



City Council Agenda 6/15/2021

Notice is hereby given of a regular meeting of the City Council of City of San Angelo to be held June 15, 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**
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 June 1, 2021 City Council regular meeting minutes (Julia Antilley)
- b. Consider authorizing the City Manager to enter into a five-year extension of the current Grazing and Agricultural Lease with Jim Thomas and Chad Thomas, d/b/a Thomas Livestock, of 282.94 acres out of EJ Wortham Survey 0001, Abstract 3945, with the understanding at the end of the five-year term the property will be placed for lease at the highest sealed bid (Cynthia Preas)
- c. Consider authorizing the City Manager to negotiate and execute an amendment to an agreement with Psalm 100 Development, LLC related to the development of land sold to the developer by the City, known as The Palms (Jon James)
- d. Consider a resolution allowing the City to accept Federal Property in the form of an aircraft frame burner from GAFB and authorizing the City Manager to execute all related documents (Brian Dunn)
- e. Consider a resolution to accept a subrecipient grant awarded by Homeland Security in the amount of \$21,000 (Jim Evans)
- f. Consider approving an amendment renewing the Naming Rights Agreement for the Foster Communications Coliseum between the City of San Angelo, Citywise Marketing, and Foster Communications Co., Inc., and authorizing the City Manager to negotiate and execute all related documents (Sidney Walker)
- g. Consider a resolution approving non-monetary in-kind support for the San Angelo Girls Fast-Pitch Association's hosting of the Texas All Stars Tournament, July 8-11, 2021 at the Texas Bank Sports Complex (Brent Casey)
- h. Consider a resolution approving non-monetary in-kind support for the Downtown San Angelo, Inc. "A Star Spangled Banner Concert" event for the Fourth of July, July 3, 2021 (Brent Casey)

- i. Consider a resolution authorizing a special event known as "Wake the Desert 2021" and approving variances to City ordinances at Middle Concho Park, July 16-18, 2021 (Brent Casey)
- j. Consider approving an amendment to the Diversion Facilitation Agreement with Bentwood Country Club L.L.C., and authorizing the City Manager to negotiate and execute all related documents (Allison Strube)
- k. Consider ratifying up to \$35,000 for emergency repairs to the Business Resource Center resulting from plumbing and sewage issues and authorizing the Board President to negotiate and execute all related documents (Guy Andrews)

6. Regular Agenda

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

- a. Consider adopting a Customer Service Agreement as a supplement to the existing Residential Service Application and Commercial Service Application for water, sewer, and trash service (Presentation made by Assistant Director of Water Utilities Andy Vecellio)
- b. Discussion and update on Chapter 3 Animal Control, Article 3.10 Free-Roaming Community Cats of the City's Code of Ordinances (Presentation made by Assistant Director of Neighborhood & Family Services Morgan Chegwiddden)
- c. Discussion and guidance for amending Chapter 5 Business and Commerce, Article 5.02 Alcoholic Beverages Regulations, Section 5.02.005 Sale, Possession or Consumption in Texas Bank Sports Complex (Rio Concho Sports Complex) of the City's Code of Ordinances (Presentation made by Recreation Manager Brent Casey)
- d. First reading and public hearing on:
 - 1. An ordinance for Z21-05, a rezoning from the Single-Family Residential zoning district to the Neighborhood Commercial zoning district, being 0.30 acres located at 2321 S. Bryant Blvd. and 504 W. Ave. T
 - 2. An ordinance for Z21-06, a request for approval of a rezoning from the Heavy Commercial zoning district to the Heavy Manufacturing zoning district, being 7.353 acres located at 4125 Dan Hanks Ln.
 - 3. An ordinance approving the abandonment of a 2,250-sq ft (15' x 150') alley on the south side of E. 41st St. between Oaklawn St. and Bowie St.
 - 4. An ordinance approving the abandonment of a 2,250-sq ft (15' x 150') alley on the north side of E. 44th St. between Oaklawn St. and Bowie St.(Presentation made by Planning & Development Services Director Jon James)
- e. 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 unplanned expenditures (Presentation made by Finance Director Tina Dierschke)
- f. Discussion and guidance of providing in-kind support for the All Veteran's Council request for a proposed 10-year agreement with the City to waive fees for the annual Veteran's Day Parade (Presentation made by City Manager Daniel Valenzuela)

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:

8. Follow Up and Administrative Issues

- a. Consider items discussed in Closed Session, if needed
- b. Consideration of approving various Board nominations
Public Art Commission: Raul Ruiz (SMD5) and Elaine Stribling (SMD6), both to first terms ending April 2023
- c. Announcements and consideration of Future Agenda Items

9. Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board at City Hall in the City of San Angelo, Texas, on the 10th day of June 2021, at 3:02 p.m.



Julia Antilley, City Clerk

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

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

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

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

City of San Angelo, Texas
Regular City Council Meeting
Tuesday, June 1, 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 Larry Miller, 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 8:32 a.m. on Tuesday, June 1, 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

No proclamations/recognitions.

4. Public Comment

Mayor Gunter asked for prayers for SAPD Chaplain Pastor Dawkins' wife, she is seriously ill and currently hospitalized.

Mayor Gunter expressed her appreciation for everyone who participated in the Memorial Day events over the weekend. She announced the City will be hosting a 20-year anniversary event for 9/11 at 6:00 p.m. on September 12, 2021 at the River Stage. Citizens can contact Mayor Gunter if they have any ideas or thoughts for the event.

5. Consent Agenda

- a. Approval of the May 18, 2021 City Council regular meeting minutes (Julia Antilley)
- b. Award of AP-05-21 Airfield Painting to Eagle Airport Marking in the amount of \$45,674.73, budgeted for purchase in fiscal year 2021, and authorizing the City Manager to negotiate and execute all related documents (Jeremy Valgardson)
- c. Adoption of a resolution authorizing the City Manager to donate the old, removed playground materials from Unidad Park to Northridge Baptist Church and authorizing the City Manager to execute all related documents (Carl White) (Pg. 250, 2021-065)
- d. Adoption of a resolution authorizing the City Manager to donate the old lights and fixtures from the Ben Ficklin field to the Wall Education Foundation and authorizing the City Manager to execute all related documents (Carl White) (Pg. 251, 2021-066)
- e. Authorization of the City Manager to negotiate and execute a renewed agreement between the City of San Angelo and Nasworthy Lake Tours, LLC, to operate an excursion paddle wheel steamboat and non-motorized water craft rental concession at Spring Creek Park at Lake Nasworthy (Carl White)

- f. Authorization of the City Manager to negotiate and execute a Third Amendment to Commercial Lease Agreement - Spring Creek Marina with Golden Antlers, Inc, Lessee, including two small parcels: the adjacent public restrooms and adjacent fenced in storage area (Carl White)
- g. Extension of an MOU with Keep San Angelo Beautiful (KSAB) for three additional years and authorizing the City Manager to execute all related documents (Bob Salas)
- h. Ratification of COSADC's approval of a request by the San Angelo Convention and Visitors Bureau for partial funding of the Air Races to be held at the San Angelo Regional Airport on October 30 and 31, 2021 via a VIP Sponsorship of \$10,000 (Guy Andrews)
- i. Second reading and adoption of an ordinance amending the budget for the fiscal year beginning October 1, 2020, and ending September 30, 2021, for donations and reimbursed expenses (Tina Dierschke) (Pg. 252, 2021-067)
- j. Authorization of the City Manager to execute all documents necessary to allow a private, 6-inch, water line to remain within dedicated drainage easements and the public rights-of way of Beverly Dr. and Bentwood Dr.; and approve the location of a new private, 8-inch, water line designed to cross 3-public rights-of-way, being Bentwood Dr., Beverly Dr. and N. Bentwood Dr. (Cynthia Preas and Allison Strube)

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

Motion: Council Member Gonzales made a motion, seconded by Council Member Thomas, to approve items 5c and 5d, as presented by Parks and Recreation Director Carl White. The motion carried unanimously (7) ayes to (0) nays.

[Human Resources Director Bryan Kendrick spoke regarding the Compensation and Classification Committee's review process relating to item 5g.]

[Finance Director Tina Dierschke stated the Compensation and Classification Committee requires adequate funding before they recommend approving classification changes but would defer to City Manager Daniel Valenzuela's decision on whether to regrade the position.]

Motion: Mayor Gunter made a motion, seconded by Council Member Carter, to approve item 5g, clarifying that the three-year extension to the MOU is approved today, with discussions occurring within the budget process to address the \$10,000 increase. The motion carried unanimously (7) ayes to (0) nays.

6. **Regular Agenda**

- a. Report by San Angelo Area Foundation on Reconstruction Project for Barracks and Mess Halls 3 and 4 at Fort Concho (Introduction made by Rick Weise Assistant City Manager with presentation made by Matt Lewis CEO of San Angelo Area Foundation)

San Angelo Area Foundation CEO Matt Lewis provided an update on the reconstruction project and announced Clearview Construction was selected as the contractor. The foundation is attempting to raise additional funds to include rebuilding Barracks 4, as part of the current bid. The project is scheduled to begin by July 1 and is estimated to be complete within 8-9 months.

No Action Taken on this Item.

- b. Adoption of a resolution reauthorizing previously approved uses by approving a Special Use (SU21-01) to allow an indoor multi-use recreational facility and related recreational activities, daycare, community outreach, community services, and educational programs, on properties zoned Single-Family Residential and Two-Family Residential on the following property: Lifepoint Baptist Church, 810 & 811 Austin St. and 818 Kenwood Dr. (Presentation made by Planning & Development Services Director Jon James) (Pg. 255, 2021-068)

Mr. James offered three options for Council's consideration in deciding the case. Staff recommended approval of Option 1 whereby the special use could be limited as follows:

1. Limiting use to an athletics facility and related child care and educational programs.
2. Limiting the special use to only the gym and designated parking area.
3. Limiting the approval to Lifepoint Church as the property owner, with a change in ownership resulting in expiration of the special use.

Lifepoint Baptist Church (LBC) Pastor Jay Clatworthy responded to questions from City Council.

[Mayor Gunter read a statement. She also specified the City has a responsibility to ensure the church is treated the same as a business, and to protect the city/citizens from lawsuits.]

[Council Member Carter spoke about protecting neighborhoods and suggested limiting the permit. He stated he has received no noise or traffic complaints on the business.]

Initial Motion: Council Member Carter made a motion, seconded by Council Member Gonzales, to approve the Special Use Permit (SU21-01), with provisions that upon termination of the lease or the sale of the property the special use will revert back, that the permit is only effective for the gymnasium facility and adjacent parking, and to include the recommended conditions of approval presented today.

LBC and Texas Tumbleweeds Gymnastics (TTG) Attorney Dustin Gaines stated the church is reinvesting the lease payments into renovating the property and highlighted the religious purposes of their partnership as outlined in their MOU.

Attorney representing Santa Rita homeowners Greg Gossett requested a recess to discuss the new proposal.

Consensus: Council Member Carter made a motion to recess. By consensus the City Council agreed to table the item and resume discussions after addressing the remainder of the agenda.

Discussion on this item resumed at 10:32 a.m.

Mr. Gaines requested the motion be amended to remove the provision restricting the lease to TTG.

H.R. "Winkie" Wardlaw (SMD5) stated an objection to the requested amendment and referenced a letter to TTG from September 2019 asking them not to move into Santa Rita, warning them of pending litigation.

Sarah Negovetich (SMD6), TTG Owner Landa Knight (Sonora), Bridget Barbee (SMD1), Sierra Morrison (Buffalo Heights), Jessica & Presley Parker (Mertzson), and Sarah Clatworthy (SMD5) all spoke in support of the LBC partnership with TTG.

Citizen Suzi Smith (SMD6) requested clarification on the impact of this zoning dispute on the Special Use permit at RiverView Restaurant.

Mr. Clatworthy requested the motion be amended to remove the lessee portion, but supports the other provisions presented by staff.

Final Motion: City Attorney Theresa James clarified the motion as made by Council Member Carter and seconded by Council Member Gonzales, to approve the resolution [with the five conditions of approval and three staff recommendations from Option 1 as presented] will rescind, terminate, and replace SU19-03, and upon termination of the lease or sale of the property this special use will be terminated. The motion carried unanimously (7) ayes to (0) nays.

This item taken out of order.

- c. Selection of Mayor Pro Tempore for June 2021 through May 2023 election (Presentation made by City Clerk Julia Antilley)

Motion: Mayor Gunter made a motion, seconded by Council Member Carter, to select Tom Thompson as Mayor Pro Tempore. The motion carried unanimously (7) ayes to (0) nays.

This item taken out of order.

- d. Appointment of City Council Members to Boards and Committees (Presentation made by City Clerk Julia Antilley)

Motion: Council Member Hiebert made a motion, seconded by Council Member Carter, to approve the existing committee assignments, with the addition of Council Member Miller to the Concho Valley Council of Governments Transit Board. The motion carried unanimously (7) ayes to (0) nays.

This section taken out of order.

7. Closed Session

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

- a. 551.071 Consultation with Attorney regarding:
1. Lake Nasworthy contracts and water rights
2. GEXA contract

8. Follow Up and Administrative Issues

This item taken out of order.

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

No Action Taken on this Item.

- b. Announcements and consideration of Future Agenda Items

Council Member Gonzales requested an update from Animal Services regarding the ordinance concerning stray and feral cats.

9. Adjournment

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

There being no further business, the meeting adjourned at 11:00 a.m.

THE CITY OF SAN ANGELO, TEXAS:

ATTEST:

Brenda Gunter, Mayor

Julia Antilley, City Clerk

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

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: June 15, 2021

Item type: Consent Item

Caption:

Consider authorizing the City Manager to enter into a five-year extension of the current Grazing and Agricultural Lease with Jim Thomas and Chad Thomas, d/b/a Thomas Livestock, of 282.94 acres out of EJ Wortham Survey 0001, Abstract 3945, with the understanding at the end of the five-year term the property will be placed for lease at the highest sealed bid (Cynthia Preas)

Summary/History:

Historically city staff has recommended the current tenant of grazing and agricultural property be given the opportunity to continue leasing property without placing the property out for highest sealed bid. In 2018 council approved current tenants could lease property for an additional five-year term with the understanding at the end of the term the property would be placed for lease for the highest sealed bid.

Thomas Livestock has held this lease for 1 term (Feb. 1, 2015 thru Dec. 31, 2020) and have invested money in fencing and clearing mesquite and brush from the property.

The leased property is located within the area commonly known as "City Farm" and cannot be sold as it is needed to support the permit for the City's Water Reclamation Facility.

Financial Impact:

Annual lease fee (\$1,131.76) plus rent escalation of 2% annually.

Tenant was invoiced for fiscal year 2021, and that annual lease fee was paid.

Other Information/Recommendation:

Staff recommends the lease be extended for a five-year term after which the property will be leased for the highest sealed bid.

Attachments:

1. City Farm Lease - Thomas - 282.94 AC

City Farm Lease - Thomas - 282.94 AC.pdf

Presentation:

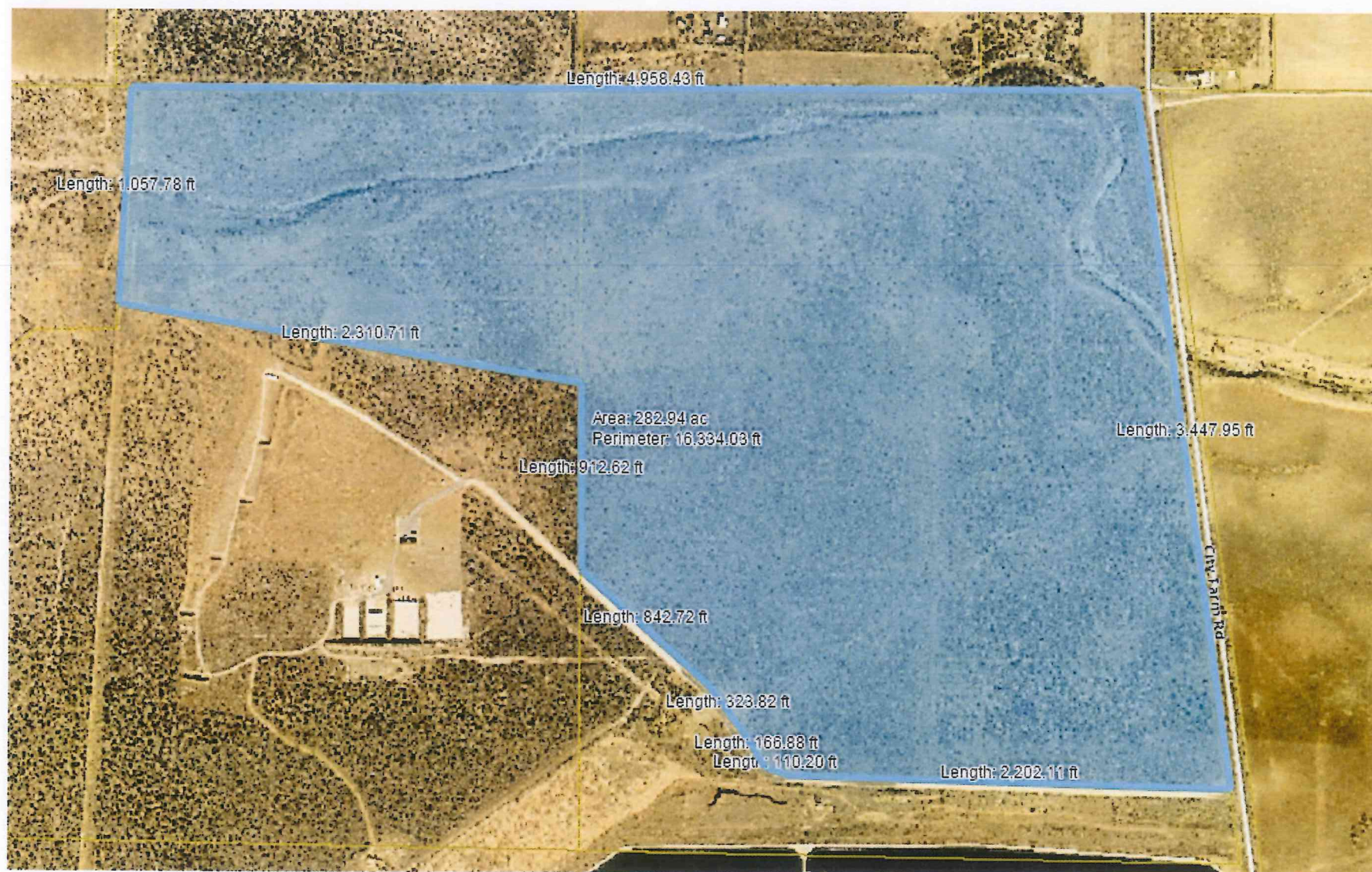
Approvals/Reviews:

Cynthia Preas
Cynthia Preas
Allison Strube
Theresa James

Created/Initiated
Approved
Approved
Approved

Tina Dierschke
Julia Antilley

Approved
Final Approval





REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: June 15, 2021

Item type: Consent Item

Caption:

Consider authorizing the City Manager to negotiate and execute an amendment to an agreement with Psalm 100 Development, LLC related to the development of land sold to the developer by the City, known as The Palms (Jon James)

Summary/History:

In 2014 the City sold property to Psalm 100 Development, LLC for the purpose of developing the property for residential subdivisions. The sale was subject to a written agreement regarding the responsibilities of the City and developer, including proposed phasing of the development. Given changes in the market and changes to the developer's plans for phasing, this amendment will extend the term of the agreement and include modifications to project timing and phasing.

On September 21, 2020, Planning Commission approved a final plat for a portion of the subject property that provides for the modified phasing. Planning Commission conditioned its approval on Council's approval of this amendment.

The attached map shows the different phases of the project. Sections 1 and 2 have already been platted and are in the process of developing. The original Section 3 has been proposed to be split into Section 3 and Section 4, as shown on the attached map. The new Section 3 had a Final Plat approved by the Planning Commission, but one of the conditions of approval was that this development agreement be modified to reflect the proposed changes.

Finally, the timing of development has been extended. The original agreement anticipated that all sections would be developed within 5 years. However, the developer is seeking to extend the term to allow Section 3 to be developed within 3 years of the Final Plat, with an optional 3 year extension. The same 3 year timeframe would apply to Section 4 once it receives approval for a Final Plat.

Financial Impact:

N/A

Other Information/Recommendation:

City staff recommends approval.

Attachments:

- | | |
|-------------------------------|--------------------------------|
| 1. Psalm 100 Development Plan | Psalm 100 Development Plan.pdf |
|-------------------------------|--------------------------------|

Presentation:

Jon James

Approvals/Reviews:

Jon James
Jon James
Brandon Dyson
Jon James
Theresa James
Julia Antilley

Created/Initiated
Approved
Approved
Approved
Approved
Final Approval

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Brian Dunn, Fire Chief, Fire Department, 325-657-4355

Meeting Date: June 15, 2021

Item type: Consent Item

Caption:

Consider a resolution allowing the City to accept Federal Property in the form of an aircraft frame burner from GAFB and authorizing the City Manager to execute all related documents (Brian Dunn)

Summary/History:

GAFB would like to donate the aircraft burner to the San Angelo Fire Department. This is the above ground equipment to be able to have aircraft fires. The department will look for grant funding or alternative funding to procure the in ground components of the burn prop. This will help the department move forward in eventually getting the aircraft burn prop up and in operation in the future.

Financial Impact:

No financial impact

Other Information/Recommendation:

Attachments:

1. Resolution Accepting donation of Aircraft Burner Resolution Accepting donation of Aircraft Burner.docx

Presentation:

Brian Dunn

Approvals/Reviews:

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

A RESOLUTION BY THE CITY OF SAN ANGELO CITY COUNCIL ACCEPTING THE DONATION OF AN AIRCRAFT BURNER TO THE SAN ANGEL FIRE DEPARTMENT

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

WHEREAS, Goodfellow Airforce Base would like to donate an aircraft burner to the San Angelo Fire Department; and

WHEREAS, the San Angelo Fire Department has uses for the equipment that furthers the mission and purpose of the department; and

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

Part 1: That the City of San Angelo hereby accepts a donation of an aircraft burner to the San Angelo Fire Department

Part 2: That the donation shall be used solely for training and other activities that further the mission of the San Angelo Fire Department.

PASSED and APPROVED THIS 15th Day of June, 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: Jim Evans, Emergency Management Coordinator, Emergency Management, 325-657-4230

Meeting Date: June 15, 2021

Item type: Consent Item

Caption:

Consider a resolution to accept a subrecipient grant awarded by Homeland Security in the amount of \$21,000 (Jim Evans)

Summary/History:

Consider a resolution to accept a subrecipient grant awarded by Homeland Security in the amount of \$21,000 for 14 new laptop computers.

Financial Impact:

No fiscal impact. The grant is a 100% cover with no matching funds required.

Other Information/Recommendation:

Attachments:

- | | |
|-------------------------------------|---------------------------------------|
| 1. Resolution Laptop Computers FY22 | Resolution Laptop Computers FY22.docx |
|-------------------------------------|---------------------------------------|

Presentation:

Jim Evans

Approvals/Reviews:

Jim Evans	Created/Initiated
Brian Dunn	Approved
Theresa James	Approved
Tina Dierschke	Approved
Julia Antilley	Final Approval

RESOLUTION NO. _____

**RESOLUTION OF THE CITY OF SAN ANGELO, TEXAS AUTHORIZING
APPLICATION FOR THE HOMELAND SECURITY GRANT PROGRAM FOR THE
PURCHASE OF SATELLITE PHONES.**

WHEREAS, The City of San Angelo City Council finds it in the best interest of the citizens of San Angelo and Tom Green County that the Office of Emergency Management apply for Homeland Security Grant (HSG) program funds to purchase satellite phones during the 2021/2022 program year; and

WHEREAS, the City of San Angelo City Council agrees to provide applicable matching funds, if any, as required by the HSG program application; and

WHEREAS, the City of San Angelo City Council agrees that in the event of loss or misuse of the HSG program funds, the funds will be returned to the HSG program in full.

WHEREAS, the City of San Angelo City Council designates the San Angelo City Manager as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

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

That the City Council approves submission of the Homeland Security Grant Program application for the purchase of laptop computer and authorizes the City Manager execute all documents necessary to apply for, accept, reject, alter or terminate the grant.

PASSED AND APPROVED this 15th day of June, 2021.

MAYOR BRENDA GUNTER

ATTEST:

JULIA ANTILLEY, CITY CLERK

APPROVED AS TO FORM:

THERESA JAMES, CITY ATTORNEY

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Sidney Walker, Civic Events Manager, Civic Events, 3256539577

Meeting Date: June 15, 2021

Item type: Consent Item

Caption:

Consider approving an amendment renewing the Naming Rights Agreement for the Foster Communications Coliseum between the City of San Angelo, Citywise Marketing, and Foster Communications Co., Inc., and authorizing the City Manager to negotiate and execute all related documents (Sidney Walker)

Summary/History:

Staff recommends approving Amendment 1, renewing the current naming rights agreement for the Foster Communications Coliseum between the City, Foster Communications and Citywise Marketing. We are seeking City Council's approval to extend the term per section 16(a) of the agreement. The term would be a three-year extension of the existing agreement with an additional two-year option to extend. Citywise Marketing has negotiated the sale of the naming rights for the Coliseum with Foster Communications.

Financial Impact:

\$20,000 per year with \$14,000 being retained by the City, \$6,000 by Citywise Marketing, LLC. A portion of this amount is put towards Civic Events advertising revenue budget.

Other Information/Recommendation:

Attachments:

- | | | |
|----|---------------------------------------|---|
| 1. | Foster Coliseum Naming Rights Amend 1 | Foster Coliseum Naming Rights Amend 1.pdf |
|----|---------------------------------------|---|

Presentation:

Sidney Walker

Approvals/Reviews:

Sidney Walker	Created/Initiated
Carl White	Approved
Theresa James	Approved
Brandon Dyson	Approved
Theresa James	Approved
Tina Dierschke	Approved
Julia Antilley	Final Approval

**AMENDMENT 1 TO THE SAN ANGELO COLISEUM NAMING RIGHTS AGREEMENT
BY AND AMONG THE CITY OF SAN ANGELO ("CITY"),
FOSTER COMMUNICATIONS CO., INC. ("SPONSOR"), AND
CITYWISE MARKETING, LLC ("COMPANY")**

RECITALS:

WHEREAS, the CITY, through its authorized agent COMPANY, entered into a Naming Rights Agreement ("Agreement") with SPONSOR, by which SPONSOR obtained the naming rights to the San Angelo Coliseum ("Coliseum"); and

WHEREAS, under the Agreement the Coliseum is formally known as the "Foster Communications Coliseum" for the term of the Agreement; and

WHEREAS, the initial Agreement term expires on June 30, 2021, unless extended pursuant to Section 16 of the Agreement; and

WHEREAS, per Section 16(a) of the Agreement the parties desire to extend the Agreement for an additional term; and

NOW, THEREFORE, the parties agree as follows:

PART 1: Pursuant to Section 16(a) of the Agreement the parties agree to extend the Agreement for an additional three (3) year term commencing on July 1, 2021, with one (1) option to further extend the Agreement for an additional two (2) years on the same terms. SPONSOR may exercise the option by delivering written notice to COMPANY thirty (30) days prior to expiration of the extended term.

