City staff have worked with the developer and Texas Pacifico on an agreement that would allow for an emergency access across the railroad tracks in this area.

This action would authorize the City Manager to finalize this agreement and execute any related documents in order to obtain a railroad crossing permit from Texas Pacifico for this purpose.

Financial Impact:

All costs associated with this permit will be paid by the developer(s) for whom this emergency crossing benefits.

Other Information/Recommendation:

Staff recommends approval of proceeding with this action.

Attachments:

Presentation:

Jon James

Approvals/Reviews:

Jon James	Created/Initiated
Jon James	Approved
Brandon Dyson	Approved
Jon James	Approved
Theresa James	Approved
Julia Antilley	Final Approval

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: April 20, 2021

Item type: Consent Item

Caption:

Second reading of ordinances establishing a process and standards for encroachments into the public right-of-way:

1. An ordinance amending the City Code of Ordinances, Chapter 12, Planning and Development, creating a new Article 12.10 regarding encroachments, and related revisions to the sign regulations in Article 12.04; and
2. An ordinance amending the City Code of Ordinances, Chapter 8, Offenses and Nuisances, Articles 8.05 and 8.06 regarding obstructions (Jon James)

Summary/History:

Planning staff recently undertook a review of the City's process for allowing encroachments into the public right-of-way, including in the Central Business District (CBD), where the majority of such encroachment are requested. In particular, staff examined appropriate development standards and whether some encroachments could be approved administratively.

Staff is recommending these ordinance changes to formally establish a process for reviewing encroachments, to establish appropriate standards to ensure public safety, and to identify certain types of improvements that may be approved administratively by the Planning Director and City Engineer (all encroachments currently require City Council approval).

Financial Impact:

N/A

Other Information/Recommendation:

On March 15, 2021, the Planning Commission recommended **APPROVAL** of the request by a unanimous 7-0 vote, with one amendment, as recommended by staff, to remove the word "temporary" from Section 12.10.004.1.e. pertaining to outdoor public art.

On April 7, 2021, City Council **APPROVED** the request by a unanimous 7-0 vote, as presented.

Attachments:

- | | |
|--|---|
| 1. Memo (ROW Encroachments) | Memo_April CC_ROW Encroachments.pdf |
| 2. Ordinance (ROW Encroachment Ch 12) | ROW Encroachment Ord Ch 12.10_CC (FINAL).docx |
| 3. Ordinance (ROW Encroachment Ord Ch 8) | ROW Encroachment Ord Ch 8_CC (FINAL).docx |

Presentation:

Jon James

Approvals/Reviews:

Jeff Fisher
Jon James
Brandon Dyson
Jon James
Theresa James
Julia Antilley

Created/Initiated
Approved
Approved
Approved
Approved
Final Approval

MEMO

**Meeting**

Date: April 6, 2021

To: City Council

From: Jeff Fisher, AICP
Principal Planner

Request: Public hearing of an ordinance amending Chapter 12, Planning and Development of the City Code of Ordinances, creating a new Article 12.10 that establishes a process and standards for encroachments into the public right-of-way, including revisions to the existing City Code.

Background: The Planning Division recently undertook a review of the City's process for allowing encroachments into the public right-of-way, including in the Central Business District (CBD), where the majority are approved. In particular, Staff examined what types of development standards would be appropriate, and whether some of these encroachments could be approved administratively. Staff believes that the proposed new process will assist in achieving the following objectives:

- To encourage investment in San Angelo and its downtown by allowing businesses to utilize a portion of the adjacent right-of-way;
- To provide a streamlined process including a faster, administrative option to allow minor encroachments;
- To ensure public safety by maintaining minimum construction and design standards;
- To protect and enhance the City's River Corridor, Downtown, and Cultural overlay districts, Historic Districts, and other overlay zones.

Current Process: Currently, all public right-of-way encroachments require City Council approval. The earliest records of encroachment reviews dates back to the early 1990s. Since that time, there has been no codified process, minimum standards, or administrative approval option (Planning Director approval) for encroachments. Applicants submit a site plan or survey with legal description of the encroachment area. Staff then prepares a report for Council and draft right-of-way license use agreement (for ongoing public use) and/or easement for physical encroachments such as awnings, building walls, and aerial projections. If Council approves, the adjacent property owner would enter into a right-of-way license agreement with the City. Since the early 1990s, there have been 41 private-initiated encroachments to allow structures or appurtenances within the public right-of-way, almost all of these located in the CBD. These requests included building wall projections into the public right-of-way; canopies and awnings;

outdoor seating and patios; attached signs and wayfinding (directional) signs; fences; ADA accessible ramps; and light fixtures.

Current timelines: These approvals currently take approximately two months from submission to completion and require at least one reading at City Council on consent agenda.

Development Task Force: A general outline, along with the proposed criteria and standards, was presented to the Development Task Force at their meeting on August 21, 2019. No concerns were raised by the group and they were supportive of these proposed changes.

City of San Angelo Interdepartmental Review: Staff conducted several meetings with internal staff from different departments to obtain feedback and recommendations, including Permits and Inspections, the Fire Marshal's Office, Code Compliance, and City Engineering. The attached Ordinances are a culmination of those meetings and all departments are in support of the proposed ordinances.

Comparable Cities:

City	Current Process	Current Fee	Requirements and Standards
San Angelo	• Application submitted to Planning Department for review • City Council approves all encroachments	\$450.00 (proposed 200.00 for administrative encroachments)	• License agreement required with indemnity • Certificate of Insurance required • Plan and legal description required • No specific standards but reviewed by city departments (proposed Ordinance with new standards)
Abilene	• Application submitted to Director of Public Works for review • City Manager approval required for encroachments up to 30 days • City Council approval required for all	\$300.00	• License agreement required with indemnity • Certificate of Insurance required • Plan required • No specific standards but reviewed by city departments

	encroachments greater than 30 days		
Amarillo	• Application submitted to Planning and Development Services • City Manager approval required for encroachments; appeal to City Council within 5 days' notice of denial	\$255.00	• License agreement required with indemnity • Certificate of Insurance required • Plan required • No specific standards but reviewed by city departments
College Station	• Application submitted to and approved by City Engineer • Appeal to City Council within 5 days' notice of denial	\$405.00	• Permit required • Development standards include: • May not impede into portion of sidewalk used by pedestrians or upon any portion of the roadway • Cannot be a safety hazard • Cannot impede pedestrian or vehicular access • Not located over an easement
Midland	• Application submitted to Planning Department • City Council approval required for all encroachments	\$0	• License agreement required with indemnity • Cannot impede ADA accessible route • Cannot be permanently affixed • Minimum 3-foot sidewalk clearance

Round Rock	Application submitted to and approved by Planning and Development Services	Sidewalk furniture in Downtown: \$25 per furniture item; maximum \$200.00; all other encroachments: \$250.00	• License agreement required • Plan and legal description required • Development standards include: • Cannot block ingress or egress, ADA accessible routes, or be a safety hazard • Cannot be located in a sight triangle • Not located over an easement
Wichita Falls	Application submitted to and approved by Planning and Development Services	\$250.00 (no fee for hardscape items i.e. benches and planters)	• License agreement required • Plan required • Development standards include: • All outdoor display accessory to a store or business • On sidewalks only; minimum 5-foot sidewalk clearance Cannot be located in a sight triangle

Proposed new process: Whereas major encroachments such as a physical building or large appurtenances would continue to warrant Council approval, Staff believes that minor encroachments (see below) could be approved administratively. This would:

- ***Reduce the amount of time for applicants to obtain their encroachment approvals, and expedite processing of their associated building permit(s) by at least one month.*** Minor approvals such as landscaping could follow current administrative timelines for other planning cases, approximately 10 days, and awnings and canopies which require for instance an aerial easement document to be prepared by Planning and the City

Attorney's Office, could still be approved quickly given that the additional step of City Council approval is eliminated.

- ***Reduce required fees for applicants.*** The current encroachment fee is \$450.00 which requires Staff time to prepare staff reports, agreements, and presentation to City Council. Administrative requests would not require most of this additional preparation time. Encroachments that can be approved administratively but which may still require an agreement such as a canopy, would still reduce processing by approximately two weeks. Staff will propose a reduced fee(s) for administrative approval that reflect the shorter processing times for these requests.

Staff recommends that the following improvements may be approved administratively by the Planning Director (Director may defer to Council, or applicant may appeal a denial to Council):

All of the following if located on properties zoned Central Business District (CBD):

- a. All awnings and canopies, unencumbered without support posts or screening;
- b. All trees and landscaping;
- c. Freestanding, movable signs less than 6 square feet;
- d. Steps or ramps to comply with Texas Accessibility Standards;
- e. Outdoor temporary public art, with approval from the Public Art Commission, and previously authorized by City Council;
- f. Sidewalk furniture and surfacing, lighting, fixtures, and other appurtenances not associated with a patio or dining area.
- g. All trees and landscaping outside the CBD

Staff recommends the following development standards for all encroachments:

- Be incidental and accessory to a primary use located on an adjacent property.
- Shall not be located adjacent to any designated fire lane, loading or unloading zone, or block ingress or egress to any facility or utility.
- Maintain a minimum 5-foot unobstructed sidewalk clearance.
- Maintain a minimum 18 inches from back of curb, or 3 feet from the edge of pavement in the absence of a curb.
- Maintain a minimum vertical clearance of:
 - Between 2 and 9 feet adjacent to any 30-foot by 30-foot sight triangle at the intersection of two street property lines as defined in the Zoning Ordinance,
 - Between 2 and 9 feet adjacent to any 10-foot by 10-foot sight triangle:
 - i) located at the intersection of an alley and a street
 - ii) located on either side of a driveway
measured at a straight angle from where the driveway or alley entrance intersects with the edge of pavement or curb, excluding any flared approaches,
 - Notwithstanding a. and b. support posts with a maximum width of 8 inches may encroach into the required sight triangles.

- Maintain a minimum 7-foot vertical clearance for projecting signs, lights, and fixtures; and awnings and canopies except for support posts. Canopies and awnings shall be constructed of quality materials that meet the minimum flammability requirements adopted in the International Fire Code.

The entire new Right-Of-Way Encroachment Ordinance, including the related Sign Ordinance changes, is attached as **Exhibit “A”**.

Additional amendments: In order to approve these changes, Staff is including amendments to the Sign Ordinance (City Code of Ordinances, Chapter 12, Article 12.04); and Chapter 8 – Offenses and Nuisances of the City Code of Ordinances (Articles 8.05 and 8.06) which are outlined in **Exhibit “B”**.

Planning Commission Recommendation:

On March 15, 2021, the Planning Commission recommended unanimous **APPROVAL** by a 5-0 vote of an ordinance amending Chapter 12, Planning and Development of the City Code of Ordinances, creating a new Article 12.10 that establishes a process and standards for encroachments into the public right-of-way, including revisions to the existing City Code. The following is the complete excerpt of the draft minutes from the March 15, 2021 meeting for this case:

Jeff Fisher, Principal Planner, presented the proposed text amendment. He explained that the purpose of the new provisions is to codify the right-of-way encroachment process for the City, and provide some flexibility by offering an administrative option for certain encroachments, in particular for Downtown. Mr. Fisher then outlined the current and proposed process which included the administrative option for certain encroachments including unencumbered awnings and canopies; trees and landscaping, and outdoor public art including sheep spectacular structures. He then outlined proposed development standards which included a minimum 5-foot wide sidewalk clearance and sight triangles from street corners and driveway entrances.

Chair Stribling asked what action was required by the Planning Commission.

Mr. Fisher responded that Staff wanted the Planning Commission to recommend approval and then the item would be forwarded to City Council for a final decision. He indicated the only point of clarification was if the Commission would remove the word “temporary” from public art.

Chair Stribling opened public comment.

Chair Stribling closed public comment.

Commissioner Davis made a motion to RECOMMEND APPROVAL of an ordinance amending Chapter 12, Planning and Development of the City Code of Ordinances, creating a new Article 12.10 that establishes a process and standards for encroachments into the public right-of-way, including revisions to the existing City Code and removing the word “temporary” from outdoor public art in Article 12.10.004.e. of the new 12.10 ordinance. Commissioner Spano seconded the motion. The motion carried unanimously, 5-0.

Planning Commission Requested Action:

Staff recommends approval of an ordinance amending Chapter 12, Planning and Development of the City Code of Ordinances, creating a new Article 12.10 that establishes a process and standards for encroachments into the public right-of-way, including revisions to the existing City Code.

Attachment:

Exhibit A - Draft Right-Of-Way Encroachment Regulations and Sign Ordinance revisions

Exhibit B – Draft amendment to City Code, Articles 8.05 and 8.06

EXHIBIT A

Article 12.04 “Signs”, Section 12.04.005 “Sign regulations”, Subsection (b)(1)(E) “Ground clearance” is hereby amended as follows:

(E) Ground clearance. The sign shall maintain a clearance from the ground of **seven** feet, unless the sign is a ground sign with the base of the sign within three feet of the average grade.

Article 12.04 “Signs”, Section 12.04.005 “Sign regulations”, Subsection (b)(2)(B) “Setback” is hereby amended as follows:

(B) Setback. No setback shall be required for any sign in the CBD zoning district. Projection over the public right-of-way shall be permitted in the CBD zoning district, provided the leading edge of any sign shall maintain a distance of at least 18 inches from the curb line or street edge. Any sign which projects into the public right-of-way shall maintain a minimum height of **seven** feet from the grade level to the bottom of the sign.

Article 12.04 “Signs”, Section 12.04.009 “Use of public right-of-way prohibited”, is hereby amended as follows:

No sign in any zoning district shall project into the public right-of-way in any street or alley, except as allowed elsewhere in this chapter and in compliance with Article 12.10 – Right-Of-Way Encroachments of the City Code of Ordinances if applicable. A public event banner is exempt from these provisions and may be hung in the right-of-way at locations designated by the city and with prior approval of the director of public works or his designee. Said banners shall only be hung in the manner and for the time period authorized by the director or his designee. The refusal of a request to hang a public event banner may be appealed to the city council if a written request for the appeal is received by the public works department no later than ten days from the refusal of the request. An appeal shall not be granted if the sole reason for refusal of the appellant's request is that another request was received prior to that of the appellant.

Article 12.04 “Signs”, Section 12.04.016 “Prohibited sign locations and types”, Subsection (a) “Prohibitions” (1)(E) is hereby amended as follows:

(E) Signs placed upon public rights-of-way, except as allowed elsewhere in this chapter and in compliance with **Article 12.10 – Right-Of-Way Encroachments of the City Code of Ordinances if applicable**, without the express permission of the city council are prohibited.

A new Article 12.10 “Right-of-way encroachments” is hereby added to Chapter 12 “Planning and Development” as follows:

ARTICLE 12.10 – RIGHT-OF-WAY ENCROACHMENTS

Sec. 12.10.001 - Purpose

To establish a process and set of standards that allows encroachments into the public right-of-way in order to:

1. Encourage investment in San Angelo and its Downtown by allowing businesses some limited use of the public right-of-way adjacent to their properties.
2. Provide an administrative option to allow minor encroachments to be approved in a shorter timeframe.
3. Ensure public safety by maintaining minimum construction and design standards in the public right-of-way.
4. Protect and enhance the streetscape in the City’s District Overlay Zones, Historic Landmarks and Districts, and its other overlay districts.

Sec. 12.10.002 – Application

1. Any person desiring to place or modify a structure, equipment, or other material on, above, or below a public right-of-way of the City of San Angelo, including but not limited to canopies and awnings, sidewalk furniture and surfacing, fencing, landscaping, parking, signs, lighting, fixtures, or other appurtenance, unless exempt, shall make an application to the Planning and Development Services Department for review and approval.
2. The Planning Director shall circulate an application to City departments and outside agencies as necessary to ensure compliance with applicable ordinances and statutes. All structural improvements shall be reviewed by the City Engineer, or designee.
3. Additional approvals may be required including a Certificate of Appropriateness for any encroachment within a historic district or attached to a historically designated building or landmark, and a district overlay approval if located in one of the City’s district overlay zones.
4. Any building or structure located in the public right-of-way shall also require a permit from the Permits and Inspections Division as required.

Sec. 12.10.003 - Exceptions

The following exceptions do not require an encroachment application:

1. Encroachments that project a maximum of 4 inches between 2 feet and 7 feet in height, and a maximum of 6 inches above 7 feet in height within the public right-of-way.
2. Freestanding mailboxes not located within a sidewalk, other pedestrian path, vehicle parking or maneuvering area, or sight triangle.
3. Stand-alone trees with a vertical clearance of 7 feet underneath their branches, and landscaping up to 2 feet in height, outside the Central Business District.
4. All projecting signs 16 square feet or less, consistent with the Sign Ordinance.
5. Encroachments already governed under a separate ordinance or process which may include but not be limited to signs, wireless communication facilities, utilities and utility poles, street and traffic-control signs or signals, temporary construction and barricades for public safety, and transit shelters.

Sec. 12.10.004 - Review by Planning Director and City Engineer

1. The Planning Director and the City Engineer, or their respective designees, may review and approve, conditionally approve or disapprove applications for the following types of encroachments located in the Central Business District:
 - a. All awnings and canopies, unencumbered without support posts or screening;
 - b. All trees and landscaping;
 - c. Freestanding, movable signs less than 6 square feet;
 - d. Steps or ramps to comply with Texas Accessibility Standards;
 - e. Outdoor public art, with approval from the Public Art Commission, and previously authorized by City Council;
 - f. Sidewalk furniture and surfacing, lighting, fixtures, and other appurtenances not associated with a patio or dining area.
2. The Planning Director, or designee, and the City Engineer, or designee, may review and approve, conditionally approve or disapprove applications for all trees and landscaping outside the Central Business District.
3. An approval may require the applicant and/or adjacent property owner(s) to obtain a right-of-way license use agreement and/or an aerial easement, and certificate of insurance, as determined by the City Attorney.
4. The Planning Director or City Engineer may refer any application to the City Council for review and approval.
5. An applicant or designated representative may appeal a decision of the Planning Director and City Engineer made under this Section to City Council by filing a written, signed notice of appeal stating the grounds for appeal with the Planning Director within 30 days of the written decision.

Sec. 12.10.005 - Review by City Council

1. City Council shall review applications for all other encroachments not otherwise authorized administratively under this article, including those referred by the Planning Director or City Engineer.
2. An approval may require the applicant and/or adjacent property owner(s) to obtain a right-of-way license use agreement and/or an aerial easement, and certificate of insurance, as determined by the City Attorney.

Sec. 12.10.006 - Minimum Standards

All encroachments including the exceptions shall adhere to the following minimum development standards to the satisfaction of the Planning Director, or designee, and the City Engineer, or designee:

1. Be incidental and accessory to a primary use located on an adjacent property.
2. Shall not be located adjacent to any designated fire lane, loading or unloading zone, or block ingress or egress to any facility or utility.
3. Maintain a minimum 5-foot unobstructed sidewalk clearance.

4. Maintain a minimum 18 inches from back of curb, or 3 feet from the edge of pavement in the absence of a curb.
5. Maintain a minimum vertical clearance of:
 - a. Between 2 and 9 feet adjacent to any 30-foot by 30-foot sight triangle at the intersection of two street property lines as defined in the Zoning Ordinance,
 - b. Between 2 and 9 feet adjacent to any 10-foot by 10-foot sight triangle:
 - i) located at the intersection of an alley and a street
 - ii) located on either side of a driveway measured at a straight angle from where the driveway or alley entrance intersects with the edge of pavement or curb, excluding any flared approaches,
 - c. Notwithstanding a. and b. support posts with a maximum width of 8 inches may encroach into the required sight triangles.
6. Maintain a minimum 7-foot vertical clearance for projecting signs, lights, and fixtures; and awnings and canopies except for support posts. Canopies and awnings shall be constructed of quality materials that meet the minimum flammability requirements adopted in the International Fire Code.

Sec. 12.10.007 –Revocation

1. Revocation.

- a. City Council reserves the right to revoke, in its sole discretion, any encroachment authorized under this article subject to the terms of any applicable written agreement or easement executed by the City.
- b. The Planning Director and the City Engineer, or their designees, may temporarily prohibit encroachments excepted under section 12.10.003 or authorized under section 12.10.004 subject to the same right of appeal granted by section 12.10.004(4). Encroachments may be temporarily prohibited when such encroachments interfere with public construction or improvement projects, emergency management measures, or any other matter pertaining to the public health, safety, and welfare.

EXHIBIT B

Article 8.05 “Obstruction and Injury to Public Property”, Section 8.05.004 “Obstructions prohibited; refusal to remove” is hereby amended as follows:

It shall be unlawful for any person to obstruct or encroach upon any streets, alleys, public highways, public grounds, or public rights-of-way within the city **without first obtaining approval pursuant to Article 12.10 of the Code of Ordinances. Within seven days of receiving a notice of violation, the responsible party shall either make an application for an encroachment approval or remove the obstruction or encroachment. In the event the application for an encroachment is denied, the responsible party shall immediately remove the obstruction or encroachment.**

Article 8.06 “View Obstructions”, Section 8.06.002 “Prohibitions” is hereby amended as follows:

It shall be unlawful to set out, maintain or permit or cause to be set out or maintained:

- (1) Within the area between the "setback line" and the curb line, any portable sign, display, tire rack or other device which might obscure the view of the street.
- (2) Within the area between the "right-of-way line" and the curb or street line **adjacent to any 30-foot by 30-foot sight triangle as defined in the Zoning Ordinance**, any tree, shrub, plant, wall, fence or other view obstruction having a height between **two** and nine feet.
- (3) Within the area between the “right-of-way line” and the curb or street line adjacent to any 10-foot by 10-foot sight triangle on either side of a driveway measured at a straight angle from where the driveway intersects with the edge of pavement or curb, excluding any flared approaches, any tree, shrub, plant, wall, fence or other view obstruction having a height between **two** and nine feet.
- (4) Within the area between the “right-of-way line” and the curb or street line adjacent to any 10-foot by 10-foot sight triangle located at the intersection of an alley or street, on either side measured at a straight angle from where the alley entrance intersects with the edge of pavement or curb, excluding any flared approaches, any tree, shrub, plant, wall, fence or other view obstruction having a height between **two** and nine feet.

Article 8.06 “View Obstructions”, Section 8.06.003 “Exceptions” is hereby amended as follows:

These restrictions shall not apply to permanent structures authorized by the zoning ordinance or to traffic-control signs or signals, street signs or utility poles placed within such areas by authority of the city commission; to single trees having a single trunk and whose branches are pruned to a height of seven feet above the top of the curb; **and vertical sign support posts with a maximum width of eight inches.**

ORDINANCE 2021-__

AN ORDINANCE OF THE CITY OF SAN ANGELO TEXAS, AMENDING CHAPTER 12, "PLANNING AND DEVELOPMENT" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO, TEXAS, PROVIDING FOR A NEW ARTICLE 12.10 "RIGHT-OF-WAY ENCROACHMENTS" THAT ESTABLISHES A PROCESS AND STANDARDS FOR ENCROACHMENTS INTO THE PUBLIC RIGHT-OF-WAY OF THE CITY OF SAN ANGELO; REVISING ARTICLE 12.04 "SIGNS", SECTION 12.04.005 "SIGN REGULATIONS"; SECTION 12.04.009 "USE OF PUBLIC RIGHT-OF-WAY PROHIBITED", AND SECTION 12.04.016 "PROHIBITED SIGN LOCATIONS AND TYPES", CONSISTENT WITH THE NEW PROCESS AND STANDARDS FOR ENCROACHMENTS; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on the 21st day of August 2019, the Planning and Development Services Department provided the City's Development Task Force the opportunity to review a proposal for a new process and standards governing right-of-way encroachments; and

WHEREAS, on the 15th day of March 2021, the Planning Commission for the City of San Angelo in compliance with the City Charter, City ordinance and state law, and after holding public hearings thereon, caused to be prepared and delivered reports and recommendations to City Council for establishment of a process and standards for right-of-way encroachments in the City, including revisions to existing provisions of the City Code of Ordinances for consistency with the new process and standards; and

WHEREAS, on the 6th day of April 2021, City Council held a public hearing, pursuant to published notice, and has considered the proposed new Article 12.10 "Right-of-Way Encroachments" to the City Code of Ordinances and revisions to the existing Code, comments, reports and recommendations of the Planning Commission, staff, public testimony, and other relevant support materials.

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

Section 1. That Chapter 12, "Planning and Development" of the City Code of Ordinances, "is hereby amended as shown on Exhibit "A" of this Ordinance.

Section 2. In the event this Ordinance conflicts with any other provision of the San Angelo Code of Ordinances, this Ordinance shall control to the extent of the conflict.

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 with public hearing on the 6th day of April 2021, and finally PASSED on this the 20th day of April, 2021.

THE CITY OF SAN ANGELO, TEXAS:

BY: _____
Brenda Gunter, Mayor

ATTEST:

Julia Antilley, City Clerk

APPROVED AS TO FORM:

Theresa James, City Attorney

EXHIBIT A

Article 12.04 “Signs”, Section 12.04.005 “Sign regulations”, Subsection (b)(1)(E) “Ground clearance” is hereby amended as follows:

(E) Ground clearance. The sign shall maintain a clearance from the ground of **seven** feet, unless the sign is a ground sign with the base of the sign within three feet of the average grade.

Article 12.04 “Signs”, Section 12.04.005 “Sign regulations”, Subsection (b)(2)(B) “Setback” is hereby amended as follows:

(B) Setback. No setback shall be required for any sign in the CBD zoning district. Projection over the public right-of-way shall be permitted in the CBD zoning district, provided the leading edge of any sign shall maintain a distance of at least 18 inches from the curb line or street edge. Any sign which projects into the public right-of-way shall maintain a minimum height of **seven** feet from the grade level to the bottom of the sign.

Article 12.04 “Signs”, Section 12.04.009 “Use of public right-of-way prohibited”, is hereby amended as follows:

No sign in any zoning district shall project into the public right-of-way in any street or alley, except as allowed elsewhere in this chapter and in compliance with Article 12.10 – Right-Of-Way Encroachments of the City Code of Ordinances if applicable. A public event banner is exempt from these provisions and may be hung in the right-of-way at locations designated by the city and with prior approval of the director of public works or his designee. Said banners shall only be hung in the manner and for the time period authorized by the director or his designee. The refusal of a request to hang a public event banner may be appealed to the city council if a written request for the appeal is received by the public works department no later than ten days from the refusal of the request. An appeal shall not be granted if the sole reason for refusal of the appellant's request is that another request was received prior to that of the appellant.

Article 12.04 “Signs”, Section 12.04.016 “Prohibited sign locations and types”, Subsection (a) “Prohibitions” (1)(E) is hereby amended as follows:

(E) Signs placed upon public rights-of-way, except as allowed elsewhere in this chapter **and in compliance with Article 12.10 – Right-Of-Way Encroachments of the City Code of Ordinances if applicable**, without the express permission of the city council are prohibited.

A new Article 12.10 “Right-of-way encroachments” is hereby added to Chapter 12 “Planning and Development” as follows:

ARTICLE 12.10 – RIGHT-OF-WAY ENCROACHMENTS

Sec. 12.10.001 - Purpose

To establish a process and set of standards that allows encroachments into the public right-of-way in order to:

1. Encourage investment in San Angelo and its Downtown by allowing businesses some limited use of the public right-of-way adjacent to their properties.
2. Provide an administrative option to allow minor encroachments to be approved in a shorter timeframe.
3. Ensure public safety by maintaining minimum construction and design standards in the public right-of-way.

4. Protect and enhance the streetscape in the City's District Overlay Zones, Historic Landmarks and Districts, and its other overlay districts.

Sec. 12.10.002 – Application

1. Any person desiring to place or modify a structure, equipment, or other material on, above, or below a public right-of-way of the City of San Angelo, including but not limited to canopies and awnings, sidewalk furniture and surfacing, fencing, landscaping, parking, signs, lighting, fixtures, or other appurtenance, unless exempt, shall make an application to the Planning and Development Services Department for review and approval.
2. The Planning Director shall circulate an application to City departments and outside agencies as necessary to ensure compliance with applicable ordinances and statutes. All structural improvements shall be reviewed by the City Engineer, or designee.
3. Additional approvals may be required including a Certificate of Appropriateness for any encroachment within a historic district or attached to a historically designated building or landmark, and a district overlay approval if located in one of the City's district overlay zones.
4. Any building or structure located in the public right-of-way shall also require a permit from the Permits and Inspections Division as required.

Sec. 12.10.003 - Exceptions

The following exceptions do not require an encroachment application:

1. Encroachments that project a maximum of 4 inches between 2 feet and 7 feet in height, and a maximum of 6 inches above 7 feet in height within the public right-of-way.
2. Freestanding mailboxes not located within a sidewalk, other pedestrian path, vehicle parking or maneuvering area, or sight triangle.
3. Stand-alone trees with a vertical clearance of 7 feet underneath their branches, and landscaping up to 2 feet in height, outside the Central Business District.
4. All projecting signs 16 square feet or less, consistent with the Sign Ordinance.
5. Encroachments already governed under a separate ordinance or process which may include but not be limited to signs, wireless communication facilities, utilities and utility poles, street and traffic-control signs or signals, temporary construction and barricades for public safety, and transit shelters.

Sec. 12.10.004 - Review by Planning Director and City Engineer

1. The Planning Director and the City Engineer, or their respective designees, may review and approve, conditionally approve or disapprove applications for the following types of encroachments located in the Central Business District:
 - a. All awnings and canopies, unencumbered without support posts or screening;
 - b. All trees and landscaping;
 - c. Freestanding, movable signs less than 6 square feet;
 - d. Steps or ramps to comply with Texas Accessibility Standards;
 - e. Outdoor public art, with approval from the Public Art Commission, and previously authorized by City Council;
 - f. Sidewalk furniture and surfacing, lighting, fixtures, and other appurtenances not associated with a patio or dining area.
2. The Planning Director, or designee, and the City Engineer, or designee, may review and approve, conditionally approve or disapprove applications for all trees and landscaping outside the Central Business District.
3. An approval may require the applicant and/or adjacent property owner(s) to obtain a right-of-way license use agreement and/or an aerial easement, and certificate of insurance, as determined by the City Attorney.

4. The Planning Director or City Engineer may refer any application to the City Council for review and approval.

5. An applicant or designated representative may appeal a decision of the Planning Director and City Engineer made under this Section to City Council by filing a written, signed notice of appeal stating the grounds for appeal with the Planning Director within 30 days of the written decision.

Sec. 12.10.005 - Review by City Council

1. City Council shall review applications for all other encroachments not otherwise authorized administratively under this article, including those referred by the Planning Director or City Engineer.

2. An approval may require the applicant and/or adjacent property owner(s) to obtain a right-of-way license use agreement and/or an aerial easement, and certificate of insurance, as determined by the City Attorney.

