



City Council Agenda 4/18/2023

Notice is hereby given of a regular meeting of the City Council of City of San Angelo to be held April 18, 2023 at 8:30 AM at the McNease Convention Center – South Meeting Room, 501 Rio Concho Drive, San Angelo, Texas, for the purpose of considering the following agenda items.

1. Call to Order

2. Chaplain Prayer & Pledges

3. Proclamations/Recognitions

- a. Proclamation of April 22, 2023 as Earth Day
- b. Proclamation of April 30, 2023 as Beta Sigma Phi Day

4. Public Comment

Issues or concerns not on the Regular Agenda may be raised by the public at this time. Citizens should speak from the podium, address all comments to the dais, begin by stating their name and address or Single Member District number, and limit their remarks to less than three minutes.

5. Consent Agenda

- a. Consider approving the April 4, 2023 City Council regular meeting minutes (Heather Stastny)
- b. Consider awarding the sole source purchase of a weed control boat to Weedoo Greenboat, Inc. (San Angelo, TX) in the amount of \$105,552.50 for the purchase of one unit, and authorizing the City Manager to negotiate and execute all related documents (Ryan Kramer)
- c. Consider approving an agreement with San Angelo Extreme FC for the lease of the Ben Ficklin Field for youth soccer training and practices, and authorizing the City Manager to negotiate and execute all related documents (Carl White)
- d. Consider approving an agreement with the Southern Drag Boat Association (SDBA) for the annual Drag Boat Races at Lake Nasworthy, and authorizing the City Manager to negotiate and execute all related documents (Carl White)
- e. Consider approving an agreement with Mr. George Janca to operate a kayak rental concession kiosk at Mary E. Lee Park at Lake Nasworthy, and authorizing the City Manager to negotiate and execute all related documents (Carl White)
- f. Consider a Resolution of Support of the City's application for the TxDOT Transportation Alternatives Set Aside Grant in conjunction with the Ricks Dr. Pedestrian Improvements Project, and authorizing the City Manager to negotiate and execute all related documents (Patrick Frerich)
- g. Consider a Resolution of Support of the City's application for the TxDOT Transportation Alternatives Set Aside Grant in conjunction with the City's ADA Transition Plan Update Project, and authorizing the City Manager to negotiate and execute all related documents (Patrick Frerich)

- h. Consider a Resolution of Support of the City's application for the TxDOT Transportation Alternatives Set Aside Grant in conjunction with the Community Accessibility and Connectivity Project, and authorizing the City Manager to negotiate and execute all related documents (Patrick Frerich)
- i. Second reading of an ordinance approving Standards of Care for Recreation Summer Camp held at Recreation Centers for ages 5 through 13 (Brent Casey)
- j. Second reading of an ordinance amending the budget for the fiscal year beginning October 1, 2022 and ending September 30, 2023 for projects (Tina Dierschke)

6. Regular Agenda

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

- a. Presentation of the Downtown San Angelo, Inc. biannual report (Presentation made by DSA Executive Director Del Velasquez)
- b. Consider approving Tax Increment Reinvestment Zone (TIRZ) incentive funding for two private projects in the North TIRZ area for the properties located at 802 N. Chadbourne and 2901 N. Chadbourne totaling \$102,591, and authorizing the City Manager to negotiate and execute all related documents (Presentation made by Planning & Development Services Director Jon James)
- c. First reading and public hearing of an ordinance to rezone property from the Neighborhood Commercial zoning district to a Planned Development (PD23-02) to allow a base zoning of General Commercial also allowing a welding shop and outdoor storage, being 4.651 acres located at 2025 E Houston Harte Expy. (Presentation made by Planning & Development Services Director Jon James)
- d. First reading and public hearing of an ordinance to rezone property from a Planned Development (PD02-03) to a new Planned Development (PD23-03), being 9.088-acres located at the southeast corner of Melrose Ave. and Stratford Ave. (Presentation made by Planning & Development Services Director Jon James)
- e. First reading and public hearing of an ordinance to rezone property from the Single-Family Residential zoning district to a Planned Development (PD23-04) to allow reduced setbacks and an increase in the maximum Floor Area Ratio, being 9.595 acres located along Riviera Ct., south of Club House Ln. (Presentation made by Planning & Development Services Director Jon James)

7. Closed Session

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

- a. Section 551.072 - Deliberations about real property regarding real property regarding 11.693 acres out of E. Michali Survey 319, Abstract 1657
- b. Section 551.087 - Business prospect negotiations regarding:
 - a. Project Monet
 - b. Project Stockpile

- c. Project New Wave
- d. Rosenberger
- e. Project BESS
- c. Section 551.071 - Consultation with attorney regarding hotel occupancy tax delinquencies
- d. Section 551.071 - Consultation with attorney regarding litigation related to fire-fighting foam

8. Follow Up and Administrative Issues

- a. Consider items discussed in Executive Session, if needed
- b. Consider approving various Board nominations
ADA Advisory Committee: Mike Sanders, Jim Johnson, Benjamin Brojakowski, and Letitia McPherson, all to a first term ending April 2025
Public Art Commission: Jaime Highsmith (SMD 1) and Elaine Stribling (SMD 6) both to a second term ending April 2025
- c. Announcements and consideration of Future Agenda Items
 - Meetings in May are scheduled for Thursday, May 4 and Wednesday, May 17
 - Consider moving the July 4 meeting to Thursday, July 6
 - Strategic Planning - proposed date Friday, May 12
 - Budget Workshop - Enterprise Fund - proposed date Tuesday, July 25
 - Budget Workshop - General Fund - proposed date Thursday, August 10

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 12th day of April 2023, at 4:02 p.m.


Heather Stastny, 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, or the ADA Coordinator at 325-657-4407 for request, or by completing a request form online at cosatx.us/ada.

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

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

Proclamation

The first Earth Day was held on April 22, 1970, when San Francisco activist John McConnell and Wisconsin Senator Gaylord Nelson asked Americans to join in a grassroots demonstration supporting environmental challenges. At that time, President Richard Nixon led the nation in creating the Environmental Protection Agency. Now, 53 years later, more than 1 billion people in 193 countries participate in Earth Day activities each year, making it the largest civic observance in the World.

Earth Day is an annual celebration that honors the achievements of the environmental movement and raises awareness of the need to protect Earth's natural resources. Today we honor Ft. Concho Elementary student Cash Coy who has acted boldly and believes in investing in our planet and creating a sustainable environment.

Keep San Angelo Beautiful continues its mission and duty to create awareness and persuade businesses, governments, and citizens in our community of the need to invest in our planet to improve our environment for future generations.

Therefore, I, Brenda Gunter, Mayor of the City of San Angelo, Texas, on behalf of the City Council, do hereby proclaim April 22, 2023 as

EARTH DAY

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

In Witness Whereof, I have hereunto set my hand and have caused the Official Seal of the City of San Angelo to be affixed this 18th day of April 2023.

Brenda Gunter
Mayor of the City of San Angelo

Proclamation

The month of April is a fitting time to honor Beta Sigma Phi, the world's largest Greek-letter women's service, cultural, and social organization with six chapters in San Angelo.

The badge of the organization signifies life, learning, and friendship by its Greek symbols, Beta Sigma Phi.

Today we recognize San Angelo Beta Sigma Phi for the charitable work to our community. These women have raised thousands of dollars and donated thousands of volunteer hours to local charitable organizations.

Therefore, I, Brenda Gunter, Mayor of the City of San Angelo, Texas, on behalf of the City Council, do hereby proclaim April 30, 2023 as

BETA SIGMA PHI DAY

for their achievements and positive determination to make a difference in our community.

In Witness Whereof, I have hereunto set my hand and have caused the Official Seal of the City of San Angelo to be affixed this 18th day of April 2023.

Brenda Gunter
Mayor of the City of San Angelo

City of San Angelo, Texas
Regular City Council Meeting
Tuesday, April 4, 2023

Present:

Mayor Brenda Gunter
Mayor Pro tem Tom Thompson, SMD 2
Council Member Tommy Hiebert, SMD 1
Council Member Harry Thomas, SMD 3
Council Member Lucy Gonzales, SMD 4
Council Member Karen Hesse Smith, 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 8:30 a.m. on Tuesday, March 21, 2023, at the San Angelo McNease Convention Center, 501 Rio Concho Drive, San Angelo, Texas 76903.

2. Chaplain Prayer & Pledges

An invocation was provided, and pledges led by San Angelo Police Department Chaplain Lorenzo Hatch.

3. Proclamations/Recognitions

April 2023 was proclaimed as Month of the Military Child.

April 2023 was proclaimed as Fair Housing Month.

April 2023 was proclaimed as Alcohol Awareness Month.

4. Public Comment

Concho Valley Homeless Planning Coalition Chair Mike Burnett (SMD 1) provided an update from the Coalition and requested Council consider approving a Homeless Bill of Rights on a future agenda.

Nelda Nowlin (SMD 1) thanked Council for providing citizens with the opportunity to speak on the needs of the disability community at various meetings and thanked those serving on City Boards and Commissions.

5. Consent Agenda

- a. Consider approving the March 21, 2023 City Council regular meeting minutes (Heather Stastny)
- b. Consider purchasing Lots 12, 13, and 14, Block 30, Fairview Addition, from Miguel Duran, for stormwater purposes, purchase price and closing costs not to exceed \$30,000, and authorizing the City Manager to negotiate and execute all related documents (Patrick Frerich, Manda Salladay)
- c. Consider awarding WU-05-23 Liquid Ammonium Sulfate to Chameleon Industries and Univar Solutions based on the lowest bid and availability for one year with two additional one-year term extensions, budgeted for purchase in fiscal years 2023 through 2025, and authorizing the City Manager to negotiate and execute all related documents (Andy Vecellio)
- d. Consider awarding WU-06-23 Caustic Soda (Sodium Hydroxide Diaphragm) to DPC Industries, TR International Trading Company, and Univar Solutions USA, Inc. based on the lowest bid and availability for one year with two additional one-year term extensions, budgeted for

purchase in fiscal years 2023 through 2025, and authorizing the City Manager to negotiate and execute all related documents (Andy Vecellio)

- e. Consider awarding WU-07-23 Liquid Chlorine to DPC Industries in the amount of \$716,700 annually for one year with two additional one-year term extensions, budgeted for purchase in fiscal years 2023 through 2025, and authorizing the City Manager to negotiate and execute all related documents (Andy Vecellio)
- f. Consider approving Change Order #2 to BuyBoard Contract #635-21 with Insituform Technologies, LLC for the A&M Waterline Pipe Bursting Project in the amount of \$240,000 and authorizing the City Manager to negotiate and execute all related documents (Zeferino Mendoza)
- g. Item was pulled and considered on the Regular Agenda.
- h. Consider a resolution authorizing the City to apply for and accept funds from the Texas Parks and Wildlife Boating Access Program, and authorizing the City Manager to negotiate and execute all related documents (Patrick Frerich)
- i. Consider a resolution authorizing the payment of \$50,000 to San Angelo Performing Arts Coalition for management services to oversee the Elta Joyce Murphey Performance Hall (City Auditorium) (Tina Dierschke)
- j. Consider a resolution suspending for 45 days the effective date proposed by Atmos Energy-Mid-Texas Division (Atmos-MidTex) in its application filed on or about February 24, 2023, pursuant to section 104.301 of the Gas Utility Regulatory Act (Brandon Dyson)
- k. Consider a resolution designating Theresa James as the ADA Coordinator for the City of San Angelo (Daniel Valenzuela)
- l. Second reading of an ordinance to revoke SP94-22, which was replaced by the approval of a new Conditional Use, CU22-06, allowing additional outdoor storage and display on a property being 4.718 acres, located at 2701 Southwest Blvd. (Jon James)
- m. Second reading of an ordinance to abandon the approximately 20'x507' (unimproved) alleys in Blocks 39 and 40, Miles Addition, between 4th and 5th St. and N. Oakes, N. Magdalen and Pecan St. (Jon James)
- n. Second reading of an ordinance to rezone properties from the Light Manufacturing zoning district to the General Commercial zoning district, being 0.951 acres located at the northeast intersection of W. 4th St. and N. Bryant, and addressed as 402 N. Bryant (Jon James)

Motion: Council Member Thomas made motion, seconded by Council Member Miller, to approve the Consent Agenda, with the exception of items 5c, 5d, 5e, 5g, and 5k. The motion carried unanimously (7) ayes to (0) nays, with no public comment.

Motion: Council Member Miller made a motion, seconded by Council Member Hesse Smith, to approve items 5c, 5d, and 5e, as presented by Water Utilities Assistant Director Andy Vecellio. The motion carried unanimously (7) ayes to (0) nays, with no public comment.

Motion: Council Member Thomas made a motion, seconded by Council Member Gonzales, to approve item 5k, as presented by City Manager Daniel Valenzuela. The motion carried unanimously (7) ayes to (0) nays.

Citizen Andrea Souflee (SMD 1) and County Resident Kimberly Henry expressed concern over the City Attorney being appointed as the ADA Coordinator.

Citizen Nelda Nowlin (SMD 1) asked the City to consider hiring a full-time ADA Coordinator.

6. Regular Agenda

- a. Consider purchasing 117.604 acres of land out of a part of C. Zech Survey 645, Abstract No. 4212 and W. Spornhaun Survey 644, Abstract No. 1811 for a price of \$20,000 per acre plus closing costs not to exceed \$4,000, authorizing the City Manager to negotiate and execute all related documents, and amending the fiscal year 2022-23 budget to utilize \$2,356,080 from the General Fund's fund balance (Presentation made by Airport Director Jeremy Valgardson)

Motion: Council Member Hiebert made a motion, seconded by Council Member Hesse Smith, to approve the item as presented. The motion carried unanimously (7) ayes to (0) nays, with no public comment.

- b. Consideration of amendments to the Tax Increment Reinvestment Zone (TIRZ) incentive policy regarding non-profit organizations (Presentation made by Planning & Development Services Director Jon James)

Downtown San Angelo Executive Director Del Velasquez provided a brief overview on the creation and intention of the TIRZ funding program.

Citizens Mike Burnett (SMD 1), Tony Villarreal (SMDX), Sarah Negovetich (SMD 5), Craig Myers (SMD 5), Evelyn Smith (SMD 5), William McClendon (SMD 6), Angela Haywood (SMD 4), Theodore Boone (SMD 1), Stan Joynton (SMD 1), and Sidney Timmer (SMD 4) spoke regarding TIRZ policy changes.

Motion: Council Member Thomas made a motion, seconded by Council Member Thompson, to deny the proposed policy change to allow South TIRZ funding for non-profit businesses and removing funding eligibility for non-profit businesses in the North TIRZ. The motion failed (3) ayes (Council Members Thompson and Thomas, and Mayor Gunter) to (4) nays (Council Members Hiebert, Gonzales, Hesse Smith, and Miller).

Motion: Council Member Miller made a motion, seconded by Council Member Gonzales, to keep the current policy as is, allowing non-profit businesses in the North TIRZ eligible to apply for funding and non-profit businesses in the South TIRZ ineligible to apply for funding. The motion carried (6) ayes to (1) nay, with Council Member Thompson casting the dissenting vote.

- c. First reading and public hearing of an ordinance approving Standards of Care for Recreation Summer Camp held at Recreation Centers for ages 5 through 13 (Presentation made by Recreation Manager Brent Casey)

Motion: Council Member Thompson made a motion, seconded by Council Member Hiebert, to approve the item as presented. The motion carried unanimously (7) ayes to (0) nays, with no public comment.

- d. First reading and public hearing of an ordinance amending the budget for the fiscal year beginning October 1, 2022, and ending September 30, 2023, for projects (Presentation made by Finance Director Tina Dierschke)

Motion: Council Member Thompson made a motion, seconded by Council Member Thomas, to approve the item as presented. The motion carried unanimously (7) ayes to (0) nays, with no public comment.

- 5g. Consider awarding OP-02-23 Traffic Signal Installation at Twin Mountain Dr. and Knickerbocker Rd. to Willis Electric CO., LP in the amount of \$269,071, authorizing the City Manager to negotiate and execute all required documents, and amending the fiscal year 2022-23 budget for the corresponding expenditure and revenue from the short-term debt proceeds (Patrick Frerich)

Motion: Council Member Hiebert made a motion, seconded by Council Member Miller, to approve the item as presented. The motion carried unanimously (7) ayes to (0) nays, with no public comment.

- e. Discussion and possible action nominating citizens to an ADA Advisory Committee (Presentation made by City Clerk Heather Stastny)

County Resident Kimberly Henry made public comment about the ADA Advisory Committee.

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

7. Closed Session

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

8. Follow Up and Administrative Issues

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

No Action Taken on this Item.

- b. Approval of various Board nominations

Public Housing Authority: Barbara Brown to a second term, Jaime Colvin to a third term, and Wes Masters to a fifth term, all ending April 2025

Motion: Council Member Thompson made a motion, seconded by Council Member Hiebert, to approve the item as presented. The motion carried unanimously (7) ayes to (0) nays, with no public comment.

- c. Announcements and consideration of Future Agenda Items

No Action Taken on this item.

9. Adjournment

Motion: Council Member Hiebert made a motion, seconded by Council Member Thompson, to adjourn the meeting.

There being no further business, the meeting adjourned by consensus at 11:08 a.m. with no public comment.

THE CITY OF SAN ANGELO, TEXAS:

ATTEST:

Brenda Gunter, Mayor

Heather Stastny, 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: Ryan Kramer, Sr. Fleet Manager, Fleet Services

Meeting Date: April 18, 2023

Item type: Consent Item

Caption:

Consider awarding the sole source purchase of a weed control boat to Weedoo Greenboat, Inc. (San Angelo, TX) in the amount of \$105,552.50 for the purchase of one unit, and authorizing the City Manager to negotiate and execute all related documents (Ryan Kramer)

Staff Recommendation:

Approve

Summary/History:

On November 5, 2019, Proposition A was approved by voters for Lake Nasworthy Improvements. The approved improvements include vegetation control and bank stabilization. Prioritization of these projects is coordinated with the Lake Nasworthy HOA. The Weedoo boat was presented to, and supported by, the HOA representatives as an option to facilitate vegetation control, prevent shoreline erosion, and help remove litter and pollution from the lake.

A quote was requested from Weedoo Greenboat Inc. for the purchase of one vessel to be used in the removal and maintenance of vegetation in Lake Nasworthy. The unit will be equipped with the tools needed to cut and remove several types of aquatic plants along the shoreline, floating on the surface, and growing from the lake bed. This unit will be used within the Lake Operations Division.

The sole source purchase of this product is requested due to the patented propulsion system used on this boat which makes it more maneuverable than other options.

Funding Source(s):

Fund:	Account:	Project Number:	Amount Budgeted:
532	532-0640-800.07-30		\$105,552.50

Financial Impact:

November 5, 2019 Proposition A was approved by voters for Lake Nasworthy Improvements. This purchase has been budgeted using the Lake Nasworthy Improvements Fund to meet the obligations of the voter approved improvements to Lake Nasworthy.

Other Information/Recommendation:

Staff recommends approval of the purchase from Weedoo Greenboat, Inc. utilizing the sole source procurement method.

Attachments:

- | | | |
|----|------------------------------|----------------------------------|
| 1. | City of San Angelo TC (2)_V4 | City of San Angelo TC (2)_V4.pdf |
| 2. | Notarized Sole Source Letter | Notarized Sole Source Letter.pdf |

Presentation:

Ryan Kramer

Approvals/Reviews:

Ryan Kramer	Created/Initiated
Pete Madrid Jr.	Approved
Jeremy Miller	Approved
Patrick Frerich	Approved
Shane Kelton	Approved
Theresa James	Approved
Jeffrey Tomlinson	Approved
Tina Dierschke	Approved
Theresa James	Approved
Heather Stastny	Final Approval



Sales Quote

Company Address 8020 Belvedere Rd
Ste 1
West Palm Beach, Florida 33411-6225
United States
(561) 204-5765

Created Date 4/6/2023
Expiration Date 4/30/2023
Quote Number 00001438

Prepared By Support Weedoo Boats
Phone (561) 204-5765
Email support@weedooboats.com
Fax (844) 933-3662

Contact Name Ryan Kramer
Phone 325.657.4329
Email ryan.kramer@cosatx.us

Bill To Name City of San Angelo
Bill To San Angelo, Texas
United States
Quote To United States

Ship To Name City of San Angelo
Ship To San Angelo, Texas
United States
Additional To United States

Product Code	Product	Product Description	List Price	Sales Price	Quantity	Discount	Total Price
TC-3012	TC Loader/Cutter Model	P-3012 Weedoo® TC Diesel Model Fiberglass/Kevlar® hull configuration includes deck mount marine boom cutter, front-end loader with universal marine bucket system. Three (3) year hull and deck warranty. Factory installed PowerPack features fluid cooled diesel engine with electric start. State-of-the-art hydraulic reservoir provides eco-friendly fluid to high efficiency triple pump setup producing 27 GPM. System includes twin propulsion outdrives with Weedoo Weed-N-Mud propellers and quick change hydraulics for Weedoo aquatic work attachments. This also comes equipped with a customized trailer.	\$98,700.00	\$98,700.00	1.00	5.00%	\$93,765.00
WA-1015.2	Pole Saw	Hydraulic Chainsaw with 77" fiberglass pole and 12" bar. Equipped with 20' hose and fittings.	\$2,875.00	\$2,875.00	1.00		\$2,875.00
WA-1023.3	Quick Change Root Rake	Quick Change Root Rake with Foil. Steel, Powder Coated Black	\$2,350.00	\$2,350.00	1.00		\$2,350.00
WA-1101.2	Quick-Change Skimmer Bucket	Weedoo TC Series Quick-Change Skimmer Bucket. Light weight aluminum bucket with mesh insert designed for skimming finer materials. Capacity 300 LBS	\$2,850.00	\$2,850.00	1.00		\$2,850.00

Subtotal \$106,775.00
Discount 4.62%
Total Price \$101,840.00
Shipping and Handling \$3,712.50
Grand Total \$105,552.50

Terms and Conditions

Notes Delivery included on quote

SOLE SOURCE AFFIDAVIT

CITY OF SAN ANGELO, TEXAS
PURCHASING DIVISION



Submit to sapurch@cosatx.us

Statement

Company Weedoo Greenboat Inc	Date (MM/DD/YYYY) 04/05/2023
Contact Person Tara Lordi	Phone 561.204.5765 Ext. 101
Address (address/city/state/zip) 8020 Belvedere Rd Suite 1 West Palm Beach, FL 33411	

Before me, the undersigned official, on this day, appeared, Tara Lordi, a person known to me to be the person whose signature appears below; who after being duly sworn under his/her oath deposed and said:

1. My name is Tara Lordi; I am over the age of 18, have never been convicted of a felony and am competent to make this affidavit.
2. I am an authorized representative of the following company or firm: Weedoo Greenboat Inc
3. The above-named company or firm is the sole source of the following items and there are no other items available in the marketplace that have the same fit, form, and function of the items listed below:
TC-3012
4. To comply with the State of Texas definition of a sole source provider (Section 252.022, Subchapter A of the Local Governmental Code 7), the vendor must indicate below which of the following requirements they satisfy:
 - ☒ An item for which competition is precluded because of the existence of a patent, copyright, secret process, or monopoly;
 - ☐ A film, manuscript, or book;
 - ☐ A captive replacement part or component for equipment.
5. There is/are no other like item(s) or product(s) available for purchase that would serve the same purpose or function and there is only one price for the above named item(s) or products(s) because of exclusive distribution or marketing rights. **A vendor who markets a product through distributors, or more than one outlet, is not a sole source provider because the products are available from more than one source.**

Tara Lordi

President

Signature of Authorized Official

Title of Authorized Official

Notary

SUBSCRIBED AND SWORN to before me on this <u>6</u> day of <u>4</u> , 20 <u>23</u> .	
	Notary Public Signature
	Print Name <u>Claribel Garcia</u>
	My Commission Expires <u>9/5/2026</u>

**For Purchasing
Use Only**

☐ The City approves this form effective for one (1) year.
Expires _____

Initials _____

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Carl White, Parks and Recreation Director, Parks and Recreation

Meeting Date: April 18, 2023

Item type: Consent Item

Caption:

Consider approving an agreement with San Angelo Extreme FC for the lease of the Ben Ficklin Field for youth soccer training and practices, and authorizing the City Manager to negotiate and execute all related documents (Carl White)

Staff Recommendation:

Approve

Summary/History:

San Angelo Extreme FC, a non-profit soccer club in San Angelo submitted a proposal to the City on March 10, 2023 to lease the Ben Ficklin Field for soccer practices, games, and training camps. The field is currently fenced as a large baseball field. The club would keep the fencing and would line out the needed soccer fields within the fenced in area. The field is currently used for open play practice, first come, first served.

Here are basic terms of the proposed agreement:

- A two-year term, with one option to extend for one year with agreement in writing,
- The club would take on the needed improvements to the field (mostly irrigation, turf and fencing repairs) as well as the ongoing maintenance; and
- The club would make an annual payment of \$500.00 to the City for the lease.

Funding Source(s):

Financial Impact:

There is no cost to the City. The City would receive \$500.00 annually and would not have to expend time and funds to maintain the field.

Other Information/Recommendation:

The Parks and Recreation Advisory Board recommended leasing the field to San Angelo Extreme FC at their March 23, 2023 meeting.

Attachments:

1. City Proposal- 4751 Ben Ficklin Rd

City Proposal- 4751 Ben Ficklin Rd.pdf

Presentation:

Carl White

Approvals/Reviews:

Carl White

Carl White

Theresa James

Tina Dierschke

Heather Stastny

Created/Initiated

Approved

Approved

Approved

Final Approval

March 10, 2023

City Parks and Recreation Department

702 S. Chadbourne St.

San Angelo, Texas 76903

Re: Proposal to lease property at 4751 Ben Ficklin Rd. (Previously Southern Little League)

This location was previously used as a baseball field and has been vacant for several years due to the opening of the Texas Bank Sports Complex. I am not aware of any teams utilizing the field and not aware of any improvements planned for this site.

I, Ricardo Martinez, Director of San Angelo Extreme FC, a non-profit soccer club in San Angelo propose to be allowed to lease the facility and field and improve for soccer practices, games, camps, etc. Currently, San Angelo has various city parks with baseball fields, backstops, and other items tailored for baseball/softball. There are limited resources for soccer. San Angelo Soccer Association, Kirby Park, and Producer's Park are the known areas that accommodate soccer or have goals in place. SASA is very limited due to their rules on renting fields, and they utilize them for their games, etc. As a club director and coach, I travel to various cities in west Texas and see many surrounding cities with more facilities and fields available to their local teams. We are looking to help San Angelo grow the youth soccer program by providing a space to practice, learn, and increase knowledge of the game. Our club consists of 4 teams from age 7 to age 18 in the girls and boys divisions. We are a family-oriented club and by having a field to use, we would give these dedicated athletes and parents a place to build on.

Facility

As it stands, there are improvements needed at the property. Such as fencing, dugout repair, grass improvement, and other things. Our club is willing to make improvements to get it back in working order. Our club will provide our own goals, nets, and other equipment needed along with grass improvement necessities. The city would not have to cut or maintain the field, as that would be the responsibility of San Angelo Extreme FC. We look to make one main field along with 2 smaller fields used for small-sided games. We will offer camps in the summer to help improve skills and generate activities for the youth players in town. By hosting scrimmages or games, this will also give the city an opportunity for revenue increase at local restaurants, retail stores, and hotels.

Terms

- **\$500 per year paid to the City of San Angelo, on a 2-year lease, beginning on May 1, 2023 or sooner, if agreed upon.**
- **Most teams will conduct anywhere from 50-75 practices per year and by making the necessary improvements along with maintaining the facility, we hope you will consider our proposal.**
- **This would also alleviate the need to maintain the field by the city and would allocate valuable manpower and resources to other parks within San Angelo.**

Thank you for your consideration and we are open to further discussion to come to an agreement.

Ricardo Martinez

Club Director

San Angelo Extreme FC

325-325-8390

extreme06girls@gmail.com

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Carl White, Parks and Recreation Director, Parks and Recreation

Meeting Date: April 18, 2023

Item type: Consent Item

Caption:

Consider approving an agreement with the Southern Drag Boat Association (SDBA) for the annual Drag Boat Races at Lake Nasworthy, and authorizing the City Manager to negotiate and execute all related documents (Carl White)

Staff Recommendation:

Approve

Summary/History:

The Southern Drag Boat Association (SDBA) is requesting the use of Spring Creek and Middle Concho Parks, as well as part of the lake to host the annual races. They plan to host two events for 2022, the first June 23-25 and the second September 22-24.

The basic terms of the agreement would include:

- * a 1-year term, with no option to extend.
- * a "rental" fee for the use of the parks for the events of \$10,000, total.
- * SDBA to coordinate, prepare, operate, manage and execute the events.
- * SDBA to clean and return the parks to the same condition before the events, after each event.
- * waiver of the applicable ordinances as previously approved in the years past. Requested ordinance waivers include: coordination of camping and parking for the event, entrance gate fees, permits for street closures, tents, vendors and signs, provisions regulating the water of Lake Nasworthy, such as "No Wake" zones, and waiver to allow vendors within 500 feet of boat ramps and City-owned property leased for commercial purposes, which has been the practice of past races.
- * 1 event in June and 1 event in September.
- * SDBA must complete and submit a Special Event Application as part of the agreement.

Funding Source(s):

Financial Impact:

There is no new cost for entering into this agreement.

The City would be paid a flat fee of \$10,000.00 to have use of the parks for the events.

SDBA would also cover the direct cost of added security for the event.

Other Information/Recommendation:

Attachments:

- | | | |
|----|--|---|
| 1. | DRAFT - 2023 Drag Boat Races Agreement | DRAFT - 2023 Drag Boat Races Agreement.docx |
| 2. | SE application drag boat races 2023 | SE application drag boat races 2023.pdf |

Presentation:

Carl White

Approvals/Reviews:

Carl White	Created/Initiated
Theresa James	Approved
Jeffrey Tomlinson	Approved
Tina Dierschke	Approved
Theresa James	Approved
Heather Stastny	Final Approval

**SPECIAL EVENT CONTRACT
BY AND BETWEEN
THE CITY OF SAN ANGELO
AND
SOUTHERN DRAG BOAT ASSOCIATION**

This Special Event Contract ("Agreement") effective June 18, 2023, ("Effective Date") is entered into by and between the City of San Angelo, a Texas home rule municipal corporation ("City") and the Southern Drag Boat Association ("SDBA" or "Promoter").