PART 2: Consideration payable by SPONSOR under Section 3 of the Agreement shall remain at twenty thousand dollars (\$20,000) per year for the extended term.

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

IN WITNESS WHEREOF, the parties hereto have caused this AMENDMENT 1 to be executed by their respective duly authorized officials on this ____ day of _____, 2021

CITY OF SAN ANGELO

FOSTER COMMUNICATION CO., INC.

Daniel Valenzuela, City Manager

_____, President

ATTEST

CITYWISE MARKETING, LLC

Julia Antilley, City Clerk

Stephen McLaughlin, Managing Member

APPROVED AS TO CONTENT:

Carl White, Parks & Recreation Director

APPROVED AS TO FORM:

Brandon Dyson, Assistant City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: June 15, 2021

Item type: Consent Item

Caption:

Consider a resolution approving non-monetary in-kind support for the San Angelo Girls Fast-Pitch Association's hosting of the Texas All Stars Tournament, July 8-11, 2021 at the Texas Bank Sports Complex (Brent Casey)

Summary/History:

San Angelo Girls Fast-Pitch Association is hosting the West Texas All Stars fast pitch softball tournament July 8-11, 2021. They host this tournament every 3 or 4 years and are requesting in-kind support from the City for use of Texas Bank Sport Complex for the dates listed. The last time they requested use of the complex in 2016 for the same tournament, in-kind support was approved along with 90 hours of labor from City staff.

Financial Impact:

San Angelo Girls Fast-Pitch Association (SAGFA) claims an economic impact of \$1,548,288 for the four day event in 2016. SAGFA anticipates to match or exceed this number for 2021 tournament.

Other Information/Recommendation:

This tournament comes to San Angelo every four or five years, it is a great event for the City and we wish we could have it in San Angelo every year.

Attachments:

- | | |
|--|--|
| 1. All Stars city InKind Request | All Stars city InKind Request.docx |
| 2. Resolution approving in kind donation for softball tournament | Resolution approving in kind donation for softball tournament.docx |

Presentation:

Brent Casey

Approvals/Reviews:

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

April 7, 2021

To: Carl White
Director, Parks & Recreation
City of San Angelo

From: Randy Owen
President
San Angelo Girls Fast Pitch Association

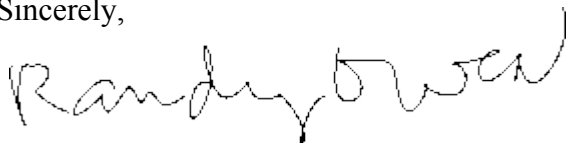
Dear Mr. White,

This year the San Angelo Girls Fast Pitch Association (SAGFA) will be hosting the West Texas All Stars Tournament (All Stars). We have the opportunity to host this prestigious event every four years as we rotate with Midland, Odessa, and Lubbock. This year we are proud to announce that USA District 11 will be joining us. District 11 encompasses Abilene and its surrounding leagues.

The last time we (SAGFA) hosted this tournament was in 2016. The estimated economic impact to the city alone at that time was \$1,548,288 for the four day event. We anticipate to match or exceed that impact again this year.

At this time we are asking for In-Kind Support to host the West Texas All Star Tournament July 8-11, 2021 at the Texas Bank Sports Complex. Since we no longer own our own fields this tournament is a financial burden on our organization. Although we will have a projected loss, SAGFA would like to continue our rotation for the tournament as it is a boost to our girls, parents, organization and our city. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Randy Owen". The signature is written in a cursive, flowing style.

Randall Owen
San Angelo Girls Fast Pitch Assoc.
RO/sc

A RESOLUTION BY THE CITY OF SAN ANGELO CITY COUNCIL APPROVING IN-KIND SUPPORT FOR THE WEST TEXAS ALL STAR TOURNAMENT AT THE TEXAS BANK SPORTS COMPLEX AND DECLARING A PUBLIC PURPOSE.

WHEREAS, The San Angelo Girls Fast Pitch Association (SAGFA) will be hosting the West Texas All Stars Tournament in San Angelo on July 8 through 11; and

WHEREAS, the last time San Angelo hosted the tournament, the estimated impact to the city alone was \$1,548,288; and

WHEREAS, in order to host the tournament, SAGFA requires in-kind support in the form of waiver of field rental fees from the City to ease the financial burden of hosting the tournament ; and

WHEREAS, the Texas Constitution requires that before a City can make a donation of funds or services to a private entity there must be a finding by City Council that such a donation constitutes a valid public purpose.

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

Part 1: That the City of San Angelo is authorized to provide an in-kind donation to the San Angelo Girls Fast Pitch Association for the purpose of hosting the West Texas All Stars Tournament in the form of waiver of field rental fees.

Part 2: That financial impact this tournament brings to the City constitutes a valid public purpose to justify the in-kind donation provided to this event.

Part 3: That SAFGA shall provide a report to the City Parks and Recreation department at the conclusion of the event documenting the success of the event.

PASSED and APPROVED THIS 15th day of June, 2021.

CITY OF SAN ANGELO, TEXAS

ATTEST:

Brenda Gunter, Mayor

Julia Antilley, City Clerk

APPROVED AS TO FORM

Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: June 15, 2021

Item type: Consent Item

Caption:

Consider a resolution approving non-monetary in-kind support for the Downtown San Angelo, Inc. "A Star Spangled Banner Concert" event for the Fourth of July, July 3, 2021 (Brent Casey)

Summary/History:

Downtown San Angelo, Inc. is requesting the waiving of fees related to the "A Star Spangled Banner" concert scheduled to be held at the River Stage on July 3, 2021 as well as waiving any costs associated with the concert such as Police traffic control and security. In essence, the group is asking for the City to co-sponsor the concert.

Downtown San Angelo, Inc. has submitted a special event application and street use permits for this parade.

Financial Impact:

The non-monetary value of this request is estimated at \$4,960.00 and is based on the following:

Permit fee: \$35.00

Barricade fees: \$675.00

San Angelo Police officer fees: \$1,500.00

City staff fees: \$2,000.00

River Stage rental fees: \$750.00

Refundable deposits would also normally be required and the value of those deposits is \$500.00

A Certificate of Insurance (COI) is still required and must be acquired before the concert. The COI is not a fee, rather it protects the City, Downtown San Angelo Inc., as well as participants and spectators. This is a hard cost and difficult to estimate. Downtown San Angelo must secure the COI for the concert at their expense.

Other Information/Recommendation:

Attachments:

- | | |
|--|---|
| 1. Letter of Request-Star Spangled Banner Concert-6.3.2021-.docx | Letter of Request-Star Spangled Banner Concert-6.3.2021-.docx.pdf |
| 2. Resolution DSA Star Spangled Banner Concert | Resolution DSA Star Spangled Banner Concert.docx |

Presentation:

Brent Casey

Approvals/Reviews:

Carl White

Brent Casey

Theresa James

Tina Dierschke

Julia Antilley

Created/Initiated

Approved

Approved

Approved

Final Approval

Downtown San Angelo, Inc
24 W. Concho Ave
San Angelo, TX 76903

June 3, 2021

Carl White
City of San Angelo Parks and Recreation
702 S. Chadbourne St
San Angelo, TX 76903

Dear Mr. White:

Downtown San Angelo, Inc. will be hosting a one-time concert in lieu of the cancelation of the traditional July Pops concert. We strongly believe our community needs to celebrate and recognize Independence Day.

The Star Spangled Banner Concert & Fireworks show will be held on Saturday, July 3rd at the Bill Aylor Memorial Riverstage. We are certain the community at large will be in attendance for this event. Gates will open at 6:00pm, with free admission to the public. Our event will include performances beginning at 6:30 p.m. with live musical entertainment from the San Angelo Community Band, Mariachi Alma Mexicana, West Texas Jazz Ensemble, and the renowned Air Force Band of the West from Lackland Air Force Base in San Antonio. There will food vendors at Neff's Park, and of course a fireworks show. Forever Mac, a Fleetwood Mac tribute band, will close out the end of the night.

We are asking the City of San Angelo to sponsor our event. After meeting with Civic Events Manager, we determined we will need financial assistance to help cover costs associated with staffing, monitoring, clean up, and administrative costs. Please see financials listed below:

Cost at River Stage:

- 10 Employees/staff to assist with monitoring facilities and clean up - \$2,000.00
- Moving Day cost - \$250.00
- SAPD Security \$35.00 an Hour - need 8 Officers at peak period 6pm – 11:30 p.m. and 2 officers from Noon – 6 :00 pm We are estimating cost of \$2,000.

- We are paying for Security Company to check handbags, pack packs etc. at the gates and have secured San Angelo REACT (volunteers) to provide additional crowd control responsibilities, monitor backstage access and areas where fireworks will be set-up.
- Cost at Neff's Park – estimating \$500.00 deposit – our plan is to have 8 – 12 food vendors/trucks on the slab which will charge \$150.00 each – no alcohol.
- Permits for closure of Oakes Street Bridge and Fireworks = \$675.00

Please let us know at your earliest convenience, of approval of your support.

Sincerely,



Del Velasquez

Executive Director

Downtown San Angelo Inc.

A RESOLUTION BY THE CITY OF SAN ANGELO CITY COUNCIL APPROVING FUNDING TO DOWNTOWN SAN ANGELO, INC. TO SUPPORT THE 2021 STAR SPANGLED BANNER CONCERT AND DECLARING A PUBLIC PURPOSE.

WHEREAS, The Fourth of July is a federal holiday that allows us all to celebrate the independence of our country and the freedoms we enjoy; and

WHEREAS, one of the ways San Angelo has historically celebrated our independence and freedoms is through a concert and fireworks display; and

WHEREAS, Downtown San Angelo, Inc. has requested that the City of San Angelo partner with them and waive permit fees, rental fees, barricade fees, and police officer fees for the concert; and

WHEREAS, the Texas Constitution requires that before a City can make a donation of fund to a private entity there must be a finding by City Council that such a donation constitutes a valid public purpose.

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

Part 1: That the City of San Angelo is authorized to provide in kind donations to Downtown San Angelo, Inc. for the purpose of hosting a Star Spangled Banner Concert in the form of waiver of permit fees, rental fees, barricade fees, and police officer fees.

Part 2: That public events honoring our country and recognizing our independence and freedoms is good for the morale of our community and constitutes a valid public purpose to justify the funding of this event.

Part 3: That Downtown San Angelo, Inc. shall provide a report to the City Operations department at the conclusion of the event documenting the success of the event.

PASSED and APPROVED THIS 15th day of June, 2021.

CITY OF SAN ANGELO, TEXAS

ATTEST:

Brenda Gunter, Mayor

Julia Antilley, City Clerk

APPROVED AS TO FORM

Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: June 15, 2021

Item type: Consent Item

Caption:

Consider a resolution authorizing a special event known as "Wake the Desert 2021" and approving variances to City ordinances at Middle Concho Park, July 16-18, 2021 (Brent Casey)

Summary/History:

The Wakeboard event has been held at Lake Nasworthy for many years. Family Powersports has submitted a special event application to host the event at Middle Concho Park at Lake Nasworthy, July 16-18, 2021.

To hold the event, Family Powersports is asking for some specific variances to be waived. These include ordinances related to: creating wake in "no wake" zones, pulling devices in "no wake" areas, leaving movable structures or special vehicles in the park, exclusive use of the park, and driving and parking on areas other than paved park roads or parking areas.

This event IS NOT asking for waiver of the noise ordinance.

The affected "no wake" areas during the event do not affect lake homeowner properties.

Financial Impact:

There is no fiscal impact regarding this item. All attendees entering Middle Concho Park for the event must pay the required entrance fee.

Other Information/Recommendation:

Attachments:

- | | |
|---|--|
| 1. SE application Wake the Desert 2021 | SE application Wake the Desert 2021.pdf |
| 2. Resolution_Wake the Desert | Resolution_Wake the Desert.docx |
| 3. Wake the Desert Variance Supplemental Exhibit A 2021 | Wake the Desert Variance Supplemental Exhibit A 2021.doc |

Presentation:

Brent Casey

Approvals/Reviews:

Carl White
Brent Casey

Created/Initiated
Approved

Theresa James
Julia Antilley

Approved
Final Approval

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

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

Event Information	
Event Name: <u>Wake The Desert</u>	
Event Date(s) and Hours: <u>July 16th - 18th</u>	Event Purpose & Description: <u>Wakeboard/Surf Tourney</u>
Event Location(s): <u>Middle Concho Park</u>	<u>Community event</u>
Attendance, Estimated Daily/Overall: <u>2500 /</u>	*Once approved, if you would like to make this event public on the City's website, please attach a flyer for your event.
Type of Event (Check one – see Special Events Policy for additional information)	
☐ Non-Profit Event ☐ For-Profit Event * for private events contact Parks & Rec. Admin. at 325-657-4279 for reservations ☐ City Operated/Sponsored Event ☐ City Co-Sponsored Event ☐ Political or Ballot Issue Event ☐ Parade, Block Party, Road Run/Walk/Etc – Specify: _____ ☒ Other (describe): <u>Tournament</u>	
Event Sponsor Information	
Legal Business Name: <u>Emily Powersports</u>	
Address: <u>4160 W. Houston Harte Expy</u>	
Mailing Address: <u>''</u>	
Telephone: <u>325 947 2453</u>	Email Address: <u>mcabnera@familypowersports.com</u>
Contact Name: <u>Marc Cabrera</u>	Title: <u>Marketing Director</u>
Contact Number: <u>4</u>	Email Address: <u>''</u>
Event Information (continued)	
Estimated date/time for set up: <u>July 14th</u>	Describe set up and clean up procedures: <u>Porta Potties, Banners, Trash cans & other Promo material</u>
Estimated date/time for clean up: <u>July 19th</u>	<u>Clean up: Throw trash, take down Everything we put up</u> *Sponsoring organization may be required to supply a dumpster and portable restrooms. <u>We will need Park Closure</u>
Will street closure and/or use be necessary? ☒ YES ☐ NO If yes, complete the street closure/use form. <u>If yes, show proposed road uses, emergency vehicle access, and barricade locations on your event map.</u> Note that the City of San Angelo does not have authority to close County and State roads.	
Describe crowd and parking control and security plans for this event: Sponsors of an event must have certified police officers present, if required. This requirement, as well as the number of officers needed, will depend on the type of event (including activities), number of anticipated attendees at the event, whether or not alcohol will be consumed at the event, as well as other factors.	

Event Information (continued)

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

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

Proposed time music will begin: 8am Proposed time music will end: 11pm

Describe noise control:

Noise will be kept at a decent volume for the entire event to hear.

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

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

Describe the general nature of signage used for the event:

Promotional + Advertising

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

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

☒ YES ☐ NO If yes, the vendor or provider of the inflatable, amusement ride, etc. will be required to provide proof of insurance naming the City of San Angelo as an additional insured on all policies, except workers' compensation, and providing a waiver of subrogation in favor of the City on all policies.

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

Inflatables (possibility)
Rock Wall (possibility)

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

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

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

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

Food trucks + Food stands

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

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

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

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

Left up to alcohol provider (City Concessionaire)
San Angelo Host

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

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

Item	Quantity	Item	Quantity
☒ Booths:	15	☒ Tables:	10
☒ Tents*:	15	☒ Macs:	8
☒ Awnings:	10	☐ Portable Toilets:	
☒ Canopies:	10	(may be required depending on event)	
		☐ other (describe):	

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

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

Event Information (continued)		
Application Check List (failure to provide necessary documentation will delay application review and approval)		
I have attached the following items: ☐ Completed Application ☐ Application Non-Refundable Permit Fee of \$35.00 ☐ Deposit (see policy) ☒ Certificate of Insurance (10 business days prior to first day of event) ☐ Street use and/or closure permit (if required) ☐ Detailed Event Map (showing road uses, signage, vending, tent, and activity locations, etc. Maps can be found on Google earth or www.cosatx.us, look under DEPARTMENTS & SERVICES > GEOGRAPHICAL INFORMATION SYSTEMS > Online mapping > Launch interactive online map) ☐ Temporary Health Permit (if required) If any document is missing, please explain: - need permit for UTV, ATV, Off road motorcycle use around park for transportation. - Requesting Park Closure. - Access to water goat at Park		
The applicant and sponsoring organization understands and agrees to: - provide a certificate of insurance with all coverage deemed necessary for the event, name the City of San Angelo as an additional insured on all applicable policies, and submit the certificate to the City Risk Management Office no later than 10 business days prior to the event (contact the Risk Management Office at 325-657-4359); - comply with all City and County ordinances and applicable state laws, comply with City policies, and acknowledge that the special events permit does not relieve the applicant or sponsoring organization from meeting any application requirements of law or other public bodies or agencies; and - promptly pay any billing for City services rendered or deemed necessary as part of the event and event approval. Applicant and sponsoring organization further understands the approval of this special event may include additional requirements and/or limitations based on the City's review of this application, in accordance with the City's Special Events Policy. The applicant and sponsoring organization understand that it may be necessary to meet with City staff during the review of this application and that City Council approval may be necessary. The applicant agrees the sponsoring organization will operate the event in conformance with the written approval. Sponsors of events, in which food and/or beverage vendors will be present, must contact the City of San Angelo Health Department 90 days prior to the event date. Contact the City of San Angelo Health Department at 325-657-4493. As the duly authorized agent of the sponsoring organization, I hereby apply for approval of the Special Event and affirm the above understandings. The information provided on this application is true and complete to the best of my knowledge.		
Applicant Signature: 		Date: 5/26/21
Complete and return this application to the City of San Angelo Parks and Recreation Department Office at 702 South Chadbourne St. at least 30 days prior to the event for events not requesting City Support or at least 90 days prior for events requesting City Support. Contact the Parks & Recreation Department at 657-4279/4450 if you have any questions about this application, this policy, or your event.		
Final Approval:	Date:	Application 6/3/21 Receipt Date & Time: 3:20 PM.



GREEN: FAMILY POWERSPORTS	GRAY: MAIN TENT
YELLOW: CUSTOMER BOAT DEMO LOADING DOCK	BLUE: SPECTATORS
BLUE: GAMES	ORANGE: WAKEDOG/SURF RUNS
RED: VENDERS/SPONSORS	
BLACK: FOOD TRUCKS	
PINK: MUSIC	

A RESOLUTION OF THE CITY OF SAN ANGELO AUTHORIZING APPLICANT, FAMILY POWERSPORTS, TO HOLD A SPECIAL EVENT KNOWN AS “WAKE THE DESERT 2021” AND GRANTING VARIANCES FROM CITY ORDINANCES.

WHEREAS, the City Council for the City of San Angelo has approved a Special Event Application process through which individuals or groups may seek authorization to hold special events on public property; and,

WHEREAS, Chapter 9, Section 9.01.051 of the Code of Ordinances for the City of San Angelo provides that the City Council may authorize temporary variances from the prohibitions and requirements of City ordinances for such events; and,

WHEREAS, Family Powersports has requested for “Wake the Desert 2021” to take place at Middle Concho Park; and,

WHEREAS, the City Council has taken into account the proximity of the event to residential areas; the probability of the event causing undue disturbance to users of the city property; the ability of the organizers to ensure the safety of participants and observers; and the effect on public safety of the granting of variances for the event.

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

Part 1: Family Powersports (hereinafter Applicant), is hereby authorized to hold a special event in Middle Concho Park, known as “WAKE THE DESERT 2021”. The event will take place from 8:00 AM Friday, July 16, 2021 through 10:00 PM Sunday, July 18, 2021. Set up will begin 8:00 AM Tuesday, July 13, 2021 and cleanup will be complete 5:00 PM Monday, July 19, 2021.

Part 2: The event may include those activities as described on that certain “City of San Angelo-Special Event Application” and attachments thereto (hereinafter collectively referred to as “Application”) submitted by Applicant, a copy of which is attached to this Resolution as **Exhibit A**, and made a part hereof for all purposes.

Part 3: The variance referred to in the Application relating to Section 9.01.032(b)(3) operating any boat or watercraft in such a manner to create a wake in areas designated with signs or buoys as “No Wake” areas and pulling devices in areas designated “No Wake” or “No Skiing” Areas of the City Code of Ordinances, is hereby granted from 12:00 PM Friday, July 13, 2021 through 10:00 PM July 18, 2021.

Part 4: A variance related to Section 9.01.016 (leaving movable structures or special vehicles in the park) for the event is hereby granted from 8:00 AM Tuesday, July 13, 2021 through 5:00 PM July 19, 2021.

Part 5: A variance related to Section 9.01.008 (setting a priority on use of fireplaces, picnic tables and benches other than first come first serve) for the event is hereby granted from 8:00 AM Tuesday, July 13, 2021 through 5:00 PM July 19, 2021.

Part 7: A variance related to tent permit fees for the event is hereby granted from 8:00 AM Tuesday, July 13, 2021 through 5:00 PM July 19, 2021.

PASSED and APPROVED THIS _____ DAY OF _____, 2021.

ATTEST:

CITY OF SAN ANGELO, TEXAS

Julia Antilley, City Clerk

Brenda Gunter, Mayor

APPROVED AS TO FORM

Theresa James, City Attorney

EXHIBIT A
SUPPLEMENT TO SPECIAL EVENTS PERMIT
Family Powersports Wake the Desert Event
July 16, July 17 and July 18, 2021

Permit Holder: Family Powersports

Contact Person: Name Phone
 Marc Cabrera (325) 947-2453

Location of Event: Middle Concho Park (hereinafter "Area")
Middle Concho Dr.
San Angelo, TX 76904

Name of Event: Wake the Desert 2021 (hereinafter "Event")

Date of Event: July 16 – July 18, 2021
Set up: July 13, 2021
Clean up: July 19, 2021

Anticipated
Attendance: 2,500

Hours of July 13, 2021 (setup)
Operation: 8:00 a.m. through 10:00 p.m., July 16 – July 18, 2021

This supplement to the special event permit is issued to the Family Power Sports by the City of San Angelo (hereinafter "City") subject to the conditions and requirements set forth below.

Permitted Activities

1. Family Powersports may conduct wakeboard events during the dates set out above.
2. Family Powersports may operate all-terrain vehicles and golf carts in the Area during the event.
3. Family Powersports may set up tents and signs and allow vendors in the Area subject to any regulations set out in this Permit.

4. Event participants may park on the grass at Middle Concho Park during the date set out above.
5. Family Powersports may have exclusive use of the easternmost boat ramp at Middle Concho Park during the event.

Requirements for Permit Holder ("Family Powersports")

1. Sanitation.
 - a. Event must set up at least ten (10) portable restrooms.
 - b. Event must clean up Area at the conclusion of event.
2. Insurance and Indemnification.
 - a. Event must provide insurance as required by the City of San Angelo's Risk Management office and must provide proof of such insurance before set up.
3. Vendors.
 - a. Vendors must obtain all necessary health permits and must have appropriate liability insurance and an active Sales and Use Tax Permit.

The City Manager or his designee shall have authority to require Family Powersports to comply with the above-listed requirements and to correct any deficiencies. In case of a threat to the public health or safety, the City Manager or his designee may suspend operations of the Event until deficiencies are corrected.

Variances: See Attachment 1 to this Exhibit.

Authority of City to Regulate Event

The City Manager or his designee shall have the authority to interpret this Permit and/or adopt new rules during the Event to ensure public health and safety and proper use of all public rights-of-way.

EVENT SPONSOR

Carl White
Parks & Recreation Director

**Attachment 1 to Exhibit A
TO THE FAMILY POWERSPORTS WAKE THE DESERT EVENT 2020**

Exhibit 1 to Event Resolution

Variances

- 1) Notwithstanding City ordinances to the contrary, event Sponsor may conduct their event activities, including skiing, wakeboarding and wakesurfing in the designated event area, including “no wake” zones.
- 2) Notwithstanding City ordinances to the contrary, event Sponsor may operate all-terrain vehicles and golf carts in the designated event area.
- 2) Notwithstanding City ordinances to the contrary, event Sponsor shall not be required to pay fees for permits for tents and signs in the designated event area.
- 3) Notwithstanding City ordinances to the contrary, event participants may park on designated areas on the grass in the designated event area.
- 4) Notwithstanding City ordinances to the contrary, flags, banners, and information signs shall be allowed for the Event in the designated event area. Placement shall be coordinated with and approved by the City Manager or his designee.

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: June 15, 2021

Item type: Consent Item

Caption:

Consider approving an amendment to the Diversion Facilitation Agreement with Bentwood Country Club L.L.C., and authorizing the City Manager to negotiate and execute all related documents (Allison Strube)

Summary/History:

City Council took action on June 4, 2019 to negotiate and execute a Diversion Facilitation Agreement with Bentwood Country Club, L.L.C. (BCC). The executed agreement is attached to this agenda item and was executed on July 31, 2019. The agreement entailed the following items:

1. BCC owns a portion of Certificate of Adjudication No. 14-1313 that gives BCC the right to divert a maximum of three hundred twenty (320) acre-feet per year for agricultural irrigation using a diversion point located on the South Concho River upstream of Twin Buttes Reservoir.
2. BCC owns diversion facilities located off Beaty Road and Lake Nasworthy.
3. Section 3.4 of the agreement allows for diversions at their existing facility for one year "so long as BCC maintains a diligent effort to, and does, apply for and receive all authorizations from the TCEQ necessary to authorize diversions."
4. Section 3.4 becomes null and void on the first anniversary of the effective date (July 31, 2020).
5. BCC does pay an annual operation and maintenance fee of \$20,000 to the City for the operation associated with the reservoirs.
6. BCC is not allowed to divert under this agreement when the elevation of water in storage in the South Pool of Twin Buttes Reservoir is below 1925 feet above mean sea level.

BCC's water right amendment application was submitted on December 10, 2019 and became Administrative Complete on June 12, 2020.

Due to the coronavirus and remote working environment, the TCEQ application process has taken longer than anticipated. City Council authorized an amendment was executed on July 24, 2020, which allowed for a six month extension. The first three months (expiring October 31, 2020) were for the same stipulations as the original agreement. The second three months (November 1, 2020 - January 31, 2021) stipulated that BCC must pay an amount equal to 50 percent of the fixed and volumetric charges for raw water diverted.

BCC is still experiencing delays with TCEQ on their water right amendment process. They are requesting an extension to the 50 percent raw water rates clauses through October 31, 2021.