Sec. 12.10.006 - Minimum Standards

All encroachments including the exceptions shall adhere to the following minimum development standards to the satisfaction of the Planning Director, or designee, and the City Engineer, or designee:

1. Be incidental and accessory to a primary use located on an adjacent property.
2. Shall not be located adjacent to any designated fire lane, loading or unloading zone, or block ingress or egress to any facility or utility.
3. Maintain a minimum 5-foot unobstructed sidewalk clearance.
4. Maintain a minimum 18 inches from back of curb, or 3 feet from the edge of pavement in the absence of a curb.
5. Maintain a minimum vertical clearance of:
 - a. Between 2 and 9 feet adjacent to any 30-foot by 30-foot sight triangle at the intersection of two street property lines as defined in the Zoning Ordinance,
 - b. Between 2 and 9 feet adjacent to any 10-foot by 10-foot sight triangle:
 - i) located at the intersection of an alley and a street
 - ii) located on either side of a drivewaymeasured at a straight angle from where the driveway or alley entrance intersects with the edge of pavement or curb, excluding any flared approaches,
 - c. Notwithstanding a. and b. support posts with a maximum width of 8 inches may encroach into the required sight triangles.
6. Maintain a minimum 7-foot vertical clearance for projecting signs, lights, and fixtures; and awnings and canopies except for support posts. Canopies and awnings shall be constructed of quality materials that meet the minimum flammability requirements adopted in the International Fire Code.

Sec. 12.10.007 –Revocation

1. Revocation.

a. City Council reserves the right to revoke, in its sole discretion, any encroachment authorized under this article subject to the terms of any applicable written agreement or easement executed by the City.

b. The Planning Director and the City Engineer, or their designees, may temporarily prohibit encroachments excepted under section 12.10.003 or authorized under section 12.10.004 subject to the same right of appeal granted by section 12.10.004(5). Encroachments may be temporarily prohibited when such encroachments interfere with public construction or improvement projects,

emergency management measures, or any other matter pertaining to the public health, safety, and welfare.

ORDINANCE 2021-____

AN ORDINANCE OF THE CITY OF SAN ANGELO TEXAS, AMENDING CHAPTER 8 – “OFFENSES AND NUISANCES” BY REVISING ARTICLE 8.05 “OBSTRUCTION AND INJURY TO PUBLIC PROPERTY”, SECTION 8.05.004 “OBSTRUCTIONS PROHIBITED; REFUSAL TO REMOVE”; REVISING ARTICLE 8.06 “VIEW OBSTRUCTIONS”, SECTION 8.06.002 “PROHIBITIONS”, AND ARTICLE 8.06.003 “EXCEPTIONS” IN ORDER TO BE CONSISTENT WITH THE NEW PROCESS AND STANDARDS FOR ENCROACHMENTS ADOPTED PURSUANT TO ARTICLE 12.10 “RIGHT-OF-WAY ENCROACHMENTS”; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on the 21st day of August 2019, the Planning and Development Services Department provided the City’s Development Task Force the opportunity to review a proposal for a new process and standards governing right-of-way encroachments; and

WHEREAS, on the 15th day of March 2021, the Planning Commission for the City of San Angelo in compliance with the City Charter, City ordinance and state law, and after holding public hearings thereon, caused to be prepared and delivered reports and recommendations to City Council for establishment of a process and standards for right-of-way encroachments in the City, including revisions to existing provisions of the City Code of Ordinances for consistency with the new process and standards; and

WHEREAS, on the 6th day of April 2021, City Council held a public hearing, pursuant to published notice, and has considered the proposed new Article 12.10 “Right-of-Way Encroachments” to the City Code of Ordinances and revisions to the existing Code, comments, reports and recommendations of the Planning Commission, staff, public testimony, and other relevant support materials.

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

Section 1. That Chapter 8 “Offenses and Nuisances” of the City of San Angelo Code of Ordinances is hereby amended as shown on Exhibit A.

Section 2. 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 3. This Ordinance shall be effective on, from and after the date of adoption.

INTRODUCED with public hearing on the 6th day of April 2021, and finally PASSED on this the 20th day of April 2021.

THE CITY OF SAN ANGELO, TEXAS:

Brenda Gunter, Mayor

ATTEST:

Julia Antilley, City Clerk

APPROVED AS TO CONTENT:

Jon James, Director of Planning and
Development Services

APPROVED AS TO FORM:

Theresa James, City Attorney

EXHIBIT A

Article 8.05 “Obstruction and Injury to Public Property”, Section 8.05.004 “Obstructions prohibited; refusal to remove” is hereby amended as follows:

It shall be unlawful for any person to obstruct or encroach upon any streets, alleys, public highways, public grounds, or **public rights-of-way** within the city **without first obtaining approval pursuant to Article 12.10 of the Code of Ordinances. Within seven days of receiving a notice of violation, the responsible party shall either make an application for an encroachment approval or remove the obstruction or encroachment. In the event the application for an encroachment is denied, the responsible party shall immediately remove the obstruction or encroachment.**

Article 8.06 “View Obstructions”, Section 8.06.002 “Prohibitions” is hereby amended as follows:

It shall be unlawful to set out, maintain or permit or cause to be set out or maintained:

(1) Within the area between the "setback line" and the curb line, any portable sign, display, tire rack or other device which might obscure the view of the street.

(2) Within the area between the "right-of-way line" and the curb or street line **adjacent to any 30-foot by 30-foot sight triangle as defined in the Zoning Ordinance**, any tree, shrub, plant, wall, fence or other view obstruction having a height between **two** and nine feet.

(3) Within the area between the “right-of-way line” and the curb or street line adjacent to any 10-foot by 10-foot sight triangle on either side of a driveway measured at a straight angle from where the driveway intersects with the edge of pavement or curb, excluding any flared approaches, any tree, shrub, plant, wall, fence or other view obstruction having a height between two and nine feet.

(4) Within the area between the “right-of-way line” and the curb or street line adjacent to any 10-foot by 10-foot sight triangle located at the intersection of an alley and street, on either side measured at a straight angle from where the alley entrance intersects with the edge of pavement or curb, excluding any flared approaches, any tree, shrub, plant, wall, fence or other view obstruction having a height between two and nine feet.

Article 8.06 “View Obstructions”, Section 8.06.003 “Exceptions” is hereby amended as follows:

These restrictions shall not apply to permanent structures authorized by the zoning ordinance or to traffic-control signs or signals, street signs or utility poles placed within such areas by authority of the city commission; to single trees having a single trunk and whose branches are pruned to a height of seven feet above the top of the curb; **and vertical sign support posts with a maximum width of eight inches.**

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: April 20, 2021

Item type: Consent Item

Caption:

Consider a resolution authorizing an amendment to the City of San Angelo Budget Policy Fee Schedule to establish a reduced fee for an administrative right-of-way encroachment (Jon James)

Summary/History:

Planning and Development Services staff is recommending modifications to the fee schedule.

Planning staff has recommended a change to the Code of Ordinances to establish a formal process for approving encroachments into City rights-of-way. Currently all such encroachments require City Council approval. The new ordinance will establish an administrative review process for minor encroachments. This new fee for administrative encroachments (\$200) will be less than current fee for all encroachments (\$450).

Financial Impact:

The current fee for all encroachments is \$450. This new, reduced fee for administrative encroachments will be \$200. Staff estimates approximately 6 such applications per year, which will result in an estimated \$1,500 reduction in fee revenue per year.

Other Information/Recommendation:

Attachments:

- | | |
|---|---|
| 1. Proposed Fee Changes Worksheet - Right-Of-Way Encroachments (ADMIN) | Proposed Fee Changes Worksheet - Right-Of-Way Encroachments (ADMIN).pdf |
| 2. Resolution adopting schedule of fees and charges - Admin Encroachment (April 2021) | Resolution adopting schedule of fees and charges - Admin Encroachment (April 2021) (2).docx |

Presentation:

Jon James

Approvals/Reviews:

Jeff Fisher	Created/Initiated
Jon James	Approved
Brandon Dyson	Approved
Kimberly Holle	Approved
Jon James	Approved
Tina Dierschke	Approved
Julia Antilley	Final Approval

City of San Angelo

Fee Review

Department: Development Services-Planning

Fee Title: Right-Of-Way Encroachments (Administrative – Planning Director approval)

Current Fee: \$450 (all encroachments go to Council)

Proposed Fees: \$200.00

Cost of Service: \$205.22

Volume per year: currently average 6/year, estimate 6/year

Financial Impact: \$-1500.00

Survey of Benchmark Cities:

City	Fee Amount	Notes
Abilene	\$300.00	City Manager approval if 30 days or less; more than 30 days require City Council approval
Amarillo	\$255.00	City Manager approval; appeal to City Council within 5 days of notice of denial
College Station	\$405.00	City Engineer approval; appeal to City Council within 10 days of denial
Midland	\$500.00	City Council approval
Round Rock	Sidewalk furniture only in Downtown zoning: \$25.00 for first piece, \$5.00 for each additional piece of furniture, maximum \$200.00 All other encroachments: \$250.00	Planning Director approval; City Manager to execute agreement;
Wichita Falls	\$250.00 (no fee for hardscape items i.e. benches and planters)	Director of Community Development approval or designee

Additional Information:

A RESOLUTION OF THE CITY OF SAN ANGELO CITY COUNCIL AMENDING THE SCHEDULE OF FEES AND CHARGES TO PROVIDE FOR A NEW FEE FOR ADMINISTRATIVE RIGHT-OF-WAY ENCROACHMENTS.

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

WHEREAS, a schedule of fees and charges was formerly adopted by Resolution by the City of San Angelo City Council on September 15, 2020; and

WHEREAS, the City Council has adopted a new process for administrative approval of certain right-of-way encroachments, resulting in the need for a new fee for this process.

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

Part 1. That, the City of San Angelo Schedule of Fees and Charges is hereby amended by adding the following to “PLANNING RELATED FEES”, “Miscellaneous planning fees”;

“(t) Request for right-of-way encroachment, administrative: \$200”

Part 2. That all other provisions related to the Schedule of Fees and Charges shall remain unchanged by this Resolution.

Part 3. This amendment shall be effectively immediately upon passage.

PASSED, APPROVED and ADOPTED on this the 20th day of April, 2021.

ATTEST:

CITY OF SAN ANGELO, TEXAS:

Julia Antilley, City Clerk

Brenda Gunter, Mayor

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:

Jon James
Director of Planning & Development Service

Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Brent Casey, Recreation Manager, Recreation, 325-657-4450

Meeting Date: April 20, 2021

Item type: Consent Item

Caption:

Second reading of an ordinance approving Standards of Care for Recreation Summer Camp held at Recreation Centers for children ages 5 through 12 (Brent Casey)

Summary/History:

Recreation requests approval of the ordinance to be able to receive a waiver from the Texas Department of Health and Human Services to hold summer camp. Municipalities may be granted waivers for not being a licensed day care facility but must meet all the requirements, one being a Standards of Care Ordinance.

Financial Impact:

Recreation youth summer camp revenue is set at \$65.00 per week with a one time registration fee of \$45.00 when the parent registers the camper, a \$20.00 holding fee is established for campers not in attendance to hold their spot for the week.

Other Information/Recommendation:

Attachments:

- | | |
|--|--|
| 1. Ordinance adopting Rec program standards of care.docx (002) | Ordinance adopting Rec program standards of care.docx (002).docx |
|--|--|

Presentation:

Brent Casey

Approvals/Reviews:

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

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF SAN ANGELO, TEXAS ESTABLISHING STANDARDS OF CARE FOR YOUTH RECREATION PROGRAMS CONDUCTED BY THE CITY FOR ELEMENTARY AGE CHILDREN THROUGH THE AGES OF 5 THROUGH 13; PROVIDING FOR COMPLIANCE WITH STATE LAW; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of San Angelo Texas (the “City”) is a home rule municipal corporation pursuant to Article 11, Section 5 of the Texas Constitution and its Home Rule Charter; and

WHEREAS, the City operates recreation programs for children, including elementary age children (ages 5 through 13); and

WHEREAS, Section 42.041 of the Texas Human Resources Code provides that no person may operate a child-care facility or a child -placing agency without a license issued by the Texas Department of Family and Protective Services, but provides an exception from that requirement in Section 42. 041(b)(14) of the said Code for an elementary age (ages 5 through 13) recreation program operated by a municipality, provided the governing body of the municipality annually adopts standards of care by ordinance after a public hearing for such programs; and

WHEREAS, the City Council held a public hearing on April 6, 2021 regarding standards of care for its recreation program for elementary age children (ages 5 through 13) in accordance with Section 42. 041(b) (14) of the Human Resources Code; and

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

SECTION 1. The findings set forth above are incorporated herein as if set forth verbatim.

SECTION 2. The standards of care set forth in Exhibit A attached hereto and made a part of this Ordinance for all purposes (the “Standards of Care”) are hereby adopted as the standards of care for all elementary age (ages 5 through 13) recreation program operated by the City of San Angelo, Texas (“City”) (collectively “Programs” and each a “Program”) including, without limitation, any summer camp program.

SECTION 3. All Programs are to be operated by the City' s Department of Parks and Recreation (“Department”). The Director of the Department, or the Director’s designee, (individually or collectively, the “Director”), shall administer the Programs in accordance with the Standards of Care. The Director may adopt rules in writing relating to the operation of Programs, which rules may be more restrictive than the Standards of Care. The Programs shall be operated in accordance with the Standards of Care (or, in the event the Director adopts rules that are more restrictive than the Standards of Care, in accordance with such rules).

SECTION 4. The Director shall provide the Standards of Care to the parents of each Program

participant (and, in the event the Director adopts rules that are more restrictive than the Standards of Care, shall provide such rules to the parents of each Program participant). Further, the Director, or the Director's designee, shall inform the parents of each Program participant that the Program is not licensed by the State of Texas.

SECTION 5. The Program shall not be advertised as a child-care facility.

SECTION 6. The Director is authorized to take any and all steps, if any, as may be necessary to confirm the Program's exemption from State law as set forth in Section 42.041 of the Texas Human Resources Code.

SECTION 7. The above and foregoing recitals and premises to this Ordinance are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 8. This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance.

SECTION 9. The provisions of this Ordinance are severable, and if any section or provision of this Ordinance or the application of any section or provision to any person, firm, corporation, entity, situation or circumstance is for any reason adjudged invalid or held unconstitutional by a court of competent jurisdiction, the same shall not affect the validity of any other section or provision of this Ordinance or the application of any other section or provision to any other person, firm, corporation, entity, situation or circumstance, and the City Council declares that it would have adopted the valid portions of this Ordinance adopted herein without the invalid or unconstitutional parts and to this end the provisions of this Ordinance adopted herein shall remain in full force and effect.

SECTION 10. This Ordinance shall take effect upon its passage and approval after second reading.

PASSED AND APPROVED on First Reading after Public Hearing on April 6, 2021.

PASSED AND APPROVED on Second Reading on April 20, 2021.

EXHIBIT A
TO ORDINANCE NO. _____

STANDARDS OF CARE
FOR ELEMENTARY AGE (5 — 13) RECREATION PROGRAMS

The following Standards of Care are adopted in compliance with Section 42. 041(b)(14) of the Texas Human Resources Code. The Standards of Care herein set forth are intended to be minimum standards applicable to all elementary age (ages 5 through 13) recreation programs operated by the City of San Angelo Parks and Recreation Department, including, without limitation, any summer camp program. The Programs are not licensed by the State of Texas and shall not be advertised as a child-care facility.

GENERAL ADMINISTRATION

1. Organization.

A. The governing body of the Youth Programs is the City Council of the City of San Angelo , Texas.

B. Implementation of the Youth Programs Standards of Care is the responsibility of the Parks and Recreation Department Director or his or her designee and Department employees.

C. These Standards of Care will apply to all Programs, including, without limitation, the Summer Camp Program.

D. Each Program Site will have available for public and staff review a current copy of the Standards of Care.

E. Parents of participants will be provided a current copy of the Standards of Care during the registration process for a Program. Further, a copy of the Standards of Care shall be placed online on the City's primary website.

F. Criminal background checks will be conducted on prospective Program employees. If results of a criminal background check indicate that a prospective Program employee has been arrested, charged with, or convicted of any of the following offenses, the prospective Program employee will not be considered for employment:

(1) a felony or a misdemeanor classified as an offense against a person or family member;

(2) a felony or misdemeanor classified as public indecency;

(3) any offense for which a person is required to register as a sex offender under Chapter 62, Texas Code of Criminal Procedure;

(4) a felony or misdemeanor violation of any law intended to control the possession or distribution of any controlled substance;

(5) any offense involving moral turpitude;

(6) any offense that would, in the Director's sole opinion, potentially put youth participants or the City at risk.

2. Definitions. For purposes of these Standards of Care, the following words shall have the respective meanings ascribed to them:

A. City means the City of San Angelo .

B. City Council means the City Council of the City.

C. Department means the Parks and Recreation Department of the City.

D. Director means the Parks and Recreation Department Director of the City or his or her designee.

E. Employee(s) means people who have been hired to work for the City of San Angelo and have been assigned responsibility for managing, administering, or implementing some portion of a Program.

F. Parent(s) means one or both parent(s) or adults who have legal custody and authority to enroll their child(ren) in a Program.

G. Participant means a youth whose parent(s) have completed all required registration procedures and determined to be eligible for a Program.

H. Programs means all (and Program means any of the) elementary age (ages 5 through 13) recreation programs operated by the Department, including, without limitation, the City Summer Camp Program (Summer Camp Program).

I. Program Manual means a notebook of policies, procedures, required forms, and organizational and programming information relevant to each Program.

J. Program Site means the area and facilities where a Program is held, consisting of the Southside Recreation Center, 2750 Ben Ficklin Road and Carl Ray Johnson Recreation Center, 1103 N. Farr St.

K. Program Summer Camp Counselor or Counselor means a Department part-time or seasonal employee who has been assigned responsibility by the Recreation Manager to implement the City's Summer Camp Program.

M. *Recreation Manager* means a full-time Department employee and who oversees the Program Coordinator and the operation of all Programs.

3. Inspections/ Monitoring/ Enforcement.

A. A written inspection report will be prepared by the Program Coordinator each month to confirm the Standards of Care are being adhered to.

1) Each monthly inspection report will be sent by the Program Coordinator to the Recreation Manager for review and kept on record in accordance with the City's records retention policy.

2) The Recreation Manager will review the report and establish deadlines and criteria for compliance with the Standards of Care where failure to comply is determined.

B. The Recreation Manager will make visual inspections of the Programs based on the following schedule:

1) The Summer Camp Program will be inspected a minimum of two times during the Summer Camp Program's schedule.

2) Any other Program will be inspected at least once each week during the schedule for the Program.

C. Complaints regarding enforcement of the Standards of Care will be directed to the Coordinator. The Coordinator will be responsible to take the necessary steps to address any complaints and to resolve the problem(s), if any. Complaints regarding enforcement of the Standards of Care and their resolution will be recorded in writing by the Coordinator. All complaints regarding enforcement of the Standards of Care where a deficiency is determined will be forwarded to the Recreation Manager, with the complaint and the resolution noted.

4. Enrollment. Before a child can be enrolled in a Program, the parents must sign registration forms that contain the following information about the child:

A. name, address, home telephone number;

B. name and address of parent(s) and telephone number(s) during Program hours;

C. the names and telephone numbers of people to whom the child can be released;

D. a statement of the child's physical health, including a current immunization (shot) records, detailing any special problems or needs of the child;

E. proof of residency within the City when appropriate; and

F. a fully executed liability waiver and release.

5. Suspected Abuse.

Program employees will report suspected child abuse or neglect in accordance with the Texas Family Code. In the case where an employee is involved in an incident with a child that could be construed as child abuse, the incident must be reported immediately to the Recreation Manager n. The Recreation Manager will then immediately notify the Director, the San Angelo Police Department, and any other agency as may be appropriate.

Texas state law requires the employees of the Programs to report any suspected abuse or neglect of a child to the Texas Department of Protective and Regulatory Services or a law enforcement agency. Failure to report suspected abuse is punishable by fines up to \$1,000 and/or confinement up to 180 days. Confidential reports may be made by calling 1-800-252-5400.

STAFFING - RESPONSIBILITIES AND TRAINING

1. Program Coordinator Qualifications.

- A. The Coordinator will be a part-time, employee of the Department, either hired for summer or filled by a current Recreation part-time staff member.
- B. The Coordinator must be at least 21 years old.
- C. The Coordinator must have at least two years experience planning and implementing recreational activities.
- D. The Coordinator must pass a background investigation, including, including testing for alcohol and illegal and unauthorized drugs.
- E. The Coordinator must have successfully completed a course in first aid and cardiopulmonary resuscitation (CPR) based on either American Heart Association or American Red Cross standards.

2. Coordinator' s Responsibilities.

- A. The Coordinator is responsible to administer the Programs' daily operations in compliance with the adopted Standards of Care.
- B. The Coordinator is responsible to recommend for hire, supervise, and evaluate Program seasonal employees.
- C. The Coordinator is responsible to plan, implement, and evaluate Programs.

3). Program Summer Camp Counselor Qualifications.

- A. Counselors will be part-time or seasonal employees of the Department.

- B. Counselors working with children must be age 16 or older.
- C. Counselors must be able to consistently exhibit competency, good judgment, and self-control when working with children.
- D. Counselors must relate to children with courtesy, respect, tolerance, and patience.
- E. Counselors must have successfully completed a course in first aid and CPR based on either American Heart Association or American Red Cross standards.
- F. Counselors must pass a background investigation, including testing for alcohol and illegal and unauthorized drugs.

4. Counselor Responsibilities.

- A. Counselors will be responsible to provide Program participants with an environment in which they can feel safe, can enjoy wholesome recreation activities, and can participate in appropriate social opportunities with their peers.
- B. Counselors will be responsible to know and follow all City, Department, and Program standards, policies, and procedures that apply to the Program.
- C. Counselors must ensure that Program participants are released only to a parent or an adult designated by the parent. The Program Site will have a copy of the approved plan to verify the identity of a person authorized to pick up a Program participant if that person is not known to the Counselor.

5. Training/ Orientation.

- A. The Department is responsible for providing training and orientation to Program employees working with children and for specific job responsibilities. The Coordinator will provide each Counselor with a Program manual specific to the applicable Program.
- B. Program employees must be familiar with the Standards of Care for Program operation as adopted by the City Council.
- C. Program employees must be familiar with the Program's policies, including discipline, guidance, and release of Program participants as outlined in the Program Manual.
- D. Program employees will be trained in appropriate procedures to handle emergencies.

E. Program employees will be trained in areas including City, Department, and Program policies and procedures, provision of recreation activities, safety issues, and organization goals.

F. Program employees will be required to sign an acknowledgement that they received the required training.

OPERATIONS

1. Staff -Participant Ratio.

A. The standard ratio of Program participants to employees will be 15 to 1. In the event an employee assigned to a Program is unable to report to the Program Site, a replacement will be assigned.

B. Each participant shall have a Program employee who is responsible for the participant and who is aware of the participant's habits, interests, and any special problems as identified by the participant's parent(s) during the registration process.

2. Discipline.

A. Program employees will implement discipline and guidance in a consistent manner based on the best interests of Program participants.

B. There must be no cruel, harsh or corporal punishment or treatment used as a method of discipline.

C. Program employees may use brief, supervised separation from the group if necessary.

D. As necessary, Program employees will initiate discipline reports to the parent(s) of participants. Parents will be asked to sign discipline reports to indicate they have been advised about specific problems or incidents.

E. A sufficient number and/or severe nature of discipline reports as detailed in the Program Manual may result in a participant being suspended or removed from the Program or all Programs.

F. In instances where there is a danger to participants or employees, offending participants will be removed from the Program Site as soon as possible.

3. Programming.

A. Program employees will attempt to provide activities for each Program Group

according to the participants' ages, interests, and abilities. The activities must be appropriate to participants' health, safety, and well-being. The activities also must be flexible and promote the participants' emotional, social, and mental growth.

B. Program employees will attempt to provide indoor and outdoor time periods that include:

- 1) alternating active and passive activities;
- 2) opportunity for individual and group activities, and
- 3) outdoor time each day weather permits.

C. Program employees will be attentive and considerate of participants' safety on field trips and during any transportation provided by the Program.

- 1) During trips, Program employees supervising participants must have immediate access to emergency medical forms and emergency contact information for each participant.
- 2) Program employees must have a written list of the participants in the Program group and must check the roll frequently.
- 3) Program employees must have first aid supplies and a guide to first aid and emergency care available on field trips.

4. Communication.

A. The Program Site will have a cell phone to allow the Program employees to be contacted by Department recreation employees and vice versa.

B. The Coordinator will post the following telephone numbers adjacent to a telephone accessible to all Program employees:

- 1) City ambulance or emergency medical services;
- 2) City Police Department
- 3) City Fire Department
- 4) The Parks and Recreation Office; and
- 5) Numbers at which parents may be reached.

5. Transportation.

- A. Before a participant may be transported to and from City -sponsored activities, a transportation form, completed by the parent of the participant, must be filed with the Coordinator.
- B. First aid supplies and a first aid and emergency care guide will be available in all Program vehicles that transport children.
- C. Program employees will carry a cell phone at all times.

FACILITY STANDARDS

1. Safety.

- A. Program employees will inspect program sites daily to detect sanitation and safety concerns that might affect the health and safety of the participants.
- B. Buildings, grounds, and equipment on the Program Site will be inspected, cleaned, repaired, and maintained to protect the health of the participants.
- C. Program equipment and supplies must be safe for the participants' use.
- D. Program employees must have first aid supplies readily available at the Program Site, during transportation to an off-site activity, and for the duration of any off site activity.

2. Fire.

- A. In case of fire, danger of fire, explosion, or other emergency, Program employees' first priority is to evacuate the participants to a designated safe area.
- B. The Program Site will have an annual fire inspection by the local Fire Marshal, and the resulting report will detail any safety concerns observed. The report will be forwarded to the Recreation Manager who will review and establish deadlines and criteria for compliance if any deficiencies or concerns are determined to exist.
- C. The Program Site must have at least one fire extinguisher readily available to all Program employees. All Program employees will be trained in the proper use of fire extinguishers.
- D. Fire drills will be initiated at Program Sites based on the following schedule:
 - 1)Summer Camp Program: A fire drill twice during the session.

2) Other Programs: A fire drill at least once during the session.

3. Health.

A. Illness or Injury

1) A participant who is considered to be a health or safety concern to other participants or employees will not be admitted to a Program.

2) Illnesses and injuries will be handled in a manner to protect the health of all participants and employees.

3) Program employees will follow plans to provide emergency care for injured participants with symptoms of an acute illness as specified in the Program Manual.

B. Program employees will follow the recommendation of the Texas Department of Health concerning the admission or readmission of any participant after a communicable disease.

1) Program employees will administer medication (limited only to an epinephrine pen (auto -injector) and an asthma inhaler) to participants only if: Parent(s) complete and sign a medication form provided by the City to include, among other things, an indemnity and hold harmless provision, and a waiver and release provision) that provides authorization for Program employees to dispense the medication, with details as to time and dosages.

2) The medication is in its original container labeled with the participant's name, a date, directions, and the physician's name. Program employees will administer the medication only as stated on the label. Program employees will not administer medication after the medication's expiration date.

Program employees will not administer any other medication.

C. Toilet Facilities.

1) The Program Site will have inside toilets located and equipped so participants can use them independently and Program employees can supervise as needed.

2) An appropriate and adequate number of lavatories will be provided.

D. Sanitation.

1) The Program facilities will have adequate light, ventilation, and heat.

2) The Program will have an adequate supply of water meeting the standards of

the Texas Department of Health for drinking water and ensure that it will be supplied to the participants in a safe and sanitary manner.

3)Program employees will see that garbage is removed from buildings daily.

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: April 20, 2021

Item type: Regular Item

Caption:

First reading and public hearing of an ordinance approving an amendment to a Planned Development District, PD07-03, to allow an additional use of a water processing and delivery business and related accessory uses for a property located at 2909 S. A&M Ave. (Presentation made by Planning & Development Services Director Jon James)

Summary/History:

Updated information is provided in an attached memo.

On August 21, 2007, the City Council approved a rezoning of this property from RS-1 (Single Family) to a Planned Development District, PD07-03, to allow for assisted group living on this site of a former school.

On April 16, 2013, the City Council approved an amendment to this Planned Development to add an allowance for the operation of a gymnastics academy.

The current proposed amendment is to add an allowance for the use of a water processing and delivery business and related accessory uses on the subject property.

Financial Impact:

N/A

Other Information/Recommendation:

City staff recommends denial for this amendment to PD07-03.

This case was tabled at the February 22, 2021 Planning Commission meeting and was heard at the Planning Commission on March 15, 2021, where the Commission recommended approval by unanimous vote (5-0).

This item was tabled by the City Council to the April 20th City Council meeting.

At this time, we have received opposition representing more than 20% of the notification area, which means that a super-majority, or three-fourths of all the members of the City Council, will be required to approve this request.

Attachments:

- | | |
|---|---|
| 1. PD07-03 - Update Memo (April 20-20221) | PD07-03 - Update Memo (April 20-20221).docx |
| 2. PD07-03(amended)_Staff Report_CC_new | PD07-03(amended)_Staff Report_CC_new.docx |
| 3. PD07-03(amended)_Ordinance | PD07-03(amended)_Ordinance.docx |

Presentation:

Jon James

Approvals/Reviews:

Shelly Paschal

Jon James

Brandon Dyson

Jon James

Theresa James

Julia Antilley

Created/Initiated

Approved

Approved

Approved

Approved

Final Approval

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Shelly Paschal, Planning & Development Services, (325) 657-4210 x-1533

Meeting Date: April 20, 2021

Item type: Regular Agenda

Caption:

First reading and public hearing of an ordinance approving an amendment to a Planned Development District, PD07-03, to allow an additional use of a water processing and delivery business and related accessory uses for a property located at 2909 S. A&M Ave.

Update:

On April 6, 2021 the City Council tabled this item to the April 20, 2021 Council meeting. The Council requested that the prospective business owner be present at that time in order to answer questions.