RECITALS

WHEREAS, SDBA desires to be the promoter and sponsor of an annual drag boat racing event called the "SHOWDOWN IN SAN ANGELO" (the "Event") on the waters of Lake Nasworthy, a lake owned by the City of San Angelo, Texas, and on lake park land; and,

WHEREAS, the City Council, pursuant to Chapter 9, Division 4 "Special Events" of the San Angelo Code of Ordinances may authorize special events with temporary variances from prohibitions and requirements of city ordinances, for sporting and recreational purposes on Lake Nasworthy; and,

WHEREAS, on April 18, 2023, pursuant to consideration of factors set forth in Article 9.03, Council authorized a two special events known as the SHOWDOWN IN SAN ANGELO and the SDBA SEASON FINALS on the waters of Lake Nasworthy to be promoted and sponsored by SDBA upon terms and conditions included herein.

NOW THEREFORE, for and in consideration of the premises, undertakings and mutual covenants of the parties set forth herein, and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged by each of the parties, City and SDBA agree as follows:

Section 1. Recitals. The foregoing recitals are true and correct and are hereby incorporated into and made a part of this Agreement.

Section 2. Lease of Park Land. (a) Leased Premises. These Special Events shall include the lease by City as Landlord to Promoter as Tenant of the following park lands from 6 a.m. on June 18, 2023 through 4 p.m. on June 27, 2023 and 6 a.m. on September 17, 202e through 4 p.m. on September 26, 2023 for Ten Thousand and No/100 Dollars (\$10,000) inclusive of three (3) days on which each event is to be conducted, plus the five (5) days preceding each event for set up and two (2) days immediately following the last day of each event for tear down and clean up, for a total lease term of twenty (20) days:

Spring Creek Park and Middle Concho Park as more particularly described and depicted on **Exhibit "A"**, attached hereto and made a part of this Agreement for all purposes (hereinafter collectively the "Leased Premises").

Rent for Leased Premises shall be payable in advance of the event and shall accompany the required Application for Special Event to be submitted to the Director.

(b) Landlord Preparation. City shall prepare the Leased Premises just prior to the Tenant set up day for each lease term by mowing the grass and removal of trash. Tenant shall be solely responsible for set up, tear down and clean-up of the Leased Premises following each special event.

(c) Tenant Public Fees. Fees charged by Tenant for access to or use of Leased Premises during a special event shall be subject to pre-approval by the Director.

(d) Security. In addition to rent, Tenant shall be solely responsible for providing reasonable security for the authorized special event and use of Leased Premises, as approved by the San Angelo Police Department.

(e) Miscellaneous Lease Provisions.

- i. Tenant may operate all-terrain vehicles in and about the Leased Premises;
- ii. Tenant may designate or restrict access to areas for parking, camping, vendors, racers and crews, and spectators. No RV camping not sponsored by Tenant will be allowed at Spring Creek, except on property under separate lease to a third party that is utilized for RV parking which Tenant shall permit continuous ingress and egress across Leased Premises for RV park purposes.
- iii. Tenant is permitted to set up Tents and post signs subject to regulation set out in the Special Event Permit or as otherwise directed by the Director.
- iv. Tenant may close park driveways on Leased Premises as approved by the Director and designated by Tenant on maps.
- v. Tenant may prohibit access to the race area by unauthorized persons and boats until after the track is disassembled within the tear down period provided for.
- vi. Tenant may restrict access to the Leased Premises for exclusive use of Tenant for Special Event purpose for the time periods designated in the Permit.
- vii. Tenant may prohibit awnings and coolers larger than 50 quarts in the designated spectator viewing and vending areas.
- viii. Tenant may prohibit camping at locations in the Leased Premises, other than in the designated RV vehicle parking areas.
- ix. Boats shall not be permitted in Middle Concho Park of the Leased Premises for the term of the Permit.
- x. Tenant fees charged to the public relating to the Special Event pursuant to the lease shall be subject to prior approval of the Director.
- xi. Tenant shall provide:
 - a minimum of twelve thirty (12) Port-A-Potties, two (2) of which shall be ADA accessible shall be provided in the Spring Creek Park area;
 - adequate garbage dumpsters as determined by the Director of Parks and Recreation;
 - maintain the permanent restroom facilities;
 - provide security through the San Angelo Police Department (SAPD) as recommended by the SAPD;
 - work with the SAPD in developing a mutually agreeable plan for traffic control;
 - provide, set up and remove barricades reasonably necessary for the direction of vehicular traffic and for designation of parking, camping, spectators, vendors, racers, crews and other necessary designated areas;
 - provide designated parking areas, including designated RV and ADA parking spaces;
 - provide all necessary employees and volunteers reasonably necessary to safely and efficiently conduct the Special Event;
 - Require vendors to obtain all permits required under city ordinance, including but not limited to Sales and Use Tax, and present proof thereof to the Tenant prior to conducting business.

- Tenant is required to use the City Concessionaire exclusively for the sale of any alcoholic beverages.
- Tenant shall allow Lake Nasworthy Tours (Tule Princess) access to their leased property for the duration of the Event.
- Tenant shall ensure access over water to areas affected by the event before and after the racing. Access shall not be allowed during the racing.

The City Manager or his designee shall have full authority to enforce Tenant compliance with the foregoing requirements and, in Landlord's sole discretion, to correct any deficiency in Tenant compliance, including the authority to immediately suspend the Special Event Permit and Tenant operation of the Special Event until such deficiencies as determined in the sole discretion of the City Manager or his designee, are corrected.

Section 3. Initial Term. This contract shall commence on the Effective Date first herein above provided and continue through September 26, 2023, at which time this Agreement shall automatically expire and be of no further force or effect, unless earlier terminated.

Section 4. Compliance with Federal, State and Local Laws. Promoter shall be solely responsible for securing such permits as may be required and for compliance by Promoter and Promoter's employees, agents, subcontractors, and licensees with ordinances and other applicable federal, state and local laws and regulations in the promotion, sponsorship and conduct of each special event conducted pursuant to this Agreement.

Section 5. INDEMNIFICATION. Promoter shall indemnify, defend and hold harmless City and its officials, employees and agents (collectively referred to as "Indemnitees") and each of them from and against all loss, costs, penalties, fines, damages, claims, expenses (including reasonable attorney's fees) or liabilities (collectively referred to as "Liabilities") by reason of any injury to or death of any person or damage to or destruction or loss of any property arising out of, resulting from, or in connection with (i) the performance or non-performance of the promotion, sponsorship and conduct of special events (hereinafter collectively "Services") contemplated by this Agreement but only to the extent caused by the negligent acts, errors or omissions, intentional torts, intellectual property infringement, or a failure to pay a subcontractor or supplier committed by Promoter or Promoter's agent, consultant under contract, or another entity over which Promoter exercises control, or its employees, agents or sub-providers (collectively referred to as "Promoter") (ii) the failure of Promoter to comply with any of the paragraphs herein or the failure of Promoter to conform Services or work to statutes, ordinances, or other regulations or requirements of any governmental authority, federal, state or local, in connection with the performance of this Agreement. Promoter expressly agrees to indemnify and hold harmless the Indemnitees, or any of them, from and against all liabilities which may be asserted by an employee or former employee of Promoter, or any of its sub-providers, as provided above, for which Promoter's liability to such employee or former employee would otherwise be limited to payments under State Workers' Compensation or similar laws. Nothing herein shall require Promoter to indemnify, defend, or hold harmless any Indemnatee for the Indemnatee's own gross negligence or willful misconduct. Any and all indemnity provided for in this Agreement shall survive the expiration of this Agreement and the discharge of all other obligations owed by the parties to each other hereunder and shall apply prospectively not only during the term of this Agreement and any extension thereof

but thereafter so long as any liability could be asserted in regard to any acts or omissions of Promoter in performing Services under this Agreement.

Section 6. Insurance. Promoter shall, at all times during the term hereof, maintain such insurance coverage as may be required by City of the types and in the amounts specified in **Exhibit “B”** attached hereto, which by this reference is incorporated into this Agreement for all purposes, and with insurers licensed to do business in Texas. All insurance required herein shall be drawn in the name of Promoter, with City, its council members, board and commission members, officials, agents, guests, invitees, consultants and employees named as additional insureds, except on coverage for Workers’ Compensation. Every policy required above shall be primary insurance. Any insurance or self-insurance benefits carried by City, its officers, or its employees, shall be excess and not contributory to that provided by Promoter. All such insurance, including renewals, shall be subject to the approval of City for adequacy of protection and evidence of such coverage shall be furnished to City on Certificates of Insurance indicating such insurance to be in force and effect and providing that it will not be canceled during the performance of Services under this Agreement without thirty (30) calendar days prior written notice to City. Completed Certificates of Insurance shall be filed with City’s Risk Manager at City Hall, 72 W. College Avenue, San Angelo, Texas 76903 prior to the performance of Services hereunder, provided, however, that Promoter shall at any time upon request file duplicate copies of the policies of such insurance with City.

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

Promoter shall require its insurance carrier(s), with respect to all insurance policies, to waive all rights of subrogation against City, its council members, board and commission members, officials, agents, guests, invitees, consultants and employees.

Promoter shall cause each sub provider and sub-subprovider of Promoter to purchase and maintain insurance of the types and in the amounts specified in **Exhibit “B”** hereto. Promoter shall require subproviders and sub-subproviders to furnish copies of certificates of insurance to Promoter’s Risk Manager evidencing coverage for each subprovider and sub-subprovider.

If, in the judgment of City, prevailing conditions warrant the provision by Promoter of additional liability insurance coverage or coverage which is different in kind, City reserves the right to require the provision by Promoter of an amount of coverage different from the amounts or kinds previously required and shall afford written notice of such change in requirements thirty (30) days prior to the date on which the requirements shall take effect. Should Promoter fail or refuse to satisfy the requirement of changed coverage within thirty (30) days following City’s written notice, Promoter shall be deemed in default of this Agreement.

Section 7. Default. If Promoter fails to comply with any term or condition of this Agreement or of the terms of a Special Event Application approved by the Director as herein

provided, then Promoter shall be in default. Upon the occurrence of a default hereunder, City, in addition to all remedies available to it by law, may immediately upon written notice to Promoter, terminate this Agreement whereupon all rights and privileges of Promoter under this Agreement shall immediately terminate and City shall not be responsible for any direct or indirect damages suffered by Promoter as a result of termination of the Agreement. Promoter understands and agrees that termination of this Agreement under this section shall not release Promoter from any obligation accruing prior to the effective date of termination.

Section 8. Non-discrimination. Promoter represents and warrants to City that Promoter does not and will not engage in discriminatory practices prohibited by law and that there shall be no discrimination in connection with Promoter's performance under this Agreement on account of race, color, sex, religion, age, handicap, marital status or national origin. Promoter further covenants that no otherwise qualified individual shall, solely by reason of his/her race, color, sex, religion, age, handicap, marital status or national origin, be excluded from participation in, be denied services, or be subject to discrimination under any provision of this Agreement.

Section 9. Assignment. This Agreement shall not be assigned by Promoter, in whole or in part, without the prior written consent of City, which may be withheld or conditioned, in City's sole discretion.

Section 10. Notices. All notices or other communications required under this Agreement shall be in writing and shall be given by hand-delivery or by registered or certified U.S. Mail, return receipt requested, addressed to the other party at the address indicated herein or to such other address as a party may designate by notice given as herein provided. Notice shall be deemed given on the day on which personally delivered; or, if by mail, on the third day after being posted or the date of actual receipt, whichever is earlier.

TO CITY:

City of San Angelo
Attn: Dir. of Parks & Recreation
702 S. Chadbourne Street
San Angelo, Texas 76903
Telephone No.: (325) 657-4450

TO PROMOTER:

Southern Drag Boat Association
Attn: Series Director, David Carroll
P.O. Box 28
Burnet, TX 78611
Telephone No.: (830) 385-3106

Section 11. Amendment. This Agreement may not be amended except upon written agreement executed by each of the parties hereto.

Section 12. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Texas. The parties hereto agree that venue of any suit brought for any breach of this Agreement is exclusively fixed in any court of competent jurisdiction in Tom Green County, Texas.

Section 13. Successors and Assigns. This Agreement shall be binding upon the parties hereto, their heirs, executors, legal representatives, successors, or permitted assigns.

Section 14. Independent Contractor. Promoter performs Services under this Agreement as an independent contractor, and not as an agent or employee of City. Accordingly, neither Promoter or Promoter's agents, employees or sub-providers (hereinafter collectively "Promoter's Workers") shall attain, nor be entitled to, any rights or benefits under the Civil Service or Pension Ordinances of City, nor any rights generally afforded classified or unclassified employees of City. Promoter further understands that Texas Workers' Compensation benefits available to employees of City are not available to Promoter's Workers, and agrees to provide all wages and other compensation due Promoter's Workers, and workers' compensation insurance for any Worker, employee or agent of Promoter rendering Services under this Agreement.

Section 15. Survival of Remedies. Anything in this Agreement to the contrary notwithstanding, the provisions of this Agreement relating to indemnity and any other provisions which by their nature should survive termination or expiration of this Agreement, shall so survive.

Section 16. Entire Agreement of the Parties. This Agreement, and any written Special Event Applications approved pursuant to this Agreement, represent the entire and integrated agreement between the parties with respect to the subject matter hereof. All prior negotiations, representations or agreements with respect to the subject matter hereof not expressly incorporated into this Agreement are hereby superseded and cancelled.

[Signature Page Follows]

**“PROMOTER”
SOUTHERN DRAG BOAT ASSOCIATION**

By: _____
David Carroll, Series Director
Email: david.carroll810@gmail.com

**“CITY”
CITY OF SAN ANGELO**

By: _____
Daniel Valenzuela, City Manager

ATTEST:

Heather Stastny, City Clerk

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:

Carl White, Director of Parks & Recreation

Theresa James, City Attorney

APPROVED AS TO RISK:

Shandi McWright, Risk Management Coordinator

EXHIBIT "A"

Description and Depiction of Leased Premises

Spring Creek Park being sixty (60) acres more or less and located adjacent to the waters of Lake Nasworthy, City of San Angelo, Tom Green County, Texas, as depicted on following diagram.

Middle Concho park being ninety (90) acres more or less and located adjacent to the waters of Lake Nasworthy, City of San Angelo, Tom Green County, Texas, as depicted on following diagram.

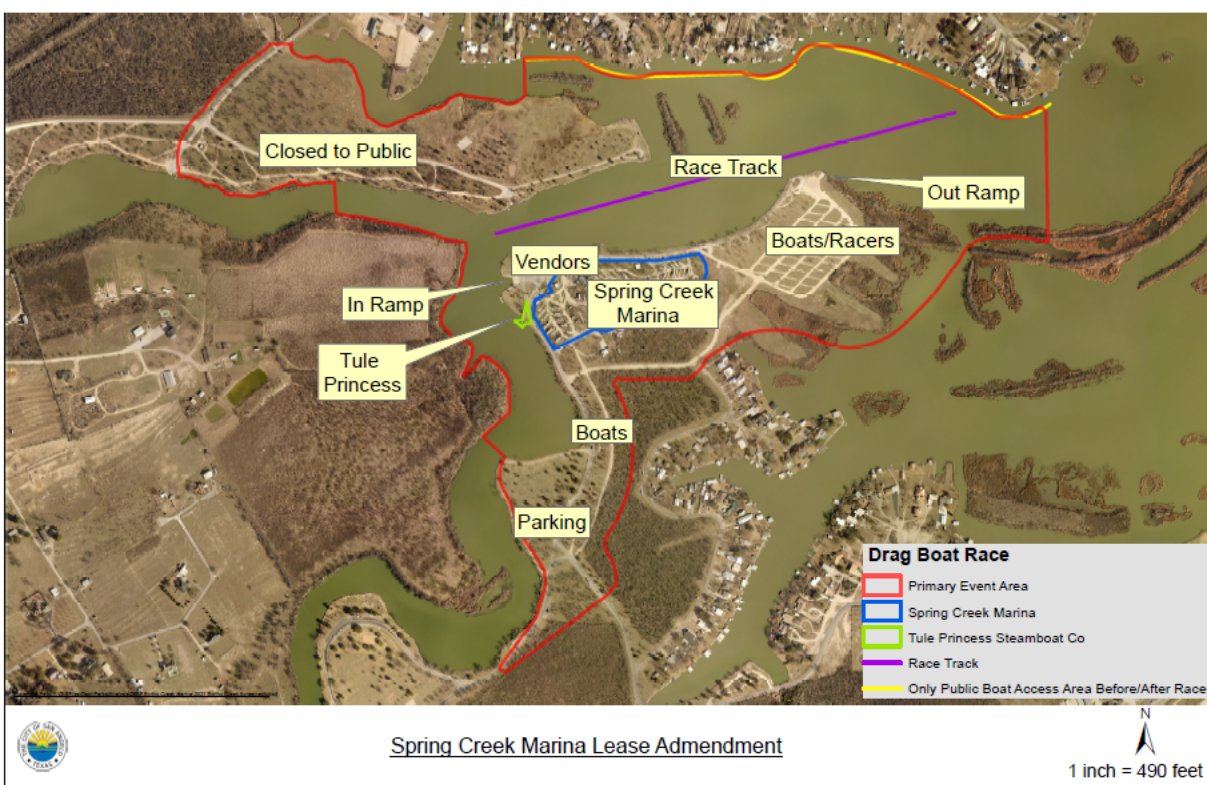


EXHIBIT "B"

SPECIAL INSURANCE RIDER

TYPES AND AMOUNTS OF INSURANCE REQUIRED. Promoter shall obtain and continuously maintain in effect at all times during the term hereof, at Promoter's sole expense, insurance coverage as follows with limits not less than those set forth below:

1.1 Commercial General Liability. This policy shall be an occurrence-type policy and shall protect Promoter and additional insureds against all claims arising from bodily injury, sickness, disease or death of any person (other than Promoter's employees) and damage to property of City or others arising out of the act or omission of Promoter or its agents and employees. This policy shall also include protection against claims for the contractual liability assumed by Promoter under the paragraph of this Agreement entitled "Indemnification," including completed operations, products liability, contractual coverage, broad form property coverage, explosion, collapse, underground, premises/operations, and independent contractors (to remain in force for two years after final payment). Coverage limits shall not be less than:

\$2,000,000.00	General Aggregate
\$1,000,000.00	Products – Completed Operations
\$1,000,000.00	Personal & Advertising Injury
\$1,000,000.00	Each Occurrence
\$ 100,000.00	Fire Damage (any one fire)

1.2 Business Automobile Liability. This policy shall be written in comprehensive form and shall protect Promoter and the additional insureds against all claims for injuries to members of the public and damage to property of others arising from the use of motor vehicles and shall cover operation on and off the premises of all motor vehicles licensed for highway use, whether they are owned, non-owned or hired. Coverage shall be as follows:

\$ 1,000,000.00	Combined Single Limit
-----------------	-----------------------

1.3 Workers' Compensation and Employer's Liability. If Promoter hires any employees, Promoter shall maintain Workers' Compensation and Employer's Liability insurance, which shall protect Promoter against all claims under applicable state workers' compensation laws and employer's liability. The insured shall also be protected against claim for injury, disease or death of employees which for any reason, may not fall within the provisions of a workers' compensation law. Coverage shall not be less than:

Statutory Amount	Workers' Compensation
\$ 500,000.00	Employer's Liability, Each Accident
\$ 500,000.00	Employer's Liability, Disease - Each Employee
\$ 500,000.00	Employer's Liability, Disease - Policy Limit

If Promoter uses contract labor, Promoter shall require its sub-provider to maintain the above referenced coverage and furnish copies of certificates of insurance as required herein.

1.4 Liquor Liability. In the event Promoter plans to distribute, serve, or sell alcoholic beverages, the Promoter shall obtain Liquor Liability coverage in the amount indicated below. The insurance shall protect the Promoter and the additional insureds against all claims arising from bodily injury, sickness, disease or death of any person (other than Promoter's employees) or damage to the property of others, which arises out of the sale or distribution of alcoholic beverages. Coverage shall be no less than:

\$1,000,000.00	Combined Single Limit, each occurrence
----------------	--

1.5 Environmental Liability. This insurance shall be maintained in force for the full period of this Contract and cover losses caused by pollution conditions including, but not limited to, any spill, underground pollution or any other environmental impairment. It shall apply to bodily injury; (including death) property damage, including loss of use of damaged property or of property that has not been physically injured; cleanup costs; including, but not limited to, any costs required under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); and defense, including costs and expenses incurred in the investigation, defense, or settlement of claims. If coverage is written on a claims made basis, Contractor warrants that any retroactive date applicable to coverage under the policy precedes the effective date of this Contract, and continuous coverage will be maintained or an extended discovery period will be exercised for a period of two (2) years beginning from the time the Contract has expired. Coverage shall not be less than:

\$1,000,000.00	Per loss
\$2,000,000.00	Annual aggregate

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:	SHOWDOWN IN SAN ANGELO / 2023 SPRING CREEK SEASON FINALS
Event Date(s) and Hours:	6/23 + 6-24 / 9-22 - 7AM - 10PM 9-24
Event Location(s):	LAKE NASWORTHY / SPRING CREEK / MIDDLE CONCHO
Attendance, Estimated Daily/Overall:	GRASSY MEADOWS 2000 / 3000
Event Purpose & Description: SDBA DRAG BOAT RACES	
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): DRAG BOAT RACES	
Event Sponsor Information	
Legal Business Name: SDBA LLC	
Address: 6410 CR 120 MARBLE FALLS TX. 78654	
Mailing Address: P.O. BOX 28 BURNET TX. 78611	
Telephone: 830-385-3106	Email Address: david.carroll810@gmail.com
Contact Name: DAVID CARROLL	Title: SERIES DIRECTOR
Contact Number: S/A	Email Address: S/A
Event Information (continued)	
Estimated date/time for set up:	Describe set up and clean up procedures: SET INCLUDES FENCING, PITTING BOATS & RV SET-UP TRACK IN THE WATER CLEAN-UP DURING AND AFTER THE EVENT *Sponsoring organization may be required to supply a dumpster and portable restrooms.
Estimated date/time for clean up:	
6-19 - 8AM	
9-18 8AM	
6-26 3PM	
9-26 3PM	
Will street closure and/or use be necessary? ☐ YES ☐ NO If yes, complete the street closure/use form. If yes, show proposed road uses, emergency vehicle access, and barricade locations on your event map. <i>Note that the City of San Angelo does not have authority to close County and State roads.</i>	
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. WE WILL WORK WITH SAPD AND HAVE PAID SECURITY. WE SPECIFIED PLACES FOR PARKING (SAPD, PAID GOODFELLOW AF PERSONA)	

Event Information (continued)Will music be provided/included during the event? ☐ YES ☒ NODescribe type of music proposed: ☐ Live ☐ Amplification ☐ Recorded ☐ Loudspeakers

Proposed time music will begin:

Proposed time music will end:

Describe noise control:

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

EVENT DATES + TIMES, LOCATION, PARKING, RV BOATS

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

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

☐ YES ☐ NO *Only inflatable jump vendors who meet insurance requirements and have been pre-approved by the Parks & Recreation Department will be allowed to operate in the parks.*If yes, describe in detail the types of attractions and activities proposed:**Show locations for all proposed activities on your attached event map.**Will the event have food, beverage, or concessions? ☒ YES ☐ NO*See Section F of the Special Events Policy for health department approvals and temporary food license requirements.*Describe in detail the general nature and scope of food, beverage, and concessions vendors:**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:

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

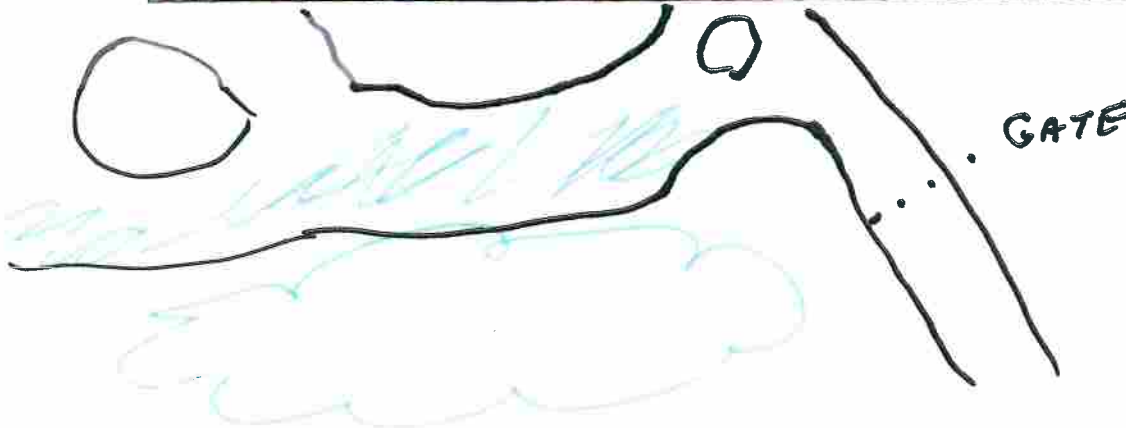
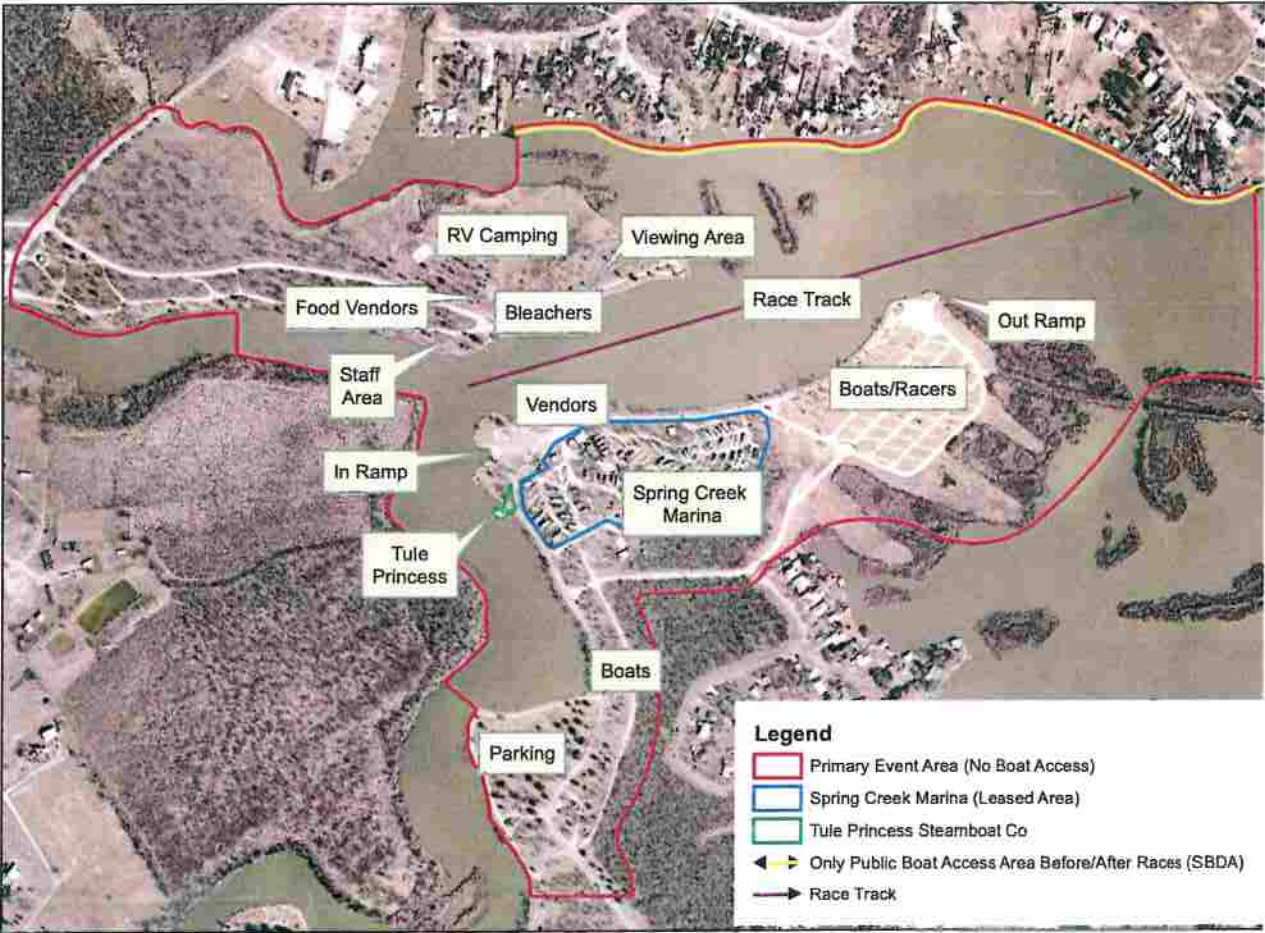
No stakes of any kind allowed on any walkway, roadway, or other hard surface.

<u>Item</u>	<u>Quantity</u>	<u>Item</u>	<u>Quantity</u>
☐ Booths:	<u>10</u>	☐ Tables:	<u>40</u>
☐ Tents*:	<u>3</u>	☐ Trash cans:	<u>50</u>
☐ Awnings:	<u> </u>	☐ Portable Toilets:	<u> </u>
☐ Canopies:	<u>150</u>	(may be required depending on event)	
☐ Rides:	<u> </u>	☐ other (describe):	<u>RV's</u>

*** 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) WILL BE PROVIDED AT TIME OF EVENT If any document is missing, please explain: COI PROVIDED 10 DAYS BEFORE EVENTS		
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: 12/13/2022	
Complete and return this application to the City of San Angelo Parks and Recreation Department Office at 702 South Chadbourne St. at least 30 days prior to the event for events not requesting City Support or at least 90 days prior for events requesting City Support. Contact the Parks & Recreation Department at 657-4279/4450 if you have any questions about this application, this policy, or your event.		
Final Approval:	Date:	Application 01/09/2023 Receipt Date & Time: 10:20 AM

Exhibit "A"
Spring Creek & Middle Concho Parks
Site of the Drag Boat Races event



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Carl White, Parks and Recreation Director, Parks and Recreation

Meeting Date: April 18, 2023

Item type: Consent Item

Caption:

Consider approving an agreement with Mr. George Janca to operate a kayak rental concession kiosk at Mary E. Lee Park at Lake Nasworthy, and authorizing the City Manager to negotiate and execute all related documents (Carl White)

Staff Recommendation:

Approve

Summary/History:

Staff recommends approval of authorizing the City Manager to negotiate and approve an agreement to operate a kayak rental kiosk concession at Mary E. Lee Park at Lake Nasworthy.