Financial Impact:

If the amendment is approved, BCC would be charged 50 percent of the City's Fixed Charge for each meter and 50 percent of the City's retail raw water rate for each 1,000 gallons from Lake Nasworthy. The term for these rates would

expire on October 31, 2021.

Other Information/Recommendation:

BCC purchases water from an independent source. City Council approved the roadway crossing of three city streets at the June 1, 2021 meeting. Staff's understanding is that the expansion of their raw water piping system will allow them to use primarily the independent source and only withdrawal from Lake Nasworthy as a last option.

Attachments:

- | | | |
|----|---|---|
| 1. | 19-0001_WU_Bentwood CC-COSA facilitation agreement - BCC (002).docx | 19-0001_WU_Bentwood CC-COSA facilitation agreement - BCC (002).docx.pdf |
| 2. | 20200708 DIVERSION FACILITATION AGREEMENT amendment No. 1.docx | 20200708 DIVERSION FACILITATION AGREEMENT amendment No. 1.docx.pdf |

Presentation:

Approvals/Reviews:

Allison Strube	Created/Initiated
Shane Kelton	Approved
Theresa James	Approved
Tina Dierschke	Approved
Theresa James	Approved
Julia Antilley	Final Approval

DIVERSION FACILITATION AGREEMENT

between

THE CITY OF SAN ANGELO, TEXAS

and

BENTWOOD C.C., L.L.C.

This agreement is entered into this 31st day of July, 2019, to be effective on August 1, 2019 (the “**Effective Date**”), by and between The City of San Angelo (“**City**”), a Texas home-rule municipality, and Bentwood C.C., L.L.C. (“**BCC**”), a domestic limited liability company with a principal place of business at 2111 Club House Lane, San Angelo, Texas 76904 (each a “**Party**” and collectively the “**Parties**”).

RECITALS

1. BCC owns a portion of Certificate of Adjudication No. 14-1313 that gives BCC the right to divert a maximum of three hundred twenty (320) acre-feet per year for agricultural irrigation using a diversion point located on the South Concho River upstream of Twin Buttes Reservoir (“**BCC Water Right**”).

2. BCC owns diversion facilities near 2111 Club House Lane in San Angelo that allow BCC to divert water from a point on the perimeter of Lake Nasworthy located more or less at 31°23’38.9”N, 100°28’49.6”W (the “**Diversion Point**”).

3. BCC would not have access to flows in the South Concho River at the Diversion Point if not for inundation of water in Lake Nasworthy made possible by the construction, operation, and maintenance of Nasworthy Dam.

4. The South Concho River flows into Twin Buttes Reservoir. Twin Buttes Reservoir regulates the flow of water into Lake Nasworthy.

5. City owns Twin Buttes Reservoir and Lake Nasworthy (the “**Reservoirs**”).

6. BCC requested to enter into an agreement with City that would allow water charged to the BCC Water Right to be diverted at the Diversion Point.

7. BCC agrees to compensate City for certain costs attributable to BCC’s use of the Reservoirs in the manner contemplated in this Agreement.

8. City agrees to enter into this Agreement for the limited, singular purpose of facilitating BCC’s diversions of water authorized by the BCC Water Right at the Diversion Point.

9. BCC has the legal ability to be bound by this Agreement, and its signatory representative below is fully authorized to enter into this Agreement with City and to bind BCC to the following terms.

Each of the recitals above are true and correct and form a material part of the consideration of this Agreement. Based on these recitals, and on the commitments specified below, City and BCC agree as follows:

SECTION 1

Authorization to Divert Pursuant to the BCC Water Right

1.1 Reservoir Ownership. The City of San Angelo is the sole owner of Certificate of Adjudication No. 14-1318, as amended, and Certificate of Adjudication No. 14-1319, as amended (the “**Reservoir Permits**”). The Reservoir Permits authorize, among other things, the operation and maintenance of Twin Buttes Reservoir and Lake Nasworthy, respectively.

- (a) This Agreement is undertaken pursuant to City’s authority to maintain and operate its water supply system, including the Reservoirs. Nothing in this Agreement gives BCC any legal right to or interest in the Reservoir Permits, the Reservoirs, or storage capacity in either of the Reservoirs.
- (b) This Agreement is subordinate to the Reservoir Permits. To the extent any provision of this Agreement conflicts with any term or condition of either of the Reservoir Permits, the terms and conditions of the Reservoir Permits control.
- (c) This Agreement does not grant BCC any right, privilege, or authorization to divert any water stored in either of the Reservoirs pursuant to the Reservoir Permits or any other water right owned by City. BCC may not use either of the Reservoirs to store water authorized to be diverted by the BCC Water Right.

1.2 BCC Authorization. BCC may use the Reservoirs to facilitate diversion of water authorized by the BCC Water Right at the Diversion Point, subject to the conditions and obligations of this Agreement, except that BCC is not authorized to divert any water pursuant to this Agreement at any time that the elevation of water in storage in the South Pool of Twin Buttes Reservoir is below one thousand nine hundred twenty-five (1,925) feet above mean sea level.

1.3 Operation of the Reservoirs. City in all cases maintains the right, at its sole discretion, to control and use all storage in the Reservoirs without any interference of or objection by BCC, even if any such control and use interferes with BCC’s physical or regulatory ability to divert water pursuant to the BCC Water Right. The Parties agree that City may and will act without restriction or limitation by any terms of this Agreement to take such measures that City, in its sole discretion, determines to be necessary in its operation of either of the Reservoirs to preserve public property, health, safety, or welfare, including the right to inspect, maintain, or repair any part of the Reservoirs at any time, and to manage lake levels and water quality in either of the Reservoirs under any conditions at any time.

SECTION 2

Fees

2.1 O&M Fee. BCC agrees to pay City an annual share of operation and maintenance costs equal to Twenty thousand and No/100 Dollars (\$20,000.00) (the “**Annual O&M Fee**”).

2.2 The Annual O&M Fee is due and owing to City on the Effective Date of this Agreement and each anniversary of the Effective Date thereafter for the life of the Agreement.

2.3 Notwithstanding anything else in this Agreement to the contrary, the Annual O&M Fee shall be escalated on the fifth (5th) anniversary of the Effective Date of this Agreement and on the same date of each fifth (5th) year thereafter for the life of the Agreement. The escalation shall be an amount equal to the Annual O&M Fee multiplied by the percent increase of the **CPI-U / U.S. City Average** from the time of the Effective Date, or from the time of the previous five-year adjustment, whichever interval is the most recent in time.

SECTION 3

Regulation and Facilitation of Diversions

3.1 The regulation of the BCC Water Right and BCC’s diversions from the Diversion Point are the sole responsibility of BCC. BCC must secure all necessary authorizations under federal, state, or local law before diverting pursuant to the BCC Water Right at the Diversion Point.

- (a) BCC alone shall be responsible for maintaining compliance with all applicable federal, state, and local laws at all times.
- (b) BCC alone shall be responsible for satisfying all reporting obligations to, and for securing all necessary authorizations from, the Concho River Watermaster, including providing the Concho River Watermaster with any necessary notice of this Agreement.

3.2 City will not become a Party to any proceeding involving the BCC Water Right except where City, in its sole discretion, determines that such proceeding may implicate the terms, conditions, and spirit of this Agreement or present any potential obstacles to City’s ability to preserve public property, health, safety, or welfare.

3.3 City is not responsible to BCC for diversions by others, or any liabilities or obligations associated with any diversions made pursuant to the BCC Water Right. BCC waives all liability of City, and will defend and hold City harmless, for claims of adverse impact to any appropriator attributable to any right or obligation created by this Agreement, including claims that any activity authorized by this Agreement:

- (a) creates the possibility of depriving any appropriator of the equivalent quantity or quality of water that was available with the full, legal exercise of any water right at any time;
- (b) increases any appropriator’s legal obligation to a senior water right holder; or

- (c) otherwise substantially affects the continuation of stream conditions as they would exist with the full, legal exercise of the existing water right at the time the appropriator's water right was granted.

3.4 Notwithstanding anything in Section 1.2 to the contrary, BCC may make diversions from the Diversion Point under this Agreement for a period of not to exceed one (1) year from the Effective Date if BCC satisfies all other terms of this Agreement and so long as BCC maintains a diligent effort to, and does, apply for and receive all authorizations from the Texas Commission on Environmental Quality necessary to authorize diversions at the Diversion Point under the BCC Water Right. This paragraph 3.4 becomes null and void on the first anniversary of the Effective Date.

SECTION 4 General Terms and Conditions

4.1 Measurements of Diversions. BCC shall measure all diversions made at the Diversion Point using a properly calibrated totalizing volumetric flow meter that satisfies all applicable federal, state, and local laws. BCC shall furnish, within fifteen (15) days of receipt of a written request by City, information regarding diversions made at the Diversion Point during any specified period of time. City is authorized to inspect the diversion facilities at the Diversion Point, including measurement devices, at a time mutually convenient to each Party upon BCC's receipt of City's written request.

4.2 Water Quality and Availability. BCC recognizes that this Agreement only facilitates BCC's ability to divert at the Diversion Point pursuant to the BCC Water Right. This Agreement does not create any obligation on the part of City to make any water available to BCC from any source, at any time, under any circumstances. This Agreement does not obligate City to ensure that water is available at the Diversion Point at a quality or quantity that is fit for any particular purpose.

4.3 Disclaimer and Waiver of All Warranties. City does not guarantee any specific condition of the Reservoirs at any time for any purpose that facilitates any particular use, including for the purpose of providing or maintaining lake levels in such a manner that creates or maintains hydrologic connection of the South Concho River to the Diversion Point. This Agreement comes with no warranty of water availability or fitness of the quality of water available for diversion at the Diversion Point for any particular purpose or use by BCC at any time. City disclaims any and all express warranties otherwise existing. City disclaims all implied warranties.

4.4 Assignment. BCC may not assign this Agreement or any of BCC's interests in this Agreement without the prior written consent approved by and at the sole discretion of the San Angelo City Council.

4.5 Term. This Agreement expires on the fifteenth (15th) anniversary of the Effective Date.

4.6 Limitation of Intent of Agreement. The Parties acknowledge that this Agreement is intended to serve the limited purpose of removing certain restrictions on BCC's ability to divert under the BCC Water Right from the Diversion Point. This Agreement does not create any obligation by City to provide BCC with any services associated with the rights and obligations created by this Agreement, including but not limited to the maintenance or operation of Twin Buttes Reservoir.

4.7 Indemnification of City. BCC TAKES ALL PORTIONS OF THE RESERVOIRS, INCLUDING ALL SEGMENTS OF THE SOUTH CONCHO RIVER SYSTEM, AS-IS AND WHERE-IS. BCC SHALL INDEMNIFY, DEFEND, AND HOLD HARMLESS CITY AND ITS OFFICIALS, EMPLOYEES, AGENTS, REPRESENTATIVES, SUCCESSORS, AND ASSIGNS FROM AND AGAINST ANY AND ALL LIABILITY, LIENS, CLAIMS, DEMANDS, DAMAGES, LOSSES, EXPENSES, FEES (INCLUDING, WITHOUT LIMITATION, ATTORNEYS' FEES), COSTS, FINES, PENALTIES, SUITS, PROCEEDINGS, ACTIONS, AND CAUSES OF ACTION OF ANY AND EVERY KIND AND NATURE ARISING OR GROWING OUT OF OR IN ANY WAY CONNECTED WITH THE EXERCISE OF THE AUTHORIZATIONS IN THIS AGREEMENT BY BCC, ITS MEMBERS, AGENTS, EMPLOYEES, CONCESSIONAIRES, CONTRACTORS, ASSIGNEES, REPRESENTATIVES, SUBLESSEES, CUSTOMERS, OR INVITEES. BCC'S INDEMNITY OBLIGATIONS UNDER THIS SECTION AND ELSEWHERE IN THIS AGREEMENT SHALL SURVIVE THE TERMINATION OR EXPIRATION OF THIS AGREEMENT.

4.8 Attorney's Fees. If either Party brings any action or proceeding to enforce, protect, or establish any right or remedy arising under this Agreement, the prevailing Party shall be entitled to recover reasonable attorney's fees and costs from the other.

4.9 Severability. If any part of this Agreement shall be held unenforceable for any reason, the remainder of this Agreement shall continue in full force and effect.

4.10 Amendments and Term Extensions. None of the terms and provisions of this Agreement may be waived, altered, modified, or amended except by a written agreement signed by an authorized representative of each Party.

4.11 Entire Agreement. This Agreement constitutes the entire understanding and agreement between the Parties with respect to the subject matter, and it supersedes all prior or contemporaneous agreements or proposals, whether written or oral.

4.12 Notices. All notices from one Party to the other must be in writing and are effective when mailed to, hand-delivered at, or emailed as follows:

To City:

City of San Angelo
Attn: City Manager
72 West College Avenue
San Angelo, Texas 76903
(325) 657-4241
Email: daniel.valenzuela@cosatx.us

To BCC:

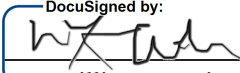
Bentwood C.C., L.L.C.
Attn: William Kevin Collins, Manager
2111 Club House Lane
San Angelo, Texas 76904
(325) 944-0520
Email: bentwoodtennis@cs.com

4.13 Counterparts. This Agreement may be executed in any number of separate counterparts by the Parties, and each such counterpart shall be deemed an original instrument, but such counterparts together shall constitute one agreement for all purposes.

IN WITNESS WHEREOF, City and BCC have executed this Agreement to be effective on the Effective Date.

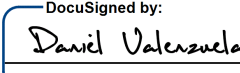
“BCC”

**Bentwood C.C., L.L.C., a domestic
limited liability company**

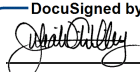
By: _____
William Kevin Collins, Manager

“CITY”

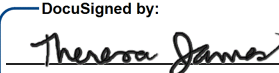
**City of San Angelo, a Texas Home Rule
Municipality**

By: _____
Daniel Valenzuela, City Manager

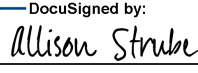
Attest:

_____
Julia Pineda, City Clerk

Approved as to Form:

_____
Theresa James, City Attorney

Approved as to Content:

_____
Allison Strube, Water Utilities Director

DIVERSION FACILITATION AGREEMENT

between

THE CITY OF SAN ANGELO, TEXAS

and

BENTWOOD C.C., L.L.C.

AMENDMENT NO. 1

7/24/2020 | 2:56 PM CDT

This amendment is entered into this _____ day of July, 2020, by and between The City of San Angelo (the “**City**”), a Texas home-rule municipality, and Bentwood C.C., L.L.C., a domestic limited liability company with a principal place of business at 2111 Club House Lane, San Angelo, Texas 76904 (“**BCC**”) (each a “**Party**” and collectively the “**Parties**”).

RECITALS

1. On July 31, 2019, the Parties entered into the Diversion Facilitation Agreement (the “**Agreement**”) that, subject to its terms and conditions, allows water charged to Certificate of Adjudication No. 14-1313 to be diverted from a point on the perimeter of Lake Nasworthy located near 2111 Club House Lane in San Angelo.
2. The Agreement provides that none of its provisions may be amended except by a written amendment signed by an authorized representative of each Party.
3. The Parties intend to amend the Agreement only as specifically and expressly provided below.
4. BCC has the legal ability to be bound by this agreement, and its signatory representative below is fully authorized to enter into this agreement with the City and to bind BCC to the terms set forth below.

Each of the recitals above are true and correct and form a material part of the consideration of this amendment. Based on these recitals, and on the commitments specified below, the City and BCC agree as follows:

AMENDMENT OF THE AGREEMENT

- A. Section 3.4 of the Agreement is amended to read as follows:

“3.4 Notwithstanding anything in Section 1.2 to the contrary, BCC may make diversions from the Diversion Point under this Agreement until February 1, 2021 if BCC satisfies all other terms of this Agreement and so long as BCC maintains a diligent effort to, and does, apply for and receive all authorizations from the Texas Commission on Environmental Quality necessary to authorize diversions at the Diversion Point under the BCC Water Right.

- (a) Beginning November 1, 2020 and continuing until the termination of this paragraph pursuant to subsection (b), BCC will pay to the City on a monthly basis:
- (1) an amount equal to 50 percent of the City's Fixed Charge for each volumetric flow meter installed at the Diversion Point, based on each meter's size and based on the location of each meter being inside the City; and
 - (2) an amount equal to 50 percent of the City's retail raw water rate for each 1,000 gallons of water BCC diverts from Lake Nasworthy.
- (b) This paragraph 3.4 terminates, and becomes null and void, at the earlier of:
- (1) February 1, 2021; or
 - (2) the date BCC receives final approval from the Texas Commission on Environmental Quality to make diversions under the BBC Water Right at the Diversion Point."

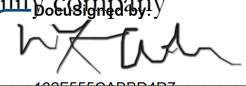
B. This amendment does not alter any provision of the Agreement except as expressly provided for herein. To the extent any provision of this amendment conflicts with any term or condition of the Agreement, the terms and conditions of the Agreement control.

C. This amendment may be executed in any number of separate counterparts by the Parties, and each such counterpart shall be deemed an original instrument, but such counterparts together shall constitute one agreement for all purposes.

IN WITNESS WHEREOF, City and BCC have executed this amendment to be effective on July 31, 2020.

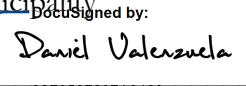
"BCC"

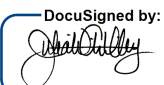
Bentwood C.C., L.L.C., a domestic limited liability company

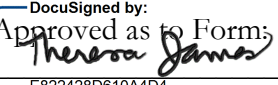
DocuSigned by:

By: 132F555CABBD4D7...
William Kevin Collins, Manager

"City"

City of San Angelo, a Texas Home Rule Municipality

DocuSigned by:

By: 32F9587237A9429...
Daniel Valenzuela, City Manager

DocuSigned by:

Attest: 4C3EC4F6CC8044A...
Julia Antilley, City Clerk

DocuSigned by:

Approved as to Form:
E822428D810A4D4...
Theresa James, City Attorney

DocuSigned by:

Approved as to Content:
0D4073D8F27C4CF...
Allison Strube, Water Utilities Director

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: June 15, 2021

Item type: Consent Item

Caption:

Consider ratifying up to \$35,000 for emergency repairs to the Business Resource Center resulting from plumbing and sewage issues and authorizing the Board President to negotiate and execute all related documents (Guy Andrews)

Summary/History:

In April 2021, the Business Resource Center (located at 69 N. Chadbourne Street) sustained damage from a faulty plumbing fixture. In May 2021, the Business Resource Center sustained damage from a sewer issue. The Business Resource Center is owned and operated by the City of San Angelo Development Corporation, which maintains insurance separate from the City's risk pool. Therefore, COSADC staff filed claims through their insurance provider (Liberty Mutual) for both incidents.

Though insurance proceeds are pending, action is necessary to restore the building to normal operations and prevent disruption to tenants (including the Angelo State University Small Business Development Center and the Business Incubator Clients). Thus, the COSADC Board of Directors authorized up to \$35,000.00 in emergency funding for emergency repairs related to the above incidents. Any insurance proceeds received from Liberty Mutual will offset this \$35,000.00 allocation.

Financial Impact:

The \$35,000 will draw from future projects (Fund 700). Any insurance proceeds will offset the initial \$35,000 allocation.

Other Information/Recommendation:

Staff recommends ratification of the \$35,000 allocation for emergency repairs to the Business Resource Center resulting from plumbing and sewage issues and authorization for the COSADC Board President (or their designee) to negotiate and execute all related documents.

Attachments:

Presentation:

Guy Andrews

Approvals/Reviews:

Nora Nevarez
Guy Andrews
Theresa James
Tina Dierschke
Brandon Dyson

Created/Initiated
Approved
Approved
Approved
Approved

Theresa James
Julia Antilley

Approved
Final Approval

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: June 15, 2021

Item type: Regular Item

Caption:

Consider adopting a Customer Service Agreement as a supplement to the existing Residential Service Application and Commercial Service Application for water, sewer, and trash service (Presentation made by Assistant Director of Water Utilities Andy Vecellio)

Summary/History:

The current customer service applications do not contain a Customer Service Agreement, which is recommended by TCEQ and utilized by other water utilities for an effective cross-connection control program. The Customer Service Agreement stipulates the conditions of water service and provides the City with TCEQ recommended documentation to enhance, manage, and enforce the cross-connection control program.

An effective cross-connection control program will help protect the water system and the health of our customers through protection of potential contamination sources and testing for lead based materials. City staff have been attending training and completing customer service inspections (CSI) to enhance the cross-connection control program. Additionally, staff have engaged the development community by presenting at the Development Task Force meeting on May 19.

Financial Impact:

There is no fiscal impact associated with this item.

Other Information/Recommendation:

Staff recommends approval of the Customer Service Agreement. Staff will implement the Customer Service Agreement into existing customer service applications.

Staff is currently working on an ordinance to further enhance the cross-connection control program and will continue to engage the development community through presentations at Development Task Force meetings.

Attachments:

- | | | |
|----|--|--|
| 1. | Customer Service Agreement (San Angelo) | Customer Service Agreement (San Angelo).pdf |
| 2. | 2021 June 15 CC Customer Service Agreement 6.a | 2021 June 15 CC Customer Service Agreement 6.a.pdf |

Presentation:

Andy Vecellio

Approvals/Reviews:

Andy Vecellio
Allison Strube

Created/Initiated
Approved

Shane Kelton
Theresa James
Tina Dierschke
Julia Antilley

Approved
Approved
Approved
Final Approval



The City Of
San Angelo, Texas
Water Utilities Department
301 W Beauregard Avenue, San Angelo, TX 76903

Customer Service Agreement

- I. **PURPOSE.** The City of San Angelo is responsible for protecting the drinking water supply from contamination or pollution, which could result from improper system construction or configuration on the retail connection owner's side of the meter. The purpose of this service agreement is to inform each customer of the restrictions, which are in place to provide this protection. The public water system enforces these restrictions to ensure the public health and welfare. Once the City of San Angelo begins service to the customer, this signifies that the customer agrees with the terms herein. In addition, when service to an existing retail connection has been suspended or terminated, the water system will make this agreement available to the customer and the re-establishment of service will signify that the customer agrees with the terms herein.
- II. **RESTRICTIONS.** The following unacceptable practices are prohibited by State regulations:
 - A. No direct connection between the public drinking water supply and a potential source of contamination is permitted. Potential sources of contamination shall be isolated from the public water system by an air-gap or an appropriate backflow prevention device.
 - B. No cross-connection between the public drinking water supply and a private water system is permitted. These potential threats to the public drinking water supply shall be eliminated at the service connection by the installation of an air-gap or a reduced pressure-zone backflow prevention device.
 - C. No connection, which allows water to be returned to the public drinking water supply, is permitted.
 - D. No pipe or pipefitting, which contains more than 0.25% lead, may be used for the installation or repair of plumbing at any connection, which provides water for human use.
 - E. No solder or flux, which contains more than 0.2% lead, can be used for the installation or repair of plumbing at any connection, which provides water for human use.
- III. **SERVICE AGREEMENT.** The following are the terms of the service agreement between the City of San Angelo (the Water System) and Customer.
 - A. The Water System will maintain a copy of this agreement as long as the Customer and/or the premises is connected to the Water System.
 - B. The Customer shall allow their property to be inspected for possible cross-connections and other potential contamination hazards periodically as deemed necessary by the Water System. These inspections shall be conducted by the Water System or its designated agent prior to initiating new water service; when there is reason to believe that cross-connections or other potential contamination hazards exist; or after any major changes to the private water distribution facilities. The inspection shall be conducted during the Water System's normal business hours.
 - C. The Water System shall notify the Customer in writing of any cross-connection or other potential contamination hazard, which has been identified during the initial inspection or the periodic re-inspection.
 - D. The Customer shall immediately remove or adequately isolate any potential cross-connections or other potential contamination hazards on the premises.
 - E. The Customer shall, at his expense, properly install, test, and maintain any backflow prevention device required by the Water System. Copies of all testing and maintenance records shall be provided to the Water System.
 - F. The water department shall have access at all reasonable hours to all premises supplied with water for the purpose of seeing water and wastewater usage are being observed, and refusal by any consumer shall result in refusal of water supply from the city water system until such permission is granted.

IV. RESPONSIBILITY.

- A. The applicant for utility service must provide the required personal identifying information, either in person, over the phone or on-line when opening, handling, transferring or closing a utility account. This information is subject to verification by the City and any use of false information shall be grounds for denial, suspension and or termination of service. Inasmuch as the customer is responsible for all water going through the meter, the customer must either close the account or authorize another person to handle the utility service on their behalf.
 - B. All property owners, their agents, and tenants shall be held responsible as consumers for loss of water, due to leakage in pipe or plumbing inside the discharge side of the meter or on the property, and if this water is not paid for according to the rates then in effect, when it becomes due, the water shall be cut off and not turned on again until all claims are paid or adjusted. In the event any change in tenant or consumers, in rented property, the landlord and property owner shall be held to account for payment for this leakage before service will be extended and water furnished to the second tenant.
- V. ENFORCEMENT. If the Customer fails to comply with the terms of the Service Agreement, the Water System shall, at its option, either terminate service or properly install, test, and maintain an appropriate backflow prevention device at the service connection. Any expenses associated with the enforcement of this agreement shall be billed to the Customer.

Customer's Signature: _____

Date: _____



City Council

June 15, 2021

Customer Service Agreement

Andy Vecellio, Assistant Director of Water Utilities

TCEQ Rules Requirements (30 TAC, Ch. 290)

- Adopt a plumbing ordinance, regulations, and/or service agreements
- Require a customer-service inspection (CSI)
- Require backflow protection using appropriate backflow prevention assemblies
- Require those assemblies to be tested to ensure that they are working correctly

Purpose of Customer Service Agreement



The City Of
San Angelo, Texas
Water Utilities Department
301 W Beauregard Avenue, San Angelo, TX 76903

Customer Service Agreement

- I. **PURPOSE.** The City of San Angelo is responsible for protecting the drinking water supply from contamination or pollution, which could result from improper system construction or configuration on the retail connection owner's side of the meter. The purpose of this service agreement is to inform each customer of the restrictions, which are in place to provide this protection. The public water system enforces these restrictions to ensure the public health and welfare. Once the City of San Angelo begins service to the customer, this signifies that the customer agrees with the terms herein. In addition, when service to an existing retail connection has been suspended or terminated, the water system will make this agreement available to the customer and the re-establishment of service will signify that the customer agrees with the terms herein.
- II. **RESTRICTIONS.** The following unacceptable practices are prohibited by State regulations:
- A. No direct connection between the public drinking water supply and a potential source of contamination is permitted. Potential sources of contamination shall be isolated from the public water system by an air-gap or an appropriate backflow prevention device.
 - B. No cross-connection between the public drinking water supply and a private water system is permitted. These potential threats to the public drinking water supply shall be eliminated at the service connection by the installation of an air-gap or a reduced pressure-zone backflow prevention device.
 - C. No connection, which allows water to be returned to the public drinking water supply, is permitted.
 - D. No pipe or pipefitting, which contains more than 0.25% lead, may be used for the installation or repair of plumbing at any connection, which provides water for human use.
 - E. No solder or flux, which contains more than 0.2% lead, can be used for the installation or repair of plumbing at any connection, which provides water for human use.
- III. **SERVICE AGREEMENT.** The following are the terms of the service agreement between the City of San Angelo (the Water System) and Customer.
- A. The Water System will maintain a copy of this agreement as long as the Customer and/or the premises is connected to the Water System.
 - B. The Customer shall allow their property to be inspected for possible cross-connections and other potential contamination hazards periodically as deemed necessary by the Water System. These inspections shall be conducted by the Water System or its designated agent prior to initiating new water service; when there is reason to believe that cross-connections or other potential contamination hazards exist; or after any major changes to the private water distribution facilities. The inspection shall be conducted during the Water System's normal business hours.
 - C. The Water System shall notify the Customer in writing of any cross-connection or other potential contamination hazard, which has been identified during the initial inspection or the periodic re-inspection.
 - D. The Customer shall immediately remove or adequately isolate any potential cross-connections or other potential contamination hazards on the premises.
 - E. The Customer shall, at his expense, properly install, test, and maintain any backflow prevention device required by the Water System. Copies of all testing and maintenance records shall be provided to the Water System.
 - F. The water department shall have access at all reasonable hours to all premises supplied with water for the purpose of seeing water and wastewater usage are being observed, and refusal by any consumer shall result in refusal of water supply from the city water system until such permission is granted.

