City Council Agenda
11/21/2023

Notice is hereby given of a regular meeting of the City Council of City of San Angelo to be held November 21, 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 December 2, 2023 as Concho Christmas Celebration 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 November 7, 2023, City Council regular meeting minutes (Heather Stastny)
   b. Consider accepting a utility easement for a 20' waterline out of Lot 15, Block H, Miles Addition and authorizing the City Manager to negotiate and execute all related documents (Sarah Tackett-Torres, Shane Kelton)
   c. Consider a 2-year, non-exclusive contract for real estate services with ERA Newlin Real Estate and Steve Eustis Co., and authorizing the City Manger to negotiate and execute all related documents (Sarah Tackett-Torres)
   d. Consider awarding bids for RE-02-24 City Farm Leases for Tracts 1, 2, and 3 to the highest bidders and authorizing the City Manager to negotiate and execute all related documents
      1. Tract 1 to Roger Strube Farm & Ranch in the amount of $67,488
      2. Tract 2 to A & M Farms, LLC in the amount of $36,750
      3. Tract 3 to Roger Strube Farm & Ranch in the amount of $102,546 (Sarah Tackett-Torres)
   e. Consider approving BuyBoard Contract #698-23 with Casco Industries for the purchase of 30 sets of bunker gear and 30 helmets, 17 pairs of bunker boots, and 180 protective hoods in the amount of $129,115, with the option to purchase an additional $75,000 of equipment at staff's discretion pending available funds, and authorizing the City Manager to negotiate and execute all related documents (Cory Sanders)
   f. Consider approving Sourcewell Contract #110719-JDC with Deere & Company for the purchase of one tractor and two shredders in the amount of $125,077.41, and authorizing the City Manager to negotiate and execute all related documents (Ryan Kramer)
   g. Consider approving BuyBoard Contract #635-21 with Insituform Technologies, LLC for the North Concho River WW Collection Improvements in the amount of $1,423,330 and authorizing the City Manager to negotiate and execute all related documents (Shane Kelton)

h. Consider approving a lease agreement with First United Methodist Church in Ballinger, TX in the amount of $516.67 monthly for rent of space to host WIC satellite clinic services, and authorizing the City Manager to negotiate and execute all related documents (Cristina Eureste)

i. Consider a resolution accepting a WIC vehicle from the Texas Department of Health and Human Services WIC Program and authorizing the City Manager to negotiate and execute all related documents (Cristina Eureste)

j. Consider supporting the private fundraising efforts to implement and place art at the San Angelo Regional Airport passenger terminal, and authorizing the City Manager to accept any proceeds and negotiate and execute all related documents (Carl White, Jeremy Valgardson)

k. Second reading of an ordinance amending Chapter 10 "Traffic Control", Article 10.03 "Operation of Motor Vehicles", Section 10.03.091 "One-way Streets and Alleys" of the Code of Ordinances to assign a portion of Howe St. as one-way during designated hours, and authorizing the City Manager to negotiate and execute all related documents (Patrick Frerich)

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. Consider approving BuyBoard Contract #706-23 with Bobcat Company for the purchase of five mowers, with the option to purchase one additional mower, in the amount of $81,834, utilizing $7,456 from Fairmount Cemetery fund balance and authorizing the City Manager to negotiate and execute all related documents (Presentation made by Senior Fleet Manager Ryan Kramer)

b. Consider awarding HGAC Contract #AM10-23 to Frazer, Ltd. for the purchase and installation of two ambulance modules in the amount of $428,030 for the Fire Department and authorizing the City Manager to negotiate and execute all related documents (Presentation made by Assistant Fire Chief Cory Sanders)

c. Consideration and possible action regarding the creation of a Reinvestment Zone for Tax Abatement purposes at 2702 W. Loop 306, also being Lot: 1, Blk: 2, Subd: Southwest Plaza Addition, 3.826 acres, the proposed location of Technology Towers, LLC in accordance with City of San Angelo Code of Ordinances Article 1.09 Taxation, Division 3 Uniform Tax Abatement Policy (Presentation made by Economic Development Interim Director Michael Dane)

d. Consider a resolution to approve Special Use 23-01 to allow a 119-bed skilled nursing facility on property in the Heavy Commercial zoning district, being 8.25 acres generally located at 3215 YMCA Dr. (Presentation made by Planning & Development Services Assistant Director Aaron Vannoy)

e. First reading and public hearing of:
1. An ordinance for CP23-02, an amendment to the City of San Angelo Comprehensive Plan, changing certain lands from the Neighborhood Future Land Use to the Neighborhood Center Future Land Use, being approximately 19.705 acres located at the 3900, 4000, 4100, and 4200 blocks along and on either side of Coliseum Dr., south of 43rd St. and north of E. 39th St.

2. An ordinance for PD23-06, a rezoning from the Single Family Residential, Two-Family Residential, and General Commercial/Heavy Commercial zoning districts to a Planned Development zoning district to allow for Single Family Residential, Two-Family Residential, and Neighborhood Commercial zoning districts, subject to certain conditions and limitations, being approximately 19.705 acres located at the 3900, 4000, 4100, and 4200 blocks along and on either side of Coliseum Dr., south of 43rd St. and north of E. 39th St. (Presentation made by Planning & Development Services Assistant Director Aaron Vannoy)

f. First reading and public hearing of an ordinance for PD23-07, to rezone from the Single Family Residential zoning district to the Planned Development zoning district with an underlying Single-Family Residential zoning with storage units as an allowed use, being approximately 5 acres located at 4415 Armstrong St. (Presentation made by Planning & Development Services Assistant Director Aaron Vannoy)

g. First reading and public hearing of an ordinance annexing into the City of San Angelo, by petition of the property owner, an unaddressed 31.356-acre tract out of the A.B. & M. Survey No. 3, Abstract No. 24, and B.S. & F Survey No. 5 Abstract No. 101 Tom Green County, Texas, located northwest of Arden Rd. and F.M. 2288 (Presentation made by Planning & Development Services Assistant Director Aaron Vannoy)

h. First reading and public hearing of:
1. An ordinance annexing into the City of San Angelo, by petition of the property owner, an unaddressed 28.860 acre tract out of C. Berberich Survey No. 177, Abstract No. 52, Tom Green County, Texas, located west of Foster Rd. and south of W. Loop 306.
2. An ordinance for Z23-12 to rezone the property from the unzoned land to the General Commercial zoning district for the northern 10.814 acres, and to the Low Rise Multi-family zoning district for the remaining 18.046-acres (Presentation made by Planning and Development Services Assistant Director Aaron Vannoy)

i. First reading and public hearing of:
1. An ordinance annexing into the City of San Angelo, by petition of the property owner, an unaddressed 15.496 acre tract out of A. Willeke Survey No. 2, Abstract No. 8211 and A. Willeke Survery No. 8, Abstract No. 8102, Tom Green County, Texas
2. An ordinance for Z23-13 to zone the 15.496 acre tract located in the Meridian North Subdivision, located along the extension of Slayde St., north of Royal Oak St., to the Single-family Residential zoning district in Blocks 5-7 and to the Zero Lot Line, Twinhome and Townhome Residential zoning district in Block 8 (Presentation made by Planning & Development Services Assistant Director Aaron Vannoy)

j. First reading and public hearing of an ordinance for Z23-14 to rezone properties from the General Commercial zoning district to the Heavy Commercial zoning district, being 14.311-acres, located at 3420, 3502, and 3550 N. Bryant Blvd. and associated unaddressed parcels (Presentation made by Planning & Development Services Assistant Director Aaron Vannoy)

7. Closed Session

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

8. Follow Up and Administrative Issues

a. Consider items discussed in Executive Session, if needed

b. Announcements and consideration of Future Agenda Items

9. Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board at City Hall in the City of San Angelo, Texas, on the 15th day of November 2023, at 4:52 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 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

2023 marks the thirtieth anniversary of Concho Christmas Celebration's Annual Tour of Lights.

The Celebration, with over 3 million lights, is one of the largest Christmas lighting events in the State of Texas. The event offers a two and one-half mile walking or driving tour beginning behind the Main Post Office on the corner of Abe Street and 1st Street and ending at El Paseo de Santa Angela.

Those involved consist of hundreds of community volunteers who greet Tour guests, inmates from the Department of Corrections and Tom Green County Sheriff's Office Community Work Detail who assist with installation of Christmas scenes, the members of the San Angelo Restaurant Association who supply meals to the inmates.

The Community Christmas Tree Lighting Ceremony will be held Saturday, December 2, 2023, at 5:15 p.m. at the corner of South Chadbourne and West Concho Avenue. Activities will include the San Angelo Community Band conducted by Dr. Constance Kelley of Angelo State University and the Twin Mountain Tonesmen directed by Mark Clark.

The 21st annual Lights of Christmas Parade will follow the Community Tree lighting at 6:00 p.m. The Parade may be viewed on Chadbourne, between 4th Street & Concho Avenue, on Concho Avenue, between Chadbourne & Oakes, and on Oakes back to 2nd Street.

The Tour of Lights can be seen Sunday through Thursday from 6:00 to 10:00 p.m., and each Friday and Saturday from 6:00 p.m. to Midnight, December 2 through December 31, 2023.

NOW, THEREFORE, I, Brenda Gunter, Mayor of the City of San Angelo, Texas, on behalf of the City Council, do hereby declare December 2, 2023 as

CONCHO CHRISTMAS CELEBRATION DAY

and encourage citizens to join the activities and view the magnificent Holiday lights that have become a Community Treasure.

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 21st day of November 2023.

Brenda Gunter
Mayor of the City of San Angelo

City of San Angelo, Texas
City Council Meeting
Tuesday, November 7, 2023

Present:

Mayor Brenda Gunter
Mayor Pro tem Lucy Gonzales, SMD 4
Council Member Tommy Hiebert, SMD 1
Council Member Tom Thompson, SMD 2
Council Member Harry Thomas, SMD 3
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 8:33 a.m. on Tuesday, November 7, 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 were led by San Angelo Police Department Chaplain Gary Jenkins.

3. Proclamations/Recognitions

November 7, 2023, was proclaimed as National Adoption Day.

November 11, 2023, was proclaimed as Veteran's Day.

November 15, 2023, was proclaimed as America Recycles Day.

4. Public Comment

Citizen Nelda Nowlin (SMD 1) thanked Council and City leadership for the progress made for the disability community, as well as progress made for securing water for San Angelo, and spoke in support of higher pay for SAPD.

Citizens Mike Burnett (SMD 1), Sarah Negovetich (SMD 6), Chrysanthemum Crenshaw (SMD 5), and Sidney Timmer (SMD 4) spoke in support of continued care of the homeless community and requested the development of a Homeless Task Force.

Citizens Tracy Piatt-Fox, Kim Spooner (SMD 1), Taishi Ligon (SMD 6), Margaret Mendez (SMD 2) spoke in support of higher pay for SAPD.

City Manager Daniel Valenzuela addressed pay for SAPD officers and continued negotiations with Meet and Confer to resolve the issue.

5. Consent Agenda

a. Approval of the October 17, 2023, City Council regular meeting minutes (Heather Stastny)

b. Approval of a License Agreement with Concho Christmas Celebration LLC, to allow access to 505 S. Chadbourne for the display of Christmas lights, and authorizing the City Manager to negotiate and execute all related documents (Sarah Tackett-Torres)

c. Acceptance of the donation of lot 6 and the northern part of lots 7 thru 10, block 194, Wayland Annex, from J Mark McLaughlin for use by the Parks and Recreation Department, and authorizing the City Manager to negotiate and execute all related documents (Carl White, Sarah Tackett-Torres)

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d. Approval of a Miscellaneous Pipeline Easement in the amount of $2,350 for use of right-of-way to construct and maintain a 30-inch casing housing and 18-inch waterline in the general location of the North Concho River crossing of Martin Luther King Dr. and S. Randolph St., and authorizing the City Manager to negotiate and execute all related documents (Shane Kelton)

e. Approval of the purchase of water meters from Core and Main, Inc. in the amount of $2,055,476.70 for year two of the meter replacement program, budgeted for purchase in fiscal year 2024, and authorizing the City Manager to negotiate and execute all related documents (Shane Kelton)

f. Award of ES-05-23 Pavement Improvements N. Chadbourne Street Project to Reece Albert, Inc. in the amount of $6,223,085, and authorizing the City Manager to negotiate and execute all related documents (Patrick Frerich)

g. Approval of Amendment #6 to the Master Airport Agreement with Jviation Engineers to reconfigure Runway 9/27 to Taxiway H and install Taxiway edge lighting design in the amount of $513,029.50, and authorizing the City Manager to negotiate and execute all related documents (Jeremy Valgardson)

h. Approval of an amendment to the interlocal agreement between the City of San Angelo and Tom Green County for the joint operation of the San Angelo/Tom Green County Office of Emergency Management (Patrick Brody)

i. Approval of an agreement with Art in Uncommon Places allocating $25,000 of Hotel Occupancy Tax receipts for eligible activities, and authorizing the City Manager to negotiate and execute all related documents (Carl White)

j. Approval of an agreement with San Angelo ISD to loan equipment purchased with PEG funds to be used for TV production by SAISD on their PEG TV channel and authorizing the City Manager to negotiate and execute any related documents (Brian Groves)

k. Adoption of a resolution to approve a Co-Op agreement between the City of San Angelo and THF River Point, LP tax credit project, and authorizing the City Manager to negotiate and execute all related documents (Bob Salas)

l. Adoption of a resolution approving paid time off for City employees who contribute a "fair share" or greater to the United Way campaign (Veronica Sanchez) **(Pg. 495, 2023-100)**

m. Acceptance an annexation petition for 15.496 acres of land, located west of Red Oak and Scarlet Oak and north of Dominion Ridge Dr., and public hearing set for November 21, 2023 (Aaron Vannoy)

n. Adoption of an ordinance for Z23-07 to rezone property from the Heavy Commercial zoning district to the Neighborhood Commercial zoning district, being 2.473 acres, located at 1261 and 1349 Glenna St. (Aaron Vannoy) **(Pg. 497, 2023-101)**

o. Adoption of an ordinance amending Planned Development 05-03 to extend uses currently allowed in specific areas on the lot (Civic, Institutional, Religious, Educational, Athletic and Neighborhood Commercial) to be allowed throughout the entire property located at 5687 Melrose Ave. (Aaron Vannoy) **(Pg. 500, 2023-102)**

Motion: Council Member Hesse Smith made a motion, seconded by Council Member Thompson, to approve the Consent Agenda, with the exception of items 5l. The motion carried unanimously (7) ayes to (0) nays, with no public comment.

Motion: Council Member Miller made a motion, seconded by Council Member Gonzales, to approve item 5l. for 1-year (2024) and will be considered annually thereafter during

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budget review. The motion carried unanimously (7) ayes to (0) nays, with no public comment.

6. Regular Agenda

a. Adoption of a resolution designating the number of votes to be cast for each nominee for the Board of Directors of the Tom Green County Appraisal District (Presentation made by City Clerk Heather Stastny) **(Pg. 504, 2023-103)**

Motion: Council Member Gonzales made a motion, seconded by Council Member Thomas, to approve the item as presented, dividing the 1,345 votes between the 5 nominees (269 votes each) with Kandi Pool receiving the remaining 4 votes (273 votes). The motion carried unanimously (7) ayes to (0) nays, with no public comment.

b. Adoption of a resolution approving a request for a variance to allow the sale of alcoholic beverages, beer, and wine at 2635 Johnson St., a property within 300-ft of a public school (Presentation made by Planning & Development Services Assistant Director Aaron Vannoy) **(Pg. 506, 2023-104)**

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

c. First reading and public hearing of an ordinance amending Chapter 10 "Traffic Control", Article 10.03 "Operation of Motor Vehicles", Section 10.03.091 "One-way Streets and Alleys" of the Code of Ordinances to assign a portion of Howe St. as one-way during designated hours, and authorizing the City Manager to negotiate and execute all related documents (Presentation made by Operations Director Patrick Frerich)

Motion: Council Member Thomas 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.

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 551.071 - Consultation with attorney regarding Marc 3 Border Patrol hangar paving contract

8. Follow Up and Administrative Issues

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

b. Approval of various Board nominations:
Airport Advisory Committee: Sam Strahan (SMD5) to a first term ending October 2025

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

c. Announcements and consideration of Future Agenda Items

9. Adjournment

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

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There being no further business, the meeting adjourned at 10:36 a.m.

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 of 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.)

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REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

Requestor: Sarah Tackett-Torres, Real Estate Manager, Real Estate

Meeting Date: November 21, 2023

Item type: Consent Item

Caption:

Consider accepting a utility easement for a 20' waterline out of Lot 15, Block H, Miles Addition and authorizing the City Manager to negotiate and execute all related documents (Sarah Tackett-Torres, Shane Kelton)

Staff Recommendation:

Summary/History:

Due to a replat of the property at 402 and 406 North Bryant Blvd., the City is requesting a utility easement across a privately owned lot to establish water service for the new structure at 402 North Bryant Blvd. The property owner has agreed to this proposed utility easement across his property and City staff recommends approval of this utility easement.

Funding Source(s):

Financial Impact:

Other Information/Recommendation:

Attachments:

1. UTILITY EASEMENT - LOT 15, BLOCK H, MILES UTILITY EASEMENT - LOT 15, BLOCK H, MILES.pdf

Presentation:

Sarah Tackett-Torres

Approvals/Reviews:

Sarah Tackett-Torres	Created/Initiated
Sarah Tackett-Torres	Approved
Theresa James	Approved
Tina Dierschke	Approved

Heather Stastny Final Approval

Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your Social Security number or your driver's license number.

PERPETUAL UTILITY EASEMENT

Date: _____

Grantor: WAP PROPERTIES LLC

Grantor's Mailing Address: 5803 Pecan Valley Lane, San Angelo, Texas 76904

Grantee: CITY OF SAN ANGELO, a Texas home rule municipal corporation

Grantee's Mailing Address: 72 W College Avenue, San Angelo, Tom Green County, Texas 76903

Perpetual Easement: Being a 20' waterline easement out of Lot 15, Block H, Miles Addition, City of San Angelo, Tom Green County, Texas, more particularly described by metes and bounds and depicted in **Exhibit "A"** attached hereto and incorporated herein by reference for all purposes.

Perpetual Easement Use: For the installation, construction, operation, maintenance, replacement, repair, upgrade, and removal of water mains and related appurtenances (collectively, the "Facilities") within the Easement and Right-of-Way, together with the privilege at all times of ingress and egress along, to and from said Easement and Right-of-Way across a portion of Grantors' adjacent property for said purposes, both being more particularly depicted in **Exhibit "B"** attached hereto and incorporated herein by reference for all purposes.

Consideration: TEN AND NO/100 DOLLARS ($10.00) cash and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by Grantor.

Reservations from Conveyance: There is expressly reserved to Grantor, and Grantor's successors and assigns, the right to fully use all of the Grantor's property subject to the Easement for any purpose not inconsistent with the rights granted to Grantee and Grantee's successors and assigns, which reserved rights in and to said property by Grantor shall be at all times subject and subservient to the Easement uses granted hereunder. Grantor and Grantor's successors and assigns shall not place, maintain or permit structures of any kind or

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character within the Easement and Right-of-Way. Structures do not include roads, fencing, plants, grass, concrete flatwork or other items that are removable. Grantor, its successors, and assigns reserve unto Grantor all of Grantor's mineral rights; however, Grantors shall not drill, mine, explore for, or develop any oil, gas, or other mineral within the Easement, or conduct other activities which interfere with Grantee's permitted use.

Exceptions to Warranty: Grantee acknowledges that the interests conveyed hereby are Easements only, and do not convey any oil, gas or other mineral rights. Should one or more of the Grantor(s) be natural persons not joined by their respective spouses, it is conclusively presumed that the Property conveyed is not the residence or business homestead of such Grantor.

Grant of Perpetual Easement Grantor, for the Consideration and subject to the Reservations from Conveyance and Exceptions to Warranty, grants, sells, and conveys to Grantee and Grantee's successors and assigns a Perpetual Easement described hereinabove, over, on, under, through and across the Perpetual Easement property for the Perpetual Easement Use; (collectively hereinafter referred to as the "Easement"), under the Terms and Conditions herein provided, together with all and singular the rights and appurtenances thereto in any way belonging to Grantor, to have and to hold the Easement to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs, successors, and assigns to warrant and forever defend the title to the Easement in Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the Easement or any part thereof, except as to the Reservations from Conveyance and Exceptions to Warranty.

Terms and Conditions: The following terms and conditions apply to the Easement granted by this agreement:

1. *Character of Perpetual Easement*. The Perpetual Easement is assignable and nonexclusive. Grantor covenants that Grantor will not convey any conflicting rights or easements within the Easement conveyed by this grant. The dedication of right-of-way for public street purposes, drainage, access easements, or other utility easements limited to perpendicular crossing of the Perpetual Easement are not considered to be a conflicting right.
2. *Reservation of Rights*. Grantee's rights under the Easement are nonexclusive and Grantor reserves for Grantor and Grantor's heirs, successors, and assigns the right to use all or part of the Easement in conjunction with Grantee as long as such use by Grantor or Grantor's heirs, successors, and assigns is compliant with the terms of this easement agreement and compatible with the Grantee's Easement Uses and rights granted herein. Additionally, Grantor reserves the right to operate and maintain an existing stormwater detention basin located within the extents of the Easement. Grantor's operation, maintenance, and/or assignment of the operation/maintenance of the existing stormwater detention basin shall not be considered to be a conflicting right within the Easement. The dedication of right-of-way for public street purposes or other utility easements limited to perpendicular crossing of the Perpetual Easement are

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considered compliant with the terms of this easement agreement and compatible with the Grantee's Easement Uses.

3. *Grantee's Right of Maintenance of Easement.* Grantee may remove obstructions on or within the Easement that Grantee deems necessary without liability to Grantor, or Grantor's successors, or assigns, for damage to the obstruction. Grantee shall not be responsible for replacing obstructions removed.

   Grantee shall have the right to cut, trim and control the growth of trees and other vegetation on and within the Easement or on adjoining property of Grantor within ten feet of said Easement, which might interfere with or threaten the operation and maintenance of the Easement Facilities.

4. *Right of Ingress and Egress.* Grantee and Grantee's successors and assigns, shall have, as an appurtenant right the right of ingress and egress to the Easement on, over, or across Grantor's property for said easement purposes, but limited to the area depicted in Exhibit C.

5. *Secondary Easement.* Grantee has the right (the "Secondary Easement") to use not more than 30 feet of the surface of the property that is adjacent to the Easement Property ("Adjacent Property") as may be reasonably necessary to install the Facilities within the Easement Property that are reasonably suited for the Easement Purpose. However, Grantee must promptly restore the Adjacent Property to its previous physical condition if changed by use of the rights granted by this Secondary Easement. The Secondary Easement right terminates the sooner of September 15, 2024 or upon completion of installation of said Facilities.

6. *Improvement and Maintenance of Easement.* Improvement and maintenance of the Easement shall be at the sole option and expense of Grantee. Grantee has the right to eliminate any encroachments into the Easement, including the right to clear, trench, lay, construct, maintain, operate, alter, repair, bypass, replace, and remove water and wastewater Facilities on, over, under, across, and through the Perpetual Easement. The Grantor and/or assigns reserves the right to maintain the easement but does not have the obligation to maintain the easement. Upon completion of installation/construction of Grantee's Facilities, or any subsequent maintenance, replacement, repair, upgrade, and/or removal by Grantee of the same, Grantee shall promptly return the surface of the Easement property to the same or better condition as existed prior to such activities. Grantee shall keep and maintain the Facilities in good repair and condition. Additionally, in the event Grantee damages the existing stormwater detention basin through its operations, Grantee shall promptly repair, or cause it to be repaired, to the same or better condition as it existed prior to the damage.

7. *Equitable Rights of Enforcement*. Grantee shall be entitled to restraining order and injunction (temporary or permanent) prohibiting interference with the exercise of Grantee's rights under this Easement on proof of the existence of interference or threatened interference with Grantee's Easement Use, without the necessity of proof of inadequacy of legal remedies or irreparable harm; however, the act of obtaining an

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injunction or restraining order will not be deemed to be an election of remedies or a waiver of any other rights or remedies available at law or in equity to Grantee.

8. *Attorney's Fees.* In the event of any controversy, claim or dispute relating to this instrument or the breach thereof, the prevailing party shall be entitled to recover reasonable expenses, attorney's fees and costs from the losing party.

9. *Choice of Law*. This agreement will be construed under the laws of the state of Texas, without regard to choice-of-law rules of any jurisdiction. Venue is in the county or counties in which the Easement Property is located.

10. *Counterparts.* This agreement may be executed in any number of counterparts with the same effect as if all signatory parties had signed the same document. All counterparts will be construed together and will constitute one and the same instrument.

11. *Waiver of Default.* It is not a waiver of or consent to default if the nondefaulting party fails to declare immediately a default or delays in taking any action. Pursuit of any remedies set forth in this agreement does not preclude pursuit of other remedies in this agreement or provided by law.

12. *Further Assurances.* Each signatory party agrees to execute and deliver any additional documents and instruments and to perform any additional acts necessary or appropriate to perform the terms, provisions, and conditions of this agreement and all transactions contemplated by this agreement.

13. *Entire Agreement*. This instrument contains the entire agreement between the parties relating to the rights herein granted and the obligations herein assumed. Any oral representations or modifications concerning this instrument shall be of no force and effect excepting a subsequent modification in writing, signed by the party to be charged.

14. *Legal Construction.* If any provision in this agreement is for any reason unenforceable, to the extent the unenforceability does not destroy the basis of the bargain among the parties, the unenforceability will not affect any other provision hereof, and this agreement will be construed as if the unenforceable provision had never been a part of the agreement. Whenever context requires, the singular will include the plural and neuter include the masculine or feminine gender, and vice versa. Article and section headings in this agreement are for reference only and are not intended to restrict or define the text of any section. This agreement will not be construed more or less favorably between the parties by reason of authorship or origin of language.

15. *Notices.* Any notice required or permitted under this agreement must be in writing. Any notice required by this agreement will be deemed to be delivered (whether actually received or not) when deposited with the United States Postal Service, postage prepaid, certified mail, return receipt requested, and addressed to the intended recipient at the address shown in this agreement. Notice may also be given by regular mail, personal delivery, courier delivery, facsimile transmission, or other commercially reasonable means and will be effective when actually received. Any address for notice may be changed by written notice

DRAFT

delivered as provided herein.

16. *Recitals.* Any recitals in this agreement are represented by the parties to be accurate, and constitute a part of the substantive agreement.

IN WITNESS WHEREOF, this instrument is executed this __ day of November, 2023.

GRANTOR:
WAP PROPERTIES LLC

_____
By: Winn Palmer, Director

STATE OF TEXAS §
COUNTY OF TOM GREEN §

The foregoing instrument was acknowledged before me this ____ day of November, 2023 by **Winn Palmer**, as Director of WAP Properties, LLC, a Texas limited liability company, on behalf of said company.

_____
Notary Public, State of Texas

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Signatures continue on next page.

GRANTEE:
CITY OF SAN ANGELO

_____
By: Daniel Valenzuela, City Manager

ATTEST:

_____
Heather Stastny, City Clerk

STATE OF TEXAS §
COUNTY OF TOM GREEN §

The foregoing instrument was acknowledged before me this ____ day of October, 2023 by **DANIEL VALENZUELA**, City Manager of the City of San Angelo, a Texas home rule municipal corporation, on behalf of said corporation by authority of its governing body.

_____
Notary Public, State of Texas

DRAFT

EXHIBIT A

FIELD NOTES

20' Waterline Easement

October 26, 2023
23-S-1280

Being a 20' waterline easement out Lot 15, Block H, Miles Addition, City of San Angelo, Tom Green County, Texas described and recorded in Volume X, Page 334, Deed Records of Tom Green County, Texas and said easement being more particularly described by metes and bounds as follows:

Beginning at a point for the northeast corner of this easement and being in the north line of said Lot 15 and the south line of West 4th Street and said point being S. 60° 00' 00" W. a distance of 4.00 feet from the northeast corner of said Lot 15;

Thence with the east line of this easement and 4.00 offset and parallel with the east line of said Lot 15 S. 30° 00' 00" E. a distance of 100.00 feet to a point for the southeast corner of this easement and being in the south line of said Lot 15 and the north line of a 20' alley;

Thence with the south line of this easement and said Lot 15 and the north line of said alley S. 60° 00' 00" W. a distance of 20.00 feet to a point for the southwest corner of this easement from which a ½" iron rod with cap bears S. 60° 00' 00" W. a distance of 21.00 feet;

Thene with the west line of this easement and across said Lot 15 N. 30° 00' 00" W. a distance of 100.00 feet in the south line of said West 4th Street and the north line of said Lot 15 for the northwest corner of this easement from which a ½" iron rod with cap bears S. 60° 00' 00" W. a distance of 21.00 feet;

Thence with the north line of this easement and said Lot 15 and the south line of said West 4th Street N. 60° 00' 00" E. a distance of 20.00 feet to the place of beginning.

See Attached Plat of Survey.

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

STATE OF TEXAS
REGISTERED
RUSSELL T. GULLY
5636
PROFESSIONAL
LAND SURVEYOR

1

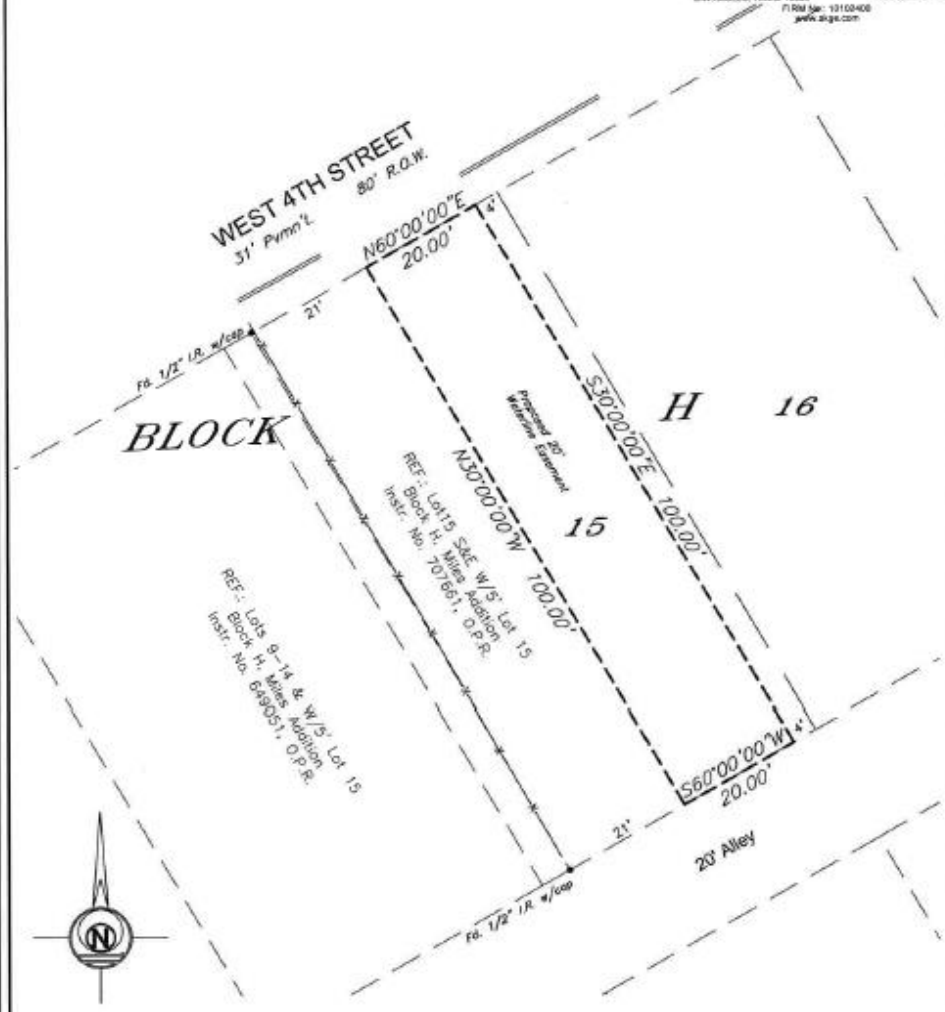
EXHIBIT "B"

COPYRIGHT 2023

THIS SURVEY IS PROTECTED BY ALL APPLICABLE STATE AND FEDERAL COPYRIGHT LAWS. THIS SURVEY IS VOID WITHOUT AN ORIGINAL SIGNATURE AND SEAL.

0 10 20 FEET 40 GRAPHIC SCALE 80

SKG ENGINEERING, LLC
SURVEYING • ENVIRONMENTAL • LAB/CMT
706 SOUTH ABE STREET
SAN ANGELO, TEXAS 76903
PHONE: 325.655.1288
FAX: 325.657.8185
TBPELS Firm No. 10102400
www.skge.com



SCALE: 1"= 20'

BEARINGS ARE BASED UPON THE PLAT OF RECORD.

PLAT SHOWING A SURVEY OF A PROPOSED 20' WATERLINE EASEMENT OUT OF LOT 15, BLOCK H, MILES ADDITION, CITY OF SAN ANGELO, TOM GREEN COUNTY, TEXAS, AS PER THE MAP OR PLAT RECORDED IN VOLUME X, PAGE 334, DEED RECORDS, TOM GREEN COUNTY, TEXAS. SEE ATTACHED FIELD NOTES.

This survey is prepared for the exclusive use and benefit of the City of San Angelo. Use of this survey cannot be transferred or assigned to a third party. Not valid without the original signature and seal of a Registered Professional Land Surveyor.

This is to certify that this map or plat and the survey on which it is based were in accordance with the requirements set forth in the Professional Land Surveying Practices Act in effect as of the date of this survey.

STATE OF TEXAS
REGISTERED
RUSSELL T. GULLY
5636
PROFESSIONAL LAND SURVEYOR

Dated: October 26, 2023

RUSSELL T. GULLY
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5636

CS

SKG ENGINEERING, LLC 706 SOUTH ABE STREET, SAN ANGELO, TEXAS 76903 325.655.1288

23-S-1280

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

Requestor: Sarah Tackett-Torres, Real Estate Manager, Real Estate

Meeting Date: November 21, 2023

Item type: Consent Item

Caption:

Consider a 2-year, non-exclusive contract for real estate services with ERA Newlin Real Estate and Steve Eustis Co., and authorizing the City Manger to negotiate and execute all related documents (Sarah Tackett-Torres)

Staff Recommendation:

Approve

Summary/History:

From time-to-time, the city has vacant, surplus properties for sale.

Texas Local Government Code Chapter 253. Sale or Lease of Property by Municipalities, Section253.014 Broker Agreements and Fees for Sale of Real Property by Home-rule Municipality, provides the city may contract with a real estate broker to sell real property that the city owns. The statute provides that any properties offered for sale under this section must remain on a multiple-listing service for a minimum of 30 days.

The Real Estate Division of the City Attorney's Office solicited qualifications from 15 local brokers and received responses from ERA Newlin Real Estate and Steve Eustis Co., all of which are qualified to represent the City in property sales.

Funding Source(s):

Financial Impact:

The City will be required to pay the broker a negotiated fee if the broker produces a buyer.

Other Information/Recommendation:

Staff recommends the City Manager be authorized to enter into a 2-year, non-exclusive contract for real estate services with the following brokers: ERA Newlin Real Estate and Steve Eustis Co.

Attachments:

Presentation:

Sarah Tackett-Torres

Approvals/Reviews:

Sarah Tackett-Torres	Created/Initiated
Theresa James	Approved
Tina Dierschke	Approved
Heather Stastny	Final Approval

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

Requestor: Sarah Tackett-Torres, Real Estate Manager, Real Estate

Meeting Date: November 21, 2023

Item type: Consent Item

Caption:

Consider awarding bids for RE-02-24 City Farm Leases for Tracts 1, 2, and 3 to the highest bidders and authorizing the City Manager to negotiate and execute all related documents
1. Tract 1 to Roger Strube Farm & Ranch in the amount of $67,488
2. Tract 2 to A & M Farms, LLC in the amount of $36,750
3. Tract 3 to Roger Strube Farm & Ranch in the amount of $102,546 (Sarah Tackett-Torres)

Staff Recommendation:

Approve

Summary/History:

City Farm Leases for Tracts 1, 2, and 3 are scheduled to expire December 31, 2023. A request for bids (RE-02-24) was sent out; a total of 15 bids for all 3 tracts were received. Tract 1 received 4 bids; Tract 2 received 7 bids and Tract 3 received 4 bids. The terms of the new leases will be 5 years; January 1, 2024 – December 31, 2028. The rate for year 1 will be the bid amount; 2% increase for each subsequent year.

Funding Source(s):

Financial Impact:

Other Information/Recommendation:

Attachments:

1. Bid Tabulation - RFB RE-02-24 Farm Lease Bid Tabulation - RFB RE-02-24 Farm Lease.pdf

Presentation:

Sarah Tackett-Torres

Approvals/Reviews:

Sarah Tackett-Torres Created/Initiated

Sarah Tackett-Torres	Approved
Theresa James	Approved
Jeffrey Tomlinson	Approved
Tina Dierschke	Approved
Theresa James	Approved
Heather Stastny	Final Approval

City of San Angelo Purchasing Division

RFB Bid Tabulation

RE-02-24 • Farm Leases

Thursday, November 9, 2023 2:00 p.m.

Item Number	Description	Units	Estimated Quantity	A&M Farms,LLC Unit Price	Darryl Weisuhn Unit Price	Gary Halfman Unit Price	Nathan Block Unit Price	Roger Strube Farm & Ranch Unit Price	Strube Ag, LLC Unit Price	Woehl Farms Unit Price
#0-1	**888 Acres- Tract 1**	Each	1	0.00	22,377.60	53,999.28	0.00	67,488.00	26,150.00	0.00
#0-2	**294 Acres- Tract 2**	Each	1	36,750.00	23,593.50	20,768.16	20,655.00	23,672.88	20,580.00	17,669.40
#0-3	**1266 Acres-Tract 3**	Each	1	0.00	86,341.20	64,059.60	0.00	102,546.00	30,000.00	0.00

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

Requestor: Cory Sanders, Assistant Chief, Fire Department

Meeting Date: November 21, 2023

Item type: Consent Item

Caption:

Consider approving BuyBoard Contract #698-23 with Casco Industries for the purchase of 30 sets of bunker gear and 30 helmets, 17 pairs of bunker boots, and 180 protective hoods in the amount of $129,115, with the option to purchase an additional $75,000 of equipment at staff's discretion pending available funds, and authorizing the City Manager to negotiate and execute all related documents (Cory Sanders)

Staff Recommendation:

Approve

Summary/History:

The Fire Department seeks approval to purchase 30 sets of bunker gear, 30 fire helmets, 17 pairs of bunker boots, and 180 protective hoods. All items are budgeted for fiscal year 2024 from the normal operating budget (uniforms) account # 101-9000-422.06-13.

Listed purchases will be through BuyBoard Contract #698-23.
The Fire Department is requesting an option to purchase an additional $75,000 of equipment at staff's discretion pending available funds, and authorizing the City Manager to execute all related documents.