Staff is proposing a license agreement with the following terms:

- two-year license with one option to renew mutually, in writing, for one additional two-year extension with same terms;
- annual fixed payment of \$300 for first year, \$350 for second year (increases by \$50/year, if renewed);
- required COI; use of a 300 square feet area; and
- 60 days termination by either party or immediate if mutual, in writing.

Funding Source(s):

Financial Impact:

The City incurs no expense with this proposal. A flat fee would be paid to the City annually.

Other Information/Recommendation:

Attachments:

- | | | |
|----|--------------------------|------------------------------|
| 1. | Kayak Kiosk Proposal | Kayak Kiosk Proposal .docx |
| 2. | Kayak Rental Information | Kayak Rental Information.pdf |

Presentation:

Carl White

Approvals/Reviews:

Carl White

Manda Salladay

Theresa James

Jeffrey Tomlinson

Tina Dierschke

Theresa James

Heather Stastny

Created/Initiated

Approved

Approved

Approved

Approved

Approved

Final Approval

Kayak rental kiosk at Mary E. Lee Park, Lake Nasworthy (April 6, 2023)

My name is George Janca a local resident of San Angelo, Tx. I have the idea to put a kayak rental kiosk at Mary E. Lee park on Lake Nasworthy.

I grew up fishing out of kayaks, and enjoyed every minute that I was on the water. As much fun as it can be; there are challenges that present themselves with owning kayaks. People have to think about what they are going to haul the boats with, upfront costs of purchasing equipment and general maintenance of their personal equipment. That is where I landed on the idea of having a rental kiosk available to the public on Lake Nasworthy.

I believe it offers an affordable and accessible option to help the community get outdoors. Other rental facilities can be closed at odd times, and workers not available to run the location. This option allows the customer to rent, as they choose, without human interaction. The unit is completely solar operated and does not require any permanent foundation/utilities. Customers simply agree to the liability waiver, swipe their card, and the lockers unlock for access to paddle, PPE, and the kayak itself. For return, they swipe the same card in order to unlock the specific lockers to return equipment. I believe it gives everyone a chance to get on the water and enjoy the great outdoors. Some families might not have the means to purchase equipment, a way to haul the boats, or the time to use their own. This rental kiosk provides a service that is easily accessible to all individuals of the community.

My goal is to get this project approved and operational before Memorial Day, 2023, so people of the community can enjoy the holiday on the water! The unit can be accessed remotely with the software from my phone or computer if any issues arise. Additionally, I live on Lake Nasworthy and plan to keep a close eye on the unit. I hope this project can get approved and put more people safely on the water!





NEW LOCKER SYSTEM THAT HOUSES

THE PPE AND PADDLES & A RACK

SYSTEM FOR THE KAYAKS AND

PADDLE BOARDS

HOW IT WORKS

There is a locker system that houses the PPE and paddles, and then a rack system for the kayaks and/or paddle boards.

The customer agrees to all the liability waivers on the touch screen, selects the type watercraft they want (currently single or double kayaks or Paddle boards), selects how many hours they want to rent it for, and then swipes their credit card. The door to their PPE opens and the watercraft unlocks and away they go!

To return the equipment, the customer swipes the same card and the machine matches the last 4 numbers and re-opens/unlocks their spaces and they return everything.

The machine tells them if they have not closed the locker door or locked in the kayak properly and then computes how long they have had them out and up-charges if necessary.

The machine is programmed so that it will not vend between the hours of dusk and dawn to comply with safe boating regulations.

HOW BIG IS EACH UNIT?

Each locker is 5' wide and 2' deep. The kayak racks are 3'4'.

HOW STURDY IS THE MACHINE?

The machine is all steel construction and is very sturdy

HOW DO THE MACHINES WORK?

We have a 4G secure and encrypted telemetry system that finds the strongest cell signal in the area. We also have solar powered systems where electrical outlets are unavailable.

UNATTENDED KAYAK KIOSKS

There is a locker system that houses the PPE and paddles and then a rack system for the Kayaks and paddle boards.

The customer must agree to all the liability waivers on the touch screen and then select the type watercraft they want (currently single or double kayaks or Paddle boards), how many hours they want to rent it for and then swipe their credit card.

The door to their PPE opens and the watercraft unlocks and away they go!

To return the equipment, the customer swipes the same card and the machine matches the last 4 numbers and re-opens/unlocks their spaces and they return everything.

The machine tells them if they have not closed the locker door or locked in the kayak properly and then computes how long they have had them out and up-charges if necessary.



RIGHT NEXT TO THE LAKE NONA MARINA FISHING PIER



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Charles Michalewicz, Engineer, Public Works

Meeting Date: April 18, 2023

Item type: Consent Item

Caption:

Consider a Resolution of Support of the City's application for the TxDOT Transportation Alternatives Set Aside Grant in conjunction with the Ricks Dr. Pedestrian Improvements Project, and authorizing the City Manager to negotiate and execute all related documents (Patrick Frerich)

Staff Recommendation:

Adopt

Summary/History:

The City of San Angelo is seeking a Resolution of Support from City Council for the pedestrian improvements project in the Paul Ann neighborhood. The project is in conjunction with the City's application to TxDOT under the Transportation Alternatives Set Aside Grant Program (TxDOT TASA). The City submitted a preliminary application under the TxDOT TASA Grant Program for a \$1,200,000 sidewalk and accessibility project and was selected to submit a detailed application. The requested amount covers the estimated cost of design and construction of sidewalks along Ricks Dr., McGill Blvd, and Smith Blvd, respectively.

The proposed project will construct approximately 5,500 linear feet of 5-foot-wide sidewalk along the north side of Ricks Drive from Lowrie Avenue (by Holiman School) to McGill Blvd to Smith Blvd to Paul Ann Baptist Church in San Angelo, Texas. The project will provide an accessible pathway that will connect the surrounding neighborhood to the local school, community park, area church, and retail businesses. The proposed pedestrian improvement will include signage and crosswalks to allow for safe crossing across local streets. An on-street shared use bicycle path will also be designated that will allow additional alternative transportation options.

Funding Source(s):

Fund:	Account:	Project Number:	Amount Budgeted:
Local Match Funds			\$240,000
TXDOT TA Grant Funds			\$960,000

Financial Impact:

Other Information/Recommendation:

Staff recommends authorizing a Resolution of Support for the Rick's Drive Pedestrian Improvement Project.

Attachments:

- | | | |
|----|--|---|
| 1. | FINAL_DOT_SET-
ASIDE_APPLICATION_AUTHORIZATION_RESO-
RICKS | FINAL_DOT_SET-
ASIDE_APPLICATION_AUTHORIZATION_RESO-
RICKS.docx |
| 2. | Sidewalk Location | Sidewalk Location.jpg |

Presentation:

Patrick Frerich

Approvals/Reviews:

Charles Michalewicz	Created/Initiated
Pete Madrid Jr.	Approved
Jeremy Miller	Approved
Patrick Frerich	Approved
Shane Kelton	Approved
Theresa James	Approved
Jeffrey Tomlinson	Approved
Tina Dierschke	Approved
Theresa James	Approved
Heather Stastny	Final Approval

A RESOLUTION OF THE CITY OF SAN ANGELO CITY COUNCIL AUTHORIZING THE CITY'S APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE 2023 TRANSPORTATION ALTERNATIVES SET-ASIDE PROGRAM FOR FUNDING PEDESTRIAN IMPROVEMENTS ON AND ALONG RICKS DRIVE; AND AUTHORIZING PROFESSIONAL AND CONSULTANT SERVICES RELATING TO THE APPLICATION.

WHEREAS, the City of San Angelo five year Capital Improvement Plan (CIP) includes proposed pedestrian improvements on and along Ricks Dr. and near Holiman Elementary School (the "Project"); and,

WHEREAS, prior to June 5, 2023, the City of San Angelo intends to submit a Detailed Application to the Texas Department of Transportation (TxDOT) under its 2023 Transportation Alternatives Set-Aside (TA) Program (the "Program") for areas of 200,000 or less population for a grant funding the pedestrian improvements contemplated by the Project; and,

WHEREAS, a City Council resolution of support is required as part of the application process in response to TxDOT's Call for Projects under the Program; and,

WHEREAS, the City Council for the City of San Angelo shall provide additional sources of funding in support of the application;

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

- Section 1. The foregoing recitals are true and correct and are adopted as a part of this Resolution.
- Section 2. The City of San Angelo supports funding the Project as described in the 2023 TxDOT TA Program Guide (including the construction budget, TxDOT 15% administrative cost, and the required local match) and is willing to commit to the Project's development, implementation, construction, maintenance, management, and financing.
- Section 3. The City of San Angelo will serve as the public sponsor and lead project contact on the Project.
- Section 4. The City of San Angelo is willing and able to enter into an agreement with TxDOT by resolution or ordinance, should the Project be selected for funding.
- Section 5. The City of San Angelo will designate a Responsible Person in Charge, a Project Manager, and a Qualified Person to be actively involved in the Project before beginning any work on the Project.
- Section 6. The City of San Angelo authorizes staff to proceed to secure such professional and consultant services as are requisite to develop both a preliminary and detailed application for funding the contemplated pedestrian improvements on and along Ricks Dr.; and, to

submit such applications in response to TxDOT's Call for Projects under the 2023 Transportation Alternatives Set-Aside (TA) Program.

PASSED, APPROVED, and ADOPTED on this the 18th day of April, 2023.

THE CITY OF SAN ANGELO

Attest: _____
Heather Stastney, City Clerk

Brenda Gunter, Mayor

Approved As to Form:

Theresa James, City Attorney



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Charles Michalewicz, Engineer, Public Works

Meeting Date: April 18, 2023

Item type: Consent Item

Caption:

Consider a Resolution of Support of the City's application for the TxDOT Transportation Alternatives Set Aside Grant in conjunction with the City's ADA Transition Plan Update Project, and authorizing the City Manager to negotiate and execute all related documents (Patrick Frerich)

Staff Recommendation:

Adopt

Summary/History:

The City of San Angelo is seeking a Resolution of Support from City Council for an update to the City's current ADA Transition Plan as it relates to components within the public right-of-way. The project is in conjunction with the City's application to TxDOT under the Transportation Alternatives Set Aside Grant Program (TxDOT TASA). The City submitted a preliminary application under the TxDOT TASA Grant Program for an \$800,000 project and was selected to submit a detailed application. The requested amount covers the estimated cost of a right-of-way self-evaluation and related updates to the existing Transition Plan.

In accordance with the 1991 ADA regulations and 2010 ADA standards, the City of San Angelo will perform an ADA Self-Evaluation by reviewing and evaluating all facilities within the public right-of-way for compliance with ADA standards. The City will then update the existing Transition Plan with details to bring identified issues into compliance. The ADA Self-Evaluation and Transition Plan will include a timeline and budget for engaging in community outreach and making identified changes that will make San Angelo a more accessible city for all of its current and future citizens.

This application is a supplement to the Safe Streets and Roadways for All (SS4A) grant that was recently awarded to the City. The SS4A award provides funding for an Action Plan that will provide a long-term plan for safe roadways and pathways for all alternative modes of transportation including walkers, bicyclists, etc., as well as those utilized by the disability community. This Action Plan is synonymous with, and will provide the same goals as, the required Transition Plan.

Funding Source(s):

Fund:	Account:	Project Number:	Amount Budgeted:
TXDOT TA GRANT FUNDS			\$640,000
Local Match			\$160,000

Financial Impact:

Other Information/Recommendation:

Staff recommends authorizing a Resolution of Support for the right-of-way Self-Evaluation and Transition Plan Update Project.

Attachments:

- | | | |
|----|--|---|
| 1. | Resolution of Support - ROW Self Assessment and Transition Plan Update | Resolution of Support - ROW Self Assessment and Transition Plan Update.docx |
|----|--|---|

Presentation:

Patrick Frerich

Approvals/Reviews:

Charles Michalewicz	Created/Initiated
Pete Madrid Jr.	Approved
Kevin Pate	Approved
Jeremy Miller	Approved
Patrick Frerich	Approved
Shane Kelton	Approved
Theresa James	Approved
Jeffrey Tomlinson	Approved
Tina Dierschke	Approved
Heather Stastny	Final Approval

A RESOLUTION OF THE CITY OF SAN ANGELO CITY COUNCIL AUTHORIZING THE CITY’S APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE 2023 TRANSPORTATION ALTERNATIVES SET-ASIDE PROGRAM FOR FUNDING A RIGHT-OF-WAY SELF-ASSESSMENT AND ADA TRANSITION PLAN UPDATE AND; AUTHORIZING PROFESSIONAL AND CONSULTANT SERVICES RELATING TO THE APPLICATION.

WHEREAS, the City of San Angelo has committed to updating their ADA Self-Evaluation and ADA Transition Plan (the “Project”); and,

WHEREAS, prior to June 5, 2023, the City of San Angelo intends to submit a Detailed Application to the Texas Department of Transportation (TxDOT) under its 2023 Transportation Alternatives Set-Aside (TA) Program (the “Program”) for areas of 200,000 or less population for a grant funding the pedestrian improvements contemplated by the Project; and,

WHEREAS, a City Council resolution of support is required as part of the application process in response to TxDOT’s Call for Projects under the Program; and,

WHEREAS, the City Council for the City of San Angelo shall provide additional sources of funding in support of the application;

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

- Section 1. The foregoing recitals are true and correct and are adopted as a part of this Resolution.
- Section 2. The City of San Angelo supports funding the Project as described in the 2023 TxDOT TA Program Guide (including the construction budget, TxDOT 15% administrative cost, and the required local match) and is willing to commit to the Project's development, implementation, construction, maintenance, management, and financing.
- Section 3. The City of San Angelo will serve as the public sponsor and lead project contact on the Project.
- Section 4. The City of San Angelo is willing and able to enter into an agreement with TxDOT by resolution or ordinance, should the Project be selected for funding.
- Section 5. The City of San Angelo will designate a Responsible Person in Charge, a Project Manager, and a Qualified Person to be actively involved in the Project before beginning any work on the Project.
- Section 6. The City of San Angelo authorizes staff to proceed to secure such professional and consultant services as are requisite to develop both a detailed application for funding the contemplated plan update for the City of San Angelo ADA Transition Plan Project.; and,

to submit such applications in response to TxDOT's Call for Projects under the 2023 Transportation Alternatives Set-Aside (TA) Program.

PASSED, APPROVED, and ADOPTED on this the 18th day of April, 2023.

THE CITY OF SAN ANGELO

Attest: _____
Heather Stastney, City Clerk

Brenda Gunter, Mayor

Approved As to Form:

Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Charles Michalewicz, Engineer, Public Works

Meeting Date: April 18, 2023

Item type: Consent Item

Caption:

Consider a Resolution of Support of the City's application for the TxDOT Transportation Alternatives Set Aside Grant in conjunction with the Community Accessibility and Connectivity Project, and authorizing the City Manager to negotiate and execute all related documents (Patrick Frerich)

Staff Recommendation:

Adopt

Summary/History:

The City of San Angelo is seeking a Resolution of Support from City Council for the pedestrian improvements project in the City of San Angelo. The project is in conjunction with the City's application to TxDOT under the Transportation Alternatives Set Aside Grant Program (TxDOT TASA). The City submitted a preliminary application under the TxDOT TASA Grant Program for a \$17,100,000 sidewalk and accessibility project and was selected to submit a detailed application. The requested amount covers the estimated cost of design and construction of sidewalks, shared use paths, and pedestrian elements on various roadways looping the city.

The proposed project will construct 15.2 miles of proposed five-foot-wide sidewalk and 1.3 miles of proposed ten-foot-wide shared use path (SUP) to eliminate barriers and enhance accessibility. The project will include sidewalk improvements along several main corridors including Avenue L, Chadbourne St, 29th St, Glenna Dr, Avenue N, and Johnston St and will also include four Pedestrian Hybrid Beacons, one Rectangular Rapid Flashing Beacon, ADA ramp installations/improvements, and intersection ADA improvements. Pedestrian safety lighting will also be included in areas with high pedestrian density, such as in downtown, near the Angelo State University campus, and along the shared use path. This project provides pedestrian and bike connectivity to regionally significant locations around San Angelo like the Greyhound Bus Station, Angelo State University, San Angelo ISD campuses, parks/recreational trails, Downtown San Angelo, retail/dining/commercial centers, and the Shannon Medical Center. The proposed improvements also tie into existing projects along Chadbourne St and 29th St, increasing project readiness along with the 20% funding match already available. In addition, this project connects to TxDOT's recent on-system investment in sidewalks and provides connectivity to the proposed Texas Bike and Tourism Trails Network.

Funding Source(s):

Fund:	Account:	Project Number:	Amount Budgeted:
TXDOT TA Grant Funds			\$13,680,000
Local Match			\$3,420,000

Financial Impact:

Other Information/Recommendation:

Staff recommends authorizing a Resolution of Support for the Community Accessibility and Connectivity Project.

Attachments:

- | | | |
|----|------------------------------|-----------------------------------|
| 1. | Map | Map.pdf |
| 2. | Resolution of Support - CACP | Resolution of Support - CACP.docx |

Presentation:

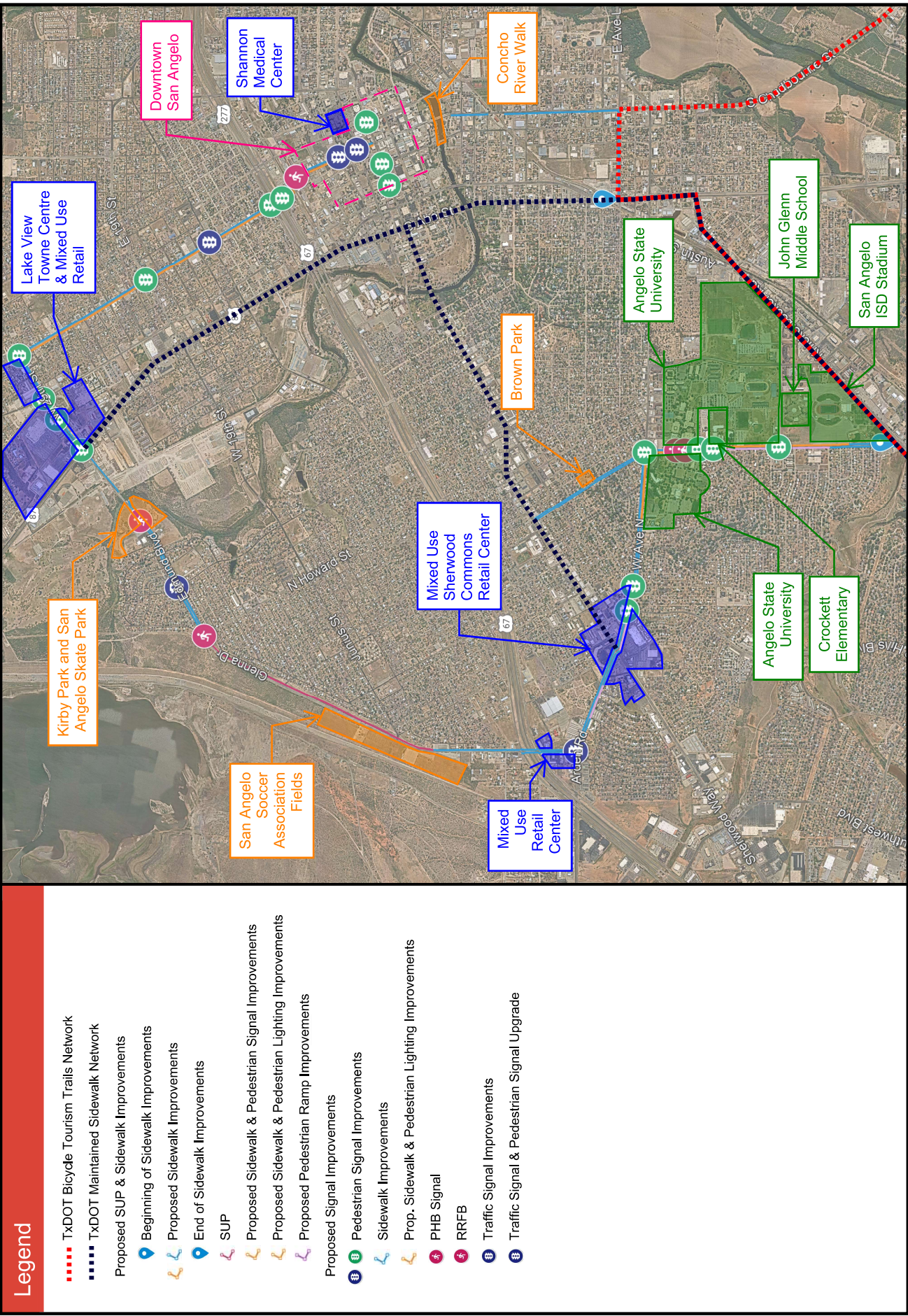
Patrick Frerich

Approvals/Reviews:

Charles Michalewicz	Created/Initiated
Pete Madrid Jr.	Approved
Jeremy Miller	Approved
Patrick Frerich	Approved
Shane Kelton	Approved
Theresa James	Approved
Jeffrey Tomlinson	Approved
Tina Dierschke	Approved
Theresa James	Approved
Heather Stastny	Final Approval

San Angelo Community Accessibility and Connectivity Map

TxDOT Transportation Alternatives - 2023 Program Call



A RESOLUTION OF THE CITY OF SAN ANGELO CITY COUNCIL AUTHORIZING THE CITY'S APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE 2023 TRANSPORTATION ALTERNATIVES SET-ASIDE PROGRAM FOR FUNDING PEDESTRIAN IMPROVEMENTS FOR THE SAN ANGELO ASSESSIBILITY AND COMMUNITY CONNECTIVITY PROJECT; AND AUTHORIZING PROFESSIONAL AND CONSULTANT SERVICES RELATING TO THE APPLICATION.

WHEREAS, the City of San Angelo's five-year Capital Improvement Plan (CIP) includes proposed pedestrian improvements on and along several main corridors including Ave L, Chadbourne St., 29th St., Glenna Dr., Ave N and Johnson St. (the "Project"); and,

WHEREAS, prior to June 5, 2023, the City of San Angelo intends to submit a Detailed Application to the Texas Department of Transportation (TxDOT) under its 2023 Transportation Alternatives Set-Aside (TA) Program (the "Program") for areas of 200,000 or less population for a grant funding the pedestrian improvements contemplated by the Project; and,

WHEREAS, a City Council resolution of support is required as part of the application process in response to TxDOT's Call for Projects under the Program; and,

WHEREAS, the City Council for the City of San Angelo shall provide additional sources of funding in support of the application;

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

- Section 1. The foregoing recitals are true and correct and are adopted as a part of this Resolution.
- Section 2. The City of San Angelo supports funding the Project as described in the 2023 TxDOT TA Program Guide (including the construction budget, TxDOT 15% administrative cost, and the required local match) and is willing to commit to the Project's development, implementation, construction, maintenance, management, and financing.
- Section 3. The City of San Angelo will serve as the public sponsor and lead project contact on the Project.
- Section 4. The City of San Angelo is willing and able to enter into an agreement with TxDOT by resolution or ordinance, should the Project be selected for funding.
- Section 5. The City of San Angelo will designate a Responsible Person in Charge, a Project Manager, and a Qualified Person to be actively involved in the Project before beginning any work on the Project.
- Section 6. The City of San Angelo authorizes staff to proceed to secure such professional and consultant services as are requisite to develop both a preliminary and detailed application

for funding the contemplated pedestrian improvements for the San Angelo Community Accessibility and Connectivity Project.; and, to submit such applications in response to TxDOT's Call for Projects under the 2023 Transportation Alternatives Set-Aside (TA) Program.

PASSED, APPROVED, and ADOPTED on this the 18th day of April, 2023.

THE CITY OF SAN ANGELO

Attest: _____
Heather Stastney, City Clerk

Brenda Gunter, Mayor

Approved As to Form:

Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Brent Casey, Recreation Manager, Recreation

Meeting Date: April 18, 2023

Item type: Consent Item

Caption:

Second reading of an ordinance approving Standards of Care for Recreation Summer Camp held at Recreation Centers for ages 5 through 13 (Brent Casey)

Staff Recommendation:

Adopt

Summary/History:

Recreation Division is required to get a waiver each year to host summer camp due to not being a licensed daycare facility.

Funding Source(s):

Financial Impact:

Participants of Summer Camp are required to pay a one-time reservation fee of \$45 and a weekly fee of \$65, if a participant will not be at camp for a week, they may hold their spot by paying a \$20 fee.

Other Information/Recommendation:

This is an annual requirement for Recreation Division to host annual summer camp.

Attachments:

- | | | |
|----|---|--|
| 1. | Ordinance adopting Rec program standards of care.docx (003) | Ordinance adopting Rec program standards of care.docx (003).docx |
|----|---|--|

Presentation:

Brent Casey

Approvals/Reviews:

Brent Casey

Carl White

Theresa James

Heather Stastny

Created/Initiated

Approved

Approved

Final Approval

ORDINANCE NO. _____

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

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

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

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

WHEREAS, the City Council held a public hearing on April 4, 2023 regarding standards of care for its recreation program for elementary age children (ages 5 through 13) in accordance with Section 42. 041(b) (14) of the Human Resources Code; and

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

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

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

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

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

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

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

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

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

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

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

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

PASSED AND APPROVED on First Reading after Public Hearing on April 4, 2023.

PASSED AND APPROVED on Second Reading on April 18, 2023.

EXHIBIT A
TO ORDINANCE NO. _____

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

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

GENERAL ADMINISTRATION

1. Organization.

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

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

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

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

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

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

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

- (2) a felony or misdemeanor classified as public indecency;
- (3) any offense for which a person is required to register as a sex offender under Chapter 62, Texas Code of Criminal Procedure;
- (4) a felony or misdemeanor violation of any law intended to control the possession or distribution of any controlled substance;
- (5) any offense involving moral turpitude;
- (6) any offense that would, in the Director' s sole opinion, potentially put youth participants or the City at risk.

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

- A. City means the City of San Angelo.
- B. City Council means the City Council of the City.
- C. Department means the Parks and Recreation Department of the City.
- D. Director means the Parks and Recreation Department Director of the City or his or her designee.
- E. Employee(s) means people who have been hired to work for the City of San Angelo and have been assigned responsibility for managing, administering, or implementing some portion of a Program.
- F. Parent(s) means one or both parent(s) or adults who have legal custody and authority to enroll their child(ren) in a Program.
- G. Participant means a youth whose parent(s) have completed all required registration procedures and determined to be eligible for a Program.
- H. Programs means all (and Program means any of the) elementary age (ages 5 through 13) recreation programs operated by the Department, including, without limitation, the City Summer Camp Program (Summer Camp Program).
- I. Program Manual means a notebook of policies, procedures, required forms, and organizational and programming information relevant to each Program.
- J. Program Site means the area and facilities where a Program is held, consisting of the Southside Recreation Center, 2750 Ben Ficklin Road and Carl Ray Johnson Recreation Center, 1103 N. Farr St.
- K. Program Summer Camp Counselor or Counselor means a Department part-

time or seasonal employee who has been assigned responsibility by the Recreation Manager to implement the City's Summer Camp Program.

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

3. Inspections/ Monitoring/ Enforcement.

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

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

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

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

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

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

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

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

A. name, address, home telephone number;

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

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

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

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

F. a fully executed liability waiver and release.

5. Suspected Abuse.

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

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

STAFFING - RESPONSIBILITIES AND TRAINING

1. Program Coordinator Qualifications.

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

2. Coordinator' s Responsibilities.

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

3). Program Summer Camp Counselor Qualifications.

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

4. Counselor Responsibilities.

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

5. Training/ Orientation.

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

D. Program employees will be trained in appropriate procedures to handle emergencies.

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

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

OPERATIONS

1. Staff -Participant Ratio.

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

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

2. Discipline.

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

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

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

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

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

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

3. Programming.

- A. Program employees will attempt to provide activities for each Program Group according to the participants' ages, interests, and abilities. The activities must be appropriate to participants' health, safety, and well-being. The activities also must be flexible and promote the participants' emotional, social, and mental growth.
- B. Program employees will attempt to provide indoor and outdoor time periods that include:
 - 1) alternating active and passive activities;
 - 2) opportunity for individual and group activities, and
 - 3) outdoor time each day weather permits.
- C. Program employees will be attentive and considerate of participants' safety on field trips and during any transportation provided by the Program.
 - 1) During trips, Program employees supervising participants must have immediate access to emergency medical forms and emergency contact information for each participant.
 - 2) Program employees must have a written list of the participants in the Program group and must check the roll frequently.
 - 3) Program employees must have first aid supplies and a guide to first aid and emergency care available on field trips.

4. Communication.

- A. The Program Site will have a cell phone to allow the Program employees to be contacted by Department recreation employees and vice versa.
- B. The Coordinator will post the following telephone numbers adjacent to a telephone accessible to all Program employees:
 - 1) City ambulance or emergency medical services;
 - 2) City Police Department
 - 3) City Fire Department
 - 4) The Parks and Recreation Office; and

5) Numbers at which parents may be reached.

5. Transportation.

A. Before a participant may be transported to and from City -sponsored activities, a transportation form, completed by the parent of the participant, must be filed with the Coordinator.

B. First aid supplies and a first aid and emergency care guide will be available in all Program vehicles that transport children.

C. Program employees will carry a cell phone at all times.

FACILITY STANDARDS

1. Safety.

A. Program employees will inspect program sites daily to detect sanitation and safety concerns that might affect the health and safety of the participants.