- Right of entry
- Lead ban
- Enforcement

Customer Service Inspections (CSI)

Texas Commission on Environmental Quality Customer Service Inspection Certificate			
Name of PWS:	☐		
PWS ID #:	☐		
Location of Service:	☐		
Reason for inspection:			
New construction	☐		
Existing service where contaminant hazards are suspected	☐		
Material improvement, correction or expansion of distribution facilities	☐		
I ☐ upon inspection of the private water distribution facilities connected to the aforementioned public water supply do hereby certify that, to the best of my knowledge			
Compliance	Non-Compliance		
☐	☐	(1) No direct or indirect connection between the public drinking water supply and a potential source of contamination exists. Potential sources of contamination are isolated from the public water system by an air gap or an appropriate backflow prevention assembly in accordance with Commission regulations.	
☐	☐	(2) No cross-connection between the public drinking water supply and a private water system exists. Where an actual air gap is not maintained between the public water supply and a private water supply, an approved reduced pressure principle backflow prevention assembly is properly installed.	
☐	☐	(3) No connection exists which would allow the return of water used for condensing, cooling or industrial processes back to the public water supply.	
☐	☐	(4) No pipe or pipe fitting which contains more than 8.0% lead exists in private water distribution facilities installed on or after July 1, 1988 and prior to January 4, 2014.	
☐	☐	(5) Plumbing installed on or after January 4, 2014 bears the expected labeling indicating $\leq 0.25\%$ lead content. If not properly labeled, please provide written comment.	
☐	☐	(6) No solder or flux which contains more than 0.2% lead exists in private water distribution facilities installed on or after July 1, 1988.	
I further certify that the following materials were used in the installation of the private water distribution facilities:			
Service lines:	Lead ☐	Copper ☐	PVC ☐
Solder:	Lead ☐	Lead Free ☐	Solvent Weld ☐
Other ☐			
Remarks: ☐			
☐			
☐			
I recognize that this document shall be retained by the aforementioned Public Water System for a minimum of ten years and that I am legally responsible for the validity of the information I have provided.			
Signature of Inspector:	License Type:		☐
Inspector Name(Print/Type):	☐	License Number:	☐
Title of Inspector:	☐	Date / Time of Insp.:	☐ / ☐
A Customer Service Inspection Certificate should be on file for each connection in a public water system to document compliance with 30 TAC §290.44(h)/290.46(j).			

- Required for:
 - New service connections
 - Existing service where a material improvement, correction, or addition has been made
 - Reason to believe a cross-connection or potential cross-connection

Customer Service Inspections (CSI)

Texas Commission on Environmental Quality Customer Service Inspection Certificate			
Name of PWS:	☐		
PWS ID #:	☐		
Location of Service:	☐		
Reason for inspection:			
New construction	☐		
Existing service where contaminant hazards are suspected	☐		
Material improvement, correction or expansion of distribution facilities	☐		
I ☐ upon inspection of the private water distribution facilities connected to the aforementioned public water supply do hereby certify that, to the best of my knowledge			
Compliance	Non-Compliance		
☐	☐	(1) No direct or indirect connection between the public drinking water supply and a potential source of contamination exists. Potential sources of contamination are isolated from the public water system by an air gap or an appropriate backflow prevention assembly in accordance with Commission regulations.	
☐	☐	(2) No cross-connection between the public drinking water supply and a private water system exists. Where an actual air gap is not maintained between the public water supply and a private water supply, an approved reduced pressure principle backflow prevention assembly is properly installed.	
☐	☐	(3) No connection exists which would allow the return of water used for condensing, cooling or industrial processes back to the public water supply.	
☐	☐	(4) No pipe or pipe fitting which contains more than 8.0% lead exists in private water distribution facilities installed on or after July 1, 1988 and prior to January 4, 2014.	
☐	☐	(5) Plumbing installed on or after January 4, 2014 bears the expected labeling indicating $\leq 0.25\%$ lead content. If not properly labeled, please provide written comment.	
☐	☐	(6) No solder or flux which contains more than 0.2% lead exists in private water distribution facilities installed on or after July 1, 1988.	
I further certify that the following materials were used in the installation of the private water distribution facilities:			
Service lines:	Lead ☐	Copper ☐	PVC ☐
Solder:	Lead ☐	Lead Free ☐	Solvent Weld ☐
Other ☐			
Remarks: ☐			
☐			
☐			
I recognize that this document shall be retained by the aforementioned Public Water System for a minimum of ten years and that I am legally responsible for the validity of the information I have provided.			
Signature of Inspector:	License Type:		☐
Inspector Name(Print/Type):	☐	License Number:	☐
Title of Inspector:	☐	Date / Time of Insp.:	☐ / ☐
A Customer Service Inspection Certificate should be on file for each connection in a public water system to document compliance with 30 TAC §290.44(h)/290.46(j).			

- Completed by:
 - TCEQ licensed customer service inspector
 - Licensed plumbing inspector
 - Licensed plumber with a water supply protection specialist (WSPS) endorsement

Improvements to Cross-Connection Control Program

- Customer Service Agreement
- Draft ordinance
- Development Task Force engagement
- Ordinance



City Council

June 15, 2021

Customer Service Agreement

Andy Vecellio, Assistant Director of Water Utilities

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Morgan Chegwiddden, Assistant Director of Neighborhood Services, Neighborhood and Family Services, 325-657-4224

Meeting Date: June 15, 2021

Item type: Regular Item

Caption:

Discussion and update on Chapter 3 Animal Control, Article 3.10 Free-Roaming Community Cats of the City's Code of Ordinances (Presentation made by Assistant Director of Neighborhood & Family Services Morgan Chegwiddden)

Summary/History:

Animal services intakes owned and community cats as follows.

- San Angelo residents may bring in trapped/secured cats at no charge.
- Animal Services picks up trapped/secured cats for a \$25.00 fee.
- Citizens who have cared for the cats more than three days may participate in rehoming services as outlined in our contract with Concho Valley PAWS.

2020 cat intake exceeded 1,600 animals.

Article 3.10 of the code of ordinances regulates the handling of community cats in San Angelo. This document was largely developed by private special interest groups and was approved by Council February 17, 2015.

The free-roaming community cat ordinance requires the creation of a sponsoring organization (a local non-profit) and mandates that colony caretakers register with this organization. The ordinance also outlines responsibilities of 1. sponsoring organizations, 2. caretakers and 3. animal services.

1. Sponsoring organizations are required to provide information to cat handlers, notify caregivers of impounded ear-notched cats and coordinate spay/neuter and complaints.
2. Community cat caregivers are required to use humane trapping techniques, assess health of cats, spay/neuter, rabies vaccinate, ear tip, feed farther than 150 feet from schools, keep away from wildlife areas, report bites, obtain written authorization from private property owners and seek medical attention when necessary.
3. Animal Services is required to refer callers to a sponsoring organization and scan cats for microchip. Referring citizens became difficult as certain sponsoring organizations issued a cease and desist letter in October 2019 prohibiting animal services staff from referring citizens.

The ordinance also allows animal services to develop policies with the animal shelter advisory committee (ASAC).

- Pre-2018, any community cats that were not ear notched were euthanized as unadoptable. Ear notched cats were released to sponsoring organizations for return to colony.
- In 2018, ASAC approved a shelter-neuter-return program to spay/neuter and vaccinate all impounded community cats. Several hundred cats participated in this program until funding was fully expended October

2020. This is the recommended practice to reduce the cat population. Simply euthanizing cats creates a vacuum effect further exacerbating overpopulation. Returning spayed/neutered cats to the area of origin stabilizes the population and prevents new cats from coming in.

- In October 2020, ASAC approved the return-to-field of unaltered cats as no funding was available to continue the shelter-neuter-return program. This was approved as the previous policy of euthanizing healthy community cats was no longer conducive to the No Kill initiative. This practice occurred for a few months until our rescue partner Concho Valley PAWS collected resources to pull all of our community cats for spay/neuter and return. That is our current protocol for live releasing community cats.

The final section of the community cat ordinance provides guidelines for nuisance community cats. Free roaming community cats repeatedly trapped on private property or otherwise causing a nuisance should be reported to the sponsoring organization. Private property owners may trap cats and impound them at animal services. Colony caretakers have 30 days to resolve the nuisance issue.

This ordinance was adopted in the infancy of the No Kill San Angelo initiative. Since then, we've invested in our cat programming to increase the number of animals released alive. Although the percentage of overall animals released alive increased from 27% in FY15 to 82% in FY20, felines saved lag behind with 9% in FY15 and 66% in FY20. Continued investment is still needed to appropriately address feline issues in San Angelo.

Financial Impact:

\$5,000.00 is recommended for a special program to spay/neuter community cats who are at risk of being deemed a nuisance.

Other Information/Recommendation:

Staff proposes allocation of \$5,000.00 for the spay, neuter and vaccination of community cats approaching the nuisance process. Aiding colony caretakers in controlling their population by spaying/neutering their cats will reduce the population of cats in San Angelo and reduce complaints of nuisance community cats.

Attachments:

1.ARTICLE_3.10___FREE_ROAMING_COMMUNITY_CATS	ARTICLE_3.10___FREE_ROAMING_COMMUNITY_CATS.pdf
2.210615 Alley Cat Allies VacuumEffect_TruthCard	210615 Alley Cat Allies VacuumEffect_TruthCard.pdf

Presentation:

Morgan Chegwidden

Approvals/Reviews:

Morgan Chegwidden
Theresa James
Tina Dierschke
Julia Antilley

Created/Initiated
Approved
Approved
Final Approval

ARTICLE 3.10 FREE-ROAMING COMMUNITY CATS

Sec. 3.10.001 Trap-neuter-return-maintain program

- (a) Organizations or individuals that engage in trap-neuter-return-maintain are required to register through a sponsoring organization. Organizations performing or supporting trap-neuter-return-maintain in the city shall identify and nominate a free-roaming community cat sponsoring organization, which may be approved and recognized by the animal shelter advisory committee.
- (b) Responsibilities of a free-roaming community cat sponsoring organization:
 - (1) A free-roaming community cat sponsoring organization shall make available to the public information about trap-neuter-return-maintain and free-roaming community cats;
 - (2) A free-roaming community cat sponsoring organization shall notify the appropriate free-roaming community cat caregiver when notified by the animal services division about an impounded ear-tipped cat;
 - (3) A free-roaming community cat sponsoring organization shall provide a point of contact to the animal services division for the coordination of trap-neuter-return-maintain, calls about at large cats, and calls about complaints related to free-roaming community cats;
 - (4) A free-roaming community cat sponsoring organization shall encourage free-roaming community cat caregivers to vaccinate free-roaming community cats for FVRCP;
 - (5) A free-roaming community cat sponsoring organization shall encourage free-roaming community cat caregivers to provide microchip implants for free-roaming community cats.
- (c) Responsibilities of a free-roaming community cat caregiver:
 - (1) Free-roaming community cats must be trapped using humane trapping techniques;
 - (2) Free-roaming community cats must be assessed by a veterinarian and deemed healthy at the time of spay/neuter surgery;
 - (3) Free-roaming community cats must be spayed or neutered;
 - (4) Free-roaming community cats must be vaccinated for rabies;
 - (5) Free-roaming community cats must be ear tipped;
 - (6) Free-roaming community cats must be fed at least 150 feet away from primary and secondary schools and daycare facilities;
 - (7) Free-roaming community cats must be kept away from and may not be fed in designated wildlife areas;
 - (8) Free-roaming community cat bites must be reported to the animal services division as required by state law;
 - (9) Free-roaming community cat caregivers must obtain written authorization from appropriate property owners to be on private property to provide free-roaming community cat colony care; and
 - (10) Free-roaming community cat caregivers must obtain proper medical attention required for any free-roaming community cat.

(d) Responsibilities of animal services division:

- (1) Persons that contact the animal services division about stray or free-roaming community cats shall be provided information about trap-neuter-return-maintain and referred to an appropriate free-roaming community cat sponsoring organization;
- (2) Animal services division shall scan all impounded cats for a microchip;
- (3) The animal services division, along with the animal shelter advisory committee and free-roaming community cat sponsoring organizations, may develop policies and procedures for humane trapping and disposition of free-roaming community cats for the purpose of eliminating a public health or safety threat, a nuisance, or for the welfare of the animal.

(Ordinance adopted 2-17-15)

Sec. 3.10.002 Nuisance

- (a) A free-roaming community cat causing a nuisance may be impounded and handled consistent with the protocol for a domestic cat which is creating a nuisance or returned to the free-roaming community cat caretaker for identification of alternative solutions. A free-roaming community cat shall not be returned to the location from which it has been twice removed as a nuisance. Free-roaming community cats repeatedly trapped on private property or that otherwise continue to cause a nuisance will be reported to the appropriate free-roaming community cat sponsoring organization.
- (b) A property owner may humanely abate a nuisance caused by a free-roaming community cat on the owner's private property.
- (c) The creation of free-roaming community cat colonies does not diminish the right of individual private property owners to trap and have animal services division remove stray animals from their property in accordance with established procedures of the animal services division.
- (d) The free-roaming community cat caretaker of a free-roaming community cat repeatedly reported as a nuisance will be provided 30 days to resolve the issue. In the event the free-roaming community cat caretaker is unable to resolve the problem, the animal shelter director, along with the appropriate free-roaming community cat sponsoring organization, will discuss the disposition of the free-roaming community cat.

(Ordinance adopted 2-17-15)

Sec. 3.10.003 Liability

Nothing in this article shall be construed as an assumption of liability by the city for any injuries (including death) to persons, pets, or property, or any other claim which may result from the maintenance of a free-roaming community cat colony pursuant to this article.

(Ordinance adopted 2-17-15)



Alley Cat Allies®
The cats' leading advocate

JUST THE FACTS: The Vacuum Effect

Removing cats from an area creates a vacuum.

The **Vacuum Effect** has been documented worldwide in many species. Animal control's traditional approach has been to catch and kill community cats. While this may temporarily reduce the number of community cats in a given area, it is ultimately counterproductive, as the population of cats rebounds. Due to the Vacuum Effect, untrapped cats continue to breed, and other cats move into the newly available territory.

THE VACUUM EFFECT



Intact cat
living inside
the territory

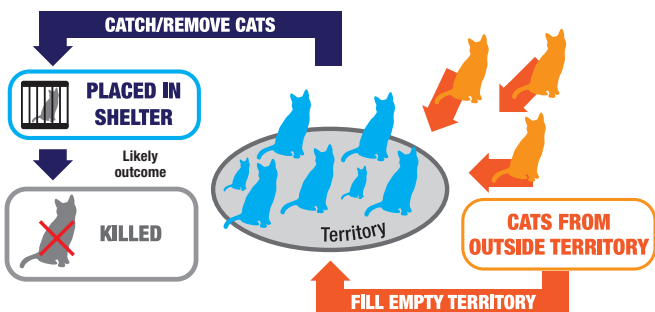


Intact cat
from outside
the territory



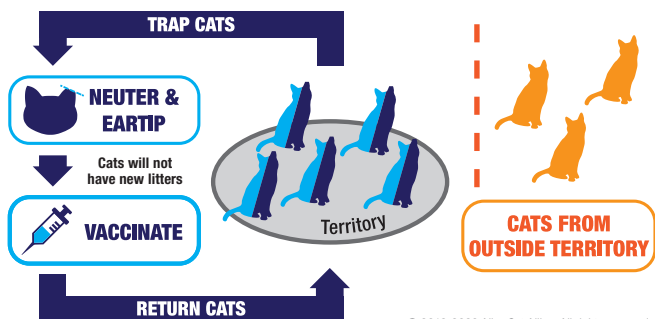
Neutered
cat living in
the territory

CATCH AND KILL – INEFFECTIVE



© 2018-2020 Alley Cat Allies. All rights reserved.

TRAP-NEUTER-RETURN – EFFECTIVE



© 2018-2020 Alley Cat Allies. All rights reserved.

Community cats are unowned cats who live outdoors.

Community cats, also called feral or outdoor cats, are not a new phenomenon. They choose to reside in an outdoor location where they have access to food and shelter. Even though community cats are the same species as house cats (*Felis catus*), they have not been socialized to people and are therefore unadoptable. Community cats can lead full, healthy lives in their outdoor homes.

Time and again, communities find catch and kill doesn't work—it needs to stop.

Municipal animal control agencies have been catching and killing cats for decades in a misguided attempt to reduce the number of community cats in a given area. Catch and kill is counterproductive, as it has no permanent impact on the population of outdoor cats. This endless, cruel cycle is not supported by the public, wastes tax dollars, and fails to meet the needs of the cats and the community. The Vacuum Effect is just one reason catch and kill is so ineffective.

Trap-Neuter-Return (TNR) does work.

Communities are desperate for humane solutions. TNR is the only effective and humane approach to address community cat populations. It involves humanely trapping, spaying or neutering, vaccinating, and returning community cats to their outdoor homes. Afterward, there are no more litters of kittens—the population is stabilized. TNR stops the stress associated with pregnancy and mating behaviors, such as yowling or fighting. Not only is TNR the effective, humane approach for outdoor cats, but it improves their lives.

You can make a difference and save lives.

Together, we can fight the ineffective catch and kill approach, support TNR, and ensure local policies address the needs of outdoor cats and our communities.

Learn more at [**alleycat.org/VacuumEffect**](https://alleycat.org/VacuumEffect).

**Join our movement
to protect cats.**



© 2018-2020 Alley Cat Allies. All rights reserved.

7920 Norfolk Avenue, Suite 600

Bethesda, MD 20814

alleycat.org/Response

021020

 Printed on Post-Consumer Paper with Environmentally Friendly Inks



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: June 15, 2021

Item type: Regular Item

Caption:

Discussion and guidance for amending Chapter 5 Business and Commerce, Article 5.02 Alcoholic Beverages Regulations, Section 5.02.005 Sale, Possession or Consumption in Texas Bank Sports Complex (Rio Concho Sports Complex) of the City's Code of Ordinances (Presentation made by Recreation Manager Brent Casey)

Summary/History:

We are seeking to expand the area at the Texas Bank Sports Complex for the prohibition of possession and consumption of alcoholic beverages.

The existing ordinance states, "It shall be unlawful for any person, firm, company, organization or corporation to sell, consume or possess, or to permit or to promote the selling, consuming or possessing, of any alcoholic beverage within or upon the fenced-in areas of the quadrangles of the Texas Bank Sports Complex in the city."

Further, the ordinance outlines a process by which alcoholic beverages can be permitted to be sold by the City concessionaire for specific and limited durations at events and tournaments within the fenced-in areas only.

The existing ordinance does not prohibit the possession or consumption of alcoholic beverages in any other areas of the complex including the park areas and parking lots. Staff recommends that the area for the prohibition of the possession and consumption of alcoholic beverages be expanded to include all of the parking lots and all common areas except at the designated picnic areas and pavilion and all park area west of Quad 1.

Amending this ordinance will help limit the possession and consumption of alcoholic beverages at the sports complex, except for duly permitted events and tournaments, and will help with enforcement of the ordinance.

Financial Impact:

Amending this ordinance will not have a fiscal impact.

Other Information/Recommendation:

Attachments:

1. Ordinance regarding alcohol at the sports complex Ordinance regarding alcohol at the sports complex.docx

Presentation:

Brent Casey

Approvals/Reviews:

Carl White
Brent Casey
Rick Weise
Theresa James
Julia Antilley

Created/Initiated
Approved
Approved
Approved
Final Approval

Sec. 5.02.005 - Sale, possession or consumption in Texas Bank Sports Complex (Rio Concho Sports Complex)

(a) It shall be unlawful for any person, firm, company, organization or corporation to sell, consume or possess, or to permit or to promote the selling, consuming or possessing, of any alcoholic beverage within or upon the fenced-in areas of the quadrangles of the Texas Bank Sports Complex in the city.

(b) It shall be an affirmative defense to the prohibition of this section that a person, firm, company, organization or corporation secured a permit, contract, lease or other form of written permission from the parks and recreation department permitting utilization of the city's concessionaire for the selling, promoting, consuming or possessing of alcoholic beverages for a specific event within one or more designated quadrangles of the Texas Bank Sports Complex and that the sale, promotion, consumption or possession of alcohol occurred at the time of the specific event and within such quadrangle or quadrangles as described in the permit, contract, lease or other form of written permission from the parks and recreation department. The permit, contract, lease or other form of written permission from the parks and recreation department shall be limited to specific events, on specific dates, for specified hours and within one or more specific quadrangles of the Texas Bank Sports Complex, and shall be conditioned upon compliance with the Texas Alcoholic Beverage Code and applicable municipal ordinances.

(c) The parks and recreation department for the city shall adopt a policy and regulations, and a form for application for permit, contract, lease or other form of written permission authorizing utilization of the city's concessionaire for the sale, consumption or possession of alcoholic beverages within the quadrangles of the Texas Bank Sports Complex for specific events during adult tournaments and permitted special events only when no youth league or youth tournament play is occurring.

(d) The premises of the Texas Bank Sports Complex quadrangles include the fields, spectator areas and concession areas within each fenced-in quadrangle, located within the area bounded on the east by the East Angelo Draw, on the south by the North Concho River, on the west by Bell Street, and on the north by St. Ann Street, in the city.

(Sec. 2, Ordinance adopted 7-19-11)

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: June 15, 2021

Item type: Regular Item

Caption:

First reading and public hearing on:

1. An ordinance for Z21-05, a rezoning from the Single-Family Residential zoning district to the Neighborhood Commercial zoning district, being 0.30 acres located at 2321 S. Bryant Blvd. and 504 W. Ave. T
2. An ordinance for Z21-06, a request for approval of a rezoning from the Heavy Commercial zoning district to the Heavy Manufacturing zoning district, being 7.353 acres located at 4125 Dan Hanks Ln.
3. An ordinance approving the abandonment of a 2,250-sq ft (15' x 150') alley on the south side of E. 41st St. between Oaklawn St. and Bowie St.
4. An ordinance approving the abandonment of a 2,250-sq ft (15' x 150') alley on the north side of E. 44th St. between Oaklawn St. and Bowie St.

(Presentation made by Planning & Development Services Director Jon James)

Summary/History:

All of the referenced cases have been combined and will be presented together. All of these cases have been recommended by staff and recommended for approval unanimously by the Planning Commission. In addition, none of these cases have seen any opposition from surrounding neighbors or other members of the public.

One public hearing will be held for all items and these may be approved with one motion.

Additional information for each case can be found in the attached Staff Reports.

Financial Impact:

N/A

Other Information/Recommendation:

On May 17, 2021, Planning Commission unanimously recommended APPROVAL of the above cases by a vote of 5-0 for all of these cases.

Item 5 was approved subject to three conditions as presented, modifying condition #2 to require a replat within 36 months of Council's decision (from 18 months).

Item 6 was approved subject to four conditions as presented.