Funding Source(s):

Fund:	Account:	Project Number:	Amount Budgeted:
Uniforms	101-9000-422.06-13		$129,115.00

Financial Impact:

Funds are available in Normal Operational Budget(uniforms) 101-9000-422.06-13 for $129,115.00

Other Information/Recommendation:

Attachments:

1. BunkerGearCasco BunkerGearCasco.pdf

Presentation:

Cory Sanders

Approvals/Reviews:

Cory Sanders	Created/Initiated
Patrick Brody	Approved
Theresa James	Approved
Jeffrey Tomlinson	Approved
Tina Dierschke	Approved
Heather Stastny	Final Approval

607 W. 62nd Street | (318) 865-5107 | P.O. Box 8007

CASCO INDUSTRIES, INC.

HEADQUARTERS: SHREVEPORT, LA 71148-8007

SERVING NORTH TEXAS

ACCOUNT:	**23216**	SHIP TO:
SOLD TO:	San Angelo Fire Department 306 W. First Street San Angelo, TX 76903	San Angelo Fire Department 3154 N. US Hwy 67 San Angelo, TX 76905
ATTN:	Wade Millsap	ATTN: Wade Millsap
PHONE:	325-227-7001	PHONE: 325-227-7001
EMAIL:	Wadem@safiredept.com	EMAIL: wadem@safiredept.com

CREDIT CARD:		**CUST PO NUMBER**		**SALES REP ID**	**SALES REP #**
NAME/EXP DATE				175	**JB11523-06**
NUMBER/CODE/ZIP		**TERMS**	**FREIGHT**	**DATE**	**FORM TYPE**
TRANSACTION ID#		30	ADD	11/5/2023	**QUOTE**

ITEM	LOC	DESCRIPTION	QTY	SHIPPED	PRICE	AMOUNT
1		Globe Jacket - SAFD Spec	30		$ 1,660.00	$ 49,800.00
					$ -	$ -
2		Globe Pant - SAFD Spec	30		$ 1,305.00	$ 39,150.00
					$ -	$ -
3		Globe Supreme Boot	17		$ 485.00	$ 8,245.00
					$ -	$ -
4		MSA 1044 Helmet	30		$ 392.00	$ 11,760.00
					$ -	$ -
5		PGI BarriAire 39700-00-194071	180		$ 112.00	$ 20,160.00
					$ -	$ -
					$ -	$ -
		BUYBOARD 698-23			$ -	$ -
					$ -	$ -
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					$ -	$ -

ADDITIONAL COMMENTS BELOW	**#REF!**	Subtotal	$ 129,115.00

"PROVIDING PROTECTION FOR THOSE WHO PROTECT US"

	ADD	Tax	$ -
		Freight	$ -
		TOTAL	$ 129,115.00

Quote is good for 30 days. 3% convenience fee will be added to all credit card purchases over $10,000. This does not include debit cards. Please review our Return and Payment Policies at www.cascoindustries.com/policies

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

Requestor: Ryan Kramer, Sr. Fleet Manager, Fleet Services

Meeting Date: November 21, 2023

Item type: Consent Item

Caption:

Consider approving Sourcewell Contract #110719-JDC with Deere & Company for the purchase of one tractor and two shredders in the amount of $125,077.41, and authorizing the City Manager to negotiate and execute all related documents (Ryan Kramer)

Staff Recommendation:

Approve

Summary/History:

Council approval is requested for the purchase of one tractor for the Lake Operations Division and two batwing shredders for the Stormwater Division to replace equipment that is beyond its useful life. This equipment will be utilized by these Divisions for mowing of the lake parks, stormwater areas, City property, and right-of-ways across the City.

The requested purchase will be made from Deere & Company (South Plains Implement, San Angelo, TX).

Funding Source(s):

Fund:	Account:	Project Number:	Amount Budgeted:
260	260-4400-800.07-41		$68,081.97
240	240-5800-800.07-41	800	$68,081.97

Financial Impact:

Staff recommends approval of the purchase of one tractor and two shredders from Deere & Company (San Angelo, TX), in the amount of $125,077.41, budgeted in fiscal year 2024.

Other Information/Recommendation:

Staff recommends approval of Sourcewell Contract #110719-JDC for the purchase of one tractor and two shredders from Deere & Company (San Angelo, TX).

Attachments:

1. CITY OF SAN ANGELO 5100E FC15R — CITY OF SAN ANGELO 5100E FC15R.pdf

Presentation:

Ryan Kramer

Approvals/Reviews:

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

Customer:

Quotes are valid for 30 days from the creation date or upon contract expiration, whichever occurs first.

A Purchase Order (PO) or Letter of Intent (LOI) including the below information is required to proceed with this sale. The PO or LOI will be returned if information is missing.

Vendor: Deere & Company
☐ 2000 John Deere Run
Cary, NC 27513

For any questions, please contact:

Joey Sanchez

South Plains Implement, Ltd.
18770 Alameda
Tornillo, TX 79853

Tel: 915-764-2263
Fax: 915-764-2956
Email: jsanchez@spitractor.com

- ☐ Signature on all LOIs and POs with a signature line
- ☐ Contract name or number; or JD Quote ID
- ☐ Sold to street address
- ☐ Ship to street address (no PO box)
- ☐ Bill to contact name and phone number
- ☐ Bill to address
- ☐ Bill to email address (required to send the invoice and/or to obtain the tax exemption certificate
- ☐ Membership number if required by the contract

Quotes of equipment offered through contracts between Deere & Company, its divisions and subsidiaries (collectively “Deere”) and government agencies are subject to audit and access by Deere's Strategic Accounts Business Division to ensure compliance with the terms and conditions of the contracts.

ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):
Deere & Company
2000 John Deere Run
Cary, NC 27513
FED ID: 36-2382580
UEID: FNSWEDARMK53

ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:
South Plains Implement, Ltd.
18770 Alameda
Tornillo, TX 79853
915-764-2263
webcontact@spitractor.com

Quote Summary

Prepared For:
City Of San Angelo
TX

Delivering Dealer:
South Plains Implement, Ltd.
Joey Sanchez
18770 Alameda
Tornillo, TX 79853
Phone: 915-764-2263
jsanchez@spitractor.com

Quote ID: 29814212
Created On: 18 October 2023
Last Modified On: 25 October 2023
Expiration Date: 26 November 2023

Equipment Summary	Selling Price		Qty		Extended
JOHN DEERE 5100EP	$ 68,081.97	X	1	=	$ 68,081.97
Contract: Sourcewell Ag Tractors 110719-JDC (PG 1P CG 70) **Price Effective Date:** October 17, 2023					
JOHN DEERE FC15R Flex Wing Rotary Cutter	$ 28,497.72	X	2	=	$ 56,995.44
Contract: Sourcewell Ag Tractors 110719-JDC (PG 1P CG 70) **Price Effective Date:** October 22, 2023					
Equipment Total					**$ 125,077.41**

* Includes Fees and Non-contract items

Quote Summary	
Equipment Total	$ 125,077.41
Trade In	
SubTotal	**$ 125,077.41**
Est. Service Agreement Tax	$ 0.00
Total	$ 125,077.41
Down Payment	(0.00)
Rental Applied	(0.00)
Balance Due	**$ 125,077.41**

Salesperson : X _____

Accepted By : X _____

Selling Equipment

Quote Id: 29814212 **Customer Name:**

ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):
Deere & Company
2000 John Deere Run
Cary, NC 27513
FED ID: 36-2382580
UEID: FNSWEDARMK53

ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:
South Plains Implement, Ltd.
18770 Alameda
Tornillo, TX 79853
915-764-2263
webcontact@spitractor.com

JOHN DEERE 5100EP

Hours:

Stock Number:

Contract: Sourcewell Ag Tractors 110719-JDC (PG 1P CG 70)

Selling Price * $ 68,081.97

Price Effective Date: October 17, 2023

* Price per item - includes Fees and Non-contract items

Code	Description	Qty	List Price	Discount%	Discount Amount	Contract Price	Extended Contract Price
697RP	5100E Cab Tractor	1	$ 78,776.00	19.00	$ 14,967.44	$ 63,808.56	$ 63,808.56
	Standard Options - Per Unit						
182A	Less AutoTrac™/ Less ISOBUS	1	$ 0.00	19.00	$ 0.00	$ 0.00	$ 0.00
183N	JDLink™ Modem	1	$ 0.00	19.00	$ 0.00	$ 0.00	$ 0.00
0202	United States	1	$ 0.00	19.00	$ 0.00	$ 0.00	$ 0.00
0409	English Operator's Manual	1	$ 0.00	19.00	$ 0.00	$ 0.00	$ 0.00
0500	Less Package	1	$ 0.00	19.00	$ 0.00	$ 0.00	$ 0.00
1381	12F x 12R PowrReverser™ Transmission	1	$ 0.00	19.00	$ 0.00	$ 0.00	$ 0.00
1799	Less Loader Prep Package	1	$ 0.00	19.00	$ 0.00	$ 0.00	$ 0.00
1950	Less Application	1	$ 0.00	19.00	$ 0.00	$ 0.00	$ 0.00
2050	Standard Cab	1	$ 0.00	19.00	$ 0.00	$ 0.00	$ 0.00
2120	Air Suspension Seat	1	$ 888.00	19.00	$ 168.72	$ 719.28	$ 719.28
3025	Deluxe Corner Post Exhaust	1	$ 0.00	19.00	$ 0.00	$ 0.00	$ 0.00
3330	Triple Stackable Rear Valve with Lever Controls	1	$ 1,069.00	19.00	$ 203.11	$ 865.89	$ 865.89
3400	Less Mid Valves	1	$ 0.00	19.00	$ 0.00	$ 0.00	$ 0.00
3820	Two Speed PTO - 540/540E rpm	1	$ 0.00	19.00	$ 0.00	$ 0.00	$ 0.00
5192	19.5L-24 In. 10PR R4 Bias	1	$ -548.00	19.00	$ -104.12	$ -443.88	$ -443.88
6040	MFWD (Mechanical Front Wheel Drive) Front Axle	1	$ 0.00	19.00	$ 0.00	$ 0.00	$ 0.00
6133	12.5/80-18 10PR I3(R4 TYPE)	1	$ -988.00	19.00	$ -187.72	$ -800.28	$ -800.28
	Standard Options Total		**$ 421.00**		**$ 79.99**	**$ 341.01**	**$ 341.01**
	Technology Options/Non-Contract/Open Market						
1900	Less Display	1	$ 0.00	19.00	$ 0.00	$ 0.00	$ 0.00

Selling Equipment

Quote Id: 29814212 **Customer Name:**

ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):
Deere & Company
2000 John Deere Run
Cary, NC 27513
FED ID: 36-2382580
UEID: FNSWEDARMK53

ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:
South Plains Implement, Ltd.
18770 Alameda
Tornillo, TX 79853
915-764-2263
webcontact@spitractor.com

1880	Less Receiver	1	$ 0.00	19.00	$ 0.00	$ 0.00	$ 0.00
	Technology Options Total		**$ 0.00**		**$ 0.00**	**$ 0.00**	**$ 0.00**
	Dealer Attachments/Non-Contract/Open Market						
AL222926	Antenna	1	$ 163.01	19.00	$ 30.97	$ 132.04	$ 132.04
AL232067	CAB RADIO	1	$ 817.05	0.00	$ 0.00	$ 817.05	$ 817.05
R262449	Front Weight Support, 55kg (121 lb)	1	$ 669.50	19.00	$ 127.21	$ 542.29	$ 542.29
SJ12143	Horn Kit	1	$ 32.67	19.00	$ 6.21	$ 26.46	$ 26.46
AL80126	Rear Mirror Mechanical - Left	1	$ 226.38	19.00	$ 43.01	$ 183.37	$ 183.37
AL80127	Rear Mirror Mechanical - Right	1	$ 226.38	19.00	$ 43.01	$ 183.37	$ 183.37
R127764	Weight, front suitcase 43 kg (95 lb) quantity of one	8	$ 160.92	19.00	$ 30.57	$ 1,042.80	$ 1,042.80
R213907	Weight, rear wheel - 43.09 kg (95 lb)	4	$ 179.03	19.00	$ 34.02	$ 580.04	$ 580.04
	Dealer Attachments Total		**$ 4,138.47**		**$ 631.05**	**$ 3,507.42**	**$ 3,507.42**
	Value Added Services Total		**$ 0.00**			**$ 0.00**	**$ 0.00**
	Fees						
	CUSTOMER DELIVERY AN FUEL SURCHARGE	1	425.00			425.00	425.00
	Equipment Fees Total		**$ 425.00**			**$ 425.00**	**$ 425.00**
Total Selling Price			**$ 83,760.47**		**$ 15,678.48**	**$ 68,081.99**	**$ 68,081.99**

JOHN DEERE FC15R Flex Wing Rotary Cutter

Equipment Notes:

Hours:

Stock Number:

Selling Price *

Contract: Sourcewell Ag Tractors 110719-JDC (PG 1P CG 70)

$ 28,497.72

Price Effective Date: October 22, 2023

* Price per item - includes Fees and Non-contract items

Selling Equipment

Quote Id: 29814212 **Customer Name:**

ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):
Deere & Company
2000 John Deere Run
Cary, NC 27513
FED ID: 36-2382580
UEID: FNSWEDARMK53

ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:
South Plains Implement, Ltd.
18770 Alameda
Tornillo, TX 79853
915-764-2263
webcontact@spitractor.com

Code	Description	Qty	List Price	Discount%	Discount Amount	Contract Price	Extended Contract Price
22F0P	FC15R Flex Wing Rotary Cutter	2	$ 35,669.00	24.00	$ 8,560.56	$ 27,108.44	$ 54,216.88
	Standard Options - Per Unit						
0202	United States	2	$ 0.00	24.00	$ 0.00	$ 0.00	$ 0.00
1210	Torsional Suspension	2	$ 401.00	24.00	$ 96.24	$ 304.76	$ 609.52
2541	Inward Rotation	2	$ 0.00	24.00	$ 0.00	$ 0.00	$ 0.00
3035	6 Foam-Filled Tires - (Double center, single on wings) - Severe duty ag tires	2	$ 486.00	24.00	$ 116.64	$ 369.36	$ 738.72
3511	540 RPM Driveline - Cat 6	2	$ 0.00	24.00	$ 0.00	$ 0.00	$ 0.00
3603	540 RPM - 125 HP Gearbox - Commercial duty - Inward rotation	2	$ 0.00	24.00	$ 0.00	$ 0.00	$ 0.00
5120	Ball Type Hitch	2	$ 0.00	24.00	$ 0.00	$ 0.00	$ 0.00
5290	Suspended Tongue	2	$ 941.00	24.00	$ 225.84	$ 715.16	$ 1,430.32
	Standard Options Total		**$ 1,828.00**		**$ 438.72**	**$ 1,389.28**	**$ 2,778.56**
	Value Added Services Total		**$ 0.00**			**$ 0.00**	**$ 0.00**
Total Selling Price			**$ 37,497.00**		**$ 8,999.28**	**$ 28,497.72**	**$ 56,995.44**

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

Requestor: Charles Michalewicz, Engineer, Public Works

Meeting Date: November 21, 2023

Item type: Consent Item

Caption:

Consider approving BuyBoard Contract #635-21 with Insituform Technologies, LLC for the North Concho River WW Collection Improvements in the amount of $1,423,330 and authorizing the City Manager to negotiate and execute all related documents (Shane Kelton)

Staff Recommendation:

Approve

Summary/History:

The project will include cleaning and lining approximately 4,365 LF of old clay sewer line and brick manholes from the general area of Harris Ave. and the North Concho River to the crossing of U.S Hwy 67 / 277 and Bryant Blvd.

This sewer line rehabilitation project will be a continuation of the CIPP (Cured in Place Pipe) project that was completed near Central High School in 2019.

Funding Source(s):

Fund:	Account:	Project Number:	Amount Budgeted:
2023 LAKE WW CO	535-0640-800.07-30		$1,423,330

Financial Impact:

Funding is budgeted out of the WW Bond Fund.

Other Information/Recommendation:

City Staff recomends award of the project to Insituform utilizing the Local Government Purchasing Cooperative Contract #635-21

Attachments:

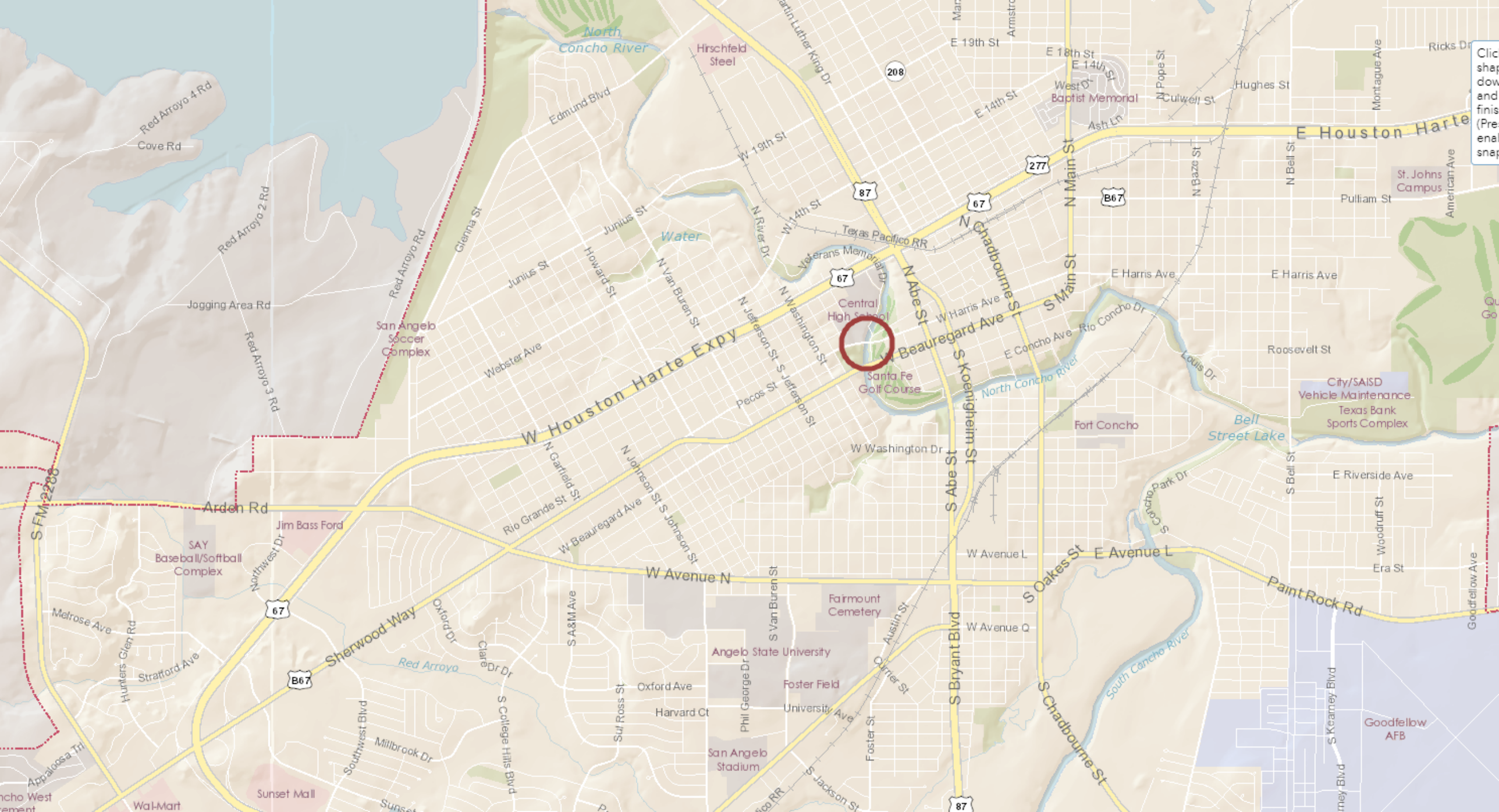
1. Aerial Crossing General Location Map — Aerial Crossing General Location Map.pdf
2. Insituform Buyboard Proposal - City of San Angelo - - North Concho River Sewer Rehabilitation - 7Nov2023 — Insituform Buyboard Proposal - City of San Angelo - North Concho River Sewer Rehabilitation - 7Nov2023.pdf

Presentation:

Shane Kelton

Approvals/Reviews:

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


North Concho River
Hirschfeld Steel
Martin Luther King Dr
208
E 19th St
E 18th St
E 14th St
West Ov
Baptist Memorial
N Pope St
Culwell St
Hughes St
Montague Ave
Ricks Dr
Ash Ln
E Houston Harte
277
N Main St
B67
N Baze St
N Bell St
St. Johns Campus
American Ave
Pulliam St
Red Arroyo 4 Rd
Cove Rd
Edmund Blvd
W 19th St
87
67
W 14th St
Texas Pacific RR
N Chadbourne St
Red Arroyo 2 Rd
Glenna St
Junius St
Water
N River Dr
Veterans Memorial Dr
N Abe St
E Harris Ave
Red Arroyo Rd
Howard St
N Van Buren St
N Jefferson St
N Washington St
Central High School
W Harris Ave
S Main St
Jogging Area Rd
San Angelo Soccer Complex
W Beauregard Ave
E Concho Ave
Rio Concho Dr
Roosevelt St
Red Arroyo 3 Rd
Webster Ave
W Houston Harte Expy
Pecos St
S Jefferson St
Santa Fe Golf Course
S Koenigheim St
North Concho River
Louis Dr
City/SAISD Vehicle Maintenance
Texas Bank Sports Complex
Fort Concho
Bell Street Lake
W Washington Dr
S Bell St
E Riverside Ave
S FM 2288
Arden Rd
Jim Bass Ford
N Garfield St
N Johnson St
S Johnson St
Rio Grande St
W Beauregard Ave
S Abe St
Concho Park Dr
SAY Baseball/Softball Complex
Northwest Dr
W Avenue L
E Avenue L
S Oakes St
Woodruff St
W Avenue N
Era St
Paint Rock Rd
Goodfellow Ave
Fairmount Cemetery
Melrose Ave
Hunters Glen Rd
S A&M Ave
S Van Buren St
Austin St
W Avenue Q
Sherwood Way
Oxford Dr
Clare Dr Dr
Red Arroyo
Angelo State University
South Concho River
Stratford Ave
Oxford Ave
Foster Field
Sul Ross St
Harvard Ct
Phil George Dr
University Ave
Currier St
S Bryant Blvd
S Chadbourne St
S College Hills Blvd
Southwest Blvd
Millbrook Dr
San Angelo Stadium
Foster St
S Jackson St
S Kearney Blvd
Goodfellow AFB
Appaloosa Tr
Sunset Mall
Wal-Mart

Insituform Technologies, LLC is a subsidiary of Aegion Corporation

580 Goddard Avenue
Chesterfield, MO 63005
www.aegion.com

Timothy N. Naylor
3413 Hunter Rd., San Marcos, Tx 78666
Phone: 512-677-8732
tnaylor@aegion.com

November 7, 2023

SO-00115465

Buyboard Proposal

Zeferino Mendoza, P.E., CFM
Assistant City Engineer
City of San Angelo
301 W. Beauregard Ave.
San Angelo, Tx 76903

Project Name: North Concho River Wastewater Collection System Improvements

Insituform Technologies, LLC. (Insituform) herein proposes to furnish all labor, materials, equipment, and services for accomplishing the referenced task, as described in the project location maps presented by the City of San Angelo, utilizing The Local Government Purchasing Cooperative Contract #635-21 administered through the BuyBoard.

Assumptions and Qualifications

The pricing in this proposal assumes that all Technical Specifications set forth by the Buyboard, City of San Angelo (COSA), where applicable, will be adhered to. Any changes to these specifications must be noted and agreed upon by both parties prior to finalizing proposal pricing.

Water shall be provided at no cost to Insituform for all construction phases of this project. Insituform will follow all required deposit, backflow prevention, and metering procedures. COSA shall provide Insituform with a suitable dumpsite for debris removed from the pipe during the cleaning process. Any required permits including TxDOT, shall be provided by COSA.

There is a Bond item in this proposal for Insituform to provide COSA with Payment, Performance Bonds and Certificate of Insurance. It is understood that a tax-exempt certificate shall be provided by COSA.

Proposal Terms and Conditions

Terms and Conditions from The Local Government Purchasing Cooperative Contract are available upon request from the Buyboard. The terms and conditions from the Buyboard shall be after that of COSA and subject to acceptance by Insituform. Any changes to these conditions must be noted and agreed upon by both parties.

Proposal Pricing

Item	Description	QTY	Unit	Unit Price	Total Price
1	Travel and Mobilization- Clean and TV Crew	1	EA	$7,500.00	$7,500.00
2	12" Clean and TV	534	LF	$8.00	$4,272.00
3	15" Clean and TV	2,194	LF	$10.00	$21,940.00
4	18" Clean and TV	1,636	LF	$12.00	$19,632.00
5	Travel and Mobilization- CIPP Crew/Tube Deliveries	1	EA	$60,000.00	$60,000.00
6	12" x 6.0mm	534	LF	$50.00	$26,700.00
7	10" & 12" Additional 1.5mm	534	LF	$5.00	$2,670.00
8	15" x 7.5mm	2,194	LF	$60.00	$131,640.00
9	18" x 9.0mm	1,636	LF	$70.00	$114,520.00
10	15" & 18" Additional 1.5mm	557	LF	$15.00	$8,355.00
11	6" - 12" CIPP Setup Charge Per Install Length	534	LF	$15.00	$8,010.00
12	15" - 21" CIPP Setup Charge Per Install Length	3,830	LF	$25.00	$95,750.00
13	6" - 18" Post TV Inspection After Rehabilitation	4,364	LF	$4.00	$17,456.00
14	Bypass System Equip/pipe delivery, tear down, pick up 4"	1	EA	$5,000.00	$5,000.00
15	Bypass System Equip/pipe delivery, tear down, pick up 6"	1	EA	$6,000.00	$6,000.00
16	Bypass System Equip/pipe delivery, tear down, pick up 12"	1	EA	$50,000.00	$50,000.00
17	Set Up 4" Pump (Per Pump)	2	EA	$500.00	$1,000.00
18	Set Up 6" Pump (Per Pump)	5	EA	$1,250.00	$6,250.00
19	Set Up 4" Piping	400	LF	$5.00	$2,000.00
20	Set Up 6" Piping	200	LF	$10.00	$2,000.00
21	Set Up 12" Piping	4,364	LF	$40.00	$174,560.00
22	Operate 4" pumping System (Fuel & Maint. Per pump)	5	Day	$200.00	$1,000.00
23	Operate 6" pumping System (Fuel & Maint. Per pump)	45	Day	$350.00	$15,750.00
24	Bypass Pump watch labor	30	Day	$2,250.00	$67,500.00
25	Bypass Line watch labor	20	Day	$1,700.00	$34,000.00
26	Bypass system piping and equipment - Main Line	4	WK	$17,750.00	$71,000.00
27	Bypass system piping and equipment - 18" line @ MH 1128	1	WK	$3,000.00	$3,000.00
28	Bypass system piping and equipment - 12" line 1st St @ MH 1124	1	WK	$3,000.00	$3,000.00
29	Travel and Mobilization- Excavation/Access Crew	1	EA	$7,500.00	$7,500.00
30	Bypass - Street Trenching and restoration @ 1st St	1	LS	$12,000.00	$12,000.00
31	Clear and grub 10' wide pathway 1,100LF - including haul off	1	LS	$25,500.00	$25,500.00
32	Install new manhole frame and cover including new concrete pads or collars	15	EA	$3,500.00	$52,500.00
33	Travel and Mobilization- MH Rehab Crew	1	EA	$7,500.00	$7,500.00
34	Manhole, Pipe or Other Structures - Spray Rehab Geospray HCE 1"	2,200	SF	$52.00	$114,400.00
35	Manhole Bench and invert rehab - including flow thru plugs	17	EA	$1,275.00	$21,675.00
36	Injection grouting in MH	10	Gal	$350.00	$3,500.00
37	Setup for Injection grouting	10	EA	$800.00	$8,000.00
38	Traffic control	20	Day	$1,000.00	$20,000.00
39	Lighted Arrow Board (Per Arrow Board)	5	Day	$250.00	$1,250.00
40	Owner Contingency Allowance	1	Allowance	$150,000.00	$150,000.00
41	Bonds & Insurance	1	LS	$39,000.00	$39,000.00
					$1,423,330.00

OFFERED BY:

INSITUFORM TECHNOLOGIES, LLC.

TIMOTHY NAYLOR
COMMERCIAL MANAGER
SOUTHWEST

ACCEPTED BY:

CITY OF SAN ANGELO, TX

_____
SIGNATURE

_____
DATE

_____
NAME

_____
TITLE

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

Requestor: Cristina Eureste, WIC Manager, WIC

Meeting Date: November 21, 2023

Item type: Consent Item

Caption:

Consider approving a lease agreement with First United Methodist Church in Ballinger, TX in the amount of $516.67 monthly for rent of space to host WIC satellite clinic services, and authorizing the City Manager to negotiate and execute all related documents (Cristina Eureste)

Staff Recommendation:

Approve

Summary/History:

The current lease agreement between City of San Angelo WIC and the First United Methodist Church in Ballinger, TX has expired. At this time, the church has reviewed the agreement and is agreeable to entering a new two-year term beginning July 1, 2023 through June 30, 2025. It is necessary to maintain a satellite clinic presence in Ballinger, which comprises a large portion of our participants served annually. The rental costs of the proposed lease agreement will remain the same, which is $516.67 monthly. This is a WIC allowable cost and is within the current WIC budget.

Funding Source(s):

Financial Impact:

The monthly rental cost will be $516.67, which is a WIC allowable cost and within the WIC budget.

Other Information/Recommendation:

Staff recommends approval.

Attachments:

Presentation:

Cristina Eureste

Approvals/Reviews:

Cristina Eureste	Created/Initiated
Bob Salas	Approved

Theresa James	Approved
Tina Dierschke	Approved
Heather Stastny	Final Approval

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

Requestor: Cristina Eureste, WIC Manager, WIC

Meeting Date: November 21, 2023

Item type: Consent Item

Caption:

Consider a resolution accepting a WIC vehicle from the Texas Department of Health and Human Services WIC Program and authorizing the City Manager to negotiate and execute all related documents (Cristina Eureste)

Staff Recommendation:

Approve

Summary/History:

Requesting approval to accept a 2023 Ford Bronco for the San Angelo WIC program, including satellite clinics, donated by the Texas Department of Health and Human Services WIC Program. The vehicle will be utilized by staff for WIC business and to provide WIC services to our participants.

Funding Source(s):

Financial Impact:

Budgeted funds for the maintenance of this vehicle exist.

Other Information/Recommendation:

Staff recommends approval.

Attachments:

1. Resolution accepting Ford Bronco WIC — Resolution accepting Ford Bronco WIC.docx

Presentation:

Cristina Eureste

Approvals/Reviews:

Cristina Eureste	Created/Initiated
Bob Salas	Approved
Theresa James	Approved
Heather Stastny	Final Approval

A RESOLUTION BY THE CITY OF SAN ANGELO CITY COUNCIL ACCEPTING THE DONATION OF A BUS TO THE SAN ANGELO WIC PROGRAM

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

WHEREAS, the State of Texas Health and Human Services WIC Program has offered the City of San Angelo WIC program a 2021 Ford E450 Starcraft bus for program use; and

WHEREAS, the San Angelo WIC Program has use for the vehicle to further the mission and purpose of the program.

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

Part 1: That the City of San Angelo hereby accepts a donation of a 2023 Ford Bronco from Texas Health and Human Services WIC Program.

Part 2: That the vehicle shall be used in the San Angelo WIC Program for program purposes.

ADOPTED this the 21st Day of November, 2023.

CITY OF SAN ANGELO, TEXAS

ATTEST:

_____
Brenda Gunter, Mayor

_____
Heather Stastny, City Clerk

APPROVED AS TO FORM

_____
Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

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

Meeting Date: November 21, 2023

Item type: Consent Item

Caption:

Consider supporting the private fundraising efforts to implement and place art at the San Angelo Regional Airport passenger terminal, and authorizing the City Manager to accept any proceeds and negotiate and execute all related documents (Carl White, Jeremy Valgardson)

Staff Recommendation:

Adopt

Summary/History:

At its meeting on October 31, 2023, the Public Art Commission discussed for the second time the possibility of incorporating art at the San Angelo Regional Airport passenger terminal. This concept had been previously considered by the Airport Advisory Board as well. During this meeting, the Public Art Commission recommended approval for collaboration with "Art in Uncommon Places" to develop and install art at the passenger terminal. Included with this item are images depicting what this art would look like and where it would be placed.

The Commission believes that our city is blessed with an abundance of beautiful art, especially in the downtown area. As such, the incorporation of art at the passenger terminal serves not only to showcase San Angelo's unique artistic styles but also to provide travelers with a visual taste of the artistic richness they can expect to encounter as they explore our wonderful city.

If this item is approved, Art in Uncommon Places will work closely with the Airport to ensure proper placement of the art, especially as it concerns FAA constraints and requirements.

Funding Source(s):

Financial Impact:

There is no financial impact related to this item.

Other Information/Recommendation:

A draft of the minutes from the recent Public Art Commission meeting including discussion of this item is attached.

Attachments:

1.	November 7, 2023 for City Council	November 7, 2023 for City Council.pdf
2.	Minutes draft October 31, 2023	Minutes draft October 31, 2023.pdf

Presentation:

Carlton White, Jeremy Valgardson

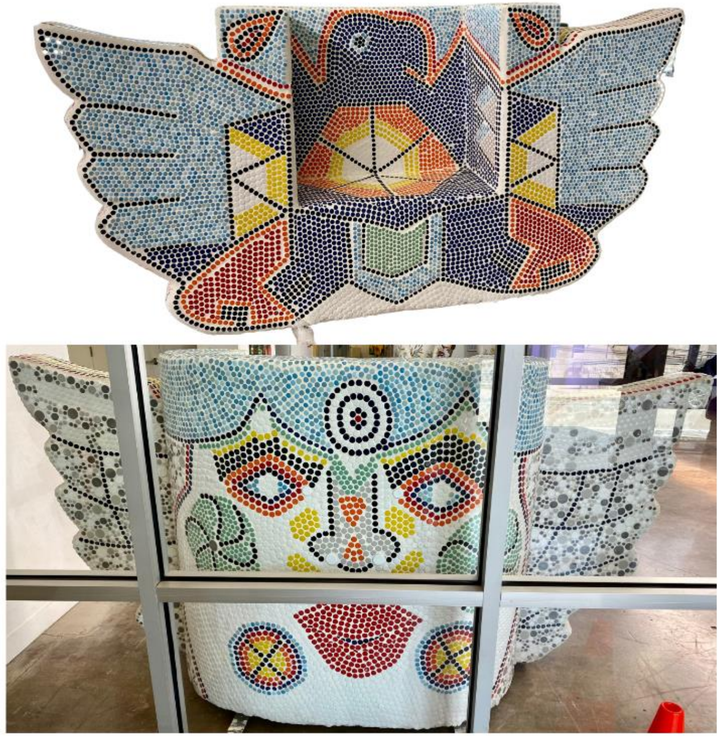
Approvals/Reviews:

Carlton White	Created/Initiated
Tina Dierschke	Approved
Theresa James	Approved
Heather Stastny	Final Approval

Public Art Commission

November 7, 2023

www.cosatx.us



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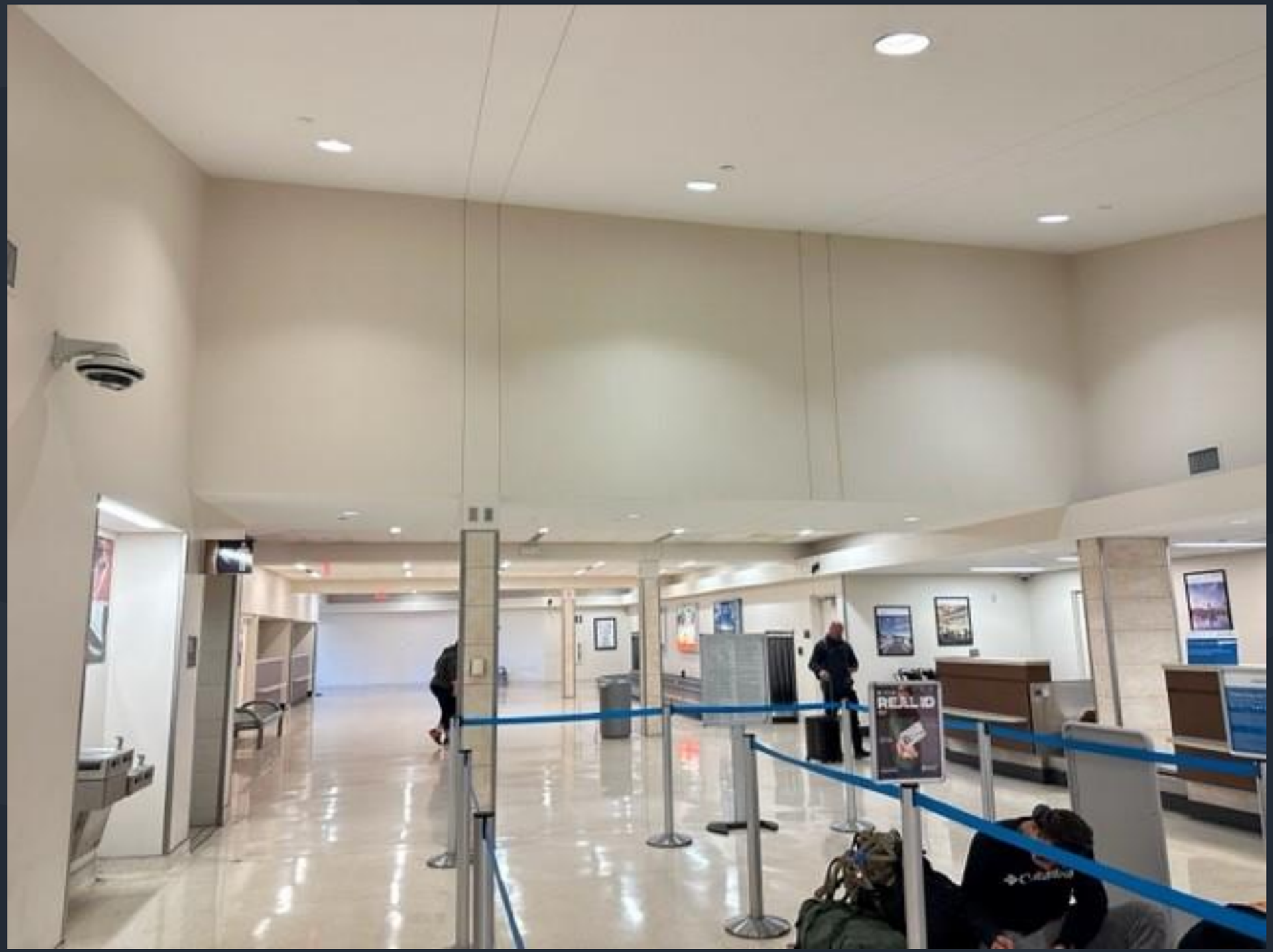
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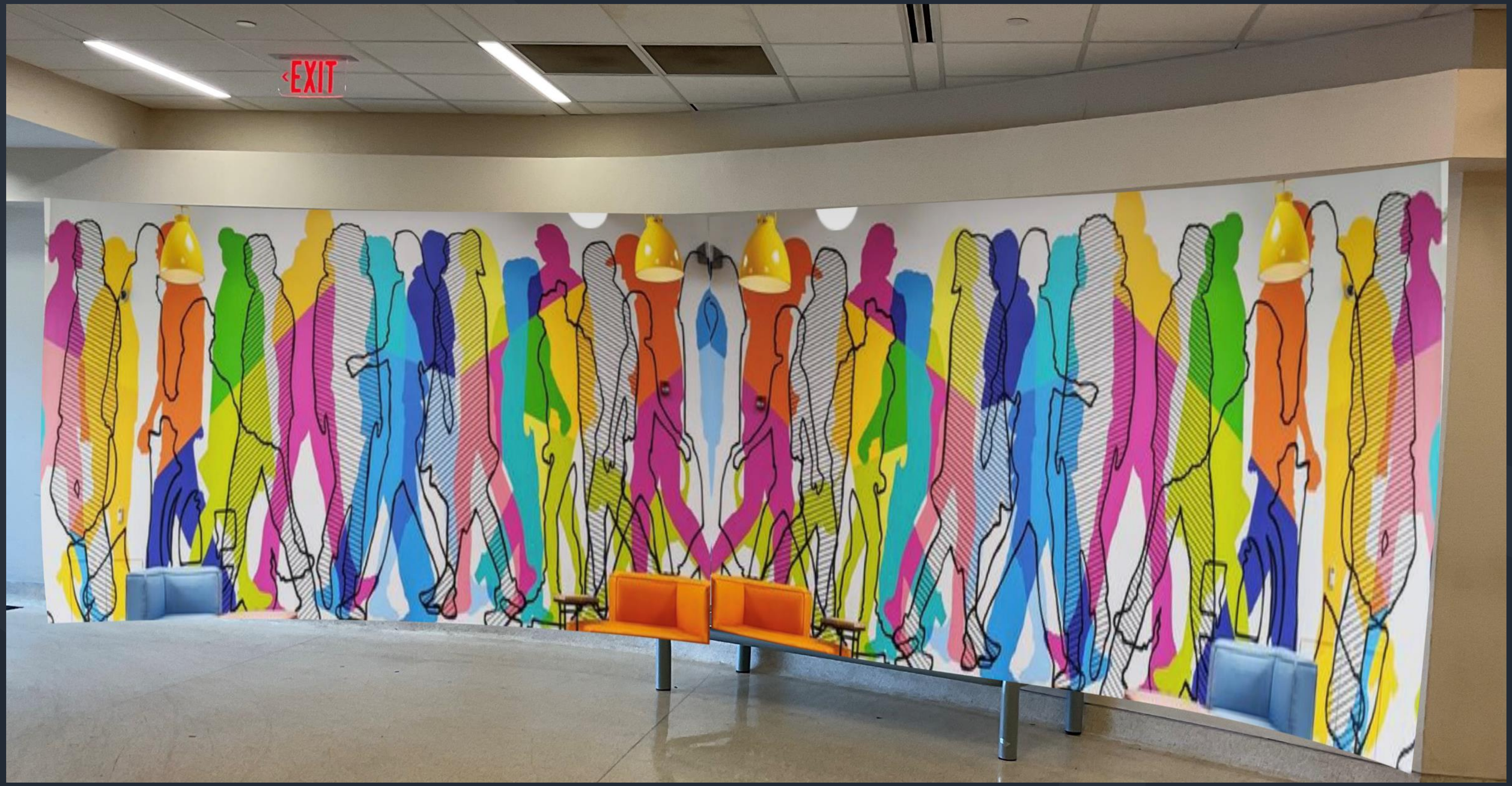