B. Buildings, grounds, and equipment on the Program Site will be inspected, cleaned, repaired, and maintained to protect the health of the participants.

C. Program equipment and supplies must be safe for the participants' use.

D. Program employees must have first aid supplies readily available at the Program Site, during transportation to an off-site activity, and for the duration of any off site activity.

2. Fire.

A. In case of fire, danger of fire, explosion, or other emergency, Program employees' first priority is to evacuate the participants to a designated safe area.

B. The Program Site will have an annual fire inspection by the local Fire Marshal, and the resulting report will detail any safety concerns observed. The report will be forwarded to the Recreation Manager who will review and establish deadlines and criteria for compliance if any deficiencies or concerns are determined to exist.

C. The Program Site must have at least one fire extinguisher readily available to all Program employees. All Program employees will be trained in the proper use of fire extinguishers.

D. Fire drills will be initiated at Program Sites based on the following schedule:

- 1) Summer Camp Program: A fire drill twice during the session.
- 2) Other Programs: A fire drill at least once during the session.

3. Health.

A. Illness or Injury

- 1) A participant who is considered to be a health or safety concern to other participants or employees will not be admitted to a Program.
- 2) Illnesses and injuries will be handled in a manner to protect the health of all participants and employees.
- 3) Program employees will follow plans to provide emergency care for injured participants with symptoms of an acute illness as specified in the Program Manual.

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

- 1) Program employees will administer medication (limited only to an epinephrine pen (auto -injector) and an asthma inhaler) to participants only if: Parent(s) complete and sign a medication form provided by the City to include, among other things, an indemnity and hold harmless provision, and a waiver and release provision) that provides authorization for Program employees to dispense the medication, with details as to time and dosages.
- 2) The medication is in its original container labeled with the participant's name, a date, directions, and the physician's name. Program employees will administer the medication only as stated on the label. Program employees will not administer medication after the medication's expiration date.

Program employees will not administer any other medication.

C. Toilet Facilities.

- 1) The Program Site will have inside toilets located and equipped so participants can use them independently and Program employees can supervise as needed.
- 2) An appropriate and adequate number of lavatories will be provided.

D. Sanitation.

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

2)The Program will have an adequate supply of water meeting the standards of the Texas Department of Health for drinking water and ensure that it will be supplied to the participants in a safe and sanitary manner.

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

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Traci Cartwright, Budget Analyst, Budget

Meeting Date: April 18, 2023

Item type: Consent Item

Caption:

Second reading of an ordinance amending the budget for the fiscal year beginning October 1, 2022 and ending September 30, 2023 for projects (Tina Dierschke)

Staff Recommendation:

Approve

Summary/History:

Funding Source(s):

Fund:	Account:	Project Number:	Amount Budgeted:
General Debt Service			-\$417,915
2023 Short-Term debt			\$0.00
Restricted Fund			\$0.00
Hotel Occupancy Tax			\$0.00

Financial Impact:

Other Information/Recommendation:

Staff recommends approval.

Attachments:

- | | | |
|----|--------------------------------|------------------------------------|
| 1. | 4.4.23 Ordinance | 4.4.23 Ordinance.docx |
| 2. | BA Memo - ALL | BA Memo - ALL.pdf |
| 3. | 4.4.23 Presentation - BA Memos | 4.4.23 Presentation - BA Memos.pdf |

Presentation:

Tina Dierschke

Approvals/Reviews:

Traci Cartwright
Kimberly Holle
Tina Dierschke
Theresa James
Heather Stastny

Created/Initiated
Approved
Approved
Approved
Final Approval

**N ORDINANCE OF THE CITY OF SAN ANGELO AMENDING THE BUDGET FOR
THE FISCAL YEAR BEGINNING OCTOBER 1, 2022, AND ENDING SEPTEMBER 30,
2023, FOR PROJECTS.**

WHEREAS, the City of San Angelo has determined that certain budgeted amounts should be amended due to purchases, 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 2022-2023 be amended by the amounts contained in **Exhibit "A"**.

INTRODUCED with public hearing on the 4th day of April 2022, and finally PASSED on this 18th day of April 2023.

ATTEST:

THE CITY OF SAN ANGELO, TEXAS:

Heather Stastny, City Clerk

Brenda Gunter, Mayor

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:

Tina Dierschke, Finance Director

Theresa James, City Attorney

Exhibit A

**City of San Angelo
Proposed Budget Amendment**

Fund	Total Revenue Amendment	Total Expense Amendment	Net Benefit/(Cost)
General Debt Service	-	417,915	(417,915)
2023 Short-term Debt	1,725,929	1,725,929	-
Restricted Funds	168,421	168,421	-
Hotel Occupancy Tax	40,000	40,000	-
	\$1,934,350	\$2,352,265	\$(417,915)

City of San Angelo
Proposed Budget Amendment
Additional Information

Project/Need	Source of Funding	Revenue	Expense	Net Benefit/(Cost)
Short-term debt to be used for Construction Projects	2023 Short-Term Debt Issuance/General Debt Service Fund balance	1,725,929	2,143,844	(417,915)
Proceeds from the Opioid Settlement	Restricted Fund	168,421	168,421	-
Audit Fees	Hotel Occupancy Tax	40,000	40,000	-
		\$1,934,350	\$2,352,265	\$(417,915)

Memo

To: Tina Dierschke, Finance Director
From: Ryan Gaddy, Asst. Finance Director
Date: 04/04/2023
Re: Budget Amendment Request

Purpose of Budget Amendment Request:

Budget for the short term debt to be used for renovations at the Animal Shelter

Source of Funding:

2023 Short-term debt issuance and General Debt Service fund balance to pay off the debt in the current fiscal year

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

Debt was approved at the March 21, 2023 City Council meeting

Project/Budget to be amended	Revenue	Expense
Debt Proceeds	1,725,929	
Issue Cost		49,000
Construction Projects		1,676,929
General Debt Services Fund		417,915

Additional Comments:

The remaining portion of the debt is being budgeted as part of the bid award for the signal installation at Twin Mountain Rd and Knickerbocker on April 4, 2023.

Memo

To: Tina Dierschke, Finance Director
From: Ryan Gaddy, Asst. Finance Director
Date: 04/04/2023
Re: Budget Amendment Request

Purpose of Budget Amendment Request:

Budget for the proceeds from the opioid settlement

Source of Funding:

Opioid Settlement funds received year to date

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

March 21, 2023 City Council

Project/Budget to be amended	Revenue	Expense
Opioid Settlement	168,421	168,421

Additional Comments:

Funds will be restricted in accordance with the settlement guidelines.

Memo

To: Tina Dierschke, Finance Director
From: Ryan Gaddy, Asst. Finance Director
Date: 03/24/2023
Re: Budget Amendment Request

Purpose of Budget Amendment Request:

Budget for Additional Hotel Occupancy Tax audit fees to Avenu Insight

Source of Funding:

Revenue receipts recovered from the 2022 Audit findings.

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

Approved by City Council November 2, 2021 of agreement with Avenu Insight;
original funding approved February 1, 2022

Project/Budget to be amended	Revenue	Expense
Hotel Occupancy Tax	40,000	40,000

Additional Comments:

Based on the 2022 audit findings, 20 additional hotels will be audited in 2023. Additionally, a discovery scan of Short-Term Rental (STR) units in the City of San Angelo will be performed to determine those units who have not registered and been permitted. Audits will be performed on STR units that were not included in the 2022 Audit.



City Council

April 4, 2023

Budget Amendments

Tina Dierschke

Budget amendment

2023 Short-term Debt Fund	Revenue	Expense
Debt proceeds	\$1,725,929	
Issue cost		\$49,000
Construction projects		\$1,676,929
General debt service		\$417,915

Budget amendment

Restricted Fund	Revenue	Expense
Opioid settlement	\$168,421	\$168,421

Budget amendment

Hotel Occupancy Tax Fund	Revenue	Expense
Audit fees	\$40,000	\$40,000



City Council

April 4, 2023

Budget Amendments

Tina Dierschke

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Bryon Fox, Development Services

Meeting Date: April 18, 2023

Item type: Regular Item

Caption:

Consider approving Tax Increment Reinvestment Zone (TIRZ) incentive funding for two private projects in the North TIRZ area for the properties located at 802 N. Chadbourne and 2901 N. Chadbourne totaling \$102,591, and authorizing the City Manager to negotiate and execute all related documents (Presentation made by Planning & Development Services Director Jon James)

Staff Recommendation:

Approve

Summary/History:

At the monthly TIRZ Board meeting conducted on March 28th, 2023, the TIRZ Board approved funding for 2 TIRZ North Projects out of the North TIRZ Private funds for a total of \$102,591. The details of these projects include:

North Total Funds Available: \$1,625,359

802 N. Chadbourne: The funding amount requested was \$30,971 and the Board unanimously approved funding in the full amount of \$30,971 to include façade improvements, paving, landscape installation, outdoor storage, and screening

2901 N. Chadbourne: The funding amount requested was \$71,620 and the Board unanimously approved funding in the full amount of \$71,620 to include façade improvement, lighting, and paving.

Funding Source(s):

Fund:	Account:	Project Number:	Amount Budgeted:
TIRZ - North	106-2920-411-03-20		\$1,625,329.00

Financial Impact:

2 TIRZ North projects out of the TIRZ North Private Incentives in the amount of \$102,591 out of \$1,625,329 available.

Other Information/Recommendation:

At the monthly TIRZ Board meeting conducted on March 28th, 2023, the TIRZ Board approved funding of 2 TIRZ North Projects out of the North TIRZ private incentive funds for a total of \$102,591.

802 N. Chadbourne was approved unanimously by a 9-0 vote.

2901 N. Chadbourne was approved unanimously by a 9-0 vote.

Staff recommends approval of funding for these projects and authorizing the City Manager to negotiate and execute all necessary documents.

Attachments:

- | | | |
|----|-------------------|----------------------------|
| 1. | 802 N. Chadbourne | 802 N. Chadbourne.pdf |
| 2. | 2901 N Chadbourne | 2901 N Chadbourne TIRZ.pdf |

Presentation:

Jon James

Approvals/Reviews:

Bryon Fox	Created/Initiated
Zachary Rainbow	Approved
Jon James	Approved
Holly Voth	Approved
Theresa James	Approved
Heather Stastny	Final Approval



TIRZ INCENTIVES APPLICATION & CHECKLIST



Fill in all blanks below and check applicable boxes for each item. All fields must be completed; "see attached" is not an appropriate response. Incomplete applications will not be processed.

SECTION 1: PROPERTY INFORMATION

Business Name: Bee Gzzz Date: 2/17/2023
Business Owner (if different from above): Jennifer Smart
Business Address: 802 N. Chadbourne Mailing Address: 802 N. Chadbourne
Business Phone: 325 2455901 Secondary Phone: N/A
Email: beegzzz@yahoo.com Fax: N/A
Property Owner: Jennifer Smart

Remit incentive payment(s) to: ☒ Property Owner

☒ Business Owner

NOTE: A W-9 for the applicable party checked above is a requirement of this application. Applications will not be accepted without this information.

SECTION 2: ELIGIBILITY INFORMATION

This property falls within the:
(NOTE: See attached maps)

☒ TIRZ - North Eligibility Area

☐ TIRZ - South Eligibility Area

For the South Area only, indicate if your project fits into one or more of these development categories & how it meets the description of that category:

☐ CATEGORY A - OFFICE/WORKFORCE - contributes new jobs and/or significant floor space for offices. _____

☐ CATEGORY B - RESTAURANT - contributes an additional type of cuisine or dining opportunity. _____

☐ CATEGORY C - HOUSING/HOTEL - contributes housing units for residential living. _____

☐ CATEGORY D - RETAIL/SALES - contributes a commercial business. _____

SECTION 3: INCENTIVE CATEGORIES

Below are the various types of incentives to which the requested funding may be applied. Carefully review the TIRZ Incentive Policy adopted 08/16/2022, specifically the different incentive types available. Please indicate below which item(s) you propose based on your funding request (Item 4C below & included in more detail on Worksheet B).

- | | | |
|--|--|---|
| ☒ Facade Improvement | ☒ Outdoor Storage & Screening | ☐ Secondary Egress |
| ☐ Historic Preservation | ☒ Paving (as part of larger project) | ☐ Asbestos Abatement |
| ☒ Landscape Installation | ☐ Sprinkler & Monitored Smoke Alarm System | ☐ Sales Tax |
| ☐ Property Tax Abatement | ☐ Development Fee Reductions | |

SECTION 4: FUNDING LEVEL

The funding level, as described in TIRZ Incentive Policy, outlines the various procedures and requirements for a proposal.

4A. The amount of funding requested is:

- ☐ Less than or equal to \$10,000
- ☐ Less than or equal to \$25,000
- ☒ More than \$25,000

4B. The total estimated project cost is: \$34,412.91.

4C. The amount of funding requested is: \$31,190.91, as detailed on Worksheet A, attached.

4D. The amount of proposed match (which must be TIRZ-eligible expenses) is: \$3,222.00, as detailed on Worksheet A, attached.

SECTION 5: CRITERIA FOR EVALUATION OF APPLICATION

These criteria are also outlined on pages 2 & 3 of the TIRZ Incentive Policy adopted 07/21/15 and are to be utilized in the preparation of required documents as outlined in Section 6 of this application. Applicant is responsible for demonstrating which criteria are applicable to the proposed project and why. Proposed projects submitted during the application window will be ranked and the highest ranked will be considered for funding first. Rankings will be determined as outlined on page 2 of the TIRZ Incentives Policy

- Does the proposed project:
- ☒ Provide connections between activities?
 - ☒ Improve pedestrian & vehicular infrastructure?
 - ☒ Provide or reinforce usable & defined open space?
 - ☒ Strengthen the focus area's identity?
 - ☒ Support the goals of making the area a cultural, leisure, and tourist destination?
 - ☐ Improve the utilities and/or drainage infrastructure?
 - ☐ Remediate environmental deficiencies or enhance public safety?
 - ☐ Promote mixed-use development?
 - ☐ Utilize architectural styles that compliment to historic areas already in existence?
 - ☒ Help to mitigate or eliminate undesirable views or outside storage?
 - ☐ Reduce the visual impact of parking areas?
 - ☒ Preserve or provide natural landscaping?
 - ☐ Implement environmentally friendly features, such as green building materials, rainwater harvest, or low-energy heating and cooling?
 - ☐ Include an aggressive match by the applicant, in excess of what is minimally required?

SECTION 6: CHECKLIST OF REQUIRED DOCUMENTS

The following documents - in addition to a completed application - are minimum requirements.

Incomplete submittals WILL NOT BE REVIEWED for funding. Work may not begin until a Letter to Proceed is received.

- ☒ **SUMMARY:** a written summary outlining the overall scope of work to be performed;
- ☒ **APPLICATION:** completed & signed application (this document);
- ☒ **W-9:** used for establishing an account for payment by the City of San Angelo;
- ☒ **NARRATIVE:** used to demonstrate how the proposed project meets the criteria you selected as applicable in Section 5
- ☒ **PROJECT BUDGET:** a detailed accounting, using Worksheet A, of how the amount requested in Item 4C and 4D on the previous page would be applied to the incentive categories identified in Section 3 above, and how the match would be utilized. Note that the total must match the totals for items 4C and 4D and CANNOT include non-eligible items for funding or match.
- ☐ **DHRC LETTER OF APPROVAL:** If the project is within the Downtown Design District, the River Corridor District, a historic overlay zone, or any other district in which projects must be reviewed by the City's Design and Historic Review Commission (DHRC), a letter of approval for the project **MUST BE PROVIDED** with your application. **Applications that require DHRC approval for which no approval has been obtained WILL NOT BE CONSIDERED.** Please contact the City's Planning and Development Services Department to assist in determining if such approval is required.

SECTION 7: STATEMENT OF UNDERSTANDING:

1. I agree to comply with guidelines and procedures of the TIRZ Incentives Program and acknowledge that I have reviewed and understand the current policy (adopted by City Council on August 16, 2022).
2. I understand that no work on the proposed project may begin until and unless an official **Letter to Proceed** is provided to me. Any other work done is ineligible for funding. I further understand that no such document will be issued until an agreement reiterating the requirements of this policy is executed by all parties.
3. I understand that neglecting to provide all information required in and by this application will invalidate my application entirely.
4. I understand that I must submit cost documentation - including evidence of estimated costs as part of the budget and including paid invoices and/or receipts from contractors after the work is complete - in order to comply with the requirements of this program. I further understand that the City may contact contractors and subcontractors to ensure they have been paid.
5. I acknowledge that my funding proposal may be denied, partially approved, or fully approved, and is subject to funding availability.
6. I acknowledge that all documents as outlined in this application are minimum requirements and that incomplete applications will be rejected.

Signature of Property Owner Jennifer S Date: 2/17/2023

SECTION 6: REPRESENTATIVE:

I hereby designate _____ as my representative on this project and prefer that any communication regarding this project be addressed to them directly. They may be reached at: _____.

After you have completed this application and submitted the required exhibits, please mail or deliver this information to the Economic Development Department located at 69 N. Chadbourne St. in the Business Resource Center. The City may, at their discretion, request additional information regarding this application. Failure to provide such information in a timely manner may result in delay or rejection of your application.

FOR OFFICE USE ONLY:

COMPLETE? Y N

SIGNATURE OF ECONOMIC DEVELOPMENT SPECIALIST

DATE

[illegible]

Summary

Hello, my name is Jennifer Smart & Keith Smart we are the new owners of Bee Gzzz Smoke & Brew 802 N. Chadbourne St.

We are wanting to improve our drive thru convenient store by painting the outside making it look more presentable with the colors of light grey exterior and dark grey trim with black window bars. We are going to be adding rain gutters to help prevent mold, mildew, and other water damage to the building plus it will give it nice decorative element to the building. We are needing to add striping, arrows on 8th street side and on Chadbourne St with designated handicap parking for safety purposes. A metal fence for safety, we are having a lot of loiters and pedestrians walk behind the building and using the alley to go through the back of the building to get to 8th street this happens during the day and evening time. The metal fence will help the loiters and pedestrians away from my equipment and AC units. Landscaping will be done in the front of the building, by the ally, on the corner of 8th street and Chadbourne with boulders and drought tolerant plants to help preserve water. New sod for picnic area with sprinkler system to allow customers a seating area. We are also adding a food truck to help bring more customers downtown. A new face sign to replace old one. We are hoping to bring life to the northside of downtown. Bee Gzzz has been in business for over 14 years at the same location.

Thank you for your time,



2/17/23

Jennifer Smart

Narrative:

The proposed project does provide connection between activities. it is a pit stop for visitors, tourist, and enjoyment between North and South Chadbourne activities. We will have improved parking lot for pedestrians. The food truck will bring an open space for customers and families to enjoy outside sitting. We are going to change the appearance to a warm welcoming pit stop. Once again, we are adding improvements by painting the outside, landscaping, adding a sitting area with a food truck. This will bring visitors and tourist to the northside of Chadbourne. Adding the privacy fence will help loiters or pedestrian's to not go through our property and it will also bring nice element to our store. The landscaping we are wanting to add is drought tolerant plants this will help preserve water.

Thank you for your time,

 2/17/23

Jennifer Smart

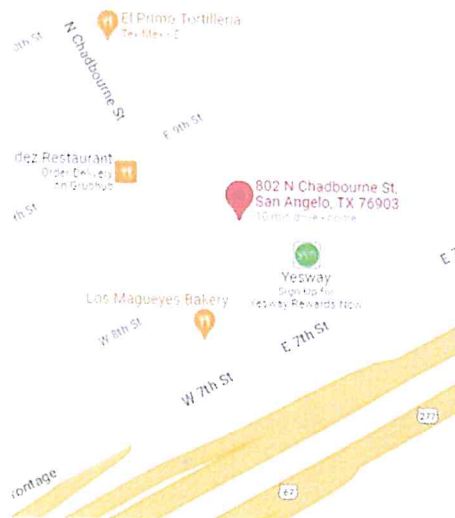








802 N. CHADBOURNE STREET



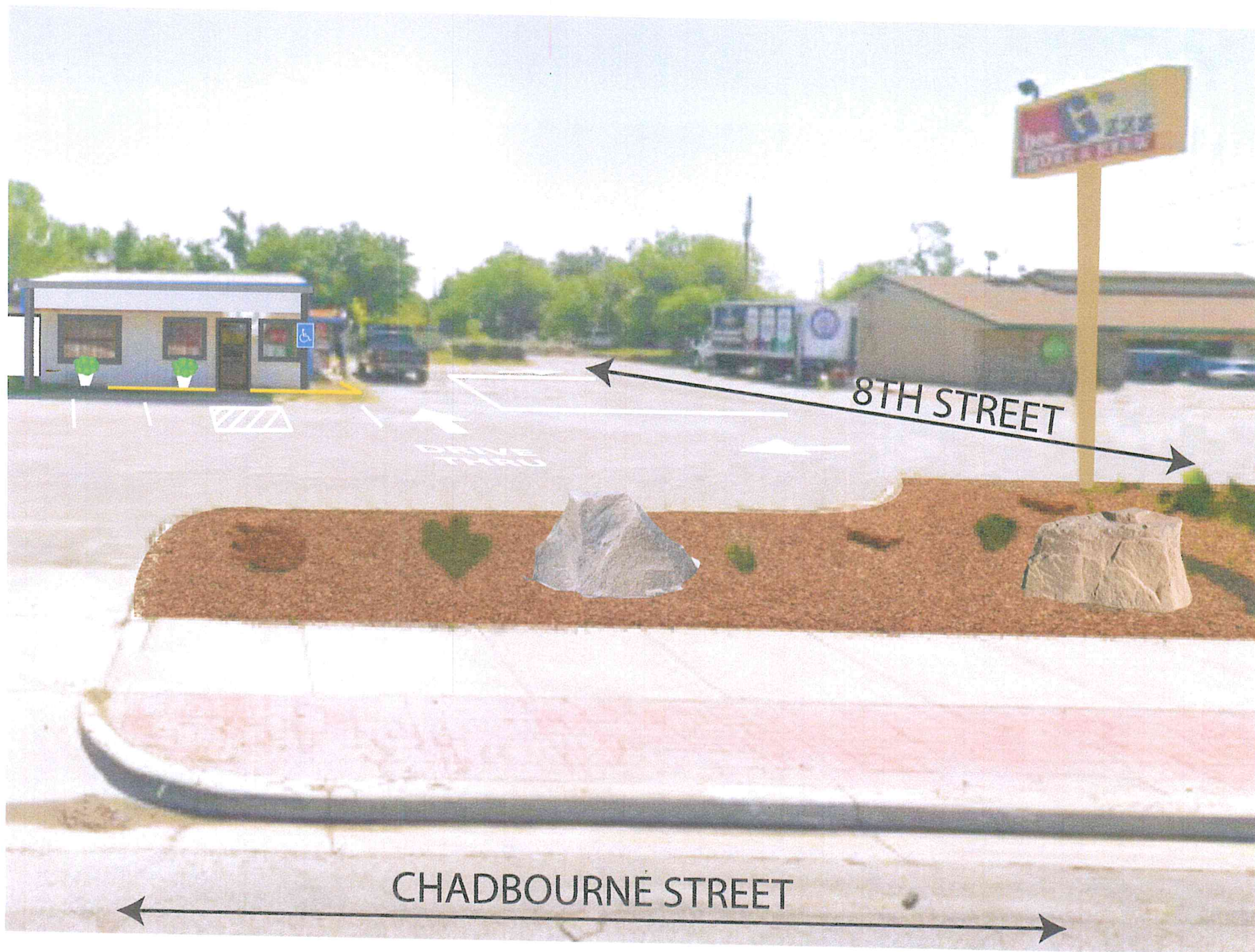
SAFETY

- Directional Arrows on Chadbourne St. side
- Directional Arrows on 8th St. side
- Designated Handicap Parking
- Rain gutters to manage water run-off
- Security windows with bars
- Metal Fence to keep loiters and pedestrians away from equipment and AC units

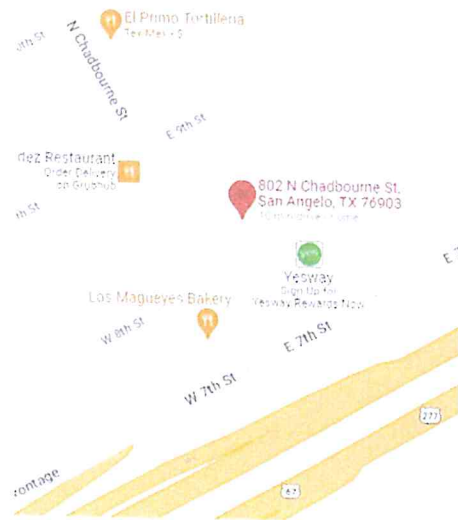
CURB APPEAL

- New Landscaping: Low-water Xeriscaping with drought tolerant plants & bolders
- New Sod for picnic area with sprinkler system
- Fresh paint for exterior building in light gray, dark gray trim, black window bars
- New Rain gutters painted dk gray
- New sign face for existing pole sign





802 N. CHADBOURNE STREET - SIDE VIEW



SAFETY

- Directional Arrows on Chadbourne St. side
- Directional Arrows on 8th St. side
- Designated Handicap Parking
- Rain gutters to manage water run-off
- Security windows with bars
- Metal Fence to keep loiters and pedestrians away from equipment and AC units

CURB APPEAL

- New Landscaping: Low-water Xeriscaping with drought tolerant plants & bolders
- New Sod for picnic area with sprinkler system
- Fresh paint for exterior building in light gray, dark gray trim, black window bars
- New Rain gutters painted dk gray
- New sign face for existing pole sign





TIRZ NORTH INCENTIVES APPLICATION & CHECKLIST



Fill in all blanks below and check applicable boxes for each item. All fields must be completed; "see attached" is not an appropriate response. Incomplete applications will not be processed

SECTION 1: PROPERTY INFORMATION

Business Name: Vasquez Groceries y Carniceria Date: 03/03/2023

Business Owner (if different from above): Olga and Bobby Vasquez

Business Address: 2901 N Chadbourne, San Angelo, TX 76903 Mailing Address: 2901 N Chadbourne, San Angelo, TX 76903

Business Phone: 325-486-1260 Secondary Phone: _____

Email: gen07ma@gmail.com Fax: _____

Property Owner: Olga and Bobby Vasquez

Remit Incentive Payment(s) to: ☐ Property Owner ☒ Business Owner

NOTE: A W-9 for the applicable party checked above is a requirement on this application. Applications will not be accepted without this information

SECTION 2: PROJECT CRITERIA FOR EVALUATION OF APPLICATION:

These criteria are also outlined on page 1 of the TIRZ North Incentives Policy and are to be utilized in the preparation of required documents as outlined in Section 4 of this application. Applicant is responsible for demonstrating which criteria are applicable to the proposed project and why. Proposed projects submitted during the application window will be ranked and the highest ranked will be considered for funding first. Rankings will be determined as outlined on page 4 of the TIRZ North Incentives Policy.

Does the proposed project:

- ☒ Provide connections between activities?
- ☒ Improve pedestrian & vehicular infrastructure?
- ☒ Provide or reinforce usable & defined space?
- ☒ Strengthen the focus area's identity?
- ☒ Support the goals of making the area a cultural, leisure, and tourist destination?
- ☐ Improve the utilities and/or drainage infrastructure?
- ☐ Remediate environmental deficiencies or enhance public safety?
- ☐ Promote mixed-use development?

SECTION 2: PROJECT CRITERIA FOR EVALUATION OF APPLICATION (cont.)

- ☐ Utilize architectural styles that compliment historic areas already in existence?
- ☐ Help to mitigate or eliminate undesirable views or outside storage?
- ☐ Reduce the visual impact of parking areas?
- ☐ Preserve or provide natural landscaping?
- ☐ Implement environmentally friendly features such as, green building materials, rainwater harvest, or low-energy heating and cooling?
- ☐ Include an aggressive match by the applicant, in excess of what is minimally required?

SECTION 3: INCENTIVE TYPES

Below are the various types of incentive to which the requested funding may be applied. Carefully review the TIRZ North Incentives Policy, specifically pages 1 and 2, and familiarize yourself with each type of incentive category. Please indicate below which item(s) you propose for the amount of funding requested in Item 4C (under Award Amounts on page 3 and included in more detail in Worksheet A) to be utilized for.

- | | |
|--|--|
| ☒ Façade Improvement | ☐ Asbestos Abatement |
| ☐ Landscape Installation | ☐ Fire Sprinkler & Monitored Smoke Alarm System |
| ☐ Historic Preservation | ☐ Sales Tax |
| ☐ Outside Storage Screening | ☐ Property Tax |
| ☒ Paving (as part of an overall funding package) | ☐ Job Creation Incentives |
| ☐ Secondary Egress | ☐ Development Fee Reductions |

SECTION 4: CHECKLIST OF REQUIRED APPLICATION DOCUMENTS

The following documents—In addition to a completed application—are minimum requirements. Incomplete submittals **WILL NOT BE REVIEWED** for funding. Work may not begin on incentive items requested until a Letter to Proceed is received. (See page 4 of the TIRZ North Incentives Policy).

- ☒ **APPLICATION:** Completed & signed application (this document)
- ☒ **PROJECT BUDGET:** A detailed accounting, using Worksheet A, of how the amount requested in Item 4C would be applied to the incentive categories identified in Section 3, and how the match would be utilized. Note that the total must match the amount listed in Item 4B
- ☒ **RENDERINGS/ELEVATION DRAWINGS:** Sketches, drawings, or pictures of the work to be performed must be provided, (what the project will look like when complete)
- ☒ **CURRENT PHOTOS**
- ☒ **W-9:** Used for establishing an account for payment by the City of San Angelo.
- ☒ **NARRATIVE/SUMMARY:** Used to demonstrate how the proposed project meets the criteria you selected as applicable in Section 2.
- ☒ **ZONE/IMPACT STATEMENT:** Projects the activity and economic benefit that will be generated as a direct result of the completion of the project.
 - Activities/benefits generated by the Project
 - Activities/benefits of adjacent properties

SECTION 4: CHECKLIST OF REQUIRED APPLICATION DOCUMENTS (cont.)