Attachments:

- | | |
|--------------------------|-----------------------------|
| 1. Ordinance (Z21-05) | DRAFT Ordinance Z21-05.docx |
| 2. Staff Report (Z21-05) | Z21-05_Staff Report .pdf |
| 3. Ordinance (Z21-06) | Ordinance (Z21-06).docx |

- | | | |
|----|---|---|
| 4. | Staff Report (Z21-06) | Staff Report (Z21-06).pdf |
| 5. | Ordinance (Alley-Abandon_Lake View Blk 58) | Ordinance (Alley-Abandon_Lake View Blk 58.docx |
| 6. | Staff Report (Alley-Abandon_Lake View Blk 58) | Staff Report (Alley-Abandon_Lake View Blk 58).pdf |
| 7. | Ordinance (Alley-Abandon - Lake View Blk. 34) | Ordinance (Alley-Abandon - Lake View Blk. 34.docx |
| 8. | Staff Report (Alley Abandonment - Block 34) | Staff Report (Alley Abandonment - Block 34).pdf |

Presentation:

Jon James

Approvals/Reviews:

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

AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO, TEXAS, WHICH ADOPTS ZONING REGULATIONS, USE DISTRICTS AND A ZONING MAP, IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING PROPERTY: **LOCATED AT 2321 SOUTH BRYANT BOULEVARD AND 504 WEST AVENUE T BEING 0.398 ACRES FROM THE SINGLE FAMILY RESIDENCE (RS-1) ZONING DISTRICT TO NEIGHBORHOOD COMMERCIAL (CN) ZONING DISTRICT**; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Z21-05: 2321 South Bryant Boulevard/504 West Avenue T

WHEREAS, on the 17th day of May, 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 15th day of June, 2021, the City Council held a public hearing on Z20-05, pursuant to published notice, and has considered the application, comments, reports and recommendations of the Planning Commission and staff, public testimony, and other relevant support materials;

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

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

The real properties being Lots 7 & 8, Block 4, La Villita Heights; 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 **15th day of June, 2021**, and finally ADOPTED on this the **8th day of July, 2021**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

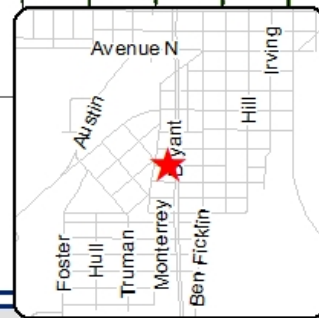
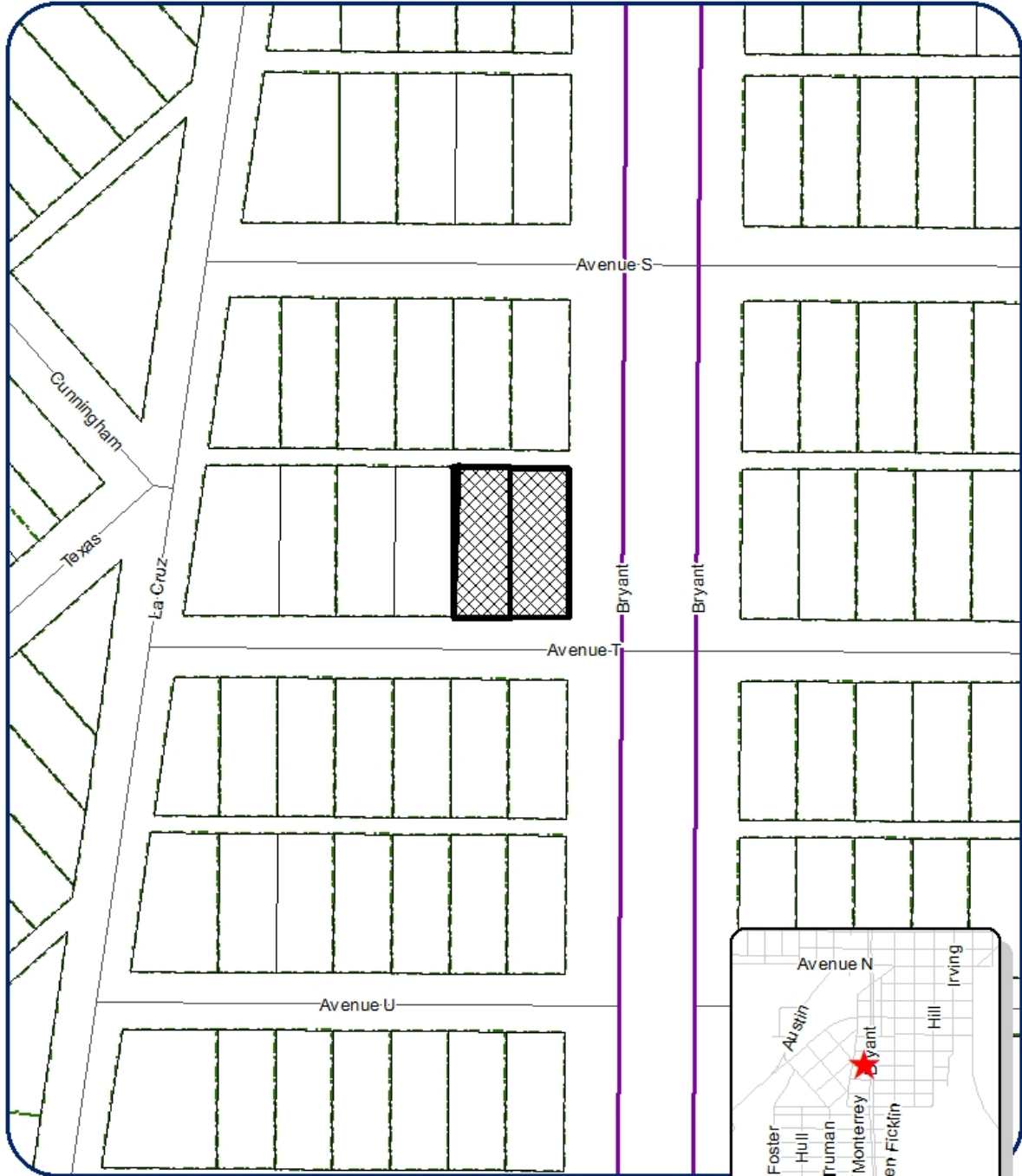
ATTEST:

APPROVED AS TO FORM:

Julia Antilley, City Clerk

Theresa James, City Attorney

EXHIBIT "A"



Zone Change - ZC21-05

2321 S Bryant/504 W. Ave. T

Council District 5 - Lane Carter

Neighborhood: Santa Rita

Scale: 1" approx. = 110 ft

La Villita Heights Addition: Block 4, Lots 7 & 8

Legend

Subject Properties:

Current Zoning: **Single Family District**

Requested Zoning Change: **Neighborhood Commercial**

Vision: **Neighborhood Center**

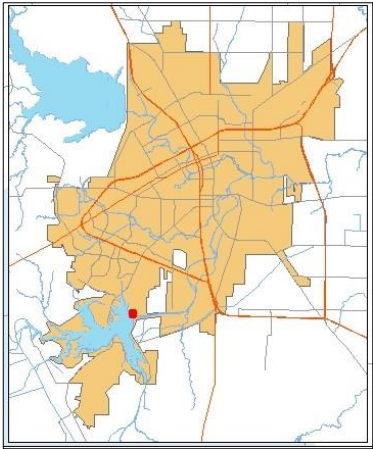
N



Exhibit Map

CITY COUNCIL –June 15, 2021
STAFF REPORT



APPLICATION TYPE:		CASE:	
Rezoning		Z21-05: 2321 South Bryant Boulevard/504 West Avenue T	
SYNOPSIS:			
A request for approval of a rezoning from the Single Family (RS-1) zoning district to the Neighborhood Commercial (CN) Zoning District. The applicant is proposing to use an existing structure that historically was a bakery and restaurant. The applicant's grandmother ran the bakery/restaurant from the 1980's. She is supportive of his grandson caring on the family legacy. Since this building has been closed for a while it cannot continue as a legal conditional use and must be rezoned.			
LOCATION:		LEGAL DESCRIPTION:	
2321 South Bryant Boulevard/504 West Avenue T		La Villita Heights, Block 4, Lots 7 & 8	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #3 – Harry Thomas Rio Vista Neighborhood	CN	Commercial	0.398 acres
THOROUGHFARE PLAN:			
<u>South Bryant Boulevard</u> – State Highway: Four lanes with a turn lane, 150 ft. of right of way, 80 ft. of pavement.			
NOTIFICATIONS:			
16 notifications were mailed within a 200-foot radius of the property on April 30, 2021. No response was received in favor or against for the case.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of a rezoning from the Single Family (RS-1) Zoning District to the Neighborhood Commercial (CN) Zoning District. At the May 17, 2021, Planning Commission meeting they voted 5-0 to recommend APPROVAL of the rezoning.			
PROPERTY OWNER/PETITIONER:			
Applicant: Daniel Avila/COSA			
STAFF CONTACT:			
Sherry Bailey Principal Planner (325) 657-4210, Extension 1546 Sherry.bailey@cosatx.us			

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

1. **Compatible with Plans and Policies.** *Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.* The proposed rezoning to Neighborhood Commercial is in keeping with the Future Land Use of the City's Comprehensive Plan which is designated Neighborhood Center land use. "Neighborhood Centers take on a more pedestrian friendly character and are more integrated with and connected to their surroundings, and cluster buildings to generate synergies between complementary uses." The proposed use, neighborhood restaurant, meets the intent of the comprehensive plan and this rezoning will allow additional future development possibilities.
2. **Consistent with Zoning Ordinance.** *Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.* Once the property is rezoned the development requirements for the Neighborhood Commercial District will apply, including commercial and retail uses. This will allow the applicant to develop/utilize the property as desired. Part of the intent of the zoning ordinance is to help protect existing uses from undue impact. In this case the remodeling of this structure is in keeping with the intent of the zoning code and the end result will allow compatibility with the surrounding uses.
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.* Most of the surrounding uses are commercial in nature. The restaurant is intended to be a walkup service area or a drive through, so there is minimal anticipated impacts to the surrounding area. The frontage of the structure is on S. Bryant Blvd. but the main entrance may be off of W. Ave. T. The site lends itself to walkability also.
4. **Changed Conditions.** *Whether and the extent to which there are changed conditions that require an amendment.* The subject property has been a restaurant for many years. Changing its use back should not be difficult and should not be much of a change. This entire area is in transition and moving more towards commercial.
5. **Effect on Natural Environment.** *Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.* Staff does not believe that there will be any adverse effects on the natural environment. The area is already developed and is part of the commercial area.

6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.* Commercial areas that service local neighborhoods are rare. Although this area is off of South Bryant Boulevard and will pull activity from that busy street it is also intended to meet local area needs and as such will meet a community need for this area.
7. **Development Patterns.** *Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.* As an area in transition, this application is consistent with that pattern and should not have a negative effect on the development within this area. This area backs up to a larger church site with a Fellowship Hall and meeting area. A major General Commercial area begins just one block north.

Recommendation:

Staff recommends **APPROVAL** of a rezoning from the Single Family (RS-1) Zoning District to Neighborhood Commercial Zoning District (CN).

Planning Commission

Sherry Bailey, Principal Planner, presented the case. She explained that the building at the immediate corner has been a bakery and restaurant since the 1970s. She indicated that of the 12 notices that were mailed, Staff did not receive any responses in favor or against. She then outlined staff's rationale to approve the case on the grounds that the proposed zoning is still intended to be commercial that serves the neighborhood; that the zoning is adjacent to the same zoning district *on the rest of the block; that the residential across the street has a mixed use type; and that the use is compatible with the surrounding area.*

Commissioner Uherik why there is a restaurant on the property if it was zoned for residential. Ms. Bailey responded that the property was always zoned RS-1, and when the commercial use went away for several years and wanted to be reinstated, a zone change was required.

Chair Stribling opened public comment.

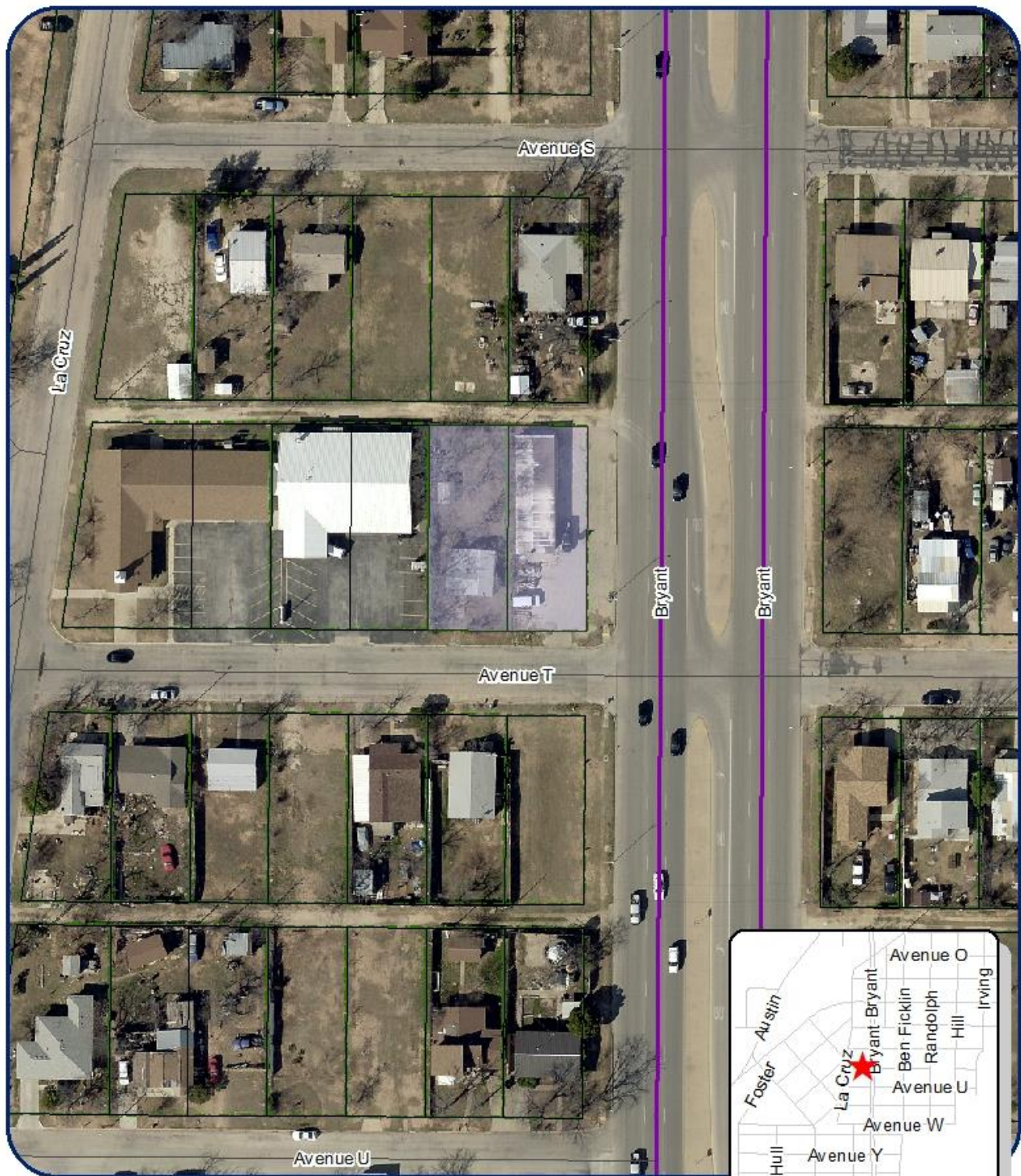
Rachel Avila, the applicant, indicated that the house on the second lot has burned down. She indicated that her father owned the property and she did not know how the zoning was residential but has paid property taxes for commercial. She requested approval of the zone change to CN.

Chair Stribling closed public comment.

Commissioner Uherik made a motion to RECOMMEND APPROVAL of a rezoning from the Single-Family Residential (RS-1) Zoning District to the Neighborhood Commercial (CN) Zoning District, being 0.30 acres located at 2321 S. Bryant Blvd and 504 W. Avenue T. Commissioner Davis seconded the motion. The motion carried unanimously 5-0

Attachments:

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



Zone Change - ZC21-05

2321 S. Bryant & 504 W. Ave. T

Council District 5 - Lane Carter
Neighborhood: Santa Rita
Scale: 1" approx. = 80 ft

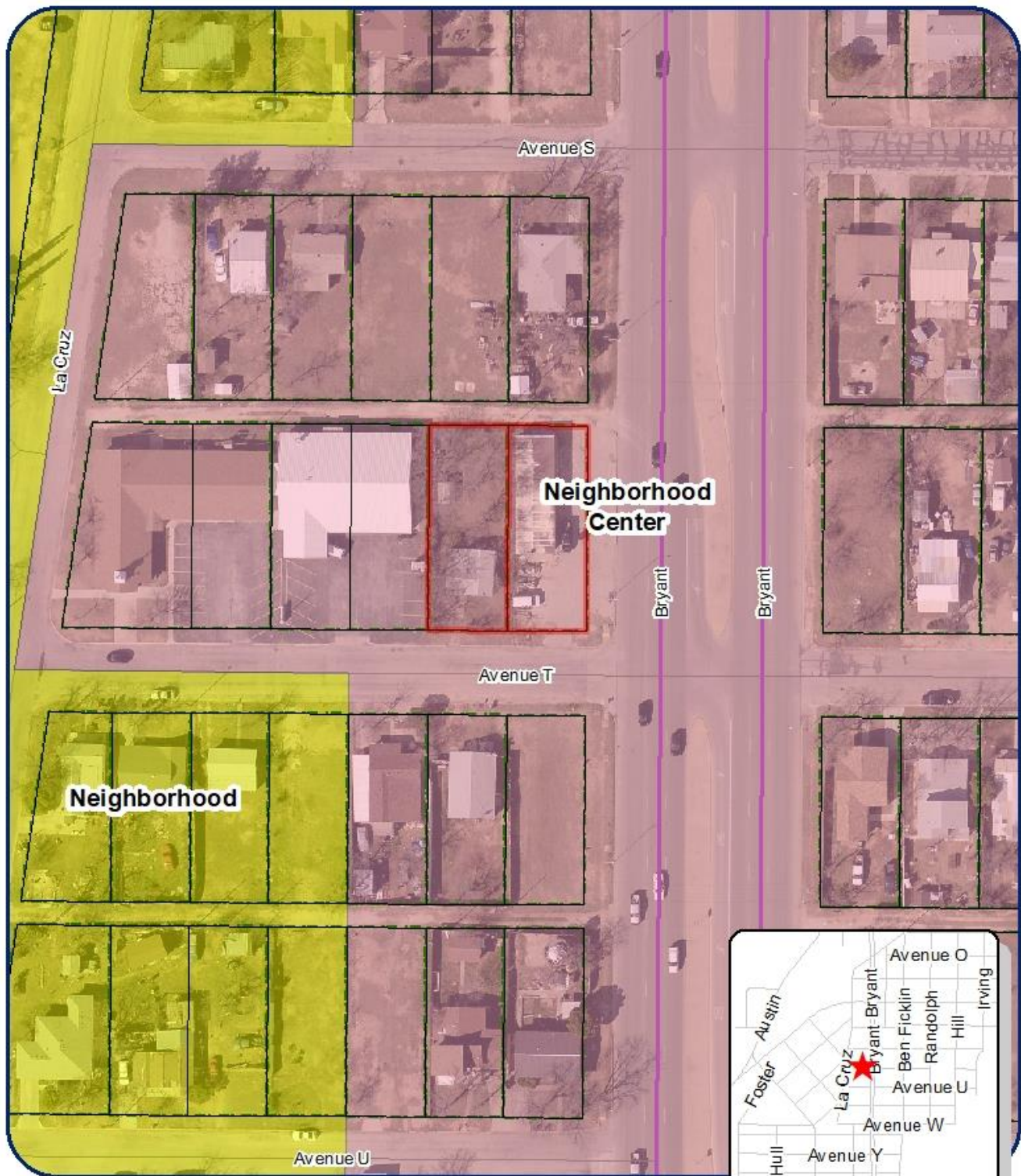
La Villita Heights Addition: Block 4, Lots 7 & 8

Legend

Subject Properties: **Single Family District**
Current Zoning: **Neighborhood Commercial**
Requested Zoning Change: **Neighborhood Center**
Vision: **Neighborhood Center**



Aerial Map



Zone Change - ZC21-05

2321 S. Bryant & 504 W. Ave. T

Council District 5 - Lane Carter
 Neighborhood: Santa Rita
 Scale: 1" approx. = 80 ft

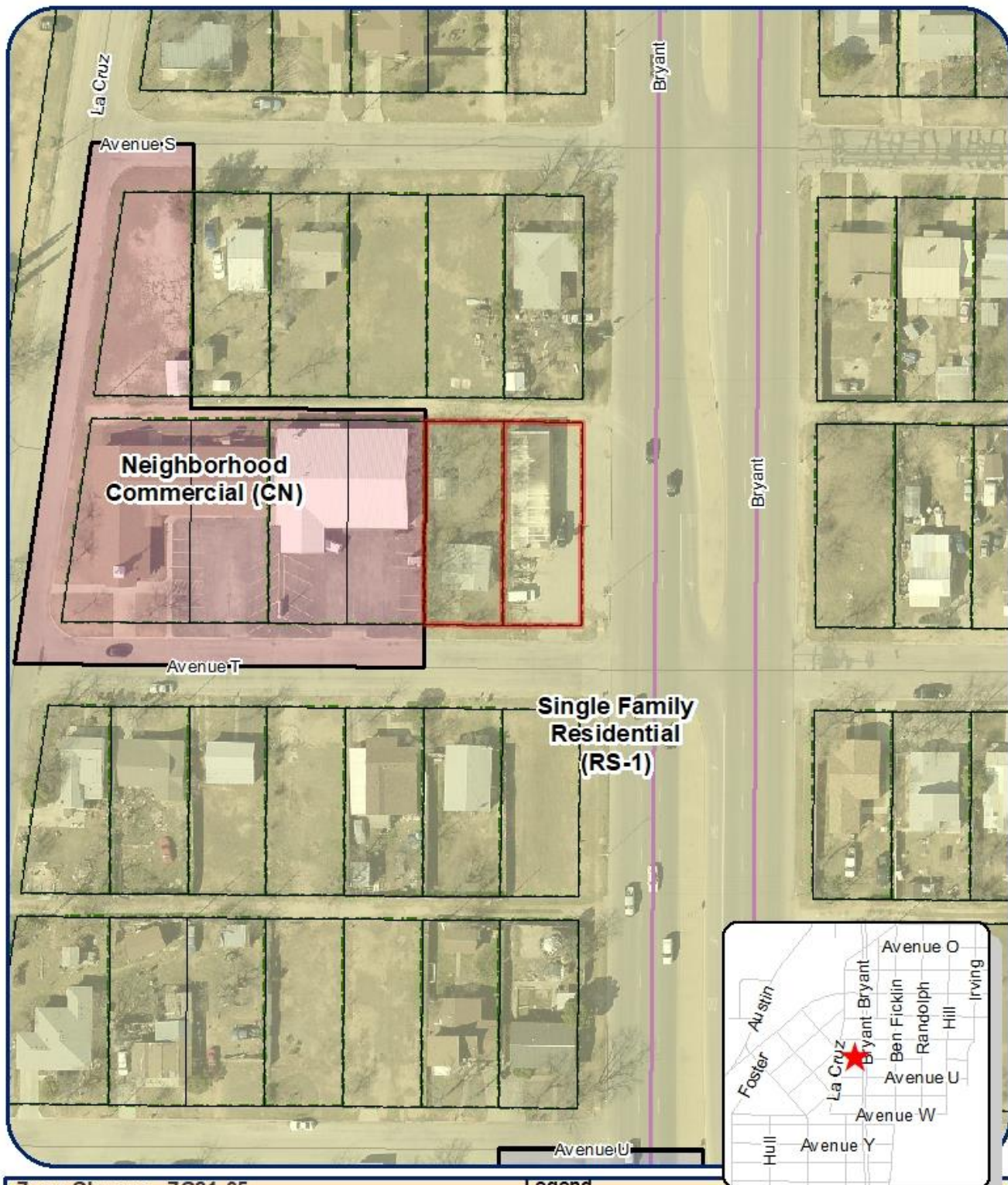
La Villita Heights Addition: Block 4, Lots 7 & 8

Legend

Subject Properties: **Single Family District**
 Current Zoning: **Neighborhood Commercial**
 Requested Zoning Change: **Neighborhood Center**
 Vision: **Neighborhood Center**



Future Land Use



Zone Change - ZC21-05

2321 S. Bryant & 504 W. Ave. T

Council District 5 - Lane Carter

Neighborhood: Santa Rita

Scale: 1" approx. = 80 ft

La Villita Heights Addition: Block 4, Lots 7 & 8

Legend

Subject Properties:

Current Zoning: **Single Family District**

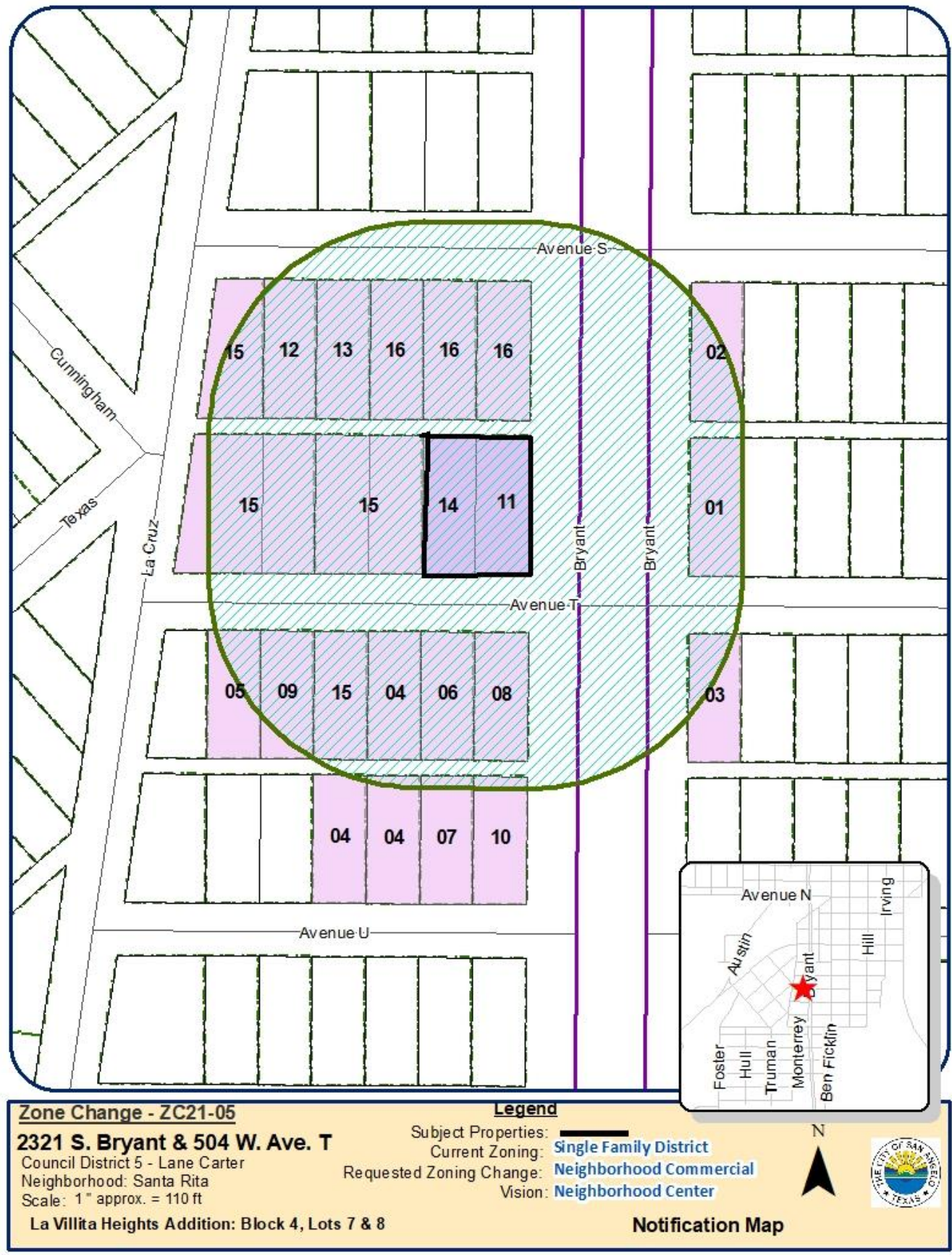
Requested Zoning Change: **Neighborhood Commercial**

Vision: **Neighborhood Center**

N



Existing Zoning Map



Photos of Site and Surrounding Area



2321 South Bryant Blvd. existing access curb cut off Bryant.



504 W. Ave. T. Second property that is included in the rezoning. It back up to 2321 S. Bryant Blvd.



**Church property on W. Ave. T adjacent to 504 W. Ave. T.
This property is CN to the end of the block.**



Residential property across the street from 2321 S. Bryant and 504 W. Ave. T.