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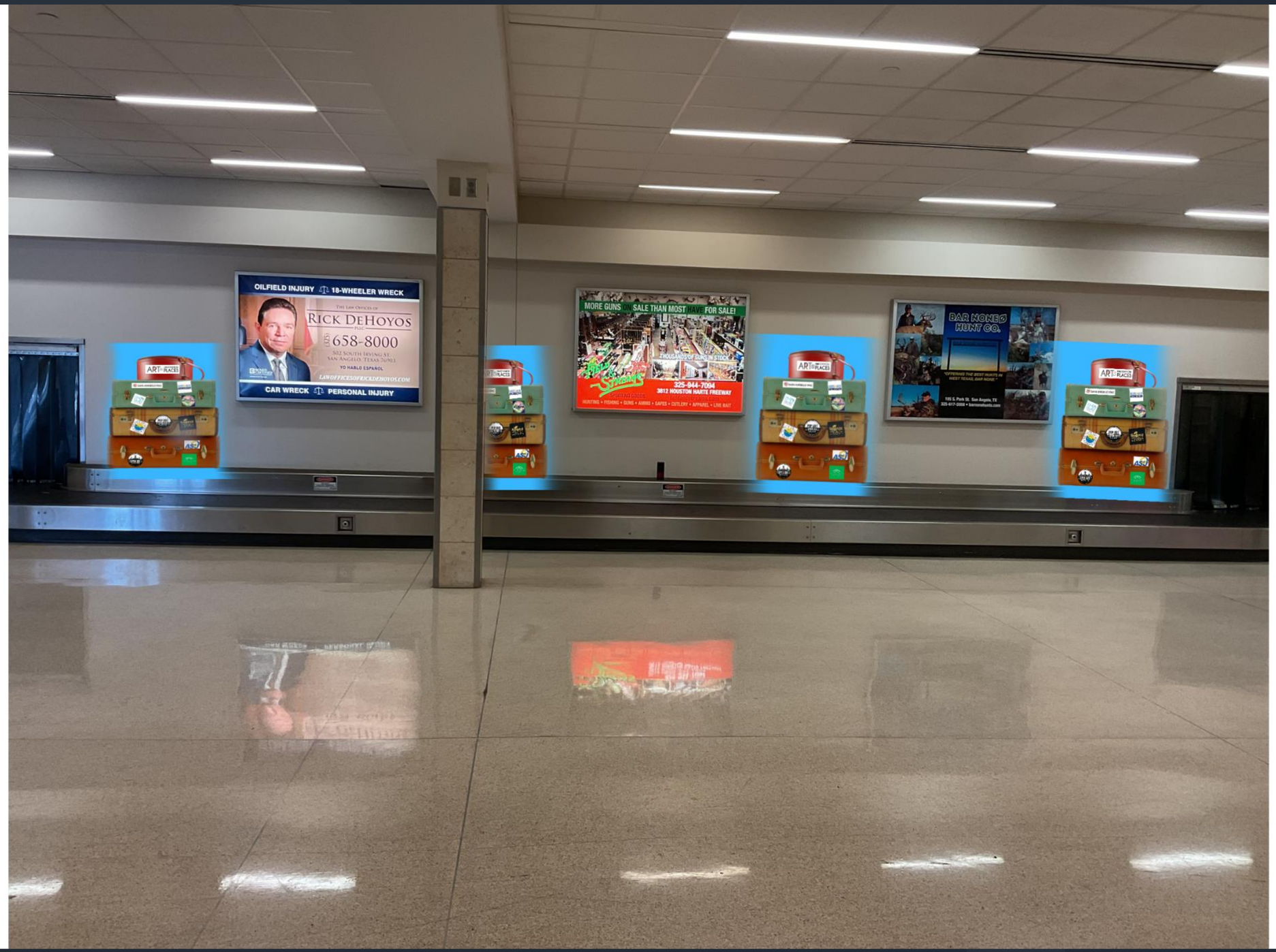
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THE CITY OF SAN ANGELO, TEXAS
MINUTE RECORD OF A REGULAR MEETING OF
THE PUBLIC ART COMMISSION

Following notice and publication, the Public Art Commission convened in a regular meeting at 3:30 p.m., **October 31, 2023** in the Station 618 Office Suite Conference Room, 618 S. Chadbourne St., San Angelo, Texas. **Commission Members Present** were Ryan Dalgliesh, Raul Ruiz, Mark Stevenson, Elaine Stribling and Suzanna Valenzuela. **Staff Members Present** were Roger Havlak, Jeremy Valgardson and Carl White. Guests present were Olivia Perez-Langley, Julie Raymond, Leah Rivera, Katherine Bautista, Laura Huckaby, Monica Ramos and Del Velasquez. The minutes were recorded by Barbara Stallworth.

I. OPEN SESSION (3:30 P.M.)

A. Call to Order

Mr. Dalgliesh called the meeting to order at 3:33 p.m.

B. Public Comment

No public comment.

II. CONSENT AGENDA

1. Consider approving the July 27, 2023 minutes. Mr. Dalgliesh motioned to approve the minutes. The motion was seconded by Ms. Stribling and passed unanimously.

III. REGULAR AGENDA: PUBLIC HEARING AND COMMENT

2. Consider the continued placement of the San Angelo Museum of Fine Arts sculpture competition winner at the sculpture gardens, Sunken Garden Park. Laura Huckaby discussed the different sculpture pieces that were part of the competition and stated the artists would like to keep their pieces on display for another year. A map was shown of the park and the display location. Mr. White asked when the next competition will be. Ms. Huckaby stated the competition is something they want to continue and it will either be in 2024 or 2025. Potential sponsors are already getting arranged. Ms. Raymond complemented the Parks Department for having great landscaping in this park area. Ms. Huckaby said some of the artists will be in town to touch up their art pieces. Mr. White asked her to let him know when so this can be communicated to the Parks staff. Elaine Stribling motioned for the art to be approved and remain in the current location for another year. Mr. Stevenson seconded the motion and it was passed unanimously.

3. Review, discuss and recommend art and its placement for the San Angelo Regional Airport passenger terminal. Mr. White showed pictures of the airport and pictures of various art works that are suggested to go into the airport. The art that is being discussed are pieces of furniture, murals and wrapped columns. Ms. Raymond stated that Art in Uncommon Places met with Mr. Valgardson and the Airport Board, prior to this meeting, to discuss the different pieces of art and the areas the art would be placed. Mr. White showed pictures of the entrance of the airport. These pictures displayed the works of art that were discussed in the meeting with Mr. Valgardson. Mr. Dalgliesh had some questions about durability of the furniture pieces. Ms. Raymond answered questions about the furniture materials. Ms. Raymond stated the actual placement of the furniture is not known yet but she will be working with Mr. Valgardson to make sure items are not violating any regulations or laws. Ms. Raymond identified a few areas on the pictures of the airport that would have murals painted and showed pictures of those murals. Ms. Perez-Langley showed a picture of an area at the airport that would have a copper design. Ms. Raymond explained that along the baggage claim area, there would be a display of vintage suitcases made into an art arrangement. These suitcaseswould have stickers of businesses and places to see in San Angelo. Mr. Raymond stated that one of the biggest impacts on tourism is to have an aesthetically appealing airport. Mr. Valgardson spoke to the group about his concern with the placement of the furniture. He stated that the Airport Board was not excited about the furniture pieces and some of the other ideas are supported. Mr. White explained the process to the group for clarification. He stated that the Airport Board determines if the airport wants art. Once that is determined, the art and its location proposed would be considered by the Public Art Commission. Once that

is completed, the recommendation should be taken to City Council for approval. Joseph Rallo and William Pritchard, members of the Airport Advisory Board, were present and stated they do not like the furniture that was selected as well as the chronological order of the meetings that led to the current meeting with recommendations. Mr. Dalgliesh asked questions to identify the timeline of the meetings and it was determined that the course taken has been done appropriately. Mr. Dalgliesh asked Mr. Rallo and Mr. Pritchard if they agreed with the murals and other paintings that were suggested at the airport. Mr. Rallo and Mr. Pritchard agreed they did approve of the mural and paintings. Ms. Raymond said she would work with Mr. Valgardson on the murals and furniture placement in other areas that Mr. Valgardson said may be better suited for the furniture. Ms. Raymond went over the proposal details. Ms. Valenzula made a motion to move forward with the art project with guidance from Mr. Valgardson on placement of furniture due to laws and regulations the airport has to follow due to safety responsibilities. Ms. Stribling seconded the motion. Mr. White requested that each person in the meeting speak their thoughts of the proposal and if there were any objections. The motion passed unanimously and will be presented to City Council on November 21, 2023.

4. **Discuss and make recommendations on art and its placement for the new pedestrian areas along Chadbourne Street (North Concho River to Beauregard Avenue).** Mr. White showed a view of the renovated walkways that are being discussed. Mr. White asked the group about the possibility of themed public art being placed in various locations along this route. Mr. White explained that a subcommittee can be established to assist in the decision on where the public art could be placed and what type of public art could be displayed. Mr. Velasquez spoke on the design of the street area and how it was designed to allow art to be placed in various locations. Mr. White reminded the group that the Parks Division will be able to maintain the landscaping along this route. Mr. Dalgliesh suggested a subcommittee be established to consider this project. The subcommittee was created with Suzanne Valenzuela, Elaine Stribling, Del Velasquez, Julie Raymond, Ryan Dalgliesh, Monica Ramos, Roger Havlak and Carl White. Mr. White requested to have one or more meetings before returning to the Public Art Commission with recommendations.

5. **Review, discuss and recommend the art and its placement of "Sheep Spectacular" sheep along Chadbourne Street: a. 118 S. Chadbourne St., sponsored by Till Dark Investments b. S. Chadbourne St. between E. Twohig Ave. and E. Concho Ave., sponsored by PETA** Mr. White showed views of the proposed location and art of the "Sheep Spectacular" sheep and identified a nearby mural. Mr. Dalgliesh asked if anyone had any questions or concerns about moving this "Sheep Spectacular" sheep to this new location, and there were no concerns. Mr. Ruiz made a motion to relocate the "Sheep Spectacular" sheep to this new location. This motion was seconded by Mr. Stevenson and passed unanimously. Mr. White showed pictures of the PETA "Sheep Spectacular" sheep and asked for the group to envision where this could be placed and showed two options of possible locations. Ms. Ramos stated that she did not feel this "Sheep Spectacular" sheep was fitting for the downtown area due to the fact that the design goes against the history of San Angelo. Mr. Dalgliesh appreciated Ms. Ramos' view and stated that the design seemed political. Mr. Dalgliesh stated he does not approve of this design as well and wanted to prevent other political statements being expressed on other "Sheep Spectacular" sheep that are placed. Mr. Ruiz agreed and stated that this "Sheep Spectacular" sheep being downtown is not a fit for the downtown area. Mr. Ruiz stated that if the sponsor would like to put a "Sheep Spectacular" sheep on private property, then that is an option for them but he would vote against it being downtown. Mr. White stated that most of the "Sheep Spectacular" sheep are placed in close proximity to sponsoring businesses, but this sheep does not have an affiliated business. Mr. Stevenson expressed his concern for the statement this "Sheep Spectacular" sheep is representing and it does not go with our mission in his opinion. Mr. Stevenson made a motion to not approve the art displayed on the PETA "Sheep Spectacular" sheep. Ms. Stribling seconded the motion and was passed unanimously.

6. **Consider future agenda items.**

Recommendations from the Subcommittee on the public art displays along the new pedestrian areas along Chadbourne Street (North Concho River to Beauregard).

IV. <u>ADJOURNMENT</u>

DRAFT

Ms. Valenzuela motioned for the meeting to be adjourned at 4:43pm. This motion was seconded my Mr. Dalgliesh and passed unanimously.

_____ **Approved**

DRAFT

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

Requestor: Patrick Frerich, Director of Operations, Operations

Meeting Date: November 21, 2023

Item type: Consent Item

Caption:

Second reading of an ordinance amending Chapter 10 "Traffic Control", Article 10.03 "Operation of Motor Vehicles", Section 10.03.091 "One-way Streets and Alleys" of the Code of Ordinances to assign a portion of Howe St. as one-way during designated hours, and authorizing the City Manager to negotiate and execute all related documents (Patrick Frerich)

Staff Recommendation:

Adopt

Summary/History:

Per Division 4 Section 10.03.091 - One-Way Streets and Alleys, the City of San Angelo may designate streets as one-way to ensure the safe and efficient flow of vehicular traffic. The requirement for the flow of traffic in only one-direction can be a strict designation or only during select hours as necessary.

Howe Street adjacent to TLCA's campus is recommended by the City Engineer for a one-way designation:

- traveling south;
- from West Houston Harte Expressway Frontage Road to Freeland Avenue; and
- during school hours.

Growing enrollment at that campus has increased the amount of traffic on Howe Street to a point where enhanced traffic control is necessary. A one-way designation will ensure that traffic moves efficiently during school hours. The one-way restriction will end just past TLCA's campus at Freeland Avenue, thus limiting the impact to residents in the surrounding neighborhood.

TLCA Administration originally made the request for a one-way designation on Howe Street. Staff observed the traffic patterns during peak times and worked with TLCA Administration on the specific requirements for this designation. TLCA will reimburse the City for the initial costs of installation related to this request.

Funding Source(s):

Financial Impact:

TLCA will reimburse the City for all costs related to this designation. The City will be responsible for the maintenance of all signs after the initial installation.

Other Information/Recommendation:

Engineering Staff recommends designating Howe Street as one-way only from West Houston Harte Expressway Frontage Road to Freeland Avenue during TLCA school hours.

Attachments:

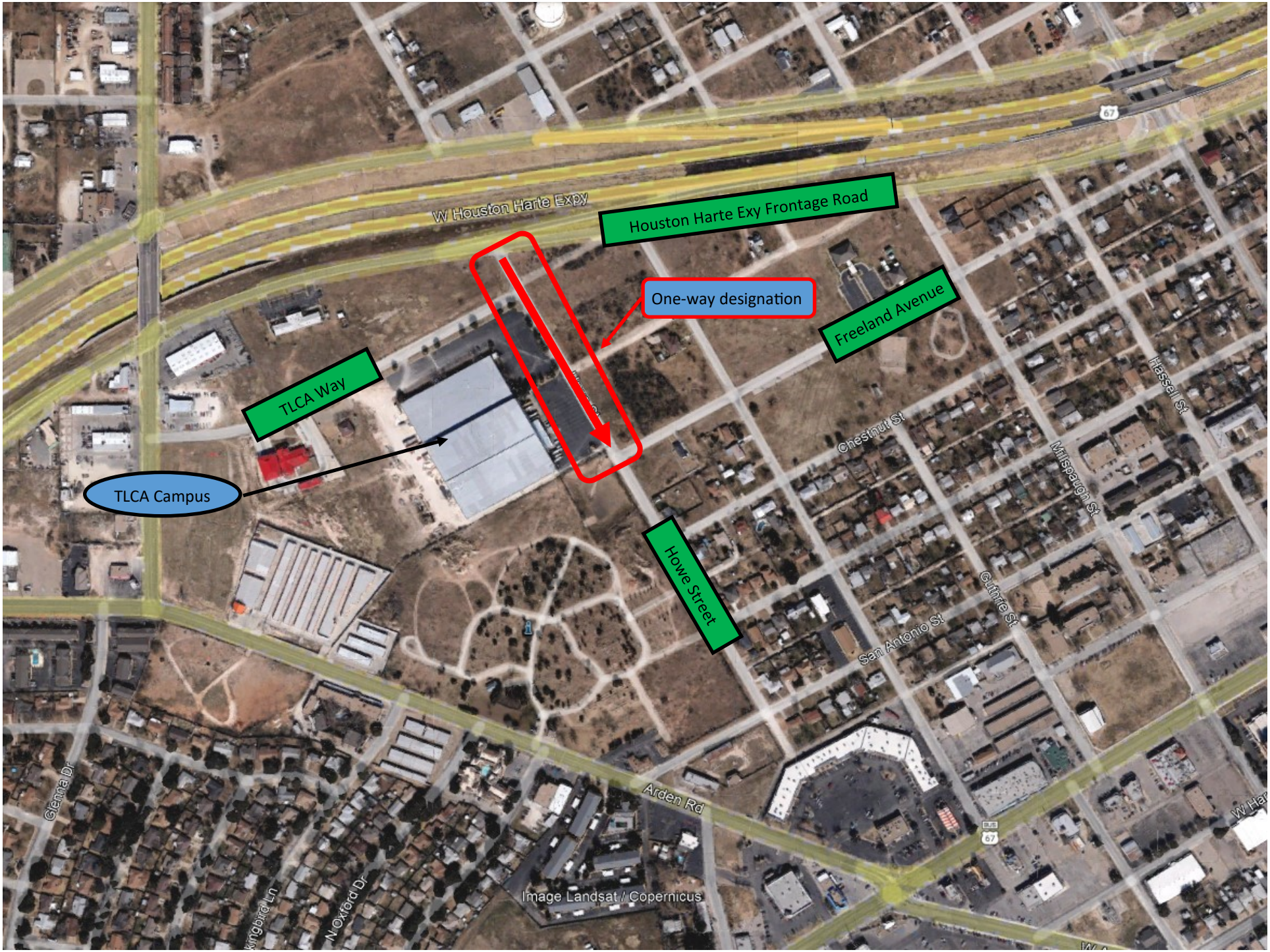
1.	Howe St. One-Way - Aerial	Howe St. One-Way - Aerial.pdf
2.	Ordinance Howe one way street designation	Ordinance Howe one way street designation.docx

Presentation:

Patrick Frerich

Approvals/Reviews:

Patrick Frerich	Created/Initiated
Shane Kelton	Approved
Kevin Pate	Approved
Theresa James	Approved
Tina Dierschke	Approved
Heather Stastny	Final Approval


W Houston Harte Expy
Houston Harte Exy Frontage Road
One-way designation
Freeland Avenue
TLCA Way
TLCA Campus
Howe Street
Chestnut St
Millspaugh St
Hassell St
Guthrie St
San Antonio St
Arden Rd
Glenna Dr
N Oxford Dr
Image Landsat / Copernicus

AN ORDINANCE OF THE CITY OF SAN ANGELO, TEXAS, AMENDING CHAPTER 10 "TRAFFIC CONTROL", ARTICLE 10.03 "OPERATION OF MOTOR VEHICLES", SECTION 10.03.91 "ONE-WAY STREETS AND ALLEYS" OF THE CODE OF ORDINANCES OF THE CITY OF SAN ANGELO, TEXAS BY ADDING PORTIONS OF HOWE STREET AS A DESIGNATED ONE-WAY STREET; PROVIDING FOR A PENALTY; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE

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

SECTION 1. THAT Chapter 10 "Traffic Control", Article 10.03 "Operation of Motor Vehicles", Section 10.03.91 "One-way streets and alleys" is hereby amended by adding the following:

> "(45) Southbound traffic on Howe Street from West Houston Harte Expressway Frontage Road to Freeland Avenue, between 7:00 a.m. and 4:00 p.m. on regular school days."

SECTION 2. THAT **a**ny person, firm or corporation violating any provisions of this article shall be guilty of a misdemeanor and upon conviction shall be subject to a fine as provided for in Section 1.01.009 of this Code. Each day of such violation shall constitute a separate offense.

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

SECTION 4. THAT this Ordinance shall take effect and be in full force and effect from and after the date of its passage.

INTRODUCED with public hearing on the 7th day of November, 2023 and finally PASSED, APPROVED AND ADOPTED on this the 21st day of November, 2023.

THE CITY OF SAN ANGELO

_____
Brenda Gunter, Mayor

ATTEST:

_____
Heather Stastny, City Clerk

APPROVED AS TO FORM

_____
Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

Requestor: Ryan Kramer, Sr. Fleet Manager, Fleet Services

Meeting Date: November 21, 2023

Item type: Consent Item

Caption:

Consider approving BuyBoard Contract #706-23 with Bobcat Company for the purchase of five mowers, with the option to purchase one additional mower, in the amount of $81,834, utilizing $7,456 from Fairmount Cemetery fund balance and authorizing the City Manager to negotiate and execute all related documents (Presentation made by Senior Fleet Manager Ryan Kramer)

Staff Recommendation:

Approve

Summary/History:

Council approval is requested for the purchase of five riding mowers plus one optional purchase in the event an additional unit is needed and can be funded. This equipment is to be utilized by multiple divisions (Parks, Fairmount Cemetery, Water Reclamation). These mowers will replace units that have exceeded their useful life or will be added to Division's fleet assignments as required duties change. The mower purchased for Fairmount Cemetery will be funded from this Department's Fund Balance.

The requested purchase will be made from Bobcat Company and sourced through the regional dealer (Bobcat of Abilene, Abilene, TX).

Funding Source(s):

Fund:	Account:	Project Number:	Amount Budgeted:
General Equipment Replacement	501-6000-800.07-41		$43,207.6
Water Reclamation	270-5400-800.07-41		$14,701.2
Fairmount Cemetery	440-6400-800.07-41		$7,455.20

Financial Impact:

The initial purchase of 5 mowers will be paid from FY'24 budgeted money ($57,909) and from current Fairmount Cemetery Fund Balance ($7,456), respectfully, for a total of $65,364. If required, the optional mower will be purchased from FY'24 budgeted funds not to exceed $16,470.

Other Information/Recommendation:

Staff recommends approval of BuyBoard Contract #706-23 for the purchase of five mowers, with the option to purchase one additional mower, from Bobcat Company.

Attachments:

1.	SAN ANGELO, CITY - MOWERS (5) - NC175645	SAN ANGELO, CITY - MOWERS (5) - NC175645.docx
2.	BA Memo - Cemetery	BA Memo - Cemetery.pdf

Presentation:

Ryan Kramer

Approvals/Reviews:

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

Product Quotation
Quotation Number: **NC175645**
Quote Sent Date: **Nov 03, 2023**
Expiration Date: **Dec 03, 2023**

Your Bobcat Contact
Nolan Clark
Phone:
E-mail: nolan.clark@doosan.com

Your Customer Contact
RYAN KRAMER

Deliver to
CITY OF SAN ANGELO 2429339 - SAN ANGELO - TX
1727 SAINT ANN ST
SAN ANGELO, TX, 76905-6266

Bobcat Dealer
Bobcat of Abilene, Abilene, TX
2257 SOUTH TREADWAY BLVD
ABILENE, TX, 79602
JUSTIN HOLLOWAY

Bill To
CITY OF SAN ANGELO (272406)

Item Name	Item Number	Quantity	Price Each	Total
ZT7072SW - ZT7000 Zero Turn Riding Mower	9997065	3	14,111.20	42,333.60
Standard Equipment: Engine: Kawasaki FX1000 EFI Deck: AirFXTM Cutting System Air-Gap Baffles XL Grass Discharge Chute Front bull-nose designed Deep profile Adjustable front lips Cast Iron Spindle Assemblies Engine Compartment: Rotating rear bumper 2 inch hitch receiver Tires: Drive Tires: 26 x 12 - 12 OTR Caster Tires: 15 x 6.5 - 6 No Flat OTR		Transmission: Hydro-GearTM ZT-5400 2-Speed Hydrostatic Transaxle Operator Platform: Instrumentation: Fuel Gauges, Hourmeter and PTO Throttle and Choke Cables 12 V Plug Outlet Key Switch Front Mounted Light Extra High Back Full Mechanical Suspension Seat Padded Arm Rest Fore/Aft Adjustment Seat Belt Roll Over Protective Structure (ROPS) meets OSHA 1928.51 & 1928.52 Meets standard ANSI/OPEI B71.4 Anti-Vibration Foot Plate Operator Controls: Hand Deck Lift Assist Adjustable Foot Deck Lift Assist Height of Cut Tethered Pin Adjustable Control Levers Fore/Aft/Up/Down Warranty: 36 months, or 2000 hours whichever occurs first			
	Total for ZT7072SW - ZT7000 Zero Turn Riding Mower			**42,333.60**
ZT7061SW - ZT7000 Zero Turn Riding Mower	9997064	1	13,215.20	13,215.20
Standard Equipment: Engine: Kawasaki FX1000 EFI Deck: AirFXTM Cutting System		Transmission: Hydro-GearTM ZT-5400 2-Speed Hydrostatic Transaxle Operator Platform: Instrumentation: Fuel Gauges, Hourmeter and PTO		

Air-Gap Baffles XL Grass Discharge Chute Front bull-nose designed Deep profile Adjustable front lips Cast Iron Spindle Assemblies Engine Compartment: Rotating rear bumper 2 inch hitch receiver Tires: Drive Tires: 26 x 12 - 12 OTR Caster Tires: 15 x 6.5 - 6 No Flat OTR		Throttle and Choke Cables 12 V Plug Outlet Key Switch Front Mounted Light Extra High Back Full Mechanical Suspension Seat Padded Arm Rest Fore/Aft Adjustment Seat Belt Roll Over Protective Structure (ROPS) meets OSHA 1928.51 & 1928.52 Meets standard ANSI/OPEI B71.4 Anti-Vibration Foot Plate Operator Controls: Hand Deck Lift Assist Adjustable Foot Deck Lift Assist Height of Cut Tethered Pin Adjustable Control Levers Fore/Aft/Up/Down Warranty: 36 months, or 2000 hours whichever occurs first		
	Total for ZT7061SW - ZT7000 Zero Turn Riding Mower			**13,215.20**
ZT3548SF - ZT3500 Zero Turn Riding Mower	9993501	1	7,455.20	7,455.20
Standard Equipment: Engine: Kawasaki FX651V Gas Engine Deck: TufDeck ProTM Cutting System Double-WaveTM Baffles XL Grass Discharge Chute Front bull-nose designed Cast Aluminum Spindle Assemblies Engine Compartment: Rear Engine Guard Tires: Drive Tires: 23 x 10.5 - 12 OTR Caster Tires: 13 x 6.5 - 6 OTR		Transmission: HG ZT-3400 Hydrostatic Transaxles Operator Platform: Instrumentation: Fuel Gauges, Hour meter and PTO Throttle and Choke Cables 12 V Plug Outlet Key Switch High Back Full Mechanical Suspension Seat Fore/Aft Adjustment Seat Belt Meets standard ANSI/OPEI B71.4 Operator Controls: Foot Deck Lift Assist Height of Cut Pin Adjustable Control Levers Fore/Aft/Up/Down Warranty: 36 months, or 1000 hours whichever occurs first		
	Total for ZT3548SF - ZT3500 Zero Turn Riding Mower			**7,455.20**
		Quote Total - USD		63,004.00
		Dealer P.D.I.		250.00
		Destination Charges		2,110.00
		Quote Total - USD		**65,364.00**

Comment:

*Plus applicable taxes. IF Tax Exempt, please include Tax Exempt Certificate with the order.

*Prices per the Texas Buyboard Construction Equipment Contract #706-23.

*All orders should include 1) Accounts Payable Contact and email address, 2) W9 with correct legal entity name, and 3) Bill to Address.

*Orders may be placed with the contract holder or authorized dealer as allowed by the terms and conditions of the contract. *A Copy of all orders must be provided to Heather.Messmer@Doosan.com.

*Contact Holder Information: Clark Equipment Company dba Bobcat Company, Govt Sales, 250 E Beaton Drive, West Fargo, ND 58078. TID# 38-0425350.

*Payment Terms: Net 60 Days. Credit cards accepted.

*Remittance address: Clark Equipment Company d/b/a Bobcat Company, P. O. Box 74007382, Chicago, IL 60674-7382

Customer Acceptance:
Quotation Number: **NC175645** Purchase Order:_____

Authorized Signature:

Print:_____ Sign:_____

Date:_____ Email:_____

Addresses:

Delivery Address:_____

Billing Address (if different from ship to):_____

Tax Exempt: Y ☐ / N ☐

Exempt in the State of:_____

Tax Exempt ID:

Federal:_____

State:_____

Expiration Date:_____

City of San Angelo

Memo

To: Tina Dierschke, Finance Director

From: Jeremy Walker, Cemetery Supervisor

Date: 11/21/2023

Re: Budget Amendment Request

Purpose of Budget Amendment Request:

Replace mower for the Fairmont Cemetery

Source of Funding:

Fairmont Cemetery Fund Balance

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

Project/Budget to be amended	Revenue	Expense
Capital Equipment		7,456

Additional Comments:

Per the Budget Policy section XIII (C) 3: Changes to the budget that are necessary for purchases, grants, or interlocal agreements if the City Council agenda caption of the item clearly states the funding source and the amount of the item. The background memo must clearly show all funds impacted by the expenditure. If these requirements are met, the agenda item serves as final approval by City Council for the expenditure and the amendment to the budget.

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

Requestor: Cory Sanders, Assistant Chief, Fire Department

Meeting Date: November 21, 2023

Item type: Regular Item

Caption:

Consider awarding HGAC Contract #AM10-23 to Frazer, Ltd. for the purchase and installation of two ambulance modules in the amount of $428,030 for the Fire Department and authorizing the City Manager to negotiate and execute all related documents (Presentation made by Assistant Fire Chief Cory Sanders)

Staff Recommendation:

Approve

Summary/History:

An HGAC quote was requested for the purchase and installation of two new ambulance modules onto 2 new pickup chassis. The chassis will be delivered to San Angelo and taken to Frazer in Houston and scheduled for installation. This quote includes the new ambulance module configured as requested by the Fire Department along with complete installation onto the delivered chassis.

Funding Source(s):

Fund:	Account:	Project Number:	Amount Budgeted:
General Equipment Replacement Fund	501-9100-800.07-42		$428,030.00

Financial Impact:

The total cost of this purchase will be an amount of $428,030.00 for two box modules. As budgeted, one ambulance will be purchased from the Capital Account operating budget, and the other is funded through General Fund Balance generated from the Fire Department's Uncompensated Care Cost Reimbursement.

Other Information/Recommendation:

Attachments:

1. BA Memo - Charity Care Reimbursement 24 — BA Memo - Charity Care Reimbursement 24.pdf
2. San Angelo Fire Department HGAC Quote 3756 — San Angelo Fire Department HGAC Quote 3756 .pdf

Presentation:

Cory Sanders

Approvals/Reviews:

Cory Sanders	Created/Initiated
Kimberly Holle	Approved
Patrick Brody	Approved
Theresa James	Approved
Jeffrey Tomlinson	Approved
Tina Dierschke	Approved
Heather Stastny	Final Approval

City of San Angelo

Memo

To: Tina Dierschke, Finance Director

From: Patrick Brody, Fire Chief

Date: 11/21/2023

Re: Budget Amendment Request

Purpose of Budget Amendment Request:

Budget for reimbursement for care provided to patients who meet certain financial requirements to cover cost of replacing ambulances

Source of Funding:

Charity Care Reimbursement (Ambulance Supplemental Payment Program)

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

Ambulance purchase were discussed in the General Fund Budget Workshop on August 29,2023.

Project/Budget to be amended	Revenue	Expense
Charity Care Reimbursement	377,000	
Ambulance Purchase		377,000

Additional Comments:

Per the Budget Policy section XIII (C) 3: Changes to the budget that are necessary for purchases, grants, or interlocal agreements if the City Council agenda caption of the item clearly states the funding source and the amount of the item. The background memo must clearly show all funds impacted by the expenditure. If these requirements are met, the agenda item serves as final approval by City Council for the expenditure and the amendment to the budget.

HGACBuy	CONTRACT PRICING WORKSHEET For MOTOR VEHICLES Only	Contract No.:	AM10-23	Date Prepared:	11/14/2023

Due to global supply chain constraints, any delivery date contained herein is a good faith estimate as of the date of this order/contract.
As needed, delivery updates will be provided as soon as possible.

Buying Agency:	San Angelo Fire Department	Contractor:	Frazer, Ltd.	3756	HGAC
Contact Person:	Cory Sanders	Prepared By:	Frazer Sales		
Phone:		Phone:	(888) 372-9371		
Fax:		Fax:	(713) 995-0541		
Email:	cory.sanders@cosatx.us	Email:	sales@frazerbilt.com		
Product Description	Type I 14'Type I 14' Customer Provided Chassis				

A. Product Item Base Unit Price Per Contractor's H-GAC Contract: AM10-23 — $153,250.00

B. Published Options - Itemize below - Attach additional sheet(s) if necessary.
(Note: Published Options are "manufacturer standard options" which were submitted and priced in Contractor's proposal.)

Description	Cost	Description	Cost
Heat Shielding	$2,225.00	Acrylic Holder and Sharps at Squad Bench	$1,200.00
Yellow Grab Rails	$275.00		
LiquidSpring	$17,050.00		
Whelen Howler on Primary Siren	$1,875.00		
MEPS	$20,775.00		
Paint One Color	$7,300.00		
Conspicuity on the Rear of the Module in a Chevron Pattern	$2,225.00		
Ground Light at Entry Doors	$1,500.00		
GTT Opticom on Front Wall	$2,725.00		
New Door Locks on Entry Doors	$2,775.00		
Gas Hold-Open in Compartment(Except Genset)	$1,175.00		
(2) Glove Boxes on Front Wall	$500.00		
Voyage Quad View Mirror w/ Back-Up Camera	$2,400.00		
Stacked Cabinet with Medvault Opening	$1,825.00		
Medvault w/ Wifi	$3,975.00		
Current Zoll Medical Product Catelog List Price	$1,965.00	Subtotal B:	$143,530.00

C. Customization Category Totals - Itemize below / Attach additional sheet(s) if necessary.
(Note: Customization options are "manufacturer non-standard options" which were submitted and priced in Contractors's proposal.)

Description	Cost	Description	Cost
		Subtotal C:	$0.00

Check: Total cost of Customization Categories (C) cannot exceed 25% of the total of the Base Unit Price plus Published Options (A+B). — **For this transaction the percentage is:** 0.00%

D. Total Cost Before Any Applicable Trade-In / Other Allowances / Discounts (A+B+C)

Quantity Ordered:	2	X Subtotal of A + B + C:	$296,780.00	=	Subtotal D:	$450,030.00

E. H-GAC Order Processing Charge (Amount Per Current Policy) — Subtotal E: $1,000.00

F. Trade-Ins / Special Discounts / Other Allowances / Freight / Installation / Miscellaneous Charges

Description	Cost	Description	Cost
TRADE IN X-1077 GEC17089	-$11,500.00		
TRADE IN X-1172 HEC22378	-$11,500.00		
		Subtotal F:	-$23,000.00

Delivery Date:		G. Total Purchase Price (D+E+F):	$428,030.00

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

Requestor: Robert Schneeman, Economic Development Coordinator, Economic Development

Meeting Date: November 21, 2023

Item type: Regular Item

Caption:

Consideration and possible action regarding the creation of a Reinvestment Zone for Tax Abatement purposes at 2702 W. Loop 306, also being Lot: 1, Blk: 2, Subd: Southwest Plaza Addition, 3.826 acres, the proposed location of Technology Towers, LLC in accordance with City of San Angelo Code of Ordinances Article 1.09 Taxation, Division 3 Uniform Tax Abatement Policy (Presentation made by Economic Development Interim Director Michael Dane)

Staff Recommendation:

Approve

Summary/History:

Technology Tower, LLC is a partnership of two existing San Angelo companies in the communications technology industry. They have purchased the existing Sitel Building located at 2702 West Loop 306 and anticipate relocating both company operations. They plan to invest approximately $5.1M in capital investment including the purchase of the building, building renovation and infrastructure improvements. The building will also provide space for a data center. They currently have 59 employees at an average salary of $51,000 and anticipate hiring an additional 20 employees. The building was previously vacant.