- How the project will enhance the District

☒ CURRENT APPRAISED VALUE OF THE SUBJECT PROPERTY: \$44,065

☐ PRIOR TIRZ FUNDING: (if applicable) that has been previously awarded to the property applying

SECTION 5: AWARD AMOUNTS

The funding level, as described on page 4 of the TIRZ North Incentives Policy, outlines the various procedures for each proposal and determines the procedure for consideration and action.

4A. This proposed project is submitted, with a request for funding:

☐ Which is less than or equal to \$10,000

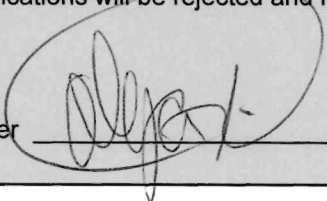
☒ Which is greater than \$10,000

4B. The total estimated project cost is \$79,578, as detailed in Worksheet A. This includes any match required as outlined on page 4 of the TIRZ North Incentives Policy

4C. The amount of funding requested is \$71,620, as detailed in Worksheet A, attached.

SECTION 6: STATEMENT OF UNDERSTANDING

1. I agree to comply with the guidelines and procedures of the TIRZ Incentives Program, and acknowledge that I have reviewed and understand the current TIRZ North Incentives Policy
2. I understand that no work on the approved incentive items can begin until and unless an official Letter to Proceed is provided to me. Any other work done on approved incentive items is ineligible for funding. I further understand that no such document will be issued until an agreement reiterating the requirements of this policy is executed by all parties.
3. I understand that neglecting to provide all information required in and by this application will invalidate my application.
4. I understand that I must submit cost documentation—including evidence of estimated costs as part of the budget, and including paid invoices and/or receipts from contractors after the work is complete—in order to comply with the requirements of this program. I further understand that the City may contact contractors or subcontractors to ensure they have been paid.
5. I acknowledge the deadlines outlined on page 3 of the TIRZ North Incentives Policy and realize that my funding proposal may be denied, partially approved, and is subject to funding availability.
6. I acknowledge that all documents as outlined in this application are minimum requirements and that incomplete applications will be rejected and returned immediately.

Signature of Property Owner 

Date: 03/03/2023

SECTION 7: REPRESENTATIVE

I hereby designate Geneva Vasquez as my representative on this project and prefer that any communication regarding this project be addressed to them directly. They may be reached at

Cell: 325-716-8491

Email: gen07ma@gmail.com

After you have completed all of the items outlined in Section 4 of this application, please call Shannon Scott in the Economic Development Department at 325-653-7197 ex. 4 to schedule a meeting to review all documents.

FOR OFFICE USE ONLY:

COMPLETE? Y N

SIGNATURE OF ECONOMIC DEVELOPMENT SPECIALIST

DATE

B. Ramirez Roofer
2714 W. F.M. 2105 San Angelo, TX 76901
Benny: 325-650-7167 / Luis: 325-277-8944
bramirezroofer@yahoo.com

-ESTIMATE-

February 23, 2023

Olga Vasquez

Job Location: Vasquez Grocery Y Carniceria
2901 N. Chadbourne San Angelo, TX. 76903

Remove partial wall panels from building.
Tie-in porch to existing building.
Install 2x6 rafters to build 8ft. porch area on the south & north side.
Install 5/8 plywood decking on roof area.
Install new 26-gauge R panels on roof area (Red).
Pour cement under porch area as walk way.
Remove old wiring necessary and install 5 light fixtures under porch, 3 flood lights at corners and 3 receptacles on outside of store.

ESTIMATED TOTAL: \$67,100.00

*Credit card payments will have a 3% convenience fee added.



2/23/23

Maria Ramirez
Office Manager

Date

Break down of material and labor:

R Panels & Roofing labor	\$11,425.00
Cement & labor	\$18,275.00
Electricity & labor	\$5,350.00
Commercial front door, lumber & labor	\$27,255.00
"Estimated" City Permit	\$1,500.00
Tax	\$3,295.00
ESTIMATED TOTAL:	\$67,100.00

*50% down payment will be needed before starting for material purchase.

Angelo Paving, LLC
3371 Knickerbocker Rd Ste 106
San Angelo, TX 76904 US
3252120035
angelopaving@gmail.com

Estimate

ADDRESS

Vasquez Grocery

SHIP TO

Vasquez Grocery

ESTIMATE #

1282

DATE

06/09/2022

SERVICE	DESCRIPTION	QTY	RATE	AMOUNT
Paving/Overlay	Clean parking lot from any grass and debris. Any potholes or low spots will be patched with hot mix asphalt prior. When all prep work is complete we will pave entire parking lot using type d hot mix asphalt and compact. Once asphalt has cooled we will stripe parking lot any way you wish	4,350	2.65	11,527.50T

SUBTOTAL

11,527.50

TAX

951.02

TOTAL

\$12,478.52

Accepted By

Accepted Date

PROJECT CRITERIA NARRATIVE

AREA'S IDENTITY

Since 2002, Vasquez Grocery y Carniceria, owned and operated by Olga Vasquez, has been a mainstay of the North Chadbourne corridor of San Angelo, offering authentic Mexican grocery items and meat market (carniceria), and includes an indoor taco stand (taqueria) with a dining area, all the way from Aguascalientes, located in central Mexico. Authentic Mexican food differs from Tex-Mex in that Mexican cuisine uses authentic Mexican ingredients, while Tex-Mex is a fusion of Mexican and American cuisine. Over the years, Vasquez Grocery y Carniceria has witnessed the growth of additional restaurants serving authentic Mexican cuisine and treats including El Rincón de San Miguel, La Mexicana Tortilleria, Panchitas Tortilla Factory, and Pinguís Paleteria, all of which has contributed to North Chadbourne's identity as an authentic Mexican food destination.

CONNECTIONS

Vasquez Grocery y Carniceria is on a 0.189-acre property located at 2901 N. Chadbourne Street (on the corner of N. Chadbourne and 29th Street). The location provides a connection between the Foster Communications Coliseum and Fairgrounds on N. 43rd Street, host to numerous large events including the Annual San Angelo Stock Show & Rodeo, and Downtown San Angelo where numerous shops, dining, and entertainment venues are located.

FAÇADE

Sadly, Vasquez Grocery y Carniceria is often overlooked because of the building's exterior appearance. The building was constructed in 1939. The previous owners added sheet metal to the outside walls in order to cover the old wood and windows right before placing the property up for sale. The property was purchased "as-is" and except for the initial exterior paint job to add the business name and descriptions of goods sold, no other modifications have been made since. The paint is chipped and faded.

Additionally, the entrance of the building lacks curb appeal. The main entrance to the building is a double door but the left door no longer works leaving the right door as the only access point. Vasquez Grocery y Carniceria is proposing to repaint the exterior and remove and replace the front door. Word of mouth has worked very well so far but having an appealing façade also helps entice people to come in and try the cuisine. So, while a local can tell others that Vasquez Grocery y Carniceria has the best home-made corn tortillas in town, rodeo fans, and many others driving up and down Chadbourne, would have no idea.

DEFINED OPEN SPACE

There is a small awning over the front door that is drab and uninviting. The front porch is cracked and narrow. The proposed project includes renovating the front porch to become a defined outdoor dining space. This includes removing the current awning and replacing it with a new awning that is the same length of the front façade and removing and replacing the current front porch to create a defined outdoor dining space.

PEDESTRIAN AND VEHICULAR INFRASTRUCTURE

On a regular basis, traffic at the N. Chadbourne and 29th Street light will cut through the store's parking lot to avoid waiting for the light to change. This "shortcut" poses a grave safety risk to customers and pedestrians of being struck by a vehicle in the parking lot. This continuous issue has created massive

potholes and deep ridges over the majority of the parking lot, therefore, creating trip hazards for individuals.

Furthermore, potholes can cause damage to vehicles, such as bent wheel rims, internal tire damage, alignment problems, and shock and strut issues depending on the severity of the impact. To improve the pedestrian and vehicular infrastructure and enhance safety, Vasquez Grocery y Carniceria is proposing to remove and replace the parking lot and wheel stops and install a barrier in the parking lot to prevent traffic from cutting through.

ZONE IMPACT STATEMENT

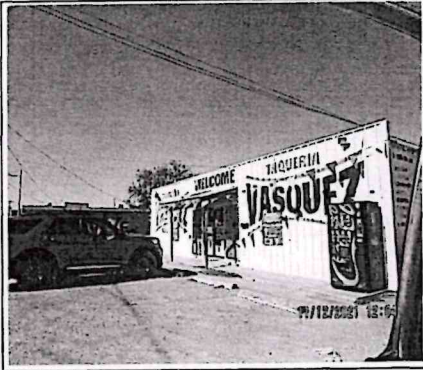
Renovating the building will also strengthen Vasquez's identity as not only a grocery store and meat market, but also as a dining establishment, therefore, supporting the goals of making North Chadbourne a cultural destination. The most significant benefit generated by the proposed project is the continued revitalization of the historic North Chadbourne corridor. Seeing businesses, such as Western Sky and Señor Changs that have made improvements to their exterior and how this has helped them grow, has inspired the pursuit of TIRZ North funding so Vasquez Grocery y Carniceria can grow along with the community.

TOM GREEN APPRAISAL DISTRICT (2022)

Property ID : P000081499

Geo ID : 36-02003-0070-000-00

1/1

Ownership VASQUEZ GROCERY C/O: OLGA VASQUEZ 2901 N CHADBOURNE ST SAN ANGELO, TX 76903-2576	Exemptions/Deed		
Legal Information LEGAL: BUSINESS PERSONAL PROPERTY SAISD SITUS: 2901 N CHADBOURNE		Appraisal Coding Appr By ANESTE R Appr Dt 01/19/21 Check By CGIBBS Check Dt 11/12/21	

Sale Dt	Type	Vol	Page	Inst	Deed Dt	Price	Value@Sale	Grantee	Grantor

Agent	Mortgage	Geo Quad	Aerial	Map Id	Use
		0	NOIS 6/17		

Building Code	Hs Year/Eff Yr	Class	Sqft	Cpsf	Buildings	Features	Depreciation %	Condition %	Fn%	Ec%	Cpl%	Loc%	Net Adj%	Value	Feature Code	Cpsf / Value

Land Code	Units / Alt Units	Cpu	Cpu Cd	Mkt Cpu	Adjustment Codes	Adj%	Adj Amt	Hs	Mkt Value	Ptd	Prd	Prod Code	Prod Use	Yr Grant	Units	Cpu	Spec Value
===== ===== 0 0																	

Comments

**NOTES: 1948 SF

	2022	Ptd	Change +/-	Prior	2021	Ptd	Entity / Description	Exemption	Txbl Value	Rate Per \$100	Frz Yr	Ext. Tax Levy	Nbh Coding	Misc Coding
Personal Market +	24,480	L1	0	24,480	L1		CR TOM GREEN COUNTY	0	24,480	.5488000		134.35	OWNNAVP20	PERM 16
Total Market =	24,480		0	24,480			CT CITY OF SAN ANGELO	0	24,480	.7760000		189.96		PL20
Assessed =	24,480		0	24,480			SA SAN ANGELO ISD	0	24,480	1.0996100		269.18		
							** ESTIMATED TOTAL					=====		
												593.49		

User CRYSTAL

Print Date 7/20/2022 1:44:27 PM

Property ID : P000081499

Geo ID : 36-02003-0070-000-00

Quick
Link :

TOM GREEN APPRAISAL DISTRICT (2022)

Property ID : R000013854

Geo ID : 18-33200-0015-003-00

1/1

Ownership VASQUES OLGA & BOBBY 2901 N CHADBOURNE ST SAN ANGELO, TX 76903-2576	Exemptions/Deed INST: 501455 VOL: 808 PAGE: 700 DATE: 12/28/2000	METES AND BOUNDS ASPHLT () RTST4 (L50U40R21D8R14U12R15D44)	
Legal Information LEGAL: SUBD: MATHER ADDITION NO 1, BLK: 15, BEING AN AREA OF 0.193 ACRES IN THE SW CORNER OF BLK 15 (TRACT C) SITUS: 2901 N CHADBOURNE ACRES:0.189			Appraisal Coding Appr By AW Appr Dt 03/03/22 Check By AW Check Dt 03/03/22

Sale Dt	Type	Vol	Page	Inst	Deed Dt	Price	Value@Sale	Grantee	Grantor
12/28/00		808	700	501455	12/28/00	+++++	31,680	VASQUES OLGA & BOBBY	LEWIS PAUL D & SHERRYL L
3/1/00		759	453	487089	3/1/00	+++++	31,680	LEWIS PAUL D & SHERRYL L	POWELL PATRICK D &
6/29/87		33	654	275067	6/29/87	+++++	31,680	POWELL PATRICK D &	MC CLUNG JACK

Agent	Mortgage	Geo Quad	Aerial	Map Id	Use
		1			

Building Code	Hs	Year/Eff Yr	Class	Sqft	Cpsf	Buildings	Features	Depreciation	%	Condition	%	Fn%	Ec%	Cpl%	Loc%	Net Adj%	Value	Feature Code	Cpsf / Value
ASPHLT-ASPHALT		1959/NA		4,000	2.00	8,000	0	-75%		0%	0%	0%	100%	0%	-75.0%	*	2,000		
RTST4-RETAIL STORE P		1959/NA		1,948	48.38	94,244	0	-75%		0%	0%	0%	100%	0%	-75.0%	*	23,561		
				=====		=====	=====										=====		
				5,948		102,244	0										25,561		

CSF IMPR: 6.39

Land Code	Units / Alt Units	Cpu	Cpu Cd	Mkt Cpu	Adjustment Codes	Adj%	Adj Amt	Hs	Mkt Value	Ptd Prd	Prod Code	Prod Use	Yr Grant	Units	Cpu	Spec Value
COMM SQFT	8,221.00 SF/0.189 AC	5.36		5.36		0%			44,065							
	SQ FT VALUE								=====							=====
									44,065							0

	2022	Ptd	Change +/-	Prior	2021	Ptd	Entity / Description	Exemption	Txbl Value	Rate Per \$100	Frz Yr	Ext. Tax Levy	Nbh Coding	Misc Coding
Impr Homesite +	25,560	F1	3,760	21,800	F1		CR TOM GREEN COUNTY	0	69,630	.5488000		382.13	COMMLET	CHDN
Land Homesite +	44,070	F1	0	44,070	F1		CT CITY OF SAN ANGELO	0	69,630	.7760000		540.33	MA_024	29TH
Total Market =	69,630		3,760	65,870			SA SAN ANGELO ISD	0	69,630	1.0996100		765.66	22NAVCOM	AWLND
Assessed =	69,630		3,760	65,870			** ESTIMATED TOTAL					=====		
												1,688.12		

User CRYSTAL

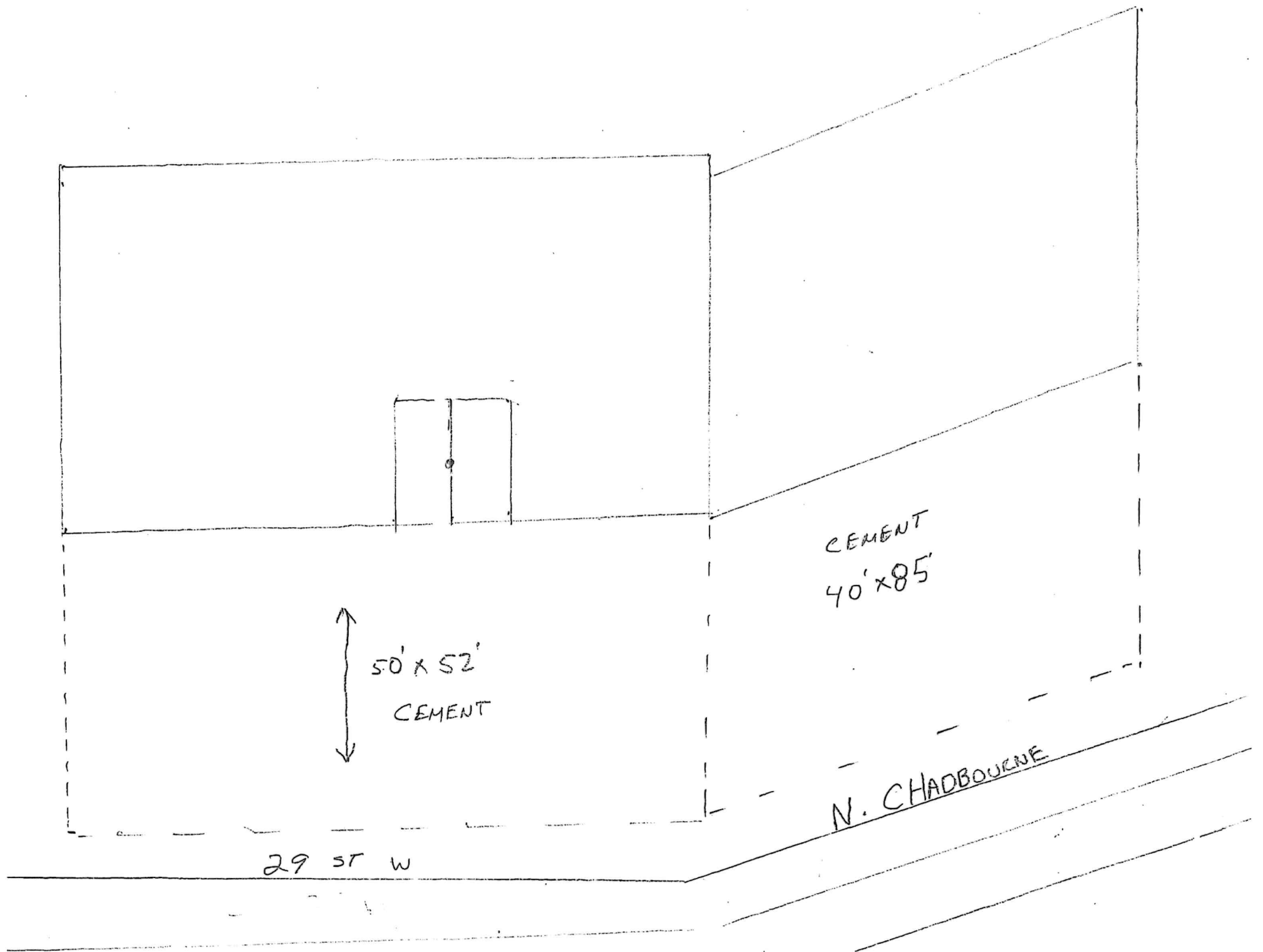
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Property ID : R000013854

Geo ID : 18-33200-0015-003-00

Quick Link :



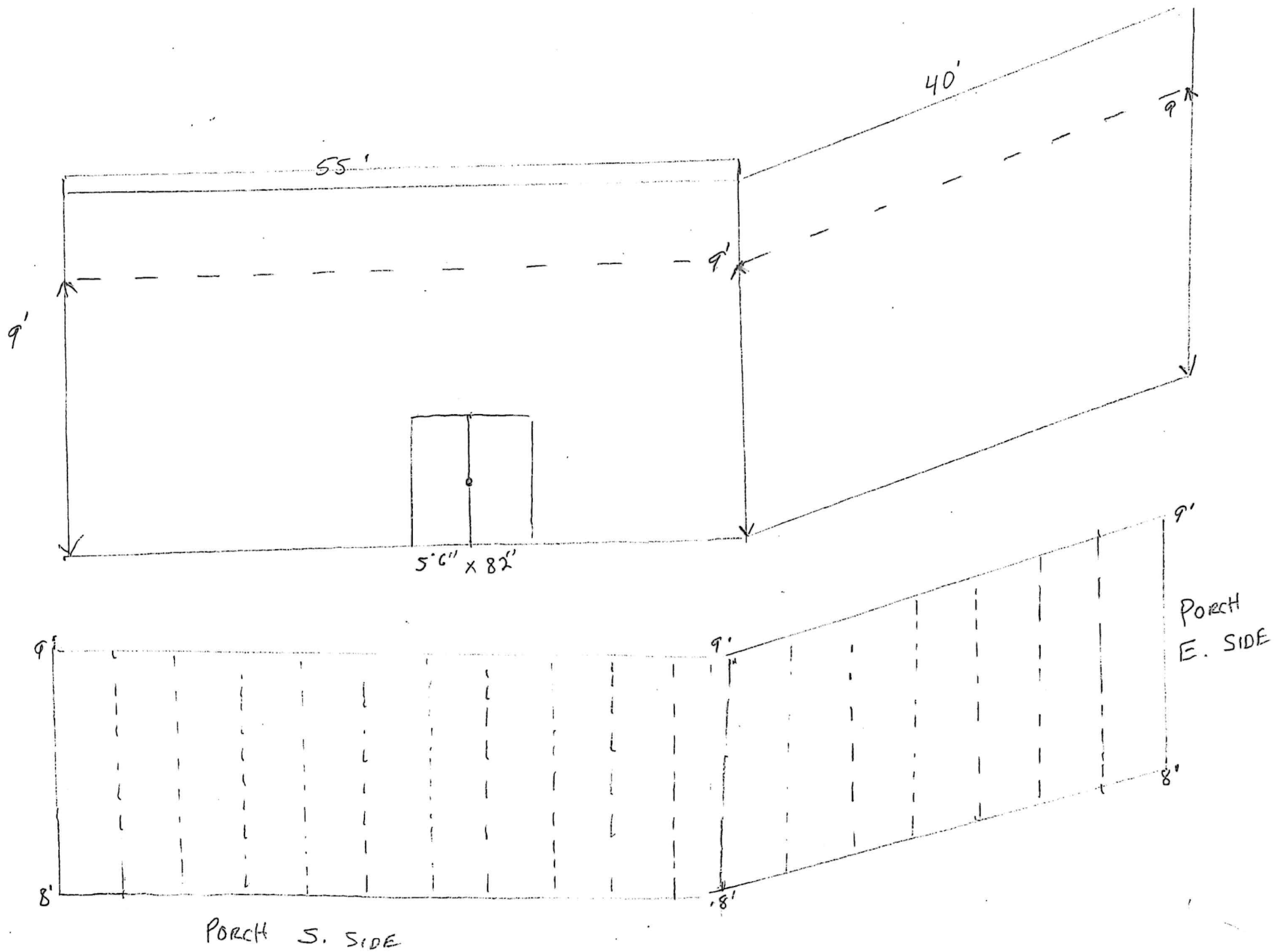


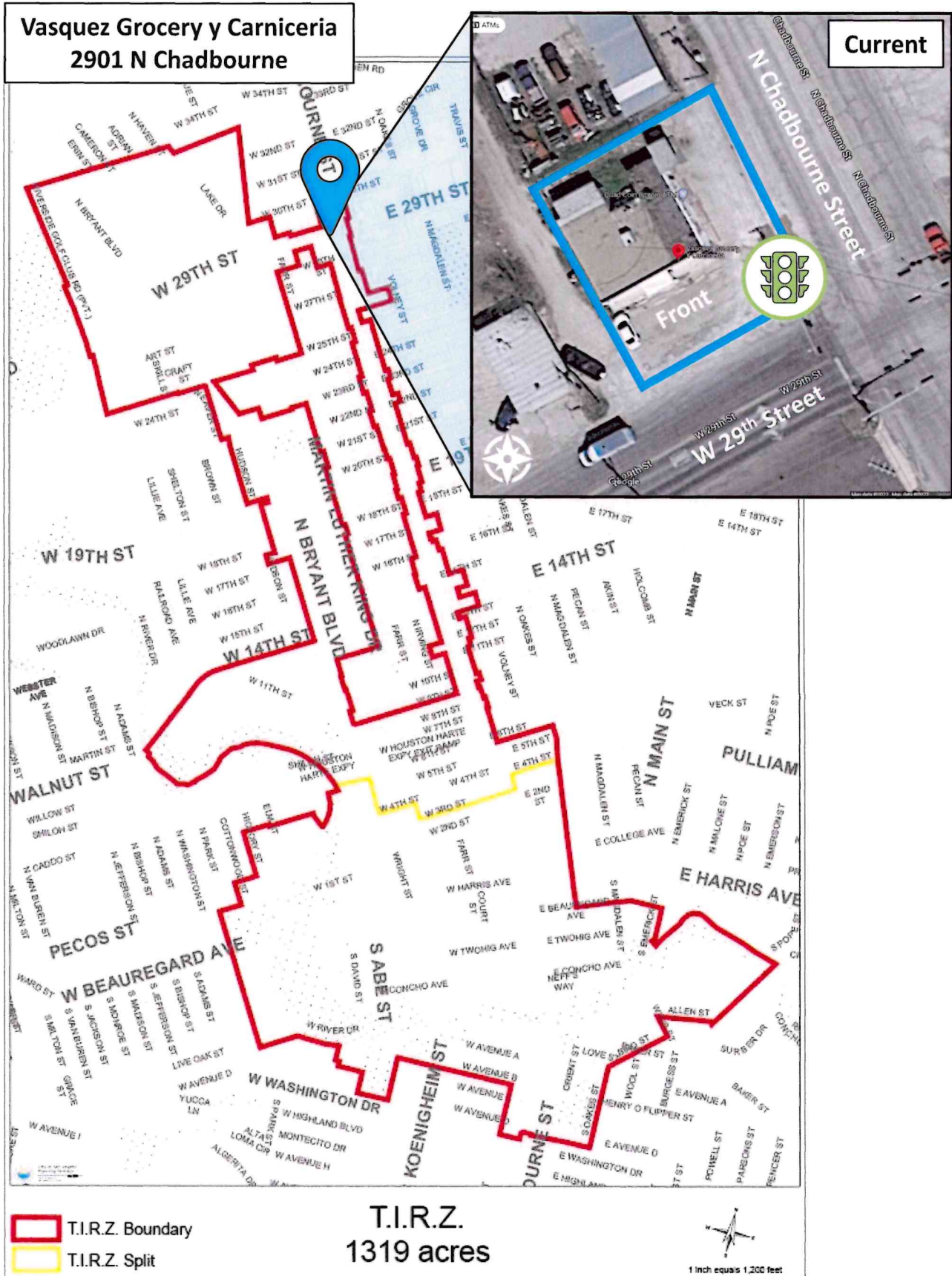
CEMENT
40' x 85'

50' x 52'
CEMENT

29 ST W

N. CHADBOURNE





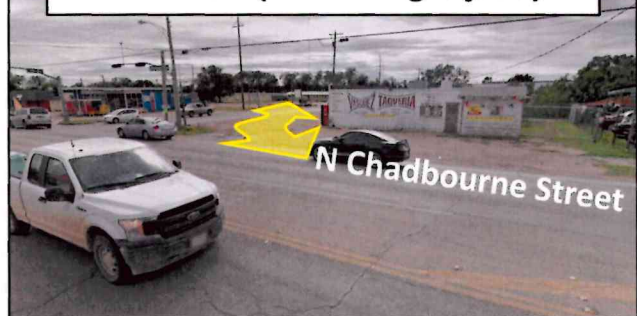
Property Overview



Front View (South facing façade)



Side View (East facing façade)



LEGEND

• Property Boundary

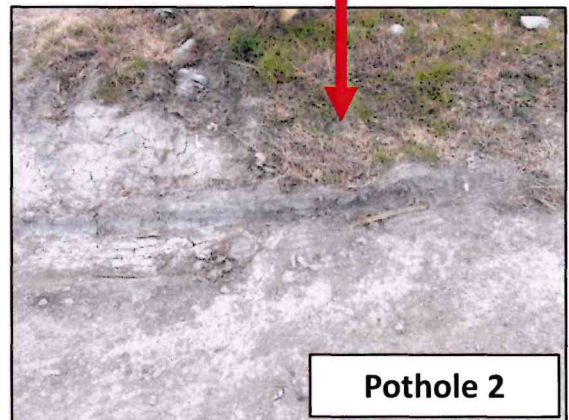
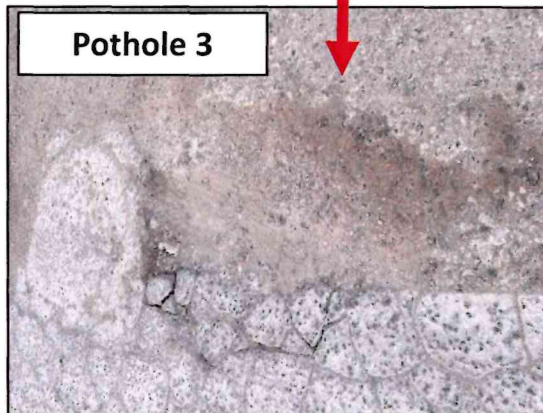
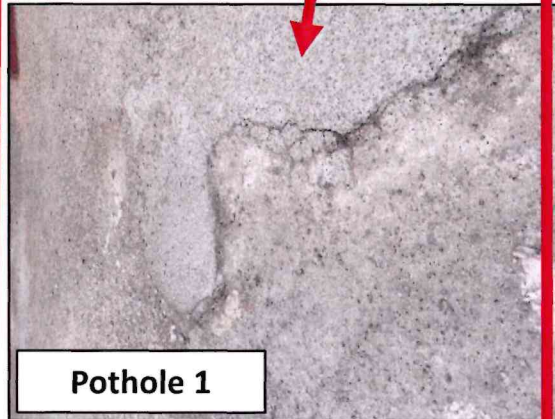
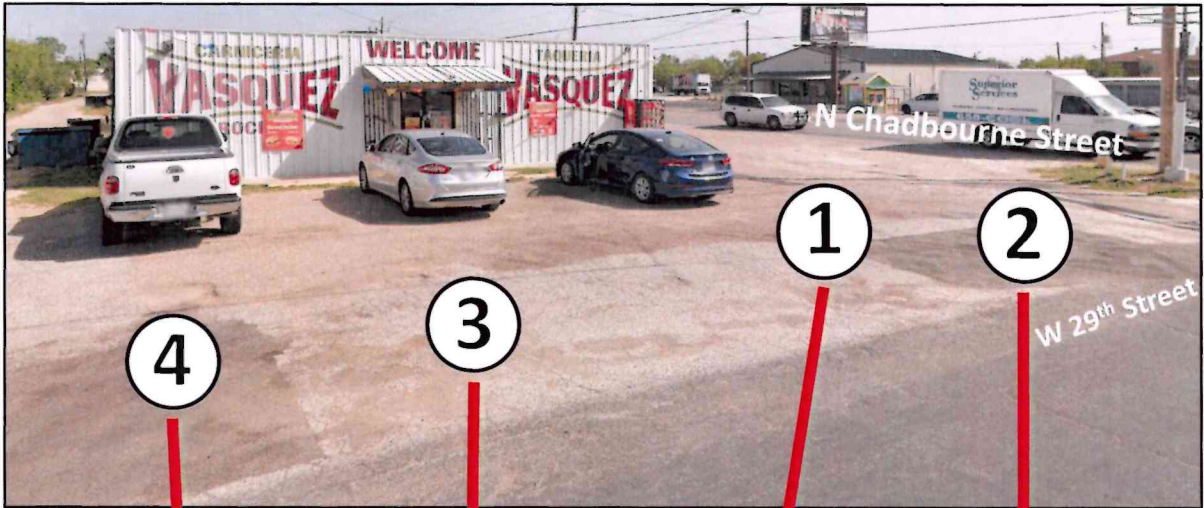
• Building