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): Daniel J. Anla
☐ Owner ☐ Representative (Notarized Affidavit Required)
 Mailing Address: 2327 Wilson San Angelo TX 76901
 City State Zip Code
 Contact Phone Number: 325-482-7234 Contact E-mail Address: danielanla0904@gmail.com
 Subject Property Address: 2321 S. Bryant San Angelo TX 76903
 City State Zip Code
 Legal Description (can be found on property tax statement or at www.tamgreencad.com): LA Villa Heights ADDN BLK 4 LOT 7

Existing Zoning: mer. Proposed Zoning: Restaurant Lot size: 0.149 acres
RS-1 CN
 (Zoning Map available on [City Maps](#))

Section 2: Site Specific Details

Existing Use of Property: Restaurant / LA villa bakery / Julios chips & salsa
Then was tile shop
 *Proposed Use of Property: Restaurant
 *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.

Daniel Avila

Owner Name (Print)

D. Avila

Signature

Company/Organization (If Applicable)

4/13/21
4/13/21

Date

Representative Name (Print)

Signature

Company/Organization

4/13/21

Date

FOR OFFICE USE ONLY:

☐ Verified Complete ☐ Verified Incomplete

Date of Application: 4 / 13 / 21

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: 5 / 17 / 21 Date notifications due: ____/____/____

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

Publication date: ____/____/____

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

Effective January 3, 2017



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



AFFIDAVIT
Owner Permission-To-Named-Representative

STATE OF TEXAS
COUNTY OF TOM GREEN

Section 1: Owner, Property, and Representative Information

I, Rachel Villarreal Avila (Garcia) make this affidavit and hereby on oath state the following:
Print Property Owner Name

I, being the ☒ sole ☐ partial owner of the following property:

2321 S. Bryant Blvd San Angelo Texas 76905 325 812 8218 rvavila1945@gmail.com
Property Address City State Zip Code Contact Number E-mail Address

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

LA Villita Heights ADDN BIK 4 LOT 7

give my permission to below named representative, to apply for approval of a Planning application (e.g. Zone Change, Special Use, Conditional Use, etc.) on the above-described property.

Rachel V Avila
(Please print) Representative's Organization or Entity

Signed this the 13 day of April, 2021.

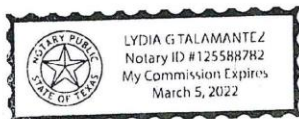
Rachel V Avila
Signature of the Property Owner

Section 2: Notary Public Information

BEFORE ME, the undersigned authority, this day personally appeared ^{LT} Rachel Villarreal Avila and
Name

on oath stated that the facts hereinabove stated are true to the best of Her knowledge or belief.
His/Her

SWORN TO AND SUBSCRIBED before me on this the 13 day of April, 2021.



Lydia G. Talamantez
Notary Public, State of Texas

AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO, TEXAS, WHICH ADOPTS ZONING REGULATIONS, USE DISTRICTS AND A ZONING MAP, IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING PROPERTIES: **4125 DAN HANKS LANE; LOCATED SOUTHEAST OF CRISTOVAL ROAD AND SOUTH CHADBOURNE STREET, BEING 7.353 ACRES,** FROM THE HEAVY COMMERCIAL (CH) ZONING DISTRICT TO THE HEAVY MANUFACTURING (MH) ZONING DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Z21-06: 4125 Dan Hanks Lane

WHEREAS, on the 17th day of May, 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 Heavy Manufacturing (MH) Zoning District; and,

WHEREAS, on the 15th day of June, 2021, City Council held a public hearing on Z21-06, pursuant to published notice, and has considered the application, comments, reports and recommendations of the Planning Commission and staff, public testimony, and other relevant support materials;

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

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

The real properties located southeast of Cristoval Road and South Chadbourne Street, being the east 400 feet of Tracts C and D and all of Tract E in the Old Cristoval Road Industrial Park, Section Two, comprising 7.353 acres; San Angelo, Tom Green County, Texas.

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

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

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

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

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

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

INTRODUCED with public hearing on the **15th day of June, 2021**, and finally PASSED, on this the **8th day of July, 2021**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

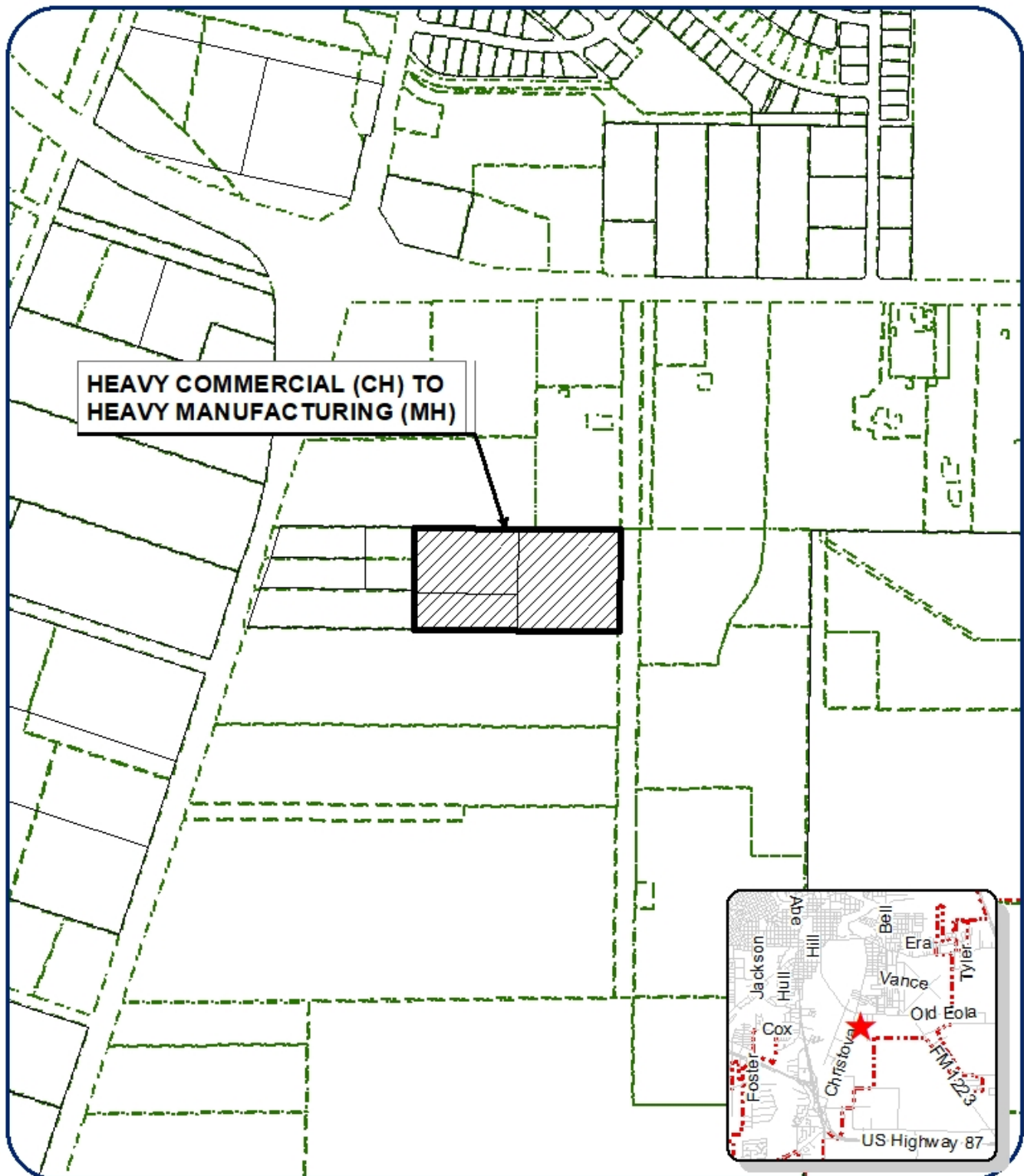
ATTEST:

APPROVED AS TO FORM:

Julia Antilley, City Clerk

Theresa James, City Attorney

EXHIBIT "A"



Rezoning

Z21-06: 4125 Dan Hanks Lane

Council District: Tommy Hiebert - District 1

Neighborhood: Glenmore

Scale: 1" approx. = 500 ft

4125 Dan Hanks Lane, 7.353 ac.

Legend

Subject Properties: —
Current Zoning: CH
Requested Zoning Change: MH
Vision: Industrial



CITY COUNCIL – JUNE 15, 2021
STAFF REPORT



APPLICATION TYPE:		CASES:	
Rezoning		Z21-06: 4125 Dan Hanks Lane	
SYNOPSIS:			
The applicant has applied for a rezoning on the subject properties from the Heavy Commercial (CH) Zoning District to the Heavy Manufacturing (MH) Zoning District. The applicant is a chemical manufacturing company that currently leases the property immediately west, 3820 Christoval Road, but is seeking to relocate onto the new properties. The business manufactures and processes chemicals which requires Heavy Manufacturing (MH) Zoning. The subject properties include three tracts, one legally platted Tract E in the Old Christoval Road Industrial Park, Section Two subdivision, and the other two remainders of Tracts C and D. Staff has communicated to the applicant that any new development on the remainder tracts would require replatting the lots, but this would not affect the proposed rezoning.			
LOCATION:		LEGAL DESCRIPTION:	
Southeast of Christoval Road and South Chadbourne Street		Tract E and the east 400' of Tracts C and D in Old Christoval Road Industrial Park, Section Two	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #1 – Tommy Hiebert Glenmore Neighborhood	CH	Industrial	7.353 acres
THOROUGHFARE PLAN:			
<i>Dan Hanks Lane</i> - Urban Collector Street, Required: 60' right-of-way, 50' pavement; Provided: 80' right-of-way, 24' pavement (complied at time of platting).			
NOTIFICATIONS:			
10 notifications for Z21-06 were mailed within a 200-foot radius on May 3, 2021. One response was received concerning drainage but was neither for nor against the request. This letter was forwarded to Engineering Services and does not pertain to the rezoning.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of a rezoning from the Heavy Commercial (CH) Zoning District to the Heavy Manufacturing (MH) Zoning District, being approximately 7.353 acres, located at 4125 Dan Hanks Lane, as identified on the attached maps.			
PROPERTY OWNER/PETITIONER:			
Owner: Patterson Drilling Company Petitioner: Special Materials Company (VP Charlie Neale)			
STAFF CONTACT:			
Jeff Fisher, AICP Principal Planner (325) 657-4210, Extension 1550 jeff.fisher@cosatx.us			

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

1. **Compatible with Plans and Policies. *Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.*** The proposed rezoning is located within an area designated on the Future Land Use Plan as “Industrial” in the City’s Comprehensive Plan. This industrial area encompasses 1.5 square miles between Christoval Road to the west; South Chadbourne Street to the north; and south past W. Loop 306. The properties are surrounded by other industrial or heavy commercial uses including a drywall business, construction contractor, truck accessories, and towing company to the west; oilfield services, construction company, and energy company to the north; a compression services company to the east; and a windmill company to the south. The Industrial policies recommend to “cluster industrial and intensive agricultural businesses into several large areas by specifying boundaries within which such uses may be incentivized to locate, remain and thrive, while establishing increased business diversity.” The subject property is located in the center of this industrial cluster which has existed since the 2009 Strategic Plan update to the Comprehensive Plan. Therefore, Planning staff believe that the proposed business and rezoning is appropriate in this location, surrounded by industrial uses in either direction.
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 chemical manufacturing company is a permitted use in the MH zoning which allows the “manufacture and processing of chemicals”, a subsidiary of heavy manufacturing in the Zoning Ordinance. Manufacturing activities will include repackaging of bulk containers, blending biocide solutions, and diluting and dissolving of chemicals, all of which fit within heavy manufacturing (MH). As indicated, the applicant currently operates the same business from the property immediately west, 3820 Christoval Road, which is zoned MH and allows the use. The three properties encompass a total of 7.353 acres, providing adequate space to comply with all zoning setbacks, required parking, etc. The MH zoning requires a 25-foot front yard setback facing Dan Hanks Lane and the nearest building is approximately 50 feet from the front property line in compliance. According to the Tom Green County Appraisal District, the entire site contains 10,300 sq. ft. of warehousing/storage floor area, and 4,080 sq. ft. of office area. Warehousing and storage requires 1 parking space/1,000 sq. ft. (10 parking spaces) and the offices require 1 parking space/500 sq. ft. (8 parking spaces), a total of 18 spaces. There are currently 22 paved parking spaces on the property in compliance, and there is ample space for additional parking to accommodate any future expansions. While the zoning ordinance requires parking to paved, Section 511.H.1 of the Zoning Ordinance allows for vehicle storage and equipment areas to be an all-weather surface, so long as it is not used for customer or employee parking.
3. **Compatible with Surrounding Area. *Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.*** As indicated, the proposed use and zoning are

compatible with the surrounding area which is exclusively industrial or heavy commercial uses. Since the subject area was designated Industrial in the Comprehensive Plan, first in 2003 and later expanded in 2009, a series of rezonings have taken place to allow industrial uses (Z10-12 – 3820 Christoval Road – from CH to ML); and Z13-27 (3710 Christoval Road, 4001 and 4003 S. Chadbourne Street – from ML, CH, and R&E to ML). Further, the subject property has remained CH since 1978 with a conditional use option for ML, allowing heavy commercial uses. There is an existing multi-family residential apartment complex to the northwest, but staff believes that the subject rezoning is appropriate given it is buffered from the housing complex by an energy company and that the MH zoning is located in an area that has been designated for industrial uses for almost twenty years.

4. **Changed Conditions.** *Whether and the extent to which there are changed conditions that require an amendment.* The previous use was an oilfield company, and the property is currently vacant. The proposed business requires the MH zoning because of its processing and manufacturing of chemicals. Staff believes that rezoning to MH is appropriate given the surrounding area includes mainly intense industrial uses already. Further, San Angelo City Council, at the recommendation of staff, approved the MH zoning immediately to the west in 2010 (Z10-12), where the applicant currently operates.
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.* While any manufacturing use has the potential for negative environmental impacts, this is one reason that specific areas are designated for such uses, typically away from non-industrial uses. As noted above, this proposed rezoning is within a larger area specifically designated for industrial activity and is an appropriate location for such uses. At the request of staff, the applicant has provided a summary of their proposed manufacturing activities. These were discussed with City staff including the Fire Marshal, Permits, Engineering, and Planning on Thursday, April 22, 2021:
 - Noise – the loudest noise will be a tractor or truck at 95db on occasion (approx. noise of a motorcycle);
 - Traffic – anticipated 6 inbound truck trips/day; 11 outbound truck trips per day; 20 other vehicles from contractors, suppliers per day;
 - Odor and Smoke – vapor recovery used to limit odor when unloading chemicals; no smoke;
 - Dust and Vibration – from operations are only a few feet from source inside buildings only; no significant vibration;
 - Sewage – None. All rinsate collected and recycled into finished products; hazardous materials recycled or collected for disposal.

Staff believes that environmental impacts should be minimal, based on any allowed use following industry practices and environmental regulations.

6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.* Planning staff believe that there is a demonstrated community need for this business. According to the applicant, the business will provide employment for San Angelo residents. It will also provide an additional industrial tax base, and necessary products for the oilfield sector helping the local economy.
7. **Development Patterns.** *Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.* The property is a short drive to the intersection of Christoval Road and South Chadbourne Street, both urban arterial streets designed to carry large traffic volumes. The current development patterns would not change, with continued access being provided from Dan Hanks, a public road that was dedicated to the City in 1988.

Planning Commission Recommendation:

On May 17, 2021, the Planning Commission recommended unanimous **APPROVAL** by a 5-0 vote of a rezoning from the Heavy Commercial (CH) Zoning District to the Heavy Manufacturing (MH) Zoning District, being approximately 7.353 acres, located at 4125 Dan Hanks Lane, as identified on the attached maps. **The following is the complete excerpt of the draft minutes from the May 17, 2021 meeting for this case:**

Jeff Fisher, Principal Planner, presented the proposed rezoning. He explained that the applicant was proposing to change the zoning on the property from CH to MH, and that of the 10 notices that were mailed, only one response was received regarding drainage but was neither in favor nor opposed to this case. He indicated that he would forward that response to Engineering for review. Mr. Fisher explained that the applicant currently operates their business from the property immediately to the west at 3820 Christoval Road, and requires more space, desiring to relocate to the subject property. He then shared photos of the site and surrounding area. Mr. Fisher explained that the chemical mixing component of the applicant's business is what required the MH zoning. Mr. Fisher outlined Staff's recommendation to approve the proposed rezoning on the grounds that it is surrounded by industrial uses; is located within a 1.5 square mile industrial designated cluster in the Comprehensive Plan; that there is adequate space on the property to comply with zoning and parking requirements; that the use is compatible with surrounding industrial uses and a rezoning from CH to MH on the property where the applicant is now operating (Z10-12); and that there will be no significant environmental effects, and that noise, traffic and odor will be minimal per the information provided by the applicant, and that there should not be any outdoor uses. Mr. Fisher also noted that the applicant met with Staff in advance at a pre-development meeting to outline their proposed development.

Chair Stribling opened public comment.

Charlie Neale, who works with SMC Global, the applicant, mentioned that the company's plan is to conduct the same business as what they are doing now immediately to the west.

Chair Stribling closed public comment.

Vice Chair Jackson made a motion to **RECOMMEND APPROVAL** of a rezoning from the Heavy Commercial (CH) Zoning District to the Heavy Manufacturing (MH) Zoning District, being 7.353 acres located at 4125 Dan Hanks Lane. Commissioner Ionita seconded the motion. The motion carried unanimously, 5-0.

Recommendation:

Staff's recommendation is for City Council to **APPROVE** a rezoning from the Heavy Commercial (CH) Zoning District to the Heavy Manufacturing (MH) Zoning District, being approximately 7.353 acres, located at 4125 Dan Hanks Lane, as identified on the attached maps.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Photographs
Response Letter
Applicant's Rationale for Approval
Applications



Rezoning

Z21-06: 4125 Dan Hanks Lane

Council District: Tommy Hiebert - District 1

Neighborhood: Glenmore

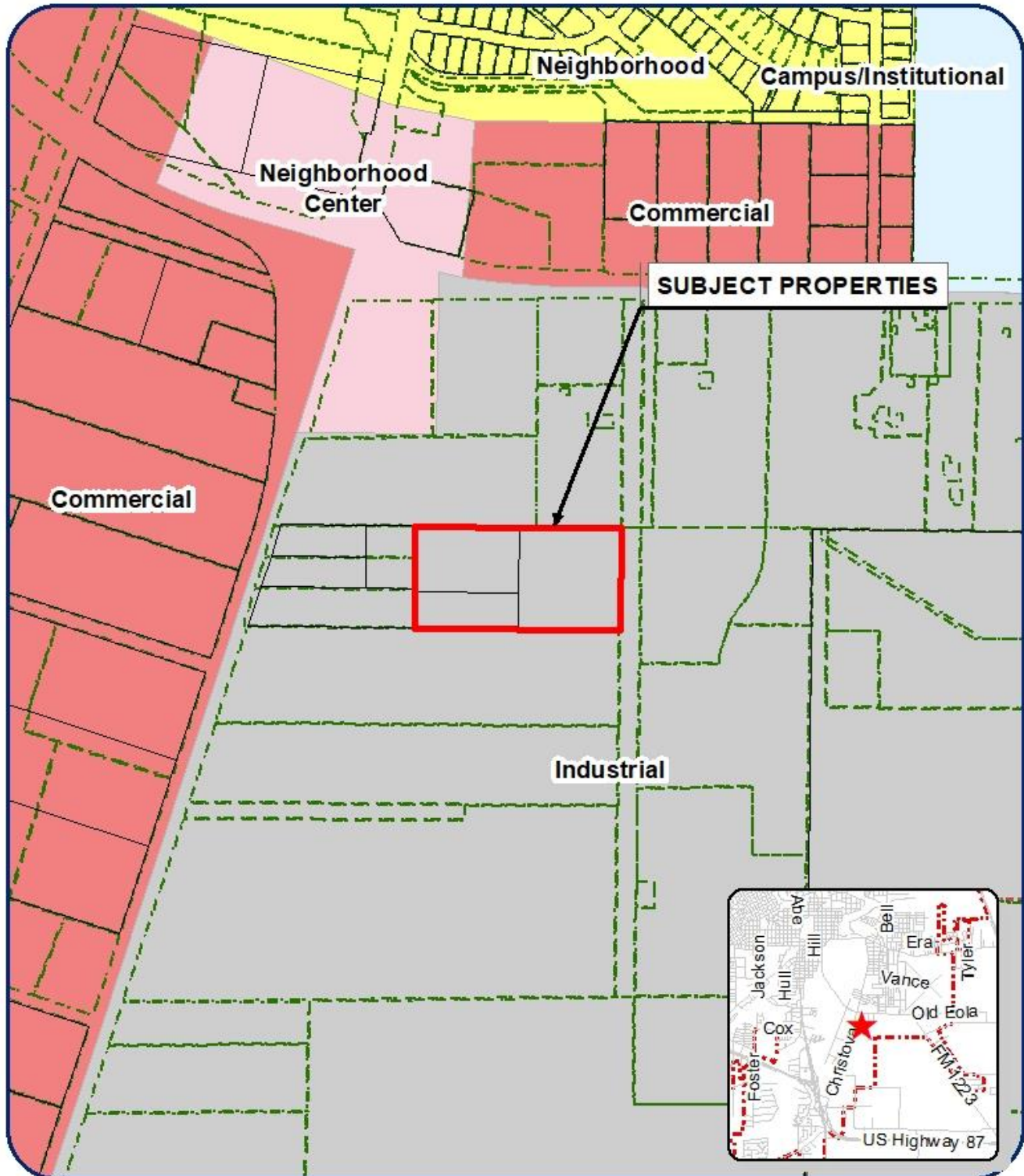
Scale: 1" approx. = 500 ft

4125 Dan Hanks Lane, 7.353 ac.

Legend

Subject Properties: 
Current Zoning: **CH**
Requested Zoning Change: **MH**
Vision: **Industrial**





Rezoning

Z21-06: 4125 Dan Hanks Lane

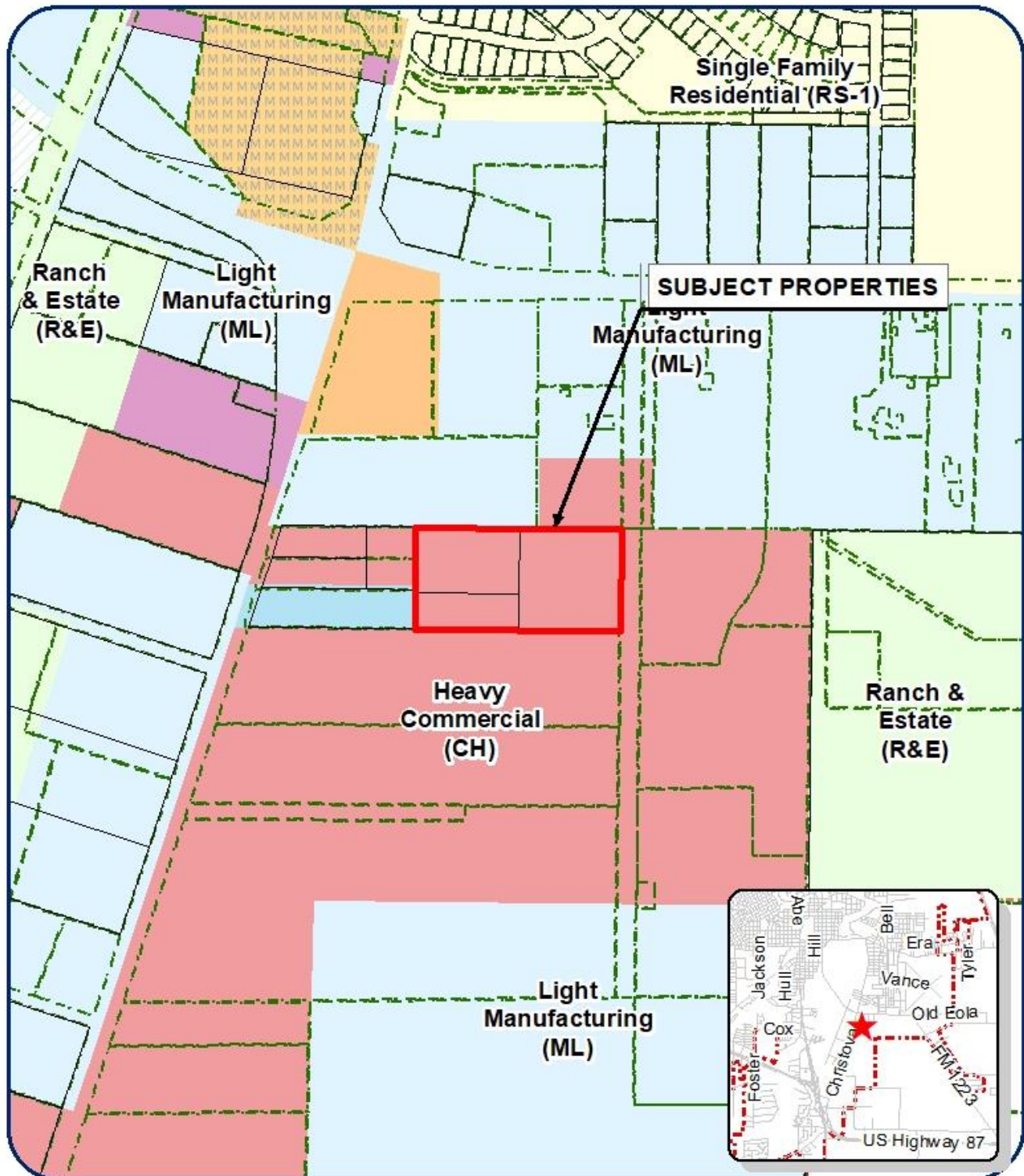
Council District: Tommy Hiebert - District 1
Neighborhood: Glenmore
Scale: 1" approx. = 500 ft

4125 Dan Hanks Lane, 7.353 ac.

Legend

Subject Properties: —
Current Zoning: CH
Requested Zoning Change: MH
Vision: Industrial





Rezoning

Z21-06: 4125 Dan Hanks Lane

Council District: Tommy Hiebert - District 1

Neighborhood: Glenmore

Scale: 1" approx. = 500 ft

4125 Dan Hanks Lane, 7.353 ac.

Legend

Subject Properties: —
Current Zoning: CH
Requested Zoning Change: MH
Vision: Industrial



Photos of Site and Surrounding Area

NORTH OF CHRISTOVAL ROAD



EXISTING LOCATION (3820 CHRISTOVAL RD)



NORTH ON DAN HANKS LANE



SOUTH ON DAN HANKS LANE



NORTHWEST AT SUBJECT PROPERTY



SOUTHEAST AT SUBJECT PROPERTY



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

() IN FAVOR

() IN OPPOSITION

REASON(S) I am not in favor or oppose. The problem I have is water runoff
from PLOT (6) and this needs to be addressed and fixed. When it rains the
WATER from this plot (6) floods my plot (3). It has flooded my shops several
times and is washing away the dirt causing erosion. WATER retention needs
to be addressed and fixed.