COSADC approved a resolution at their May 24, 2023 meeting to provide economic development incentives to Technology Towers, LLC. Proposed incentives included $200,000 for a capital investment incentive to be split between purchase of the building and completion of renovations. $50,000 for job creation of 20 FTEs at $2,500 per FTE.

COSADC also recommended Council consider extending a tax abatement of City property tax on the property.
This item was approved by COSADC at their meeting on May 24, 2023 and ratified by City Council at their meeting on June 6, 2023.
At their meeting on October 3, 2023 CIty Council approved the renewal of Chapter 1 “General Provisions”, Article 1.09 “Taxation”, Division 3 “Uniform Tax Abatement Policy”, of the CIty Code of Ordinances.

Technology Towers, LLC has requested a tax abatement in accordance with the ordinance.
According to the approved Tax Abatement Policy, a capital investment of $2.5M -$5M (the proposed increase in value) would receive a 60% tax abatement for a period of up to 7 years, limited, however, "no more than five tax years next following the timely and successful completion of the project."
Assuming current tax rates and a 7 year rebate at 60% of the increase in appraised value, the total tax rebate

would be approximately $89,484.00 over the seven year period of the abatement.

There are six (6) specific steps required by State law to establish a Reinvestment Zone. These are as follows:

1. Adopt Guidelines & Criteria - COMPLETE
2. Designate a Reinvestment Zone
   - Provide 7 day notice of Public Hearing
   - Hold Public Hearing
   - Adopt Ordinance Establishing Reinvestment Zone
3. Statement of Abatement Eligibility
4. Public Notice
   - Provide 30 days notice of meeting
   - Approval of Agreement at Public Hearing
   - Provide written notice to other Taxing Entities
5. Enter Into Agreement
6. Mandatory Reports to Comptroller's Office

Staff is seeking Council guidance on moving ahead with creating this reinvestment zone.

Funding Source(s):

Financial Impact:

Estimated impact of $89,484.00 in taxes abated. No budget action required. Abatement is handled by Appraisal District.

Other Information/Recommendation:

Attachments:

Presentation:

Michael Dane

Approvals/Reviews:

Robert Schneeman	Created/Initiated
Michael Dane	Approved
Theresa James	Approved
Tina Dierschke	Approved
Heather Stastny	Final Approval

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

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

Meeting Date: November 21, 2023

Item type: Regular Item

Caption:

Consider a resolution to approve Special Use 23-01 to allow a 119-bed skilled nursing facility on property in the Heavy Commercial zoning district, being 8.25 acres generally located at 3215 YMCA Dr. (Presentation made by Planning & Development Services Assistant Director Aaron Vannoy)

Staff Recommendation:

Approve

Summary/History:

The applicant has applied for a Special Use on the subject property to allow 119 bed Skilled Nursing facility in the Heavy Commercial zoning district located on YMCA Drive. A Skilled Nursing facility (nursing home-Group Living) use is not allowed by right in the current zoning district but can be allowed through an approved Special Use. This facility was originally approved for a Special Use Permit in 2019. That original permit has expired. They are now ready to move forward and are reapplying for the Special Use permit.

Funding Source(s):

Financial Impact:

N/A

Other Information/Recommendation:

City staff recommends approval of the Special Use request to allow the Skilled Nursing Facility in the Heavy Commercial Zoning District, subject to four conditions of approval.
At their regular meeting on October 16, 2023, the Planning Commission unanimously recommended approval, with staff recommended conditions, by a vote of 5-0.

Attachments:

1.	SU23-01 Resolution	SU23-01 Resolution.docx
2.	3215 YMCA Staff Report	3215 YMCA Staff Report.pdf

Presentation:

Aaron Vannoy

Approvals/Reviews:

Sherry Bailey	Created/Initiated
Aaron Vannoy	Approved
Brandon Dyson	Approved
Aaron Vannoy	Approved
Theresa James	Approved
Heather Stastny	Final Approval

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SAN ANGELO TEXAS, AUTHORIZING A SPECIAL USE ALLOWING RW SENIOR HOUSING DEVELOPMENT, LLC, A SKILLED NURSING FACILITY WITHIN THE HEAVY COMMERCIAL, (CH) ZONING DISTRICT, LOCATED ON YMCA DRIVE, 850 FEET NORTHWEST OF THE YMCA DRIVE AND SUNSET DRIVE INTERSECTION

WHEREAS, an application was submitted requesting special use authorization to operate a Skilled Nursing Facility within the Heavy Commercial (CH) Zoning District for the property located on 3215 YMCA Drive, 850 feet northwest of the YMCA Drive and Sunset Drive intersection, more particularly described as Tract 3A, Block 2, Section 2, JCM Addition First Replat of Tract 3 Block 1 and Part of Block 2, being approximately 8.013 acres in the City of San Angelo, Texas, and further depicted in Exhibit "A" attached hereto (the "Property"); and,

WHEREAS, the proposed use is considered a Skilled Nursing Facility, commonly known as a nursing home, which is not allowed by right within the Heavy Commercial, but may be authorized by Special Use approval pursuant to Section 209, Chapter 12, Exhibit A – Zoning Ordinance; and,

WHEREAS, Section 313.E. and Section 320.I. of the Zoning Ordinance allows for a Special Use to be approved in any zoning district where such use can provide effective transition between less restrictive and more restrictive zoning districts; and,

WHEREAS, on October 16, 2023, the Planning Commission for the City of San Angelo, in compliance with the City Ordinances and state law regarding zoning regulations and zoning map, having afforded a full and fair hearing on the Special Use application, made a recommendation to City Council for **Approval** of the Special Use; and,

WHEREAS, notice has been duly published of the time and place of a public hearing before the City Council regarding the subject Special Use, which public hearing was held on the 21st day of November, 2023; and,

WHEREAS, the City Council finds that the proposed Skilled Nursing Facility use is a use not provided for in the Use Table in Section 313 of the Zoning Ordinance, but is a use most closely related to Group Living; and,

WHEREAS, the City Council further finds that the proposed Skilled Nursing Facility use provides an effective transition between less restrictive and more restrictive zoning districts due to the site's presence near multi-family, single family and heavy commercial districts; and,

WHEREAS, the City Council has determined that approval of the Special Use, subject to conditions stated herein, is in the best interest of the health, safety and general welfare of the citizens of the City of San Angelo;

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

(a) A permanent Special Use is approved for a Skilled Nursing Facility on the property located on 3215 YMCA Drive, 850 feet northwest of the YMCA Drive and Sunset Drive intersection, more particularly described as Tract 3A, Block 2, Section 2, JCM Addition First Replat of Tract 3 Block 1 and Part of Block 2, being approximately 8.013 acres in the City of San Angelo, Texas, and further depicted in Exhibit "A" attached hereto.

(b) The Director of the Planning and Development Services Department is hereby authorized and directed to append the Zoning Maps in the Office of the Director of the Planning and Development Services Department, to reflect the herein described Special Use approval.

(c) In all other respects, the use of the Property shall be subject to all applicable regulations contained in Chapter 12 of the Code of Ordinances for the City of San Angelo, as amended. The Special Use, as hereby authorized, shall have no fundamental effect upon the subject property's underlying or base zoning classification.

(d) The Special Use, as hereby authorized, shall be subject to the following Conditions:

1. As part of the site plan review process, prepare and submit plans for approval, illustrating the proposed installation of sidewalks along YMCA Drive, and complete the installation in accordance with the approved version of these plans.

2. Submit, obtain approval, and record a subdivision plat meeting all requirements of the Land Development and Subdivision Ordinance for the proposed 8.25 acre site which may include extending utilities, dedicating and improving YMCA Dr.

3. Any proposed signage must be submitted to the Building and Inspections Division for a sign permit which must comply with the standards in the City of San Angelo Sign Ordinance.

4. Submit and obtain approval of an Urban Design Review which includes a parking plan, landscape plan and materials and colors and design elevations for the subject property.

ADOPTED on this the 21st day of November 2023

THE CITY OF SAN ANGELO

_____

Brenda Gunter, Mayor

ATTEST:

_____

Heather Stastny, City Clerk

APPROVED AS TO FORM:

_____

Theresa James, City Attorney

EXHIBIT “A”

Aerial Map
SU23-01: 3215 YMCA Drive
Council District: #1 Tommy Hiebert
Neighborhood: Rio Vista

Scale: 0 0.01 0.02 0.04 0.06 0.08 Miles

Subject Properties:

N

PLANNING COMMISSION – October 16, 2023
STAFF REPORT
City Council November 21, 2023

APPLICATION TYPE:	CASE:
Special Use	SU23-01: Assisted Living Facility

SYNOPSIS:

The applicant has applied for a Special Use on the subject property to allow 119 bed skilled nursing facility in the Heavy Commercial (CH) Zoning District located on YMCA Drive. A skilled nursing facility (nursing home-Group Living) use is not allowed by right in the current zoning district but can be allowed through an approved Special Use.

LOCATION:	LEGAL DESCRIPTION:
YMCA Drive; 850 feet northwest of the intersection of YMCA Drive and Sunset Drive.	Tract 3A, Block 2, Section 2, JCM Addition First Replat of Tract 3 Block 1 and Part of Block 2, City of San Angelo, Tom Green County, Texas

SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #1 – Tommy Hiebert Neighborhood – Rio Vista	Heavy Commercial (CH)	Neighborhood	8.013 acres

THOROUGHFARE PLAN:

YMCA Drive – Urban Minor Collector Street,
60' ROW required – 80' provided; 48' pavement required – 48' provided

NOTIFICATIONS:

17 notifications mailed within 200-foot radius on September 28, 2023.
Three received in favor and none against.

STAFF RECOMMENDATION:

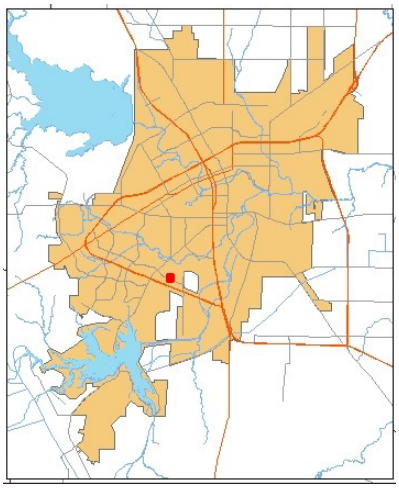
Staff recommends **APPROVAL** of the Special Use request to allow the Skilled Nursing Facility in the Heavy Commercial Zoning District on the subject property located on YMCA Drive, subject to **four conditions of approval**.

PROPERTY OWNER/PETITIONER:

RW Senior Housing Development, LLC

STAFF CONTACT:

Sherry Bailey
Principal Planner
(325) 657-4210, Extension 1546
sherry.bailey@cosatx.us



Additional Information. This group has been looking for a site in San Angelo for over a year. They have several facilities in Texas and surrounding states with a focus on communities around the size of San Angelo or just a little smaller. Under San Angelo's zoning ordinance no zoning districts allow nursing homes or assisted living facilities by right but all require approval of a Special Use.

1. ***Impacts Minimized. Whether and the extent to which the site plan minimizes adverse effects, including adverse visual impacts, on adjacent properties.*** The conceptual site plan shows the facility setback on the property with a circular fire lane/drive and the parking placed between the facility and YMCA Drive. The general look of the facility is more commercial in nature which matches the zoning, but the facility will be single story and landscaped. The impact on the properties across YMCA Drive should be minimal.

2. ***Consistent with Zoning Ordinance. Whether and the extent to which the proposed special use would conflict with any portion of this Zoning Ordinance, including the applicable zoning district intent statement.*** The property in question is zoned Heavy Commercial, however the use of nursing home (Skilled Nursing Facility) is not an allowed use in any zoning district. Therefore, a Special Use designation is the only approach to allow this use. The intensity of the nursing facility is much less than allowed Heavy Commercial uses.

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.** Directly south of the proposed facility is a large apartment complex, and across YMCA Drive is single family housing. The traffic generated currently by the apartment complex is much greater than that that will be generated by the Skilled Nursing Facility. There will be no loud parties or outdoor gatherings at this facility like those one would expect at an apartment complex. With the existing Heavy Commercial zoning the possibility of more incompatible uses than the Skilled Nursing Facility could be developed on this site. The nursing home is residential (Group Living) and less intrusive in nature.

4. ***Traffic Circulation*. Whether and the extent to which the proposed special use is likely to result in extraordinarily prolonged or recurrent congestion of surrounding streets, especially minor residential streets.** The existing apartment complex which fronts on both YMCA Drive and Sunset Drive already generates traffic impacts to the area so the proposed use will not greatly increase the existing traffic circulation. Sunset Drive and YMCA Drive are both collector streets that were designed to handle major traffic generators.

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 believe the proposed facility will create any negative environmental affects, once constructed. The construction and site runoff will be handled through existing ordinances and state requirements.

6. ***Community Need*. <u>Whether and the extent to which the proposed special use addresses a demonstrated community need.</u>** If approved, the Special Use would provide a nursing home facility that is intended for middle income and Medicare qualified clients. That is a demographic that is missing in the existing available facilities. With the ever-increasing older population the need is apparent.

7. ***Development Patterns*. <u>Whether and the extent to which the proposed special use would result in a logical and orderly pattern of urban development in the community.</u>** Current development patterns would not change. The new proposed use will be using existing streets but not generating significantly larger traffic volumes.

<u>Recommendation:</u>
Staff's recommendation is for the Planning Commission to recommend **<u>APPROVAL</u>** of the Special Use to allow a Skilled Nursing Facility in the Heavy Commercial zoning district, subject to **four conditions of approval**.

1. As part of the site plan review process, prepare and submit plans for approval, illustrating the proposed installation of sidewalks along YMCA Drive, and complete the installation in accordance with the approved version of these plans.

2. Submit, obtain approval, and record a subdivision plat meeting all requirements of the Land Development and Subdivision Ordinance for the proposed 8.25 acre site which may include extending utilities, dedicating and improving YMCA Drive.

3. Any proposed signage must be submitted through the City's online submittal portal (ProjectDox) for a sign permit which must comply with the standards in the City of San Angelo Sign Ordinance.

4. Submit and obtain approval of an Urban Design Review which must include a parking plan, landscape plan, and building design, including materials, colors, and design elevations.

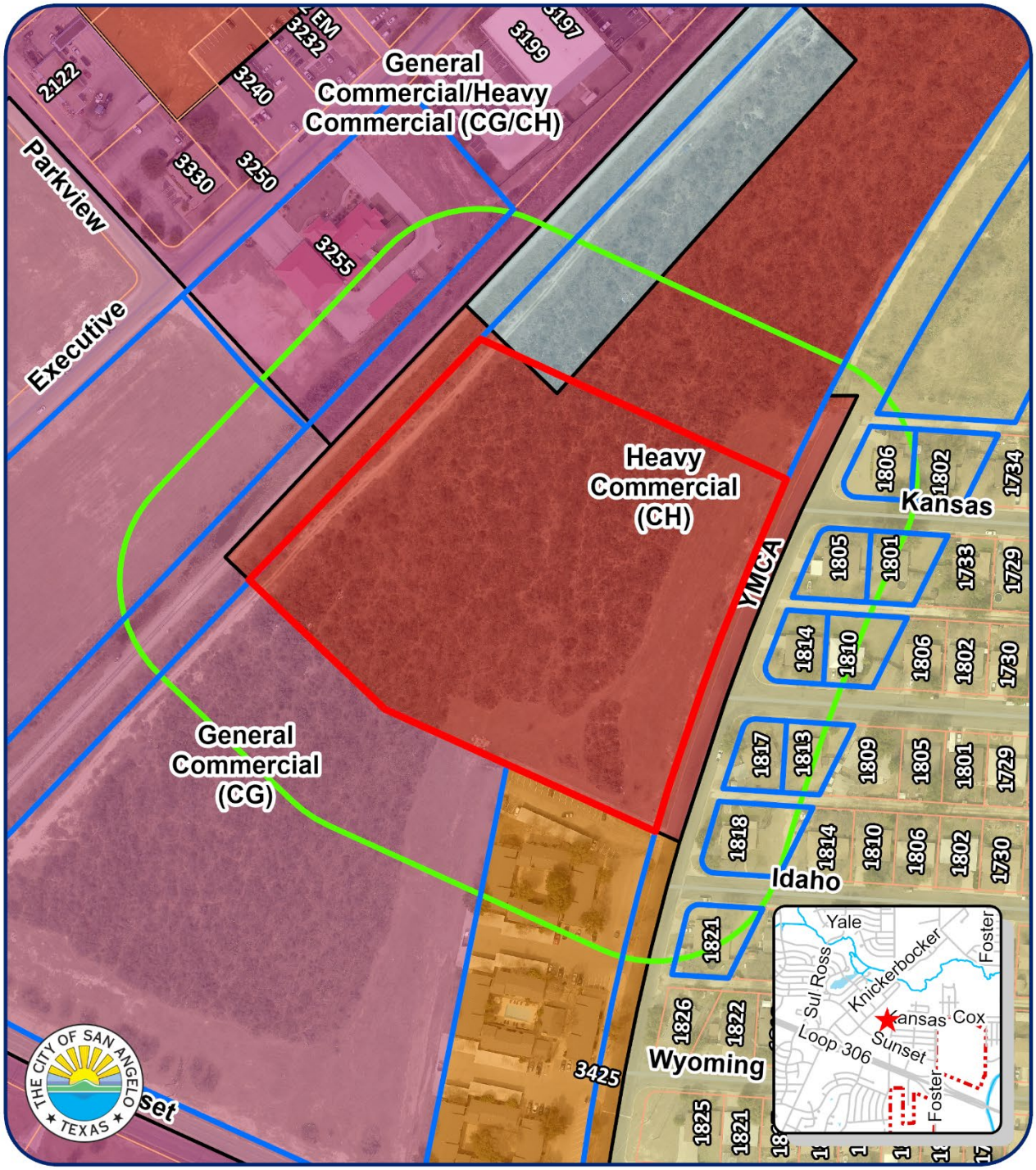
<u>Attachments:</u>
Aerial Map
Zoning Map
Notification map
Photographs
Site Concept Plan

Aerial Map
SU23-01: 3215 YMCA Drive
Council District: #1 Tommy Hiebert
Neighborhood: Rio Vista

Scale: 0 0.01 0.02 0.04 0.06 0.08 Miles

Subject Properties:

N



Zoning Map
SU23-01: 3215 YMCA Drive
Council District: #1 Tommy Hiebert
Neighborhood: Rio Vista

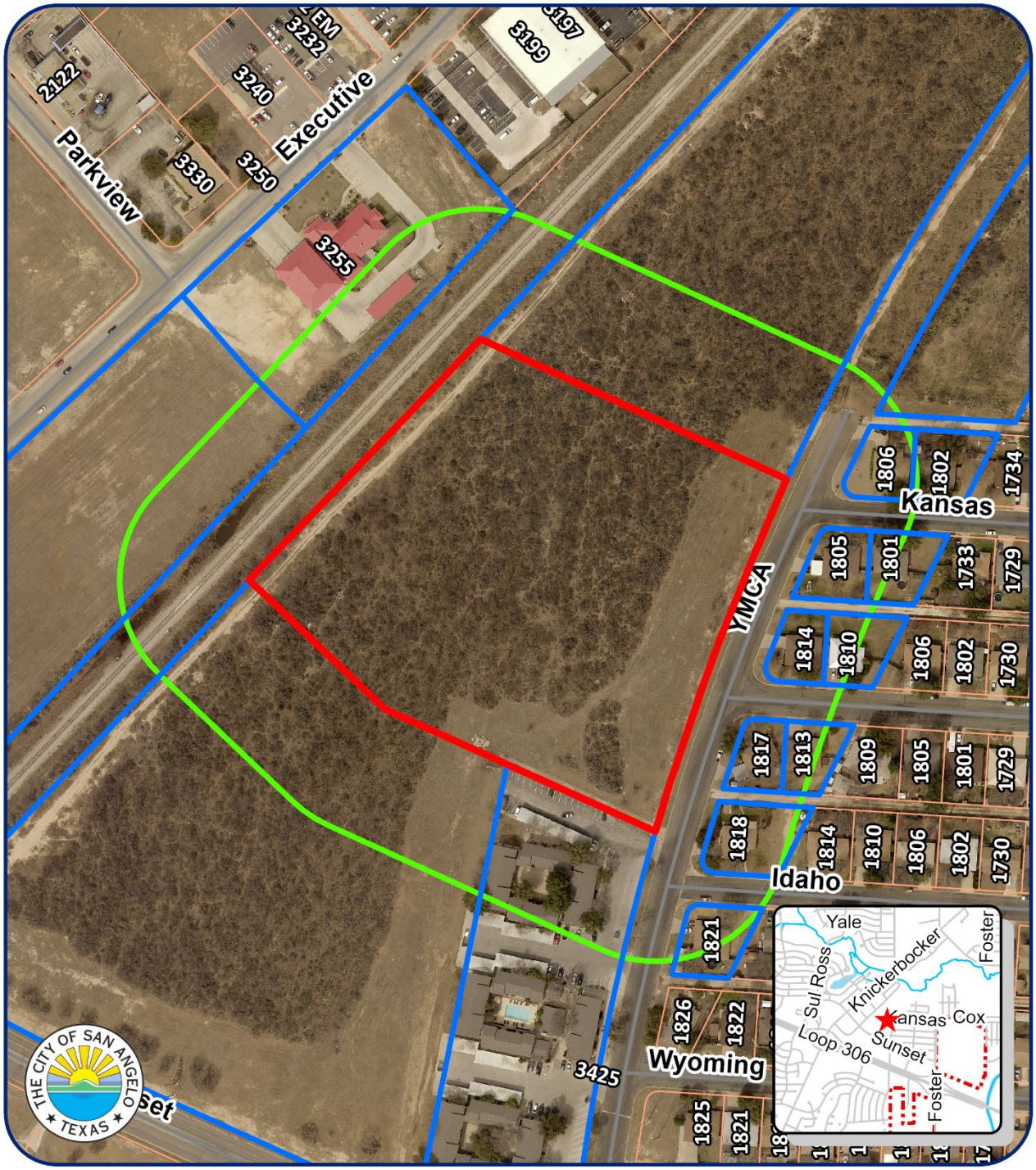
Scale: 0 0.01 0.02 0.04 0.06 0.08 Miles

Subject Properties:

200' Buffer:

Notified Properties:

N



200' Notification Map
SU23-01: 2315 YMCA Drive
Council District: #1 Tommy Hiebert
Neighborhood: Rio Vista

Scale: 0 0.01 0.02 0.04 0.06 0.08 Miles

Subject Properties:

200' Buffer:

Notified Properties:

N

Photos of Site and Surrounding Area

Residences across from the subject property

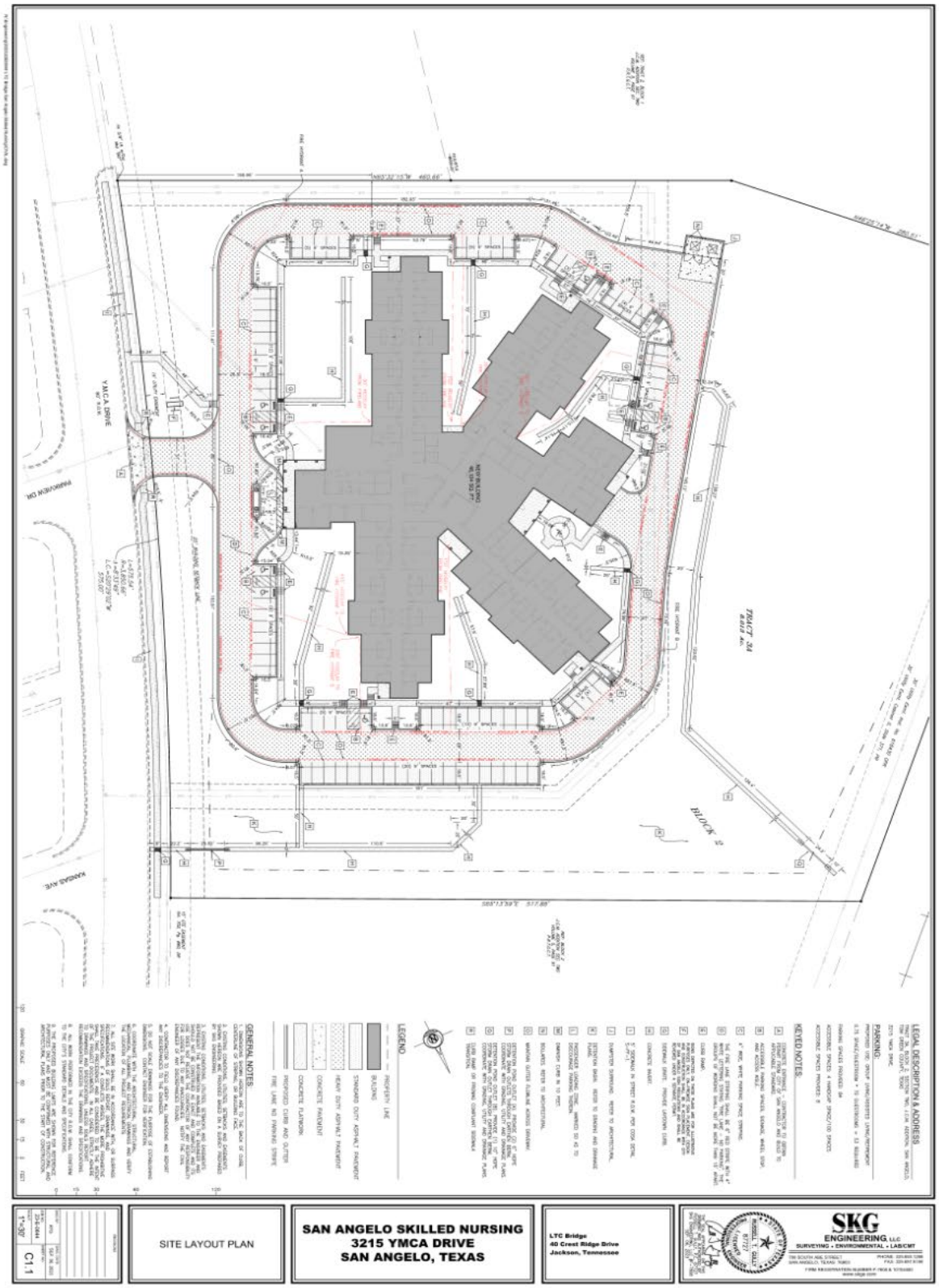
Single family homes on Kansas Ave. and Parkview Dr.

Site of the Skilled Nursing facility adjacent to the apartment complex

Apartment complex

Single family on the east with apartment complex on the west

Apartment complex on YMCA Dr. and Sunset Dr. which is adjacent to Skilled Nursing facility site


LEGAL DESCRIPTION & ADDRESS:
PARKING:
KEYED NOTES:
GENERAL NOTES:
LEGEND
PROPERTY LINE
BUILDING
STANDARD DUTY ASPHALT PAVEMENT
HEAVY DUTY ASPHALT PAVEMENT
CONCRETE PAVEMENT
CONCRETE FLATWORK
PROPOSED CURB AND GUTTER
FIRE LANE NO PARKING STRIPE
YMCA DRIVE
BLOCK 12
TRACT 24
SITE LAYOUT PLAN
SAN ANGELO SKILLED NURSING
3215 YMCA DRIVE
SAN ANGELO, TEXAS
LTC Bridge
40 Crest Ridge Drive
Jackson, Tennessee
SKG
ENGINEERING, LLC
SURVEYING • ENVIRONMENTAL • LAB/CMT
1"=30'
C1.1

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

Requestor: Sherry Bailey, Sr. Planner, Planning Commission

Meeting Date: November 21, 2023

Item type: Regular Item

Caption:

First reading and public hearing of:
1. An ordinance for CP23-02, an amendment to the City of San Angelo Comprehensive Plan, changing certain lands from the Neighborhood Future Land Use to the Neighborhood Center Future Land Use, being approximately 19.705 acres located at the 3900, 4000, 4100, and 4200 blocks along and on either side of Coliseum Dr., south of 43rd St. and north of E. 39th St.
2. An ordinance for PD23-06, a rezoning from the Single Family Residential, Two-Family Residential, and General Commercial/Heavy Commercial zoning districts to a Planned Development zoning district to allow for Single Family Residential, Two-Family Residential, and Neighborhood Commercial zoning districts, subject to certain conditions and limitations, being approximately 19.705 acres located at the 3900, 4000, 4100, and 4200 blocks along and on either side of Coliseum Dr., south of 43rd St. and north of E. 39th St. (Presentation made by Planning & Development Services Assistant Director Aaron Vannoy)

Staff Recommendation:

Adopt

Summary/History:

This will change the Comprehensive Plan designation for this area from "Neighborhood" to "Neighborhood Center". This will also change the zoning of the area from RS-1 (Single Family Residential), RS-2 (Two-Family Residential), and CG/CH (General Commercial/Heavy Commercial) to a Planning Development District, allowing RS-1, RS-2, and Neighborhood Commercial uses subject to certain conditions and limitations.

Based on input from the neighborhood, these proposed conditions will both allow for limited neighborhood-compatible non-residential development, while also providing protection to address concerns of traffic, lighting, aesthetics, and general neighborhood character. The goal is to have a vibrant corridor from Chandbourne to 43rd St. direct to the Coliseum with the ability for citizens and visitors to walk safely during major events.

Funding Source(s):

Financial Impact:

N/A

Other Information/Recommendation:

Staff recommends approval of this proposed Planned Development.
At their regular meeting on October 16, 2023, the Planning Commission unanimously recommended approval of this item by a vote of 5-0.

Attachments:

1.	Coliseum Drive expanded memo 3rd	Coliseum Drive expanded memo 3rd.docx
2.	Ordinance (PD23-06)]	Ordinance (PD23-06)].docx
3.	Ordinance (CP23-02)	Ordinance (CP23-02).docx

Presentation:

Aaron Vannoy

Approvals/Reviews:

Sherry Bailey	Created/Initiated
Brandon Dyson	Approved
Aaron Vannoy	Approved
Theresa James	Approved
Heather Stastny	Final Approval

MEMO

Meeting Date: October 16. 2023

To: Planning Commission

From: Sherry L. Bailey
Principal Planner, City of San Angelo

Request: Discussion and action on CP23-02 and PD23-06
19.705 acres

Background: At the April meeting of the Planning Commission, staff was asked to bring forward a discussion and plan for the area to the south of the Coliseum property. The plan was to take into consideration the fact that the area along Coliseum Drive is an entry area to the arena area and the Coliseum stadium. At the May meeting staff asked that additional time be granted to talk with those in the area that have indicated they are either in support or against any changes to the ordinance that governs how this area is regulated. At the August meeting the Planning Commission requested that staff expand the area to include the area from the Y at Chadbourne and Coliseum to about one block either side of Coliseum. That area includes where the Strips is located.

Notification: 96 notices were mailed out to property owners within the area and another 20 to property owners within 200 ft. An additional 17 persons returned comments on the second mailout. Most of those were in favor, with three against. In the expanded notice area we had comments from 4 in support and none against.

Information: The Coliseum area has been a discussion and project since 1952. The initial building project was completed in 1958. There have been additional structures built that facilitated the original intention for the area and a major expansion was completed over 20 years ago when the entrance, refreshment gathering area was built. On April 22, 2023, the board presented a major construction expansion plan that will take around 30 million dollars. It will expand the seating significantly to approximately 10,000 persons. That expansion will serve additional concerts and gatherings. The approach is to make the Coliseum an expanded entertainment center while not losing touch with its core supporters and intent.

The original effort with the purchase of the development land involved multiple meetings in the community. At least three discussions were held with surrounding property owners where their concerns were listened to, and they were assured that a plan would be forthcoming that would work to help protect their property and would make the area a positive attraction. The commercial development would be held to a minimum along Coliseum Drive and in the general area of the homes. We have had a number of calls from owners in the area concerned about the expansion and now the discussion by the City. There is

distrust. What they would like to see is for the residential use to continue and for any commercial use to be limited to small neighborhood commercial, restaurants but not fast food, smaller service retail, or offices. No chain stores, no Dollar Trees, nothing that would add to the traffic that is normally generated or generated during the rodeo. Smaller apartment complexes didn't seem to raise concern, but a hotel would. The concept of more landscaping being required along Coliseum Drive didn't receive much enthusiasm since most of the people I talked with didn't believe it would be maintained.

The area was observed at multiple times of the day and on weekends. Early in the morning and after 4:00 pm there is a large amount of traffic. The traffic generated by the rodeo is substantial, as expected, but it was managed by the police on weekends. What was observed was the speed at which traffic moved along Coliseum. There was a traffic study that recommended some extensive improvements, particularly the building of 40th Street which had a positive effect on managing the traffic. Expanding the seating and use of the Coliseum will have a dramatic effect on the amount of traffic generated, the times of the impact, and the expected demand for services.

What would be of most help for the area would be a comprehensive plan and zoning that matched that plan. There is a recognition that expansion will have an effect on this entrance into the Coliseum. It will have an effect on the existing residential uses, including in the larger area not included in our notification. It is reasonable to assume that if the zoning is left as is there will be a chipping away of the residential area and a hodge podge of development that occurs. West of Coliseum Drive there is a short area of RS-1 zoning that is up against the CG/CH that is along Chadbourne. The more inclusive heavy commercial will start to infiltrate toward Coliseum Drive. When that occurs the residential on the east of Coliseum which has already started to change into support businesses for the rodeo and auto repair service will be impacted. It is expected that the first block east of Coliseum Drive will continue to change.

The residential east of that first block would benefit from an effort to maintain the residential character of the area. A slow transition to complementary residential types could provide support for the residential character and housing for workers in the area. In turn, those workers would provide some sustainability for the neighborhood commercial that could be encouraged.

The comments staff heard most often was about the Stripes convenience store that went in shortly after the Coliseum was constructed. Because this convenience store is open 24 hours a day and the parking lot lighting is so bright, this has a negative impact on the neighboring properties. Future development and redevelopment should ensure that similar light spillover is minimized, which is addressed through a recommended condition.

There is a recognition that the area is changing but the general feeling was the owners did not want to be swallowed up by commercial development while also benefiting from potential growth. The area south of E. 40th Street and E. 41 Street and east of Coliseum is still basically residential with some homes becoming rental homes and only three areas converting to a more commercial use without a change of us with the City. In those areas if major damage occurred they would only be allowed to rebuild as a residential use without rezoning. Two lots along Coliseum Drive have rezoned and developed commercially years ago. Both are service uses. Left of Coliseum there was a change to General Commercial/Heavy Commercial (CG/CH) in 2003 which has had a major impact on the area. We would recommend including this area in the Planned Development and reference their specific use as allowed for just their location and use.

Recommendations:

1. Consider a Planned Development that provides for the residential and neighborhood commercial that could benefit both the existing owners and anticipated growth in the future from the expansion plans, with limitations to protect the concerns of the neighborhood.

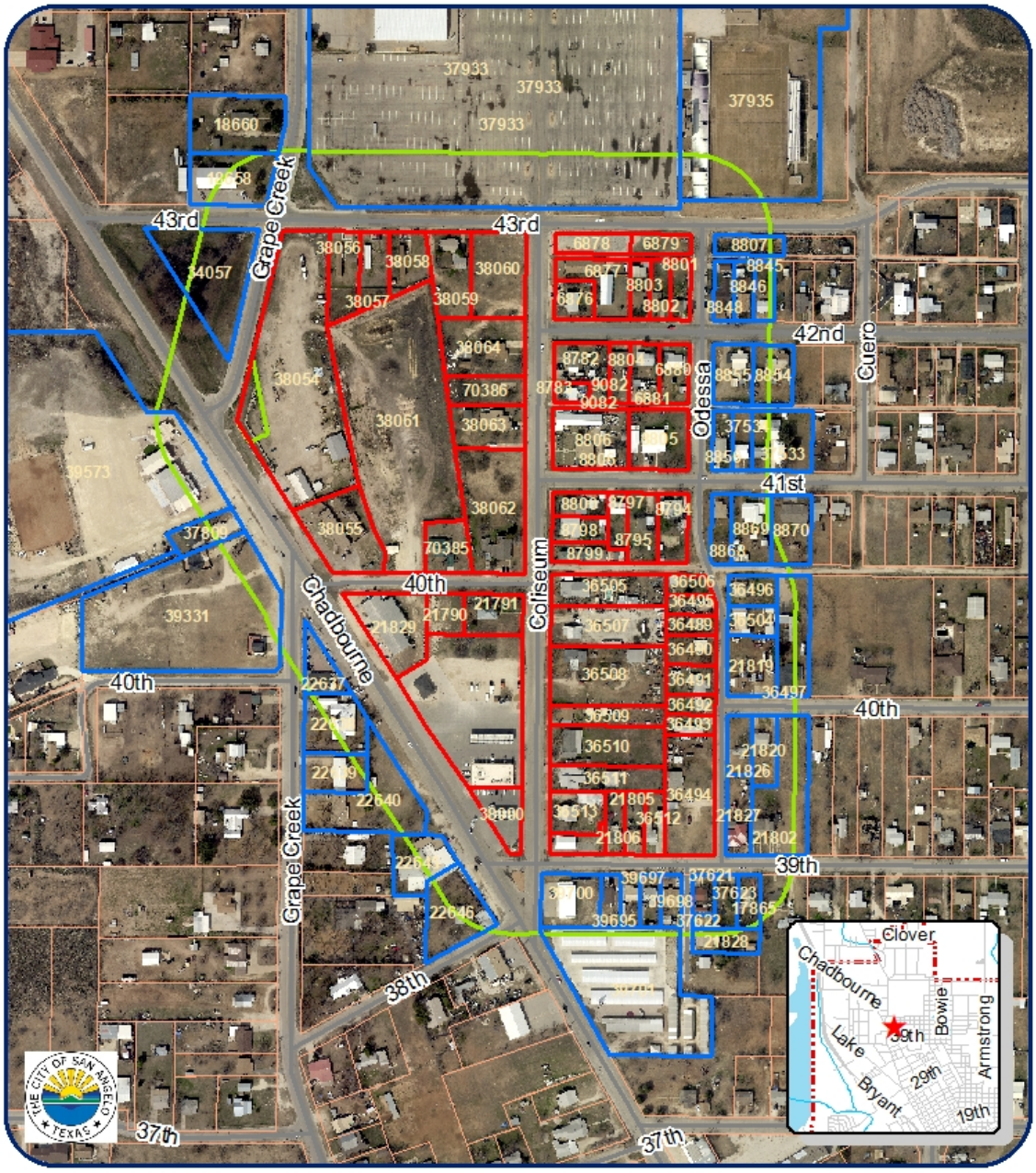
2. Consider the west side of Coliseum Drive and the more likely growth area for neighborhood commercial moving into general commercial. Set the expectations for landscaping, access, parking, lighting, and a more limited front setback that would encourage walking with parking in the rear of the smaller stores. That would keep the neighborhood concept and encourage creative conversion along with established design elements. Each of these steps would provide for slower and more incremental changes rather that a hands-off approach that has been the existing practice.