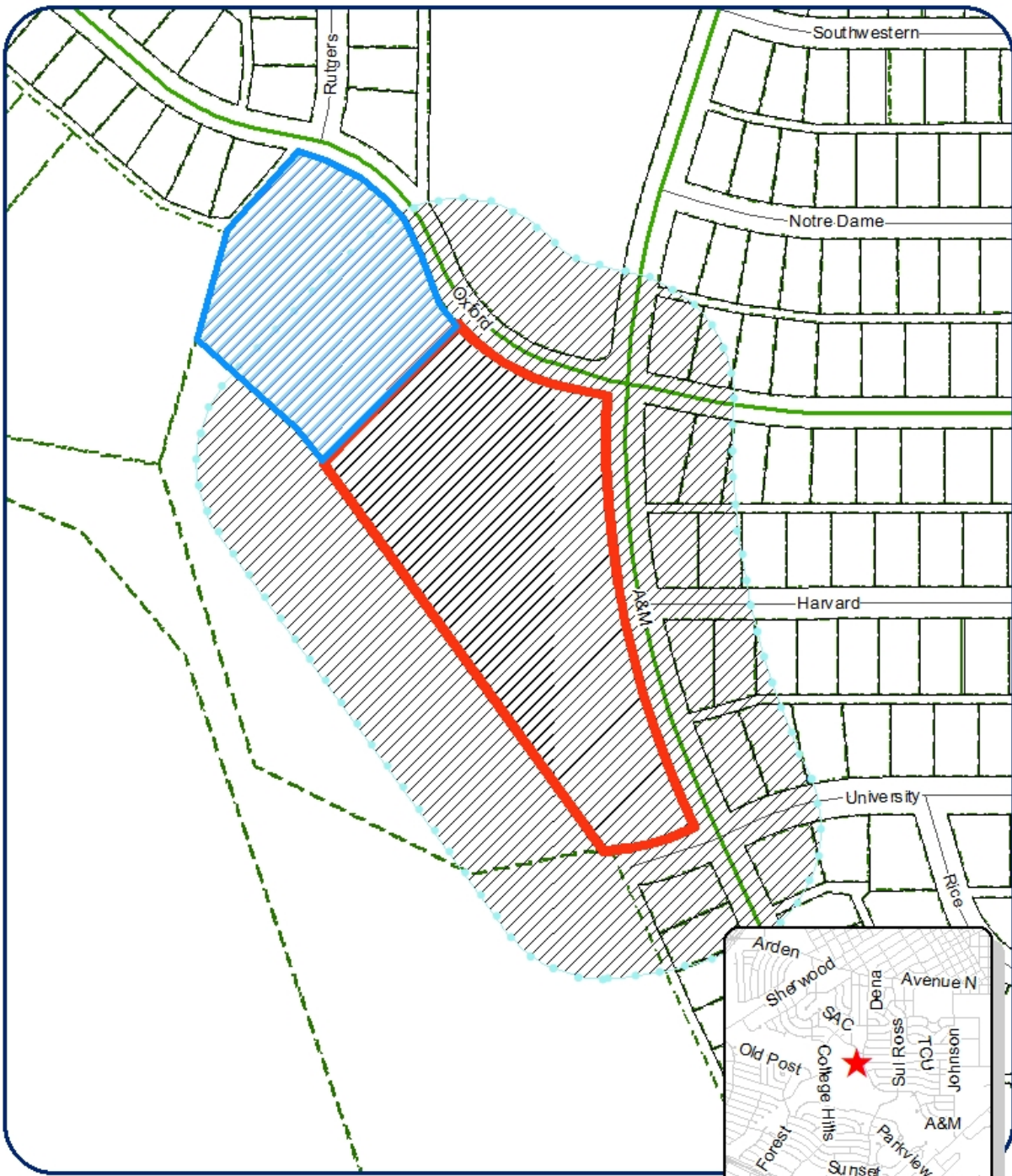
Also at this meeting, the City Council and Planning Staff was informed that 2.5 acres of the subject property was sold to the Catholic Church, one of the opponents of the zoning case. Subsequent to the meeting, Planning Staff was able to collect both a survey and warranty deed for this sale. The transaction took place on October 27, 2020, which is before the application was made for this proposed Planned Development (PD) Amendment. Therefore, the applicant did not have the authority to request an amendment for the portion of the property that was sold. Typically staff would have recognized this at the time of application, but in this case the subdivision of land did not go through the required subdivision platting process, as defined in state law and required by City ordinance. Therefore, staff recommends that this 2.5 acre portion of the property be excluded from the proposed PD amendment.

If the area under consideration for amendment is reduced to only the property owned by the applicant, this impacts both the notification area and the calculation for whether a super majority vote is required. Based on the reduced notification area, and the addition of the church owned property to the opposition, the opposition is now at just over 31%, which will require a super majority vote of at least 6 Council members to approve.

Attachments:

Map Showing Portion Sold
New Notification Map
New Property Percentages
Survey of Sale of Property
Field Notes of Survey
Warranty Deed of Sale

New map showing portion sold



Planned Development Amendment

2905 South A&M Avenue

Council District 5 - Lane Carter

Neighborhood: ASU-College Hills

Scale: 1" approx. = 200 ft

PD07-03 amendment

Legend

Subject Properties:

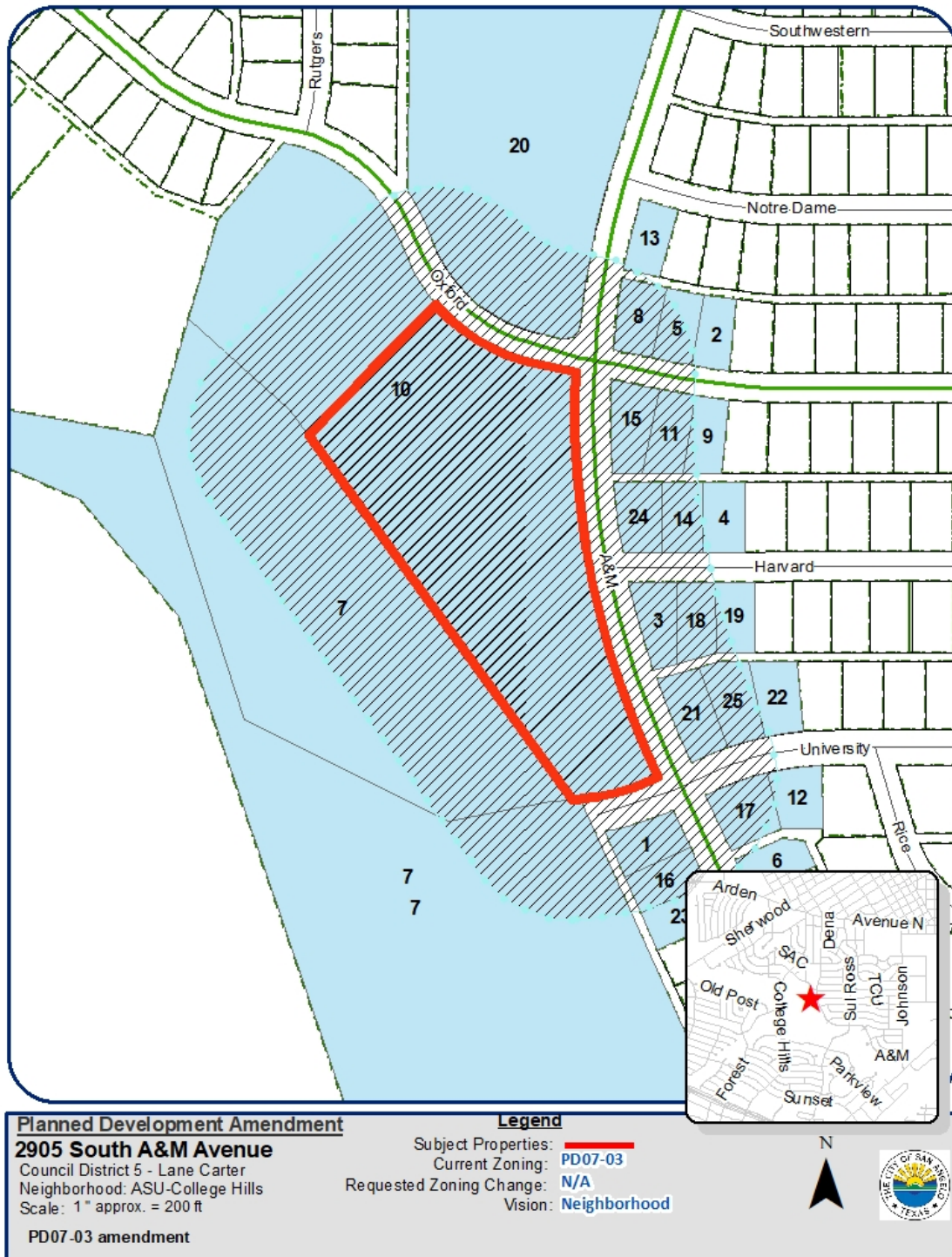
Current Zoning: PD07-03

Requested Zoning Change: N/A

Vision: Neighborhood



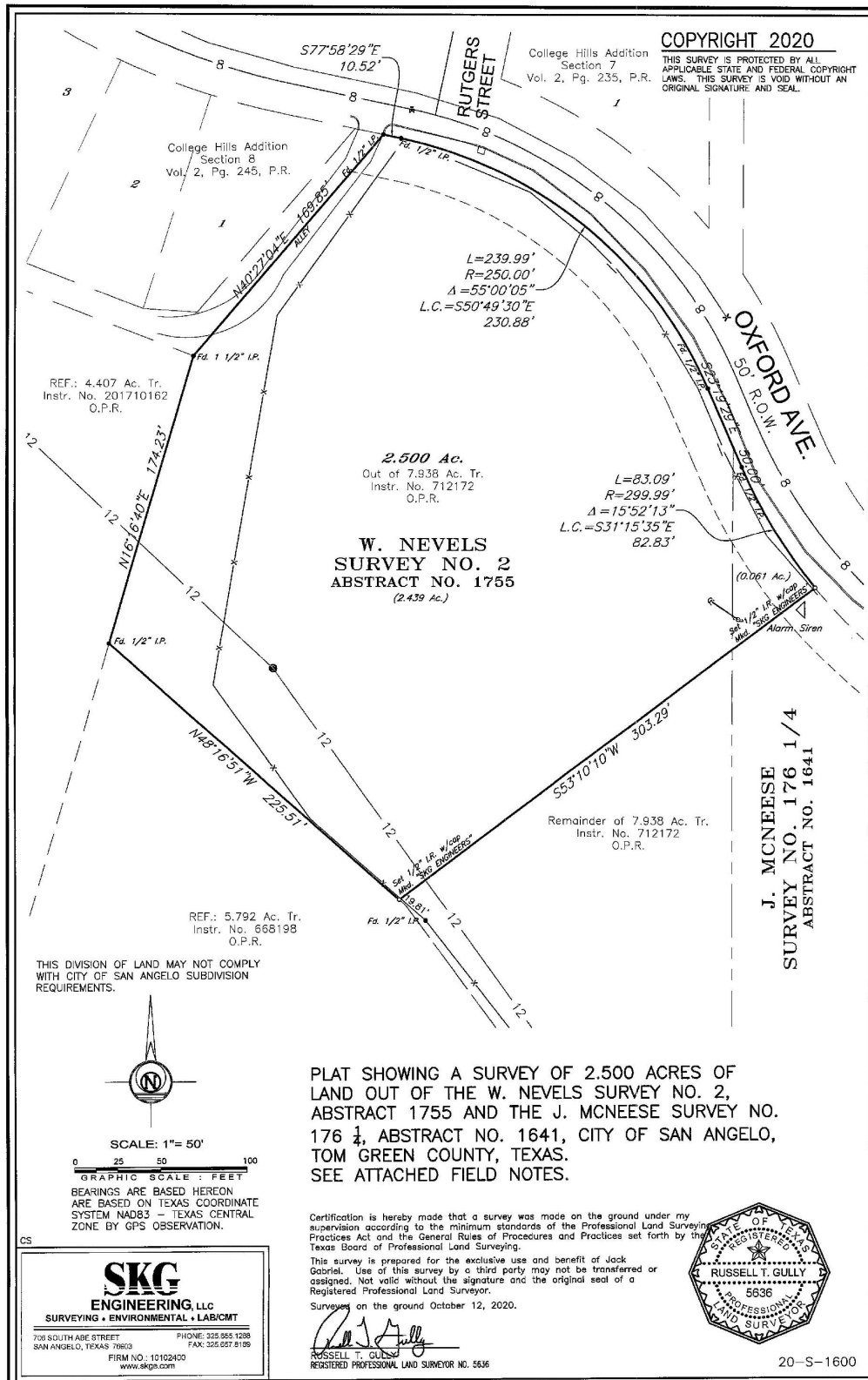
New notification map



New property percentages

	Subject Prop	5.22 acres			
	Adjc prop	12.81 acres			
	Total	18.03 acres		In Opposition	In Favor
Original		acres	%		
1	Property 1	0.2	1.56%	1.56%	
2	Property 2	0.01	0.08%	0.08%	
3	Property 3	0.2	1.56%	1.56%	
4	Property 4	0.01	0.08%		
5	Property 5	0.1	0.78%	0.78%	
6	Property 6	0.01	0.08%	0.08%	
8	Property 7	4.74	37.00%		
9	Property 8	0.21	1.64%		
10	Property 9	0.01	0.08%		
11	Property 10	subject prop	0.00%		
12	Property 11	0.2	1.56%		
13	Property 12	0.01	0.08%	0.08%	
14	Property 13	0.01	0.08%		
15	Property 14	0.19	1.48%	1.48%	
16	Property 15	0.23	1.80%		1.41%
19	Property 16	0.18	1.41%	1.41%	
20	Property 17	0.21	1.64%		1.64%
23	Property 18	0.19	1.48%	1.48%	
25	Property 19	0.01	0.08%		0.08%
26	Property 20	2.57	20.06%	20.06%	
28	Property 21	0.23	1.80%		
29	Property 22	0.01	0.08%		
31	Property 23	0.01	0.08%		0.08%
33	Property 24	0.2	1.56%	1.56%	
35	Property 25	0.21	1.64%	1.64%	
	Street	2.9	22.64%	31.77%	
		12.85	100%		

Survey of sale of property



Field Notes for Survey of sale of property

FIELD NOTES

2.500 Acres

October 12, 2020
20-S-1600

Being an area of 2.500 acres of land comprised of 2.439 acres out of the W. Nevels Survey No. 2, Abstract No. 1755 and 0.061 acre out of J. McNeese Survey No. 176 ¼, Abstract No. 1641, City of San Angelo, Tom Green County, Texas and said 2.500 acre tract also being out of that certain 7.938 acre tract described and recorded in Instrument No. 712172, Official Public Records of Tom Green County, Texas and said 2.500 acre tract being more particularly described by metes and bounds as follows:

Beginning at a ½" iron pipe found for the northwest corner of this tract and said 7.938 acre tract and being int south or southwest line of Oxford Avenue;

Thence with the north or northeast line of this tract and said 7.938 acre tract and the south or southwest line of said Oxford Avenue, S. 77° 58' 29" E. 10.52 feet to a ½" iron pipe found for the beginning of a curve to the right;

Thence with said curve to the right, having a radius of 250.00 feet, central angle of 55° 00' 05", arc length of 239.99 feet and whose long chord bears S. 50° 49' 30" E. 230.88 feet to a ½" iron pipe found for the end of this curve;

Thence S. 23° 19' 29" E. 50.00 feet to a ½" iron pipe found for the beginning of a curve to the left;

Thence with said curve to the left, having a radius of 299.99 feet, central angle for this part traversed of 15° 52' 13", arc length of 83.09 feet and whose long chord bears S. 31° 15' 35" E. 82.83 feet to a ½" iron rod with cap marked "SKG ENGINEERS" set for the east corner of this tract;

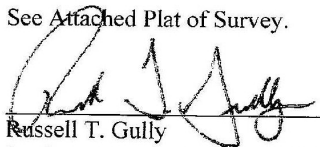
Thence with the southeast line of this tract and across said 7.938 acre tract, S. 53° 10' 10" W. 303.29 feet to a ½" iron rod with cap marked "SKG ENGINEERS" set for the south corner of this tract in the southwest line of said 7.938 acre tract;

Thence with the southwest line of this tract and said 7.938 acre tract, N. 48° 16' 51" W. 225.51 feet to a ½" iron pipe found for the west corner of this tract and said 7.938 acre tract;

Thence with the west line of this tract and said 7.938 acre tract, N. 16° 16' 40" E. 174.23 feet to a 1 ½" iron pipe found for angle corner, N. 40° 27' 04" E. 169.85 feet to the place of beginning and containing an area of 2.5000 acres of land.

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

See Attached Plat of Survey.


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



Warranty Deed of sale of property

202017724 DE Total Pages: 4



NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

WARRANTY DEED

DATE: October 27, 2020

GRANTOR: JACK P. GABRIEL, a single man

GRANTOR'S MAILING ADDRESS:

2626 University Ave
San Angelo, TX 76904

GRANTEE: MICHAEL J. SIS, BISHOP OF THE ROMAN CATHOLIC DIOCESE
OF SAN ANGELO

GRANTEE'S MAILING ADDRESS:

PO Box 14029
San Angelo, TX 76902

CONSIDERATION: TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration.

PROPERTY (including any improvements):

Being an area of 2.500 acres of land comprised of 2.439 acres out of the W. Nevels Survey No. 2, Abstract No. 1755 and 0.061 acre out of J. McNeese Survey No. 176 1/4, Abstract No. 1641, City of San Angelo, Tom Green County, Texas and said 2.500 acre tract also being out of that certain 7.938 acre tract described and recorded in Instrument No. 712172, Official Public Records of Tom Green County, Texas and said 2.500 acre tract being more particularly described by metes and bounds in Exhibit "A" attached hereto.

RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:

Easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances, and other instruments, other than liens and conveyances, that affect the property; and taxes for 2020, the payment of which Grantee assumes.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee,

Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor hereby binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to warranty.

When the context requires, singular nouns and pronouns include the plural.

JACK P. GABRIEL

STATE OF TEXAS §
COUNTY OF TOM GREEN §

This instrument was acknowledged before me on the 27th day of October, 2020 by JACK P. GABRIEL.

Notary Public, State of Texas

AFTER RECORDING RETURN TO:

GUARANTY ABSTRACT & TITLE COMPANY
One East Twohig Avenue
San Angelo, Texas 76903

PREPARED IN THE LAW OFFICE OF:

POST & BRIGHT
P. O. Box 4079
San Angelo, Texas 76902

When the context requires, singular nouns and pronouns include the plural.

POST & BRIGHT
P. O. Box 4079
San Angelo, Texas 76902

CITY COUNCIL – APRIL 20TH & MAY 4TH, 2021
STAFF REPORT



APPLICATION TYPE:		CASE:	
Planned Development Amendment		PD07-03 (Amended): 2909 South A&M Avenue	
SYNOPSIS:			
This case was tabled at the City Council meeting on April 6, 2021. This specific case was tabled at the February 22, 2021 Planning Commission meeting. On August 21 st of 2007, City Council approved PD07-03 from RS-1 to PD intended for assisted group living. On April 16 th of 2013, City Council approved Z13-09 (PD07-03 Amendment) to specifically add an allowance for the operation of a gymnastics academy. The current proposed amendment is to specifically add an allowance for the use of a water processing and delivery business and related accessory uses on the subject property.			
LOCATION:		LEGAL DESCRIPTION:	
2909 South A&M Avenue		Being 0.7.938 acres being out W. Nevels, Abstract-1755, Survey-2 and J. McNeese, Abstract-1641, Survey 176 ½.	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #5 – Lane Carter Neighborhood – ASU – College Hills	PD07-03	Neighborhood	7.938 acres
THOROUGHFARE PLAN:			
<u>South A&M Avenue</u> – Minor Collector Street – ROW 60’ Required (60’ Existing) – Pavement Width 50’ Required (36’ Existing) <u>Oxford Avenue</u> – Minor Collector Street – ROW 60’ Required (50’ Existing) – Pavement Width 50’ Required (36’ Existing)			
NOTIFICATIONS:			
35 notifications were mailed within a 200-foot radius of the property on February 2, 2021. Staff has received 7 responses in favor and 19 against the case.			
STAFF RECOMMENDATION:			
Staff recommends DENIAL of a request for a Planned Development Amendment, PD07-03, to allow an additional use of a water processing and delivery business and related accessory uses.			
PROPERTY OWNER/PETITIONER:			
Jack Gabriel			
STAFF CONTACT:			
Shelly Paschal Planner (325) 657-4210, Extension 1533 shelly.paschal@cosatx.us			

Additional Information: On August 21st of 2007, City Council approved PD07-03, a rezoning from Single-Family Residential (RS-1) zoning district to a Planned Development (PD) zoning district intended for assisted group living, subject to specific requirements (see attached Exhibit A). On April 16th of 2013, City Council approved Z13-09 (PD07-03 Amendment) to specifically add an allowance for the operation of a gymnastics academy, subject to specific requirements (see attached Exhibit B). The current proposed amendment is to specifically add an allowance for the use of a water processing and delivery business and related accessory uses on the subject property. This business will process water through a RO system and then bottle the water, all on site. After the water is bottled, it will be delivered to their customers.

Rezoning: Section 213(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 PD amendment is not in keeping with the Future Land Use of the City's Master Plan as being Neighborhood. The property is within a well-established neighborhood that has single-family homes and a church.
2. **Consistent with Zoning Ordinance.** **Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.** The underlying zoning for this property is RS-1. This proposed amendment to the PD is not consistent with the Zoning Ordinance. The zoning ordinance intent is to protect the existing uses from undue impact. In this case, the surrounding neighborhood would not be protected by adding a commercial use to the vacant building, but rather be a hindrance to the surrounding neighborhood.
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 surrounding uses are single-family homes and a church. The proposed use would bring in more traffic and noise that is not intended for a neighborhood.
4. **Changed Conditions.** **Whether and the extent to which there are changed conditions that require an amendment.** The subject property was an elementary school, but most of the school buildings have been vacant for many years. The specific building that is the subject of this amendment was occupied by a gymnastics academy until mid-2019 and has remained vacant since. Approving the proposed PD, will allow a commercial use within a residential area and could generate more traffic and noise than what is expected in a residential area.

5. **Effect on Natural Environment.** *Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.* Staff does not believe that there will be any adverse effects on the natural environment. The structure that will be used already exists.
6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.* Staff believes there continues to be a demonstrated community need of commercial uses. However, staff doesn't believe that this is the appropriate location for such a use that is being proposed, given its close proximity to single-family homes in a well-established neighborhood.
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.* As an area for a neighborhood, this application is not consistent with that pattern and could have a negative effect on the residence within this surrounding area.

Planning Commission Recommendation:

On March 15, 2021, the Planning Commission recommended **APPROVAL by a unanimous vote of 5-0** of an amendment to specifically add an allowance for the use of a water processing and delivery business and related accessory uses. The following is the complete excerpt of the draft minutes from the March 15, 2021, meeting for this case:

3. Rezoning

City Council has final authority for approval of rezonings.

A. Amendment to PD07-03: 2909 South A&M Avenue

A request for approval of a Planned Development Amendment, PD07-03, to allow an additional use of a water processing and delivery business and related accessory uses for a property located at 2909 S A&M Avenue.

Shelly Paschal, Planner, presented the proposed PD amendment case tabled from the February 22, 2021 Planning Commission Meeting. Ms. Paschal explained that originally 35 notices, 2 in favor and 10 in opposition. However, a total of 17 property owners signed a petition in opposition and 7 property owners signed a petition in favor. Of these totals, 4 property owners signed both petitions.

She went back over the history that in 2007 it went from RS-1 to PD for assisted living, then later in 2013 was amended as a PD for a gymnastics facility.

She then outlined Staff's recommendation of denial of the Rezoning on the grounds that the proposed water processing and delivery facility is not compatible with the Comp Plan, zoning, or surrounding residential neighborhood that includes single-family homes as a church. She also indicated that the property was initially an elementary school and has remained vacant since 2019

when the gymnastics facility left. Staff believes that while there is a need for commercial uses, this particular use is not compatible with the surrounding area.

Commissioner Davis asked to clarify the number of responses.

Ms. Paschal explained there was 17 who signed in favor petition, and 7 who signed opposition petition, and 4 signed both. She also indicated that there was other signatures from non-property owners and those outside the 200 foot circulation area.

Commissioner Spano asked if there were to be a few delivery trucks.

Ms. Paschal responded this is her understanding, but that the applicant is available to clarify.

Commissioner Davis indicated these would be small trucks as she understood.

Commissioner Spano indicated that this is was a school there would be many buses and cars each day, and that he believes the impact of this business would be far less than this business.

Commissioner Davis concurred that the previous gymnastics facility would have more traffic than this use. She also asked if anyone in attendance today went to the Town Hall Meeting by the owner and applicant.

Chair Stribling opened public comment.

Mr. Jack Gabriel, the owner and applicant, indicated that he sent out 40 letters to surrounding owners, and the noise from the facility is equivalent to a small diesel truck and will not be heard from the street. He explained he went behind 200 feet and included a 5-block radius and only two people were opposed wanting a day care and opposed to the use. He said several owners said they would sign up for water service if this request is approved.

One flat bed (one ton pickup) and in a year from now, another flat bed pick-up, with three employees and three vehicles starting out, may go up to six eventually. He said with the gymnastics facility there were 400-500 drop-offs a week, and therefore, this will be a lot less traffic.

Commissioner Self asked hours of operation.

Mr. Gabriel 9-5pm, maybe 8-5pm if needed.

Commissioner Uherik asked of the company owner was in attendance.

Mr. Gabriel said if the owner needed he could discuss more if needed in future.

Ms. Davis asked to clarify that the owner has this business already in Odessa.

Mr. Gabriel responded he has not been to the Odessa location, but that the walls were noise proof.

Ms. Davis about lease terms.

Mr. Gabriel responded 2-5 years, with a renewal option after that.

Mr. Larry Loika, resides immediately across the street from the gym and does not want a commercial business next door. He indicated that being in an RS-1 area does not want this business next to him.

Chair Jackson left the meeting at 9:58 a.m.

Brandon Dyson, Deputy City Attorney, asked what the approval conditions.

Ms. Paschal shared the conditions, including limiting the number of trucks; that offices are only for the water business, and no other types of businesses; prohibit outdoor storage.

Chair Stribling closed public comment.

Mr. Stribling indicated that this is a challenging case and understands the concerns of residents.

Joe Spano did not want to limit hours other than keeping 7-7 as proposed.

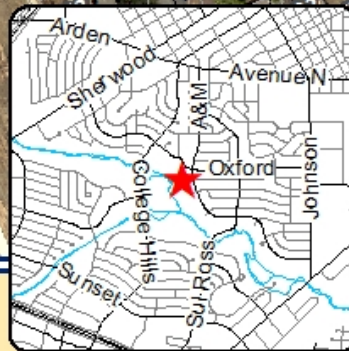
Commissioner Spano made a motion to RECOMMEND APPROVAL of a Planned Development Amendment, PD07-03, to allow an additional use of a water processing and delivery business and related accessory uses for a property located at 2909 South A&M Avenue, subject to 7 conditions of approval. Commissioner Davis seconded the motion. The motion carried unanimously 5-0.

Recommendation:

Staff's recommendation is for City Council to **DENY** the request for approval of a Planned Development Amendment, PD07-03, to allow an additional use of a water processing and delivery business and related accessory uses.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Notification Map
Photographs
In Favor Petition (provided by applicant)
In Favor Letters
In Opposition Petition
Opposition Letters
Layout Plan
Exhibit A – 2007 Amendment Exert
Exhibit B – 2013 Amendment Exert
Application



Planned Development Amendment

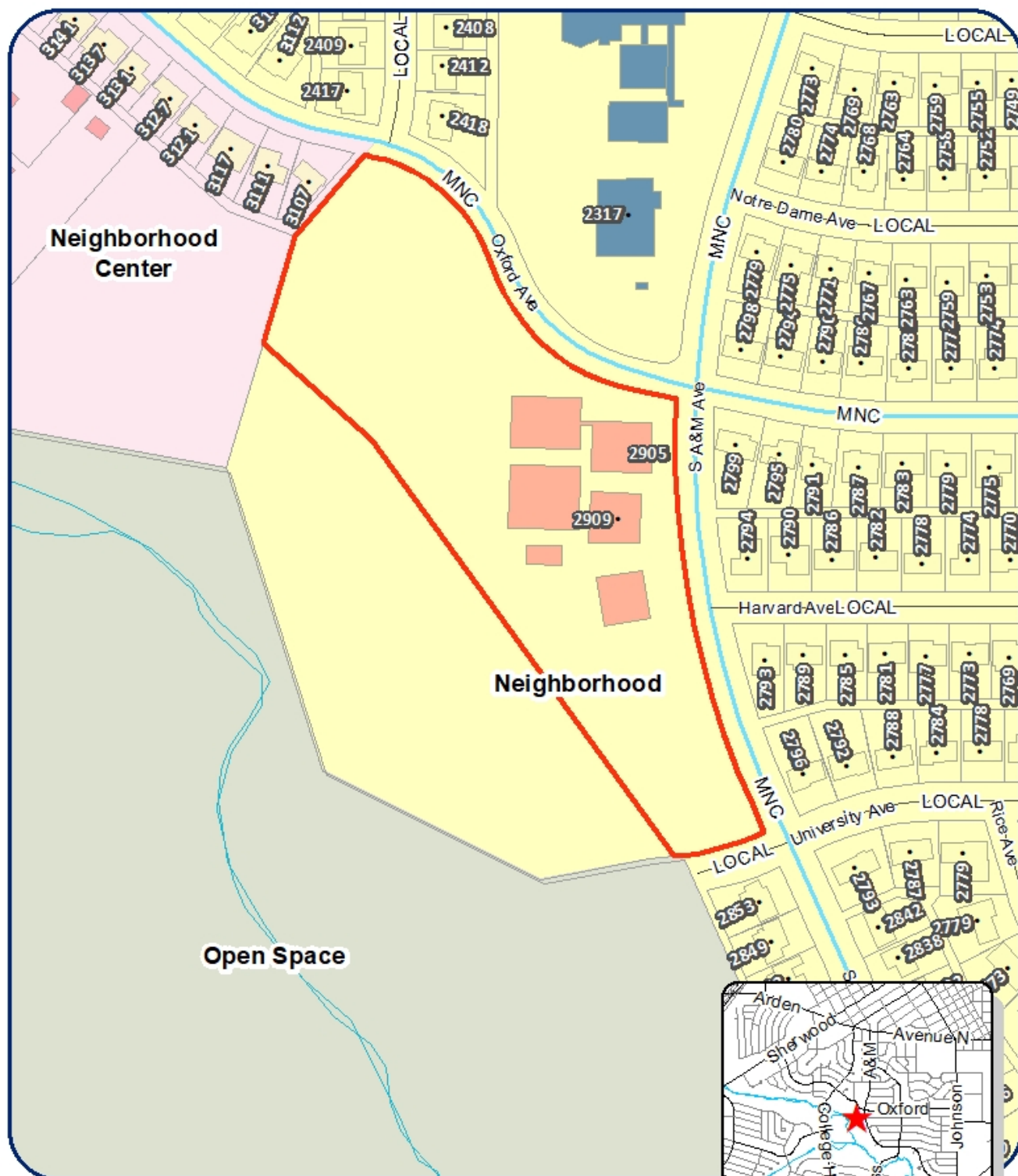
2905-2909 S A&M Ave

Council District: SMD #5 - Lane Carter
Neighborhood: ASU-College Hills
Scale: 1" approx. = 200 ft

Legend

Subject Properties: 
Current Zoning: PD07-03
Requested Zoning Change: N/A
Vision: Neighborhood