NAME: Randy and Melody Crooks
Shop:

ADDRESS: 3800 Christoval Road
San Angelo, TX 76903

Home: 2701 Christoval Road
San Angelo, TX 76903

SIGNATURE: Melody Crooks

Z21-06: 4125 Dan Hanks Lane
property owner number: 3

If you have any questions about these proceedings, please call Mr. Jeff Fisher, Principal Planner, with the City of San Angelo's Planning Division at telephone number 325-657-4210. The Planning Division staff may also be reached by email at jeff.fisher@cosatx.us.

Applicant's Rationale for Approval

Sec. 212. Amendments to Text or Official Zoning Map

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

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

The proposed zone change is compatible with the comprehensive plan. This chemical manufacturing company is in line with the types of businesses that should set within the Vision Plan Map's industrial area. The zone change will allow an existing industrial business to expand, which is in line with the Comprehensive Plan.

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

The proposed change from CH to MH is consistent with the zoning ordinance.

The Applicant currently leases an abutting property to the west of the Subject Property that is already zoned MH. The Subject Property is also further away from any residential housing that its existing location.

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 zone change is compatible with the surrounding industrial area. It will assist in allowing the area's existing uses to expand in scale, and in allowing for ancillary needs of expanding businesses, such as on-site professional offices for the industrial sector.

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

No changed conditions known.

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

The zone change will not result in adverse effect on natural environment, as the intended use by Applicant is already in effect at Applicant's current location to the west of and abutting the Subject Property.

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

Economic development for San Angelo requires the expansion of existing industrial businesses, just like Applicant. Such expansion will result in more jobs in the area, many of which will help elevate the standard of living in San Angelo through higher paying jobs.

- _____
- _____
- _____
7. Development Patterns. Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.
- The existing Comprehensive Plan seeks to keep industrial activity and businesses away from Downtown San Angelo and from visitor traffic. The zone change at this location is in line with the Plan.
- _____
- _____
- _____

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): Special Materials Company (VP Charlie Neale, Local Counsel Amy Zeltman)

☐ Owner

☒ Representative (Notarized Affidavit Required)

44 North Main Street

Lambertville

New Jersey

08530

Mailing Address

City

State

Zip Code

225-933-1502 (Neale), 325-895-8030 (Zeltman)

cneale@smc-global.com; amyz@ghtxlaw.com

Contact Phone Number

Contact E-mail Address

4125 Dan Hanks Ln.

San Angelo

Texas

76904

Subject Property Address

City

State

Zip Code

Acres: 7.353, Blk: 2, Subd: OLD CRISTOVAL IND PK-C&S, EAST 400' OF TRACTS C & D & ALL OF TRACT E SEC 2

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

Existing Zoning: CH Heavy Commercial Proposed Zoning: MH Heavy Manufacturing Lot size: 7.353 ac (320,297 sf)

(Zoning Map available on City Maps)

Section 2: Site Specific Details

Existing Use of Property: The property is primarily used as a storage and maintenance site for Patterson-UTI Drilling Company LLC, in support of the pressure pumping, land drilling, and oilfield services business of the owner and its affiliates.

*Proposed Use of Property: Manufacture of specialty chemicals used in various industries, including the oil and gas industry.

*Use separate attachment if necessary

Section 3: Applicant(s) Acknowledgement

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

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

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

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

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

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

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

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

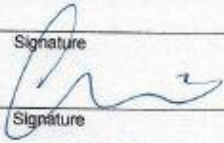
☒ If the Planning Commission recommends denial of a request, the applicant will have ten (10) days to appeal this decision, in writing, to the City Council. If an appeal is made within three (3) days from the Planning Commission meeting, no re-notification fee will be required. Otherwise, there will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

Effective January 3, 2017

Section 3 continued : Applicant(s) Acknowledgement

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

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

Owner Name (Print)	Signature	Company/Organization (If Applicable)	Date
Charlie Neale, VP		Special Materials Company	4/8/2021
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: ____/____/____

Effective January 3, 2017



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



AFFIDAVIT
Owner Permission-To-Named-Representative

STATE OF TEXAS
COUNTY OF TOM GREEN

Section 1: Owner, Property, and Representative Information

I, Patterson-UTI Drilling Company LLC, make this affidavit and hereby on oath state the following:
Print Property Owner Name

I, being the ☒ sole ☐ partial owner of the following property:

4125 Dan Hanks Ln. San Angelo TX 76904 281-765-7100 / Andy.Smith@patterson-uti.com
Property Address City State Zip Code Contact Number E-mail Address

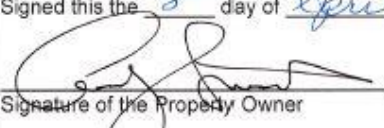
Legal Description of Location (can be found on property tax statement or at www.tomgreencad.com):
Acres: 7.353, Blk: 2, Subd: OLD CHRISTOVAL IND PK-C&S, EAST 400' OF TRACTS C & D & ALL OF TRACT E SEC 2

give my permission to below named representative, to apply for approval of a Planning application (e.g. Zone Change, Special Use, Conditional Use, etc.) on the above-described property.

Special Materials Company

(Please print) Representative's Organization or Entity

Signed this the 8th day of April, 2021.


Signature of the Property Owner

CFO, on BEHALF OF PATTERSON-UTI DRILLING COMPANY LLC

Section 2: Notary Public Information

BEFORE ME, the undersigned authority, this day personally appeared Andy Smith, CFO and
Name

on oath stated that the facts hereinabove stated are true to the best of his knowledge or belief.
His/Her

SWORN TO AND SUBSCRIBED before me on this the 8th day of April, 2021.




Notary Public, State of Texas

AN ORDINANCE PROVIDING FOR ABANDONMENT AND VACATION OF A PORTION OF AN ALLEY RIGHT-OF-WAY COMPRISING OF APPROXIMATELY 0.052 ACRES (2,250 SQUARE FEET) WITHIN BLOCK 58 OF THE LAKE VIEW ADDITION; LOCATED SOUTH OF EAST 41ST STREET; WEST OF BOWIE STREET; NORTH OF EAST 40TH STREET; AND EAST OF OAKLAWN 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 58 of the Lake View 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 0.052 acres (2,250 square feet) of alley right-of-way within Block 58 of the Lake View 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.
- 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).

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 **15th day of June, 2021**, and finally PASSED, APPROVED AND ADOPTED on this the **8th day of July, 2021**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

ATTEST:

APPROVED AS TO FORM:

Julia Antilley, City Clerk

Theresa James, City Attorney

EXHIBIT “A”

		9		11	12	13	14
502	504	516	518	520			4107
		10					

CITY COUNCIL – June 15, 2021

STAFF REPORT



APPLICATION TYPE:		CASE:	
Alley Right-of-way Abandonment		500 Block of E. 41 st Alley-Abandonment	
SYNOPSIS:			
The applicant has requested the abandonment of a 15' x 150' unpaved alley within Block 58 of the Lake View Addition. The purpose of the abandonment is to add additional land to erect a carport. The applicants owns the properties on both sides of the alley, and are requesting to abandon the entire alley.			
LOCATION:		LEGAL DESCRIPTION:	
South of East 41 st Street; west of Bowie Street; north of East 40 th Street; and east of Oaklawn Street		Being a 2,250-sq.ft. alley within Block 58 of the Lake View Addition	
SM DISTRICT / NEIGHBORHOOD:		ZONING:	FUTURE LAND USE:
SMD District #2 – Tom Thompson Lake View Neighborhood		RS-1 – Single-Family Residential	Neighborhood
			SIZE:
			0.052 acres
THOROUGHFARE PLAN:			
N/A. Alley was approved as part of the Lake View Addition, filed for record September 11, 1908 with the Tom Green County Clerk.			
STAFF RECOMMENDATION:			
Staff recommends <u>APPROVAL</u> of the Alley Right-of-Way Abandonment request, subject to three Conditions of Approval .			
PROPERTY OWNER/PETITIONER:			
Bobbie Root/Nathan Englehart			
STAFF CONTACT:			
Cooper Carroll Intern - Planning & Development Services (325) 657-4210 cooper.carroll@cosatx.us			

Public Comments:

City Staff circulated to all relevant municipal departments, as well as public and private utility companies. There are no City services within the alley area to be abandoned. The City's Operations Department expressed their support for the alley abandonment as it is undeveloped and not being used by the City.

Frontier and Atmos responded and indicated they had no objections. All other utility companies did not respond.

Rationale:

Planning Staff reviewed all relevant history, ordinances, policies, and conducted a site visit to the property on April 29, 2021, to determine the appropriateness of abandoning this public alley right-of-way.

- *Traffic patterns:* Planning Staff believe that existing or anticipated traffic patterns would not be negatively affected if the alley was abandoned and sold to adjacent owner which owns properties on both sides of the alley. A site visit confirms that the alley is unpaved (caliche or grass) and there are no rear access drives to abutting land owners or rear garages or carports.
- *Utilities:* There are no City utilities in the alley. Water lines are located along E 41st Street and E 40th Street. Sewer lines are located along the alleyway that runs between Oaklawn Street and Bowie Street which also runs parallel to East 41st and E 40th Streets.
- *Community Impact:* The City sent abutting alley owners, and those within 200 feet, a notice of the meeting. There have been no responses to date.
- *Public benefit:* The abandonment of this alley will not be detrimental to the surrounding neighborhood. The alley abandonment would prove to increase the benefit of the land owner because she could adjoin her to properties into one and allow her to place a new carport in the abandoned area.

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. The following is the complete excerpt of the draft minutes from the May 17, 2021, meeting for this case:

Cooper Carroll, Planning Intern, presented the case. He indicated that the applicant wanted to place a carport to the side of the existing house which triggered the request. Mr. Carroll outlined Staff's rationale for approval on the grounds that there are no negative affects; that the alley remains unpaved and there are no rear garages or carports that access the alley; that there are no City or private utilities in the alley' and there were no responses from utility companies or neighbors. He explained that of the 18 notices that were mailed, there were no responses received in favor or against. He concluded his presentation by outlining the three conditions of approval as requested.

Chair Stribling opened public comment.

Ms. Root, the applicant, asked when the property needed to be replatted.

Commissioner Davis indicated that the plat had to be approved and recorded within 18 months.

Ms. Carroll corrected this condition, confirming that the plat was not required until 36 months from this approval.

Ms. Root asked for clarification on the process.

Jon James, Planning and Development Services Director, indicated that in addition to this approval, the applicant would have to obtain City Council approval for this abandonment; pay an assessment formula; then obtain approval and record the replat. He explained that once all the conditions are fulfilled, she could then obtain a building permit.

Chair Stribling closed public comment.

Vice Chair Jackson made a motion to RECOMMEND APPROVAL of a request to approve the abandonment of a 2,250-square foot (15' x 150') alley on the south side of East 41st Street between Oaklawn Street and Bowie Street, subject to three conditions as presented. Commissioner Davis seconded the motion. The motion carried unanimously 5-0.

Recommendation:

Staff's recommendation is to:

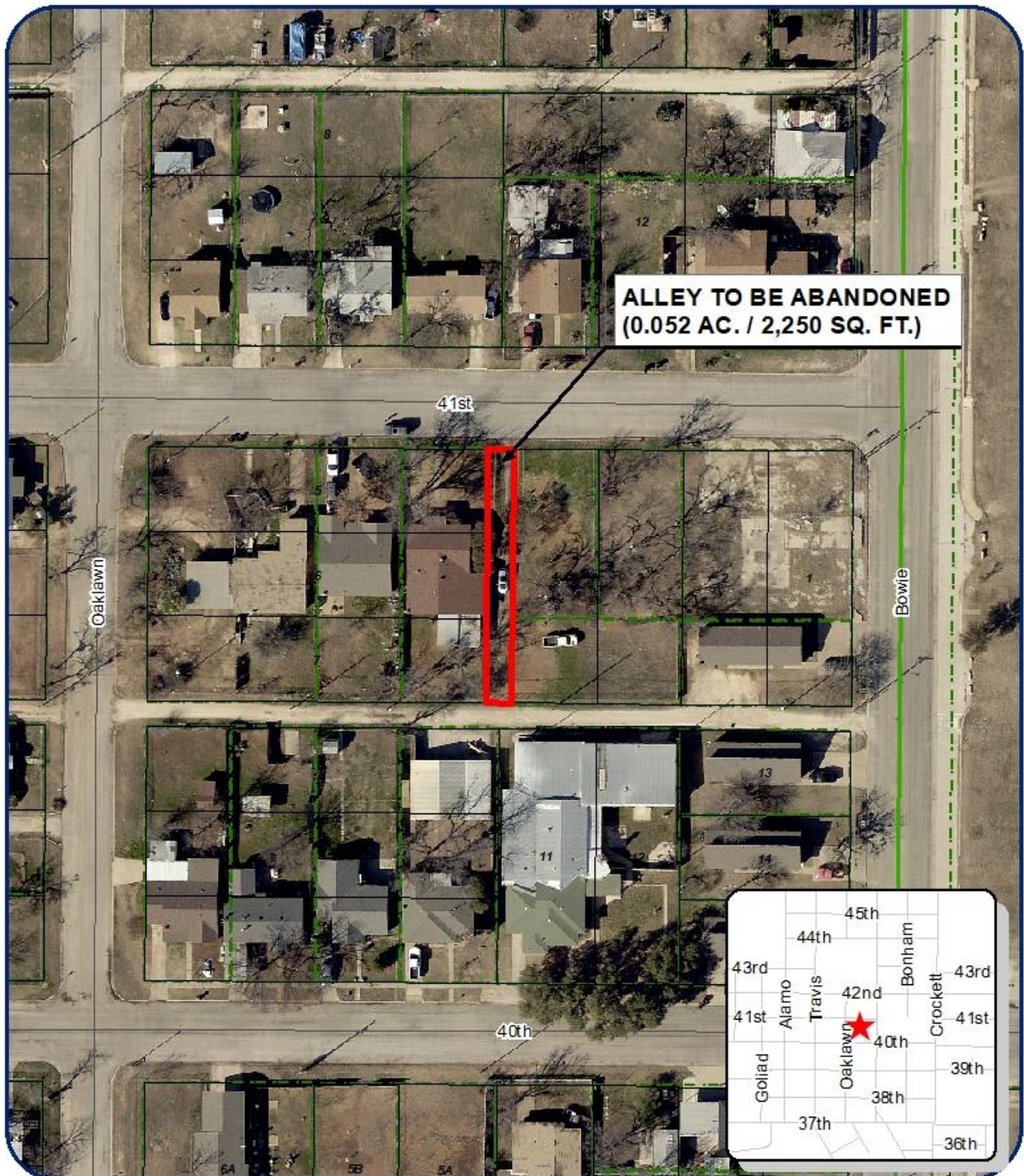
Recommend **APPROVAL** of the proposed abandonment and vacation of a 15-foot wide by 150-foot long, 0.052-acre (2,250-square foot) public alley; generally located south of East 41st Street; west of Bowie Street; north of East 40th Street; and east of Oaklawn Street; **subject to three Conditions of Approval:**

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.
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 alley(s).

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Alley Abandonment Exhibit
Applicant Letter
Application



Alley Abandonment

500 Block of E. 41st St.

Council District: Tom Thompson - District 2

Neighborhood: Lake View

Scale: 1" approx. = 75 ft

0.052 acres south of E. 41st St between Oaklawn St and Bowie St

Legend

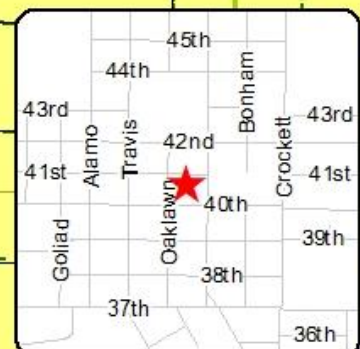
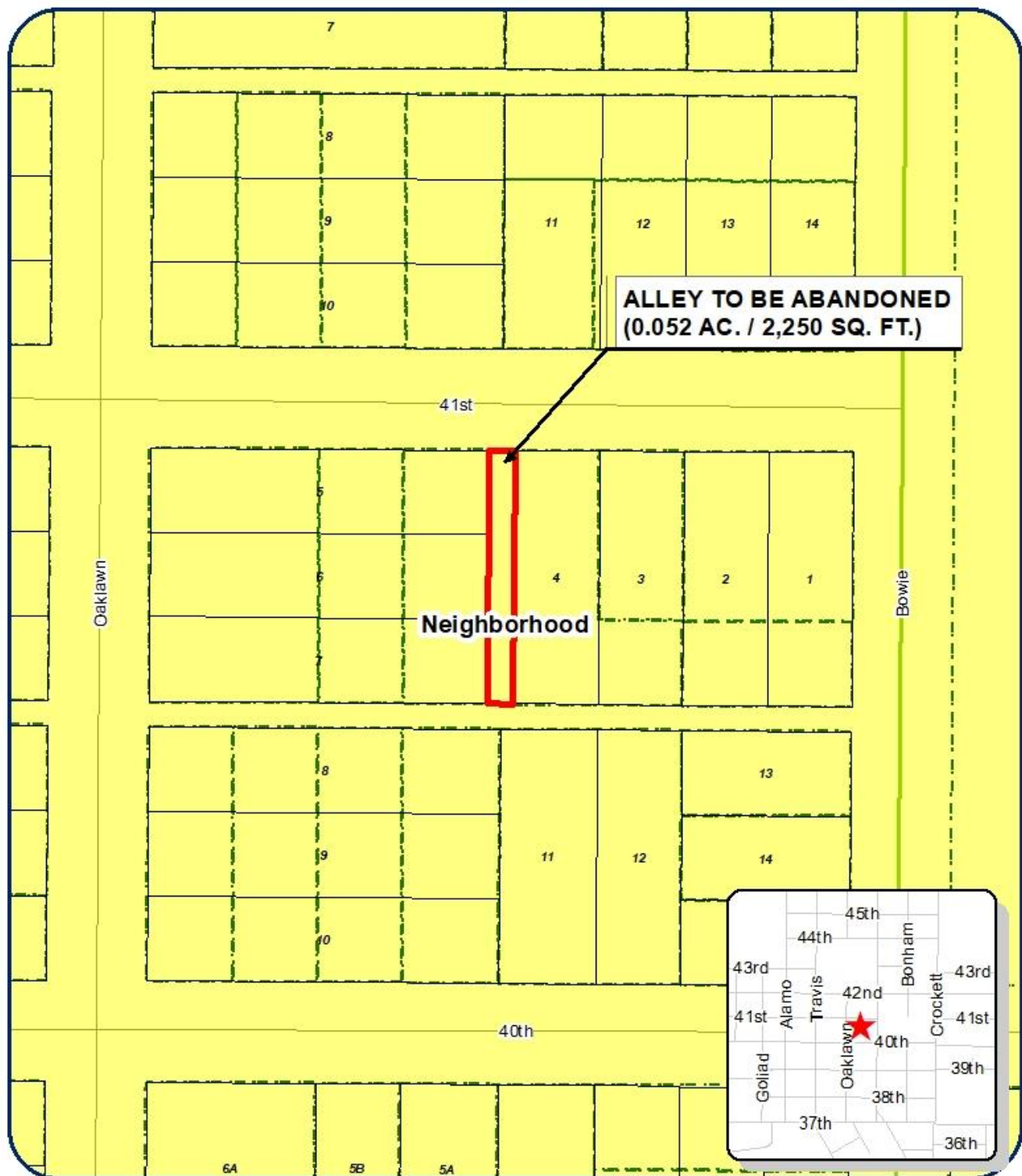
Subject Properties:

Current Zoning: RS-1

Requested Zoning Change: N/A

Vision: Neighborhood





Alley Abandonment

500 Block of E. 41st St.

Council District: Tom Thompson - District 2

Neighborhood: Lake View

Scale: 1" approx. = 75 ft

0.052 acres south of E. 41st St between Oaklawn St and Bowie St

Legend

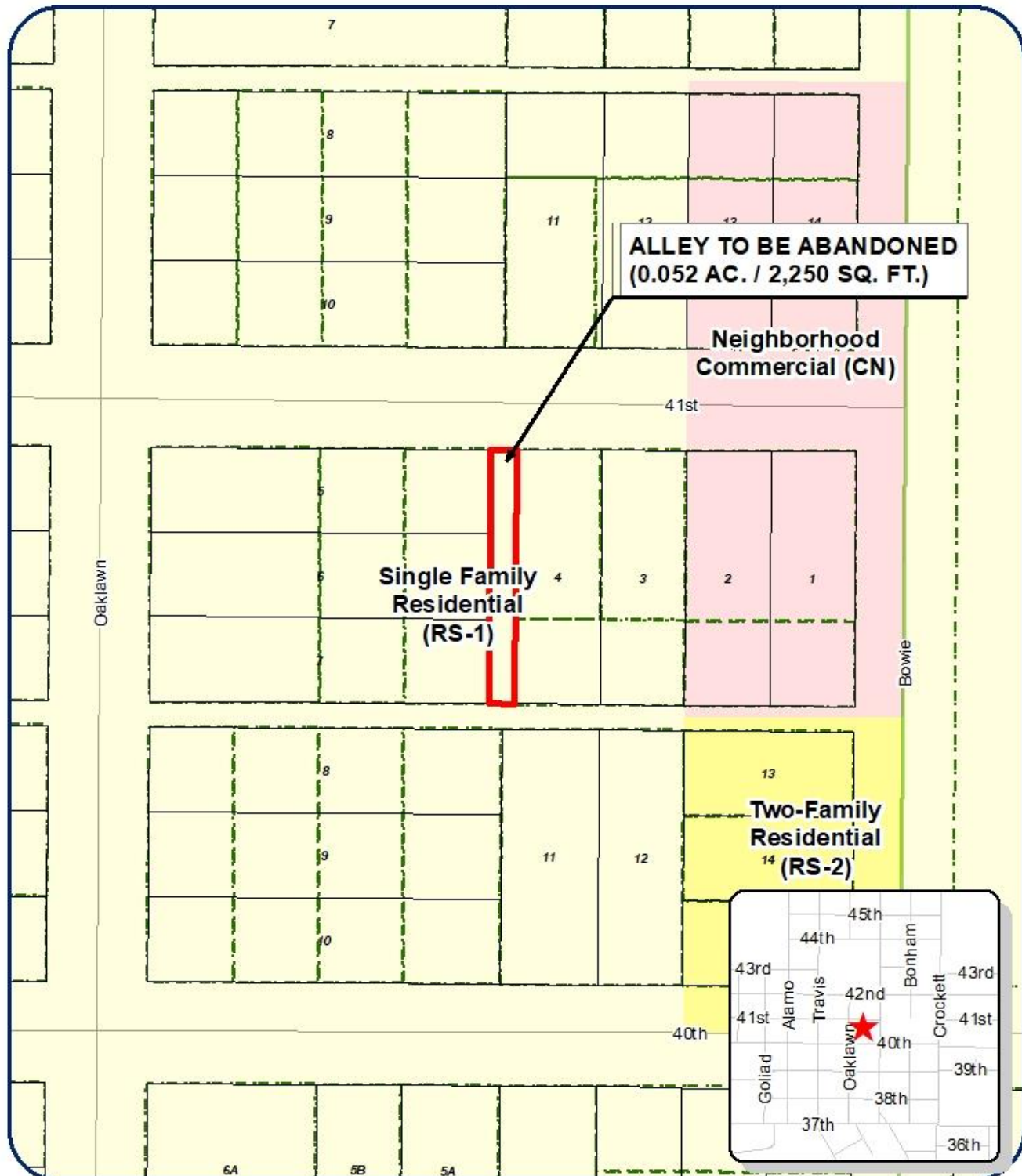
Subject Properties: —

Current Zoning: RS-1

Requested Zoning Change: N/A

Vision: Neighborhood





Alley Abandonment

500 Block of E. 41st St.

Council District: Tom Thompson - District 2
 Neighborhood: Lake View
 Scale: 1" approx. = 75 ft

0.052 acres south of E. 41st St between Oaklawn St and Bowie St

Legend

Subject Properties: —
 Current Zoning: RS-1
 Requested Zoning Change: N/A
 Vision: Neighborhood



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): Bobbie Root Nathan Englehart

☒ Owner

☐ Representative (Affidavit Required)

513 E 41st San Angelo Tx 76903
Mailing Address City State Zip Code

571-354-3988 hordami@verizon.net
Contact Phone Number Contact E-mail Address

513 E 41st San Angelo Tx 76903
Subject Property Address City State Zip Code

0.172, Blk 58 Sub Lake View Addition E 50' of lots 5-7
Legal Description (can be found on property tax statement or at www.tcomptreasad.com)

Lot Size: 0.172 Zoning: _____

Section 2: Site Specific Details

Subdivision Name: Lake View Addition

Lots and/or Blocks Affected*: Lots 3,4,5,6,7

General Description of Location*: Alley runs between 5,6,7 and 3,4

Reason for Abandonment*: To use as a driveway and add a
carport. To connect the property as one

*Use attachment if necessary.

Effective January 3, 2017

Section 3: Applicant's acknowledgement

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

Signature of licensee or authorized representative
affirming the truth of the above statement.

4-14-2021
Date

Bobbie Root
Printed name of licensee or authorized representative

BOBBIE ROOT
Name of business/Entity of representative

FOR OFFICE USE ONLY:

Date of Application: 4, 14, 21

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

Date of hearing by Planning Commission: 5, 17, 21 Date of hearing by City Council: 6, 15, 21

Reviewed/Accepted by: _____

Effective January 3, 2017

Section 3: Applicant's acknowledgement

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

Nathaniel L Englebert
Signature of licensee or authorized representative
affirming the truth of the above statement.

4/15/21
Date

Nathaniel L Englebert
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: _____

AN ORDINANCE PROVIDING FOR ABANDONMENT AND VACATION OF A PORTION OF AN ALLEY RIGHT-OF-WAY COMPRISING OF APPROXIMATELY 0.052ACRES (2,250 SQUARE FEET) WITHIN BLOCK 34 OF THE LAKE VIEW ADDITION; LOCATED NORTH OF EAST 44TH STREET; WEST OF BOWIE STREET; SOUTH OF EAST 46TH STREET; AND EAST OF OAKLAWN 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 34 of the Lake View 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 0.052 acres (2,250 square feet) of alley right-of-way within Block 34 of the Lake View 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:

1. 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.

2. 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.

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 alley(s).

4. The applicant shall provide as part of the replat a minimum 15-foot, unobstructed sewer main easement to the satisfaction of the city's engineers.