3. Work with the owners of the area and the expansion committee to include design controls and size limitations that would benefit the neighborhood. Both groups need to give input and consideration of the needs of the area and the expansion vision.

Planning Commission Requested Action:

Staff recommends the **APPROVAL** of an amendment to the Comprehensive Plan changing the future land use plan for this area from "Neighborhood" to "Neighborhood Center" and **APPROVAL** of a Planned Development District with an underlying zoning allowing the current uses of Single Family and Two-Family Residential zoning, along with uses allowed within Neighborhood Commercial zoning, subject to the limitations noted below:

1. The front setback along Coliseum will be 15 feet for both residential and commercial uses. All parking will then be encouraged to be to the rear of the buildings and the front yards designed to accommodate pedestrian accessibility.
2. For non-residential development or redevelopment, the front setback area will require a landscaping plan approved through the Urban Design Review process prior to approval of a site plan or issuance of a building permit.
3. Any signage for non-residential uses must be attached to the building and limited to 50 square feet. Freestanding signage is not allowed.
4. Use of existing homes for offices or commercial use is encouraged.
5. Non-residential uses must be compatible in size, scale, and design with the existing residential uses and the desired character of the neighborhood. Site and building design must be approved through the Urban Design Review process prior to approval of a site plan or building permit.
6. Lighting for non-residential uses shall be fully shielded in order to minimize spillover lighting and glare on adjacent and nearby properties.
7. Allowable Neighborhood Commercial uses are generally to be service and retail uses and drive-through uses are not allowed.
8. Sidewalks shall be required along both sides of Coliseum Drive and 43rd Street.
9. For purposes of this Planned Development, the Birk Monument Manufacturing Company is considered an artisan use and is considered a special allowed use within this District.



200' Notification Map
CP23-02 & PD23-04 E 39th to E 43rd

Council District: #2 Tom Thompson
Neighborhood: Lakeview
Scale: 0 0.01 0.03 0.06 0.09 0.12 Miles

Subject Properties:
200' Buffer:
Notified Properties:

N

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 19.705 ACRES LOCATED AT THE 3900, 4000, 4100, AND 4200 BLOCKS ALONG AND ON EITHER SIDE OF COLISEUM DRIVE, SOUTH OF 43RD STREET AND NORTH OF EAST 39TH STREET;** FROM THE SINGLE-FAMILY (RS-1) TO A PLANNED DEVELOPMENT (PD) ZONING DISTRICT WITH AN UNDERLYING BASE ZONING OF NEIGHBORHOOD COMMERCIAL (CN) WITH SINGLE FAMILY AND TWO FAMILY RESIDENTIAL AS ALLOWED USES AS WELL AS THE ARTISAN USE OF BIRK MONUMENT AS OUTLINED IN THE ORDINANCE; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE

RE: PD23-06: ONE BLOCK EAST AND WEST OF COLISEUM DRIVE FROM 43RD STREET TO 39TH STREET

WHEREAS, on the 16th day of October, 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 (PD23-06) Zoning District to allow for an underlying base zoning of (CN) Neighborhood Commercial with single family and two family residential as allowed uses and an Artisan Use for Birk Monument and subject to the development standards as outlined in the Ordinance, and,

WHEREAS, on the 21st day of November 2023, City Council held a public hearing on PD23-06, pursuant to published notice, and has considered the application, comments, reports, and recommendations of the Planning Commission and staff, public testimony, and other relevant support materials;

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

SECTION 1: The basic zoning ordinance for the City of San Angelo, as enacted by the governing body for the City of San Angelo effective January 4, 2000, and included within Exhibit "A" of Chapter 12 of the Code of Ordinances of the City of San Angelo, and zoning map be and the same are hereby amended to designate the following described properties permanently zoned PLANNED DEVELOPMENT (PD23-06) ZONING DISTRICT:

The real property is generally located one block east and west from Coliseum Drive, south of 43rd Street and north of east 39th Street, 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 **21st day of November, 2023,** and finally PASSED, APPROVED AND ADOPTED on this the **5th day of December, 2023.**

THE CITY OF SAN ANGELO

_____
Brenda Gunter, Mayor

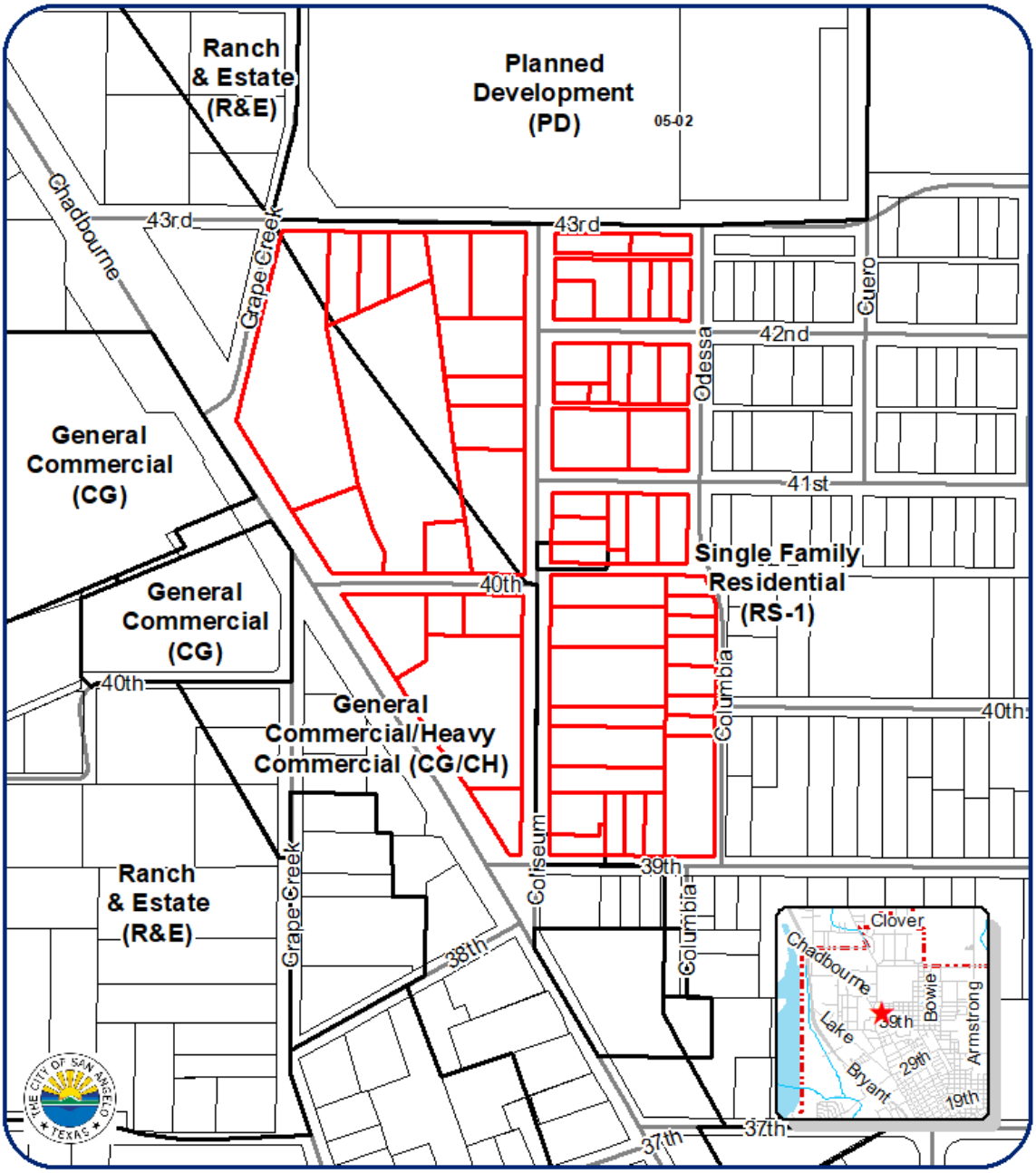
ATTEST:

_____
Heather Stastny, City Clerk

APPROVED AS TO FORM:

_____
Theresa James, City Attorney

Exhibit "A" (PD Boundary Map)



Black/White Zoning Map
CP23-02 & PD23-04 E 39th to E 43rd

Council District: #2 Tom Thompson
Neighborhood: Lakeview
Scale: 0 0.01 0.03 0.06 0.09 0.12 Miles

Subject Properties:

N

Exhibit "B"

Applicable Regulations

1. Except as otherwise specified, the development of the subject property shall generally conform to the underlying Neighborhood Commercial (CN) zoning district standards with the Single Family and Two Family Residential (RS-1 & RS-2) as allowed uses, subject to the standards listed below. Therefore, non-residential uses shall be subject to CN standards, while residential uses shall be subject to RS-1 standards if single family or RS-2 standards if two family.

2. The following development standards shall apply:

    1. The front setback along Coliseum will be 15 feet for both residential and commercial uses. Except for a typical residential driveway no wider than 20 feet, all parking shall be to the rear or side of the buildings with front yards designed to accommodate pedestrian accessibility.
    2. For non-residential development or redevelopment, the front setback area shall be landscaped per a landscaping plan approved through the Urban Design Review process prior to approval of a site plan, or issuance of a building permit if no site plan is required.
    3. Any signage for non-residential uses must be attached to the building and limited to no more than 50 square feet. Freestanding signage is not allowed.
    4. Use of existing homes for offices or commercial use is allowed.
    5. Non-residential uses must be compatible in size, scale, and design with the existing residential uses and the desired character of the neighborhood. Site and building design must be approved through the Urban Design Review process prior to approval of a site plan, or building permit where no site plan is required.
    6. Lighting for non-residential uses shall be fully shielded in order to minimize spillover lighting and glare on adjacent and nearby properties.
    7. Allowable Neighborhood Commercial uses are service and retail uses and drive-through uses are not allowed.
    8. Sidewalks shall be required along both sides of Coliseum Drive and 43rd Street.
    9. For purposes of this Planned Development, the Birk Monument Manufacturing Company is considered an artisan use and is considered a special allowed use within this District.

AN ORDINANCE OF THE CITY OF SAN ANGELO, TEXAS, AMENDING THE CITY'S COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE PLAN MAP DESIGNATION OF CERTAIN LANDS BEING **APPROXIMATELY 19.705 ACRES LOCATED AT THE 3900, 4000, 4100, AND 4200 BLOCKS ALONG AND ON EITHER SIDE OF COLISEUM DRIVE, SOUTH OF 43RD STREET AND NORTH OF EAST 39TH STREET**, FROM "NEIGHBORHOOD" TO "NEIGHBORHOOD CENTER" PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

CP23-02: LOCATED ONE BLOCK EAST AND WEST FROM COLISEUM DRIVE, SOUTH OF 43RD STREET AND NORTH OF EAST 39TH STREET.

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

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

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

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

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

SECTION 1: The Future Land Use Plan Map, a component of the adopted Comprehensive Plan for the City of San Angelo be and the same is hereby amended to change the Future Land Use designation of the following described parcels as outlined below:

The real properties Tom Green County, Texas; approximately 19.705 acres located one block east and west from Coliseum Drive, south of 43rd street and north of east 39th street, **from "Neighborhood" to "Neighborhood Center".**

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

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

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

INTRODUCED on the **21st day of November, 2023,** and finally ADOPTED on this the **5th day of December, 2023.**

THE CITY OF SAN ANGELO

_____
Brenda Gunter, Mayor

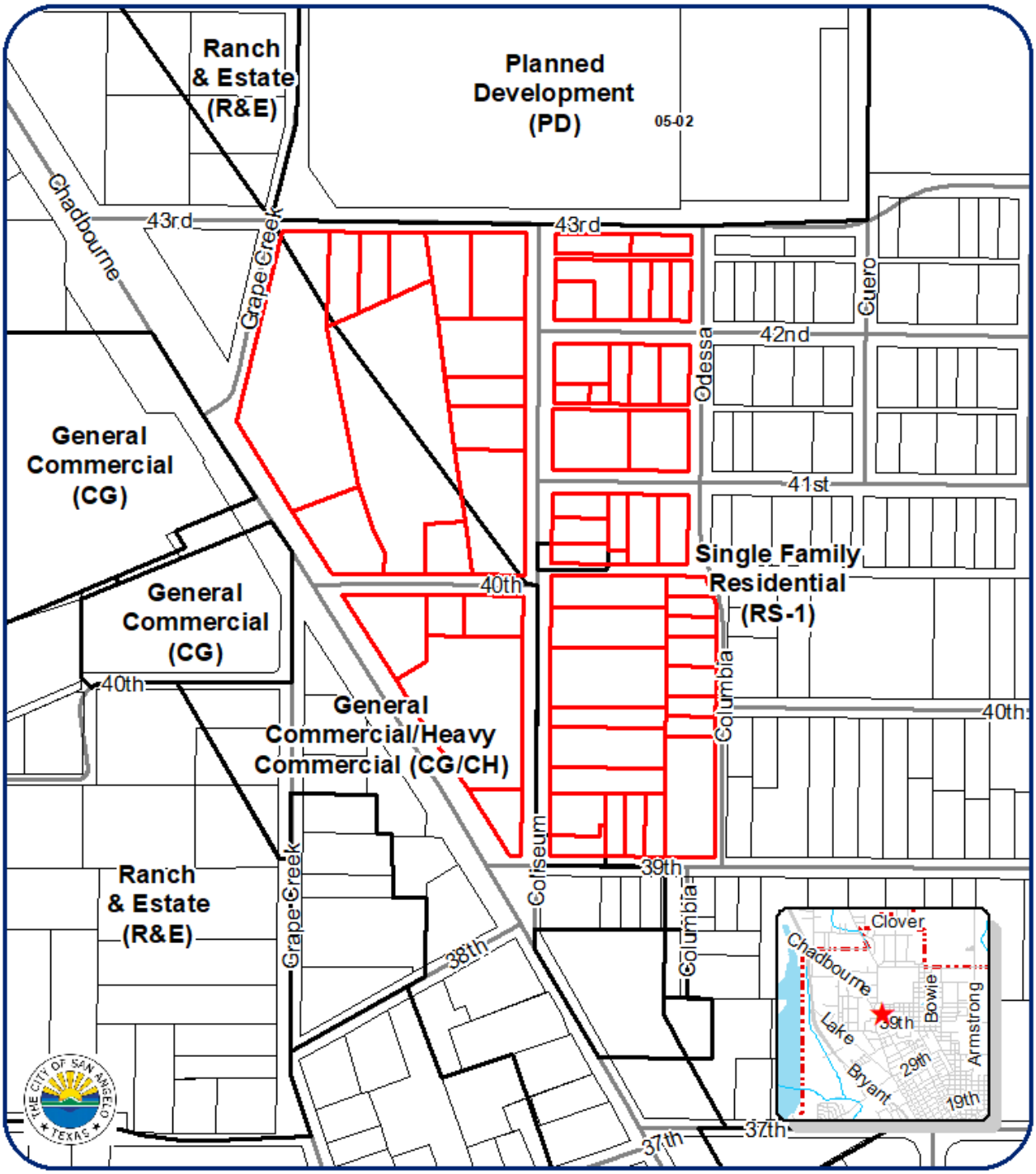
ATTEST:

APPROVED AS TO FORM:

_____
Heather Stastny, City Clerk

_____
Theresa James, City Attorney

Ordinance Map Exhibit "A"



Black/White Zoning Map
CP23-02 & PD23-04 E 39th to E 43rd

Council District: #2 Tom Thompson
Neighborhood: Lakeview
Scale: 00.016.03 0.06 0.09 0.12 Miles

Subject Properties:

N

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

Requestor: Rae Lineberry, Planner, Planning and Development Services

Meeting Date: November 21, 2023

Item type: Regular Item

Caption:

First reading and public hearing of an ordinance for PD23-07, to rezone from the Single Family Residential zoning district to the Planned Development zoning district with an underlying Single-Family Residential zoning with storage units as an allowed use, being approximately 5 acres located at 4415 Armstrong St. (Presentation made by Planning & Development Services Assistant Director Aaron Vannoy)

Staff Recommendation:

Direction from Council

Summary/History:

A request to rezone from the Single Family Residential (RS-1) to the Planned Development (PD) zoning district with an underlying RS-1 zoning with storage units as an allowed use on approximately 5 acres located at 4415 Armstrong St.The petitioner intends to build commercial storage units for rental. The planned development has a residential base, so the only items that can be built will be storage units. The conditions will allow staff to require screening, colors and materials as well as access to the property.

Funding Source(s):

Financial Impact:

N/A

Other Information/Recommendation:

The Planning Commission denied the request for a Planned Development at the October meeting by a 5-0 vote.
Therefore, approval by the City Council will require a three-fourths majority vote.

Attachments:

1.	4415 Armstrong Staff Report PD23-07	4415 Armstrong Staff Report PD23-07.pdf
2.	Ordinance PD23-07	Ordinance PD23-07.docx

Presentation:

Aaron Vannoy

Approvals/Reviews:

Rae Lineberry	Created/Initiated
Jon James	Approved
Brandon Dyson	Approved
Aaron Vannoy	Approved
Theresa James	Approved
Heather Stastny	Final Approval

STAFF REPORT – PD23-07

Planning Commission: October 16, 2023
City Council 1st reading: November 21, 2023

APPLICATION TYPE:	CASE:
Rezoning	PD23-07: 4415 Armstrong St (temporary address)

SYNOPSIS:

The applicant has applied for a rezoning of Lot 4 of the JNO March Subdivision from Single-family Residential (RS-1) to a Planned Development (PD). This is to allow a base zoning of Single-family Residential with the ability to allow a commercial storage unit at the property located at 4415 Armstrong St.

LOCATION:	LEGAL DESCRIPTION:
4415 Armstrong St	First Replat in Block 10 and Second Replat in Block 9 of JNO. Abe March Subdivision

SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #2 – Tom Thompson Lakeview Neighborhood	RS-1 to PD	Neighborhood	5.0 Acres

THOROUGHFARE PLAN:

Access to Armstrong St will require TxDOT approval

NOTIFICATIONS:

25 notifications mailed within 200-foot radius on 9/27/2023.
We have received zero in support and one in opposition.

STAFF RECOMMENDATION:

Staff recommends **APPROVAL** of the rezoning from Single-family Residential to Planned Development of Lot 4 of the JNO. Abe March Subdivision located at 4415 Armstrong with **four conditions**.

PROPERTY OWNER/PETITIONER:

Owner: Gene Gully
Petitioner: Iron Horse of Lipan LLC

STAFF CONTACT:

Rae Lineberry
Planning
(325) 657-4210, Ext 1533
rae.lineberry@cosatx.us

Additional Information: The petitioner intends to build commercial storage units on the back lot. At the September meeting, because of opposition and the area being mostly residential, Commissioners were worried a rezone would possibly allow more than storage units. This item was tabled and staff was instructed to return with a Planned Development zoning with the base of Single-family Residential but also allow commercial storage units. This will allow conditions to be met to ensure the storage units blended well with the residential. This will also not require a conditional use for the petitioner.

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 replat was just approved in August 2023. There is residential and Ranch & Estate all around. The vision plan has some neighborhood center to the south, campus/institutional to the west and neighborhood to the north, east and some in the south.

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 planned development will not conflict with the Zoning Ordinance.

3. **Compatible with Surrounding Area.** ***Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.*** As noted above, the properties in this area are mostly single-family residence and ranch & estate.

4. **Changed Conditions.** ***Whether and the extent to which there are changed conditions that require an amendment.*** This area has been vacant for a long time. Adding commercial storage units will be beneficial to surrounding residential.

5. **Effect on Natural Environment.** ***Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.*** There are no anticipated adverse effects on neighboring properties.

6. **Community Need.** ***Whether and the extent to which the proposed amendment addresses a demonstrated community need.*** Staff believes that this type of use has a history of success.

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.*** It provides a compatible transition from residentially to neighborhood commercially zoned areas.

Recommendations:
Staff recommends **APPROVAL** of the rezoning from Single-family Residential to Planned Development of Lot 4 of the JNO. Abe March Subdivision located at 4415 Armstrong with **four conditions:**

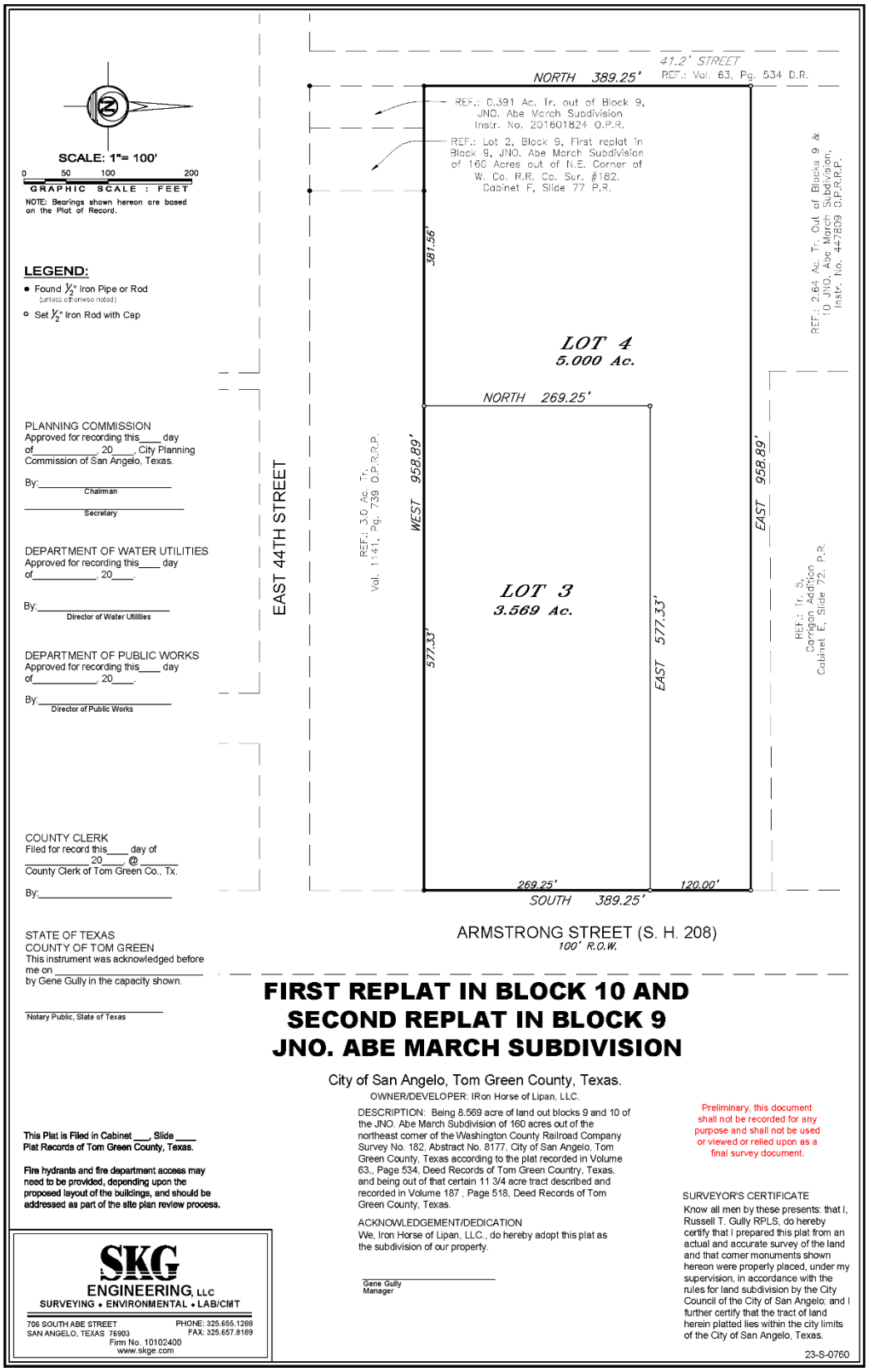
1. The applicant shall obtain an approved Urban Design Review (UDR), to be approved by the Planning Director, to ensure that the development is compatible with this residential area and to ensure appropriate screening from the residential neighborhood that surrounds it (including an opaque fence or equivalent). At a minimum, the UDR shall include a landscaping plan and building elevations, including materials and colors.

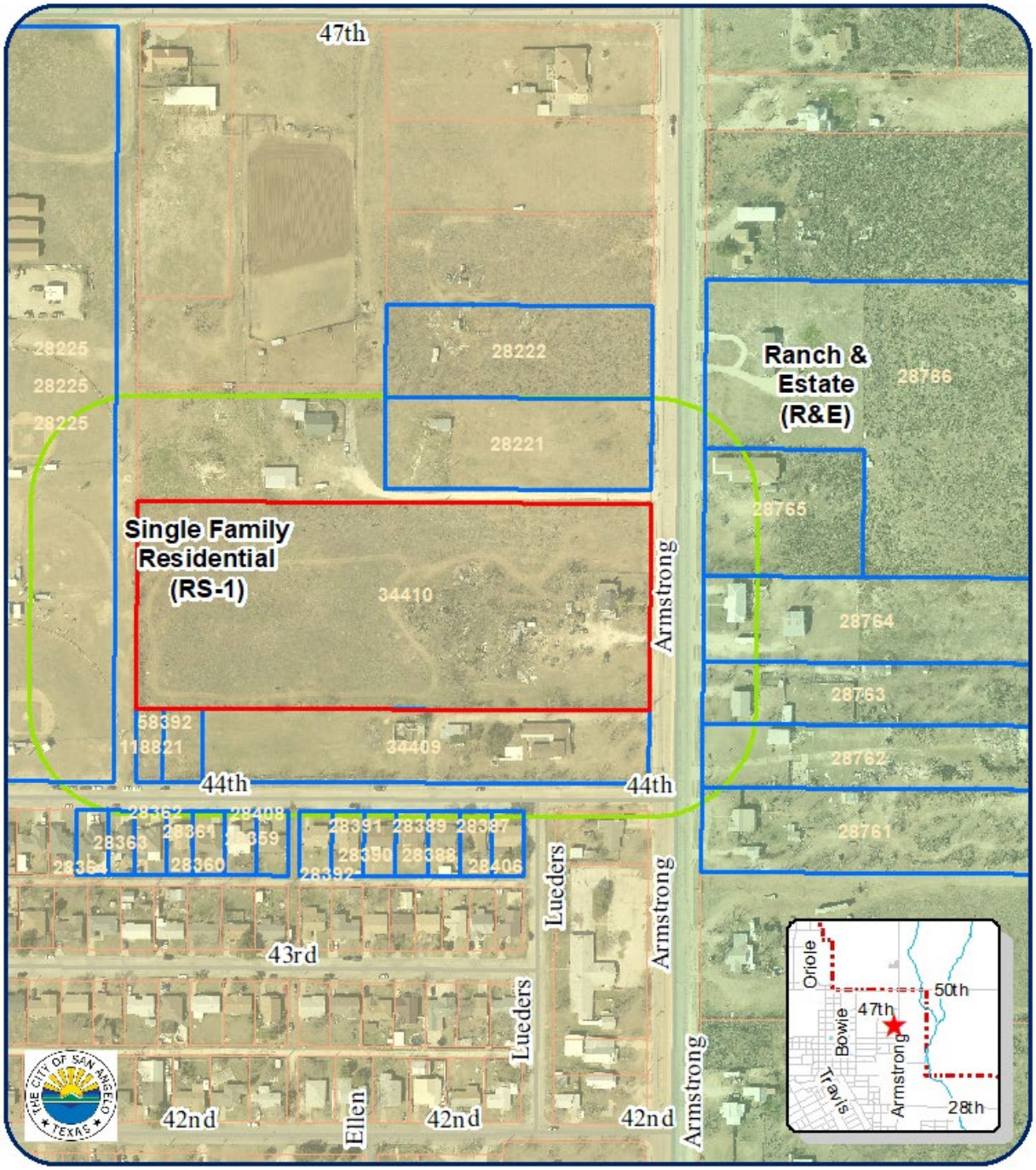
2. All new site lighting on the premises shall be shielded, downward emitting and configured in such as manner as to satisfactorily minimize or eliminate light trespass onto adjacent residential properties.

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. Provide a copy of an approved permit from the Texas Department of Transportation for a driveway approach off of Armstrong Street.

Attachments:
Approved Plat
Zoning Map
Notice Map

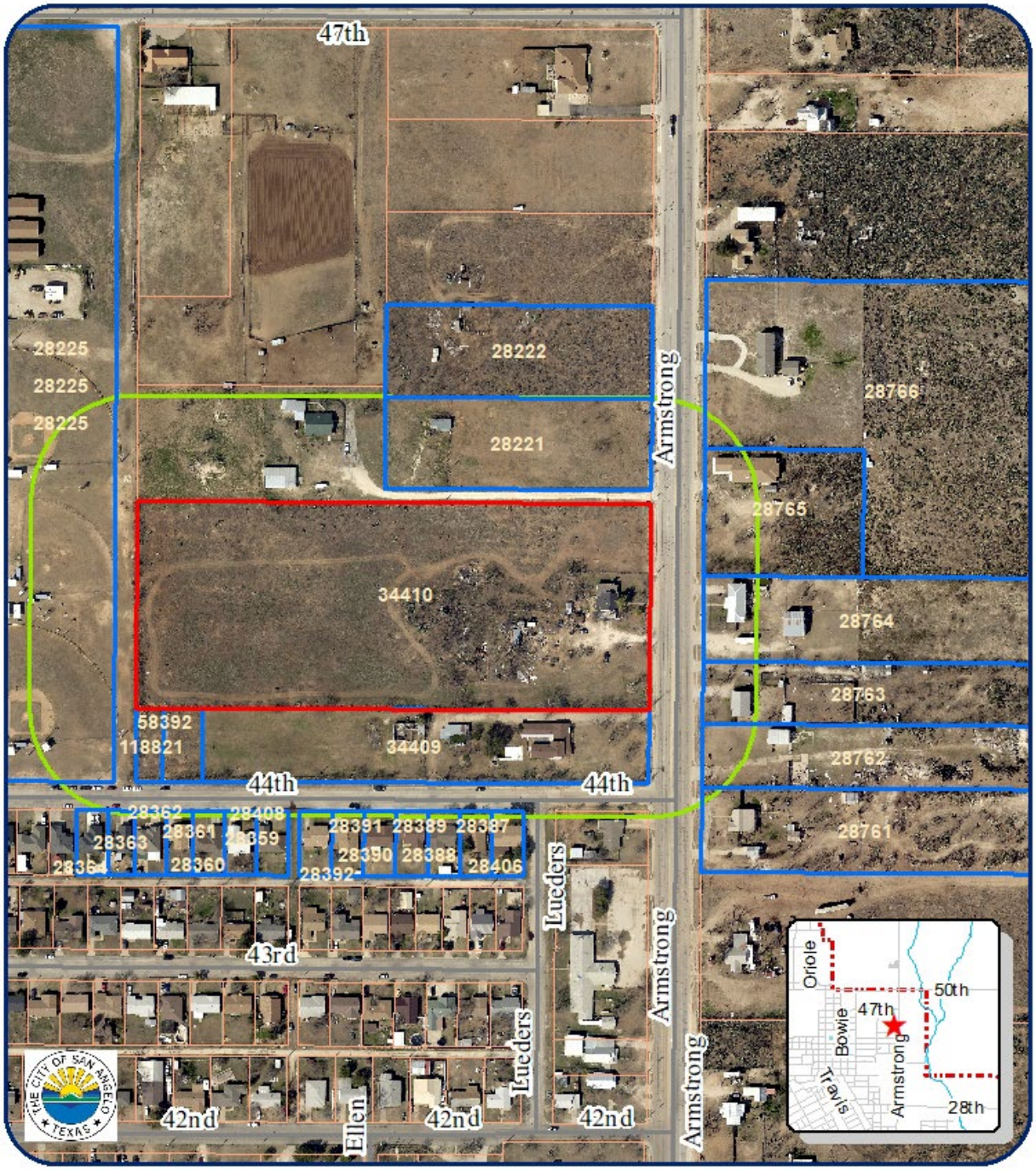

SCALE: 1"= 100'
0 50 100 200
GRAPHIC SCALE : FEET
NOTE: Bearings shown hereon are based on the Plat of Record.
LEGEND:
Found ½" Iron Pipe or Rod (unless otherwise noted)
Set ½" Iron Rod with Cap
41.2' STREET
REF.: Vol. 63, Pg. 534 D.R.
NORTH 389.25'
REF.: 0.391 Ac. Tr. out of Block 9, JNO. Abe March Subdivision Instr. No. 201601824 O.P.R.
REF.: Lot 2, Block 9, First replat in Block 9, JNO. Abe March Subdivision of 160 Acres out of N.E. Corner of W. Co. R.R. Co. Sur. #182. Cabinet F, Slide 77 P.R.
REF.: 2.64 Ac. Tr. Out of Blocks 9 & 10 JNO. Abe March Subdivision, Instr. No. 44-7609 O.P.R.R.P.
381.56'
LOT 4
5.000 Ac.
NORTH 269.25'
EAST 958.89'
WEST 958.89'
REF.: 3.0 Ac. Tr. Vol. 1141, Pg. 739 O.P.R.R.P.
EAST 44TH STREET
LOT 3
3.569 Ac.
EAST 577.33'
577.33'
REF.: Tr. 5, Carrigan Addition Cabinet E, Slide 72 P.R.
269.25'
120.00'
SOUTH 389.25'
ARMSTRONG STREET (S. H. 208)
100' R.O.W.
PLANNING COMMISSION
Approved for recording this____ day of_____, 20____, City Planning Commission of San Angelo, Texas.
By:_____
Chairman
_____
Secretary
DEPARTMENT OF WATER UTILITIES
Approved for recording this____ day of_____, 20____.
By:_____
Director of Water Utilities
DEPARTMENT OF PUBLIC WORKS
Approved for recording this____ day of_____, 20____.
By:_____
Director of Public Works
COUNTY CLERK
Filed for record this____ day of _____ 20____ @ _____
County Clerk of Tom Green Co., Tx.
By:_____
STATE OF TEXAS
COUNTY OF TOM GREEN
This instrument was acknowledged before me on _____ by Gene Gully in the capacity shown.
_____
Notary Public, State of Texas
FIRST REPLAT IN BLOCK 10 AND
SECOND REPLAT IN BLOCK 9
JNO. ABE MARCH SUBDIVISION
City of San Angelo, Tom Green County, Texas.
OWNER/DEVELOPER: IRon Horse of Lipan, LLC.
DESCRIPTION: Being 8.569 acre of land out blocks 9 and 10 of the JNO. Abe March Subdivision of 160 acres out of the northeast corner of the Washington County Railroad Company Survey No. 182, Abstract No. 8177, City of San Angelo, Tom Green County, Texas according to the plat recorded in Volume 63,, Page 534, Deed Records of Tom Green Country, Texas, and being out of that certain 11 3/4 acre tract described and recorded in Volume 187 , Page 518, Deed Records of Tom Green County, Texas.
ACKNOWLEDGEMENT/DEDICATION
We, Iron Horse of Lipan, LLC., do hereby adopt this plat as the subdivision of our property.
_____
Gene Gully
Manager
Preliminary, this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document.
SURVEYOR'S CERTIFICATE
Know all men by these presents: that I, Russell T. Gully RPLS, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that corner monuments shown hereon were properly placed, under my supervision, in accordance with the rules for land subdivision by the City Council of the City of San Angelo; and I further certify that the tract of land herein platted lies within the city limits of the City of San Angelo, Texas.
This Plat is Filed in Cabinet ___, Slide ____ Plat Records of Tom Green County, Texas.
Fire hydrants and fire department access may need to be provided, depending upon the proposed layout of the buildings, and should be addressed as part of the site plan review process.
SKG
ENGINEERING, LLC
SURVEYING • ENVIRONMENTAL • LAB/CMT
706 SOUTH ABE STREET
SAN ANGELO, TEXAS 76903
PHONE: 325.655.1288
FAX: 325.657.8189
Firm No. 10102400
www.skge.com
23-S-0760



Zoning Map
Z23-11 & CP23-04 4401 Armstrong
Council District: #2 Tom Thompson
Neighborhood: Lake View
Scale: 0 0.01 0.02 0.04 0.06 0.08 Miles

Subject Properties:
200' Buffer:
Notified Properties:

N



200' Notification Map
Z23-11 & CP23-04 4401 Armstrong

Council District: #2 Tom Thompson
Neighborhood: Lake View
Scale: 0 0.01 0.02 0.04 0.06 0.08 Miles

Subject Properties:
200' Buffer:
Notified Properties:

N

October 6, 2023

Planning Division,

We have lived on our property for 40 years and plan on retiring at this same location. The majority of the neighborhood consist of homes with 2 or more acres. We have chosen to live this life style to be able to have space and our animals.

It is not in the best interest of the neighborhood to place a commercial building in the middle of the neighborhood. Put yourself in my shoes who wants to open their front door every day and have the view of a commercial building! I DON'T

Why would you allow someone to come in and change our lives by placing a commercial building in our neighborhood when they don't even live in the area! You would not allow this to happen in other areas of San Angelo (Green Acres, Bentwood, etc.) why ours!

What happens in 5, 10 or even 20 years and there has been no up keep to this commercial building!

<u>My biggest concern is what is going to happen to the value of my property! And if I did want to try to sell my land who wants to live next to a commercial building!</u>

Randy and Kelly Edwards
4501 Armstrong St
San Angelo TX 76903

The City of
San Angelo, Texas
Planning Division
52 West College Avenue, 76903

EDWARDS HARRELL R & KELLY & SHAWN H
4501 ARMSTRONG ST
SAN ANGELO, TX 76903-1947

NOTICE OF PUBLIC HEARING

RE: PD23-07 **09/27/2023**

On **Monday, October 16, 2023,** during a meeting scheduled to begin at **9:00 am**, the Planning Commission for the City of San Angelo will hold a public hearing on the requests described below. The meeting will be held at **City Hall East Mezzanine Conference Room, 72 W College St. San Angelo, TX., 76903** to recommend approval or denial to the City Council for **a request for a zone change from the Single Family Residential (RS-1) zoning district to a Planned Development (PD) with an underlying base of Single Family Residential (RS-1) zoning with storage units as an allowed use for the 5 acres at the property located at 4415 Armstrong Street.**

The attached map shows the subject area bounded by the red line that is being considered for these requests. The green boundary line around the subject area is only a notification area. Planning Commission members are citizens appointed by San Angelo's City Council, specifically to hear and decide certain matters regarding the use and development of land within the city limits of San Angelo. If approved by the Planning Commission or if denied and appealed to San Angelo's City Council within the specified ten-day period, this case will be heard by City Council for a hearing on **Tuesday, November 21, 2023 at 8:30 AM in McNease Convention Center 501 Rio Concho Dr., San Angelo, Texas 76903**

This hearing is open to any interested persons; and opinions, objections and/or comments relative to this matter may be expressed in writing, or in person at the hearing. At the bottom of this letter is a form that you may cut off, fill out, and mail out or deliver via email.