• Traffic Passthrough to Avoid Traffic Light

• Potholes

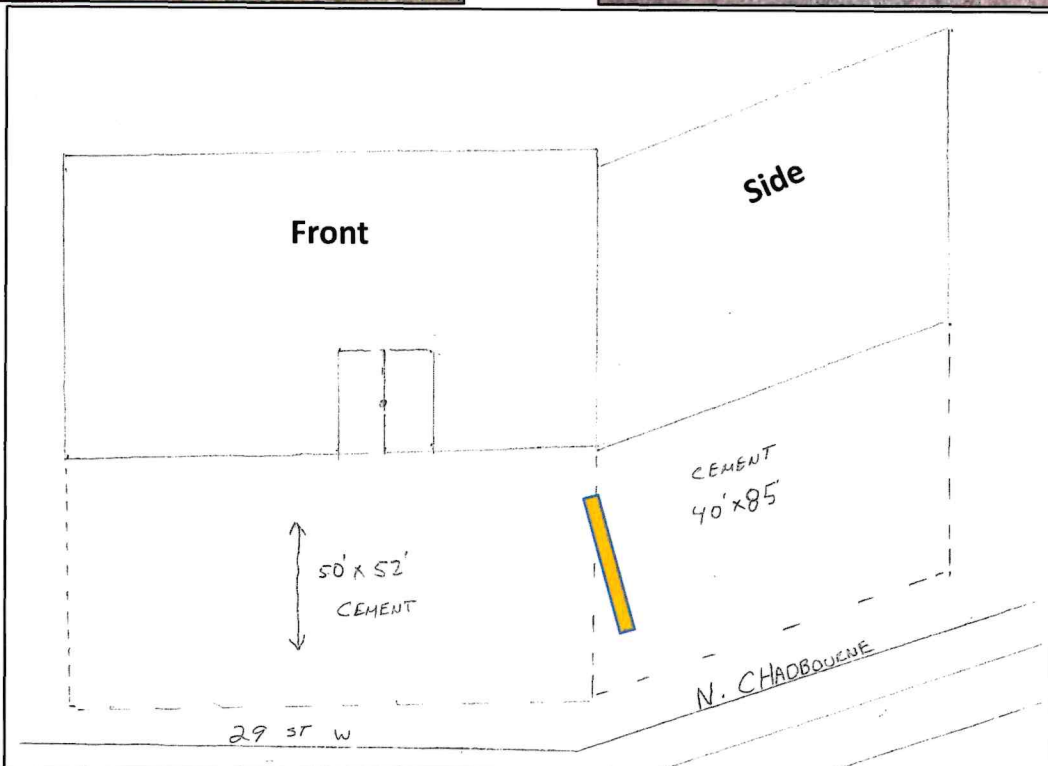
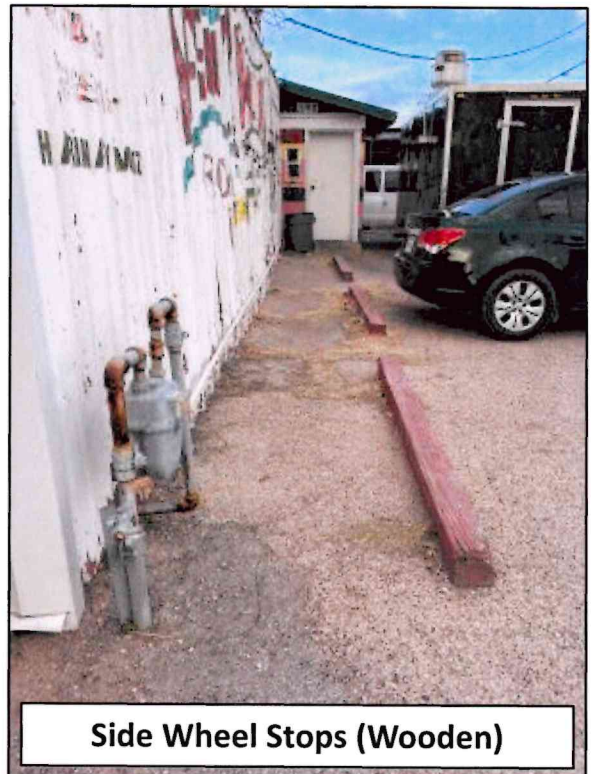
• Traffic Light

Front View (South facing façade)



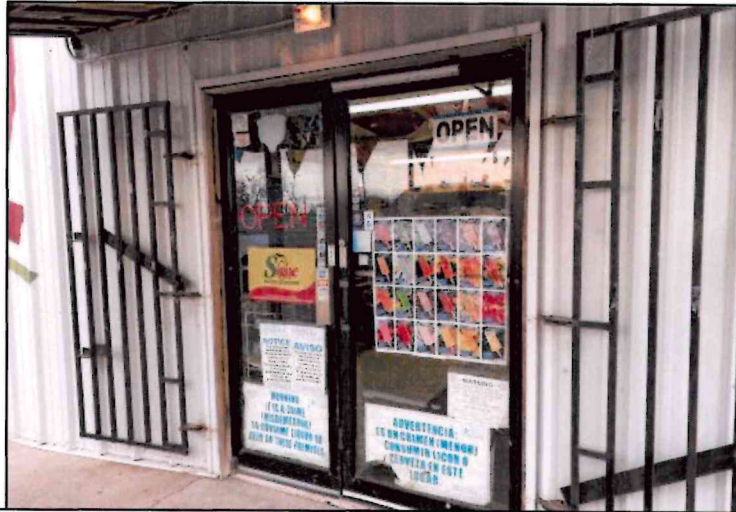
The parking lot continues to be damaged repeatedly and extensively due to the number of vehicles that continue to drive through the parking lot to avoid the traffic light.

Parking Lot

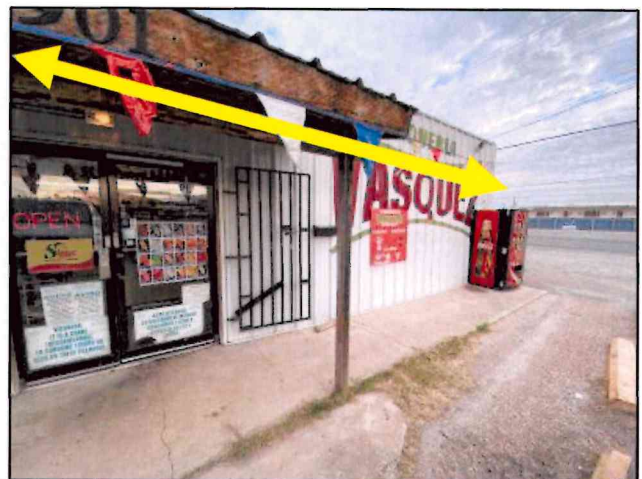
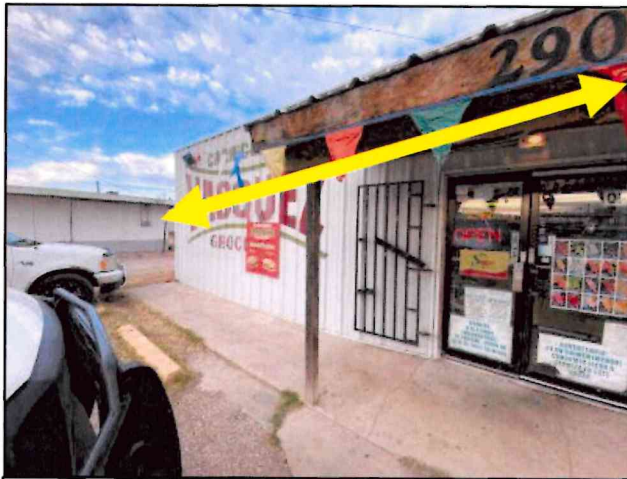


The proposed project will replace the entire parking lot and install brand new wheel stops. Additionally, a wheel stop will be installed across the southeast corner of the parking lot to stop traffic from taking a short-cut through the parking lot.

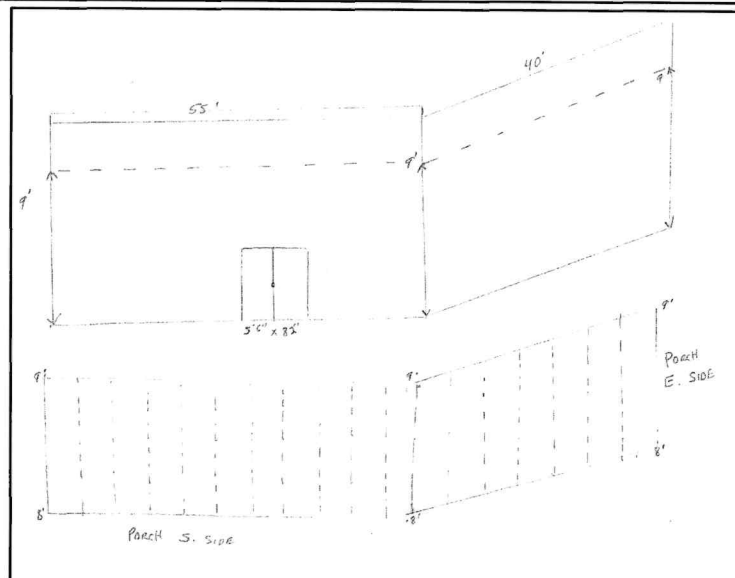
Entrance



The proposed project will replace the entire front door as the left door is no longer operational.

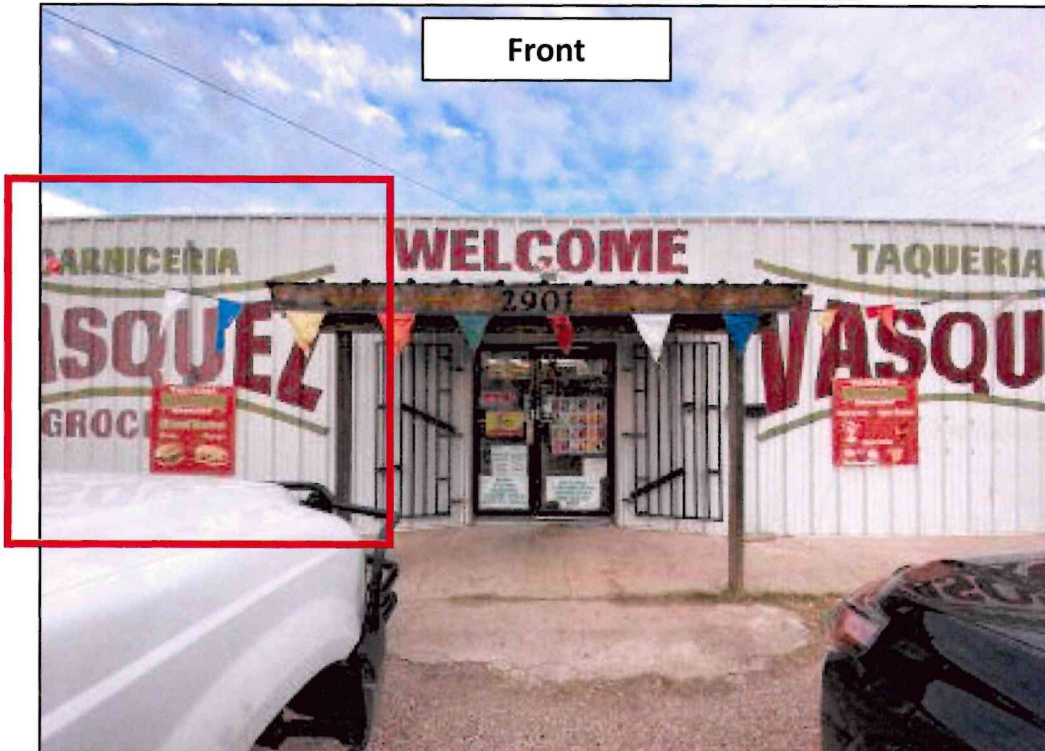


The current entrance cover will be removed and replaced with coverage that is the length of the front façade. The cracked sidewalk will also be replaced. These updates will allow for outdoor dining.



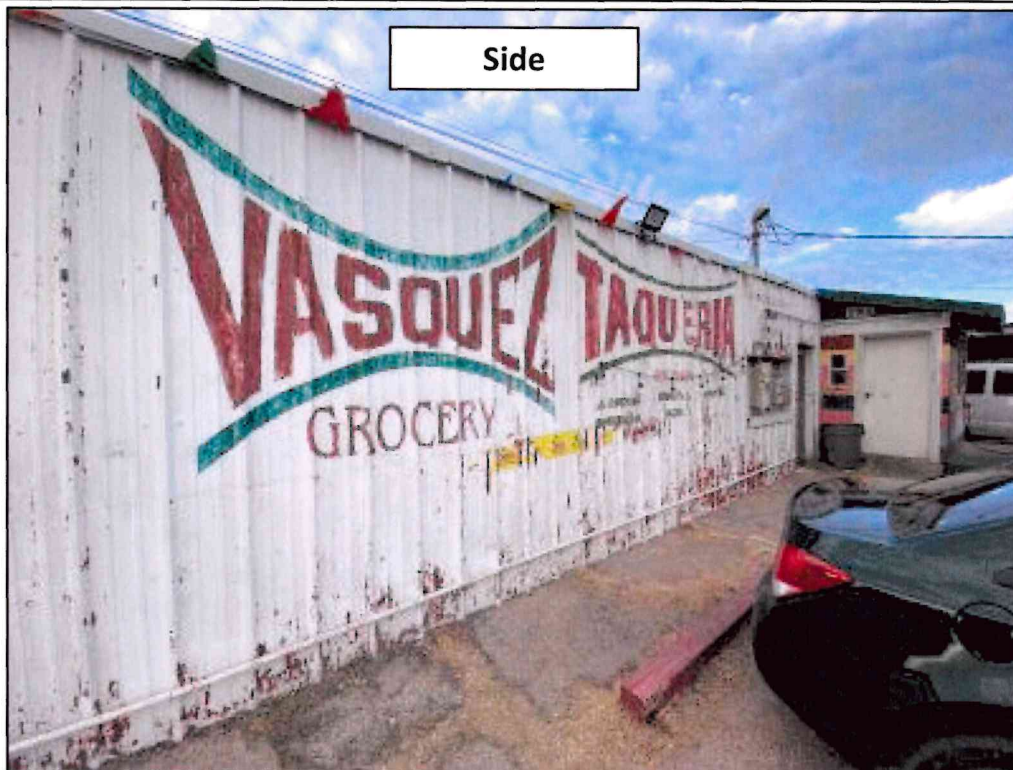
Property Overview

Front



The proposed project includes repainting the exterior.
On the western side of the front façade, the paint has faded some.

Side



On the side of the building, the paint has chipped and faded greatly and is in need of repainting.

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Rae Lineberry, Planner, Planning and Development Services

Meeting Date: April 18, 2023

Item type: Regular Item

Caption:

First reading and public hearing of an ordinance to rezone property from the Neighborhood Commercial zoning district to a Planned Development (PD23-02) to allow a base zoning of General Commercial also allowing a welding shop and outdoor storage, being 4.651 acres located at 2025 E Houston Harte Expy. (Presentation made by Planning & Development Services Director Jon James)

Staff Recommendation:

Adopt

Summary/History:

The applicant has requested to rezone a 4.651-acre property from Neighborhood Commercial (CN) zoning district to a Planned Development (PD) zoning district. This is to allow a base zoning of General Commercial (CG) for a commercial storage facility, but to also allow a welding shop and outdoor storage in excess of what is normally allowed in the CG zoning district. This request includes the property at 2025 Houston Harte and the vacant lot to the south.

The Planning Commission denied this request based on a 2-4 (failed) vote, based on the belief that a welding shop with the associated outdoor storage is not appropriate at this location being near a Single-Family Residential zoning district. The Vision Plan in the City's adopted Comprehensive Plan designates this area as "transitional" and the Planning Commission did not believe that the welding shop represents an appropriate transition to residential. Subsequent to the failed vote to approve, another motion was made to approve rezoning to General Commercial (GC) without the Planned Development additions of the welding shop and outdoor storage.

Please note that two ordinances have been provided showing the two options available for City Council action:

- 1) an ordinance rezoning to a Planned Development, as originally requested by the applicant, which was recommended for denial by the Planning Commission (and would require a three-fourths majority vote to approve)
- 2) an ordinance rezoning to General Commercial (CG), as recommended favorably by the Planning Commission, which can be approved by a simple majority.

Funding Source(s):

Financial Impact:

N/A

Other Information/Recommendation:

At the March 20, 2023 Planning Commission, a motion to approve the applicant's request failed on a 2-4 vote.

A subsequent motion to approve straight General Commercial (CG) zoning was approved by a 6-0 vote.

The Council may approve the recommended change to General Commercial by a simple majority vote. However, approval of the original request of a Planned Development would require a three-fourths majority vote of the entire Council (or 6 affirmative votes).

Attachments:

- | | | |
|----|---|--|
| 1. | PD23-02 Staff Report City Council | PD23-02 Staff Report City Council.pdf |
| 2. | Ordinance (PD23-02) for PD zoning for CC | Ordinance (PD23-02) for PD zoning for CC.docx |
| 3. | Ordinance 2025 Houston Harte for CG zoning for CC | Ordinance 2025 Houston Harte for CG zoning for CC.docx |

Presentation:

Jon James

Approvals/Reviews:

Rae Lineberry	Created/Initiated
Zachary Rainbow	Approved
Jon James	Approved
Brandon Dyson	Approved
Jon James	Approved
Theresa James	Approved
Heather Stastny	Final Approval

STAFF REPORT
CITY COUNCIL 1ST READING – APRIL 18, 2023
CITY COUNCIL 2ND READING – MAY 2, 2023



APPLICATION TYPE:	CASE:		
Planned Development	PD23-02: 2025 Houston Harte		
SYNOPSIS:			
The applicant has applied to rezone the existing 4.651-acre property from Neighborhood Commercial (CN) zoning district to a Planned Development (PD) zoning district. This is to allow a base zoning of General Commercial (CG) for a commercial storage facility but to also allow a welding shop and outdoor storage at the property located at 2025 Houston Harte and the lot to the south of it.			
LOCATION:		LEGAL DESCRIPTION:	
2025 Houston Harte and the lot to the South		Acres: 1.861, Lot: 3, Blk: 1, Subd: MARYLOU ADDITION, SEC 2 Acres: 2.790, Abst: A-1854 S-0326, Survey: G SCHUBITZ	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #4 – Lucy Gonzales Paulann Neighborhood	Neighborhood Commercial (CN)	Transitional	4.651 acres
NOTIFICATIONS:			
12 notifications mailed within 200-foot radius on 3/2/2023. Received 0 in favor and 0 in opposition.			
STAFF RECOMMENDATION:			
The Planning Commission DENIED the request to rezone the existing 4.651-acre property from Neighborhood Commercial (CN) zoning district to a Planned Development (PD) zoning district. The PD would allow a base zoning of General Commercial (CG) for a commercial storage facility but to also allow a welding shop and outdoor storage at the property located at 2025 Houston Harte and the lot to the south of it. The Planning Commission recommended APPROVAL to rezone to General Commercial (CG) to allow the storage facility but not the welding shop.			
PROPERTY OWNER/PETITIONER:			
Carter Fentress Engineering, LLC			
STAFF CONTACT:			
Rae Lineberry Planner (325) 657-4210, Extension 1533 rae.lineberry@cosatx.us			

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

1. **Compatible with Plans and Policies. *Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.*** The subject property is designated “Transitional” which is designed to promote a transition between other zonings. This solid base of commercial where the storage units are will provide a transition between residential and the welding shop.
2. **Consistent with Zoning Ordinance. *Whether and the extent to which the proposed special use would conflict with any portion of this Zoning Ordinance.*** The addition of commercial and storage units at this location immediately adjacent to Huston Harte Expressway is a reasonable use.
3. **Compatible with Surrounding Area. *Whether and the extent to which the proposed special use is compatible with existing and anticipated uses surrounding the subject land.*** Staff believes that the proposed PD is compatible with the surrounding area. The property will act as an interconnected collection of uses to meet the needs of the surrounding housing population.
4. **Changed Conditions. *Whether and the extent to which there are changed conditions that require an amendment.*** As indicated, the applicant wants storage units on one side and a welding shop on the other. The property to the south will be used at a later date as possible more storage.
5. **Effect on Natural Environment. *Whether and the extent to which the proposed special use would result in significant adverse impacts on the natural environment, including but not limited to water or air quality, noise, stormwater management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.*** Staff does not anticipate any negative environmental affects with the proposed PD. Any development will require a review of drainage, grading, and stormwater per normal practice at the time of platting.
6. **Community Need. *Whether and the extent to which the proposed special use addresses a demonstrated community need.*** As indicated in #1 above, the Comprehensive Plan supports more diverse types of commercial in this area.
7. **Development Patterns. *Whether and the extent to which the proposed special use would result in a logical and orderly pattern of urban development in the community.*** Approval of this PD will not change the development patterns in the area.

Recommendation:

The Planning Commission **DENIED** the request to rezone the existing 4.651-acre property from Neighborhood Commercial (CN) zoning district to a Planned Development (PD) zoning district. The proposed Planned Development would allow a base zoning of General Commercial (CG) for a commercial storage facility but to also allow a welding shop and outdoor storage at the property located at 2025 Houston Harte and the lot to the south of it.

The Planning Commission recommended **APPROVAL** to rezone to General Commercial (CG) to allow the storage facility but not the welding shop.

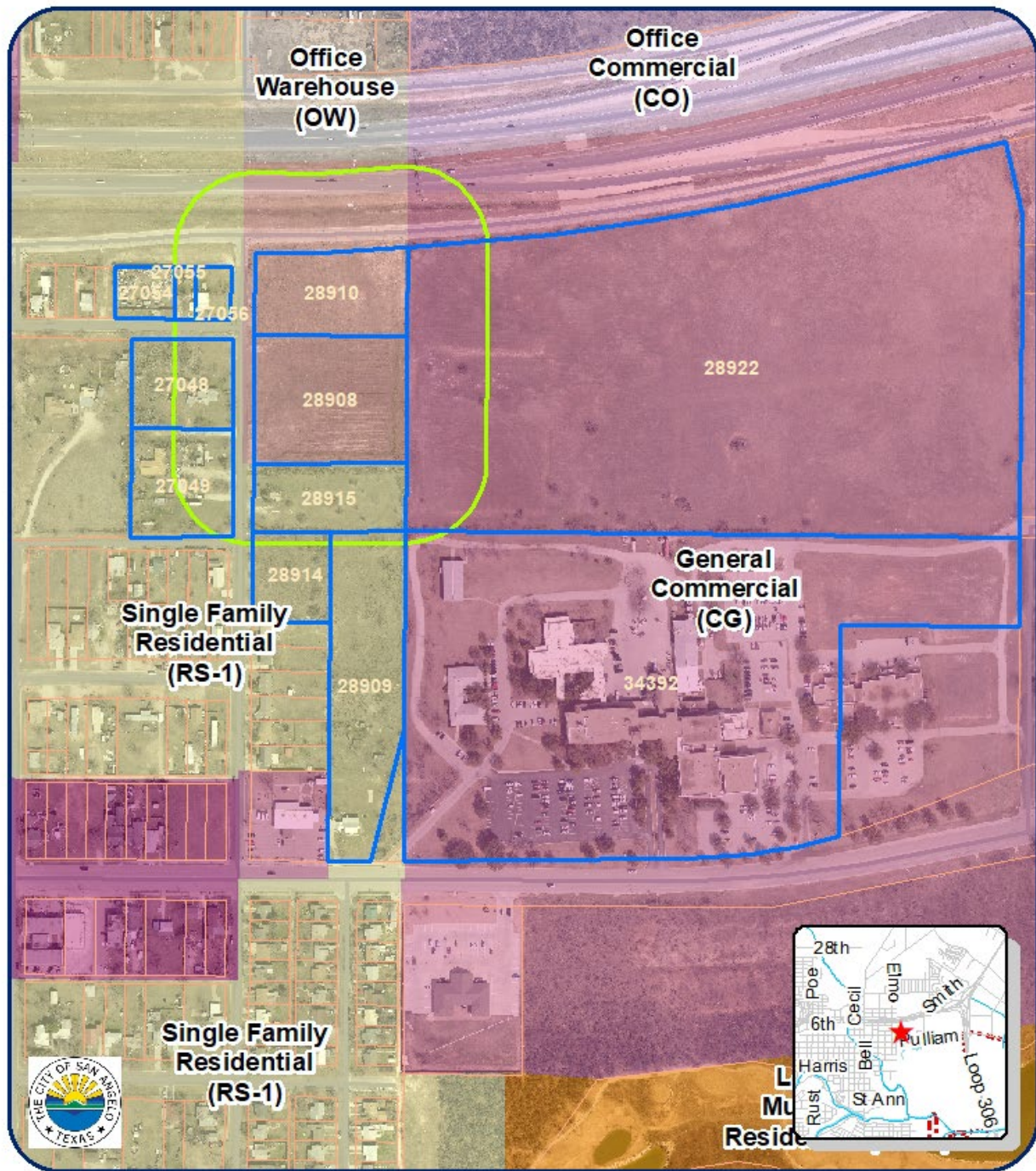
The following conditions of approval would apply to the Planned Development, if approved, but will not apply upon rezoning to General Commercial:

1. The applicant shall be required to provide a landscape plan to help buffer the transition from residential to commercial along Montague Avenue and provide additional screening from the residential neighborhood to the west.
2. All new site lighting on the premises shall be shielded, downward emitting and configured in such as manner as to satisfactorily minimize or eliminate light trespass onto adjacent residential uses or lands.
3. No recreational vehicles or mobile homes shall be placed on the premises, nor shall there be any salvage or junk vehicles maintained on the premises.
4. All welding and construction shall be done inside an enclosed building.

Attachments:

Site Plan
Zoning Map
200-Foot Notification Map





Zoning Map
PD23-02 2025 E Houston Harte

Council District: #4 Lucy Gonzales
Neighborhood: Paulann

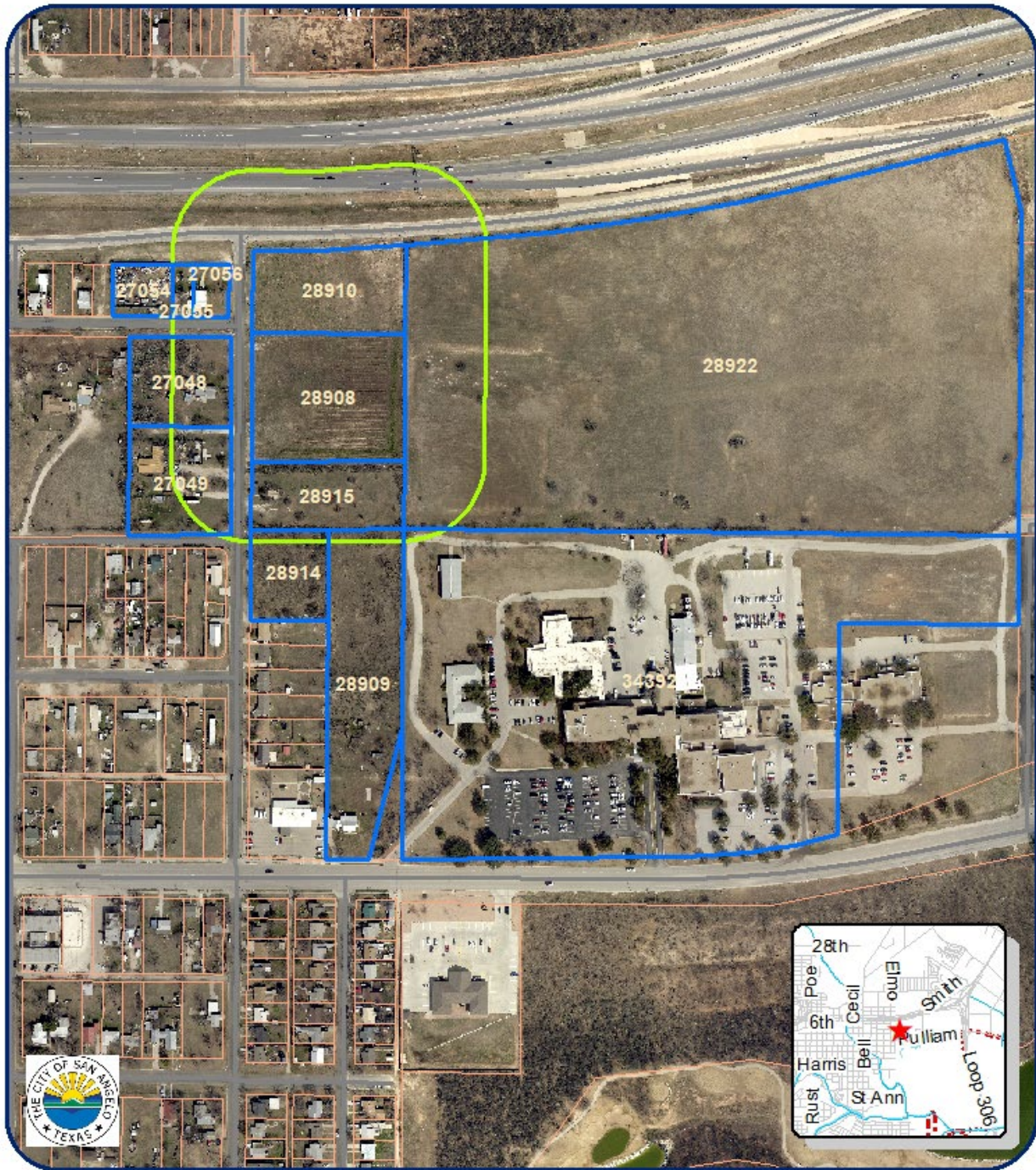
Scale: 00.016.03 0.06 0.09 0.12
Miles

Subject Properties: —

200' Buffer: —

Notified Properties: —





200' Notification Map

PD23-02 2025 E Houston Harte

Council District: #4 Lucy Gonzales

Neighborhood: Paulann

Scale: 00.016.03 0.06 0.09 0.12
Miles

Subject Properties: —

200' Buffer: —

Notified Properties: —



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: **APPROXIMATELY 4.651 ACRES LOCATED 2025 HOUSTON HARTE AND THE LOT TO THE SOUTH;** FROM NEIGHBORHOOD COMMERCIAL (CN) TO A PLANNED DEVELOPMENT (PD) ZONING DISTRICT TO ALLOW AN UNDERLYING BASE ZONING OF GENERAL COMMERCIAL (CG) FOR A COMMERCIAL STORAGE FACILITY AND A WELDING SHOP WITH OUTDOOR STORAGE, SUBJECT TO THE DEVELOPMENT STANDARDS AS OUTLINED IN THE ORDINANCE; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE

RE: PD23-02: 2025 HOUSTON HARTE AND THE LOT TO THE SOUTH

WHEREAS, on the 20th day of March, 2023, the Planning Commission for the City of San Angelo in compliance with the City Charter, City ordinance, and state law, and after holding a public hearing thereon, caused to be prepared and delivered a report and recommendation to City Council to deny the proposed Planned Development (PD23-02) Zoning District to allow for an underlying base zoning of (CG) General Commercial with the use of a commercial storage facility and a welding shop with outdoor storage and subject to the development standards as outlined in the Ordinance, and,

WHEREAS, on the 18th day of April, 2023, City Council held a public hearing on PD23-02, pursuant to published notice, and has considered the application, comments, reports, and recommendation of the Planning Commission and staff, public testimony, and other relevant support materials;

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

SECTION 1: The basic zoning ordinance for the City of San Angelo, as enacted by the governing body for the City of San Angelo effective January 4, 2000, and included within Exhibit “A” of Chapter 12 of the Code of Ordinances of the City of San Angelo, and zoning map be and the same are hereby amended to designate the following described properties permanently zoned PLANNED DEVELOPMENT (PD23-02) ZONING DISTRICT;

The real property is generally located at the corner of Houston Harte Expressway and Montague Avenue; being approximately 1.861 acres of Lot 3, Block 1, Section 2 of Marylou Addition; and 2.790

acres of Abstract A-1854, S-0326, G Schubitz; for a total acre of 4.651; City of San Angelo, Tom Green County, Texas as more particularly described and depicted on Exhibit “A” of this Ordinance.