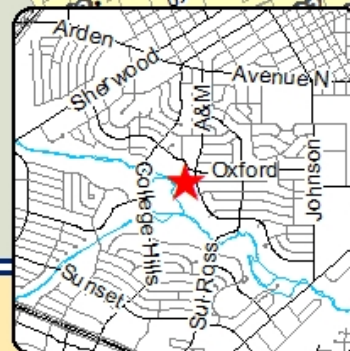
Planned Development Amendment

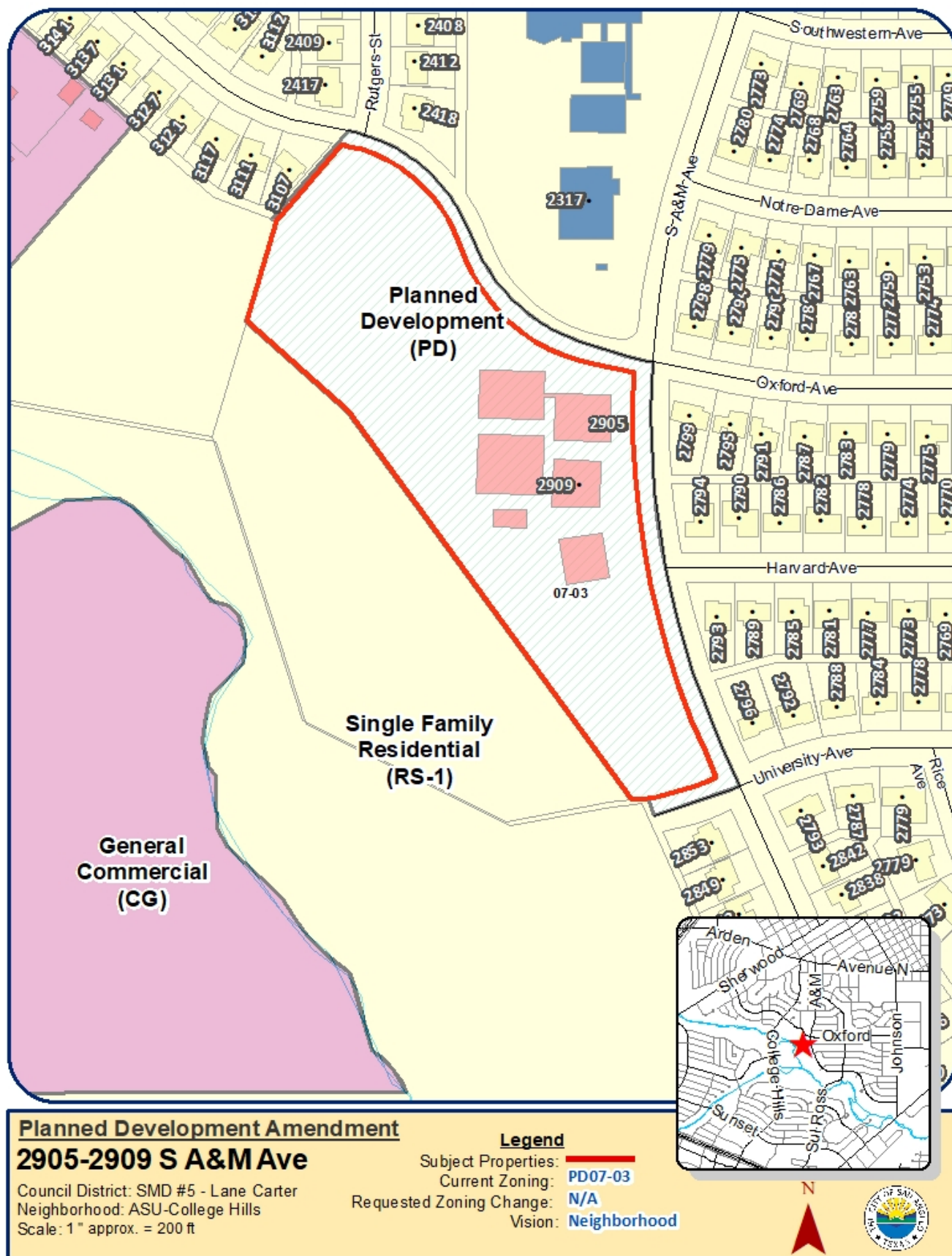
2905-2909 S A&M Ave

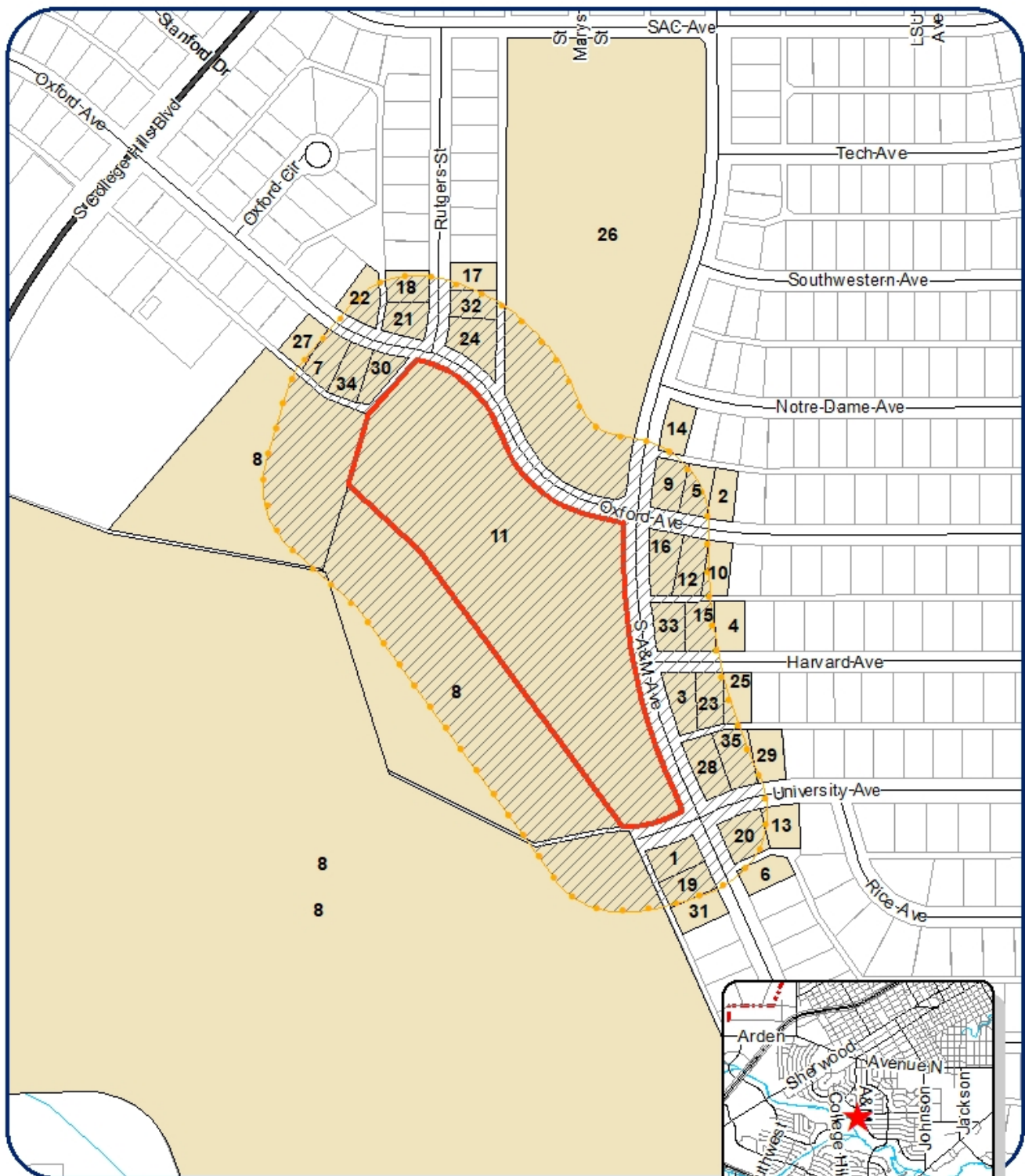
Council District: SMD #5 - Lane Carter
 Neighborhood: ASU-College Hills
 Scale: 1" approx. = 200 ft

Legend

Subject Properties: —
 Current Zoning: PD07-03
 Requested Zoning Change: N/A
 Vision: Neighborhood







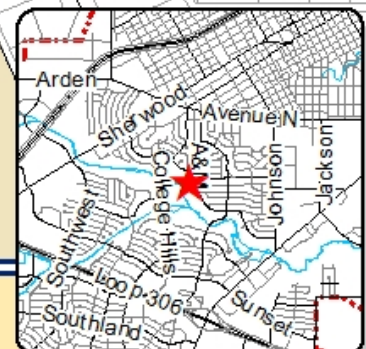
Planned Development Amendment

2905-2909 S A&M Ave

Council District: SMD #5 - Lane Carter
Neighborhood: ASU-College Hills
Scale: 1" approx. = 300 ft

Legend

Subject Properties: —
Current Zoning: **PD07-03**
Requested Zoning Change: **N/A**
Vision: **Neighborhood**



Photos of Site and Surrounding Area

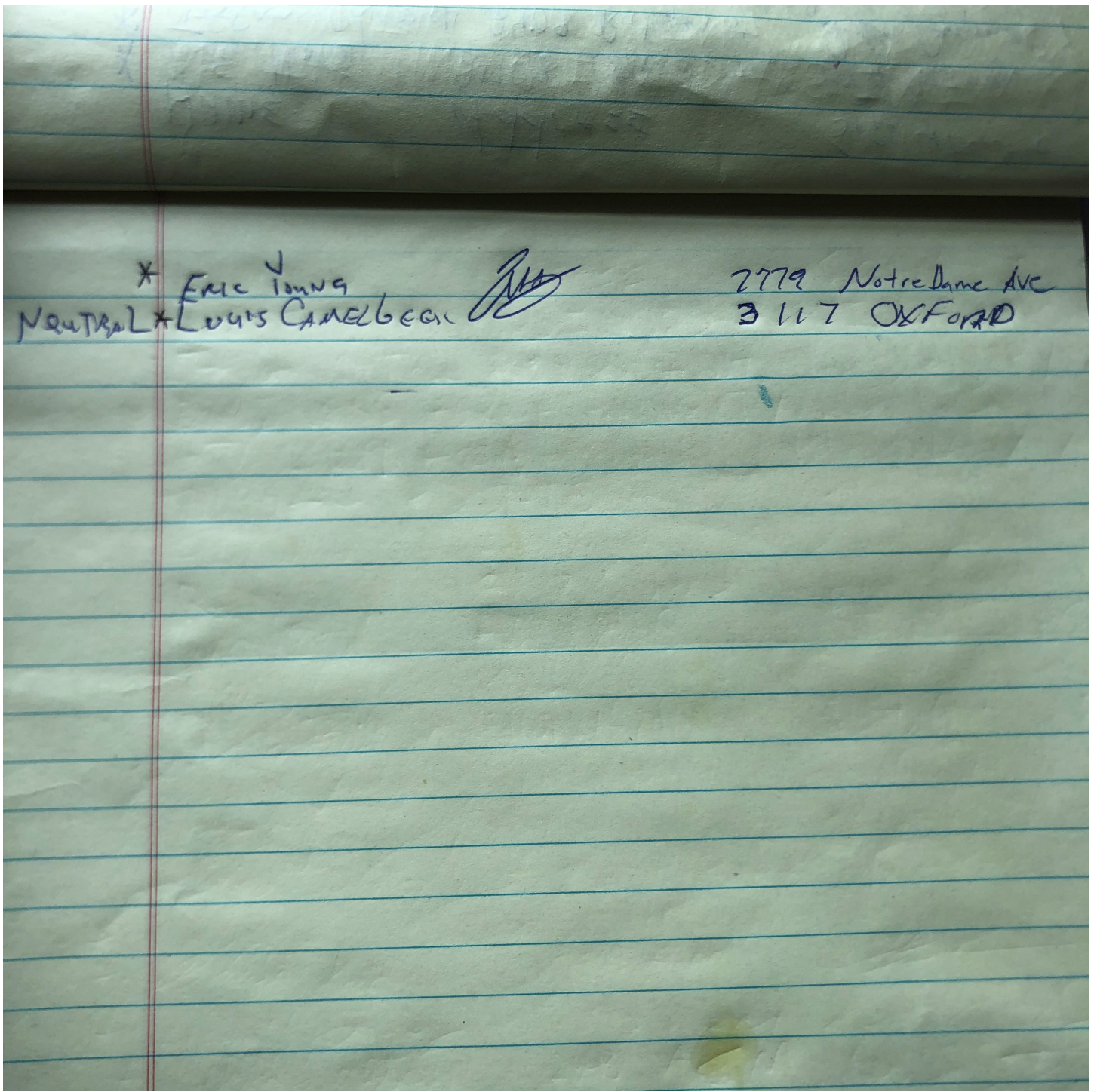


In Favor Petition

WE, THE UNDERSIGNED ARE IN FAVOR
OF A WATER PROCESSING AND DELIVERY
BUSINESS FOR A PROPERTY LOCATED
AT 2909 A&M AVENUE, SAN ANGELO, TX
76904 PD07-03

NAME	ADDRESS	SIGNATURE
Laura Neill	2620 University Ave	Laura Neill
[Signature]	2620 University Ave	[Signature]
Kendall Downey	2543 A&M Ave	Kendall Downey
Matt Estin	2837 A and M Ave	Matt Estin
Jackie Rabb	2825 A & M Ave	Jackie Rabb
John H. Rabb	2825 A&M Ave	John H. Rabb
Maureen Millican	2821 A&M Ave	Maureen Millican
Dustin Scott	2822 A&M Ave	Dustin Scott
Bill Marr	2832 A&M Ave	Bill Marr
Philip FAVA	2838 S. A&M Ave	Philip FAVA
CENADIA FAVA	2838 S. A&M Ave	Cenadia FAVA
Kelli Kirk	2778 University Ave	Kelli Kirk
Ethan Wood	2778 University Ave	Ethan Wood
Skylar Strube	2778 University Ave	Skylar Strube
Kate Kirk	2778 University Ave	Kate Kirk
Sabrina Rojas	2774 University Ave	Sabrina Rojas
Michelle Keeney	2779 University Ave	Michelle Keeney
Todd Compton	2781 Harvard Ave	Todd Compton
Jean Whitehorn	2787 Oxford Ave	Jean Whitehorn
Bradley Eoff Jr.	2786 Oxford Ave	Bradley Eoff Jr.

NAME	Address	Signature
* Aria Murray	2798 Oxford Ave	Aria Murray
* Tiffany Campbell	2408 Rutgers St	Tiffany Campbell
* EVELYN SMITH	2412 Rutgers	Evelyn Smith
Will Blaine	2212 Rutgers	Will Blaine
Bill Rhoads	2217 Rutgers	Bill Rhoads
Sherril Wilcox	2213 Rutgers	Sherril Wilcox
Ross Rodriguez	2307 Rutgers	Ross Rodriguez
Ramon Michael	2313 Rutgers	Ramon
* Freddie MARTINEZ	2401 RUTGERS	Freddie Martinez
* Ashley Stull	3107 Oxford	Ashley Stull
Grace Gutierrez	4151 Oxford Ave	Grace Gutierrez
Robert W. Longest	3122 Oxford	Robert W. Longest
* Ryan G. Smith	2796 UNIVERSITY	Ryan G. Smith
* Brooks Keck	2843 AOM	Brooks Keck
* Kendall Downey	2843 Army	Kendall Downey
* William Ostrum	2843 A & M	William Ostrum
* Doss, Derrick L	2786 Harvard	Doss, Derrick L
* George O'Neal	2409 RUTGERS ST	GEORGE O'NEAL
* Angel Reyes	2715 Oxford Ave	Angel Reyes
* Joshua Smith	3112 Oxford Ave	Joshua Smith
* Jacob Jenschko	3112 S Oxford dr.	Jacob Jenschko
* Clifford Wilcox	3111 S Oxford dr.	Clifford Wilcox
* Letter	2793 Harvard Ave	Letter
* Courtney Pison	2793 University	Courtney Pison
* Anna Martrey	2793 W 4th Ave	Anna Martrey
* Hank Smith	2794 Oxford Ave	Hank Smith
* Robert Copeland	2791 Oxford Ave	Robert Copeland



* Eric Young
NEUTRAL * Louis Camelberger *[Signature]*

2779 Notre Dame Ave
3117 OXFORD

In Favor Letters

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

(☒)

IN FAVOR

()

IN OPPOSITION

REASON(S) _____

NAME: Diana Martinez

ADDRESS: 2799 Acford Ave.

SA Texas 76904

SIGNATURE: Diana Martinez

PD07-03 (Amended): 2909 South A&M Street

Property owner number: 16

If you have any questions about these proceedings, please call Mrs. Shelly Paschal, Planner, with the City of San Angelo's Planning Division at telephone number 325-657-4210. The Planning Division staff may also be reached by email at shelly.paschal@cosatx.us.

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(✓)

IN FAVOR

()

IN OPPOSITION

REASON(S)

I'm happy something will happen to maintain this property. I am not familiar with what water processing entails. I would not approve if it causes loud, ^{offensive} noises. Otherwise, go for it. Clean up that decaying building.

NAME: Grace RogersADDRESS: 2785 Harvard Ave.SIGNATURE: Grace Rogers

PD07-03 (Amended): 2909 South A&M Street

Property owner number: 25

If you have any questions about these proceedings, please call Mrs. Shelly Paschal, Planner, with the City of San Angelo's Planning Division at telephone number 325-657-4210. The Planning Division staff may also be reached by email at shelly.paschal@cosatx.us.

Opposition Petition

PAGE 1 OF 1

WE, THE UNDERSIGNED, ARE AGAINST A WATER
PROCESSING & DELIVERY BUSINESS & RELATED
ACCESSORY USES FOR A PROPERTY LOCATED AT
2909 A.M. AVE, SAN ANGELO, TX 76904
PD07-03 (AMENDED)

	NAME	ADDRESS	SIGNATURE
15	FLO LOIKA	2790 HARVARD AVE	Flo Loika
4	Bobby Brant	2785 HARVARD	Bobby Brant
3	Aaron Bayer	2793 Harvard Ave	Aaron Bayer
33	THOMAS TWICKLE	2794 HARVARD	THOMAS TWICKLE
28	LYNN SIMMONS	2796 UNIVERSITY	Lynn Simmons
29	Johna Burch	2788 University Ave.	Johna Burch
1	Ryan Holsen	2853 A.M. AVE	Ryan Holsen
1	Jett Allen	2853 A.M. AVE	Jett Allen
19	Callie Phillips	2849 A.M. AVE	Callie Phillips
13	Rebyn Atwood	2787 University Ave	Rebyn Atwood
12	Angel Reyes	2795 OXFORD AVE	Angel Reyes
35	Robyn Womack	2792 UNIVERSITY AVE	Robyn Womack
35	Billy Womack	2792 UNIVERSITY AVE	Billy Womack
5	Handah Brown	2794 Oxford Ave	Handah Brown
-	Bryan Brown	2794 Oxford AVE - OWNER	Bryan Brown
2	Samantha Crumrine	2790 Oxford Ave -	Samantha Crumrine
9	Aria Murray	2798 Oxford Ave -	Aria Murray
24	Michael Riley	2418 Rutgers St.	Michael Riley
17	Tiffany Campbell	2408 Rutgers St	Tiffany Campbell
18	George O'Neal	2409 RUTGERS ST	GEORGE O'NEAL

PAGE 2 OF 2

	NAME	ADDRESS	SIGNATURE
32	Tyson Tucker	2412 Rutgers	Tyson Tucker
21	Walker Woolman	2417 Rutgers	Walker Woolman
27	Laredo Williamson	3121 S Oxford	Laredo Williamson
34	Clifton White	3111 S Oxford	Clifton White
30	Adam Steele	3107 S. Oxford	Adam Steele
22	Joshua Smith	3112 S. Oxford	Joshua Smith
23	CLIFF RICHEY	2789 HARVARD	Cliff Richey
26	Gracie Gonzales (CATHOLIC SCHOOL)	2315 APM AVE	Gracie Gonzales

Opposition Letters

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() IN FAVOR (✓) IN OPPOSITION

REASON(S) We bought our home 40 yrs ago
when TRAVIS ELEMENTARY WAS A SCHOOL.
SINCE THE CLOSING APPROXIMATELY 12 YEARS AGO,
JACK GABRIEL HAS DONE LITTLE TO THE
PROPERTY. WINDOWS HAVE BEEN BROKEN OR
BOARDED UP, PROPERTY HAS BEEN VANDALISED
AND THE GROUNDS HAVE NOT BEEN KEPT UP.
WE DO NOT WANT A COMMERCIAL BUSINESS
IN OUR NEIGHBORHOOD. WE DON'T WANT TO
LISTEN TO TRUCK NOISE, PROPERTY VALUE
GOING DOWN, TAXES GOING UP, SAFETY ISSUES
WITH CHILDREN IN THE NEIGHBORHOOD, NOISY LEVEL
NAME: FLO TARTER-LOTKA DIRECTLY ACROSS FROM
OUR HOME. WHAT
ADDRESS: 2790 HARVARD AVE DOES ACCESSARY MEAN?
SAN ANGELO, TX 76904

SIGNATURE: Flo Tarter-Lotka

PD07-03 (Amended): 2909 South A&M Street

Property owner number: 15

If you have any questions about these proceedings, please call Mrs. Shelly Paschal, Planner, with the City of San Angelo's Planning Division at telephone number 325-657-4210. The Planning Division staff may also be reached by email at shelly.paschal@cosatx.us.

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() IN FAVOR

(X) IN OPPOSITION

REASON(S) ANY COMMERCIAL OR LOW INCOME
HOUSING I AM AGAINST

NAME: THOMAS A. TWOMBLY

ADDRESS: 2794 HARVARD AVE.

SIGNATURE: Thomas A. Twombly

PD07-03 (Amended): 2909 South A&M Street

Property owner number: 33

If you have any questions about these proceedings, please call Mrs. Shelly Paschal, Planner, with the City of San Angelo's Planning Division at telephone number 325-657-4210. The Planning Division staff may also be reached by email at shelly.paschal@cosatx.us.

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() IN FAVOR

(X) IN OPPOSITION

REASON(S)

1. INCREASE IN TRAFFIC VOL.

2. COMMERCIAL TRUCKS

3. BLOCKS MY VIEW OF TOWER MOUNTAIN

NAME: LYNN C. SIMMONS

ADDRESS: 2196 LAVERGNE 76904

SIGNATURE:



PD07-03 (Amended): 2909 South A&M Street

Property owner number: 28

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() IN FAVOR

(X) IN OPPOSITION

REASON(S) I bought the house because of location & neighborhood in general. There are plenty of places in Angelo to open a business & one zoned for that purpose. I was hoping part of the land, 60 ft from my house, would one day be incorporated with the walking track for families to take their ~~children~~ children. But I'm sure from the city, & council's point of view it's about money & not families. I'm quite sure this will lower the resale value of my house. That's not good for me & the other properties involved.

Businesses are usually on commercial property not residential. Thank you; ^{can} anyone call me if you'd like.

NAME: James Allen 325-348-7448

ADDRESS: 2853 A+M st

SIGNATURE: James Allen

PD07-03 (Amended): 2909 South A&M Street

Property owner number: 1

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() IN FAVOR

(X) IN OPPOSITION

REASON(S) _____

* lose property value

* increase in traffic & noise

* destroy the already weak/ in disrepair water system we currently have

* Create more problems w/ the roads

NAME: Robyn Atwood (GriAffth)

ADDRESS: 2787 University Ave
San Angelo, TX 76904

SIGNATURE: Robyn Atwood

PD07-03 (Amended): 2909 South A&M Street

Property owner number: 13

If you have any questions about these proceedings, please call Mrs. Shelly Paschal, Planner, with the City of San Angelo's Planning Division at telephone number 325-657-4210. The Planning Division staff may also be reached by email at shelly.paschal@cosatx.us.

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() IN FAVOR

(X) IN OPPOSITION

REASON(S)

We do not want the traffic, noise, or the ugly view.

NAME: Billy & Robyn Womack

ADDRESS: 2792 University Ave
San Angelo, TX 76904

SIGNATURE: Robyn Womack

PD07-03 (Amended): 2909 South A&M Street

Property owner number: 35

If you have any questions about these proceedings, please call Mrs. Shelly Paschal, Planner, with the City of San Angelo's Planning Division at telephone number 325-657-4210. The Planning Division staff may also be reached by email at shelly.paschal@cosatx.us.

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() IN FAVOR

(☒) IN OPPOSITION

REASON(S) do not approve of the
re-zoning of this area.

NAME: GEORGE O'NEAL

ADDRESS: 2409 RUTGERS ST.

SAN ANGELO, TX 76904

SIGNATURE: George O'Neal

PD07-03 (Amended): 2909 South A&M Street

Property owner number: 18

If you have any questions about these proceedings, please call Mrs. Shelly Paschal, Planner, with the City of San Angelo's Planning Division at telephone number 325-657-4210. The Planning Division staff may also be reached by email at shelly.paschal@cosatx.us.

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() IN FAVOR

(☒) IN OPPOSITION

REASON(S)

Value of my property will decrease. Please
build a park here instead of manufacturing.
The safety of my children is also a concern.

NAME: Samantha Cummin

ADDRESS: 2790 Oxford Ave
San Angelo, TX 76904

SIGNATURE: Samantha Cummin

PD07-03 (Amended): 2909 South A&M Street

Property owner number: 2

If you have any questions about these proceedings, please call Mrs. Shelly Paschal, Planner, with the City of San Angelo's Planning Division at telephone number 325-657-4210. The Planning Division staff may also be reached by email at shelly.paschal@cosatx.us.

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() IN FAVOR (☒) IN OPPOSITION
REASON(S) Traffic, noise, Property loss of value
Danger to Catholic School students -
I don't like any part of it!

AGAINST

NAME:

CLIFF RICHEY

ADDRESS:

2789 HARVARD

SIGNATURE:



PD07-03 (Amended): 2909 South A&M Street

Property owner number: 23

If you have any questions about these proceedings, please call Mrs. Shelly Paschal, Planner, with the City of San Angelo's Planning Division at telephone number 325-657-4210. The Planning Division staff may also be reached by email at shelly.paschal@cosatx.us.

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() IN FAVOR

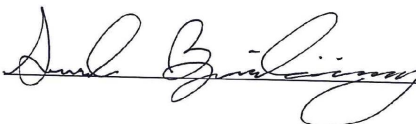


IN OPPOSITION

REASON(S) This is a neighborhood. Make
this lot houses. We don't need a
business here. This will hurt housing
values. This is a very poor idea for
our neighborhood.

NAME: Sarah Brzymialkiewicz

ADDRESS: 2842 A and M Ave
San Angelo, TX 76904

SIGNATURE: 

PD07-03 (Amended): 2909 South A&M Street

Property owner number: 6

If you have any questions about these proceedings, please call Mrs. Shelly Paschal, Planner, with the City of San Angelo's Planning Division at telephone number 325-657-4210. The Planning Division staff may also be reached by email at shelly.paschal@cosatx.us.

Layout Plan

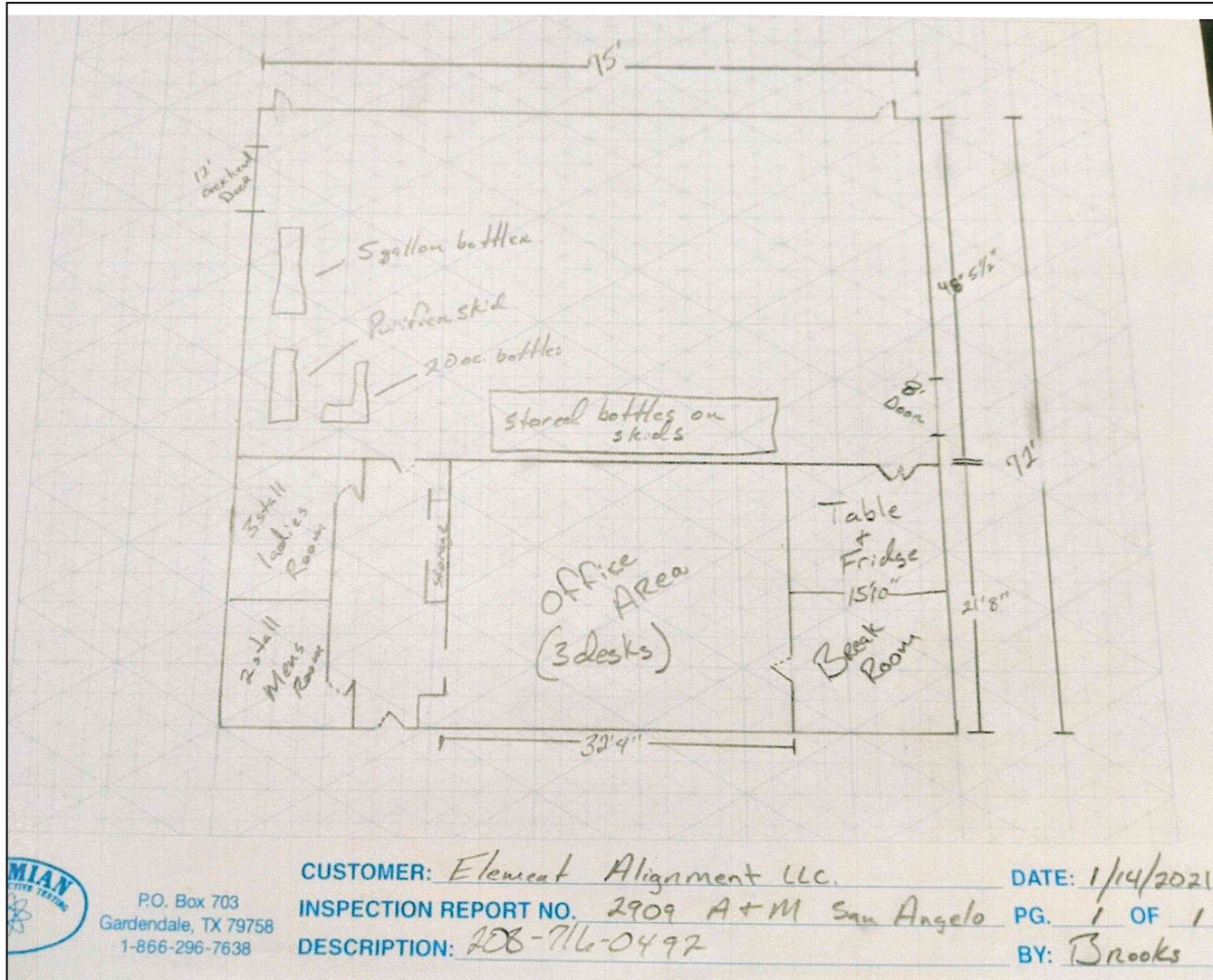


Exhibit A

Exert of the Ordinance approved by City Council on August 21st of 2007, PD07-03 (Amended) to change the zoning classification from a Single-Family Residence (RS-1) District to a Planned Development (PD) District intended for assisted group living.