If you require further assistance regarding these proceedings, please contact **the Planning Devision**, at telephone 325-657-4210 or by email address planning@cosatx.us

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CASE #: PD23-07: 4415 Armstrong Street. You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: EDWARDS HARRELL R & KELLY & SHAWN H
Parcel I.D: 28221
Address: 4505 ARMSTRONG

Mailing To: ATTN: Planning and Development Services
52 W. College Ave
San Angelo, TX, 76903
planning@cosatx.us

I am in favor ☐ I am opposed ☑ **Signature:** R Edwards

Additional Comments:

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 5.0 ACRES LOCATED ON LOT 4 ON THE WEST SIDE OF ARMSTRONG ST AND NORTH OF 44TH ST AT 4415 ARMSTRONG ST;** FROM SINGLE-FAMILY RESIDENTIAL (RS-1) TO A PLANNED DEVELOPMENT (PD) ZONING DISTRICT TO ALLOW UNDERLYING BASE ZONING OF SINGLE-FAMILY RESIDENTIAL (RS-1) WITH THE ABILITY TO ALLOW A COMMERCIAL STORAGE UNIT SUBJECT TO THE DEVELOPMENT STANDARDS AS OUTLINED IN THE ORDINANCE; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE

RE: PD23-07: WEST SIDE OF ARMSTRONG ST AT 4415 ARMSTRONG ST

WHEREAS, on the 16th day of October, 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 (PD23-07) Zoning District to allow for an underlying base zoning of (RS-1) Single-Family Residential with the allowed use of commercial storage units and subject to the development standards as outlined in the Ordinance, and,

WHEREAS, on the 21st day of November, 2023, City Council held a public hearing on PD23-07, 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 (PD23-07) ZONING DISTRICT:

The real property is generally located on the west side of Armstrong St and north of 44th St at 4415 Armstrong St; being approximately 5.0 acres of Lot 4 of the First Replat in Block 10 and Second

Replat in Block 9 of JNO. Abe March Subdivision; 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 **21st day of November, 2023,** and finally PASSED, APPROVED AND ADOPTED on this the **5th day of December, 2023.**

THE CITY OF SAN ANGELO

_____
Brenda Gunter, Mayor

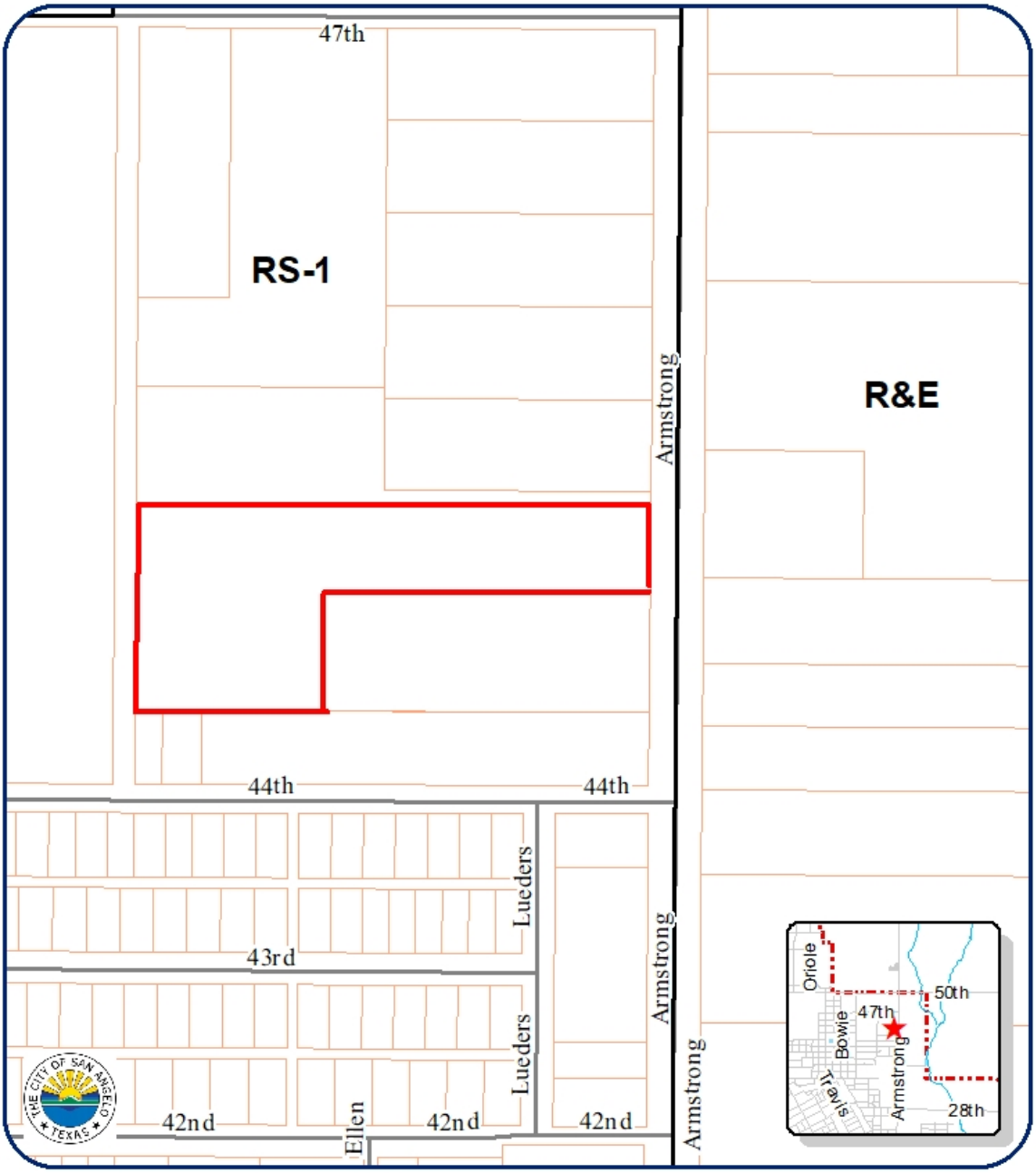
ATTEST:

_____
Heather Stastny, City Clerk

APPROVED AS TO FORM:

_____
Theresa James, City Attorney

Exhibit "A" (PD Boundary Map)



Aerial Map
Z23-11 & CP23-04 4401 Armstrong
Council District: #2 Tom Thompson
Neighborhood: Lake View
Scale: 0 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 Single-Family Residential (RS-1) Zoning District standards.

2. The following development standards shall apply:

    - Commercial storage units shall be an additional allowed use on Lot 4 of the JNO. Abe March Subdivision.

    - UDR approval for the commercial storage units shall be obtained from the Planning Director to ensure that the development is compatible with this residential area and to ensure appropriate screening from the residential neighborhood that surrounds it (including an opaque fence or equivalent). At a minimum, the UDR shall include a landscape plan and building elevations, including materials and colors.

    - All new site lighting on the premises shall be shielded, downward emitting and configured in such a manner as to satisfactorily minimize or eliminate light trespass onto adjacent residential properties.

    - 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.

    - Provide a copy of an approved permit from the Texas Department of Transportation for a driveway approach off Armstrong Street.

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

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

Meeting Date: November 21, 2023

Item type: Regular Item

Caption:

First reading and public hearing of an ordinance annexing into the City of San Angelo, by petition of the property owner, an unaddressed 31.356-acre tract out of the A.B. & M. Survey No. 3, Abstract No. 24, and B.S. & F Survey No. 5 Abstract No. 101 Tom Green County, Texas, located northwest of Arden Rd. and F.M. 2288 (Presentation made by Planning & Development Services Assistant Director Aaron Vannoy)

Staff Recommendation:

Adopt

Summary/History:

First reading and public hearing of an ordinance annexing into the City of San Angelo, by petition of the property owner, of an unaddressed 31.356-acre tract out of the A.B. & M. Survey No. 3, Abstract No. 24, and B.S. & F Survey No. 5 Abstract No. 101 Tom Green County, Texas, located northwest of Arden Road and F.M. 2288. The property has an approved preliminary plat that includes this area that is the subject of the annexation. The rezoning will be coming forward in the near future to develop single-family residential lots, being RS-1.

Funding Source(s):

Financial Impact:

NA

Other Information/Recommendation:

Attachments:

1.	DRAFT Ordinance & Service Plan Arden Heights #2	DRAFT Ordinance & Service Plan Arden Heights #2.docx
2.	Memo_CC_ArdenHeights_Annexation (2)	Memo_CC_ArdenHeights_Annexation (2).docx

Presentation:

Aaron Vannoy

Approvals/Reviews:

Sherry Bailey	Created/Initiated
Aaron Vannoy	Approved
Brandon Dyson	Approved
Aaron Vannoy	Approved
Theresa James	Approved
Heather Stastny	Final Approval

AN ORDINANCE ANNEXING INTO THE CITY OF SAN ANGELO, TOM GREEN COUNTY, TEXAS, ON PETITION OF PROPERTY OWNERS, TERRITORY GENERALLY DESCRIBED AS AN UNADDRESSED 31.356-ACRE TRACT OUT OF THE A.B. & M. SURVEY NO. 3, ABSTRACT NO. 24 AND B.S. & F SURVEY NO. 5, ABSTRACT NO. 101, LOCATED NORTHWEST OF ARDEN ROAD AND F.M. 2288, TOM GREEN COUNTY, TEXAS; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING FOR AMENDMENT OF THE BOUNDARIES AND OFFICIAL MAP OF THE CITY; APPROVING A SERVICE PLAN THEREFORE; SUBJECTING THE PROPERTY SITUATED THEREIN TO BEAR ITS PRO RATA PART OF TAXES LEVIED; PROVIDING RIGHTS AND PRIVILEGES AS WELL AS DUTIES AND RESPONSIBILITIES OF INHABITANTS AND OWNERS OF SAID TERRITORY; DIRECTING NOTICES AS REQUIRED BY LAW; PROVIDING A SEVERABILITY CLAUSE; DECLARING COMPLIANCE WITH OPEN MEETINGS ACT; AND, PROVIDING AN EFFECTIVE DATE

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

WHEREAS, pursuant to Texas Local Government Code, Section 43.0671, all of the owners of a tract of land containing 31.356 acres situated immediately west of the City Limits, generally located northwest of Arden Road and F.M. 2288, more fully described in Exhibit "A," attached hereto and made a part hereof for all purposes (hereinafter the "Territory"), have petitioned the City Council in writing to annex the Territory into the corporate limits of the City; and,

WHEREAS, the City Council accepted the Petition Requesting Annexation by Territory owners, and directed Planning staff to proceed with the proposed annexation schedule, at a regularly held meeting of the City Council on August 15, 2023; and,

WHEREAS, under Section 43.016 of the Texas Local Government Code, the City is required to offer the owner a development agreement if the Territory is appraised for ad valorem tax purposes as land for agricultural or wildlife management use, or as timber land, that guarantees continuation of the extraterritorial status of the area, and authorizes enforcement of all regulations and planning authority of the city that do not interfere with the use of the area for agriculture, wildlife management, or timber;

WHEREAS, the City has offered the Territory owners a development agreement under Section 43.016 as the Territory is currently appraised for agricultural use, and the owners have declined the agreement, electing instead to seek annexation of the Territory; and,

WHEREAS, a public hearing on the annexation was held, the 21st day of November, 2023, as required by law, where all interested persons were provided an opportunity to be heard on the proposed annexation of the Territory; and

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

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

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

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

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

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

Section 3 Amendment of Boundaries and Official Map of City. The official map and boundaries of the City, heretofore adopted and amended, shall be and are hereby amended so as to include the aforementioned annexed Territory as part of the City, and incorporated into the adjacent Single Member District No. 6 (SMD 6).

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

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

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

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

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

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

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

INTRODUCED with public hearing on the 21st day of November 2023, and finally PASSED, APPROVED AND ADOPTED on this the 5th day of December, 2023.

THE CITY OF SAN ANGELO

By: _____
Brenda Gunter, Mayor

ATTEST:

By: _____
Heather Stastny, City Clerk

APPROVED AS TO FORM:

_____
Theresa James, City Attorney

Exhibit "A" (Legal Description and Survey)

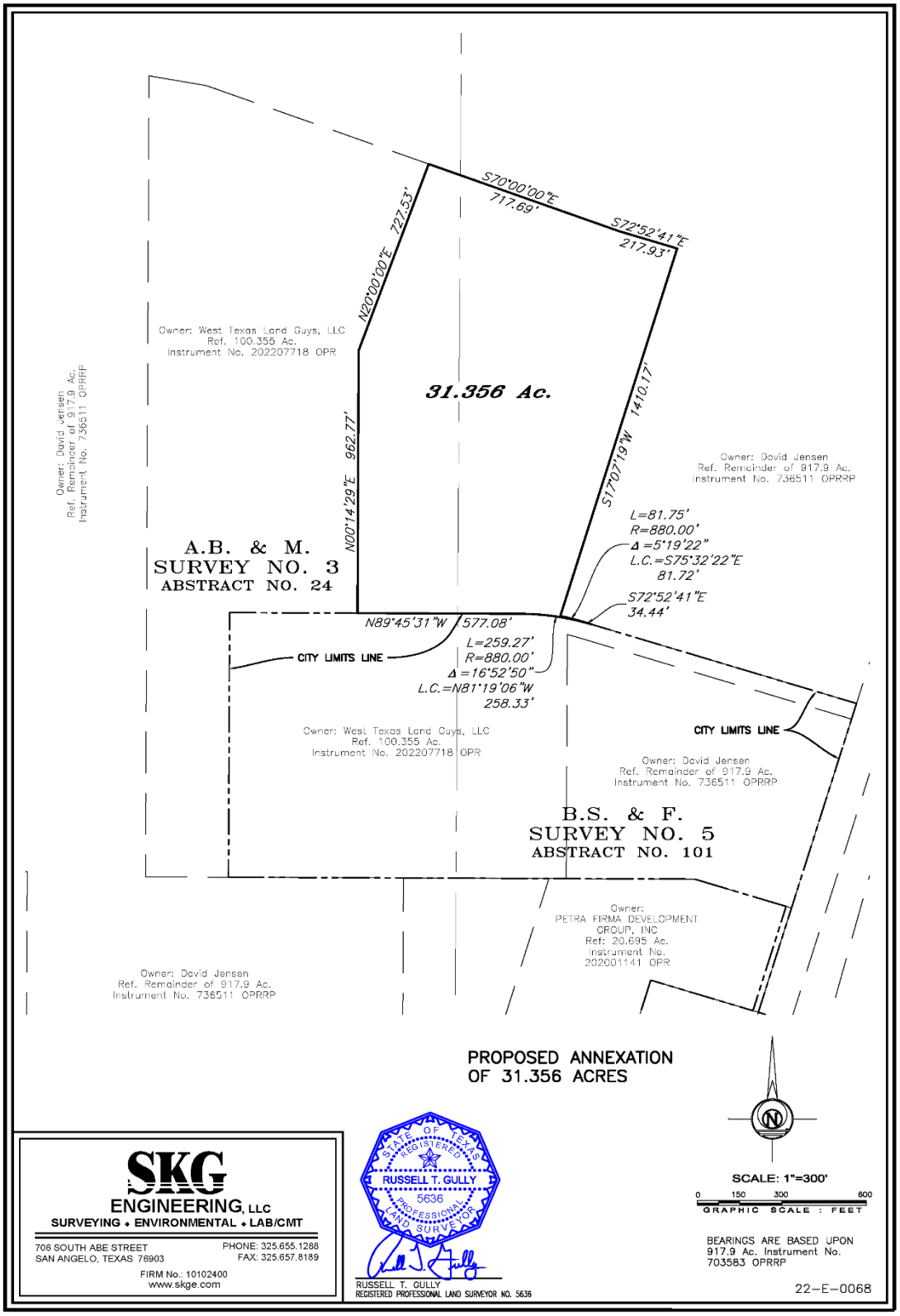


Exhibit “A” (Legal Description and Survey)

EXHIBIT “A”

FIELD NOTES

31.356 Acres

June 21, 2023
22-E-0068_Annex31.356Ac

Being an area of 31.356 acres of land out of A.B. & M. Survey No. 3, Abstract No. 24 and B.S. & F. Survey No. 5, Abstract No. 101, Tom Green County, Texas and said 31.356 acres being out of that certain 100.355 acre tract described and recorded in Instrument Number 202207718, Official Public Records of Tom Green County, Texas and said 31.356 acres of land being more particularly described by metes and bounds as follows:

Beginning at a point for the southwest corner of this tract and being on the existing city limits line and having coordinates of **N:10492557.58, E:2237195.13** based on Texas State Plane Coordinate System NAD83, Central Zone;

Thence with the west boundary line of this tract as follows:

N. 00°14'29" E. a distance of **962.77** feet to an angle corner;

N. 20°00'00" E. a distance of **727.53** feet to the northwest corner of this tract and on the north line of said 100.355 acre tract;

Thence with the north boundary line of this tract and said 100.355 acre tract as follows:

S. 70°00'00" E. a distance of **717.69** feet to an angle corner;

S. 72°52'41" E. a distance of **217.93** feet to the northeast corner of this tract and said 100.355 acre tract;

Thence with the east boundary line of this tract and said 100.355 acre tract **S. 17°07'19"** W. a distance of **1410.17** feet to an easterly north line of said 100.355 acre tract;

Thence with an easterly north line of this tract and said easterly north line of said 100.355 acre tract and in an easterly direction with a non-tangent curve turning to the right, having a radius of 880.00 feet, central angle of 05°19'22", arc length of 81.75 feet, whose long chord bears **S. 75°32'22"** E. a distance of **81.72** feet to a point;

Thence continuing with said easterly north line of this tract and said 100.355 acre tract **S. 72°52'41"** E. a distance of **34.44** feet to a point on the current city limits line;

Thence with the south boundary line of this tract and with said current city limits line and in a westerly direction with a tangent curve turning to the left, having a radius of 880.00 feet, central angle of 16°52'50", arc length of 259.27 feet, whose long chord bears **N. 81°19'06"** W. a distance of **258.33** feet to a point;

Thence continuing with said south boundary line of this tract and said current city limits line **N. 89°45'31"** W. a distance of **577.08** feet to the place of beginning and containing **31.356** acres of land.

EXHIBIT B

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

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

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

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

Executed on the ___ day November 2023, to be effective on the effective date of annexation of the Territory.

CITY OF SAN ANGELO

By:_____
Daniel Valenzuela
City Manager

Attest:

_____
Heather Stastny, City Clerk

Approved as to Content:

_____
Aaron Vannoy, Planning &
Development Services Assistant Director

WEST TEXAS LAND GUYS SAN ANGELO, LLC (OWNER)

By:_____
Eric von Rosenberg, Managing Member

Approved as to Form and Legality:

_____
Theresa James, City Attorney

SERVICE PLAN FOR EXTENSION OF MUNICIPAL SERVICES TO AN AREA DESCRIBED AS FOLLOWS:

Generally located northwest of Arden Road and F.M. 2288, and specifically described as a 31.356 acre tract of land in the A.B. & M. Survey No. 3, Abstract No. 24, and B.S. & F Survey No. 5 Abstract No. 101 Tom Green County, Texas (West Texas Land Guys San Angelo, LLC).

SERVICE PROVIDED ON THE EFFECTIVE DATE OF ANNEXATION:

1. **POLICE PROTECTION**

   Existing Services: Police protection provided by Tom Green County Sheriff's Office.

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

   Patrolling, radio and dispatch responses to calls, traffic enforcement, and other routine police services will be provided.

2. **FIRE PROTECTION AND EMERGENCY SERVICES**

   Existing Services: Emergency medical services provided by the City of San Angelo currently extend to medical emergencies county wide. Fire service provided by volunteer fire departments.

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

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

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

   The Office of Fire Prevention will provide permitting and inspection services upon annexation. This includes issuing permits and conducting fire sprinkler, fire alarm, commercial hood or special agent system inspections as well as occupancy and maintenance inspections for any new construction and remodeling projects, as well as any other applicable enforcement of adopted codes and standards within the City of San Angelo.

3. **SOLID WASTE COLLECTION**

   Existing Services: None

Services to be provided:

The same regular solid waste collection services now provided within the city will be extended to the newly annexed area after the effective date of annexation.

4. MAINTAINING WATER AND WASTEWATER FACILITIES

Existing Services: None

Services to be provided:
Water and sanitary sewer service to the area will be provided in accordance with the City Code of Ordinances and departmental policy. When other property develops in the adjacent area, water and sanitary sewer service shall be extended in accordance with the City of San Angelo Code of Ordinances and departmental policy. Prior to future development, a subdivision plat(s) shall be approved by the City and recorded with Tom Green County that includes any required provisions for water and sanitary sewer service.

As part of the subdivision plat, the developer/owner shall prepare and submit plans for approval of a looped water main system or approved deferral process, illustrating the proposed installation of a water main and complete the installation in accordance with the approved version of these plans prior to plat recordation.

5. MAINTAINING ROADS, STREETS, AND ALLEYWAYS

Existing Services: Provided by Tom Green County.

Services to be provided:

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

6. MAINTAINING PARKS, PLAYGROUNDS, AND SWIMMING POOLS

Existing Services: None

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

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

The subject annexation area has been identified as a key underserviced area in the City of San Angelo Parks Master Plan. The City has recently completed the process of updating its Master Plan which reviewed these underserviced areas.

7. BUILDING INSPECTION

Existing Services: None

Services to be provided:
The Building Inspection Department will provide building permitting services upon annexation. This includes issuing building, electrical and plumbing permits for any new construction and remodeling, and enforcing all other applicable codes which regulate building construction within the City of San Angelo. These services can be provided within the department's current budget.

8. PLANNING AND ZONING

Existing Services: None

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

9. CODE COMPLIANCE

Existing Services: None

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

10. MAINTAINING OTHER PUBLIC OWNED FACILITIES OR BUILDINGS

Existing Services: None

Services to be provided:
In the event any such publicly-owned facility or building does exist and are public facilities or

buildings, the City of San Angelo shall maintain such facilities or buildings to the same extent and degree that it maintains similar municipal facilities and buildings now incorporated in the City of San Angelo, Texas. Subject to funding by Council.

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

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

11. STORM WATER MANAGEMENT

Existing Services: None

Services to be provided:
Developers will provide storm water drainage at their own expense and will be inspected by the City Engineers at time of completion.

12. STREET LIGHTING

Existing Services: None

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

MEMO

Meeting Date: November 21, 2023

To: City Council

From: Sherry L. Bailey, AICP
Principal Planner

Agenda Item: First reading and public hearing of an ordinance annexing into the City of San Angelo, by petition of the property owner, of an unaddressed 31356-acre tract out of the A.B. & M. Survey No. 3, Abstract No. 24 and B.S. & F. Survey No. 5, Abstract No. 101 Tom Green County, Texas, located northwest of Arden Road and F.M. 2288.

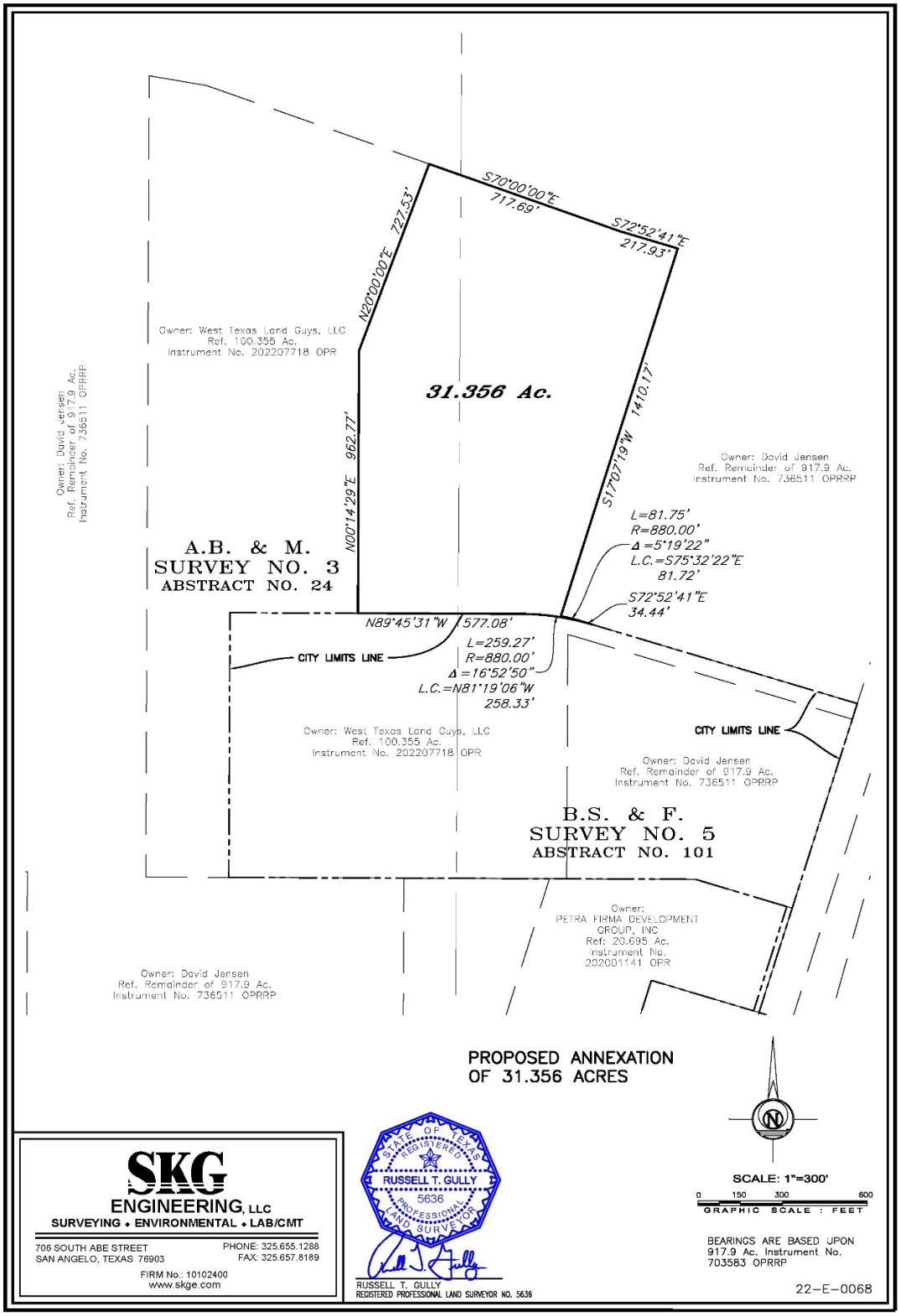
Background:
The applicant, West Texas Land Guys, LLC, recently purchased a total of 100.355 acres of land which included this 31.356-acre tract. The applicant intends to annex this property to facilitate zoning to Single-Family Residential (RS-1) for a future residential development. The tract is identified as being part of a preliminary plat for Arden Acres which was approved by the Planning Commission on July 18, 2022. This annexation was also presented to the Planning Commission at that meeting for information purposes only (no formal action was required nor taken). On July 17, 2023, the associated zoning application was recommended approved by the Planning Commission. The zoning subject to the annexation being approved will be presented to Council for consideration at the December 5, 2023 meeting.

Compatibility with the City's Comprehensive Plan:
The City's 2009 Strategic Plan Update to its Comprehensive Plan sets certain policies for annexation of land into the City Limits. The property is identified in the 2009 City's Annexation Plan as "intermediate" for annexation within the next 5-20 years. Since the plan was adopted as part of the City's Strategic Plan Update 13 years ago, Staff believes this area is now ready to be developed. One of the annexation policies is to anticipate "realistic potential for development of new home sites and new business activity all around the urban fringe, annexing the most promising such areas where timely application of urban development standards can have an effective impact." It is located immediately west of an existing property already in the City Limits so this would be a logical extension of the City compatible with this policy. There is an existing 16 inch water main running adjacent to F.M. 2288 and an existing 12 inch sewer main at the corner of Arden Road

and F.M. 2288. *City staff and the Attorney's Office have finalized a draft Service Plan outlining all required services, including water and sewer extensions. Per Chapter 43.0672 of the Texas Local Government Code, this Service Plan is required to be approved prior to annexation.* The property has a future land use of "Neighborhood" in the Comprehensive Plan which calls to "promote neighborhood diversity and security by encouraging a mix of age, income, and housing choices within San Angelo's neighborhoods." The proposed RS-1. Finally, the City's Master Thoroughfare Plan (MTP) identifies a future minor collector road extending north-south through the property. The applicant will be required to construct this road as part of a future plat, or request that this road be relocated which will require an amendment to the MTP.

Recommendation:
Staff recommends **APPROVAL** of an ordinance annexing into the City of San Angelo, by petition of the property owner, an ordinance annexing into the City of San Angelo, an unaddressed 31.356-acre tract out of the A.B. & M. Survey No. 3, Abstract No. 24, and B.S. & F Survey No. 5 Abstract No. 101 Tom Green County, Texas.

Attachment:
Annexation Petition


S70°00'00"E
717.69'
S72°52'41"E
217.93'
N20°00'00"E 727.53'
Owner: West Texas Land Guys, LLC
Ref. 100.355 Ac.
Instrument No. 202207718 OPR
31.356 Ac.
Owner: David Jensen
Ref. Remainder of 917.9 Ac.
Instrument No. 736511 OPRRP
N00°14'29"E 962.77'
S17°07'19"W 1410.17'
Owner: David Jensen
Ref. Remainder of 917.9 Ac.
Instrument No. 736511 OPRRP
L=81.75'
R=880.00'
Δ=5°19'22"
L.C.=S75°32'22"E
81.72'
S72°52'41"E
34.44'
A.B. & M.
SURVEY NO. 3
ABSTRACT NO. 24
N89°45'31"W 577.08'
CITY LIMITS LINE
L=259.27'
R=880.00'
Δ=16°52'50"
L.C.=N81°19'06"W
258.33'
Owner: West Texas Land Guys, LLC
Ref. 100.355 Ac.
Instrument No. 202207718 OPR
CITY LIMITS LINE
Owner: David Jensen
Ref. Remainder of 917.9 Ac.
Instrument No. 736511 OPRRP
B.S. & F.
SURVEY NO. 5
ABSTRACT NO. 101
Owner:
PETRA FIRMA DEVELOPMENT
GROUP, INC
Ref: 20.695 Ac.
Instrument No.
202001141 OPR
Owner: David Jensen
Ref. Remainder of 917.9 Ac.
Instrument No. 736511 OPRRP
Owner: David Jensen
Ref. Remainder of 917.9 Ac.
Instrument No. 736511 OPRRP
PROPOSED ANNEXATION
OF 31.356 ACRES
N
SCALE: 1"=300'
0 150 300 600
GRAPHIC SCALE : FEET
BEARINGS ARE BASED UPON
917.9 Ac. Instrument No.
703583 OPRRP
22-E-0068
SKG
ENGINEERING, LLC
SURVEYING • ENVIRONMENTAL • LAB/CMT
706 SOUTH ABE STREET
SAN ANGELO, TEXAS 76903
PHONE: 325.655.1288
FAX: 325.657.8189
FIRM No.: 10102400
www.skge.com
STATE OF TEXAS
REGISTERED
RUSSELL T. GULLY
5636
PROFESSIONAL
LAND SURVEYOR
RUSSELL T. GULLY
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5636

PETITION REQUESTING ANNEXATION BY AREA LANDOWNERS

TO THE MAYOR AND GOVERNING BODY OF THE CITY OF SAN ANGELO, TEXAS

The undersigned owner(s) of the hereinafter described tract of land, which is vacant and without residents, or on which fewer than three qualified voters reside, hereby petition(s) your honorable Body to extend the present city limits so as to include as part of the City of San Angelo, Texas, the property described in Exhibit "A", by metes and bounds and attached herein.

West Texas Land Guys San Angelo, LLC certifies that the above described tract of land is contiguous and adjacent to the City of San Angelo, Texas, is not more than one-half mile in width, and that this petition is signed and duly acknowledged by each and every person having an interest in said land.

Signed: _____

Printed Name: ERIC VanRosenberg

Title: Partner Date: June 20, 2023

THE STATE OF TEXAS

COUNTY OF Tom GREEN

BEFORE ME, this instrument was acknowledged on June 21, 2023 by person's name or entity.

Vikki R. White

Notary Public, State of Texas
My commission expires: 3.20.2027

VIKKI R. WHITE
NOTARY PUBLIC
STATE OF TEXAS
ID# 131938796
EXPIRES 3-20-2027

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

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

Meeting Date: November 21, 2023

Item type: Regular Item

Caption:

First reading and public hearing of:
1. An ordinance annexing into the City of San Angelo, by petition of the property owner, an unaddressed 28.860 acre tract out of C. Berberich Survey No. 177, Abstract No. 52, Tom Green County, Texas, located west of Foster Rd. and south of W. Loop 306.
2. An ordinance for Z23-12 to rezone the property from the unzoned land to the General Commercial zoning district for the northern 10.814 acres, and to the Low Rise Multi-family zoning district for the remaining 18.046-acres (Presentation made by Planning and Development Services Assistant Director Aaron Vannoy)

Staff Recommendation:

Adopt

Summary/History:

The petitioner has requested an annexation of 28.860 acres with mixed-use commercial at the front of the lot facing loop 306 comprising 10.814 acres. The remaining 18.046 acres for annexation will be zoned low-rise multi-family (RM-1). However, the developer also plans to include some single-family residential on the property. The RM-1 zoning allows for multiple types of residential such as a single family, two-family, zero hotline, twin home and townhouse options for families. The City has not approved at plat for the area as the developers are in the design phase of the development. Developers have reached out to the Butler Farms area and gained support for their project from that neighborhood.

Funding Source(s):

Financial Impact:

NA

Other Information/Recommendation:

At the Planning Commission meeting on October 16, 2023, the Planning Commission voted unanimously to recommend approval for both the annexation and the zoning to the City Council.

Attachments:

1.	Memo CC 11-21-2023	Memo CC 11-21-2023.docx
2.	Staff Report (Z23-12) updated	Staff Report (Z23-12) updated.pdf

3.	Zoning Ordinance Z23-12	Zoning Ordinance Z23-12.docx
4.	Ordinance & Service Plan La Vista Annexation	Ordinance & Service Plan La Vista Annexation.docx

Presentation:

Aaron Vannoy

Approvals/Reviews:

Sherry Bailey	Created/Initiated
Brandon Dyson	Approved
Aaron Vannoy	Approved
Theresa James	Approved
Heather Stastny	Final Approval

MEMO

Meeting Date: November 21, 2023

To: City Council

From: Sherry Bailey
Principal Planner

Agenda Item: Discussion on an Annexation of an unaddressed 28.860 acre tract of land generally located south of Loop 306 adjacent to Foster Road to be annexed into the City of San Angelo City Limits.

Background:
The applicant, has submitted one of the last properties adjacent to this area of the city along south Loop 306. The practical ability of this annexation is possible because of the new sewer line the city is in the process of extending. The applicant has submitted the zoning request and that action is following the acceptance of the of the annexation by City Council.

Compatibility with the City's Comprehensive Plan:
The City's 2009 Strategic Plan Update to its Comprehensive Plan sets certain policies for annexation of land into the City Limits. The property is identified in the City's Annexation Plan as "Neighborhood" and "Neighborhood Center". Both land uses are being considered by the applicant.

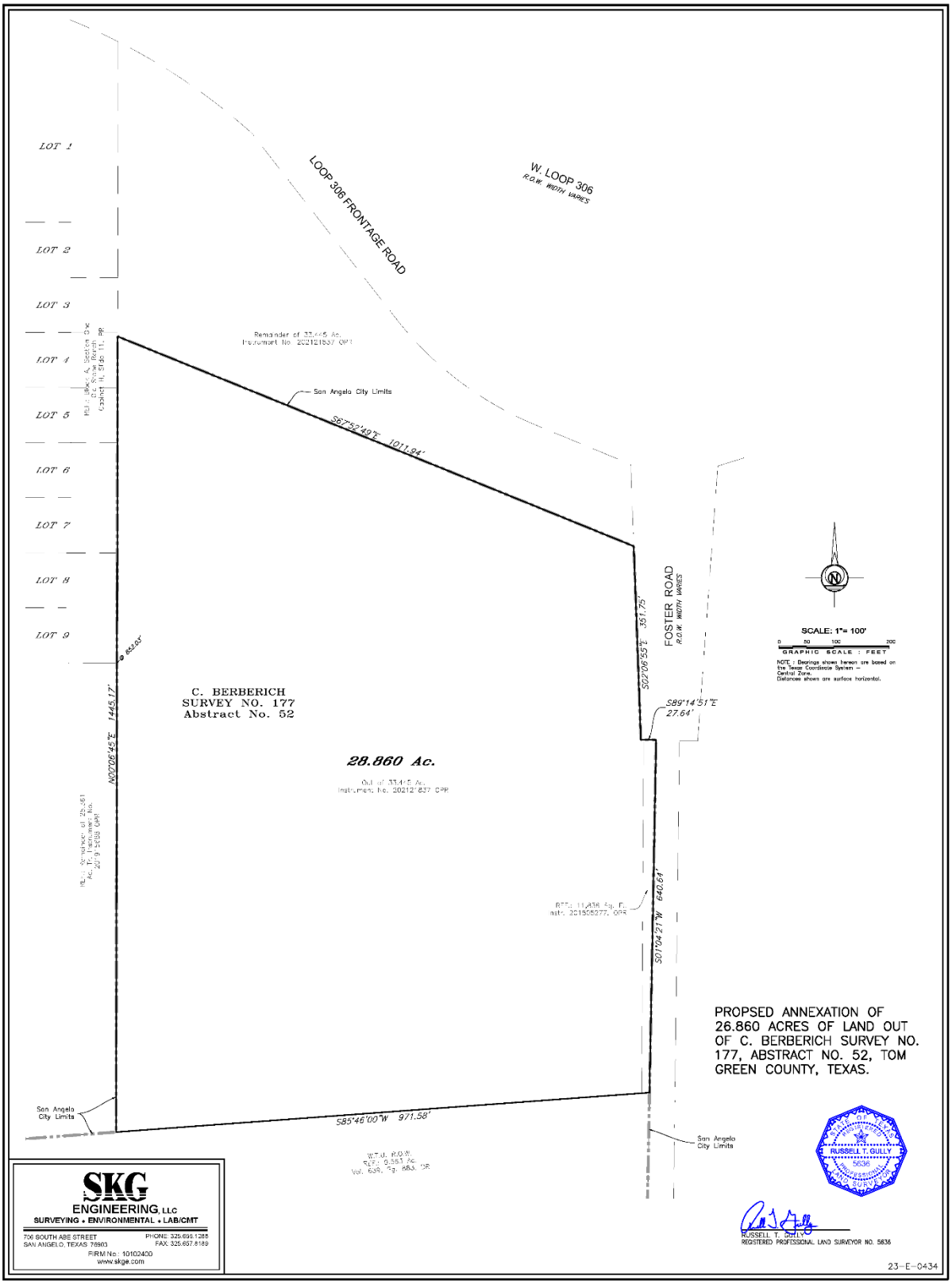
Annexation Process, Timeline, and Servicing Plan:
This annexation request is governed by Chapter 43, Subchapter C-3 of the Texas Local Government Code (TLCG) which authorizes a municipality under Section 43.0671 to annex an area if each owner of land in the area requests the annexation. The proposed timeline (subject to change) is as follows:

- August 15, 2023: The proposed annexation petition will be presented to City Council on for acceptance.
- November 21, 2023: The first public comment hearing of the Annexation, first hearing of the Annexation Ordinance, and the first hearing of the Zoning Z23-12. The northern 10.814 acres is to be zoned General Commercial (CG) and the remaining 18.046 acres is to be zoned Low Rise Multi-family (RM-1). The Planning Commission voted unanimously to recommend approval of the request.