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

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

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

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

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

INTRODUCED on the **18th day of April, 2023**, and finally PASSED, APPROVED AND ADOPTED on this the **2nd day of May, 2023**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

ATTEST:

APPROVED AS TO FORM:

Heather Stastny, City Clerk

Theresa James, City Attorney

Exhibit "A" (PD Boundary Map)



Aerial Map

PD23-02 2025 E Houston Harte

Council District: #4 Lucy Gonzales

Neighborhood: Paulann

Scale: 0.00 0.02 0.04 0.06 0.08
Miles

Subject Properties: 

200' Buffer: 

Notified Properties: 

N



Exhibit “B”

Applicable Regulations

1. Except as otherwise specified, the development of the subject property shall generally conform to the General Commercial (CG) Zoning District standards and also allow a welding shop and outdoor storage.
2. The following development standards shall apply:
 - With the Site Plan application, the applicant shall be required to provide a landscape plan for Planning to review to help buffer the transition from residential to commercial along Montague Avenue and provide additional screening from the residential neighborhood to the west.
 - All new site lighting on the premises shall be shielded, downward emitting and configured in such as manner as to satisfactorily minimize or eliminate light trespass onto adjacent residential uses or lands.
 - No recreational vehicles or mobile homes shall be placed on the premises, nor shall there be any salvage or junk vehicles maintained on the premises.
 - All welding and construction shall be done inside an enclosed building.

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: **APPROXIMATELY 4.651 ACRES LOCATED 2025 HOUSTON HARTE AND THE LOT TO THE SOUTH;** FROM NEIGHBORHOOD COMMERCIAL (CN) TO GENERAL COMMERCIAL (CG) ZONING DISTRICT TO ALLOW A COMMERCIAL STORAGE FACILITY, SUBJECT TO THE DEVELOPMENT STANDARDS AS OUTLINED IN THE ORDINANCE; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE

RE: PD23-02: 2025 HOUSTON HARTE AND THE LOT TO THE SOUTH

WHEREAS, on the 20th day of March, 2023, the Planning Commission for the City of San Angelo in compliance with the City Charter, City ordinance, and state law, and after holding a public hearing thereon, caused to be prepared and delivered a report and recommendation to City Council to approve the proposed General Commercial (CG) Zoning District to allow for a commercial storage facility and subject to the development standards as outlined in the Ordinance, and,

WHEREAS, on the 18th day of April, 2023, City Council held a public hearing on PD23-02, pursuant to published notice, and has considered the application, comments, reports, and recommendation of the Planning Commission and staff, public testimony, and other relevant support materials;

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

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

The real property is generally located at the corner of Houston Harte Expressway and Montague Avenue; being approximately 1.861 acres of Lot 3, Block 1, Section 2 of Marylou Addition; and 2.790 acres of Abstract A-1854, S-0326, G Schubitz; for a total acre of 4.651; City of San Angelo, Tom Green County, Texas as more particularly described and depicted on Exhibit “A” of this Ordinance.

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 (**“CG Boundary Map”**).

SECTION 3: 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.

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

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

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

INTRODUCED on the **18th day of April, 2023**, and finally PASSED, APPROVED AND ADOPTED on this the **2nd day of May, 2023**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

ATTEST:

APPROVED AS TO FORM:

Heather Statsny, City Clerk

Theresa James, City Attorney

Exhibit “A” (CG Boundary Map)

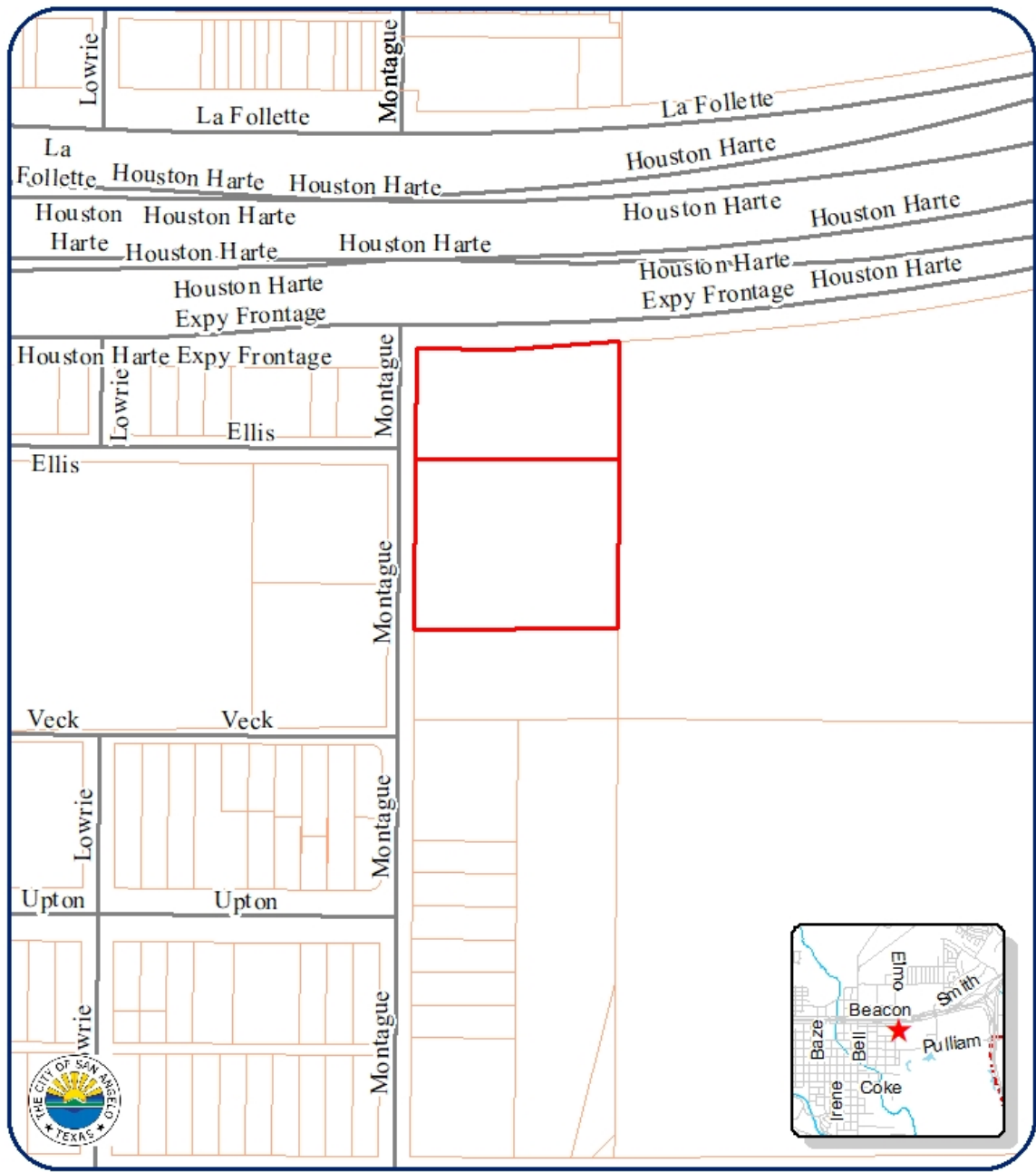


Exhibit Map

2025 E Houston Harte

Council District: #4 Lucy Gonzales

Neighborhood: Paulann

Scale: 0.00 0.02 0.04 0.06 0.08 Miles

Subject Properties: —

N

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: April 18, 2023

Item type: Regular Item

Caption:

First reading and public hearing of an ordinance to rezone property from a Planned Development (PD02-03) to a new Planned Development (PD23-03), being 9.088-acres located at the southeast corner of Melrose Ave. and Stratford Ave. (Presentation made by Planning & Development Services Director Jon James)

Staff Recommendation:

Adopt

Summary/History:

The applicant has applied to rezone the existing 9.088-acre property from existing Planned Development (PD02-03), which encompasses the subject property, as well as a larger area, to a new Planned Development (PD23-03) for the subject property. This proposal is for a Planned Development to allow a base zoning of General Commercial, but to allow additional development flexibility in this district. This is the last piece of The Bluffs property along Melrose Avenue that has undergone many variations over the years. This piece was included when the existing Planned Development was amended for the Creek 27 multifamily development adjacent to the subject property. That current Planned Development does not allow for the range of uses desired by the applicant, which includes storage units on a portion of the property. Based on the recommendation of the Planning Commission, storage units will be limited to Lot 2 of Section 2 Hardin Addition, with a commercial development yet to be determined on the front parcel. That way the property along the Expressway frontage will not include storage units, but hopefully higher quality, more attractive commercial development. Landscaping and sidewalks are required along Houston Harte Expressway and Melrose Avenue, and a landscape buffer along Creek 27.

Funding Source(s):

Financial Impact:

N/A

Other Information/Recommendation:

On March 20, 2023, the Planning Commission unanimously recommended approval.

Attachments:

1. Staff Report (PD23-03)

Staff Report (PD23-03).pdf

2. Ordinance (PD23-03)

Ordinance (PD23-03).pdf

Presentation:

Jon James

Approvals/Reviews:

Sherry Bailey

Zachary Rainbow

Jon James

Brandon Dyson

Jon James

Theresa James

Heather Stastny

Created/Initiated

Approved

Approved

Approved

Approved

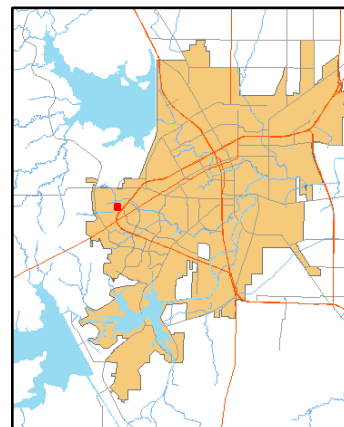
Approved

Final Approval

PLANNING COMMISSION – March 20, 2023
STAFF REPORT



APPLICATION TYPE:		CASE:	
Planned Development		PD23-03: Amendment to PD02-03	
SYNOPSIS:			
The applicant has applied to rezone the existing 9.088-acre property from an existing Planned Development, with a base zoning of Low Rise Multifamily Residential (RM-1), to a new Planned Development with a base zoning of General Commercial (CG). This proposal is to allow a base zoning of General Commercial but also to allow for some flexibility in this district. This is the last piece of The Bluffs property along Melrose Avenue that has undergone many variations over the years. This piece was inadvertently included when the Creek 27 multifamily, small home rental property development was rezoned to Planned Development. That inclusion requires the present applicant to rezone to accomplish his development plan for storage units on Lot 2, of Section 2, Hardin Addition with a commercial development yet to be determined on the front parcel. Landscaping along Houston Harte Expressway is required for both Lots 2 and 3 in Block 1, Section 2 of Hardin Addition at the time of approval of the building permit/site plan. Landscaping along Melrose Ave is required for Lot 3 at the building permit stage. Landscaping along the northwest border between Creek 27 and Hardin Addition Section 2 is required as part of the initial development of both Lots 2 and 3. Sidewalks along Houston Harte Expressway are required for both Lots 2 and 3 in Block 1, and along Melrose Avenue in Lot 3 at the time of Building permit/site plan approval.			
LOCATION:		LEGAL DESCRIPTION:	
Melrose Avenue and Stratford Avenue		Abst: A-3944 S-0001, Survey: A.E. WHITE, 14.248 Acres	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #6 – Larry Miller Bluffs Neighborhood	RS-3 and RM-1 to CG	C-Commercial	9.088 acres
NOTIFICATIONS:			
9 notifications were mailed within a 200-foot radius on March 1, 2023. Zero responses have been received either for or against.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of a rezoning from the Low Rise Multifamily Residential (RM-1) Zoning Districts to a Planned Development (PD) Zoning District to allow an underlying base zoning of General Commercial (CG) with storage units on Lot 2, Section 2, and General Commercial development on Lot 3, Section 2. The Planned Development Ordinance, being 9.088 acres, located southeast of Stratford Ave. & Melrose Ave. intersection.			
PROPERTY OWNER/PETITIONER:			
Applicant: David Poster Applicants Representative: Erica Wilde -Carter-Fentress Eng.			
STAFF CONTACT:			
Sherry Bailey Senior 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 subject property is designated “Commercial” which is designed to promote a solid base of commercial support to generate and support jobs and meet residents’ needs.
 2. **Consistent with Zoning Ordinance. Whether and the extent to which the proposed special use would conflict with any portion of this Zoning Ordinance.** The addition of commercial and storage units at this location immediately adjacent to Huston Harte Expressway is a reasonable use.
 3. **Compatible with Surrounding Area. Whether and the extent to which the proposed special use is compatible with existing and anticipated uses surrounding the subject land.** Staff believes that the proposed PD is compatible with the surrounding area. The property will act as an interconnected collection of uses to meet the needs of the surrounding housing population.
 4. **Changed Conditions. Whether and the extent to which there are changed conditions that require an amendment.** As indicated, the applicant wants storage units on Lot 2 and commercial uses on Lot 3. The interaction of the two lots will be supportive to the adjacent multiple-family units and single-family units.
 5. **Effect on Natural Environment. Whether and the extent to which the proposed special use would result in significant adverse impacts on the natural environment, including but not limited to water or air quality, noise, stormwater management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.** Staff does not anticipate any negative environmental affects with the proposed PD. Any development will require a review of drainage, grading, and stormwater per normal practice at the time of platting.
 6. **Community Need. Whether and the extent to which the proposed special use addresses a demonstrated community need.** As indicated in #1 above, the Comprehensive Plan supports more diverse types of commercial in this area.
 7. **Development Patterns. Whether and the extent to which the proposed special use would result in a logical and orderly pattern of urban development in the community.** Approval of this PD will not change the development patterns in the area.
-

Recommendation:

Staff recommends that the Planning Commission recommend the **APPROVAL** of rezoning from Planned Development, PD02-03, to a Planned Development, PD23-03, with an underlying base zoning of General Commercial (CG) and the following additional conditions:

- Storage units shall be an additional allowed use on Lot 2 of Section 2 of the Hardin Addition.
- Landscaping per an approved Urban Design Review is required along Melrose Ave for Lot 3 at the building permit stage.
- Landscaping per an approved Urban Design Review is required along the northwest border between Creek 27 and Hardin Addition Section 2 as part of the initial development of both Lots 2 and 3.
- Sidewalks along Houston Harte Expressway are required for both Lots 2 and 3 in Block 1.
- Sidewalks along Melrose Avenue in Lot 3 are required at the time of building permit/site plan approval.

Attachments:

Aerial Map

Future Land Use Map

Zoning Map

200-Foot Notification Map



200 Notification Map PD21-02 Amended to PD-03

Council District: #6 Larry Miller

Neighborhood: Bluffs

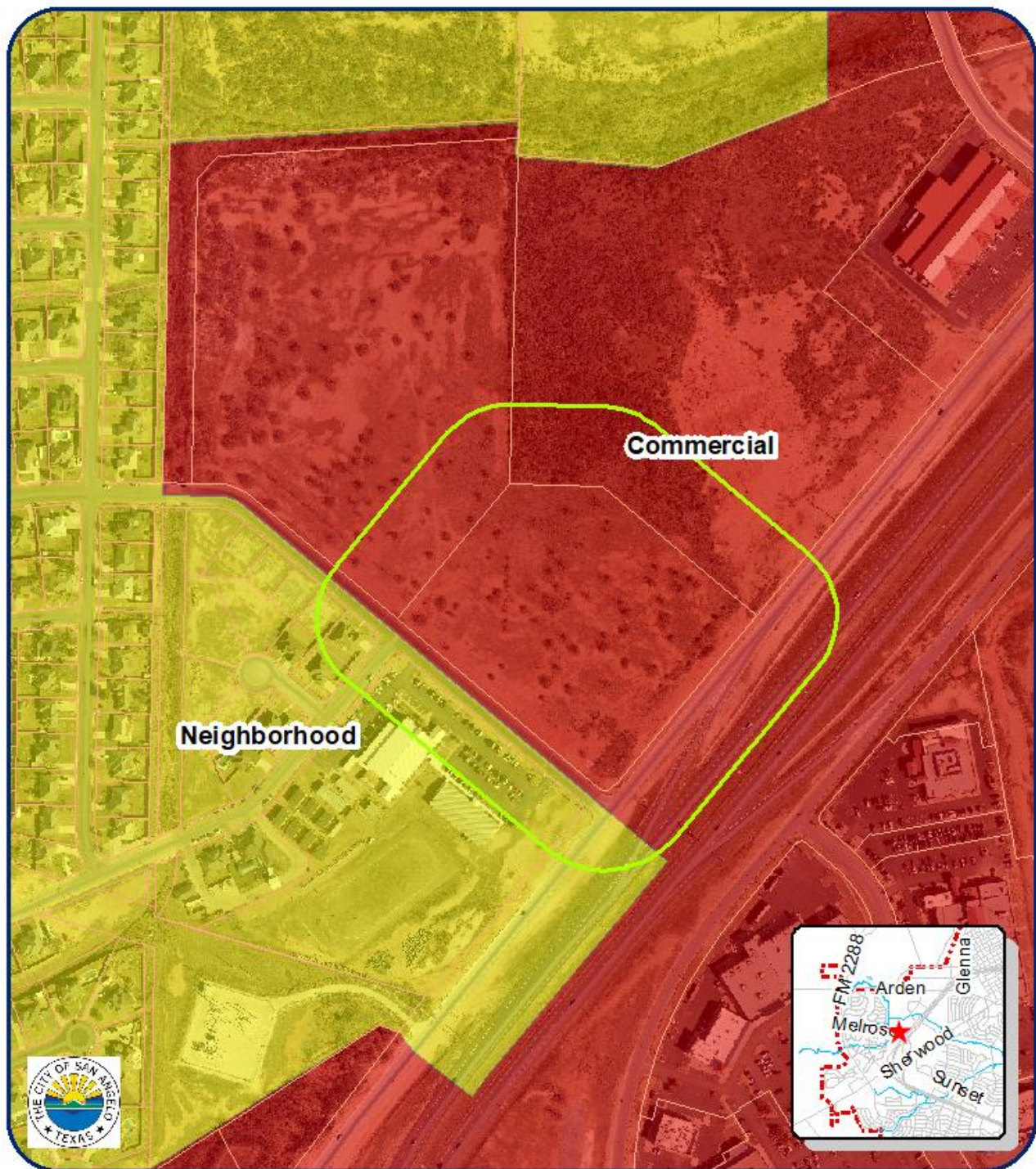
Scale: 00.016.03 0.06 0.09 0.12
Miles

Subject Properties: —

200' Buffer: —

Notified Properties: —





Future Land Use Map **PD21-02 Amended to PD-03**

Council District: #6 Larry Miller
 Neighborhood: Bluffs

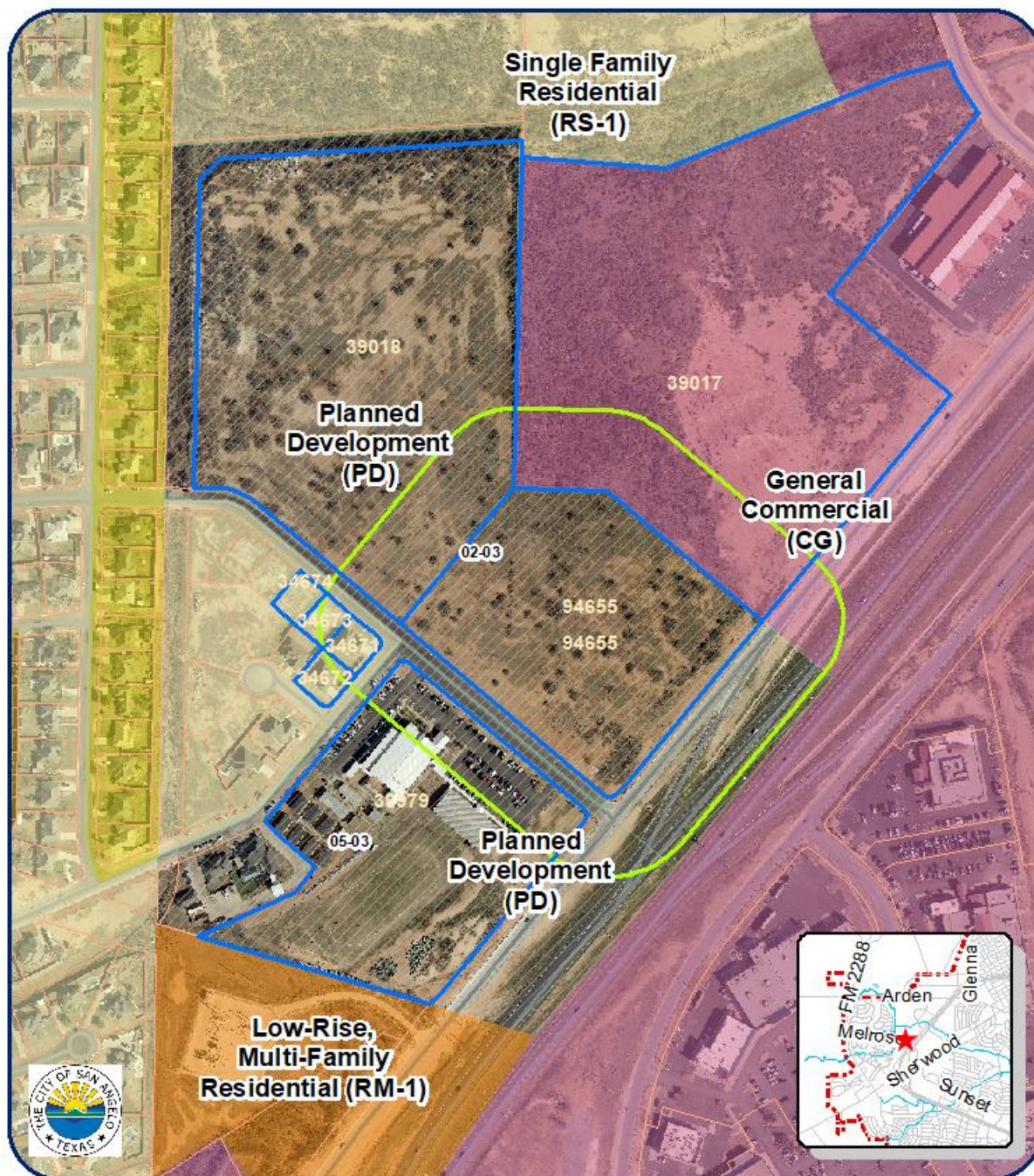
Scale: 0.016 0.03 0.06 0.09 0.12
 Miles

Subject Properties: —

200' Buffer: —

Notified Properties: —





Zoning Map

PD21-02 Amended to PD-03

Council District: #6 Larry Miller

Neighborhood: Bluffs

Scale: 0.00 0.06 0.09 0.12
Miles

Subject Properties: —

200' Buffer: —

Notified Properties: —



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: **APPROXIMATELY 9.088 ACRES LOCATED SOUTHEAST OF MELROSE AVENUE AND STRATFORD AVENUE**; FROM THE PLANNED DEVELOPMENT WITH AN UNDERLYING ZERO LOT LINE, TWINHOME AND TOWNHOME RESIDENTIAL (RS-3) TO A PLANNED DEVELOPMENT (PD) ZONING DISTRICT TO ALLOW UNDERLYING BASE ZONING OF GENERAL COMMERCIAL (CG) SUBJECT TO THE DEVELOPMENT STANDARDS AS OUTLINED IN THE ORDINANCE; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE

RE: PD23-03: SOUTHEAST OF MELROSE AVENUE AND STRATFORD AVENUE

WHEREAS, on the 20th day of March, 2023, the Planning Commission for the City of San Angelo in compliance with the City Charter, City ordinance, and state law, and after holding a public hearing thereon, caused to be prepared and delivered a report and recommendation to City Council to approve the proposed Planned Development (PD23-03) Zoning District to allow for an underlying base zoning of (CG) General Commercial with the use of storage units and a future commercial center and subject to the development standards as outlined in the Ordinance, and,

WHEREAS, on the 18th day of April, 2023, City Council held a public hearing on PD23-03, pursuant to published notice, and has considered the application, comments, reports, and recommendations of the Planning Commission and staff, public testimony, and other relevant support materials;

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

SECTION 1: The basic zoning ordinance for the City of San Angelo, as enacted by the governing body for the City of San Angelo effective January 4, 2000, and included within Exhibit “A” of Chapter 12 of the Code of Ordinances of the City of San Angelo, and zoning map be and the same are hereby amended to designate the following described properties permanently zoned PLANNED DEVELOPMENT (PD23-03) ZONING DISTRICT:

The real property is generally located southeast of the intersection of Stratford Avenue and Melrose Avenue and north of Houston Harte Expressway; being approximately 9.088 acres in the A-3944 S-

0001 Survey, A.E. White; City of San Angelo, Tom Green County, Texas as more particularly described and depicted on Exhibit “A” of this Ordinance.