SECTION 5: Except as otherwise specified or limited below, the use and improvement of the subject property shall be governed by standards, requirements and limitations of development in Single-Family Residence (RS-1) Districts:

- A. The subject property may be used for assisted group living; however, any such use or occupancy of this property shall not include residential treatment of persons with psychiatric, alcohol or drug problems.
- B. The use and improvement of this subject property shall furthermore be as generally shown on a graphic concept plan attached as Exhibit “B” to this amending ordinance.
- C. On-site signage shall be subject to limitations ordinarily applicable to Low-Rise Multi-Family Residence (RM-1) zoning districts, unless a specific variance from such limitations shall have been duly approved by the Planning Commission.
- D. At any time during this subject property’s occupancy for assisted group living, a minimum of one (1) off-street parking space shall be available for each residential unit in buildings on this property. Such off-street parking areas (including vehicle maneuvering space and driveways) shall furthermore be designed, improved and maintained as generally required by off-street parking standards of San Angelo’s Zoning Ordinance.
- E. Within each off-street parking area, rows of not more than ten (10) continuous parking stalls shall be separated by raised curb “islands” at least 9 feet wide and 18 feet long. Each such raised curb island shall, at a minimum, be required to be suitably landscaped with grass cover and a single shade tree of a variety well-suited to survive in San Angelo’s climate, with a minimum 3-inch caliper, and continually maintained in good condition.

Exhibit B

Exert of the Ordinance approved by City Council on April 16th of 2013, Z13-09 (PD07-03 Amendment) to specifically add an allowance for the operation of a gymnastics academy.

SECTION 5: Except as otherwise specified or limited below, the use and improvement of the subject property shall be governed by standards, requirements and limitations of development in Single-Family Residence (RS-1) Districts:

- A. The property shall not allow any retail sales except to students and attendees of gymnastics showcases and or events. Invitation for the sole purpose of retail sales shall be prohibited. Said sales shall be limited to gymnastics activities and general concessions.
- B. Office space shall be allowed for the gymnastics academy and assisted group living uses only. Other types of offices not related to the allowed uses through this amendment and PD 07-03 shall not be permitted.
- C. Gymnasium shall only be used for gymnastics activities, showcases and training limited to those enrolled in lessons or the academy. Other types of athletic clubs, events, or sports unrelated to the operation of a gymnastics academy or assisted group living facility shall not be permitted.
- D. Appeals of what constitutes a gymnastics activities shall be directed to the Zoning Board of Adjustment if not addressed within this amendment to PD 07-03.

SECTION 6: The parking requirements for this gymnastics academy shall be as follows, and as in ordinarily required in the zoning ordinance for the City of San Angelo:

- A. 1 space per 400 square foot gross or 1 space for every 10 seats for patron use; whichever is greater for the gymnastics academy. Such off-street parking areas (including vehicle maneuvering space and driveways) shall furthermore be designed, improved and maintained as generally required by off-street parking standards of San Angelo's Zoning Ordinance.
- B. Before any activities allowed within this Planned Development District may commence, a Certificate of Occupancy form the Building Official shall be obtained and all parking spaces required for those uses shall be provided and maintained as Section 511 of the Zoning requires.

SECTION 7: Outdoor storage of any materials or equipment or any kind shall not be permitted at any location within the bounds of the Planned Development District.

Effective October 7, 2019



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



Planned Development (PD) - Zone Change or Site Plan

Shelly

Section 1: Basic Information

Name of Applicant(s): JACK Gabriel
☒ Owner ☐ Representative (Notarized Affidavit Required)
 Mailing Address: 2626 University Ave San Angelo TX 76904
 City State Zip Code
 Contact Phone Number: 325-374-3457 Contact E-mail Address: spgabriell21@yahoo.com
 Subject Property Address: 2909 ATM San Angelo TX 76904
 City State Zip Code

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

Existing Zoning: PD07-03 Proposed Zoning: Commercial Lot size: 1 Acre
 (Zoning Map available on [City Maps](#))

Section 2: Site Specific Details

Existing Use of Property: VACANT, storage
 *Proposed Use of Property: water distribution
 *Use separate attachment if necessary

Section 2: Type of PD Request

1. New PD District (City Council approval required) ☐ Text Amendment to PD District (City Council approval required) ☒
 Major Site Plan / Amendment (Planning Commission approval required) ☐ Minor Site Plan / Amendment (Planning Director approval required) ☐
 2. Site Plan attached? Yes ☐ No ☒
 * New and amended PD site plan applications require a separate scaled plan that includes all new and existing buildings and structures; location of all parking spaces to be painted and striped; and all driveway entrances, drive-thru areas, easements, and maneuvering areas
 (For additional information refer to Zoning Ordinance or contact Planning Division at 325-657-4210)

Section 3: Applicant(s) Acknowledgement

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

- ☐ An application for a zone change on a property may only be made by the owner of that property, an authorized representative of the property owner, the Planning Director, the Planning Commission or City Council. An authorized representative shall present a notarized affidavit from the property owner;
☐ No application will be processed if a zoning violation exists on the property, unless such processing is authorized by City Council. Use of the subject property for any new activity (not allowed by present zoning) cannot occur before City Council's approval of the requested zone change. Any such unauthorized use of the subject property is subject to prosecution in Municipal Court.
☐ If approved, a zone change is applied to the property, not the property owner.
☐ The Planning Commission makes recommendations to City Council. If the Planning Commission recommends approval of a zone change request, the case must still go before City Council for final action.
☐ If a zone change request is granted by City Council, permits for building construction and/or utility connection may be obtained from the City's Permits and Inspections Department.
☐ Certain minimum building setbacks from some or all property lines must be maintained, and room for a minimum number of off-street parking spaces must be reserved on a subject property, based on that property's zoning classification and the nature of its proposed use. A privacy fence may also be required between more restrictive and less restrictive zoning districts. These requirements are outlined in San Angelo's Zoning Ordinance. It is to the 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.

Effective October 7, 2019

Section 3 continued: Applicant(s) Acknowledgement

☐ 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.

☐ 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.

Jack Calver [Signature] 1-14-21
Owner Name (Print) Signature Company/Organization (If Applicable) Date

Representative Name (Print) Signature Company/Organization Date

FOR OFFICE USE ONLY:

☐ Verified Complete ☐ Verified Incomplete

Date of Application: 1 / 15 / 21

Case No.: PD _____

Fully-dimensioned site plan: ☐

Select from the following:

Paid \$370.00
New PD District nonrefundable fee \$600.00 Receipt #: _____ Date paid: _____
Text Amendment to PD Ordinance \$225.00 Receipt #: _____ Date paid: _____
PD Site Plan, major/minor amendment \$125.00 Receipt #: _____ Date paid: _____
Newspaper Notification Fee (PD District/Text Amd) \$125.00 Receipt #: _____ Date paid: _____
Sign Deposit (minor site plans exempt) \$20.00 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, case no: Z _____

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

Planning Commission hearing date: _____ Date notifications due: _____

City Council hearing date: _____ Packets due date: _____

Publication date: _____

Reviewed/Accepted by: _____ Date: _____

AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO, TEXAS, WHICH ADOPTS ZONING REGULATIONS, USE DISTRICTS AND A ZONING MAP, IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING PROPERTY: **2909 SOUTH A&M AVENUE, SPECIFICALLY BEING 7.938 ACRES BEING OUT OF W. NEVELS, ABSTRACT-1755, SURVEY-2 AND J. MCNEESE, ABSTRACT-1641, SURVEY 176 ½.; AMENDING THE PLANNED DEVELOPMENT (PD) DISTRICT (PD07-03) TO SPECIFICALLY ADD AN ALLOWANCE FOR THE USE OF A WATER PROCESSING AND DELIVERY BUSINESS AND RELATED ACCESSORY USES; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE**

RE: PD07-03(amended): 2909 South A&M Avenue

WHEREAS, on the 15th day of March, 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 amendment to Planned Development (PD07-03) Zoning District to allow for the use of a water processing and delivery business and related accessory uses; and,

WHEREAS, on the 20th day of April, 2021, City Council held a public hearing on PD07-03, 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; and,

WHEREAS, written protest to approval of the amendment was submitted by owners of at least 20 percent of the area of the lots or lands immediately adjoining the area covered by the proposed amendment and extending 200 feet from that area; and,

WHEREAS, in accordance with Texas Local Government Code Section 211.006 and Section 210 of the City Zoning Ordinance, City Council approved the proposed amendment to the Planned Development (PD07-03) Zoning District by the affirmative vote of at least three-fourths of all members of the City Council.

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 PLANNED DEVELOPMENT (PD07-03 AMENDED) ZONING DISTRICT:

The real property generally located southwest of the intersection of South A&M Avenue and Oxford Avenue; being 7.938 acres being out W. Nevels, Abstract-1755, Survey-2 and J. McNeese, Abstract-1641, Survey 176 ½., City of San Angelo, Tom Green County, Texas as more particularly described and depicted on Exhibit “A” of this Ordinance, shall henceforth be permanently zoned as follows: Planned Development (PD07-03) Zoning District, as amended.

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

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

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

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

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

INTRODUCED on the **20th day of April, 2021**, and finally PASSED, APPROVED AND ADOPTED on this the **4th day of May, 2021**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

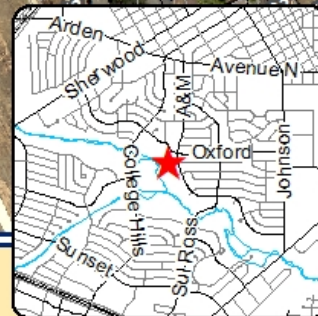
ATTEST:

APPROVED AS TO FORM:

Julia Antilley, City Clerk

Theresa James, City Attorney

Exhibit "A" (PD Boundary Map)



Planned Development Amendment

2905-2909 S A&M Ave

Council District: SMD #5 - Lane Carter

Neighborhood: ASU-College Hills

Scale: 1" approx. = 200 ft

Legend

Subject Properties:

Current Zoning: PD07-03

Requested Zoning Change: N/A

Vision: Neighborhood



Exhibit “B”

Applicable Regulations

SECTION 1: PD07-03: (approved 8/21/2007 from a Single-Family Residence (RS-1) District to a Planned Development (PD) District intended for assisted group living)

Except as otherwise specified or limited below, the use and improvement of the subject property shall be governed by standards, requirements and limitations of development in Single-Family Residence (RS-1) Districts:

- A. The subject property may be used for assisted group living; however, any such use or occupancy of this property shall not include residential treatment of persons with psychiatric, alcohol or drug problems.
- B. The use and improvement of this subject property shall furthermore be as generally shown on a graphic concept plan attached as Exhibit “B” to this amending ordinance.
- C. On-site signage shall be subject to limitations ordinarily applicable to Low-Rise Multi-Family Residence (RM-1) zoning districts, unless a specific variance from such limitations shall have been duly approved by the Planning Commission.
- D. At any time during this subject property’s occupancy for assisted group living, a minimum of one (1) off-street parking space shall be available for each residential unit in buildings on this property. Such off-street parking areas (including vehicle maneuvering space and driveways) shall furthermore be designed, improved and maintained as generally required by off-street parking standards of San Angelo’s Zoning Ordinance.
- E. Within each off-street parking area, rows of not more than ten (10) continuous parking stalls shall be separated by raised curb “islands” at least 9 feet wide and 18 feet long. Each such raised curb island shall, at a minimum, be required to be suitably landscaped with grass cover and a single shade tree of a variety well-suited to survive in San Angelo’s climate, with a minimum 3-inch caliper, and continually maintained in good condition.

SECTION 2: PD07-03(1st amendment): (approved 4/16/2013 to add the specific allowance for the operation of a gymnastics academy):

- A. The property shall not allow any retail sales except to students and attendees of gymnastics showcases and or events. Invitation for the sole purpose of retail sales shall be prohibited. Said sales shall be limited to gymnastics activities and general concessions.
- B. Office space shall be allowed for the gymnastics academy and assisted group living uses only. Other types of offices not related to the allowed uses through this amendment and PD 07-03 shall not be permitted.
- C. Gymnasium shall only be used for gymnastics activities, showcases and training limited to those enrolled in lessons or the academy. Other types of athletic clubs, events, or sports unrelated to the operation of a gymnastics academy or assisted group living facility shall not be permitted.

- D. Appeals of what constitutes a gymnastics activities shall be directed to the Zoning Board of Adjustment if not addressed within this amendment to PD 07-03.
- E. 1 space per 400 square foot gross or 1 space for every 10 seats for patron use; whichever is greater for the gymnastics academy. Such off-street parking areas (including vehicle maneuvering space and driveways) shall furthermore be designed, improved and maintained as generally required by off-street parking standards of San Angelo's Zoning Ordinance.
- F. Before any activities allowed within this Planned Development District may commence, a Certificate of Occupancy form the Building Official shall be obtained and all parking spaces required for those uses shall be provided and maintained as Section 511 of the Zoning requires.
- G. Outdoor storage of any materials or equipment or any kind shall not be permitted at any location within the bounds of the Planned Development District.

SECTION 3: PD07-03(2nd amendment): (current amendment to add the specific allowance for the use of a water processing and delivery business and related accessory uses):

- A. The subject property may be used for a water processing and delivery business and related accessory uses; however, no vehicles larger than 14,000 GVWR, which is essentially a one ton pickup and flatbed trailer combination, shall be allowed, as is specified in the City's Truck Route Ordinance.
- B. The property shall not allow any retail sales, specifically offering on-site services to customers.
- C. On-site signage shall be subject to limitations ordinarily applicable to Single-Family Residence (RS-1) zoning districts.
- D. Office space shall be allowed for the processing business. Other types of offices not related to the allowed use shall not be permitted.
- E. Hours of operation shall be limited to 7:00 a.m. to 7:00 p.m.
- F. All exterior lighting be shielded, downward emitting and configured in such a manner as to satisfactorily minimize or eliminate light trespass onto surrounding properties. All outdoor lighting shall be turned off between 10:00 p.m. and 7:00 a.m.
- G. Outdoor storage of any kind shall not be permitted.

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Andy Vecellio, Assistant Director, Water Utilities, 325-657-4218

Meeting Date: April 20, 2021

Item type: Regular Item

Caption:

Update on the Preliminary Design Phase for the Lake Nasworthy Area Wastewater Collection System Improvements Project (Presentation made by Assistant Water Utilities Director Andy Vecellio and Allen Woelke of CDM Smith)

Summary/History:

City Council approved Task Order No. 1 to CDM Smith, Inc., for the Preliminary Engineering Phase of the Lake Nasworthy Wastewater System Improvements. The scope of this task order is to complete a preliminary engineering design report that will finalize the alignment and size of the linear components, the size and location of lift stations, and prepare preliminary survey drawings of the property; collection system flow modeling; initial survey of new pipeline route; and archaeological assessments for the new facilities which includes a cultural resources background review, antiquities permit with the Texas Historical Commission, and archaeological survey.

From the Task Order No. 1 scope of services, CDM Smith has completed computer model updates and evaluation, evaluation of alternative solutions and alignments, and survey of the preliminary alignment including sonar of the Lake Nasworthy force main crossing.

With the completion of the preliminary alignment, direction from City Council is desired to move forward with the next tasks under Task Order No. 1. Tasks remaining to be completed include the completion of the preliminary engineering report, staking of the preliminary alignment, and archaeological assessments for the new facilities, which includes a cultural resources background review, antiquities permit with the Texas Historical Commission, and archaeological survey

Future task orders will be prepared for design, bidding and construction services as the project progresses.

Financial Impact:

No fiscal impact associated with this update.

Other Information/Recommendation:

Direction from City Council on preliminary design phase alignment and taking the next steps to complete the preliminary engineering report.

Attachments:

Presentation:

Andy Vecellio

Approvals/Reviews:

Andy Vecellio
Allison Strube
Theresa James
Tina Dierschke
Shane Kelton
Julia Antilley

Created/Initiated
Approved
Approved
Approved
Approved
Final Approval

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: April 20, 2021

Item type: Regular Item

Caption:

Consider awarding AP-02-21 Airport Entrance Road to Reece Albert, Inc. in the amount of \$1,692,003.18, budgeted for purchase in fiscal year 2021, and authorizing the City Manager to negotiate and execute all related documents (Presentation made by Airport Director Jeremy Valgardson)

Summary/History:

The airport has been approved by the FAA to use Passenger Facility Fees (PFCs) to reconstruct the airport entrance road. The scope consisted of repaving the entrance road, adding concrete to the terminal approach, installing new wayfinding signs, and new street lighting.

Two bidders submitted bids (Reece Albert, Inc., and Marc 3, LLC). Reece Albert was the low bidder.

Bid alternate #3 was not an FAA approved item, but council approved street bond funds to be used to install a new airport entrance sign with landscaped garden beds surrounding the sign. Reece Albert's bid came in \$100,000 over budget, and we do not intend to award this alternate. Instead, we will rebid alternate #3 as a stand alone project.

Financial Impact:

\$1,500,000 has already been approved for this project and the upcoming landscaping project using street bond funds.

The remainder will be paid for from Airport PFC revenues. 2nd reading of the budget amendment April 20th.

The PFC revenue fund will reimburse the street bond fund as PFCs are collected and authorized for this project by the FAA. The cost of landscaping is not an eligible cost for PFC revenue.

Other Information/Recommendation:

Attachments:

- | | | |
|----|-------------------------|-----------------------------|
| 1. | AP-02-21 Bid Tabulation | AP-02-21 Bid Tabulation.pdf |
|----|-------------------------|-----------------------------|

Presentation:

Jeremy Valgardson

Approvals/Reviews:

Jeremy Valgardson
Theresa James
Tina Dierschke

Created/Initiated
Approved
Approved

Theresa James
Julia Antilley

Approved
Final Approval



RFB Bid Tabulation
AP-02-21 • Airport Entrance Road
3/17/2021 2 p.m.

REECE ALBERT, INC**MARC 3, LLC**

#	Item Description	Quantity Required	Spec. No.	Unit of Measurement (UOM)	Unit Price	Total Cost	Quantity Required	Unit Price	Total Cost
Bid Schedule 1 - Base Bid: Mobilization, Temporary Access, and Erosion Control Measures									
#1-1	Mobilization	1	C-105	LS	\$ 80,350.00	\$ 80,350.00	1	\$ 185,749.00	\$ 185,749.00
#1-2	Barricades, Signs, and Traffic Handling	1	TX DOT 502	LS	\$ 26,851.77	\$ 26,851.77	1	\$ 49,416.00	\$ 49,416.00
#1-3	Construction Exits	1	TX DOT 506	EA	\$ 4,683.74	\$ 4,683.74	1	\$ 4,640.00	\$ 4,640.00
#1-4	Field Office	1	KSA-100	EA	\$ 22,261.48	\$ 22,261.48	1	\$ 6,000.00	\$ 6,000.00
#1-5	Preparation of Traffic Control Plan	1	KSA-109	EA	\$ 1,909.04	\$ 1,909.04	1	\$ 7,540.00	\$ 7,540.00
					SUBTOTAL	\$ 136,056.03		SUBTOTAL	\$ 253,345.00

Bid Schedule 2 - Base Bid: Street Rehabilitation (2" HMA Mill and Overlay)

#2-1	Excavation (3" Depth at Terminal)	78	SA Item 110	CY	\$ 39.59	\$ 3,088.02	78	\$ 74.24	\$ 5,790.72
#2-2	Furnishing and Placing Topsoil	200	SA Item 160	SY	\$ 18.40	\$ 3,680.00	200	\$ 15.08	\$ 3,016.00
#2-3	Soil Retention Blankets	67	SA Item 169	SY	\$ 19.07	\$ 1,277.69	67	\$ 6.96	\$ 466.32
#2-4	5" Flexible Base (5" - Complete in Place at Intersection)	76	SA Item 247	CY	\$ 111.28	\$ 8,457.28	76	\$ 121.80	\$ 9,256.80
#2-5	6" Flexible Base (6" - Complete in Place at Terminal)	156	SA Item 247	CY	\$ 109.34	\$ 17,057.04	156	\$ 121.80	\$ 19,000.80
#2-6	12" Flexible Base (12" - Complete in Place at Intersection)	106	SA Item 247	CY	\$ 312.42	\$ 33,116.52	106	\$ 121.80	\$ 12,910.80
#2-7	Asphalt Prime Coat	4603	SA Item 310	GAL	\$ 5.10	\$ 23,475.30	4603	\$ 11.60	\$ 53,394.80
#2-8	2" Hot Mix Asphaltic Concrete Pavement, Type D	2676	SA Item 340	TON	\$ 120.86	\$ 323,421.36	2676	\$ 232.00	\$ 620,832.00
#2-9	6" Concrete Pavement, Class P (at Terminal)	933	SA Item 360	SY	\$ 104.16	\$ 97,181.28	933	\$ 119.48	\$ 111,474.84
#2-10	7" Concrete Pavement, Class P (at Intersection)	541	SA Item 360	SY	\$ 115.62	\$ 62,550.42	541	\$ 133.40	\$ 72,169.40
#2-11	4" Concrete Pavement (for Flume)	24	SA Item 420	SY	\$ 147.51	\$ 3,540.24	24	\$ 87.00	\$ 2,088.00
#2-12	Concrete Curb and Gutter	420	SA Item 529	LF	\$ 49.50	\$ 20,790.00	420	\$ 29.00	\$ 12,180.00



RFB Bid Tabulation
AP-02-21 • Airport Entrance Road
3/17/2021 2 p.m.

REECE ALBERT, INC**MARC 3, LLC**

#	Item Description	Quantity Required	Spec. No.	Unit of Measurement (UOM)	Unit Price	Total Cost	Quantity Required	Unit Price	Total Cost
#2-13	Remove and Dispose of Concrete Curb and Gutter (Off-Site)	322	TX DOT 104	LF	\$ 7.36	\$ 2,369.92	322	\$ 38.28	\$ 12,326.16
#2-14	Remove and Dispose of Aggregate Base (Off-Site)	1789	TX DOT 105	SY	\$ 6.29	\$ 11,252.81	1789	\$ 19.72	\$ 35,279.08
#2-15	Cold Mill Asphalt Pavement (2" HMAC)	24387	TX DOT 105	SY	\$ 1.66	\$ 40,482.42	24387	\$ 4.29	\$ 104,620.23
#2-16	Haul HMAC Millings Off-Site	24387	TX DOT 105	SY	\$ 0.42	\$ 10,242.54	24387	\$ 1.97	\$ 48,042.39
#2-17	Sodding for Erosion Control	200	TX DOT 162	SY	\$ 7.63	\$ 1,526.00	200	\$ 6.96	\$ 1,392.00
#2-18	Vegetative Watering	2	TX DOT 168	MG	\$ 354.61	\$ 709.22	2	\$ 29,000.00	\$ 58,000.00
#2-19	18" ASTM C-76, Class III RCP	86	TX DOT 464	LF	\$ 178.88	\$ 15,383.68	86	\$ 191.40	\$ 16,460.40
#2-20	Existing 18" RCP Removal	40	TX DOT 464	LF	\$ 54.35	\$ 2,174.00	40	\$ 75.40	\$ 3,016.00
#2-21	5' x 3' Curb Inlet	3	TX DOT 465	EA	\$ 6,019.94	\$ 18,059.82	3	\$ 8,700.00	\$ 26,100.00
#2-22	4' x 4' Grate Inlet	1	TX DOT 465	EA	\$ 7,503.12	\$ 7,503.12	1	\$ 6,556.32	\$ 6,556.32
#2-23	Custom Signs	5	TX DOT 636	EA	\$ 10,645.59	\$ 53,227.95	5	\$ 2,602.20	\$ 13,011.00
#2-24	Aluminum Signs, Including Post and Foundation	330	TX DOT 636	SF	\$ 100.68	\$ 33,224.40	330	\$ 250.00	\$ 82,500.00
#2-25	Aluminum Signs Removal, Including Post and Foundation	26	TX DOT 636	EA	\$ 120.81	\$ 3,141.06	26	\$ 65.00	\$ 1,690.00
#2-26	6" Yellow Curb Markings - Reflective	72	TX DOT 666	SF	\$ 3.31	\$ 238.32	72	\$ 6.00	\$ 432.00
#2-27	4" Yellow Pavement Solid Striping - Reflective	186	TX DOT 666	SF	\$ 2.92	\$ 543.12	186	\$ 4.00	\$ 744.00
#2-28	6" White Centerline/Turn Lane Stripes and 8" White Edge Markings - Reflective Traffic Paint	1858	TX DOT 666	SF	\$ 3.43	\$ 6,372.94	1858	\$ 6.00	\$ 11,148.00
#2-29	6" White Centerline and Edge Markings - Prefabricated	40	TX DOT 666	SF	\$ 25.43	\$ 1,017.20	40	\$ 6.00	\$ 240.00
#2-30	2' White Stop Bars - Reflective Traffic Paint	302	TX DOT 666	SF	\$ 3.18	\$ 960.36	302	\$ 18.00	\$ 5,436.00



RFB Bid Tabulation
AP-02-21 • Airport Entrance Road
3/17/2021 2 p.m.

REECE ALBERT, INC**MARC 3, LLC**

#	Item Description	Quantity Required	Spec. No.	Unit of Measurement (UOM)	Unit Price	Total Cost	Quantity Required	Unit Price	Total Cost
#2-31	White Cross Walk Markings - Reflective Traffic Paint	192	TX DOT 666	SF	\$ 8.90	\$ 1,708.80	192	\$ 18.00	\$ 3,456.00
#2-32	White Cross Walk Markings - Prefabricated	60	TX DOT 666	SF	\$ 19.07	\$ 1,144.20	60	\$ 18.00	\$ 1,080.00
#2-33	White Directional Arrows - Reflective Traffic Paint	225	TX DOT 666	SF	\$ 5.85	\$ 1,316.25	225	\$ 18.00	\$ 4,050.00
#2-34	White Lettering - Reflective Traffic Paint	126	TX DOT 666	SF	\$ 6.99	\$ 880.74	126	\$ 18.00	\$ 2,268.00
#2-35	6" Red and White Fire Lane Curb Markings - Non-Reflective	253	TX DOT 666	LF	\$ 4.77	\$ 1,206.81	253	\$ 6.00	\$ 1,518.00
#2-36	Yellow and Blue Loading Zone Pavement Markings - Prefabricated	302	TX DOT 666	SF	\$ 19.07	\$ 5,759.14	302	\$ 6.00	\$ 1,812.00
#2-37	6" Yellow and Black Loading Zone Curb Markings - Non-Reflective	191	TX DOT 666	LF	\$ 4.77	\$ 911.07	191	\$ 6.00	\$ 1,146.00
#2-38	Remove and Replace Unsuitable Subgrade with Foundation Material as Directed by the Engineer	630	KSA-200-4.1	CY	\$ 59.52	\$ 37,497.60	630	\$ 68.00	\$ 42,840.00
#2-39	Remove and Reset or Replace Brick Pavers	10	Per Plans	EA	\$ 12.72	\$ 127.20	10	\$ 29.00	\$ 290.00
#2-40	Clean, Resand, and Seal Brick Pavers	1	Per Plans	LS	\$ 14,954.60	\$ 14,954.60	1	\$ 25,000.00	\$ 25,000.00
					SUBTOTAL	\$ 871,570.44		SUBTOTAL	\$ 1,433,034.06

Bid Schedule 3 - Additive Alternate 1: Spreading Millings on Existing Perimeter Road

#3-1	Place HMA Millings on SW Corner of Reary Blvd and Hangar Dr.	1	KSA-300-4.1	LS	\$ 77,833.84	\$ 77,833.84	1	\$ 91,266.00	\$ 91,266.00
#3-2	Haul HMA Millings (Off-Site) (Deduct)	-24387	TX DOT 105	SY	\$ 0.42	-\$ 10,242.54	-24387	\$ 1.70	-\$ 41,457.90
					SUBTOTAL	\$ 67,591.30		SUBTOTAL	\$ 49,808.10

Bid Schedule 4 - Additive Alternate 2: Street Illumination

#4-1	Electrical Work - Roadway and Signage Illumination	1	Per Plans	LS	\$ 595,563.00	\$ 595,563.00	1	\$ 630,000.00	\$ 630,000.00
#4-2	AEP Cost	1	Per Plans	LS	\$ 21,222.41	\$ 21,222.41	1	\$ 21,222.41	\$ 21,222.41
					SUBTOTAL	\$ 616,785.41		SUBTOTAL	\$ 651,222.41



RFB Bid Tabulation
 AP-02-21 • Airport Entrance Road
 3/17/2021 2 p.m.

REECE ALBERT, INC**MARC 3, LLC**

#	Item Description	Quantity Required	Spec. No.	Unit of Measurement (UOM)	Unit Price	Total Cost	Quantity Required	Unit Price	Total Cost
Bid Schedule 5 - Additive Alternate 3: Landscaping									
#5-1	Landscaping	1	Per Plans	LS	\$ 267,856.00	\$ 267,856.00	1	\$ 160,000.00	\$ 160,000.00
					SUBTOTAL	\$ 267,856.00		SUBTOTAL	\$ 160,000.00

Total Base Bid	\$ 1,007,626.47
Alternate 1	\$ 67,591.30
Alternate 2	\$ 616,785.41
Alternate 3	\$ 267,856.00
Base Bid + ALT 1 + ALT 2 + ALT 3	\$ 1,959,859.18

Total Base Bid	\$ 1,686,379.06
Alternate 1	\$ 49,808.10
Alternate 2	\$ 651,222.41
Alternate 3	\$ 160,000.00
Base Bid + ALT 1 + ALT 2 + ALT 3	\$ 2,547,409.57

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: April 20, 2021

Item type: Regular 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 (Presentation made by Finance Director Tina Dierschke)

Summary/History:

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

- WIC additional funding
- Replacement of Police unmarked vehicle
- Winter Storm Street Repairs
- Airport Entrance Road
- Airport: Coronavirus Response and Relief Supplemental Appropriations Act
- Airport: Coronavirus Response and Relief Supplemental Appropriations Act/ Concessions Relief Addendum

Financial Impact:

See Exhibit A of the ordinance.

Other Information/Recommendation:

Staff recommends approval.

Attachments:

- | | | |
|----|----------------|--------------------------------------|
| 1. | Ordinance | Ordinance.docx |
| 2. | Presentation | 4.6.21 FIN Budget Amendment (2).pptx |
| 3. | BA Memos - All | BA Memos - All .pdf |

Presentation:

Tina Dierschke

Approvals/Reviews:

Kimberly Holle	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 REIMBURSED EXPENSES.

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 6th day of April 2021, and finally PASSED on this 20th day of April 2021.