- December 5, 2023: The second reading of the Annexation Ordinance and second reading of the Zone request.

Planning Commission Requested Action:
The Planning Commission approved unanimously the zoning request accompanying this annexation request.

Attachment:
Annexation Petition
Survey


LOT 1
LOT 2
LOT 3
LOT 4
LOT 5
LOT 6
LOT 7
LOT 8
LOT 9
LOOP 306 FRONTAGE ROAD
W. LOOP 306
R.O.W. WIDTH VARIES
Remainder of 33.445 Ac.
Instrument No. 202121837 OPR
San Angelo City Limits
S67°52'49"E 1011.94'
FOSTER ROAD
R.O.W. WIDTH VARIES
S02°06'55"E 351.75'
S89°14'51"E
27.64'
C. BERBERICH
SURVEY NO. 177
Abstract No. 52
28.860 Ac.
Out of 33.445 Ac.
Instrument No. 202121837 OPR
N07°06'45"E 1445.17'
S01°04'21"W 640.61'
S85°46'00"W 971.58'
San Angelo
City Limits
San Angelo
City Limits
W.T.U. R.O.W.
SEE: 0.561 Ac.
Vol. 638, Pg. 883, DR
SCALE: 1"= 100'
0 50 100 200
GRAPHIC SCALE : FEET
NOTE : Bearings shown hereon are based on the Texas Coordinate System – Central Zone.
Distances shown are surface horizontal.
PROPSED ANNEXATION OF
26.860 ACRES OF LAND OUT
OF C. BERBERICH SURVEY NO.
177, ABSTRACT NO. 52, TOM
GREEN COUNTY, TEXAS.
RUSSELL T. GULLY
5636
RUSSELL T. GULLY
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5636
SKG
ENGINEERING, LLC
SURVEYING • ENVIRONMENTAL • LAB/CMT
706 SOUTH ABE STREET
SAN ANGELO, TEXAS 76903
PHONE: 325.655.1285
FAX: 325.657.6189
FIRM No.: 10102400
www.skge.com
23-E-0434

PETITION REQUESTING ANNEXATION BY AREA LANDOWNERS

TO THE MAYOR AND GOVERNING BODY OF THE CITY OF SAN ANGELO, TEXAS
The undersigned owner(s) of the hereinafter described tract of land, which is vacant and without residents, or on which fewer than three qualified voters reside, hereby petition(s) your honorable Body to extend the present city limits so as to include as part of the City of San Angelo, Texas, the property described in Exhibit "A", by metes and bounds and attached herein.

HBB INVESTMENT COMPANY LLC certifies that the above described tract of land is contiguous and adjacent to the City of San Angelo, Texas, is not more than one-half mile in width, and that this petition is signed and duly acknowledged by each and every person having an interest in said land.

Signed: _____
Printed Name: Haden B. Burchard
Title: manager Date: 3/31/2023

THE STATE OF TEXAS
COUNTY OF TOM GREEN
BEFORE ME, this instrument was acknowledged on 3/31/2023 by person's name or entity.

Jan G. Holden
Notary Public, State of Texas
My commission expires: 2/10/2025

JAN G. HOLDEN
Notary Public, State of Texas
Comm. Expires 02-10-2025
Notary ID 6199552

PETITION REQUESTING ANNEXATION BY AREA LANDOWNERS

TO THE MAYOR AND GOVERNING BODY OF THE CITY OF SAN ANGELO, TEXAS

The undersigned owner(s) of the hereinafter described tract of land, which is vacant and without residents, or on which fewer than three qualified voters reside, hereby petition(s) your honorable Body to extend the present city limits so as to include as part of the City of San Angelo, Texas, the property described in Exhibit "A", by metes and bounds and attached herein.

La Vista Grande Investments, LLC certifies that the above described tract of land is contiguous and adjacent to the City of San Angelo, Texas, is not more than one-half mile in width, and that this petition is signed and duly acknowledged by each and every person having an interest in said land.

Signed: _____

Printed Name: John Duke Hudson

Title: President Date: 4-3-2023

THE STATE OF TEXAS

COUNTY OF TOM GREEN

BEFORE ME, this instrument was acknowledged on April 3, 2023 by person's name or entity.

_____

Notary Public, State of Texas
My commission expires: 02-10-2025

JAN G. HOLDEN
Notary Public, State of Texas
Comm. Expires 02-10-2025
Notary ID 6199552

STAFF REPORT - Z23-12

City Council 1st reading: November 21, 2023
City Council 2nd reading: December 5, 2023

APPLICATION TYPE:	CASES:
Rezoning	Z23-12: Loop 306 & Foster Road

SYNOPSIS:

The representative for the owner of the property 402 N Bryant Blvd. (has submitted a request to the Planning Staff for a rezoning from Ranch & Estate (R&E) to General Commercial (CG) along the norther portion of the property, 10.814 acres, and Low Rise Multi-family (RM-1) over the remaining 18.046 acres. In this area, there is a mix of commercial uses, businesses and single family homes, with Ranch & Estate across Foster Road. The proposal is in keeping with the Future Land Use Plan for the area since it shows Neighborhood Center and Neighborhood as the intended uses. With multi-family proposed the General Commercial could easily supply the commercial needs for both the Loop traffic and the higher density residential development.

LOCATION:	LEGAL DESCRIPTION:
Southwest of the intersection of Loop 306 and Foster Road	28.860 acres out of C. Berberich Survey No. 177 Abstract No. 52, Tom Green County, TX

SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
FUTURE: SMD #1 – Tommy Hiebert Country Club Neighborhood	Existing - None Proposed: CG & RM-1	Commercial/Multi-family	RM-1-18.046 CG -10.814

NOTIFICATIONS:

12 notifications for Z23-12 were mailed within a 200-foot radius on August 30, 2023. No responses in favor or against have been received.

STAFF RECOMMENDATION:

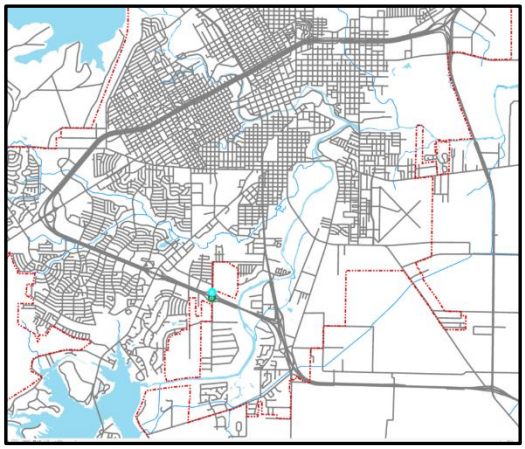
Staff recommends **APPROVAL** of a rezoning from the Ranch & Estate (R&E) to General Commercial (CG) for the northern 10.814 acres and Low Rise Residential (RM-1) for the 18.046 acres

PROPERTY OWNER/PETITIONER:

Applicants:
La Vista Grand Investments LLC
Representative:
Russell Gulley - SKG

STAFF CONTACT:

Sherry L Bailey
Principal Planner
(325) 657-4210, Extension 1546
Sherry.bailey@cosatx.us



Additional Information: Over the past few years there have been many discussion about annexing this property into the city and the best use of the property. With the development of the sewer line extension the intended use has become the favorite overall choice. Foster Road will continue to grow as a Minor Arterial carrying traffic from the future developing areas of the city.

1. **Compatible with Plans and Policies.** ***Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.*** The Comprehensive Plan identifies this area as Commercial and Neighborhood. Given the existing mix of uses, the proposal is in keeping with that use.

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 rezoning will not conflict with the Zoning Ordinance.

3. **Compatible with Surrounding Area.** ***Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.*** As noted above, the properties in this area are a mix of uses. In surveying the area, the one thing that all uses have in common is they are all indicative of a growing and developing area. As such, they complement the area and the various uses.

4. **Changed Conditions.** ***Whether and the extent to which there are changed conditions that require an amendment.*** This area is constantly changing. That is part of what keeps it a vital alive area.

5. **Effect on Natural Environment.** ***Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.*** There are no anticipated adverse effects on neighboring properties.

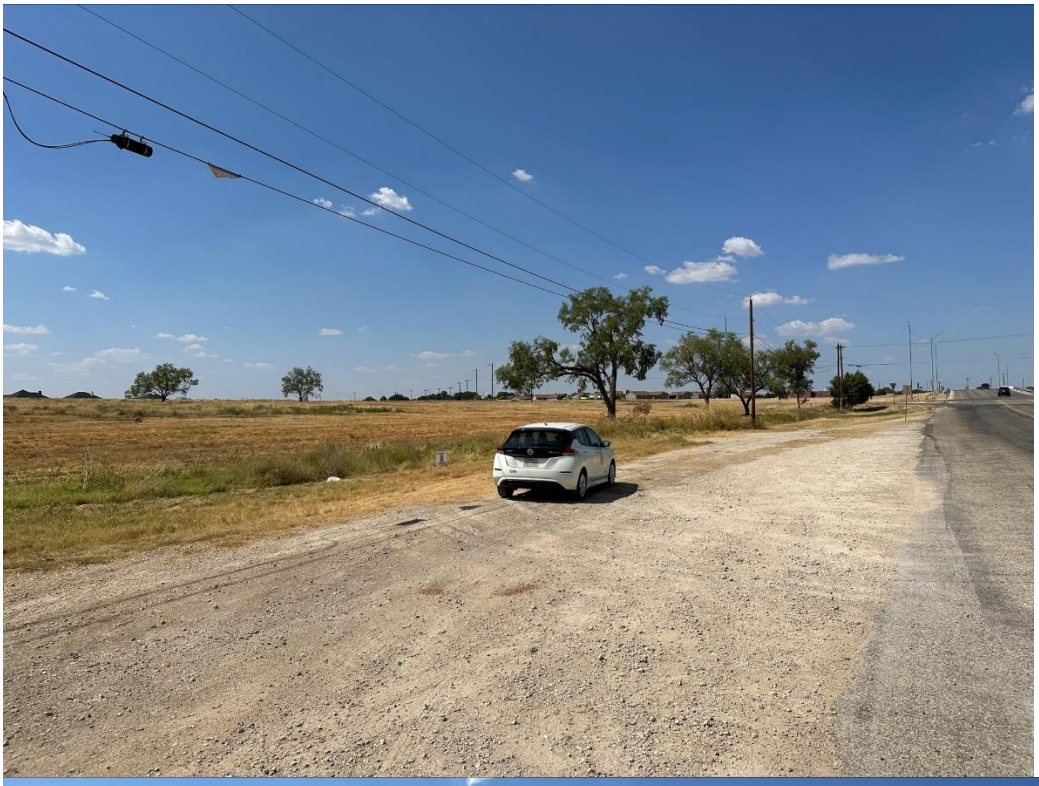
6. **Community Need.** ***Whether and the extent to which the proposed amendment addresses a demonstrated community need.*** Staff believes that this type of use has a history of success. Quick, concise, meeting multiple needs in one place seems to be filling a need. This project is consistent with that business type.

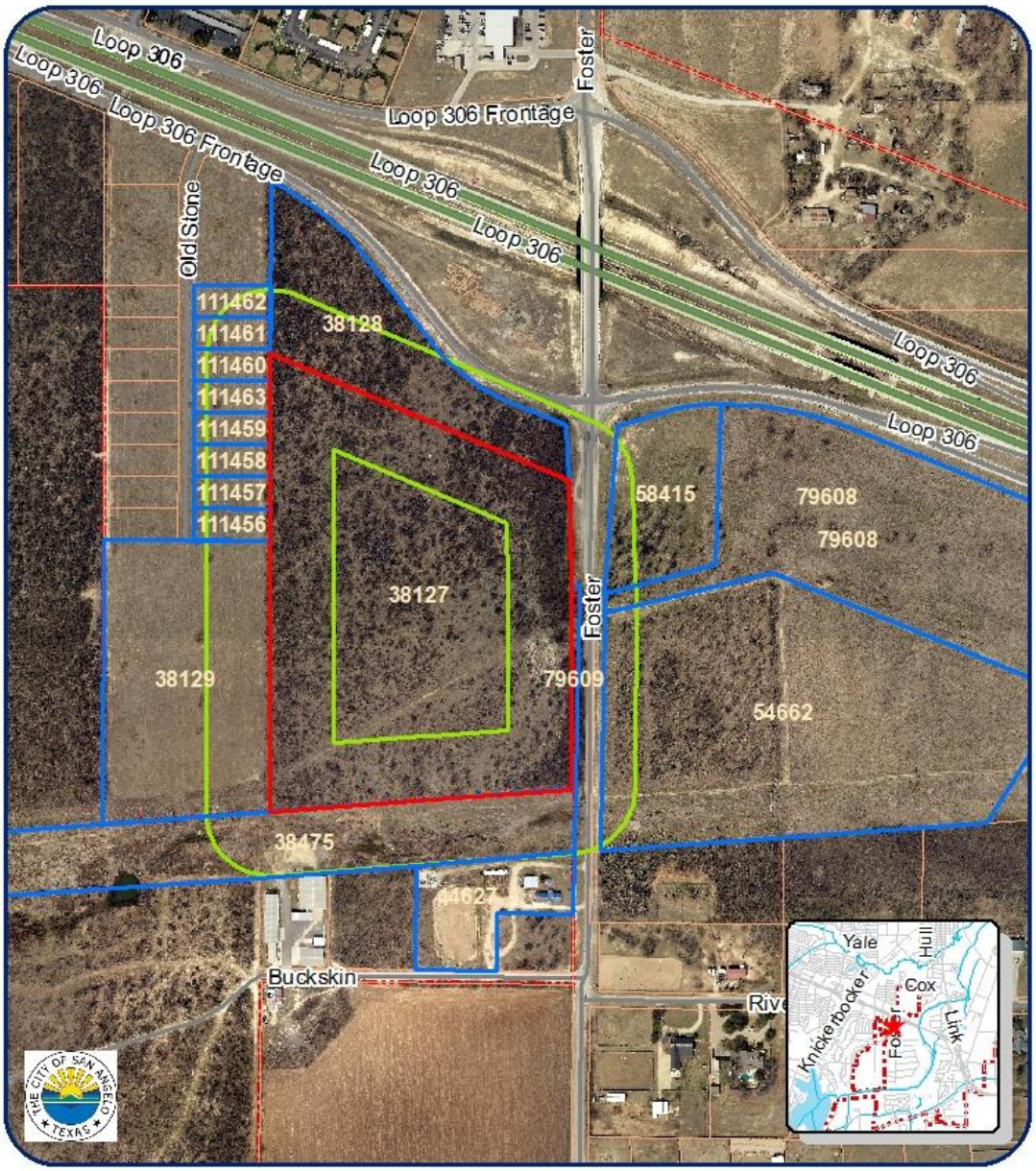
7. **Development Patterns.** ***Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.*** The property in question is well suited for the proposed project and will meet the development needs.

Recommendation:
Staff recommends **APPROVAL** of a rezoning from the Ranch & Estate to General Commercial (CG) for the norther portion of the property (10.814 acres) and Low Rise Multi-family (RM-1) 18.046 acres for the remaining property.

Attachments:

Site Photos
Aerial/Notification Map
Zoning Map
Future Land Use Map

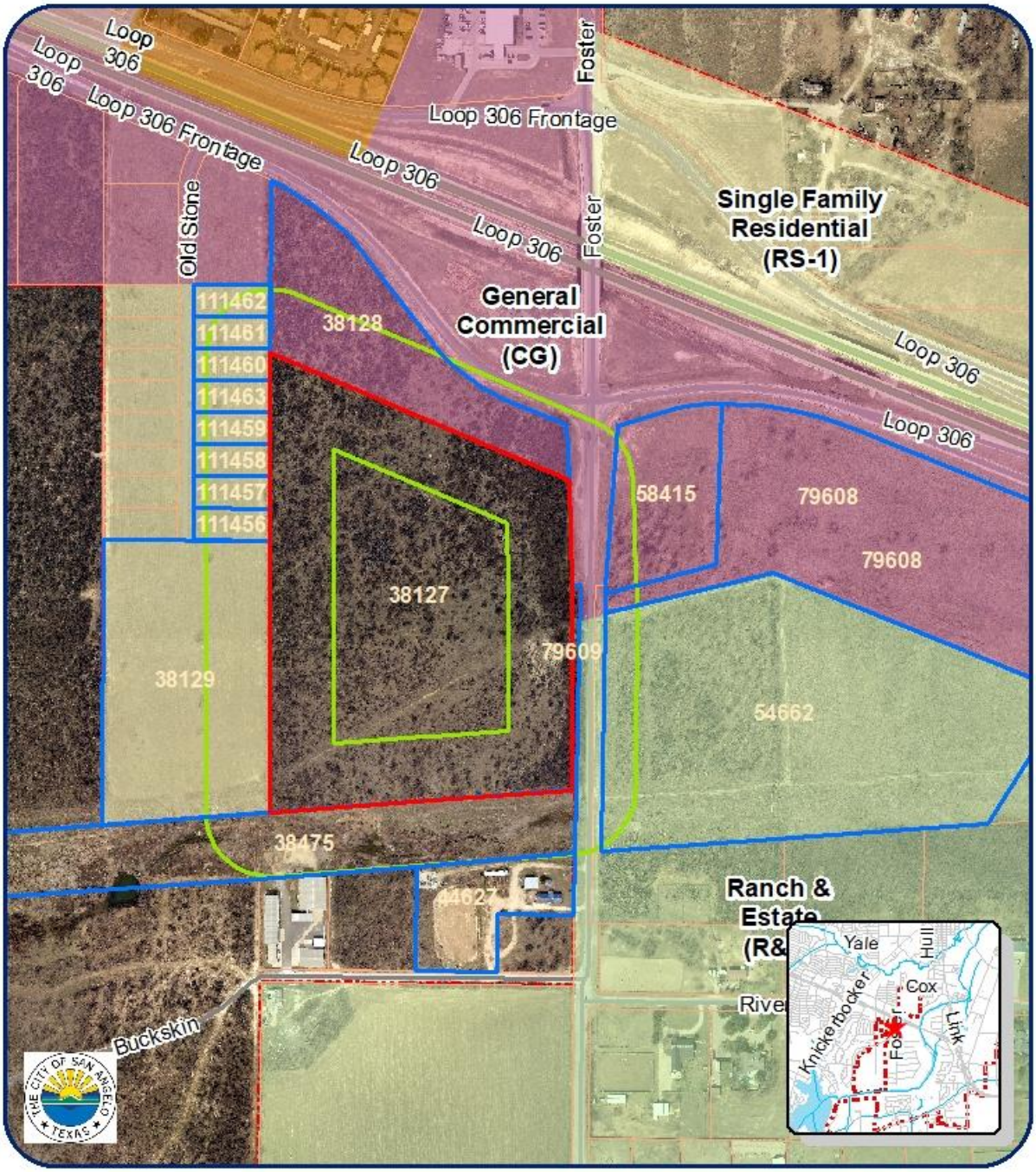




200' Notification Map
Z23-12 Loop 306 and Foster Rd
Council District: #1 Tommy Hiebert
Neighborhood: Country Club
Scale: 0 0.02 0.04 0.08 0.12 0.16 Miles

Subject Properties:
200' Buffer:
Notified Properties:

N



Zoning Map
Z23-12 Loop 306 and Foster Rd
Council District: #1 Tommy Hiebert
Neighborhood: Country Club
Scale: 0 0.02 0.04 0.08 0.12 0.16 Miles

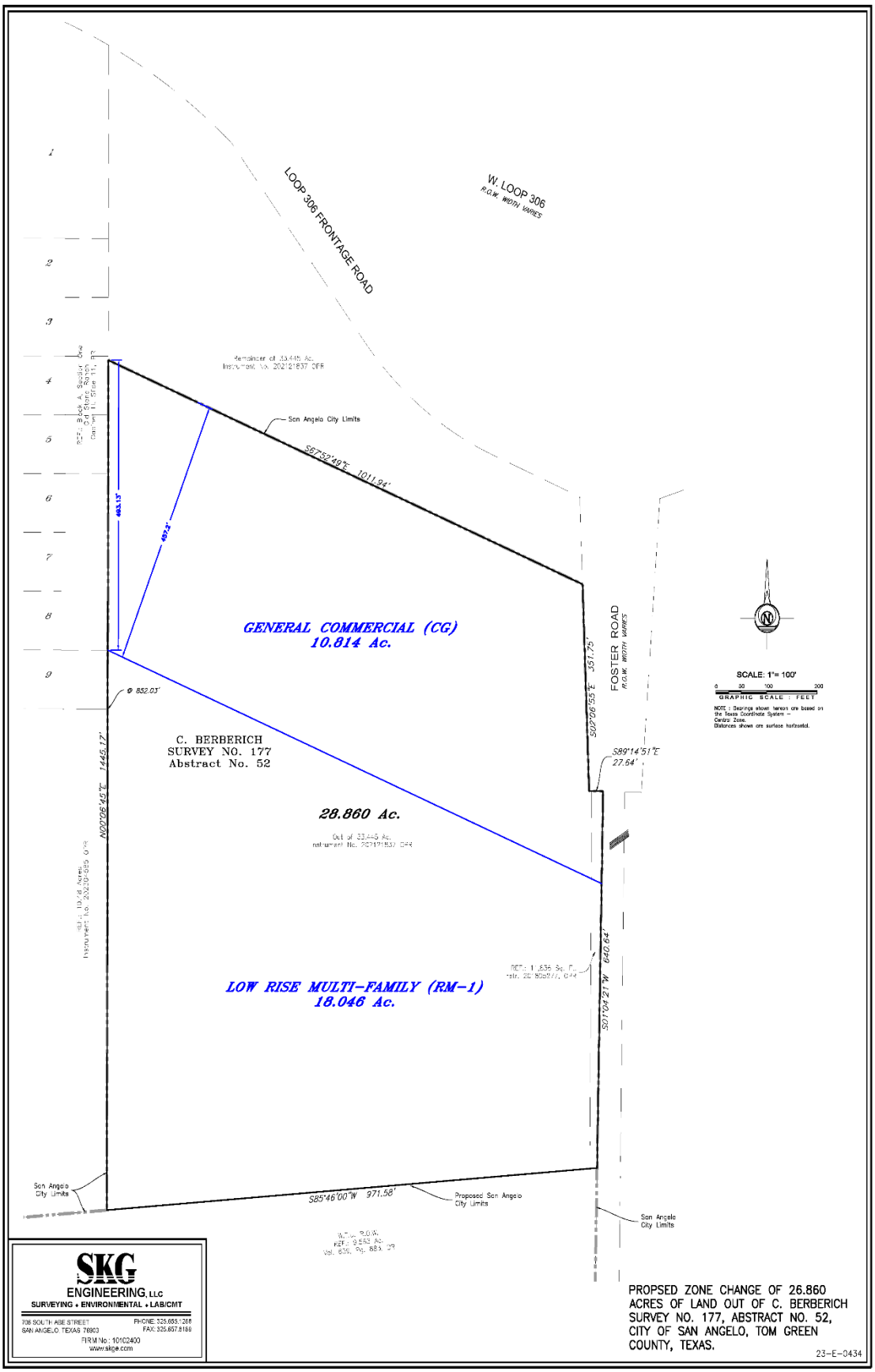
Subject Properties:
200' Buffer:
Notified Properties:

N

Aerial Map
Z23-12 Loop 306 and Foster Rd
Council District: #1 Tommy Hiebert
Neighborhood: Country Club
Scale: 0 0.02 0.04 0.08 0.12 0.16 Miles

Subject Properties:
200' Buffer:
Notified Properties:

N


LOOP 306 FRONTAGE ROAD
W. LOOP 306
R.O.W. WIDTH VARIES
Remainder of 33.445 Ac.
Instrument No. 202212837 OPR
San Angelo City Limits
S67°52'49"E 1011.94'
GENERAL COMMERCIAL (CG)
10.814 Ac.
FOSTER ROAD
R.O.W. WIDTH VARIES
S0°06'55"E 351.75'
S89°14'51"E
27.64'
SCALE: 1"= 100'
GRAPHIC SCALE : FEET
NOTE : Bearings shown hereon are based on the Texas Coordinate System – Central Zone.
Distances shown are surface horizontal.
852.03'
C. BERBERICH
SURVEY NO. 177
Abstract No. 52
N0°06'45"E 1445.17'
28.860 Ac.
Out of 33.445 Ac.
Instrument No. 202212837 OPR
S01°04'21"W 640.64'
LOW RISE MULTI-FAMILY (RM-1)
18.046 Ac.
San Angelo City Limits
S85°46'00"W 971.58'
Proposed San Angelo City Limits
San Angelo City Limits
SKG
ENGINEERING, LLC
SURVEYING • ENVIRONMENTAL • LAB/CMT
708 SOUTH ABE STREET
SAN ANGELO, TEXAS 76903
PHONE: 325.655.1288
FAX: 325.657.8188
FIRM No.: 10102400
www.skge.com
PROPSED ZONE CHANGE OF 26.860 ACRES OF LAND OUT OF C. BERBERICH SURVEY NO. 177, ABSTRACT NO. 52, CITY OF SAN ANGELO, TOM GREEN COUNTY, TEXAS.
23-E-0434

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 ZONING CLASSIFICATION OF THE FOLLOWING PROPERTY: **APPROXIMATELY 18.046 ACRES OF UNZONED LAND TO THE LOW RISE MULTI-FAMILY RESIDENCE (RM-1) DISTRICT AND APPROXIMATELY 10.814 ACRES OF UNZONED LAND TO THE GENERAL COMMERCIAL (CG) DISTRICT GENERALLY LOCATED AT THE SOUTHWEST CORNER OF LOOP 306 AND FOSTER ROAD** IN **CONNECTION WITH AN ANNEXATION;** PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

RE: Z23-12: La Vista

WHEREAS, on the 16th day of October, 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 18.046 acres to Low Rise Multi-family (RM-1) and 10.814 acres to General Commercial (CG); and,

WHEREAS, on the 21st day of November, 2023, City Council held a public hearing on Z23-12, pursuant to published notice, and has considered the application, comments, reports and recommendations of the Planning Commission and staff, public testimony, and other relevant support materials.

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

SECTION 1: The basic zoning ordinance for the City of San Angelo, as enacted by the governing body for the City of San Angelo effective January 4, 2000, and included within Exhibit "A" of Chapter 12 of the Code of Ordinances of the City of San Angelo, and zoning map be and the same are hereby amended to designate the following described properties permanently zoned 18.046 ACRES TO THE LOW RISE MULTI-FAMILY RESIDENCE (RM-1) DISTRICT AND TO ZONE 10.814 ACRES TO THE GENERAL COMMERCIAL (CG) DISTRICT:

The real property generally located southwest of Foster Road and the West Loop 306 Frontage Road, described as 28.860 acres out of C. Berberich Survey No. 177 Abstract

No. 52, Tom Green County, TX within the 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.

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

SECTION 4. The remaining provisions of Chapter 12 of the Code of Ordinances of the City of San Angelo, Texas, not amended 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 **21st day of November, 2023,** and finally PASSED, APPROVED AND ADOPTED on this the **5th day of December, 2023.**

THE CITY OF SAN ANGELO

_____
Brenda Gunter, Mayor

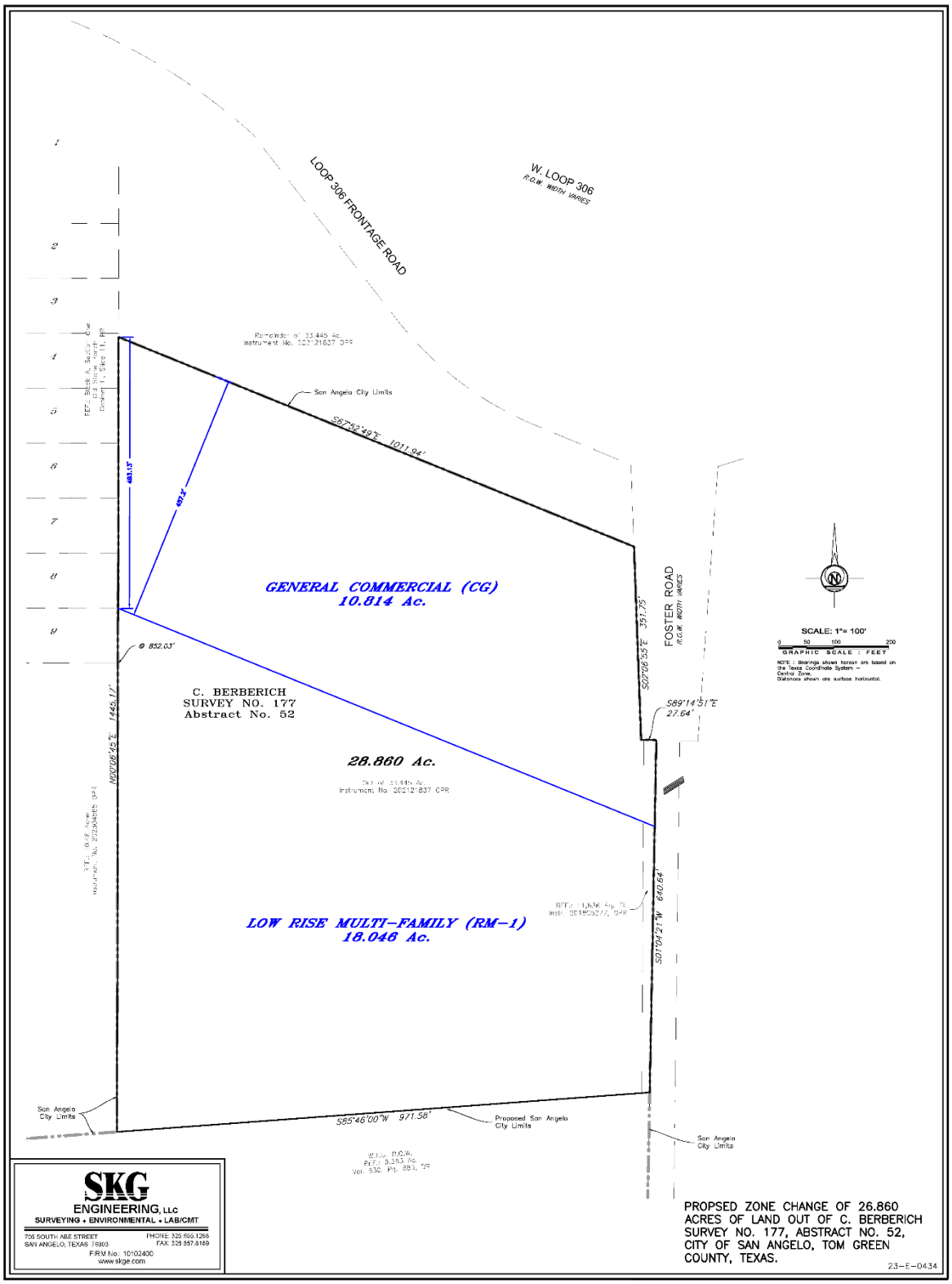
ATTEST:

_____
Heather Stastny, City Clerk

APPROVED AS TO FORM:

_____
Theresa James, City Attorney

Exhibit "A"


LOOP 306 FRONTAGE ROAD
W. LOOP 306
R.O.W. WIDTH VARIES
Remainder of 33.449 Ac.
Instrument No. 202121837 OPR
San Angelo City Limits
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City Limits
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SCALE: 1"= 100'
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PROPSED ZONE CHANGE OF 26.860 ACRES OF LAND OUT OF C. BERBERICH SURVEY NO. 177, ABSTRACT NO. 52, CITY OF SAN ANGELO, TOM GREEN COUNTY, TEXAS.
23-E-0434

AN ORDINANCE ANNEXING INTO THE CITY OF SAN ANGELO, TOM GREEN COUNTY, TEXAS, ON PETITION OF PROPERTY OWNERS, TERRITORY GENERALLY DESCRIBED AS AN UNADDRESSED 28.860-ACRE TRACT OUT OF C. BERBERICH SURVEY NO. 177, ABSTRACT NO. 52, LOCATED SOUTHWEST OF SOUTH LOOP 306 FRONTAGE ROAD AND FOSTER ROAD, TOM GREEN COUNTY, TEXAS; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING FOR AMENDMENT OF THE BOUNDARIES AND OFFICIAL MAP OF THE CITY; APPROVING A SERVICE PLAN THEREFORE; SUBJECTING THE PROPERTY SITUATED THEREIN TO BEAR ITS PRO RATA PART OF TAXES LEVIED; PROVIDING RIGHTS AND PRIVILEGES AS WELL AS DUTIES AND RESPONSIBILITIES OF INHABITANTS AND OWNERS OF SAID TERRITORY; DIRECTING NOTICES AS REQUIRED BY LAW; PROVIDING A SEVERABILITY CLAUSE; DECLARING COMPLIANCE WITH OPEN MEETINGS ACT; AND, PROVIDING AN EFFECTIVE DATE

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

WHEREAS, pursuant to Texas Local Government Code, Section 43.0671, all of the owners of a tract of land containing 28.860 acres situated immediately south of the City Limits, generally located southwest of South Loop 306 Frontage Road and Foster Road, more fully described in Exhibit "A," attached hereto and made a part hereof for all purposes (hereinafter the "Territory"), have petitioned the City Council in writing to annex the Territory into the corporate limits of the City; and,

WHEREAS, the City Council accepted the Petition Requesting Annexation by Territory owners, and directed Planning staff to proceed with the proposed annexation schedule, at a regularly held meeting of the City Council on August 15, 2023; and,

WHEREAS, under Section 43.016 of the Texas Local Government Code, the City is required to offer the owner a development agreement if the Territory is appraised for ad valorem tax purposes as land for agricultural or wildlife management use, or as timber land, that guarantees continuation of the extraterritorial status of the area, and authorizes enforcement of all regulations and planning authority of the city that do not interfere with the use of the area for agriculture, wildlife management, or timber;

WHEREAS, the City has offered the Territory owners a development agreement under Section 43.016 as the Territory is currently appraised for agricultural use, and the owners have declined the agreement, electing instead to seek annexation of the Territory; and,

WHEREAS, a public hearing on the annexation was held, the 21st day of November 2023 as required by law, where all interested persons were provided an opportunity to be heard on the proposed annexation of the Territory; and

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

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

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

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

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

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

Section 3 Amendment of Boundaries and Official Map of City. The official map and boundaries of the City, heretofore adopted and amended, shall be and are hereby amended so as to include the aforementioned annexed Territory as part of the City, and incorporated into the adjacent Single Member District No. 1 (SMD 1)

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

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

Section 6 Rights, Privileges and Duties of Inhabitants. The inhabitants of the annexed Territory shall be entitled to all the rights and privileges of the other citizens of the

City and shall be bound by the Charter, Ordinances, Resolutions and other regulations of the City.

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

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

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

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

INTRODUCED with public hearing on the 21st day of November 2023, and finally PASSED, APPROVED AND ADOPTED on this the 5th day of December, 2023.

THE CITY OF SAN ANGELO

By: _____
Brenda Gunter, Mayor

ATTEST:

By: _____
Heather Stastny, City Clerk

APPROVED AS TO FORM:

_____
Theresa James, City Attorney

Exhibit “A” (Legal Description and Survey)

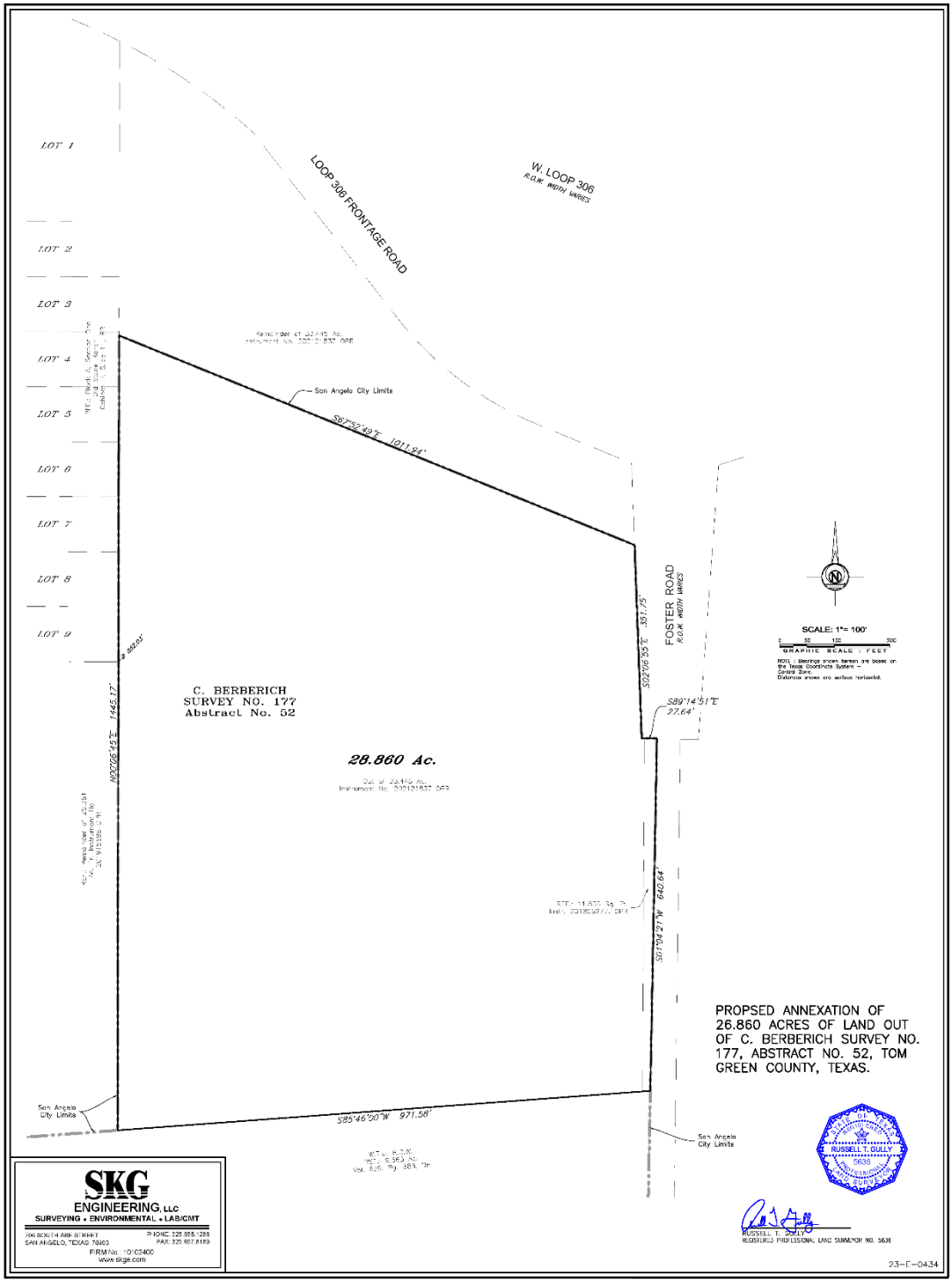


EXHIBIT B

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

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

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

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

Executed on the ___ day December 2023, to be effective on the effective date of annexation of the Territory.