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

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

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

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

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

INTRODUCED on the **18th day of April, 2023**, and finally PASSED, APPROVED AND ADOPTED on this the **2nd day of May, 2023**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

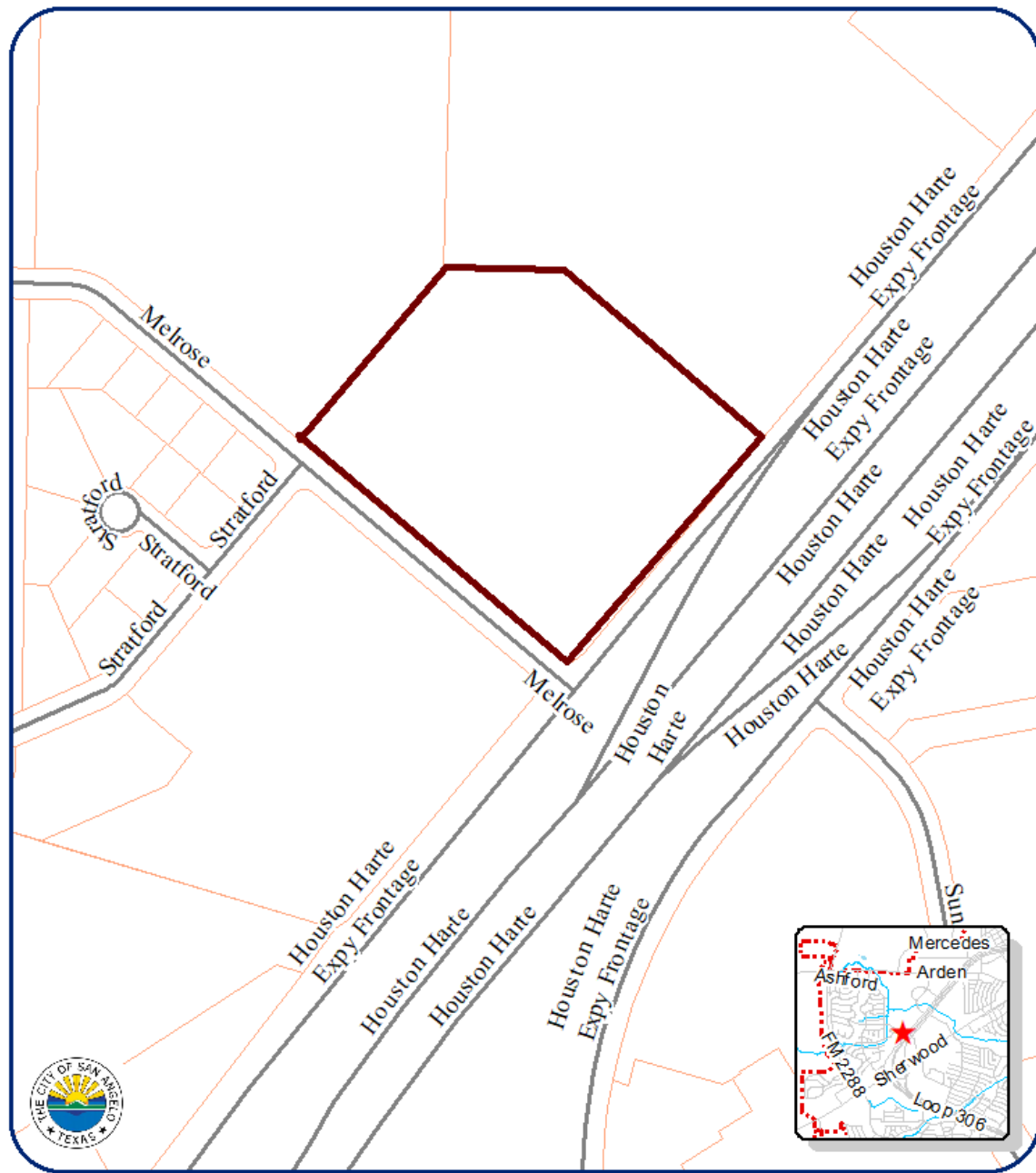
ATTEST:

APPROVED AS TO FORM:

Heather Stastny, City Clerk

Theresa James, City Attorney

Exhibit "A" (PD Boundary Map)



PD21-02 Amendment/ PD23-03

Council District: #6 Larry Miller
Neighborhood: Bluffs

Scale: 0.01 0.025 0.05 0.075 0.1
Miles

Subject Properties:



N



Exhibit “B”
Applicable Regulations

1. Except as otherwise specified, the development of the subject property shall generally conform to the General Commercial (CG) Zoning District standards.
2. The following development standards shall apply:
 - Storage units shall be an additional allowed use on Lot 2 of Section 2 of the Hardin Addition.
 - Landscaping per an approved Urban Design Review is required along Melrose Ave for Lot 3 at the building permit stage.
 - Landscaping per an approved Urban Design Review is required along the northwest border between Creek 27 and Hardin Addition Section 2 as part of the initial development of both Lots 2 and 3.
 - Sidewalks along Houston Harte Expressway are required for both Lots 2 and 3 in Block 1.
 - Sidewalks along Melrose Avenue in Lot 3 are required at the time of building permit/site plan approval.

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Zachary Rainbow, Planning Manager, Planning and Development Services

Meeting Date: April 18, 2023

Item type: Regular Item

Caption:

First reading and public hearing of an ordinance to rezone property from the Single-Family Residential zoning district to a Planned Development (PD23-04) to allow reduced setbacks and an increase in the maximum Floor Area Ratio, being 9.595 acres located along Riviera Ct., south of Club House Ln. (Presentation made by Planning & Development Services Director Jon James)

Staff Recommendation:

Adopt

Summary/History:

The applicant's original rezoning request was for approval of RS-1 to RS-3. Due to concerns raised by surrounding property owner(s) at the February 20, 2023 Planning Commission, the applicant, at the suggestion of the PC, withdrew that request and replaced it with a request to rezone a 9.595 acre piece of property from Single-Family Residential (RS-1) to PD23-04 (Planned Development) to allow reduced setbacks and an increase in the maximum Floor Area Ratio (FAR) from 0.40 to 0.60 (allowing for a larger home on a RS-1 lot). The Planned Development would have a base zoning of Single-Family Residential District (RS-1). The subject property encompasses Lots 17-40, Block 108, Section 45, Bentwood Country Club Estates. These lots are located along Riviera Court, south of Club House Lane.

These existing lots average 60 feet in width by 120 feet in depth (7,200 square feet in area). These lots are approximately 55% smaller in lot area than adjacent Bentwood subdivisions. The original zoning of RS-1 was approved in December of 2020. A similar request that could have allowed a wider range of housing types was withdrawn from consideration at the February 2023 PC Meeting. This Planned Development request is intended to accomplish the applicant's desired plans while addressing the neighborhood concerns.

The specific modifications for this Planned Development are as follows:

- 1.) Reducing the interior side setbacks from 5 foot minimum to as little as 0 feet (one side, total of 10' min for both) - this is equivalent to zero lot line housing;
- 2.) Increase the allowable Floor Area Ratio (FAR) from 0.40 to 0.60 (allowing for a larger home on a RS-1 lot); and
- 3.) Reducing the minimum front setback from 25 feet to 20 feet, which per the applicant would better accommodate side entry garages.

The intent of this rezoning is to allow the applicant to provide more housing choices on similar-sized lots.

Funding Source(s):

Financial Impact:

N/A

Other Information/Recommendation:

At their March 20, 2023 meeting the Planning Commission voted unanimously to recommend APPROVAL by a vote of 7-0.

Attachments:

- | | | |
|----|----------------------|---------------------------|
| 1. | PD23-04 Staff Report | PD23-04 Staff Report.docx |
| 2. | PD23-04 Ordinance | PD23-04 Ordinance.docx |

Presentation:

Jon James

Approvals/Reviews:

Zachary Rainbow	Created/Initiated
Zachary Rainbow	Approved
Jon James	Approved
Brandon Dyson	Approved
Jon James	Approved
Theresa James	Approved
Heather Stastny	Final Approval



STAFF REPORT – PD23-04

City Council, 1st reading – April 18, 2023

City Council, 2nd reading – May 4, 2023

APPLICATION TYPE:		CASES:	
Rezoning		PD23-04 (Z23-03): Lots 17-40, Block 108, Section 45, Bentwood Country Club Estates	
SYNOPSIS:			
The applicant has requested to rezone a 9.595 acre piece of property from Single-Family Residential (RS-1) to PD23-04 (Planned Development) to allow reduced setbacks and an increase in the maximum Floor Area Ratio (FAR) from .40 to .60 (allowing for a larger home on a RS-1 lot), with a base Single-Family Residential District (RS-1), for Lots 17-40, Block 108, Section 45, Bentwood Country Club Estates. Located along Riviera Court, South of Club House Lane. The majority of lots platted currently average 60-feet (w) by 120-feet (d) (7,200 square feet in area), approximately 55% smaller in lot area than adjacent Bentwood subdivisions. The original zoning to RS-1 was approved in December of 2020 and a similar request was withdrawn from consideration at the February 2023 PC Meeting. Therefore the reason for the PD request. If approved, the rezoning will allow for a single-family residential neighborhood, with some modifications to the Zoning District standards. The specific modifications for this request are as follows; 1.) Reducing the interior side setbacks from 5'min to as few as 0'min (one side, total of 10' min for both), 2.) Increase Floor Area Ratio (FAR) from .40 to .60 (allowing for a larger home on a RS-1 lot), and 3.) Reducing the front setback from 25'min to 20'min (to accommodate for side entry garages). This will allow for the applicant to provide more housing choices on similar sized lots consistent with the Comprehensive Plan. Having mixed housing types in one development to address a variety of needs as families mature.			
LOCATION:		LEGAL DESCRIPTION:	
Located along Riviera Court, South of Club House Lane		Lots 17-40, Block 108, Section 45, Bentwood Country Club Estates	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SM District: SMD 1- Hiebert Neighborhood: Country Club	RS-1 to PD23-04	N-Neighborhood	9.6+/- acres
NOTIFICATIONS:			
Notifications (Updated) for PD23-04 were mailed within a 200-foot radius on March 9, 2023. Zero responses have been received either for or against.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of rezoning from Single-Family Residential (RS-1) to PD23-04 (Single-Family Residential- (RS-1 Base Zoning)) Residential Zoning District. Changing 9.6+/- acres in Bentwood Country Club Estates, Sect. 45, to PD23-04. At their March 20, 2023, PLANNING COMMISSION voted unanimously to recommend APPROVAL . 7-0			
PROPERTY OWNER/PETITIONER:			
<i>Applicants:</i> Bentwood C.C. L.L.C., Kevin Collins <i>SKG Engineering, LLC</i>			
STAFF CONTACT:			
Zack Rainbow Planning Manager (325) 657-4210 zachary.rainbow@cosatx.us			

Additional Information: The proposed rezoning and any subsequent development of the lots will be consistent with the Neighborhood Future Land Use in the City’s Comprehensive Plan, 2009 Strategic Plan update. The Neighborhood policies call to “promote neighborhood diversity and security by encouraging a mix of age, income, and housing choices within San Angelo neighborhoods.” As mentioned, this will allow for the applicant to provide more housing choices on similar sized lots consistent with the Comprehensive Plan.

Comprehensive Plan Amendments and Rezonings: 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 as outlined in #1 through #7 below. Comprehensive Plan Amendments and Rezonings are reviewed in the context of the San Angelo Strategic Plan, the 2009 Update to the Comprehensive Plan and outlined in #1 below:

1. **Compatible with Plans and Policies.** **Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.** Staff believes changing the zoning designation from RS-1 to a PD is consistent with the policies stated in the Plan. The intent of the land use slated for this property is such that they will benefit from the variety of single-family housing options and complement those surrounding single-family residential uses. The applicant wants to provide a variety of traditional housing options, on similarly sized lots in close proximity to each other. This zoning would also give them the flexibility to meet the needs of the market as it evolves.
2. **Consistent with Zoning Ordinance.** **Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.** The proposed zoning change from Single-Family Residential (RS-1) to PD23-04, with varying residential types is designed to provide for a comprehensive approach for both the residential uses as varying lot sizes.
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.** Staff believes that the proposed PD is compatible with the surrounding area and existing lots in the Bentwood Country Club neighborhood. Even if approved with an allowance for zero lot line development, each lot is still required to have a total of 10’min for both sides, and be separated from any structure on another lot by 10’min. and meet the minimum Building Codes.
4. **Changed Conditions.** **Whether and the extent to which there are changed conditions that require an amendment.** The applicant is seeking to introduce a more well-rounded residential opportunity for a variety of needs.
5. **Effect on Natural Environment.** **Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, stormwater management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.** Staff does not anticipate

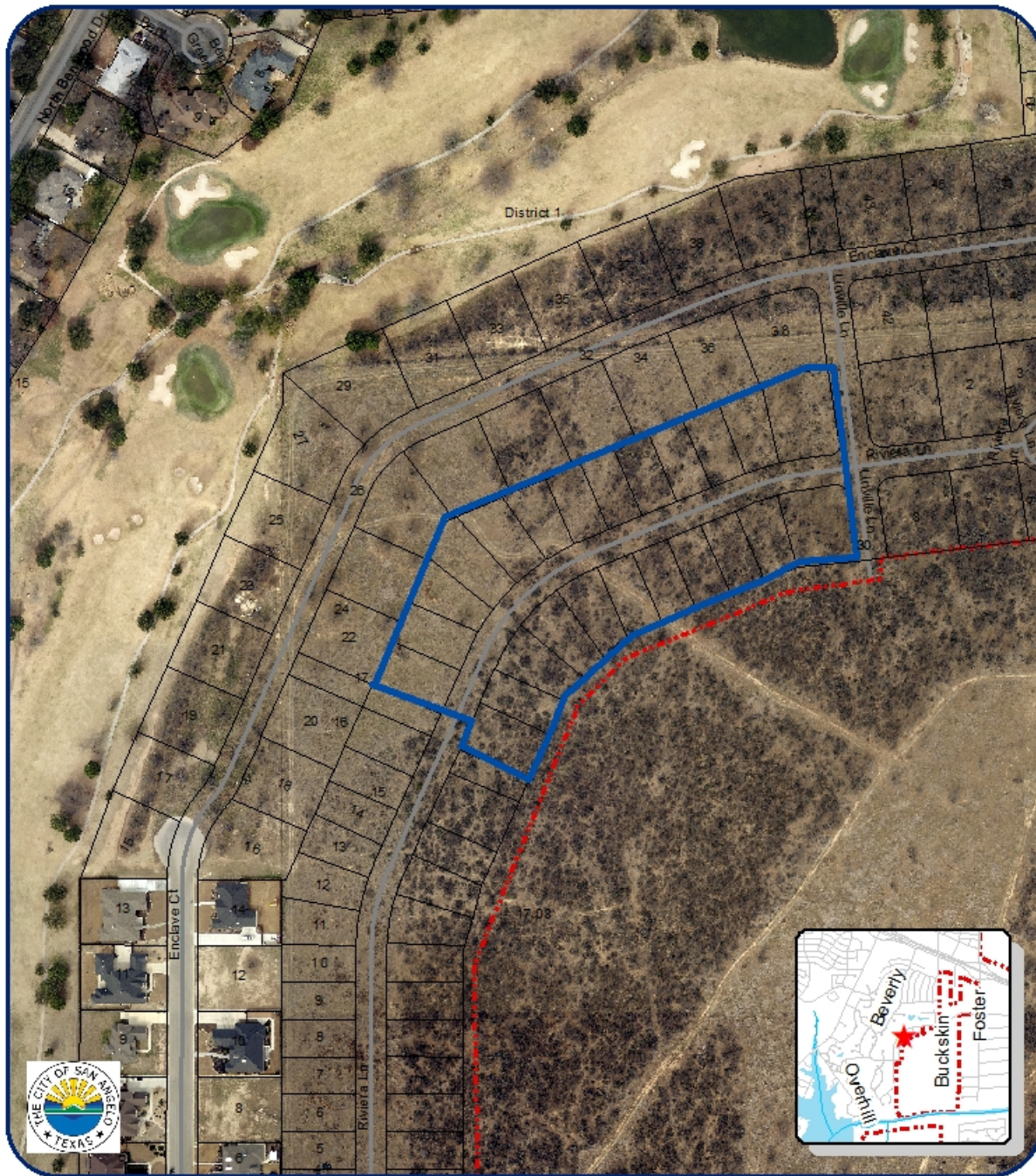
any negative environmental affects with the proposed PD.

6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.* The proposed Rezoning will be consistent with the Neighborhood Future Land Use in the City’s Comprehensive Plan, 2009 Strategic Plan update. The Neighborhood policies call to “promote neighborhood diversity and security by encouraging a mix of age, income, and housing choices within San Angelo neighborhoods.” This provides for a variety of housing types, while still providing the surrounding residents with a reasonable expectation of the future development allowed. Such as surrounding housing types, and uses around them.
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 development patterns for the area are established residentially zoned lots, and the rezoning is designed to be responsive to whenever a variety of housing needs may surface on the same sized, residentially zoned lot.

Recommendation:

Staff recommends **APPROVAL** of a rezoning from Single-Family Residential (RS-1) to PD23-04 (Single-Family Residential- (RS-1 Base Zoning)) Residential Zoning District and the specific modifications as stated above. At their February 21, 2023, **PLANNING COMMISSION** voted unanimously to recommend **APPROVAL**. 7-0.

Existing Plat Map
Zoning Map
Applications



200' Notification Map Z23-01 Riviera Lane

Council District: #1 Tommy Hiebert
Neighborhood: Country Club

Scale: 0 0.01 0.02 0.04 0.06 0.08
Miles

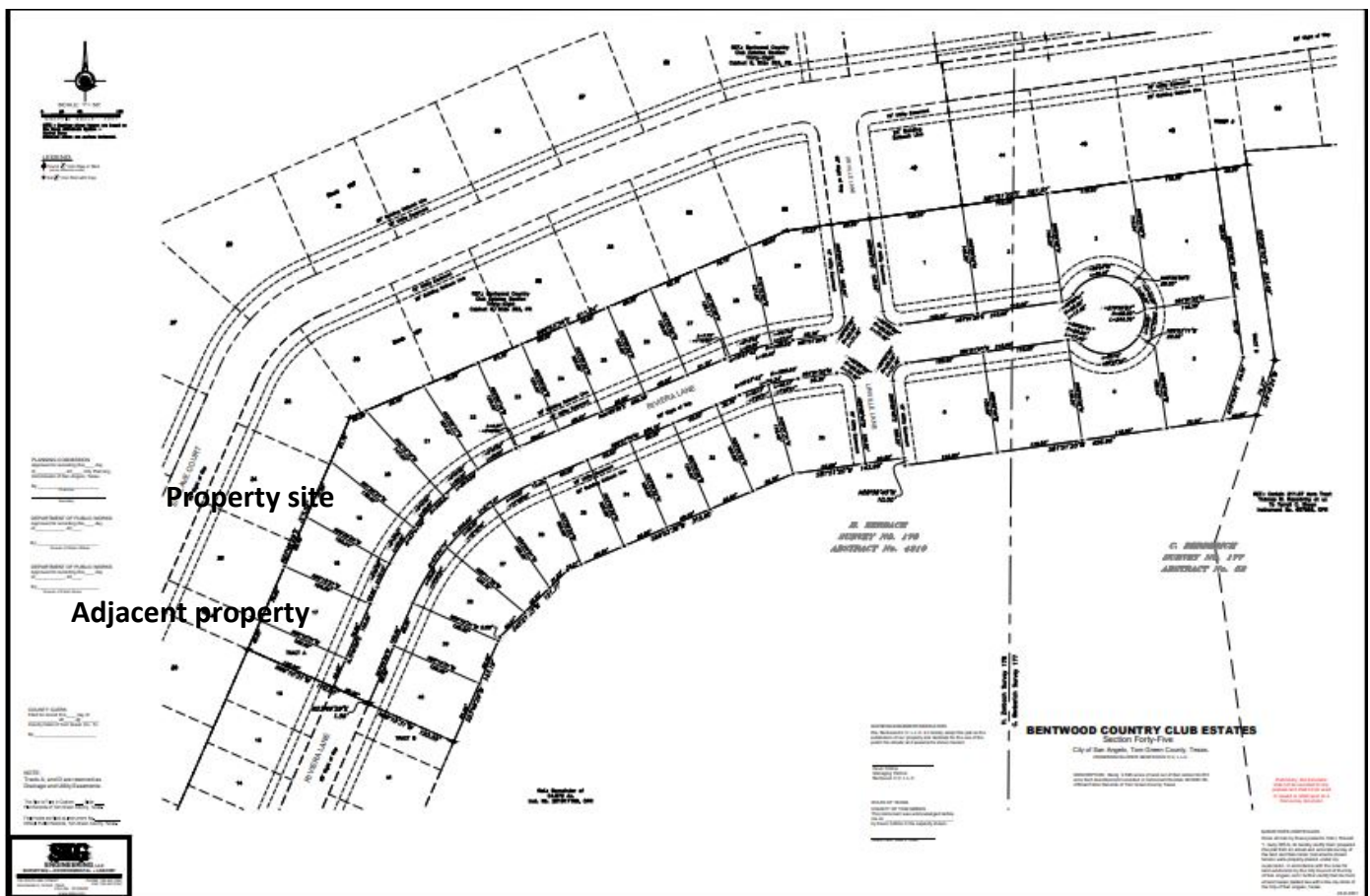
Subject Properties: —

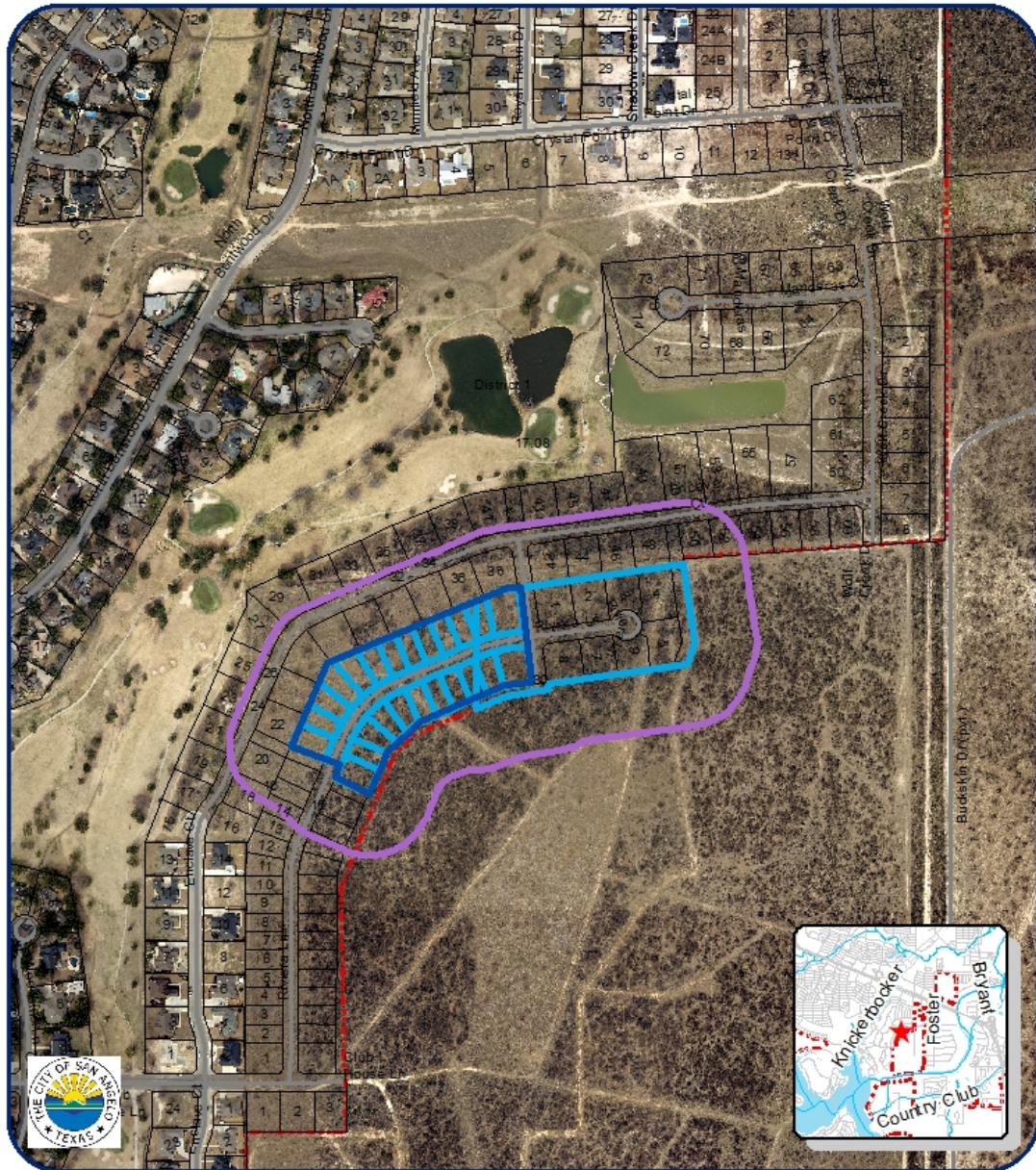
Notified Properties: —

N



Bentwood CC Estates, Sect 45 (existing plat)





200' Notification Map
Z23-01 Riviera Lane
Council District: #1 Tommy Hiebert
Neighborhood: Country Club
Scale: 0 0.02 0.04 0.08 0.12 0.16 Miles

Subject Properties: [Blue line]
Notified Properties: [Purple line]

N
[North Arrow]

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: **APPROXIMATELY 9.595 ACRES LOCATED; ALONG RIVIERA COURT, SOUTH OF CLUB HOUSE LANE, LEGAL DESCRIPTION BEING LOTS 17-40, BLOCK 108, SECTION 45, BENTWOOD COUNTRY CLUB ESTATES.** FROM THE SINGLE-FAMILY RESIDENTIAL (RS-1) ZONING DISTRICT TO A PLANNED DEVELOPMENT (PD) ZONING DISTRICT TO ALLOW UNDERLYING BASE ZONING OF RS-1 WITH THE ADDITIONAL USE OF SINGLE-FAMILY HOMES AND SUBJECT TO THE DEVELOPMENT STANDARDS AS OUTLINED IN THE ORDINANCE; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE

RE: PD23-04 (Z23-03): LOTS 17-40, BLOCK 108, SECTION 45, BENTWOOD COUNTRY CLUB ESTATES

WHEREAS, on the 20th day of March, 2023, the Planning Commission for the City of San Angelo in compliance with the City Charter, City ordinance and state law, and after holding a public hearing thereon, caused to be prepared and delivered a report and recommendation to City Council to approve the proposed Planned Development (PD23-04) Zoning District to allow for an underlying base zoning of (RS-1) with the additional use of single-family homes and subject to the development standards as outlined in the Ordinance, and,

WHEREAS, on the 18th day of April, 2023, City Council held a public hearing on PD23-04, pursuant to published notice, and has considered the application, comments, reports and recommendations of the Planning Commission and staff, public testimony, and other relevant support materials;

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

SECTION 1: The basic zoning ordinance for the City of San Angelo, as enacted by the governing body for the City of San Angelo effective January 4, 2000, and included within Exhibit “A” of Chapter 12 of the Code of Ordinances of the City of San Angelo, and zoning map be and the same are hereby amended to designate the following described properties permanently zoned PLANNED DEVELOPMENT (PD23-04) ZONING DISTRICT:

The real property being Lots 17-40, BLOCK 108, SECTION 45, BENTWOOD COUNTRY CLUB ESTATES, as depicted on Exhibit “A” of this Ordinance.

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

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

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

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

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

INTRODUCED on the **18th day of April, 2023**, and finally PASSED, APPROVED AND ADOPTED on this the **4th day of May, 2023**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

ATTEST:

APPROVED AS TO FORM:

Heather Stastny, City Clerk

Theresa James, City Attorney

Exhibit "A" (PD Boundary Map)

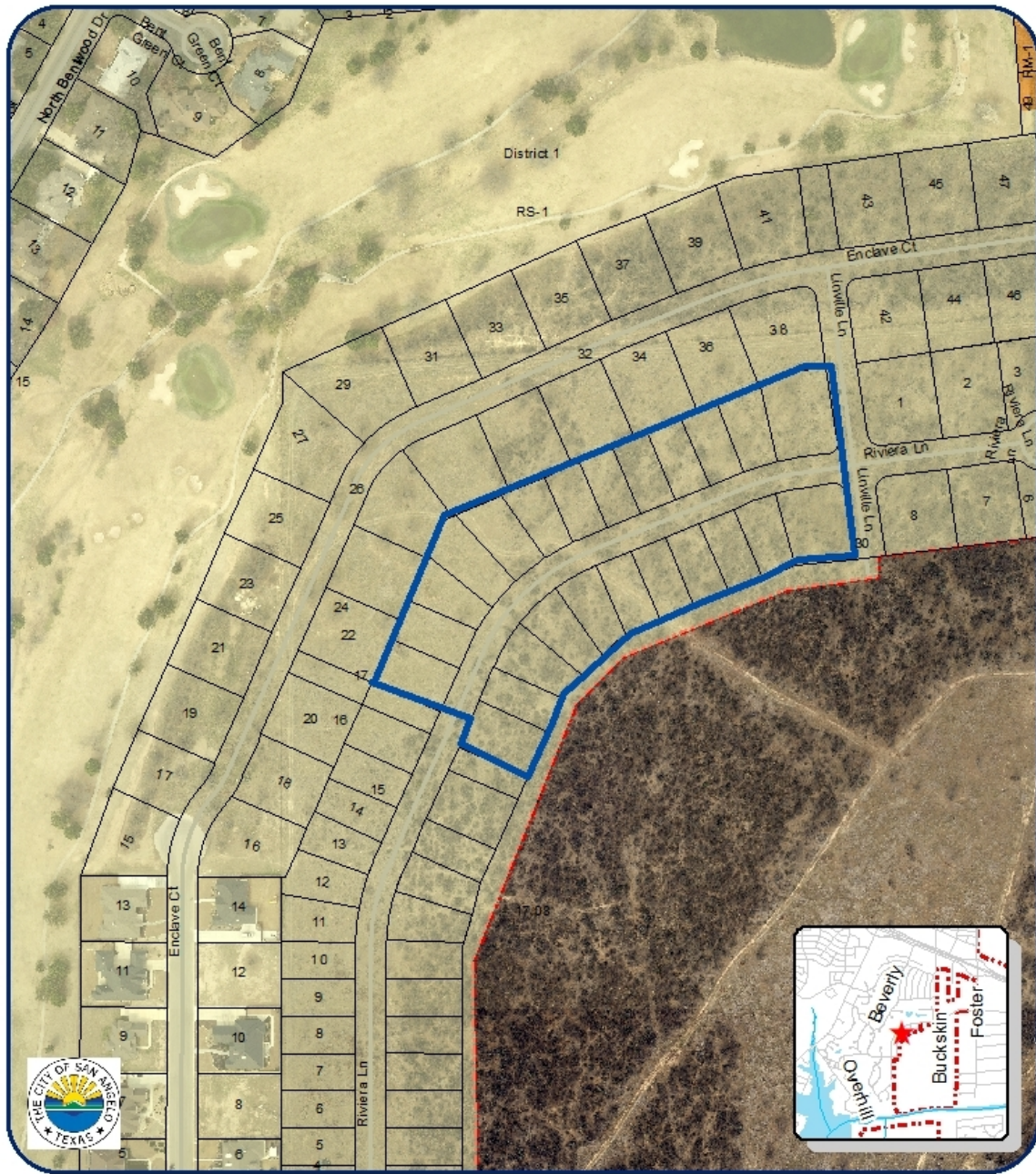


Exhibit “B”
Applicable Regulations

1. Except as otherwise specified, the development of the subject property shall generally conform to the Single-Family Residential (RS-1) Zoning District standards.
2. In addition to the other permitted structure types in the (RS-1) Zoning District, single-family dwelling units shall also be the allowed use.
3. The following development standards shall apply:

Development Standard	Proposed PD
Minimum Lot Area (sq. ft.)	
Single-Family Unit	5,000
Minimum Lot Dimensions (width x depth in feet)	
Single-Family Unit	50x100
Zero Lot Line	50x100
Minimum Front Yard (feet)	20
Single-Family Unit, front-facing garage setback	25
Minimum Side Yard (feet)	
Single family homes	5
One side yard (minimum)	0-1
The other side yard (minimum)	10
Minimum Rear Yard (feet)	10
Maximum Floor Area Ratio	.60
Maximum Height	
In feet	35
In stories	2-½
Maximum Density (units/ acre)	-