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	-	1,000,000	(1,000,000)
Intergovernmental	193,593	193,593	-
Property Causalty Fund	3,109,804	3,109,804	-
Equipment Replacement	31,121	31,121	-
General Capital Projects	1,000,000	1,000,000	-
Airport Passenger Facility Charge	-	234,803	(234,803)
Airport Capital Project	1,036,773	1,036,773	-
	\$5,371,291	\$6,606,094	\$(1,234,803)

City of San Angelo
Proposed Budget Amendment
Additional Information

Project/Need	Source of Funding	Revenue	Expense	Net Benefit/(Cost)
WIC	Department of Health and Human Services	193,593	193,593	-
Storm Damage Repairs	Texas Municial Leauge Reimbursent	3,109,804	3,109,804	-
Police unmarked vehicle	Risk Insurance Claim	31,121	31,121	-
Street repairs due to Winter Strom	General Fund Balance	1,000,000	2,000,000	(1,000,000)
Airport Entrance Road	Passenger Facility Charge Fund Balance	-	234,803	(234,803)
CRRSAA Funds	Federal Aviation Administration	1,022,554	1,022,554	-
CRRSAA Funds / Concessions Relief Addendum	Federal Aviation Administration	14,219	14,219	-
		\$5,371,291	\$6,606,094	\$(1,234,803)



City Council

April 6, 2021



Budget Amendment

Intergovernmental Fund	Revenue	Expense
Grant Revenue	193,593	
WIC Expense		193,593



Budget Amendment

Property Casualty	Revenue	Expense
Insurance Proceeds – Vehicles	1,017,870	
Insurance Proceeds – Buildings	2,091,934	
Auto Damage		1,017,870
Building Damage		2,091,934



Budget Amendment

General Equipment Replacement

Revenue

Expense

Insurance Proceeds

31,121

Replacement of Police
unmarked vehicle

31,121



Budget Amendment

General Capital Fund	Revenue	Expense
Winter Storm Street Repairs		1,000,000



Budget Amendment

Airport PFC Fund	Revenue	Expense
Airport Entrance Road		234,803



Budget Amendment

FAA Projects Fund	Revenue	Expense
Coronavirus Response and Relief Supplemental Appropriations Act	1,022,554	
Project Expense		1,022,554



Budget Amendment

FAA Projects Fund	Revenue	Expense
Coronavirus Response and Relief Supplemental Appropriations Act/ Concessions Relief Addendum	14,219	
Project Expense		14,219





City Council

April 6, 2021



Memo

To: Tina Dierschke, Finance Director

From: Cristina Eureste, WIC Manager

Date: 03/30/21

Re: Budget Amendment Request

Purpose of Budget Amendment Request:

Revised WIC Local Agency funding for FY 2021 (October 1, 2020 to September 30, 2021).

Source of Funding:

Department of Health and Human Services

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

Yes, grant application approved in budget ordinance adopted September 29, 2020.

Project/Budget to be amended	Current Budget	Proposed Change	Proposed Revised Budget
Grant Revenue	875,888	193,593	1,069,481
WIC Expenses	875,888	193,593	1,069,481
			0
			0
			0
			0

Additional Comments:

Memo

To: Tina Dierschke, Finance Director

From: Charles Hagen, Risk Manager

Date: 04/06/21

Re: Budget Amendment Request

Purpose of Budget Amendment Request:

Budget for reimbursed expenses for storm damage repairs to multiple facilities, vehicles, and machinery

Source of Funding:

Texas Municipal League, the City's excess insurance carrier will be covering the majority of costs through claims filings

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

Original funding was approved on July 21, 2020.

Project/Budget to be amended	Current Budget	Proposed Change	Proposed Revised Budget
Revenue:			0
Insurance proceeds - Vehicles	250,000	1,017,870	1,267,870
Insurance proceeds - Buildings	1,215,000	2,091,934	3,306,934
Expenses:			0
Auto Damage	250,000	1,017,870	1,267,870
Building Damage	1,215,000	2,091,934	3,306,934

Additional Comments:

These are reimbursements from the hail storms in May, June, and August of 2020

Memo

To: Tina Dierschke, Finance Director
From: Ryan Kramer, Sr. Fleet Services Manager
Date: 04/06/21
Re: Budget Amendment Request

Purpose of Budget Amendment Request:

Budget for insurance proceeds for total loss of Police unmarked vehicle; along with two hail damage total losses and one auction item that were all seizures.

Source of Funding:

Risk 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
Insurance Proceeds	40,000	31,121	71,121
Capital Expense	0	31,121	31,121
			0
			0
			0
			0

Additional Comments:

Adding additional items to previous Council budget amendment.

Memo

To: Tina Dierschke, Finance Director
From: Shane Kelton, Executive Director of Public Works
Date: 04/06/21
Re: Budget Amendment Request

Purpose of Budget Amendment Request:

Budget for street repairs due to the winter storm

Source of Funding:

Fiscal Year 2020 excess sales tax - General Fund balance

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

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

Additional Comments:

Memo

To: Tina Dierschke, Finance Director

From: Jeremy Valgardson, Airport Director

Date: 03/30/21

Re: Budget Amendment Request

Purpose of Budget Amendment Request:

Budget for remaining PFC eligible portion of Airport Entrance Road

Source of Funding:

Funded by PFC revenue

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
Project Expenses	0	234,803	234,803
			0
			0
			0
			0
			0

Additional Comments:

Memo

To: Tina Dierschke, Finance Director

From: Jeremy Valgardson, Airport Director

Date: 03/26/21

Re: Budget Amendment Request

Purpose of Budget Amendment Request:

Grant 42 - Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA)



Source of Funding:

100% Funded by FAA

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

Yes, by City Manager on 3/15/2021

Project/Budget to be amended	Current Budget	Proposed Change	Proposed Revised Budget
FAA Revenue	0	1,022,554	1,022,554
Project Expenses	0	1,022,554	1,022,554
			0
			0
			0
			0

Additional Comments:

Memo

To: Tina Dierschke, Finance Director

From: Jeremy Valgardson, Airport Director

Date: 03/26/21

Re: Budget Amendment Request

Purpose of Budget Amendment Request:

Grant 43 - Coronavirus Response and Supplemental Relief Appropriations Act (CRRSAA)/ Concessions Relief Addendum



Source of Funding:

100% Funded by FAA

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

Yes, by City Manager on 3/15/2021

Project/Budget to be amended	Current Budget	Proposed Change	Proposed Revised Budget
FAA Revenue	0	14,219	14,219
Project Expenses	0	14,219	14,219
			0
			0
			0
			0

Additional Comments:

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: April 20, 2021

Item type: Regular Item

Caption:

First reading and public hearing of ordinances:

1. amending the City of San Angelo Comprehensive Plan, changing certain lands from Commercial to Neighborhood, being 18.808 acres; and
2. rezoning property from Heavy Commercial to General Commercial, being 13.321 acres; from General Commercial to Single Family Residence, being 7.999 acres; and from Heavy Commercial to Single Family Residence, being 5.81 acres; generally located southwest of the Arden Rd. and Northwest Dr. intersection (Presentation made by Planning & Development Services Director Jon James)

Summary/History:

The subject property is designated "Commercial" in the City's Comprehensive Plan. However, the applicant would like to develop residential along Northwest Drive and adjacent to the commercial along Arden Road. This will provide a transition from the commercial area to the residential and provide for connections to that commercial both pedestrian and vehicular.

The applicant is undecided on whether they intend to build a multifamily complex, which would then require a Conditional Use on the property along Arden Road, or do some smaller commercial adjacent to the multi-family, or just do commercial development along Arden Road while developing single family residential along Northwest Drive.

The commercial land use along Northwest Drive and that area of Commercial that is adjacent to the existing residential is what they have asked to change to "Neighborhood" in keeping with their approved Preliminary Plat. They are asking to rezone some of the areas also in keeping with the approved Preliminary Plat.

Financial Impact:

N/A

Other Information/Recommendation:

At the March 15, 2021 meeting the Planning Commission voted 6-0 to recommend approval of the Comprehensive Plan Amendment and rezoning.

Attachments:

- | | |
|--------------------------------|---------------------------------|
| 1. Ordinance (CP21-02) | Ordinance (CP21-02).docx |
| 2. Ordinance (Z21-03) | Ordinance (Z21-03).docx |
| 3. Staff Report CP21-02&Z21-03 | Staff Report CP21-02&Z21-03.pdf |

Presentation:

Jon James

Approvals/Reviews:

Sherry Bailey

Jon James

Brandon Dyson

Jon James

Theresa James

Julia Antilley

Created/Initiated

Approved

Approved

Approved

Approved

Final Approval

AN ORDINANCE OF THE CITY OF SAN ANGELO, TEXAS, AMENDING THE CITY'S COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE PLAN MAP DESIGNATION OF CERTAIN LANDS, BEING 18.808 ACRES **GENERALLY LOCATED IN THE 4100 BLOCK OF ARDEN ROAD, SOUTHWEST OF THE INTERSECTION OF ARDEN ROAD AND NORTHWEST DRIVE, CHANGING FROM COMMERCIAL TO NEIGHBORHOOD** PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

CP-21-02

WHEREAS, the City Council for the City of San Angelo, Texas, in accordance with the City Charter and Chapter 213 of the Texas Local Government Code, has adopted a Comprehensive Plan (Vision Plan and Future Land Use Map within the San Angelo Strategic Plan adopted by City Council as updated on October 20, 2009) to guide the long-range development of the City, manage the future growth of the City and promote the health, safety and welfare of its citizens; and

WHEREAS, the Comprehensive Plan includes a Future Land Use Map to serve as a geographical representation of anticipated land use patterns and long range development for the City; and

WHEREAS, inconsistencies have developed between current long standing land use and development patterns and development envisioned by the Future Land Use Map, which inconsistencies call for compatible revisions to the Future Land Use Map; and

WHEREAS, the Planning Commission and the City Council for the City of San Angelo, in compliance with the City Charter and Chapter 213 of the Texas Local Government Code regarding adoption and amendment of the City's Comprehensive Plan, having given requisite notice of public hearing by publication and otherwise, and having afforded a full and fair hearing to all property owners and persons interested, including persons situated in the vicinity of the affected area, being of the opinion that revision of the Comprehensive Plan and Future Land Use Map changes should be made as set out herein;

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

SECTION 1: The Future Land Use Plan Map, a component of the adopted Comprehensive Plan for the City of San Angelo be and the same is hereby amended to

change the Future Land Use designations of the following described parcels as outlined below:

The real properties generally located in the 4100 block of Arden Road southwest of the intersection of Arden Road and Northwest Drive more particularly described as approximately 18.808 acres being portions of Block 11, Block 10, & Block 9, all of Block 8, Block 7, & Block 6 and the alley, approved Arden Acres Final Plat, City of San Angelo, Tom Green County, Texas; from Commercial to “Neighborhood.”

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

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

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

INTRODUCED on the **20th day of April, 2021**, and finally ADOPTED on this the **4th day of May, 2021**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

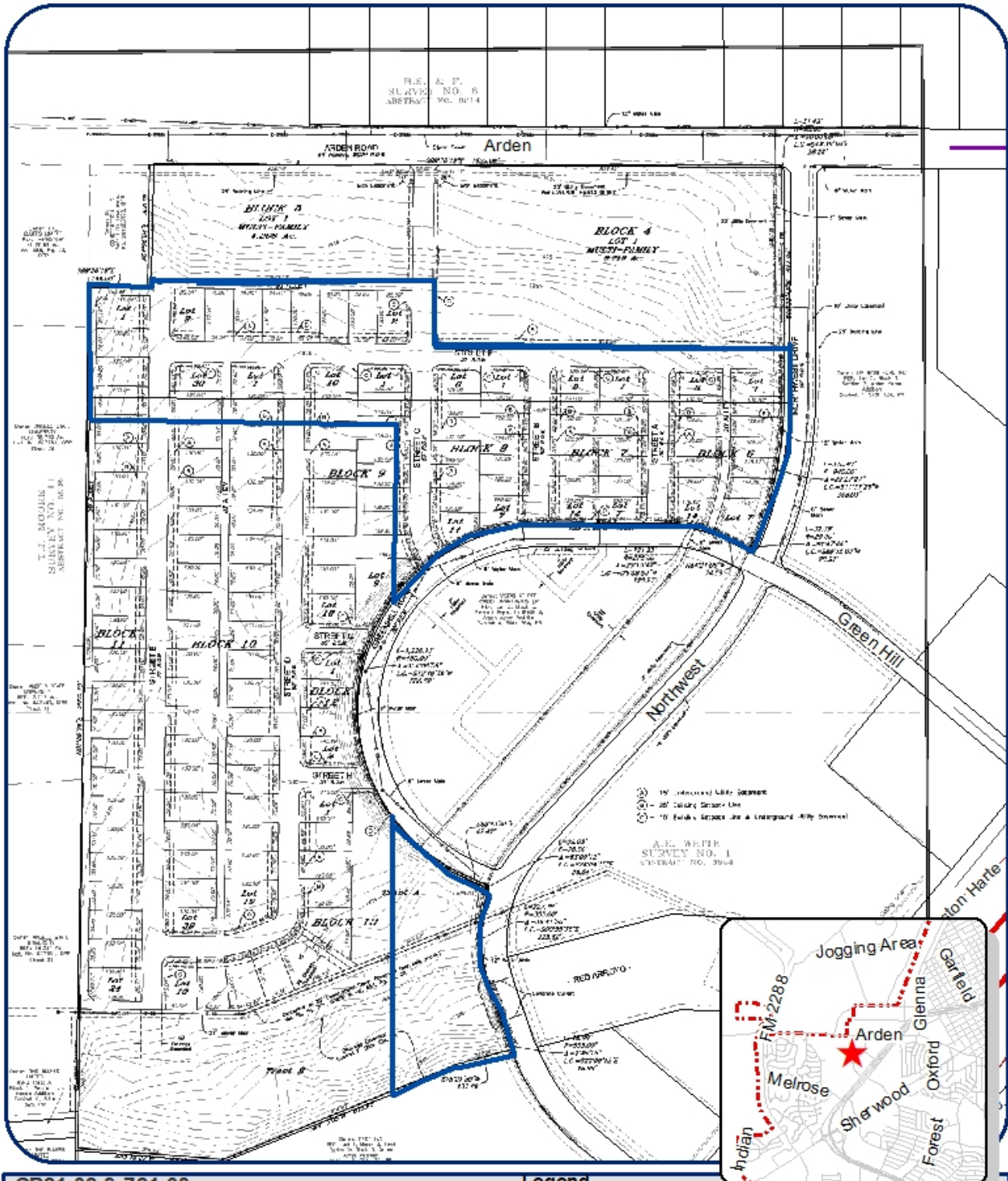
ATTEST:

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: **GENERALLY LOCATED IN THE 4100 BLOCK OF ARDEN ROAD, SOUTHWEST OF THE INTERSECTION OF ARDEN ROAD AND NORTHWEST DRIVE; 13.321 ACRES FROM THE HEAVY COMMERCIAL ZONING DISTRICT TO GENERAL COMMERCIAL (CG) ZONING DISTRICT; 7.999 ACRES FROM THE GENERAL COMMERCIAL (CG) ZONING DISTRICT TO THE SINGLE FAMILY RESIDENCE ZONING DISTRICT; AND 5.81 ACRES FROM THE GENERAL COMMERCIAL ZONING DISTRICT TO THE SINGLE FAMILY RESIDENCE ZONING DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE**

Z21-03: Arden Acres

WHEREAS, on the 15th day of March, 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 Zoning Districts; and,

WHEREAS, on the 20th day of April, 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 or Single Family Residence Zoning District:

The real properties generally located in the 4100 block of Arden Road, Southwest of the intersection of Arden Road and Northwest Drive; more particularly described as approximately 13.321 acres being Block 5 Lot 1 & Block 4 Lot 1 Arden Acres Final Plat from Heavy Commercial (CH) Zoning District to General Commercial (GC) Zoning District; 7.999 acres being

Block 5 Lots 2-9, and portions of Block 11, Block 10, Block 9, Block 8, Block 7, & Block 6 Arden Acres Final Plat from Heavy Commercial (HC) Zoning District to Single Family Residence (RS-1) Zoning District; and 5.81 acres being Tract A, portions of Tract B, Block 6, & Block 7 Arden Acres Final Plat from General Commercial (CG) Zoning District to Single Family Residence (RS-1) Zoning District; City of San Angelo, Tom Green County, Texas.

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

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

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

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

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

INTRODUCED on the **20th day of April, 2021**, and finally ADOPTED on this the **4th day of May, 2021**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

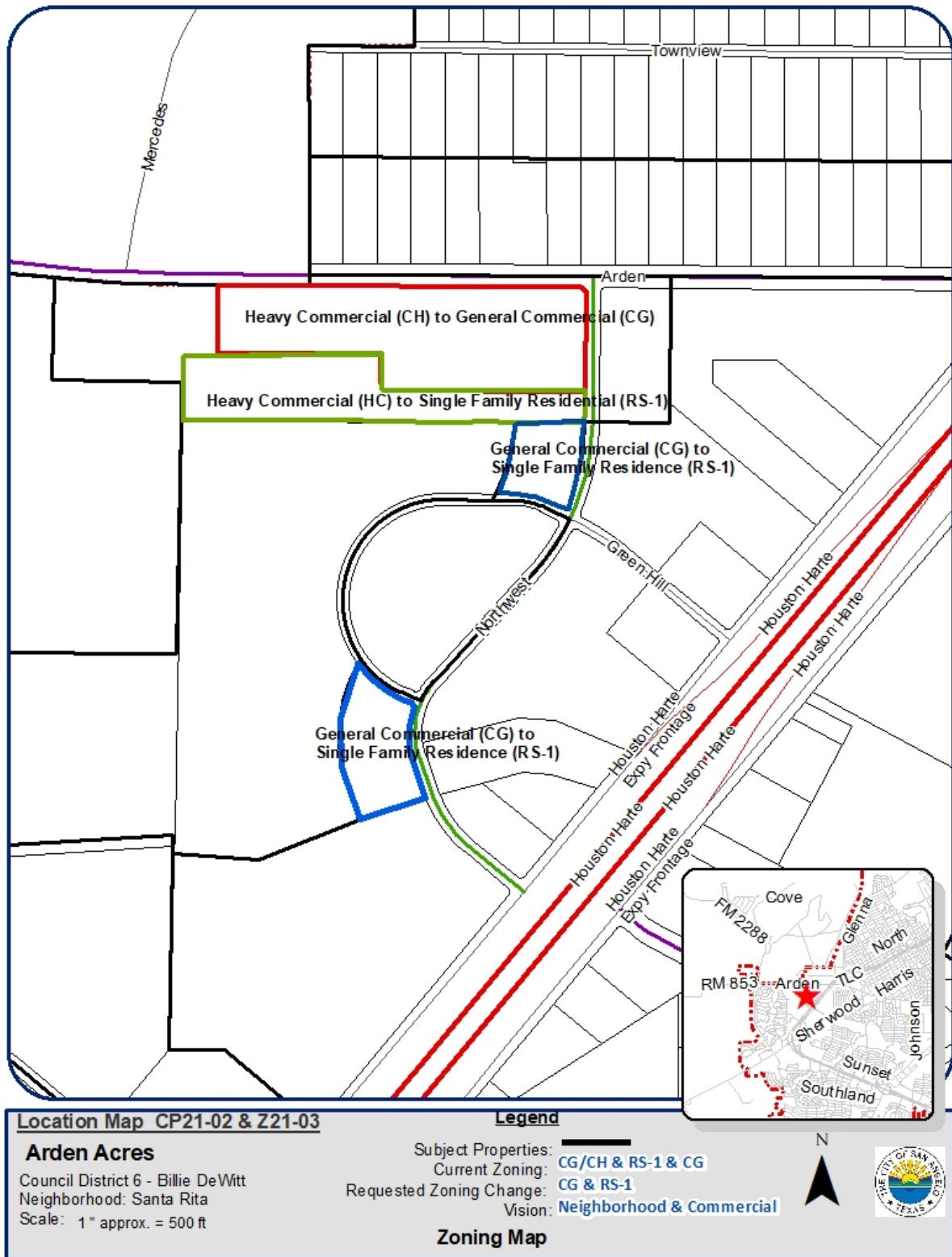
ATTEST:

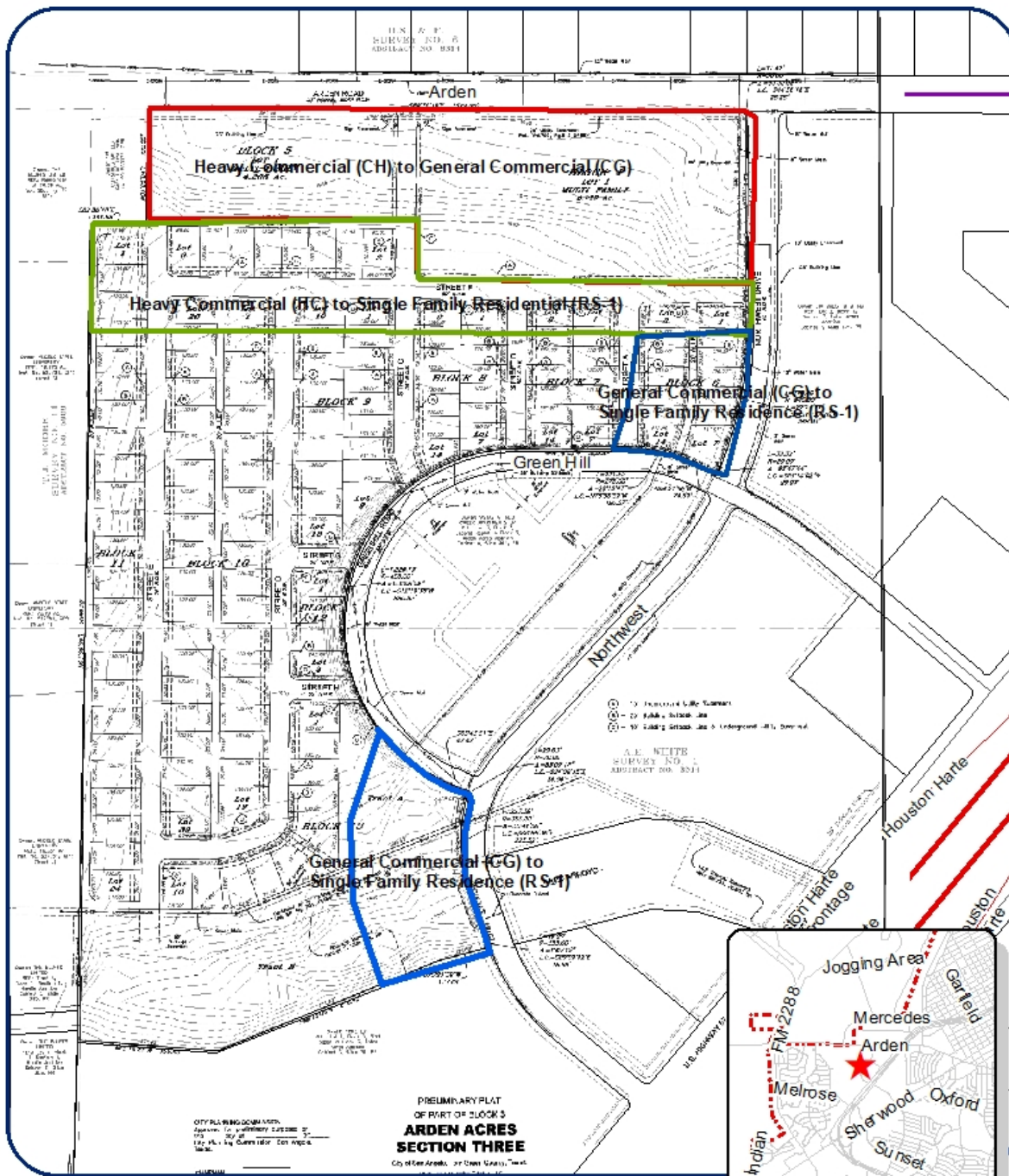
APPROVED AS TO FORM:

Julia Antilley, City Clerk

Theresa James, City Attorney

EXHIBIT "A"





Location Map CP21-02 & Z21-03

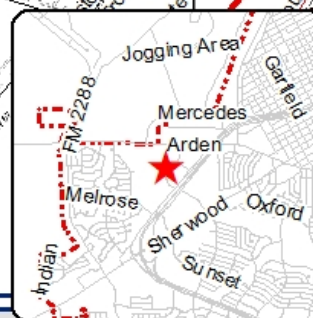
Arden Acres

Council District 6 - Billie DeWitt
 Neighborhood: Santa Rita
 Scale: 1" approx. = 325 ft

Legend

Subject Properties: **CG/CH & RS-1 & CG**
 Current Zoning: **CG & RS-1**
 Requested Zoning Change: **CG & RS-1**
 Vision: **Neighborhood & Commercial**

Zoning Map



N



CITY COUNCIL – April 20, 2021
STAFF REPORT



APPLICATION TYPE:		CASES:	
Comprehensive Plan Amendment & Rezoning		CP21-02 & Z21-03: Arden Acres	
SYNOPSIS:			
A request for approval of an amendment to the City of San Angelo Comprehensive Plan, changing certain lands from the Commercial Future Land Use to the Neighborhood Land Use, being 18.808 acres and a request for approval of a rezoning from the General Commercial (CG) Zoning District to the Single Family (RS-1) Zoning District, being 5.810 acres and Heavy Commercial (CH) Zoning District to General Commercial (CG) Zoning District, being 13.321 acres, and Heavy Commercial (CH) to Single Family Residence (RS-1), being 7.989 acres; generally located southwest of the Arden Road and Northwest Drive intersection.			
LOCATION:		LEGAL DESCRIPTION:	
Generally located southwest of the Arden Road and Northwest Drive intersection			
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD: District 6 – Billie DeWitt Neighborhood: Bluffs	RS-1/CH	Neighborhood & Commercial	11.761/ 27.047 acres
THOROUGHFARE PLAN:			
<u>Arden Road</u> – Urban Major Arterial Street, Required 80' min. ROW (98' existing), 64' pavement width (64' existing) <u>Northwest Drive</u> - Urban Minor Collector Street, Required 60' min. ROW (60' existing), 50' pavement width (50' existing)			
NOTIFICATIONS:			
14 notifications were mailed within a 200-foot radius of the property on February 25, 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 Neighborhood for 11.761 acres and the rezoning to General Commercial (CG) for 13.321 acres and Single Family Residence (RS-1) for 13.799, generally located southwest of the intersection of Arden Road and Northwest Drive.			
PROPERTY OWNER/PETITIONER:			
Owner: SJWK, LLC			
Petitioner: Russell Gulley, SKG Engineering			
STAFF CONTACT:			
Sherry Bailey Principal Planner (325) 657-4210, Extension 1546 sherry.bailey@cosatx.us			

Additional Information:

The subject property is designated “Commercial” in the City’s Comprehensive Plan. However, the applicant would like to develop residential along Northwest Drive and adjacent to the commercial along Arden Road. Providing a transition from the commercial area to the residential and providing for connections to that commercial both pedestrian and vehicular. The applicant is undecided on whether they intend to build a multiple family complex, which would then require a Conditional Use on the property along Arden Road, or do some smaller commercial adjacent to the multi-family, or just do commercial development along Arden Road while developing single family residential along Northwest Drive. The commercial land use along Northwest Drive is the area that they have asked to change to “Neighborhood” in keeping with their larger plan.

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 Commercial Future Land Use in the City’s Comprehensive Plan. The applicant is wanting to rezone from the Heavy Commercial to General Commercial which is more compatible with his intension to apply for a Conditional Use for Multiply Family. The proposed rezoning is a good example of a mix of uses that are compatible within an area. The area along Northwest Drive that is being rezoned from General Commercial to Single Family Residential is to continue the development of single family south of the Arden Road commercial/multi-family and the multi-family off Northwest Drive. The change in the Comprehensive Plan Future Land Use and the proposed accompanying rezoning are compatible with the City’s Comprehensive Plan and Vision Plan. The mix of uses provides for a service are for the residential and a residential area in need of services.
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 is a more mix of commercial uses, including multiple family, generally on a smaller scale that separate residential from the more intense use areas along Arden Road . The Zoning Ordinance contains specific development standards that must be met by the Zoning Categories and those will be adhered to by this development. The overall mix of uses within the larger 61 acres is complementary. Staff concurs with the proposed development plan.
3. **Compatible with Surrounding Area.** **Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and**

is the appropriate zoning district for the land. This area of San Angelo is in a growth area. New residential neighborhoods have evolved and uses have blended. The proposed uses are 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 or multiple family 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. 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 both single family and multiple family 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.