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 **15th day of June, 2021**, and finally PASSED, APPROVED AND ADOPTED on this the **8th day of July, 2021**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

ATTEST:

APPROVED AS TO FORM:

Julia Antilley, City Clerk

Theresa James, City Attorney

EXHIBIT “A”

5			
501	517		525
6	4	3	2

CITY COUNCIL – June 15, 2021

STAFF REPORT



APPLICATION TYPE:		CASE:	
Alley Right-of-way Abandonment		500 Block of E. 44 th Street Alley-Abandonment	
SYNOPSIS:			
The applicant has requested the abandonment of a 15' x 150' unpaved alley within Block 34 of the Lake View Addition. Reasons for the request include no public use of the alley, and the area is an unimproved unmaintained area.			
LOCATION:		LEGAL DESCRIPTION:	
North of East 44 th Street; west of Bowie Street; south of East 45 th Street; and east of Oaklawn Street		Being a 0.172 acres, Lot 11, located within Block 34 of the Lake View Addition	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #2 – Tom Thompson Lake View Neighborhood	RS-1 – Single-Family Residential	Neighborhood	0.172 acres
THOROUGHFARE PLAN:			
N/A. Alley was approved as part of the Lake View Addition, filed for record September 11, 1908 with the Tom Green County Clerk.			
NOTIFICATIONS:			
6 notifications mailed directly adjacent the proposed abandonments on May 1, 2021. Zero received in support or opposition.			
STAFF RECOMMENDATION:			
Staff recommends <u>APPROVAL</u> of the Alley Right-of-Way Abandonment request, subject to four Conditions of Approval . At their May 17, 2021 Planning Commission meeting the Commission voted 5-0 to approve the Abandonment, subject to four Conditions .			
PROPERTY OWNER/PETITIONER:			
Calixto A. Rodriguez/ Beatriz Alvarado Hernandez			
STAFF CONTACT:			
Cooper Carroll/Sherry Bailey Intern/Principal Planner (325) 657-4210 sherry.bailey@cosatx.us			

Additional Information:

There is a city sewer line located within the alley subject to abandonment, the City's Operations Department would require a 15' unobstructed easement in the form of a condition of approval of the abandonment.

Public Comments:

City Staff circulated to all relevant municipal departments, as well as public and private utility companies. The City does have a sewer line within the alley area to be abandoned. The City's Operations Department expressed their support for the alley abandonment but an easement would be required to be unobstructed (no buildings, structures, or fences allowed) and a minimum of 15 feet wide. There were no other responses from private utility companies.

Rationale:

Planning Staff reviewed all relevant history, ordinances, policies, and conducted a site visit to the property on May 3, 2021, to determine the appropriateness of abandoning this public alley right-of-way.

- *Traffic patterns:* Planning Staff believe that existing or anticipated traffic patterns would not be negatively affected if the alley was abandoned and sold to adjacent land owners. A site visit confirms that the alley is unpaved (caliche or grass) and there are no rear access drives to abutting land owners or rear garages or carports.
- *Utilities:* There is a 6" city sewer line within the alley area to be abandoned. Other water and sewer lines are located along Bowie Street and East 44th Street. If a 15' unobstructed easement would be provided as a condition of approval City staff would support the alley abandonment.
- *Community Impact:* The City had sent abutting alley owners and those within 200 feet public notice of the meeting. There have been no responses to date. As a condition of approval, Planning Staff recommends that all abutting owners comply with the abandonment requirements within 12 months of approval.
- *Public Benefit:* The Planning Division believes that the abandonment of this alley would not prove to be detrimental to the public benefit of the surrounding neighborhood. The alley abandonment would prove to increase the benefit of the applicant because she is already maintaining the subject right-of-way.

Recommendation:

Staff's recommendation is to:

Recommend **APPROVAL** of the proposed abandonment and vacation of a 15-foot wide by 150-foot long, 0.052-acre (2,250-square foot) public alley; generally located North of East 44th Street, west of Bowie Street, south of East 45th Street; and east of Oaklawn Street; more specifically located between Lots 8-11 within Block 34 of the Lake View 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.
2. The applicant shall provide as part of the replat a minimum 15-foot, unobstructed sewer main/utility easement to the satisfaction of the city's engineers.
3. 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.
4. 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).

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Alley Abandonment Exhibit
Applicant Letter
Application



Location Map ROW Abandonment

Alley - 518 East 44th Street

Council District 2 - Tom Thompson

Neighborhood: Lakeview

Scale: 1" approx. = 60 ft

15 ft. by 150ft. alley adjacent to Lots 8-10 & 11, Blk. 34, Lakeview Addition

Legend

Subject Properties:

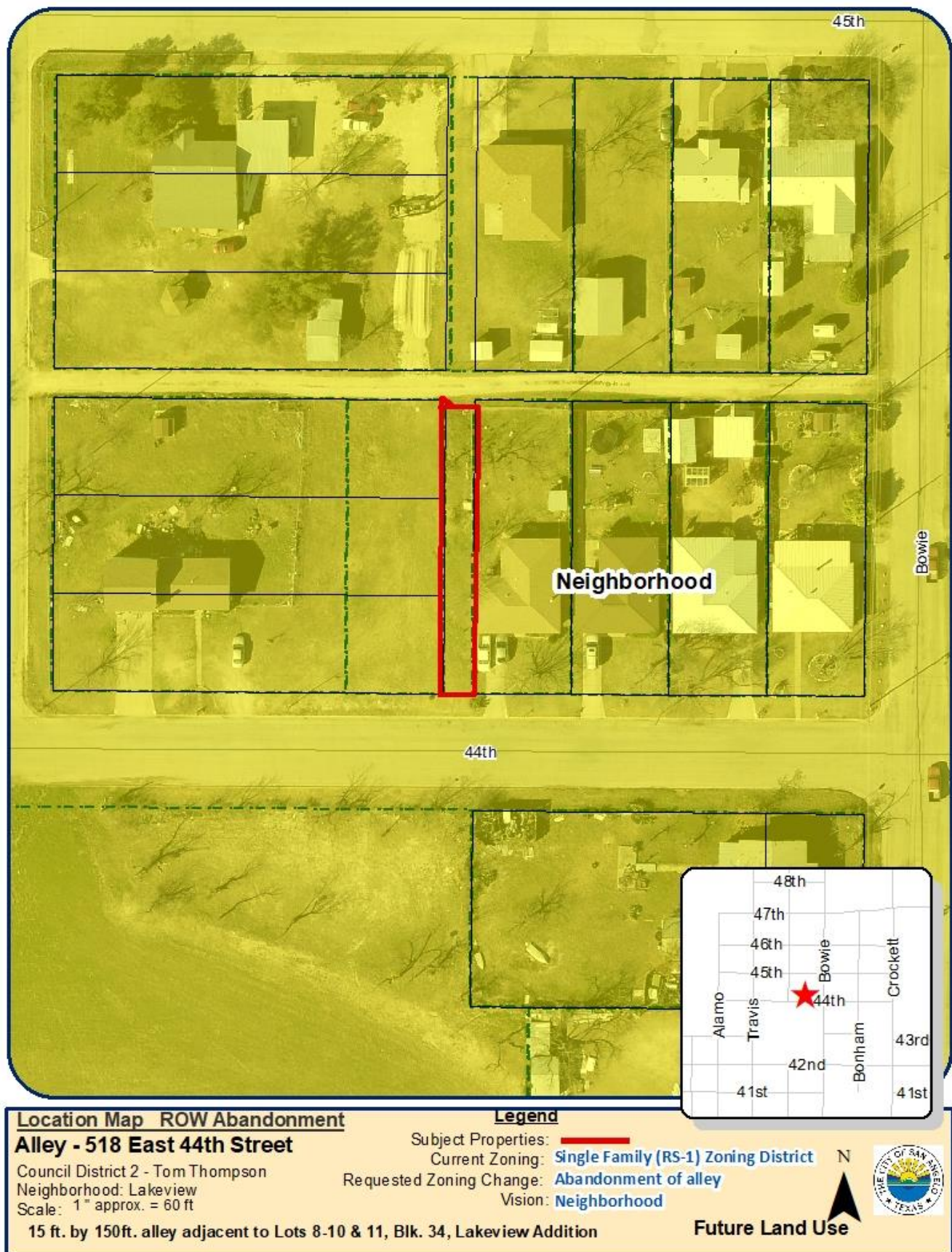
Current Zoning: **Single Family (RS-1) Zoning District**

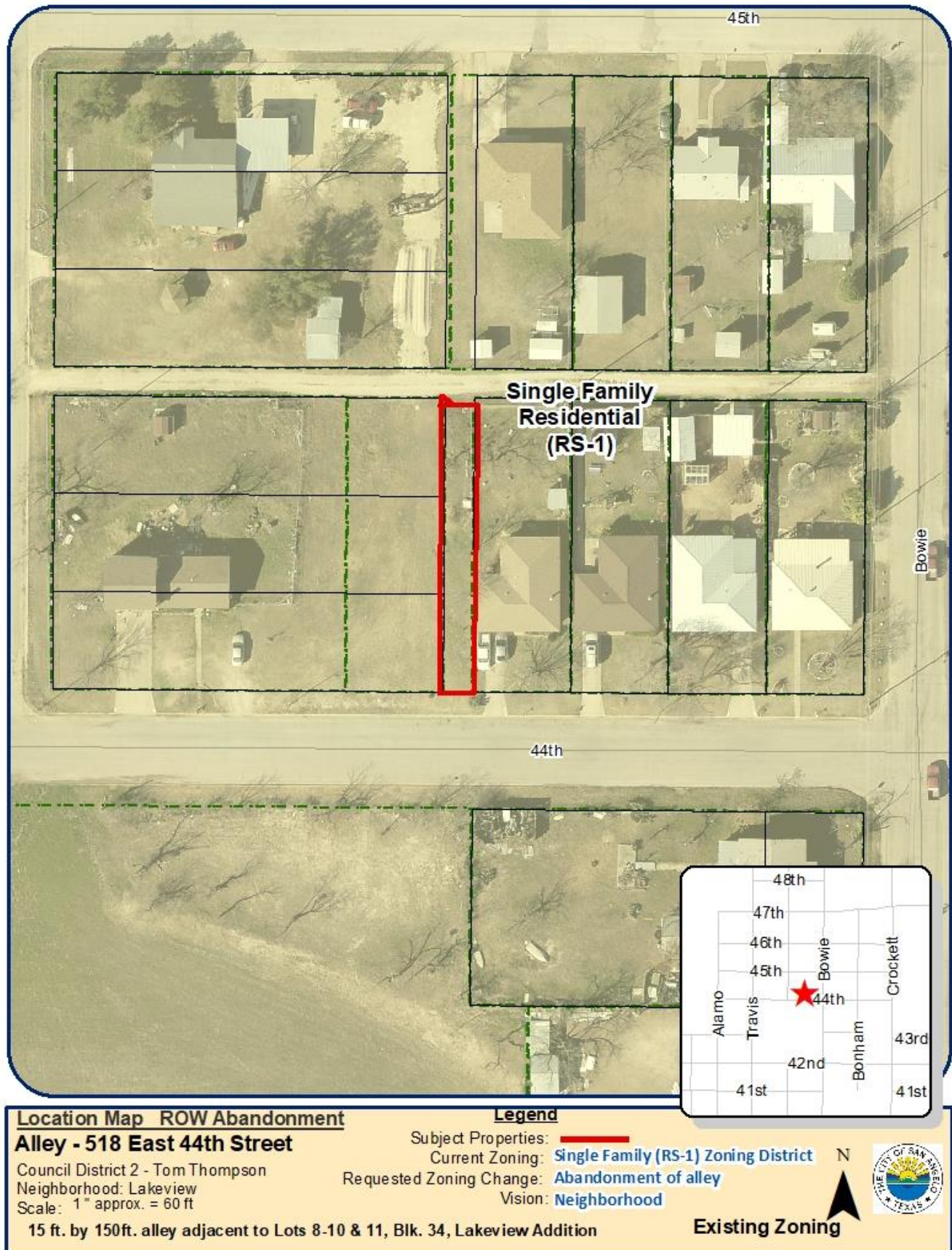
Requested Zoning Change: **Abandonment of alley**

Vision: **Neighborhood**



Aerial Map







Alley area request for abandonment adjacent to 518 East 44th Street



Area on the west adjacent to proposed alley abandonment.

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): Calixto A. Modiguez Beatriz Alvarado Hernandez

☒ Owner ☒ Representative (Affidavit Required)

518 E 44th San Angelo TX 76903
Mailing Address City State Zip Code

830-212-3741 830-308-0674 CalixtoA.Modiguez85@Gmail.com
Contact Phone Number Contact E-mail Address

Subject Property Address City State Zip Code

Abandoned alley

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

Lot Size: 10 FT Zoning: RS-1

Section 2: Site Specific Details

Subdivision Name: Lakeview Addition

Lots and/or Blocks Affected: Lot 11, Block 34

General Description of Location: Alley directly west of 518 E 44th

Reason for Abandonment: to expand existing lot

*Use attachment if necessary.

Effective January 3, 2017

Section 3: Applicant's acknowledgement

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

Calixto A. Rodriguez Beatriz Alvarado Hernandez 4-15-2021

Signature of licensee or authorized representative
affirming the truth of the above statement.

Date

Calixto A. Rodriguez Beatriz Alvarado Hernandez
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: _____

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: June 15, 2021

Item type: Regular Item

Caption:

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 unplanned expenditures (Presentation made by Finance Director Tina Dierschke)

Summary/History:

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

- Gexa Energy

Financial Impact:

See Exhibit A of the ordinance.

Other Information/Recommendation:

Staff recommends approval.

Attachments:

- | | | |
|----|--------------|------------------|
| 1. | BA Memos ALL | BA Memos ALL.pdf |
| 2. | Ordinance | Ordinance.docx |

Presentation:

Tina Dierschke

Approvals/Reviews:

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

Memo

To: Tina Dierschke, Finance Director
From: Ryan Gaddy, Assistant Finance Director
Date: 06/15/21
Re: Budget Amendment Request

Purpose of Budget Amendment Request:

Pay electricity expenditures relating to ancillary charges from Winter Storm Uri.

Source of Funding:

Water and Wastewater fund balances and current year excess sales tax

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

Project/Budget to be amended	Current Budget	Proposed Change	Proposed Revised Budget
Revenue:			0
Marginal Sales Tax	0	423,423	423,423
Expense:			0
General Fund	0	423,423	423,423
Water	0	198,849	198,849
Water Reclamation	0	101,311	101,311

Additional Comments:

Any assistance from FEMA or reimbursement from Gexa would then be returned to those funds either on a prorated or actual basis depending on the terms set forth.

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 UNPLANNED EXPENDITURES.

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 15th day of June, 2021, and finally PASSED on this 8th day of July, 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)
			-
101	423,423	423,423	-
260		198,849	(198,849)
270		101,311	(101,311)
	\$423,423	\$723,583	\$(300,160)

City of San Angelo
Proposed Budget Amendment
Additional Information

Project/Need	Source of Funding	Revenue	Expense	Net Benefit/(Cost)
Ancillary Charges from Winterstorm Uri	101	423,423	423,423	-
	260		198,849	(198,849)
	270	-	101,311	(101,311)
		\$423,423	\$723,583	\$(300,160)

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: June 15, 2021

Item type: Regular Item

Caption:

Discussion and guidance of providing in-kind support for the All Veteran's Council request for a proposed 10-year agreement with the City to waive fees for the annual Veteran's Day Parade (Presentation made by City Manager Daniel Valenzuela)

Summary/History:

A request has been made to approve a 10 year sponsorship agreement for the Veteran's Day parade. The attached resolution provides approval for a one year donation. Council direction and amendment of the attached resolution would be required to allow for a longer time period.

All though the City is supportive of this parade, giving a multi-year approval has some concerns. Those concerns are as follows:

- Future dates have not been provided and may conflict with other events (2021 date is Saturday, November 6th)
- The City Charter provides that the police chief has the sole authority over the officers of the department. An agreement for a term longer than the remainder of Chief Carter's term would impermissibly bind future Police Chiefs to provide officers for the event.
- Currently these agreements are on a case by case basis and decisions are made on a number of factors including availability of funds and staff as well as potential conflicts with the date of the event. Allowing a multi-year agreement opens the door to other groups seeking the same authorization which could cause a number of conflicts and concerns in the future.

Financial Impact:

The estimated non-monetary value based on the 2020 parade route is estimated at \$3,385 based on the following:

Permit fee: \$35.00

Barricade fees: \$550.00

Police officer fees: \$2,800.00 (25 officers)

*Labor, overtime, and other fees would likely escalate over 10 years and the number of required police staff would likely increase with more participants. The expenses above are based on the existing parade route and the corresponding number of barricades and officers required.

Refundable deposits would also normally be required and the value of those deposits is \$600.00

A Certificate of Insurance (COI) is still required and must be acquired before the parade. The COI is not a fee, rather it protects the City, Veterans' organization, as well as participants and spectators. This is a hard cost and difficult to

estimate.

Staff recommends that the Veterans' organization secure the COI for the parade at their expense.

Other Information/Recommendation:

It is not advisable to commit future Police Chief's to providing services. The current term for Chief Carter expires May 2024. Staff recommends to continue reviewing on an annual basis. But, if approving at all, a maximum of through the November 2023 parade.

Attachments:

- | | | |
|----|---|--|
| 1. | 2021 Veteran's Day parade resolution waiving fees | 2021 Veteran's Day parade resolution waiving fees.docx |
| 2. | AVC-Council Agreement | AVC-Council Agreement.pdf |
| 3. | Save the Date | Save the Date.pdf |
| 4. | Parade Order DRAFT | Parade Order DRAFT.pdf |

Presentation:

Daniel Valenzuela

Approvals/Reviews:

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

A RESOLUTION BY THE CITY OF SAN ANGELO CITY COUNCIL APPROVING FUNDING TO THE ALL VETERANS COUNCIL TO SUPPORT THE 2021 VETERAN'S DAY PARADE AND DECLARING A PUBLIC PURPOSE.

WHEREAS, Veterans Day is a federal holiday that allows us all to remember and thank veterans for the sacrifices they made for our Country; and

WHEREAS, one of the ways San Angelo has historically honored our veterans is through a Veteran's Day Parade; and

WHEREAS, the All Veterans Council has requested that the City of San Angelo partner with them and waive permit fees, barricade fees, and police officer fees for the event; and

WHEREAS, the Texas Constitution requires that before a City can make a donation of fund to a private entity there must be a finding by City Council that such a donation constitutes a valid public purpose.

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

Part 1: That the City of San Angelo is authorized to provide in kind donations to the All Veteran's Council for the purpose of hosting a Veteran's Day Parade in the form of waiver of permit fees, barricade fees, and police officer fees.

Part 2: That public events honoring our country and recognizing our veterans is good for the morale of our community and constitutes a valid public purpose to justify the funding of this event.

Part 3: That the All Veteran's Council shall provide a report to the City Operations department at the conclusion of the event documenting the success of the event.

PASSED and APPROVED THIS 15th day of June, 2021.

CITY OF SAN ANGELO, TEXAS

ATTEST:

Brenda Gunter, Mayor

Julia Antilley, City Clerk

APPROVED AS TO FORM

Theresa James, City Attorney



ALL VETERANS COUNCIL OF TOM GREEN COUNTY

20 April 2021

MEMEORANDUM FOR THE CITY OF SAN ANGELO CITY COUNCIL

SUBJECT: 10 RENEWABLE VETERANS DAY PARADE AGREEMENT

Purpose: The All Veterans Council of Tom Green County 10yr Partnership with the City of San Angelo

1. The All Veterans Council of Tom Green County (AVC) is in preparation for the 2021 Veterans Day Parade that will be held on 6 Nov at 1000hrs. In that past the City Council has assisted the AVC with the parade by waiving the city fees to have the parade.
2. The AVC would like to ask if the City would like to enter in an agreement and partner with the AVC and the Veterans of the San Angelo community for the Veterans Day parade for the next 10 years. The 2020 parade was bigger than it was the previous years and the AVC expects the parade to keep growing. The 2020 Veterans Day parade had 70 entries in total and roughly 4-500 spectators were in attendance for the parade.
3. With recognition from Sen. Cruz and Sen Perry's office as being one of the few Texas cities to hold a parade to honor our Veterans, we have proven that San Angelo has led the way for the state when it comes to showing gratitude for our nation's heroes.
4. Suicide remains a major public health problem, one that occurs throughout the year. It is the 10th leading cause of death for all Americans. Each year, more than 36,000 people take their own lives. In addition, more than 374,000 are treated in emergency departments for self-inflicted injuries. San Angelo is not immune to suicide, unfortunately, we hold our own against major cities. The cost of war cannot be measured totally by the price paid for munitions, equipment, and standing armies. The cost of war, and the obligation to pay for it, continues as long as a single Veteran is still recovering from, or living in, his/her own private hell. Often our young Veterans and their families must live with their new reality, a reality that can only be measured in terms of what each of them personally paid to answer their country's call. Being able to have a parade take many Veterans who have been suffering from PTSD and depression, which has been amplified by the stay at home orders of COVID, and permitted then the ability to walk among many other Veterans from all eras that suffer from the same issues, and allowed them to see that the community is and will always be there for them.
5. By creating a long-term partnership with the City and the AVC will allow the AVC to free up funds to help Veterans and their families in need in the San Angelo community in the form of emergency financial assistance. A long-term agreement with the AVC would let the Veterans of the community know that the city is committed to the honoring and care of not only our local heroes, but our national heroes.
6. We respectfully request a response by 1 July 2021 in order to prepare for the 2021 Veteran's Day Parade

Luis Martinez III

Chairman, All Veterans Council of Tom Green County

Save the Date

Never Forget 9/11

Veterans Day Parade

Saturday, Nov 6th, 2021

11 AM, Downtown San Angelo



Celebrating Our Heroes

20th Anniversary of 9/11

30th Anniversary of Desert Storm



2021 Veterans Day Parade
Never Forget 9/11
Sat, Nov 6th, 11 AM



DRAFT PARADE ORDER

Entry #	Period/VIP	Honoree
1.	Honor Guard	GAFB Joint Service Honor Guard
2.	Grand Marshall	GAFB Vice Commander Col Finlayson
3.	Mayor	
4.	San Angelo Fire Dept	
5.	San Angelo Police Dept	
6.	Tom Green County Sheriff's Dept	
7.	Shannon Health Care System	
8.	American Legion Post 572	Service Flags
9.	CVT or VSO Float	Desert Storm OEF / OIF
10.	CVT	Desert Storm OEF / OIF Surviving Spouses
11.	Gulf War	
12.	Gulf War	
13.	Iraq	
14.	Iraq	
15.	Afghanistan	
16.	Afghanistan	
17.	WWII	
18.	WWII	
19.	Korea	
20.	Korea	
21.	Vietnam	
22.	Vietnam	
23.	Community Entries to Follow	

APPLICATION FOR BOARDS and COMMISSIONS

Name: Raul K. Ruiz
Address: [REDACTED]
City: San Angelo State: TX Zip: 76903
Phone (Home): [REDACTED] (Office): [REDACTED]
Resident of San Angelo since: 1980 SMD: _____
Are you a registered voter of San Angelo? Yes: ☒ No: _____
Occupation/Business Affiliation: Owner of Ruiz Studios
Occupation/Business Address: Same
Title/Position: Owner
Email: [REDACTED]

By executing this document, the applicant does hereby certify and affirm the truth and accuracy of the information contained herein. The applicant further authorizes the City Council, or its designee, to verify any information. The applicant agrees to release and hold harmless the City from all claims incident to the verification of information contained herein.

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: Self-Taught / Have owned a
Art Gallery for 33 YEARS Downtown / Full Artist Since 1985

Current Municipal and Civic Organization Memberships (position and dates): None

Previous Municipal Experience (position, location, and dates): None

What personal qualifications can you bring to this board? Vast Knowledge of San Angelo
Art Culture from first hand experience

What is your personal vision for the City? To continue and beautify in
exceptional way by representing the arts in our city

Why do you want to serve on this board? To be able to have a positive influence through art and our community

Additional relevant information: Shawn and accepted in many Museums
through out Texas and other States life size Bronzes
Personal Contacts with many Clients in the Art works
 *The City Council adopted the Code of Ethics for members of the City Council on 11/11/11

*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.

From: info@cosatx.us
To: [Antilley, Julia](#)
Subject: City of San Angelo, TX: Boards and Commissions application
Date: Wednesday, March 10, 2021 4:53:36 PM

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

A new entry to a form/survey has been submitted.

Form Name: Boards and Commissions application
Date & Time: 03/10/2021 2:53 PM
Response #: 109
Submitter ID: 100189
IP address: 72.18.184.179
Time to complete: 59 min. , 2 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: Elaine Stribling
Address: [REDACTED]
ZIP code: 76901
Home/mobile phone: [REDACTED]
Office/mobile phone: [REDACTED]
Resident of San Angelo since (year): 1982
City Council Single-Member Lane Carter
District in which you reside:
Registered San Angelo voter? (yes or no) yes
Occupation/business affiliation: Instructor, Angelo State University
Occupation/business address: Angelo State University, Ave. N
Title/position: Instructor, Teacher Ed
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

March 10, 2021

4. Applying for:

(o) Public Art Commission

5. Recommended by:

(Name): Julie Raymond

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:

B.S. Degree, Elementary Education with Math Specialization, Texas A&M
M.Ed., Supervision Certification,
Principal Certification, Superintendent Certification
Ph.D. Curriculum and Instruction / Teacher Preparation, Texas Tech

Current municipal and civic organization memberships (positions and dates):

Art In Uncommon Places, board member, 10+ yrs.

Previous municipal experience (positions, dates, where):

Boys and Girls Club, board member 1990's
Museum of Fine Arts, board member 2009-2012

What personal qualifications can you bring to the board?

As a long time educator, I have seen first hand the importance of integrating "the arts" into school starting at an early age. Throughout the years, I have been involved with projects and partnerships between my schools and city organizations such as the Fine Arts Museum and Upper Colorado River Authority. I have had the wonderful opportunity to be personally involved in many city/community projects through my work with Art In Uncommon Places.

What is your personal vision for the City?

San Angelo is definitely a gem. With the many projects over the years and the vision of people like Julie Raymond, the beauty of San Angelo is at a whole new level. I like that SA is building a reputation of having a strong, unique, and flourishing art community. But none of these incredible things would have happened without the strong support of the city and the workers that turn an idea into a reality.

My vision is that city government and community members will continue to strive to fulfill San Angelo's true potential.

Why do you want to serve on this board?

I want to continue to do what I can to be involved with the art community of San Angelo.

Is there anything else you would like to share about yourself?

While I didn't live in San Angelo until my adult life, my parents were born and raised here. I was a military brat and never had a "home town". San Angelo is important to me and my family. I am proud to be a small part of positive change and improvement.

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

This is an automated message generated by the Vision Content Management System™. Please do not reply directly to this email.

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.