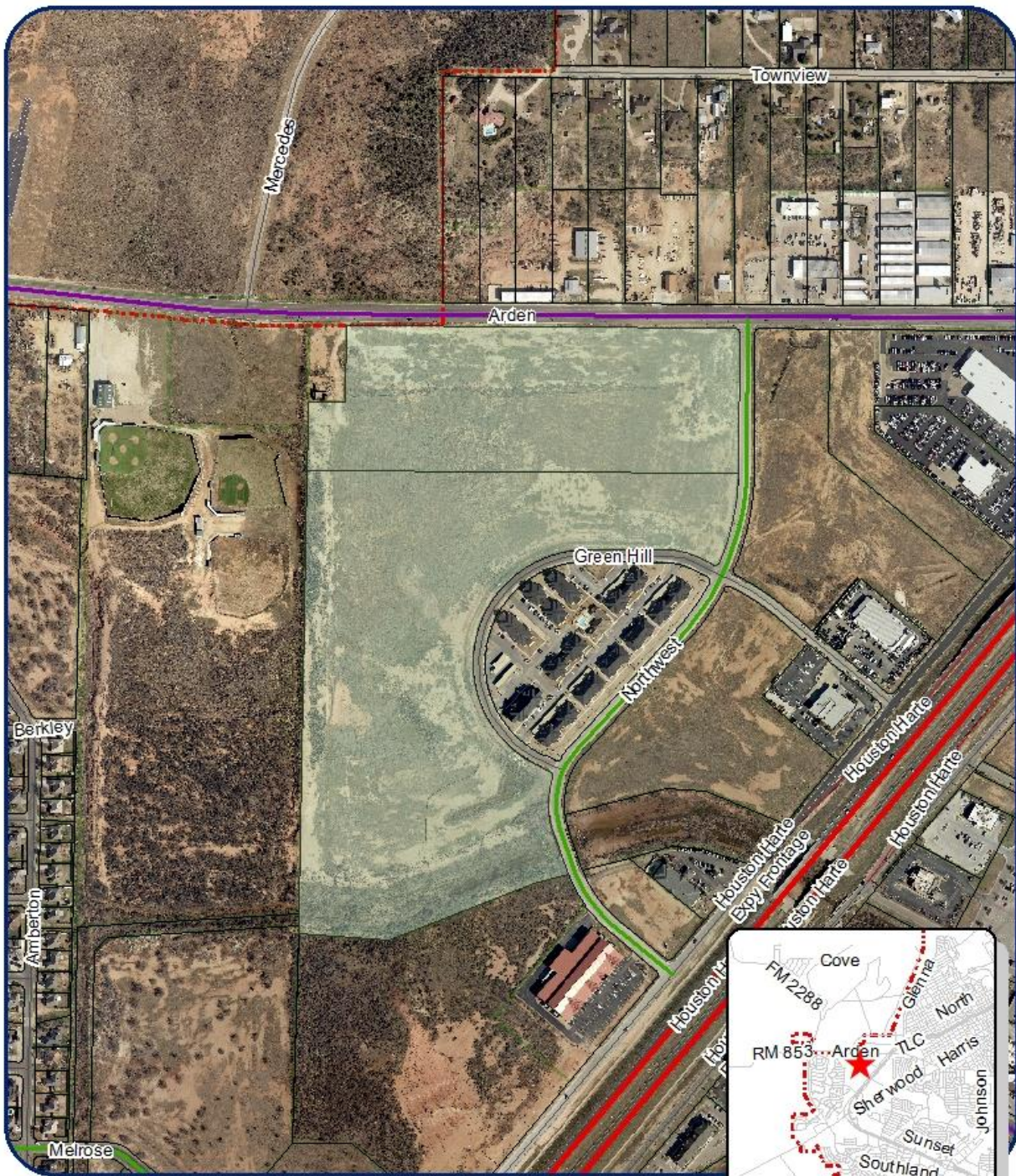
7. Development Patterns. Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community. The proposed zoning will result in a logical and orderly development pattern while still providing for choice and flexibility. The accesses 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 Planning Commission to recommend **APPROVAL** of a request to approve a Comprehensive Plan amendment from Commercial Future Land Use to the Neighborhood Land Use, being 11.761 acres and **APPROVAL** of a request for rezoning from the General Commercial (CG) Zoning District to the Single Family (RS-1) Zoning District, being 5.793 acres and Heavy Commercial (CH) Zoning District to General Commercial (CG) Zoning District, being 21.254 acres on the property generally located southwest of the intersection of Arden Road and Northwest Drive.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Application



Location Map CP21-02/Z21-03

SJWF, LLC (4155 Arden Road)

Council District 6 - Billie DeWitt

Neighborhood: Bluffs

Scale: 1" approx. = 500 ft

Lots 1 & 2, Sec. 3, Blk. 3 Arden Acres 2nd R/P in Blk. 3, Sec. 3

Legend

Subject Properties:

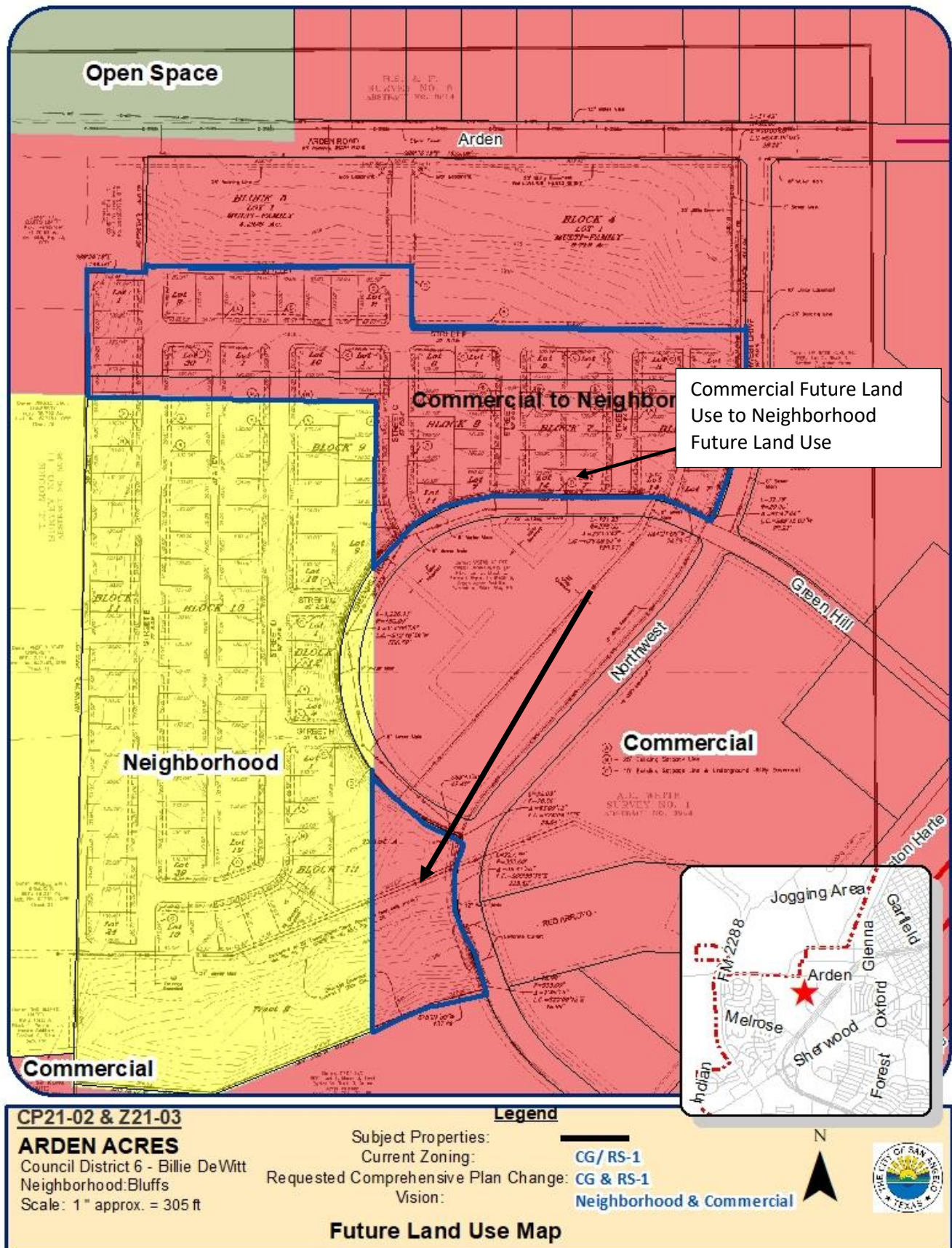
Current Zoning: **RS-1, CG, CH**

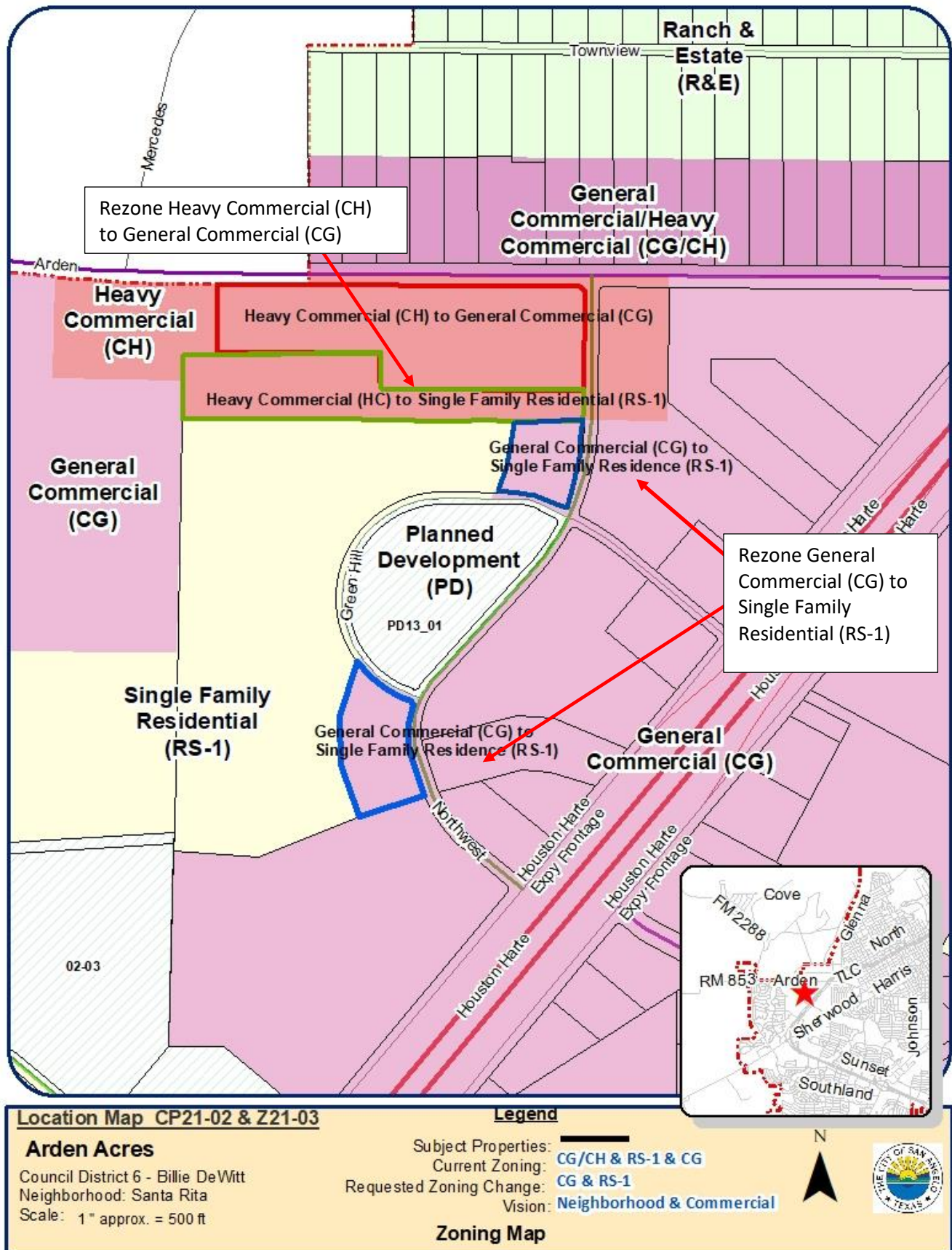
Requested Action: **CP Amend./Rezoning**

Vision: **Neighborhood, Commercial**



Aerial Map





Effective January 3, 2017



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

Application for Request to Amend Comprehensive Plan



Section 1: Basic Information

Name of Applicant(s): SJWF, LLC
☒ Owner ☐ Representative (Notarized Affidavit Required)

1500 N Post Oak Road Ste 190 Houston Texas 77055
Mailing Address City State Zip Code

713-334-5514 steve@resolution.net
Contact Phone Number Contact E-mail Address

Northwest Drive San Angelo Texas 76901
Subject Property Address City State Zip Code

Lot Size: 61.82 Zoning: RS-1, CH, CG

Section 2: Site Specific Details

Existing Use of Property: Vacant

Proposed Use of Property: Single Family Residential & Multi-family Residential

Existing Comprehensive Plan Land Use Designation: Neighborhood and Commercial

Requested Comprehensive Plan Land Use Designation: Neighborhood and Commercial in a configuration that matches the preliminary plan

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

This area is developing more in a residential fashion than as commercial as residential seems to be the current greatest need for the City.

Effective January 3, 2017

Section 3: Applicant(s) Acknowledgement

Please initial the following:

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

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

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

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

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

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

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

JSF 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.

J. Steve Ford

Signature of licensee or authorized representative

2-17-2021

Date

J. Steve Ford

Printed name of licensee or authorized representative

SJWF, LLC

Name of business/Entity of representative

FOR OFFICE USE ONLY:

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

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

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

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

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): SJWF, LLC

☒ Owner ☐ Representative (Notarized Affidavit Required)

1500 N Post Oak Road Ste 190 Houston Texas 77055

Mailing Address City State Zip Code

713-334-5514 steve@resolution.net

Contact Phone Number Contact E-mail Address

Northwest Drive & Arden Road San Angelo Texas 76901

Subject Property Address City State Zip Code

Lots 1&2 SEC 3, Blk: 3, Subd: ARDEN ACRES, 2ND R/P IN BLK 3 SEC 3

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

Existing Zoning: RS-1, CG, CH Proposed Zoning: RS-1 & CG Lot size: varies

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

Section 2: Site Specific Details

Existing Use of Property: Vacant

*Proposed Use of Property: Single Family, Multi-Family, or 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.

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.

J. Steve Ford *J. Steve Ford* SJWF, LLC 2-17-2021
Owner Name (Print) Signature Company/Organization (If Applicable) Date

Representative Name (Print) Signature Company/Organization Date

FOR OFFICE USE ONLY:

☒ Verified Complete ☐ Verified Incomplete

Date of Application: ____/____/____

Case No.: Z ____ -- ____

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

Meeting Date: April 20, 2021

Item type: Regular Item

Caption:

First reading and public hearing of an ordinance to approve the abandonment of a 20' by 500' (0.229 acres) alley right-of-way, located north of E. Twohig Ave., east of S. Oakes St., south of E. Beauregard Ave., and west of S. Magdalen St. (Presentation made by Planning & Development Services Director Jon James)

Summary/History:

The abandonment will allow the applicant to acquire the additional land for future development.

City Staff circulated to all relevant municipal departments, as well as public and private utility companies. Staff received several responses from outside agencies, including Frontier Communications, AEP, and Altice (formerly Suddenlink). All indicated that there are underground and above-ground facilities in the alley, and that these may require relocation and reimbursement from the applicant.

At this time, Staff is proceeding with the request to provide additional time for the applicant and the utility providers to work out a solution. As a condition of approval, Staff has added a condition to address the utility provider concerns, that the applicant reroute the facilities and/or provide reimbursement, or an approved alternative.

Financial Impact:

N/A

Other Information/Recommendation:

On March 15, 2021, the Planning Commission recommended **APPROVAL** of the request by a unanimous 7-0 vote, subject to four conditions of approval as presented.

Attachments:

- | | | |
|----|--|--|
| 1. | Ordinance (Alley-Abandon_SanAngeloAddition_Bl6) | Ordinance (Alley-Abandon_SanAngeloAddition_Bl6).docx |
| 2. | Staff Report (Alley-Abandon_SanAngeloAddition_Bl6) | Staff Report (Alley-Abandon_SanAngeloAddition_Bl6).pdf |

Presentation:

Jon James

Approvals/Reviews:

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

Theresa James
Julia Antilley

Approved
Final Approval

AN ORDINANCE PROVIDING FOR ABANDONMENT AND VACATION OF A PORTION OF AN ALLEY RIGHT-OF-WAY COMPRISING OF APPROXIMATELY 0.229 ACRES (10,000 SQUARE FEET) WITHIN BLOCK 6 OF THE SAN ANGELO ADDITION; LOCATED NORTH OF EAST TWOHIG AVENUE; EAST OF OAKES STREET; SOUTH OF EAST BEAUREGARD AVENUE; AND WEST OF SOUTH MAGDALEN STREET; AUTHORIZING CONVEYANCE THEREOF BY QUITCLAIM DEED TO ABUTTING PROPERTY OWNERS; AND PROVIDING TERMS AND CONDITIONS OF ABANDONMENT AND CONVEYANCE.

WHEREAS, the City Council of the City of San Angelo, Texas, acting pursuant to law, is of the opinion that the public alley right-of-way within Block 6 of the San Angelo Addition, Tom Green County, Texas, is no longer needed for public use and therefore deems it advisable to abandon said portion of alley right-of-way; and,

WHEREAS, the City Council is of the opinion that the best interest and welfare of the public will be served by conditionally conveying the underlying abandoned public alley right-of-way to the abutting property owners;

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

SECTION 1: The public alley right-of-way located in the City of San Angelo, comprising of approximately 0.229 acres (10,000 square feet) of alley right-of-way within Block 6 of the San Angelo Addition, Tom Green County, Texas, more particularly described and depicted in **Exhibit “A,”** attached hereto and made a part hereof for all purposes, be and the same is hereby vacated, abandoned and closed insofar as the right, title and easement of the public are concerned, subject to the conditions and restrictions herein set forth.

SECTION 2: The abandonments and conveyances provided for herein are made and accepted subject to all present zoning and deed restrictions, if the latter exist, and all existing easements, if any, whether apparent or not, aerial, surface, underground or otherwise.

SECTION 3: The abandonments and conveyance provided for herein shall extend only to the public right, title, easement and interest and shall be construed to extend only to the interest which the governing body for the City of San Angelo may legally and lawfully abandon and vacate.

SECTION 4: The following conditions precedent to the abandonment shall apply and be part of the consideration for conveyance by quitclaim deed(s) of the underlying tracts of land to owners of abutting properties:

- a) Per Land Development and Subdivision Ordinance, Chapter 1.V, submit, obtain approval, and officially record a subdivision replat absorbing all of the abandoned right-of-way into adjacent lot(s) meeting all requirements of the Land Development and Subdivision Ordinance, within 36 months of City Council's decision.
 1. On the replat, the area within the abandonment shall include an unobstructed utility and maintenance easement, or rerouting of utilities to the satisfaction of each utility provider or a combination of both.
 2. Prior to final recordation of the plat, submit plans for approval illustrating sewer main re-routing. Alternatively, illustrate a 20' sewer easement on required plat document.
- b) Per the Schedule of Fees and Charges adopted by City Council Resolution 2020-004, dated January 7, 2020, payment shall be remitted, per the assessment formula, for all of the abandoned alley right-of-way.
- c) After approval of the associated plat and payment, request issuance and recordation of a Quit Claim Deed from the City's Real Estate Division conveying the City's interest in the entirety of the abandoned alley(s).
- d) Reroute all utilities and provide reimbursement as required, or approved alternative, to the satisfaction of all relevant utility providers.

SECTION 5: The terms and conditions set forth hereinabove shall be applicable to the conveyances of rights-of-way herein provided for, and shall be binding upon Grantees thereof and their heirs, successors and assigns.

SECTION 6: Upon confirmation from the Planning Director of compliance with conditions hereinabove set forth, the Mayor of the City of San Angelo is hereby authorized to execute and deliver quit claim deeds conveying the subject tracts of abandoned right-of-way described and depicted in **Exhibit “A,”** to the owners of the designated abutting properties.

SECTION 7: Upon confirmation from the Planning Director of compliance with conditions hereinabove set forth, the City Clerk is hereby authorized and directed to certify a copy of this adopted Ordinance for recordation in the Official Real Property Records of Tom Green County, Texas, wherein the tracts of land are located.

INTRODUCED on the **20th day of April, 2021**, and finally PASSED, APPROVED AND ADOPTED on this the **4th day of May, 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– April 20, 2021
STAFF REPORT



APPLICATION TYPE:		CASE:	
Alley Right-of-way Abandonment		100 block of S. Oakes Street & S. Magdalen Street (Shannon Medical)	
SYNOPSIS:			
The applicant has applied to abandon an existing 10,000-square foot (0.229 acres) paved alley between the 100 block of South Oakes Street and South Magdalen Street. The abandonment will allow the applicant to acquire the additional land for future development.			
LOCATION:		LEGAL DESCRIPTION:	
North of East Twohig Avenue; east of South Oakes Street; south of East Beauregard Avenue; west of South Magdalen Street		Being a 10,000-square foot (0.229 acres) alley in Block 6 of the San Angelo Addition	
SM DISTRICT / NEIGHBORHOOD:		ZONING:	FUTURE LAND USE:
District #3 – Harry Thomas Fort Concho Neighborhood		PD, CBD	Downtown
			SIZE:
			0.229 ac. (10,000 sq. ft.)
THOROUGHFARE PLAN:			
South Oakes Street – Urban Local Street, Required: 50’ right-of-way, 40’ pavement or 36’ with 4’ sidewalk; Provided: 100’ right-of-way; 64’ pavement South Magdalen Street – Urban Local Street, Required: 50’ right-of-way, 40’ pavement or 36’ with 4’ sidewalk; Provided: 100’ right-of-way; 64’ pavement			
NOTIFICATIONS:			
10 notifications were mailed within a 200-foot radius of the property on March 1, 2021. One response has been received in favor and none against to date.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the Alley Right-of-Way Abandonment of a 10,000 square-foot alley in Block 6 of the San Angelo Addition, subject to four conditions of approval .			
PROPERTY OWNER/PETITIONER:			
Shannon Real Estate Services Mr. Dale Droll			
STAFF CONTACT:			
Jeff Fisher, AICP Principal Planner (325) 657-4210, Ext. 1550 jeff.fisher@cosatx.us			

Staff Report – Alley ROW Abandonment, 100 block of S. Oakes St. and S. Magdalen St. (Shannon Medical)
April 20, 2021

Analysis:

City Staff circulated to all relevant municipal departments, as well as public and private utility companies. Staff received several responses from outside agencies, including Frontier Communications, AEP, and Altice (formerly Suddenlink). Frontier indicated that there are underground and above-ground facilities in the alley including cooper cables, fiber optic cables, and manholes, and that these may require relocation and reimbursement from the applicant. At this time, Frontier is continuing to work with the applicant at providing an alternative solution which may include an easement and relocation of these facilities. AEP has indicated that they too have lines in the alley and require rerouting, or easements including a 90-foot easement from Oakes Street and a 30-foot easement from Magdalen Street. Atmos, which has underground equipment, and Altice, which has equipment on the existing poles had the same comment as AEP and Frontier – that they will only support with an easement or re-routing.

At this time, Staff is proceeding with the request to the Planning Commission to provide additional time for the applicant and the utility providers to work out a solution. As a condition of approval, Staff has added a condition to address the utility provider concerns, that the applicant reroute the facilities and provide reimbursement, or an approved alternative. Staff also received a response from City Engineering and have added their condition that their existing sewer main in the alley is re-routed, or a 20-foot sewer easement be provided when the alley is replatted along with the adjacent lots.

Staff also conducted a site visit to the subject area on Monday, March 2, 2021 and noted the large overhead Frontier lines but otherwise no deficiencies. Staff did note however that two of the adjacent properties are owned by different property owners than the applicant, Shannon Medical. As a note, Staff recommends that the two adjacent owners, the Roman Catholic Diocese and First Methodist Church provide their consent, and if necessary, a vehicular ingress/egress easement is provided to allow rear access to these properties which serve as parking.

The proposed abandonment would not contradict any applicable City Ordinance. The alley was originally platted as part of Block 6 in the San Angelo Addition. The applicant will be required to replat the alley abandonment area into the adjacent lot(s); and pay the required assessment formula fee.

Rationale:

Planning Staff reviewed all relevant history, ordinances, policies, and as indicated above, conducted a site visit to the property to determine the appropriateness of abandoning this public right-of-way.

- *Traffic patterns:* Staff does not believe that traffic patterns would be negatively affected by the alley closure, provided the Diocese and First Methodist Church which own adjacent properties have no objections. Shannon Medical owns the remaining properties.
- *Utilities:* The applicant will have the option of relocating the existing sewer line or providing an easement. This leaves the issue of the utility provider facilities and will be required to be resolved prior to City Council. Staff will continue to monitor the situation and follow up with relevant providers and the applicant to see if a workable solution has been reached.
- *Community Impact:* There would be no negative community impact if this alley was abandoned

**Staff Report – Alley ROW Abandonment, 100 block of S. Oakes St. and S. Magdalen St. (Shannon Medical)
April 20, 2021**

provided the adjacent owners have no objection. As indicated the additional land will be to allow future development for the applicant. The alley is already paved and therefore, may be used for a driveway.

- *Public Benefit:* Abandoning this alley would not remove any current public benefit so long as the two other property owners have no objections since they currently can access parking through this alley.

Planning Commission Recommendation:

On March 15, 2021, the Planning Commission recommended unanimous **APPROVAL** by a vote of 5-0 to approve the Alley Right-of-Way Abandonment of a 10,000 square-foot alley in Block 6 of the San Angelo Addition, subject to four conditions of approval as presented. The following is the complete excerpt of the draft minutes from the March 15, 2021, meeting for this case:

Jeff Fisher, Principal Planner, outlined the proposed alley right-of-way abandonment for Shannon Medical. He explained that the purpose of the abandonment is to provide additional area for future development. He indicated that of the 10 notices mailed within 200 feet, one response was received in favor and none against. Mr. Fisher explained that there are utilities in the alley and that the applicant is discussing with the utility companies relocating of utilities or providing easements if necessary. He further explained that this will be made a condition of approval. Mr. Fisher further noted that there were two adjacent property owners, the Catholic Diocese and First United Methodist Church, that would be required to consent and which also had rear access from a portion of this alley. He then outlined Staff's rationale to approve the alley abandonment on the grounds that the other owners have no objections; that an unobstructed easement was provided and/or relocation of utilities; and that there would be additional land for the applicant. Mr. Fisher then concluded his presentation by outlining four conditions of approval as presented, including the requirement to plat the abandoned alley with the adjacent lots.

Chair Stribling opened public comment.

Russell Gully, SKG Engineering, indicated that he was working with the applicant, Shannon Medical, and the utility companies to provide a solution to the utilities which are presently located in the alley. He explained that this is a fast-paced project to allow future development for Shannon including a new parking garage, pharmacy and oncology center.

Chair Stribling closed public comment.

Commissioner Davis made a motion to RECOMMEND APPROVAL of a request to approve the abandonment of a 20' by 500' (0.229 acres) alley right-of-way, located north of East Twohig Avenue, east of South Oakes Street, south of East Beauregard Avenue, and west of South Magdalen Street, subject to four conditions of approval. Commissioner Spano seconded the motion. The motion carried unanimously 5-0.

Recommendation:

Staff recommends **APPROVAL** of the Alley Right-of-Way Abandonment of a 10,000 square-foot alley in Block 6 of the San Angelo Addition, subject to **four conditions of approval**.

1. Per Land Development and Subdivision Ordinance, Chapter 1.V, submit, obtain approval, and officially record a subdivision replat absorbing all of the abandoned right-of-way into adjacent lot(s) meeting all requirements of the Land Development and Subdivision Ordinance, within 36 months of City Council's decision.
 - a. On the replat, the area within the abandonment shall include an unobstructed utility and maintenance easement or rerouting of utilities to the satisfaction of each utility provider or a combination of both.
 - b. Prior to final recordation of the plat, submit plans for approval illustrating sewer main re-routing. Alternatively, illustrate a 20' sewer easement on required plat document.
2. Per the Schedule of Fees and Charges adopted by City Council Resolution 2020-004, dated January 7, 2020, payment shall be remitted, per the assessment formula, for all of the abandoned alley right-of-way.
3. After approval of the associated plat and payment, request issuance and recordation of a Quit Claim Deed from the City's Real Estate Division conveying the City's interest in the entirety of the abandoned right-of-way.
4. Reroute all utilities and provide reimbursement as required, or approved alternative, to the satisfaction of all relevant utility providers.

NOTE: The Roman Catholic Diocese and First United Methodist Church of San Angelo own properties immediately north of the alley. The applicant is advised to obtain consent from these owners prior to approval, and if necessary, provide a vehicular ingress/egress easement to allow rear access to these properties.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Photographs
Alley Plan
Response Letter
Application

April 20, 2021

**Alley Abandonment****San Angelo Addition, Block 6**

Council District: Harry Thomas - District 3

Neighborhood: Downtown

Scale: 1" approx. = 100 ft

Legend

Subject Properties: —

Current Zoning: PD, CBD

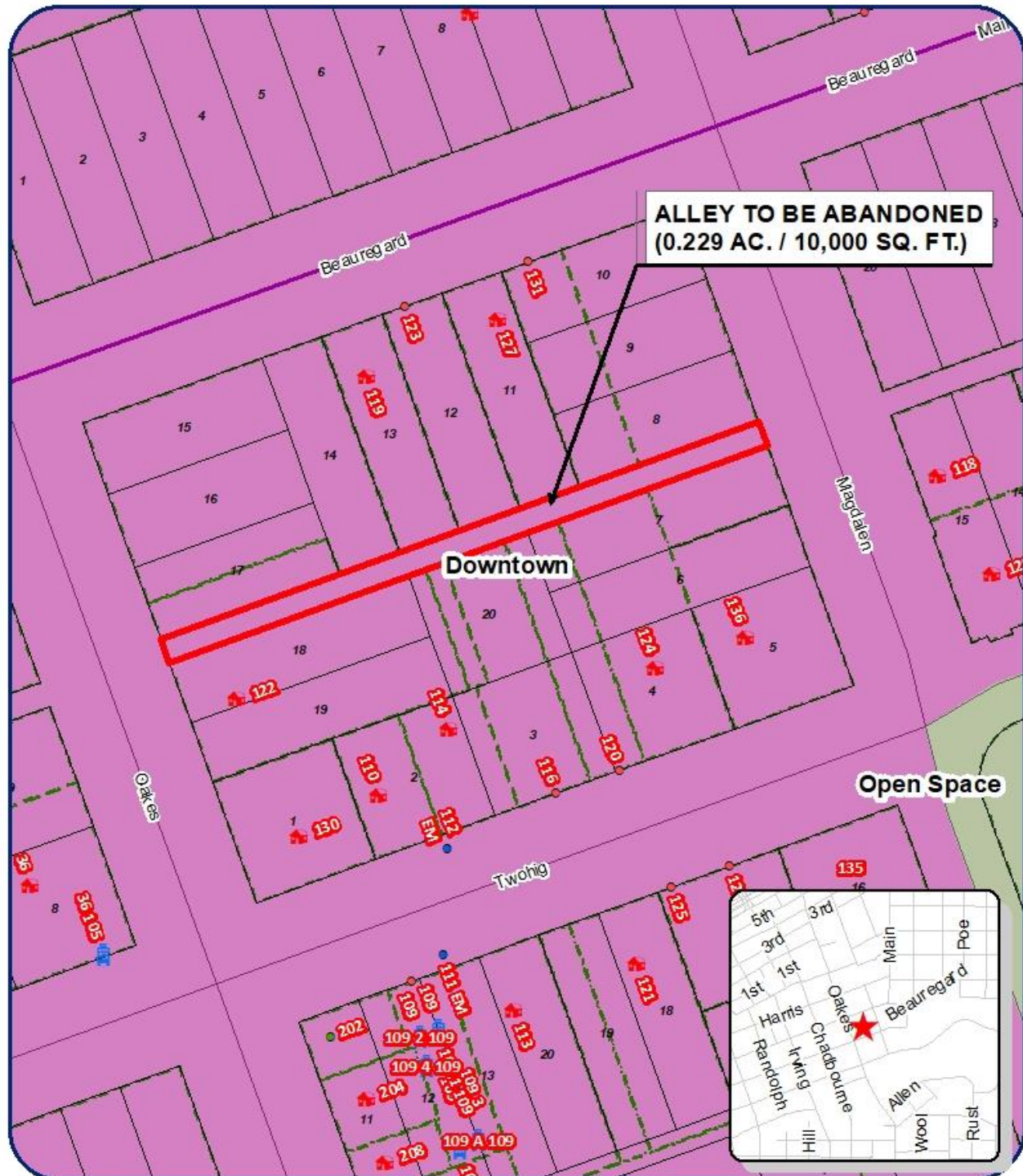
Requested Zoning Change: N/A

Vision: Downtown



0.229 acres north of E. Twohig Ave. between S. Oakes St and S. Magdalen St.

April 20, 2021

**Alley Abandonment****San Angelo Addition, Block 6**

Council District: Harry Thomas - District 3

Neighborhood: Downtown

Scale: 1" approx. = 100 ft

Legend

Subject Properties:

Current Zoning: PD, CBD

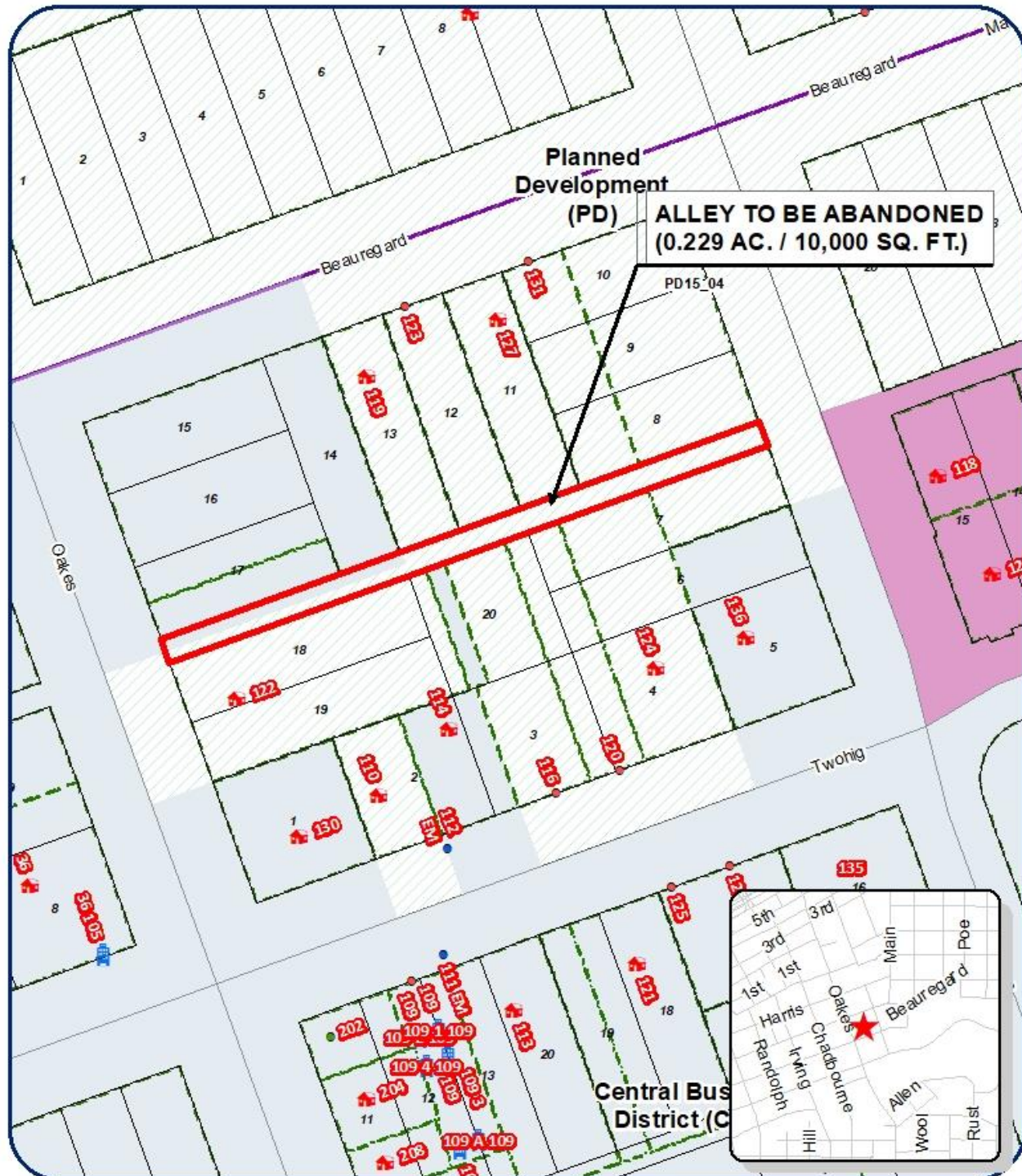
Requested Zoning Change: N/A

Vision: Downtown

0.229 acres north of E. Twohig Ave. between S. Oakes St and S. Magdalen St.



April 20, 2021

**Alley Abandonment****San Angelo Addition, Block 6**

Council District: Harry Thomas - District 3

Neighborhood: Downtown

Scale: 1" approx. = 100 ft

0.229 acres north of E. Twohig Ave. between S. Oakes St and S. Magdalen St.

Legend

Subject Properties:

Current Zoning: PD, CBD

Requested Zoning Change: N/A

Vision: Downtown



Photos of Site and Surrounding Area

LOOKING EAST ALONG ALLEY



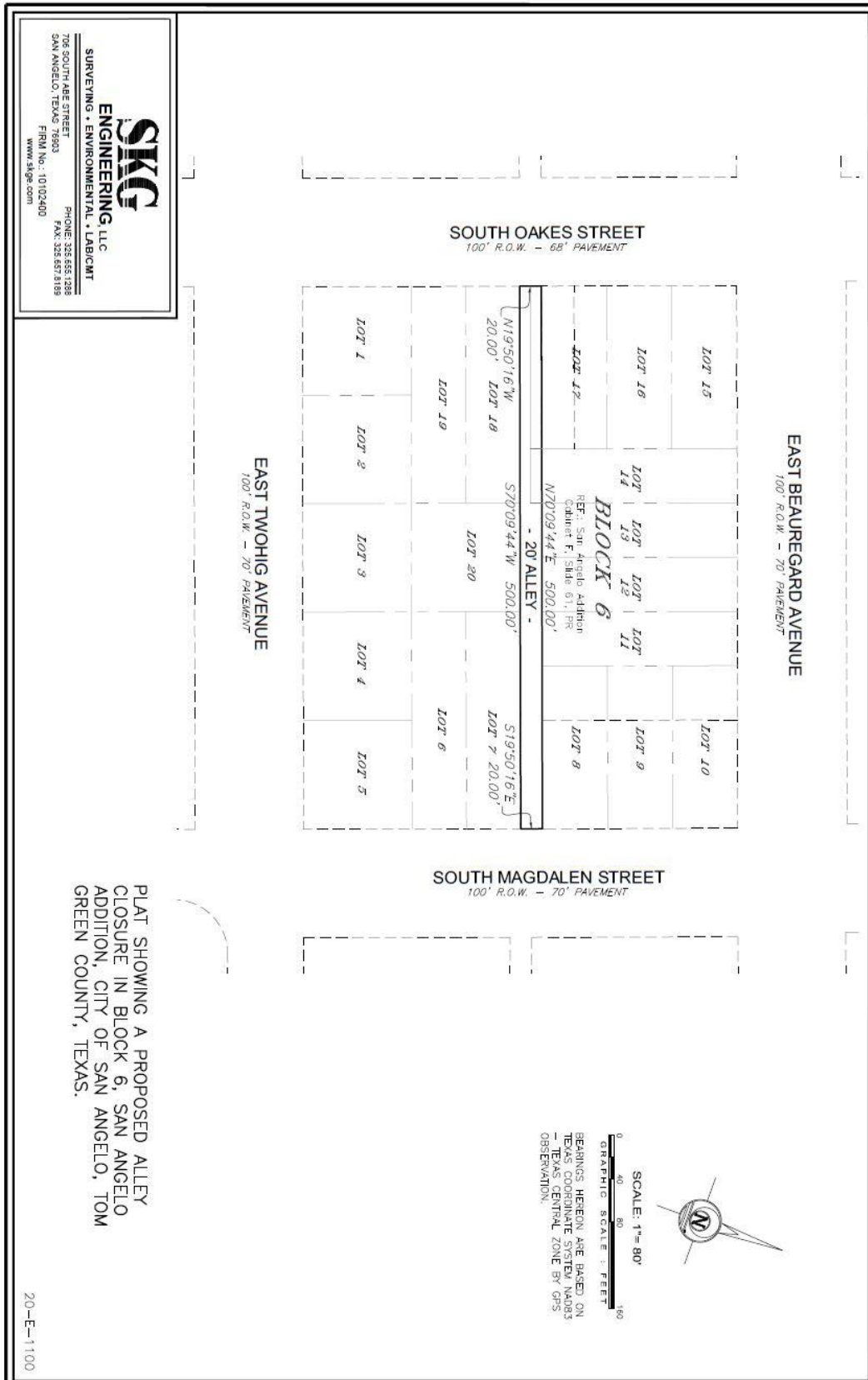
LOOKING WEST ALONG ALLEY



SHANNON PARKING LOT SOUTH OF ALLEY



April 20, 2021



Staff Report – Alley ROW Abandonment, 100 block of S. Oakes St. and S. Magdalen St. (Shannon Medical)
April 20, 2021

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

(X) IN FAVOR

() IN OPPOSITION

REASON(S)

the development of
This abandonment will make this block
more effective for Shannon



NAME: Addison Lee Pfluger - Cactus Hotel

ADDRESS: 36 East Twining

SIGNATURE:

Alley Right-of-way Abandonment: San Angelo Addition, Block 6

Property owner number: 5

If you have any questions about these proceedings, please call Jeff Fisher, Principal Planner, with the City of San Angelo's Planning Division at 325-657-4210. The Planning Division staff may also be reached by email at jeff.fisher@cosatx.us.

Effective January 3, 2017



City of San Angelo, Texas – Planning Division
52 West College Avenue
**Application to Abandon Right-of-way for
Street(s) and/or Alley(s)**

Section 1: Basic Information

Name of Applicant(s): Shannon Real Estate Services

☐ Owner ☐ Representative (Affidavit Required)

PO Box 1879 San Angelo Texas 76902

Mailing Address	City	State	Zip Code
-----------------	------	-------	----------

325-657-2833 DaleDroll@shannonhealth.org

Contact Phone Number	Contact E-mail Address
----------------------	------------------------

South Oakes Street San Angelo Texas 76902

Subject Property Address	City	State	Zip Code
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Alley in Block 6, San Angelo Addition

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

Lot Size: 20'x500' Zoning: PD

Section 2: Site Specific Details

Subdivision Name: San Angelo Addition

Lots and/or Blocks Affected*: Lots 1- 20, Block 6

General Description of Location*: 20' x 500' alley in Block 6

Reason for Abandonment*: Needed for proposed new buildings

*Use attachment if necessary.

April 20, 2021

Effective January 3, 2017

Section 3: Applicant's acknowledgement

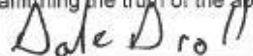
I/We the undersigned acknowledge that the information provided above is true and correct.



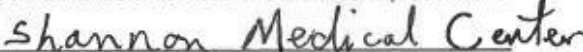
1-21-21

Signature of licensee or authorized representative
affirming the truth of the above statement.

Date



Printed name of licensee or authorized representative



Name of business/Entity of representative

FOR OFFICE USE ONLY:

Date of Application: ____/____/____

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

Date of hearing by Planning Commission: ____/____/____ Date of hearing by City Council: ____/____/____

Reviewed/Accepted by: _____

Stastny, Heather

From: Antilley, Julia
Sent: Friday, April 9, 2021 2:09 PM
To: Stastny, Heather
Subject: FW: City of San Angelo, TX: Boards and Commissions application

From: info@cosatx.us <info@cosatx.us>
Sent: Friday, April 9, 2021 2:06 PM
To: Antilley, Julia <julia.antilley@cosatx.us>
Subject: City of San Angelo, TX: Boards and Commissions application

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

A new entry to a form/survey has been submitted.

Form Name: Boards and Commissions application
Date & Time: 04/09/2021 12:05 PM
Response #: 111
Submitter ID: 101622
IP address: 208.180.102.130
Time to complete: 39 min. , 55 sec.

Survey Details

Page 1

NOTE: This application is a public record.

Public Service opportunities are offered by the City of San Angelo without regard to race, color, national origin, religion, sex or disability.

1. Personal information

Name: Mark Clark
Address: [REDACTED]
ZIP code: 76904
Home/mobile phone: [REDACTED]
Office/mobile phone: [REDACTED]
Resident of San Angelo since (year): 1976

City Council Single- 1
Member District in which
you reside:
Registered San Angelo Yes
voter? (yes or no)
Occupation/business Commercial Banker
affiliation:
Occupation/business 1st Community Federal Credit Union
address:
Title/position: Vice President of Commercial Services
Email: [REDACTED]

2. By executing this document, the applicant does hereby certify and affirm the truth and accuracy of the information contained herein. The applicant further authorizes the City Council, or its designee, to verify any information. The applicant agrees to release and hold harmless the City from all claims incident to the verification of information contained herein.

(o) Yes

3. Date

4/9/2021

4. Applying for:

(o) Airport Advisory Board

5. Recommended by:

(Name): Harry Thomas

6. Based on your board selection, do you meet the membership criteria outlined on the [PDF version](#) of the application/Board Ordinance on our [website](#)?

(o) Yes

7. If no, which criteria?

Not answered

8. Tell us about yourself.

Education and/or professional licenses:

BBA from ASU in Finance and Real Estate with a minor in Marketing

National Mortgage Lending Services License #2073671

Current municipal and civic organization memberships (positions and dates):

None

Previous municipal experience (positions, dates, where):

Have not served on city or municipal boards or committees - just community boards and committees

Rotated off of San Angelo Chamber of Commerce Board (2015-2018)

What personal qualifications can you bring to the board?

Private Pilot since 2004

Connections with Real Estate and Title Companies in San Angelo

Many professional relationships in San Angelo and surrounding area

Served on numerous community boards and committees over the last 30 years

What is your personal vision for the City?

Growth and expansion for new and existing businesses

VERY glad to see the expansion of air travel to Houston

Additional opportunities for families to enjoy activities together

Continue to increase the visual appeal of San Angelo for citizens and visitors

Strengthen infrastructure and facilities

Why do you want to serve on this board?

As a private pilot, I have spent a large amount of time at the airport and have come to have a passion for the growth of the facilities, services, and overall public use.

I am delighted at the improvements made over the last 10 years and look forward to being a part of future growth!

Is there anything else you would like to share about yourself?

Having lived here since the age of 14, I have formed many valuable personal and business associations in the area and enjoy working with them on various projects.

I enjoy working with a positive team of like-minded leaders who have a passion for this city and airport.

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 [325-657-4405](tel:325-657-4405).

Thank you,

City of San Angelo, TX

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

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**APPLICATION FOR
BOARDS and COMMISSIONS**

Name: JOHN EDWARD BARTON, JR.

Address: [REDACTED]

City: SAN ANGELO State: TX Zip: 76901

Phone (Home): [REDACTED] (Office): (SAME)

Resident of San Angelo since: 1979 SMD: 2

Are you a registered voter of San Angelo? Yes: ☒ No: ☐

Occupation/Business Affiliation: ROBERT MASSEE FUNERAL HOME

Occupation/Business Address: 402 RIO CONCHO DR, SAN ANGELO TX 76903

Title/Position: PREARRANGEMENT DIRECTOR

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.

Applicant's Signature: [Signature] Date: 1/25/2020

NOTE: This application is a public record. * Public Service opportunities are offered by the City of San Angelo without regard to race, color, national origin, religion, sex, or disability.

Return to: julia.antilley@cosatx.us or City of San Angelo, c/o City Clerk, 72 W. College, San Angelo, Texas 76903

Applying for:

- ☒ Airport Advisory Board
- ☐ Airport Zoning Board
- ☐ Animal Shelter Advisory Committee
- ☐ Civic Events Advisory Board
- ☐ Civil Service Commission
- ☐ Construction Board of Adjustment & Appeals
- ☐ Design & Historic Review Commission
- ☐ Economic Development Corporation
- ☐ Fairmount Cemetery Board
- ☐ Fort Concho Museum Board
- ☐ Keep San Angelo Beautiful Board
- ☐ Park Commission
- ☐ Parks & Recreation Advisory Board
- ☐ Planning Commission
- ☐ Public Art Commission
- ☐ Tax Increment Reinvestment Zone Board
- ☐ Water Advisory Board
- ☐ Zoning Board of Adjustment

Specific membership criteria requirements apply - see back page for more information.

Recommended by: _____

Feel free to attach additional sheets, if necessary.

Based on your board selection, do you meet the membership criteria? ☒ Yes ☐ No

If no, which criteria (see back page for board criteria): _____

Education and/or Professional Licenses: TEXAS DEPARTMENT OF INSURANCE, LIC. #1117447 SINCE 10/24/2001

Current Municipal and Civic Organization Memberships (position and dates): LONG-TIME CHURCH MEMBER, DEACON, LEADER, CHAPLAIN AND COUNSELOR

Previous Municipal Experience (position, location, and dates): COSADC BOARD - PAST PRESIDENT 2/11 ~ 2/19; KSAB BOARD 3/19 ~ PRESENT

What personal qualifications can you bring to this board? RESIDENT SINCE 1979, AVIATION ENGINEER AND AIR FORCE VETERAN, LIFE-LONG AVIATION ENTHUSIAST, PRESENTLY SERVE ON COSDC'S TRANSPORTATION COMMITTEE.

What is your personal vision for the City? A GROWING ECONOMIC HUB IN WEST TEXAS, FULL OF OPPORTUNITY, CULTURAL EXPERIENCES, AND RECREATIONAL VENUES; A TRANSPORTATION CROSSROADS FOR THE CONTINUING WESTWARD DEVELOPMENT OF THIS GREAT NATION.

Why do you want to serve on this board? TO POSITIVELY AND SOUNDLY INFLUENCE OUR GROWTH AND CONNECTIVITY TO WORLD MARKETS, AND EFFICIENT TRAVEL FOR COMMERCE, DEFENSE, AND LEISURE.

Additional relevant information: I BRING A TENACIOUS OPTIMISM AND BUSINESS BACKGROUND WITH CHRISTIAN PRINCIPLES TOWARD ACCOMPLISHMENT AND SUCCESS.

*The City Council adopted the Code of Ethics for members of the City Council and for the City's boards and commissions to assure public confidence in the integrity of local government and its effective and fair operation. Therefore, all Members shall comply with the laws of the nation, the State of Texas, and the City of San Angelo in the performance of their public duties. If you have been convicted of a MISDEMEANOR or FELONY, and/or placed on probation, fined or given a suspended sentence such as pretrial diversion or deferred adjudication in court within the last ten years, disclosure of such should be forwarded under separate cover. For a complete copy of the Code of Ethics, contact the City Clerk.

BOARD / COMMISSION MEMBERSHIP CRITERIA

Generally, all board members should be at least 18 years of age and a City resident unless otherwise stipulated.

Airport Advisory Board: No additional criteria.

Airport Zoning Board: No additional criteria.

Animal Shelter Advisory Committee: 1 veterinarian; 1 municipal or county official; 1 whose duties include the daily operation of an "animal shelter" as defined in section 823.001 of the Health and Safety Code; 1 officer or employee of an animal welfare organization; and 3 positions filled by City residents.

Civic Events Advisory Board: No additional criteria.

Civil Service Commission: Age 25+, City resident for more than three years, good moral character, and has not held public office within the preceding three years.

Construction Board of Adjustment & Appeals: 1 architect or engineer; 1 commercial building contractor; 1 residential building contractor; 1 electrical contractor; 1 plumber; 1 mechanical contractor; 1 realtor, real estate inspector, or real estate appraiser (member at large from the building industry); 1 homeowner (member at large from the public); and 1 commercial business owner.

Design & Historic Review Commission: Known or demonstrated interest in, general knowledge of, and experience relevant to historic preservation or other professional design field within the City. As possible, at least: 2 licensed or otherwise recognized professionals in architecture, landscape architecture, design, engineering, surveying, or related profession; 1 recognized historian or member of a local historic preservation group; 1 real property owner within the River Corridor; 1 owner of real property designated or recognized as a community landmark, or within a designated historic district; and 1 member of a downtown development organization under contract with the City. Additionally, City Council appoints 1 Historic Preservation Officer with general knowledge and experience relevant to historic preservation or other professional design field.

Economic Development Corporation: Cannot be an employee, officer or member of the City Council, of the City, or a member of any board or commission of the City, except that a member may be appointed to serve on the Water Advisory Board.

Fairmount Cemetery Board: No additional criteria.

Fort Concho Museum Board: Age 21+ and demonstrated experience or interest in heritage education, historic preservation, and community service and/or tourism promotion.

Keep San Angelo Beautiful Board: No additional criteria.

Park Commission: No additional criteria.

Parks & Recreation Advisory Board: Selected on educational and professional qualifications and general knowledge of, interest in, and experience relevant to youth or adult sports, senior activities, recreation activities, other organized social activities, parks, nature or conservation.

Planning Commission: Representatives of different businesses, professions or occupations, as possible. No more than 3 members shall be in the same, similar or related business, profession or occupation.

Public Art Commission: As possible, 1 teacher or professor of art; 1 member of the San Angelo Cultural Affairs Council or the San Angelo Museum of Fine Arts; 1 artist; and 1 landscape architect, architect, engineer, or other type of design professional.

Tax Increment Reinvestment Zone Board: Resident of the county in which the zone is located or a county adjacent to that county; or owns real property in the zone, whether or not the individual resides in the county in which the zone is located or a county adjacent to that county.

Water Advisory Board: 1 engineer, hydrologist, meteorologist or water well driller; 1 in the industry of banking, accounting or financial services with a specialization in agricultural lending or water financing; 1 in agriculture or rural water issues; and 1 attorney, former municipal water district or other governmental officer, or legislator or person who has experience in legal issues related to water.

Zoning Board of Adjustment: No additional criteria.

From: info@cosatx.us
To: [Antilley, Julia](#)
Subject: City of San Angelo, TX: Boards and Commissions application
Date: Thursday, October 15, 2020 10:41:28 AM

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

A new entry to a form/survey has been submitted.

Form Name: Boards and Commissions application
Date & Time: 10/15/2020 8:41 AM
Response #: 106
Submitter ID: 56980
IP address: 74.195.55.38
Time to complete: 55 min. , 14 sec.

Survey Details

Page 1

NOTE: This application is a public record.

Public Service opportunities are offered by the City of San Angelo without regard to race, color, national origin, religion, sex or disability.

1. Personal information

Name: Jamie Highsmith
Address: [REDACTED]
ZIP code: 76904
Home/mobile phone: [REDACTED]
Office/mobile phone: [REDACTED]
Resident of San Angelo since (year): 1986
City Council Single-Member 3
District in which you reside:
Registered San Angelo voter? (yes or no) yes
Occupation/business affiliation: San Angelo Cultural Affairs Council
Occupation/business address: 36 E. Twohig, Suite 200
Title/position: Executive Director
Email: [REDACTED]

2. By executing this document, the applicant does hereby certify and affirm the truth and accuracy of the information contained herein. The applicant further authorizes the City Council, or its designee, to verify any information. The applicant agrees to release and hold harmless the City from all claims incident to the verification of information contained herein.

(o) Yes

3. Date

10/15/20

4. Applying for:

(o) Public Art Commission

5. Recommended by:

(Name): Carl White

6. Based on your board selection, do you meet the membership criteria outlined on the [PDF version](#) of the application/Board Ordinance on our [website](#)?

(o) Yes

7. If no, which criteria?

Not answered

8. Tell us about yourself.

Education and/or professional licenses:

Bachelor of Arts, Angelo State University Lifetime teaching certificates in English and Psychology
Master of Education in Guidance and Counseling, Angelo State University

Current municipal and civic organization memberships (positions and dates):

Convention and Visitor's Bureau Advisory Board
ex-officio, non-voting member June 2018 until present time
Downtown San Angelo Board
ex-officio, non-voting member June 2018 until present time

Previous municipal experience (positions, dates, where):

San Angelo Convention and Visitor's Bureau Advisory Board
past advisory board secretary (2015-16)
past advisory board chairman (2016-17)
San Angelo Cultural Affairs Council
past board secretary (2007-2008)
past board president (2008-2009)
San Angelo Museum of Fine Arts
past board member (2014-2015)

What personal qualifications can you bring to the board?

I worked in public education for 35 years as a high school English and theatre teacher, high school guidance counselor, and public information officer. For five years, I was the professional development supervisor of the SAISD elementary art teachers. I have had experience as a performing artist for over 40 years.

What is your personal vision for the City?

My vision for San Angelo, my city of residence for almost 35 years, is that it continues to thrive, providing a

great quality of life for residents, by embracing all that we already offer and seeking to add to that in positive ways.

Why do you want to serve on this board?

I believe this board's work connects closely with the Cultural Affairs Council. As executive director, it would be fitting for me to serve on this board, and it would also be an honor.

Is there anything else you would like to share about yourself?

Thank you for considering my application.

The City Council adopted the Code of Ethics for members of the City Council and for the City's boards and commissions to assure public confidence in the integrity of local government and its effective and fair operation. Therefore, all Members shall comply with the laws of the nation, the State of Texas, and the City of San Angelo in the performance of their public duties. If you have been convicted of a MISDEMEANOR or FELONY, and/or placed on probation, fined or given a suspended sentence such as pretrial diversion or deferred adjudication in court within the last ten years, disclosure of such should be forwarded under separate cover. For a complete copy of the Code of Ethics, contact the City Clerk at [325-657-4405](tel:325-657-4405).

Thank you,
City of San Angelo, TX

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

**CERTIFICATE OF APPOINTMENT OF
COMMISSIONERS OF THE
HOUSING AUTHORITY OF THE
CITY OF SAN ANGELO, TEXAS**

I hereby appoint the person(s) hereinafter named to serve as
Commissioner of the Housing Authority of the City of San Angelo, Texas:

Barbara Brown
Wes Masters

Term expires 4-30-2023
Term expires 4-30-2023

I hereby certify that the newly designated Commissioners stated above
are not officers or employees of the City of San Angelo, Texas pursuant to Local
Government Code, Chapter 392, §392.031.

IN WITNESS WHEREOF, I have hereunto signed my name as Mayor of
the City of San Angelo, Texas, and caused the official seal of said City to be
attached on this the 20th day of April 2021.

Brenda Gunter, Mayor

ATTEST:

Julia Antilley, City Clerk

Stastny, Heather

From: Antilley, Julia
Sent: Thursday, April 8, 2021 4:35 PM
To: Stastny, Heather
Subject: FW: City of San Angelo, TX: Boards and Commissions application

From: info@cosatx.us <info@cosatx.us>
Sent: Thursday, April 8, 2021 4:32 PM
To: Antilley, Julia <julia.antilley@cosatx.us>
Subject: City of San Angelo, TX: Boards and Commissions application

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

A new entry to a form/survey has been submitted.

Form Name: Boards and Commissions application
Date & Time: 04/08/2021 2:32 PM
Response #: 110
Submitter ID: 101597
IP address: 74.197.89.98
Time to complete: 22 min. , 10 sec.

Survey Details

Page 1

NOTE: This application is a public record.

Public Service opportunities are offered by the City of San Angelo without regard to race, color, national origin, religion, sex or disability.

1. Personal information

Name: Bill Feist
Address: [REDACTED]
ZIP code: 76904
Home/mobile phone: [REDACTED]
Office/mobile phone: [REDACTED]
Resident of San Angelo since (year): 2005

City Council Single- 1
Member District in which
you reside:
Registered San Angelo yes
voter? (yes or no)
Occupation/business San Angelo Association Of Realtors
affiliation:
Occupation/business Broker - Real Estate
address:
Title/position: Broker
Email: [REDACTED]

2. By executing this document, the applicant does hereby certify and affirm the truth and accuracy of the information contained herein. The applicant further authorizes the City Council, or its designee, to verify any information. The applicant agrees to release and hold harmless the City from all claims incident to the verification of information contained herein.

(o) Yes

3. Date

4-8-21

4. Applying for:

(o) Zoning Board of Adjustment

5. Recommended by:

(Name): Bill Feist

6. Based on your board selection, do you meet the membership criteria outlined on the [PDF version](#) of the application/Board Ordinance on our [website](#)?

(o) Yes

7. If no, which criteria?

Not answered

8. Tell us about yourself.

Education and/or professional licenses:

Graduate of Angelo State University with a degree BBA Finance, BBA Real Estate. License Real Estate Broker state of Texas

Current municipal and civic organization memberships (positions and dates):

Chamber member thru the San Angelo Association of Realtors

Previous municipal experience (positions, dates, where):

Construction Board of Appeals. - I was the Chairman for approximately 3-4 years. This was approximately 4-5 years ago...

What personal qualifications can you bring to the board?

A lot of knowledge in the world of Real estate

What is your personal vision for the City?

Growth prosperity in the growth of home ownership and its growth

Why do you want to serve on this board?

I feel I would be a great asset. I would be coming on board as a liaison from the San Angelo Board of Realtors

Is there anything else you would like to share about yourself?

I/m a team player..

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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 [325-657-4405](tel:325-657-4405).

Thank you,
City of San Angelo, TX

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**APPLICATION FOR
BOARDS and COMMISSIONS**

Name: KANDI POOL
 Address: [REDACTED]
 City: SAN ANGELO State: TX. Zip: 76904
 Phone (Home): [REDACTED] (Office): [REDACTED]
 Resident of San Angelo since: 1957 SMD: 6
 Are you a registered voter of San Angelo? Yes: X No: []
 Occupation/Business Affiliation: REALTOR / TERI JACKSON, REALTORS
 Occupation/Business Address: 11 S. VAN BUREN 76901
 Title/Position: TEXAS BROKER / REALTOR
 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.

Applicant's Signature

Date

NOTE: This application is a public record.* Public Service opportunities are offered by the City of San Angelo without regard to race, color, national origin, religion, sex, or disability.

Return to: julia.antilley@cosatx.us or City of San Angelo, c/o City Clerk, 72 W. College, San Angelo, Texas 76903

Applying for:

- ☐ Airport Advisory Board
- ☐ Airport Zoning Board
- ☐ Animal Shelter Advisory Committee
- ☐ Civic Events Advisory Board
- ☐ Civil Service Commission
- ☐ Construction Board of Adjustment & Appeals
- ☐ Design & Historic Review Commission
- ☐ Economic Development Corporation
- ☐ Fairmount Cemetery Board
- ☐ Fort Concho Museum Board
- ☐ Keep San Angelo Beautiful Board
- ☐ Park Commission
- ☐ Parks & Recreation Advisory Board
- ☐ Planning Commission
- ☐ Public Art Commission
- ☐ Tax Increment Reinvestment Zone Board
- ☐ Water Advisory Board
- ☒ Zoning Board of Adjustment

Specific membership criteria requirements apply - see back page for more information.

Recommended by: _____

Feel free to attach additional sheets, if necessary.

Based on your board selection, do you meet the membership criteria? ☒ Yes ☐ No

If no, which criteria (see back page for board criteria): _____

Education and/or Professional Licenses: Hold a Texas Real Estate License - since 1979; continued required education in this field.

Current Municipal and Civic Organization Memberships (position and dates): Serve on TGCAD Board of Directors; Member of CVRW; Member of SAAR, TAR, & NAR (REALTOR organizations); Member of the Police Advisory Board Ad Hoc

Previous Municipal Experience (position, location, and dates): Served on City Sidewalk Ad Hoc; Rental Ad Hoc; and City Constitution Revisory Ad Hoc

What personal qualifications can you bring to this board? 45 years in the real estate industry with 35 yrs as the Exec Vice Pres of the San Angelo Assn of REALTORS (retired 7/31/20).

What is your personal vision for the City? Effectiveness for all citizens; service to the citizens is my main objective for our City.

Why do you want to serve on this board? I believe in giving-back; I have an expertise in understanding property value and use that I can share

Additional relevant information: Currently serve for Gov. Abbott on a State Board - since 2016; being re-appointed as of 5-1-21.

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