CITY OF SAN ANGELO

By:_____
Daniel Valenzuela
City Manager

OWNERS

By:_____
John Duke Hudson, Managing Member
La Vista Grande Investments, LLC

By: _____
Haven B. Burchard, Managing Member
HBB Investment Company LLC

Attest:

_____
Heather Stastny, City Clerk

Approved as to Form and Legality:

_____
Theresa James, City Attorney

Approved as to Content:

Aaron Vannoy, Planning &
Development Services Assistant Director

SERVICE PLAN FOR EXTENSION OF MUNICIPAL SERVICES TO AN AREA DESCRIBED AS FOLLOWS:

Generally located southwest of South Loop 306 Frontage Road and Foster Road, and specifically described as a 28.860 acre tract of land in the C. Berberich Survey No. 177, Abstract No. 52. Tom Green County, Texas.

SERVICE PROVIDED ON THE EFFECTIVE DATE OF ANNEXATION:

1. **POLICE PROTECTION**

Existing Services: Police protection provided by Tom Green County Sheriff's Office.

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

Patrolling, radio and dispatch responses to calls, traffic enforcement, and other routine police services will be provided.

2. **FIRE PROTECTION AND EMERGENCY SERVICES**

Existing Services: Emergency medical services provided by the City of San Angelo currently extend to medical emergencies county wide. Fire service provided by volunteer fire departments.

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

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

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

The Office of Fire Prevention will provide permitting and inspection services upon annexation. This includes issuing permits and conducting fire sprinkler, fire alarm, commercial hood or special agent system inspections as well as occupancy and maintenance inspections for any new construction and remodeling projects, as well as any other applicable enforcement of adopted codes and standards within the City of San Angelo.

3. SOLID WASTE COLLECTION

Existing Services: None

Services to be provided:

The same regular solid waste collection services now provided within the city will be extended to the newly annexed area after the effective date of annexation.

4. MAINTAINING WATER AND WASTEWATER FACILITIES

Existing Services: None

Services to be provided:

Water and sanitary sewer service to the area will be provided in accordance with the City Code of Ordinances and departmental policy. When other property develops in the adjacent area, water and sanitary sewer service shall be extended in accordance with the City of San Angelo Code of Ordinances and departmental policy. Prior to future development, a subdivision plat(s) shall be approved by the City and recorded with Tom Green County that includes any required provisions for water and sanitary sewer service.

As part of the subdivision plat, the developer/owner shall prepare and submit plans for approval of a looped water main system or approved deferral process, illustrating the proposed installation of a water main and complete the installation in accordance with the approved version of these plans prior to plat recordation.

As part of the subdivision plat, the developer/owner shall prepare and submit plans for approval of a waste water system, illustrating the proposed installation of a waste water main and service lines and complete the installation in accordance with the approved version of these plans prior to plat recordation

5. MAINTAINING ROADS, STREETS, AND ALLEYWAYS

Existing Services: Provided by Tom Green County.

Services to be provided:

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

6. MAINTAINING PARKS, PLAYGROUNDS, AND SWIMMING POOLS

Existing Services: None

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

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

7. BUILDING INSPECTION

Existing Services: None

Services to be provided:
The Building Inspection Department will provide building permitting services upon annexation. This includes issuing building, electrical and plumbing permits for any new construction and remodeling, and enforcing all other applicable codes which regulate building construction within the City of San Angelo. These services can be accommodated in the division's current budget.

8. PLANNING AND ZONING

Existing Services: None

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

9. CODE COMPLIANCE

Existing Services: None

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

10. MAINTAINING OTHER PUBLIC OWNED FACILITIES OR BUILDINGS

Existing Services: None

Services to be provided:
In the event any such publicly-owned facility or building does exist and are public facilities or buildings, the City of San Angelo shall maintain such facilities or buildings to the same extent and degree that it maintains similar municipal facilities and buildings now incorporated in the City of San Angelo, Texas. Subject to funding by Council.

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

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

11. STORM WATER MANAGEMENT

Existing Services: None

Services to be provided:
Developers will provide a storm water Drainage Study and plan. Storm water drainage shall be constructed in accordance with the plan at their own expense and will be inspected by the City Engineers at time of completion.

12. STREET LIGHTING

Existing Services: None

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

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

Requestor: Rae Lineberry, Planner, Planning and Development Services

Meeting Date: November 21, 2023

Item type: Regular Item

Caption:

First reading and public hearing of:
1. An ordinance annexing into the City of San Angelo, by petition of the property owner, an unaddressed 15.496 acre tract out of A. Willeke Survey No. 2, Abstract No. 8211 and A. Willeke Survery No. 8, Abstract No. 8102, Tom Green County, Texas
2. An ordinance for Z23-13 to zone the 15.496 acre tract located in the Meridian North Subdivision, located along the extension of Slayde St., north of Royal Oak St., to the Single-family Residential zoning district in Blocks 5-7 and to the Zero Lot Line, Twinhome and Townhome Residential zoning district in Block 8
(Presentation made by Planning & Development Services Assistant Director Aaron Vannoy)

Staff Recommendation:

Approve

Summary/History:

A petition by the property owner to annex into the City Limits and a request to zone 15.496 acres to the Single-family Residential (RS-1) zoning district in Blocks 5-7 and to the Zero Lot Line, Twinhome and Townhome Residential (RS-3) zoning district in Block 8 of the Meridian North Subdivision, located along the extension of Slayde St. north of Royal Oak Street. This is a logical extension of Slayde St. to the north which will back up to a detention pond designed for future growth and one branch of the Red Arroyo. The developers intend to utilize the RS-3 zoning for zero-lot line homes at this time.

Funding Source(s):

Financial Impact:

N/A

Other Information/Recommendation:

The Planning Commission approved the request to zone 15.496 acres to Single-family Residential (RS-1) and Zero-lot, Twinhomes, Townhomes Residential (RS-3) at the October meeting with a 5-0 vote.

Attachments:

1.	Z23-13 Meridian Staff Report	Z23-13 Meridian Staff Report.pdf
2.	Meridian North Annexation Ordinance	Meridian North Annexation Ordinance.docx

3. Meridian North Zoning Ordinance Meridian North Zoning Ordinance.docx

Presentation:

Aaron Vannoy

Approvals/Reviews:

Rae Lineberry	Created/Initiated
Jon James	Approved
Brandon Dyson	Approved
Aaron Vannoy	Approved
Theresa James	Approved
Heather Stastny	Final Approval

STAFF REPORT - Z23-13

Planning Commission: October 16, 2023
City Council 1st reading: November 21, 2023

APPLICATION TYPE:	CASES:
Zoning	Z23-13: Meridian North

SYNOPSIS:

The owner of the property is requesting zoning of Single-Family Residential (RS-1) for Blocks 5-7, and Zero-lot Line, Twinhomes, Townhouses Residential (RS-3) for Block 8 on this 15.496 acre property. This surrounding area is largely Single-family Residential (RS-1) with a little bit of Zero-lot Line, Twinhomes, Townhouses Residential (RS-3) to the Northeast.

LOCATION:	LEGAL DESCRIPTION:
West of Red Oak and Scarlet Oak and North of Dominion Ridge Dr	15.496 acres out of Abst: A-8108 S-0008, & Abst: 8211 S-0002 Survey: A WILLEKE

SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
FUTURE: SMD #6 – Larry Miller Bonham Neighborhood	Existing - None Proposed: RS-1 & RS-3	Neighborhood	15.496

NOTIFICATIONS:

32 notifications were mailed within a 200-foot radius on August 30, 2023. Staff has received zero in favor and one against.

STAFF RECOMMENDATION:

Staff recommends **APPROVAL** of zoning to the Single-Family Residential (RS-1) zoning district for Blocks 5-7, and to the Zero-lot Line, Twinhome, and Townhouse Residential (RS-3) zoning district for Block 8.

PROPERTY OWNER/PETITIONER:

Applicant: Danny Aguerro, Sierra Vista Construction
Representative: Russell Gulley - SKG

STAFF CONTACT:

Rae Lineberry
Planner
(325) 657-4210, ext 1533
Rae.lineberry@cosatx.us

Additional Information: This property will be annexed into the city and will add more single-family homes.

1. **Compatible with Plans and Policies.** ***Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.*** The Comprehensive Plan identifies this area as Neighborhood. Given the existing mix of RS-1 and RS-3 currently in the area, the proposal is in keeping with that use.

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 will not conflict with the Zoning Ordinance.

3. **Compatible with Surrounding Area.** ***Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.*** The proposed use is compatible with the surrounding area.

4. **Changed Conditions.** ***Whether and the extent to which there are changed conditions that require an amendment.*** This area has been vacant and adding single-family homes will help the community to grow.

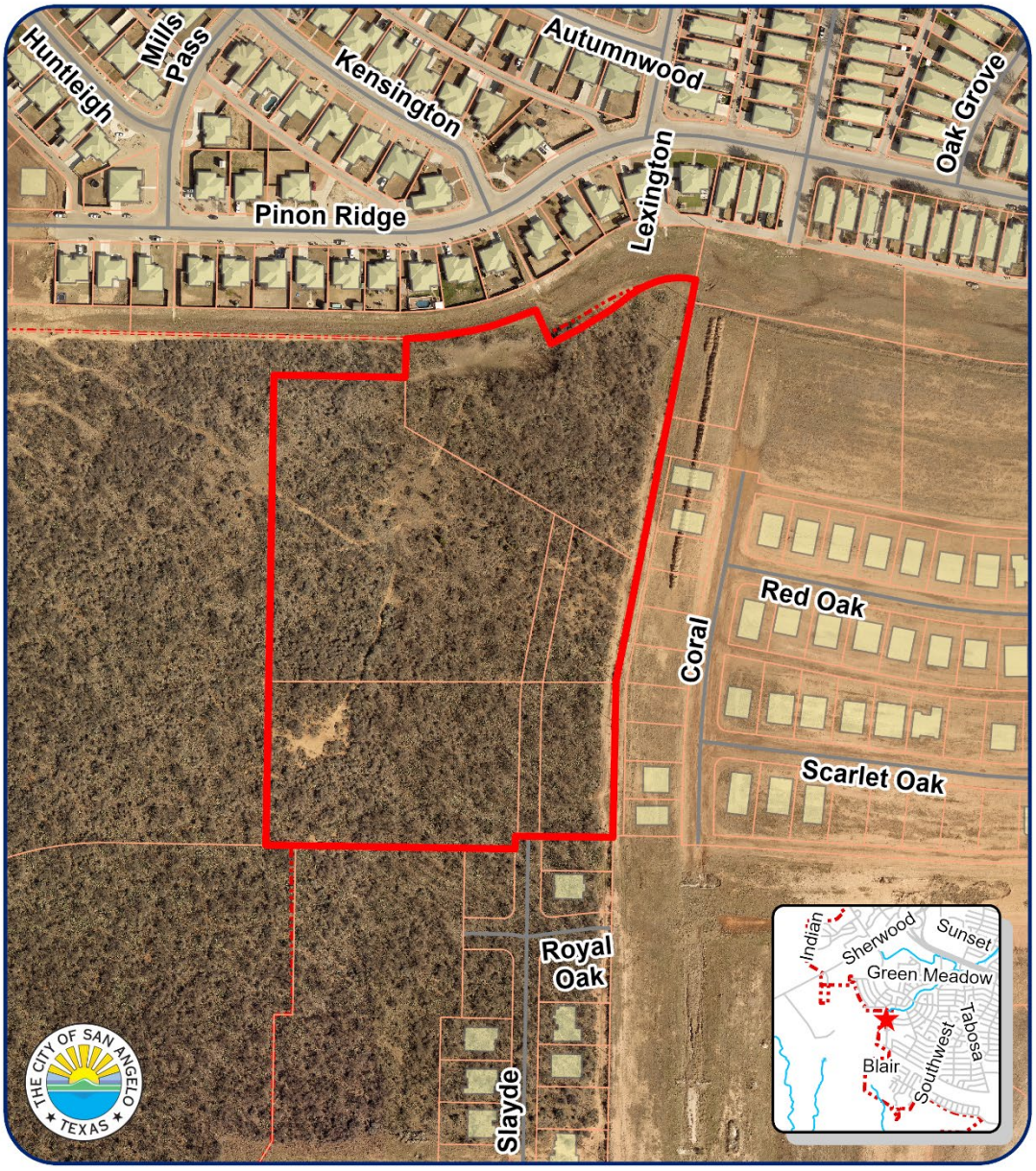
5. **Effect on Natural Environment.** ***Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.*** There are no anticipated adverse effects on neighboring properties.

6. **Community Need.** ***Whether and the extent to which the proposed amendment addresses a demonstrated community need.*** Staff believes that this type of use has a history of success.

7. **Development Patterns.** ***Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.*** The property in question is well suited for the proposed project and will meet the development needs.

Recommendation:
Staff recommends **APPROVAL** of a zoning to Single-Family Residential (RS-1) for Blocks 5-7, and Zero-lot Line, Twinhome, and Townhouse Residential (RS-3) for Block 8.

Attachments:
Aerial Map
Notification Map
Zoning Map
Preliminary Plat

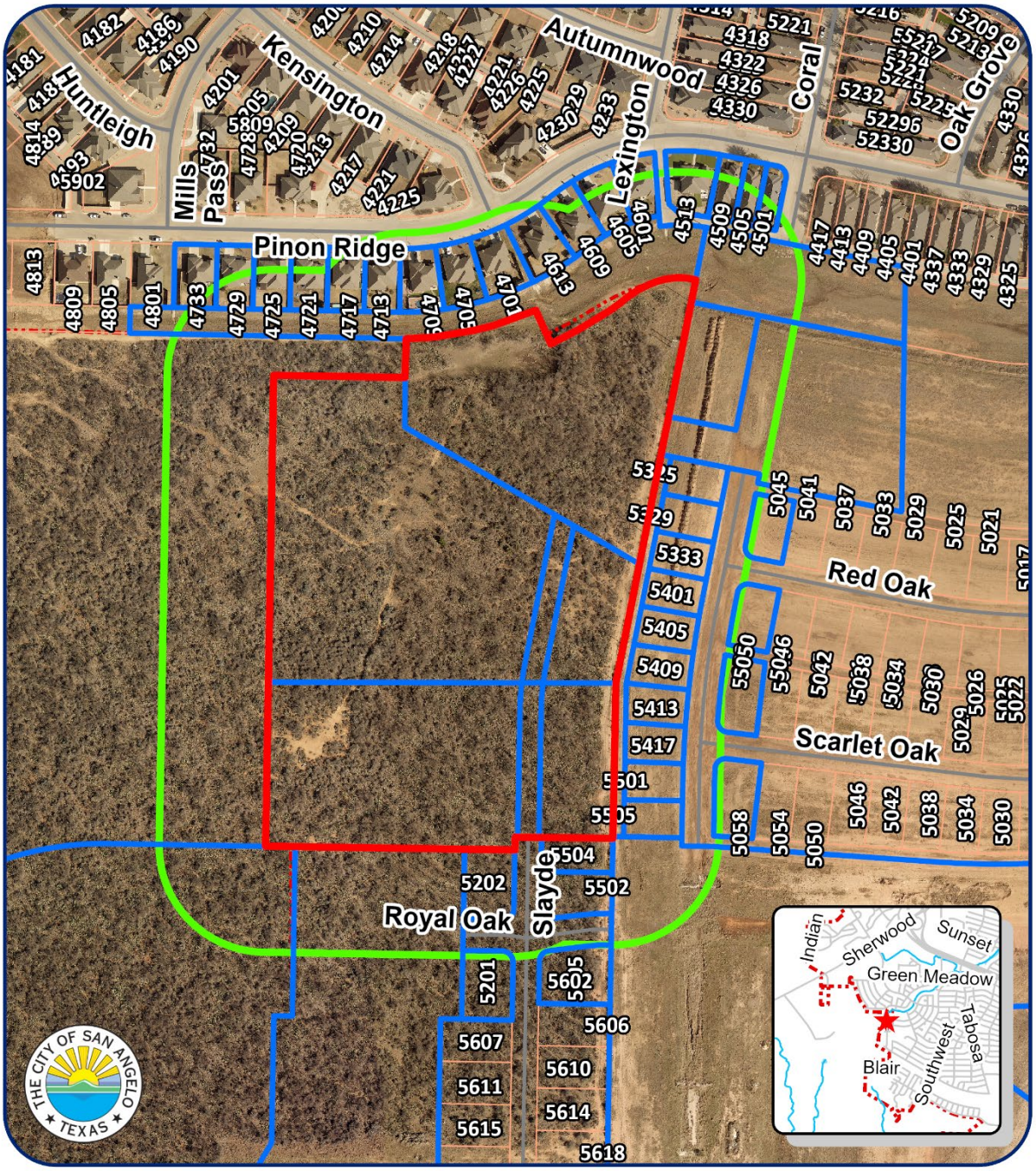


Aerial Map
PP23-12 & Z23-13: Meridian North
Council District: #6 Larry Miller
Neighborhood: Bonham

Scale: 0 0.01 0.03 0.05 0.08 0.1 Miles

Subject Properties:

N

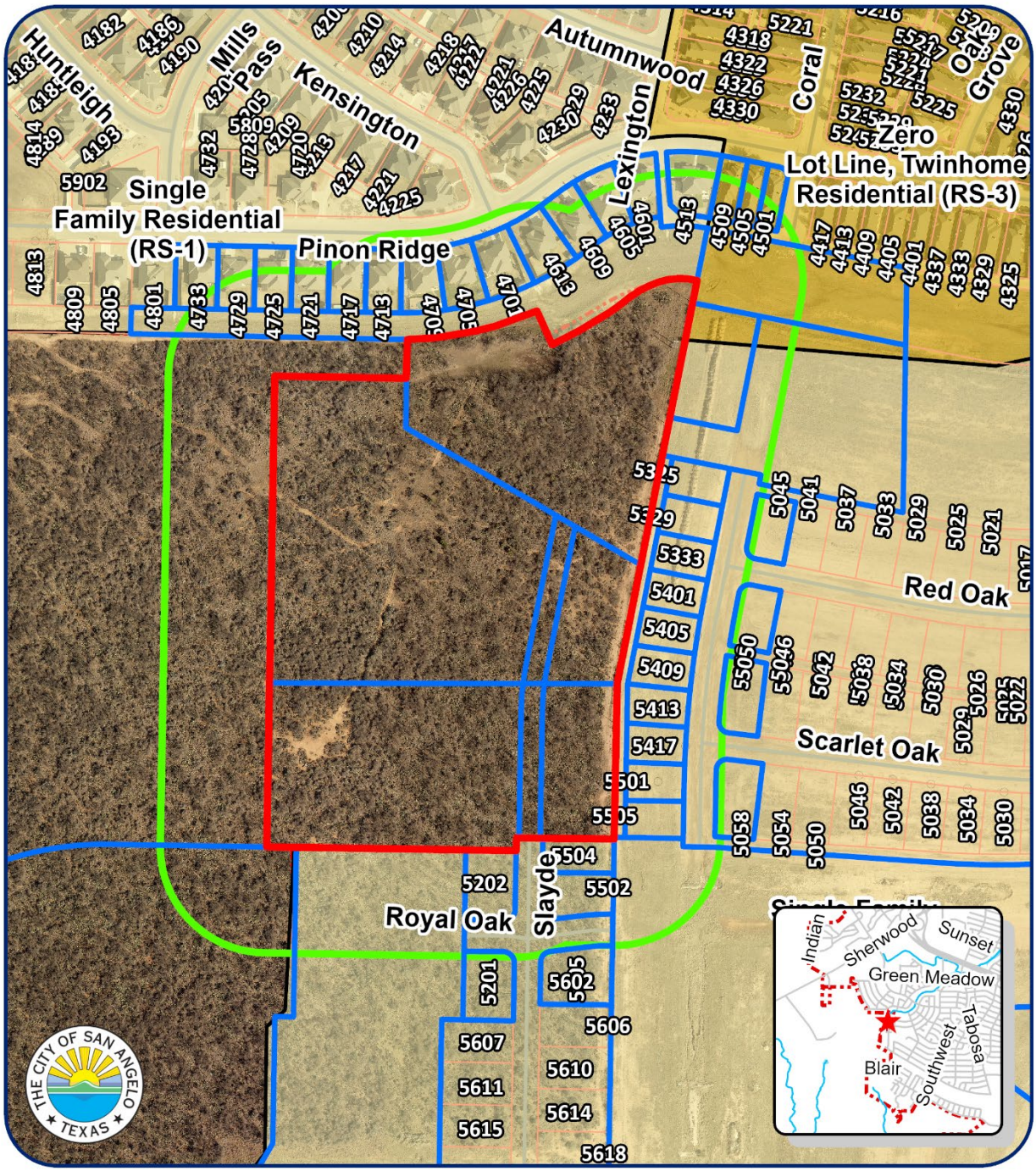


200' Notification Map
PP23-12 & Z23-13: Meridian North
Council District: #6 Larry Miller
Neighborhood: Bonham

Scale: 0 0.01 0.03 0.05 0.08 0.1 Miles

Subject Properties:
200' Buffer:
Notified Properties:

N

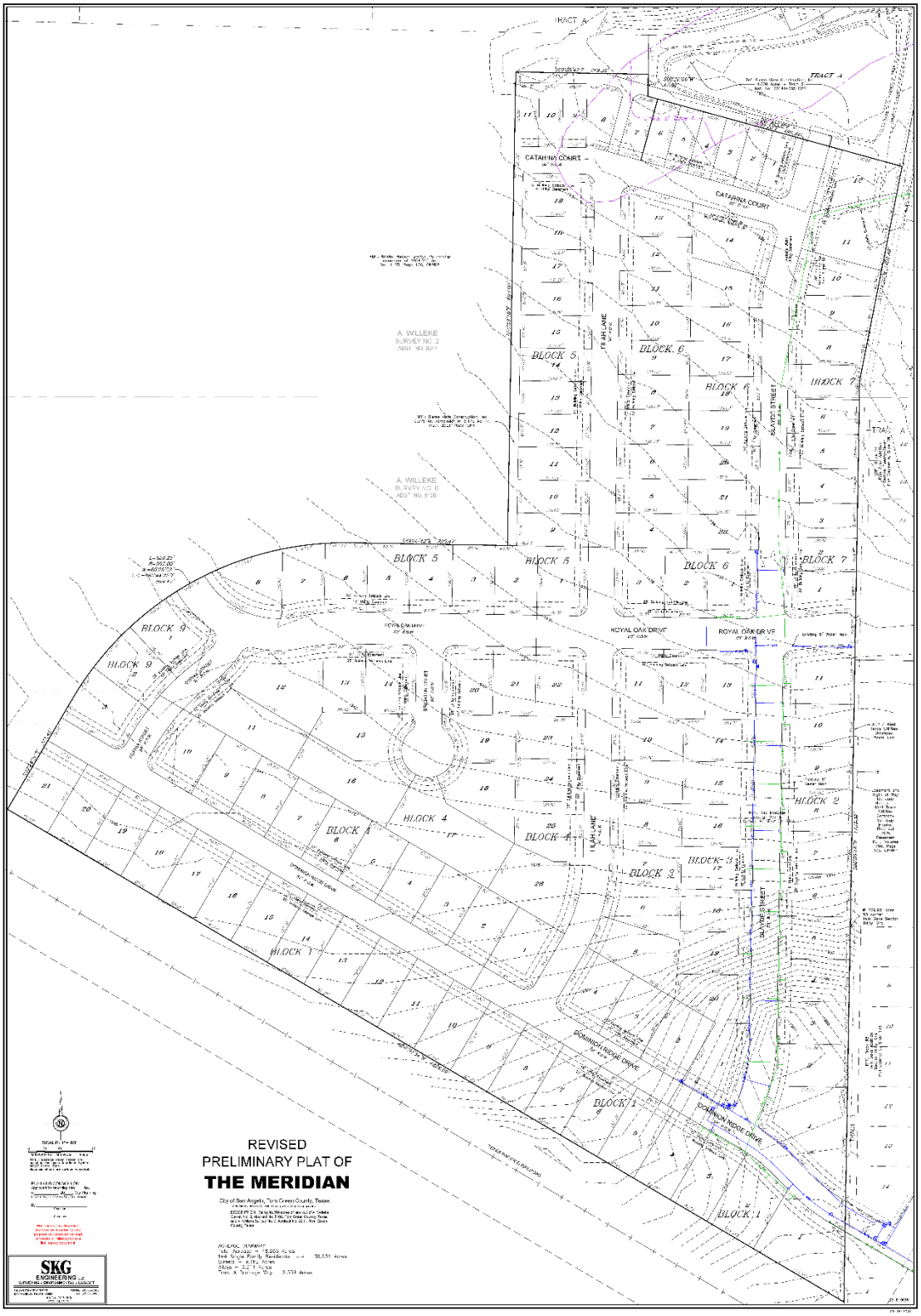


Zoning Map
PP23-12 & Z23-13: Meridian North
Council District: #6 Larry Miller
Neighborhood: Bonham

Scale: 0 0.01 0.03 0.05 0.08 0.1 Miles

Subject Properties:
200' Buffer:
Notified Properties:

N


REVISED
PRELIMINARY PLAT OF
THE MERIDIAN
SKG
ENGINEERING
CATALINA COURT
ROYAL OAK DRIVE
DOLMICH RIDGE DRIVE
BLOCK 1
BLOCK 2
BLOCK 3
BLOCK 4
BLOCK 5
BLOCK 6
BLOCK 7
BLOCK 8
BLOCK 9
TRACT A

CASE #: Z23-13: Meridian North. You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: RIMROCK DEVELOPMENT CO LLC
Parcel I.D: 54083
Address: 5405 CORAL WAY

Mailing To: ATTN: Planning and Development Services
52 W. College Ave
San Angelo, TX, 76903
planning@cosatx.us

I am in favor ☐ I am opposed ☑ **Signature:** [illegible]

Additional Comments:

Opposed to higher density w/ ZERO cut line & Townhomes designation / Single family off TRAFFIC — Congestion In + Out

AN ORDINANCE ANNEXING INTO THE CITY OF SAN ANGELO, TOM GREEN COUNTY, TEXAS, ON PETITION OF PROPERTY OWNERS, TERRITORY GENERALLY DESCRIBED AS 15.496 ACRES OF LAND SITUATED IMMEDIATELY SOUTH/SOUTHWEST OF THE CITY, GENERALLY LOCATED WEST OF RED OAK AND SCARLET OAK AND NORTH OF DOMINION RIDGE DR; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING FOR AMENDMENT OF THE BOUNDARIES AND OFFICIAL MAP OF THE CITY; APPROVING A SERVICE PLAN THEREFORE; SUBJECTING THE PROPERTY SITUATED THEREIN TO BEAR ITS PRO RATA PART OF TAXES LEVIED; PROVIDING RIGHTS AND PRIVILEGES AS WELL AS DUTIES AND RESPONSIBILITIES OF INHABITANTS AND OWNERS OF SAID TERRITORY; DIRECTING NOTICES AS REQUIRED BY LAW; PROVIDING A SEVERABILITY CLAUSE; DECLARING COMPLIANCE WITH OPEN MEETINGS ACT; AND, PROVIDING AN EFFECTIVE DATE

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

WHEREAS, pursuant to Texas Local Government Code, Section 43.0671, all of the owners of a tract of land containing 15.496 acres situated immediately south/southwest of the City, generally located west Red Oak and Scarlet Oak and north of Dominion Ridge Dr, more fully described in Exhibit "A," attached hereto and made a part hereof for all purposes (hereinafter the "Territory"), have petitioned the City Council in writing to annex the Territory into the corporate limits of the City; and,

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

WHEREAS, the City Council accepted the Petition Requesting Annexation by Territory owners, and directed Planning staff to proceed with the proposed annexation schedule, at a regularly held meeting of the City Council on November 7, 2023; and,

WHEREAS, a public hearing on the annexation was held, the 21st day of November, 2023, as required by law, where all interested persons were provided an opportunity to be heard on the proposed annexation of the Territory; and

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

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

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

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

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

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

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

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

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

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

Section 7 Filing and Notice of Ordinance. The City Clerk is hereby directed to file a certified copy of this Ordinance with the County Clerk of Tom Green County, Texas, the Voting Registrar of Tom Green County, the Tom Green County Appraisal District, and the Texas Comptroller of Public Accounts in the

manner required by law. The City Clerk is further directed to notify any service providers of services in the annexed Area, and all other parties as required by law.

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

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

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

INTRODUCED on the 21st day of November, 2023, and finally PASSED, APPROVED AND ADOPTED on this the 5th day of December, 2023.

THE CITY OF SAN ANGELO

By: _____
Brenda Gunter, Mayor

ATTEST:

By: _____
Heather Stastny, City Clerk

APPROVED AS TO FORM:

_____
Theresa James, City Attorney

Exhibit “A” (Legal Description and Survey)

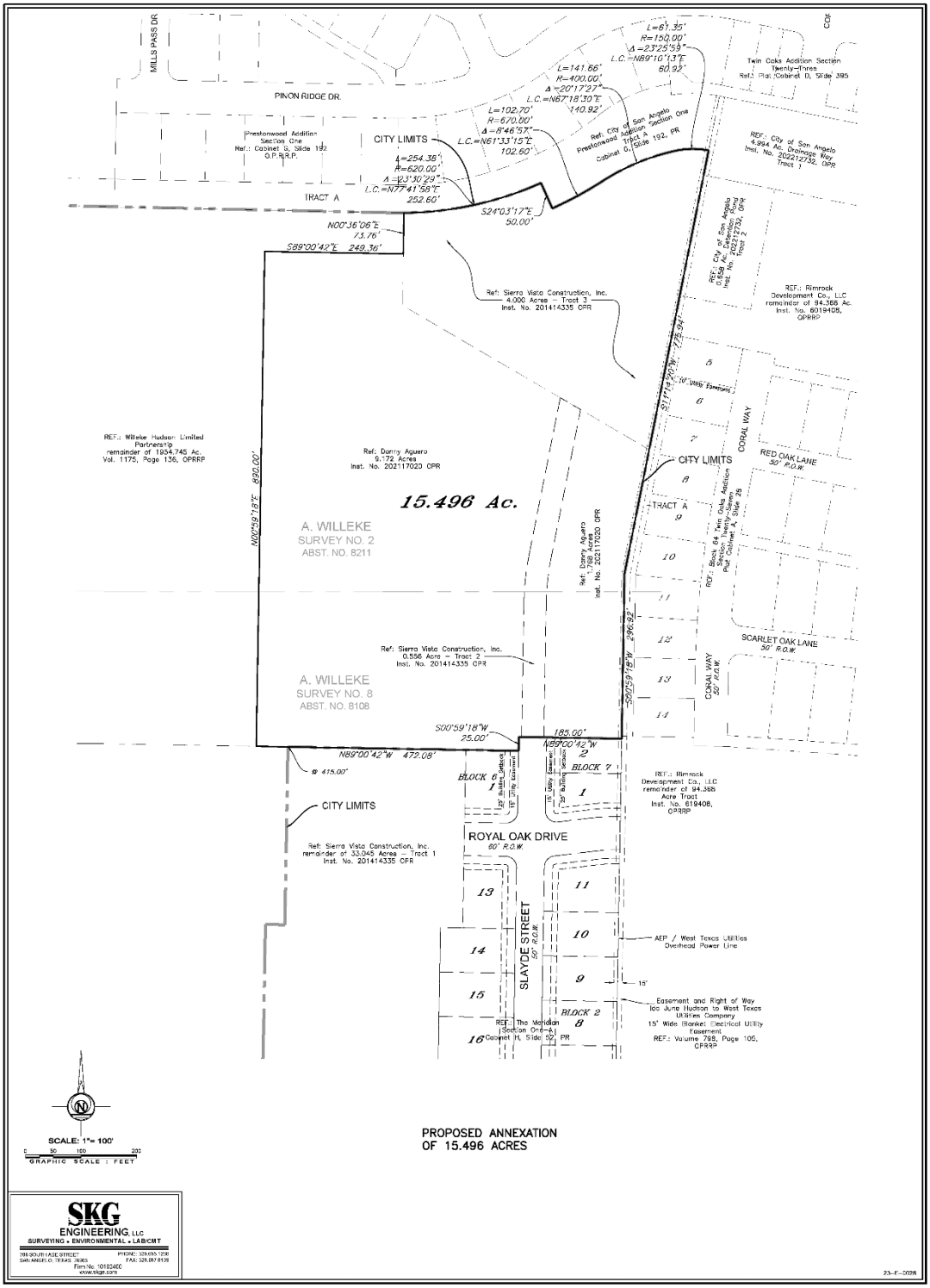


Exhibit “A” (Legal Description and Survey)

FIELD NOTES

15.496 Acres (Proposed Annexation) August 18, 2023

23-E-0028_15.496Ac

Being an area of 15.496 acres of land out of A. Willeke Survey No. 2, Abstract No. 8211 and A. Willeke Survey No. 8, Abstract No. 8108, Tom Green County, Texas and said 15.496 acre tract also being all of that certain 9.172 acre tract and 1.768 acre tract described and recorded in Instrument Number 202117020, Official Public Records of Tom Green County, Texas and all of that certain 0.556 acre tract (Tract 2) and all of that certain 4.000 acre tract (Tract 3) described and recorded in Instrument Number 201414335, Official Public Records of Tom Green County, Texas and said 15.496 acre tract being more particularly described by metes and bounds as follows:

Beginning at a point on the current city limits line and at the southeast corner of this tract and the northeast corner of Lot 2, Block 7, The Meridian Section One-A according to the plat recorded in Cabinet H, Slide 52, Plat Records of Tom Green County, Texas;

Thence with current city limits line and south boundary line of this tract and north line of said The Meridian Section One-A and north line of a certain remainder of 33.045 acre tract – Tract 1 and south line of said 1.768 acre tract and said 0.556 acre tract – Tract 2 and said 9.172 acre tract as follows:

N. 89°00'42" W. a distance of **185.00** feet to an angle corner of this tract;

S. 00°59'18" W. a distance of **25.00** feet to an angle corner of this tract;

N. 89°00'42" W. at a distance of 415.00 passing a reentrant corner of the current city limits line, in all a total distance of **472.08** feet to the southwest corner of this tract and said 9.172 acre tract and the southeast corner of a certain remainder of a 1954.745 acre tract described and recorded in Volume 1175, Page 136, Official Public Records of Real Property of Tom Green County, Texas;

Thence with the west boundary line of this tract and said 9.172 acre tract and said 4.000 acre tract and the east line of said remainder of 1954.745 acre tract as follows:

N. 00°59'18" E. a distance of **890.00** feet to an angle corner of this tract;

S. 89°00'42" E. a distance of **249.36** feet to an angle corner of this tract;

N. 00°36'06" E. a distance of **73.76** feet to the current city limits line and the northwest corner of this tract and said 4.000 acre tract and on the south line of a certain Tract A, Prestonwood Addition Section One according to the plat recorded in Cabinet G, Slide 192, Plat Records of Tom Green County, Texas;

Thence with the current city limits line and north boundary line of this tract and south line of said Tract A, Prestonwood Addition Section One as follows:

In an easterly direction with a non-tangent curve turning to the left, having a radius of 620.00 feet, central angle of 23°30'29", arc length of 254.38 feet, whose long chord bears **N. 77°41'58"** E. a distance of **252.60** feet to an angle corner of this tract;

S. 24°03'17" E. a distance of **50.00** feet to an angle corner of this tract;

Exhibit "A" (Legal Description and Survey)

In a northeasterly direction with a non-tangent curve turning to the left, having a radius of 670.00 feet, central angle of 08°46'57", arc length of 102.70 feet, whose long chord bears **N. 61°33'15" E.** a distance of **102.60** feet to a point of reverse curvature;

In a northeasterly direction with a reverse tangent curve turning to the right, having a radius of 400.00 feet, central angle of 20°17'27", arc length of 141.66 feet, whose long chord bears **N. 67°18'30" E.** a distance of **140.92** feet to a point of compound curvature;

In an easterly direction with a compound tangent curve turning to the right, having a radius of 150.00 feet, central angle of 23°25'59", arc length of 61.35 feet, whose long chord bears **N. 89°10'13" E.** a distance of **60.92** feet to the northeast corner of this tract and on the west line of a certain 4.994 acre tract Drainage Way described and recorded in Instrument Number 202212732, Official Public Records of Tom Green County, Texas (Tract 1);

Thence with the current city limits line and the east boundary line of this tract and west line of said 4.994 acre tract Drainage Way and a certain 0.658 acre tract Detention Pond described and recorded in Instrument Number 202212732, Official Public Records of Tom Green County, Texas (Tract 2) and certain remainder of 94.368 acre tract described and recorded in Instrument Number 6019408, Official Public Records of Tom Green County, Texas and Tract A, Twin Oaks Addition, Section Twenty-Seven, according to the plat recorded in Cabinet S, Slide 28, Plat Records of Tom Green County, Texas as follows:

S. 11°14'20" W. a distance of **775.94** feet to an angle corner of this tract;

S. 00°59'18" W. a distance of **296.92** feet to the place of beginning and containing an area of **15.496** acres of land.

See Attached Annexation Map.

Exhibit "B" (Service Plan)

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

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

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

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

Executed on the ___ day December 2023, to be effective on the effective date of annexation of the Territory.

CITY OF SAN ANGELO

By:_____
Daniel Valenzuela
City Manager

Attest:

_____
Heather Stastny, City Clerk

Approved as to Content:

_____
Aaron Vannoy, Planning &
Development Services Assistant Director

SIERRA VISTA CONST, INC(OWNER)

By:_____
Danny Aguerro
President

Approved as to Form and Legality:

_____
Theresa James, City Attorney

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

Generally located west of the Red Oak and Scarlet Oak and north of Dominion Ridge Dr. and specifically described as Meridian North, Blk 5-8, being an area of 15.496 acres of land out of A. Willeke Survey No. 2, Abstract No. 8211 and A. Willeke Survey No. 8, Abstract No. 8108, Tom Green County, Texas and said 15.496 acre tract also being all of that certain 9.172 acre tract and 1.768 acre tract described and recorded in Instrument Number 202117020, Official Public Records of Tom Green County, Texas and all of that certain 0.556 acre tract (Tract 2) and all of that certain 4.000 acre tract (Tract 3) described and recorded in Instrument Number 201414335, Official Public Records of Tom Green County, Texas.

SERVICE PROVIDED ON THE EFFECTIVE DATE OF ANNEXATION:

1. **POLICE PROTECTION**

Existing Services: Police protection provided by Tom Green County Sheriff's Office.

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

Patrolling, radio and dispatch responses to calls, traffic enforcement, and other routine police services will be provided.

2. **FIRE PROTECTION AND EMERGENCY SERVICES**

Existing Services: Emergency medical services provided by the City of San Angelo currently extend to medical emergencies county wide. Fire service provided by volunteer fire departments.

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

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

Topography, land use, and population density will not affect fire or emergency services. The newly annexed area has provided plans and a proposed installation schedule for new water hydrants to service the area.
The Office of Fire Prevention will provide permitting and inspection services upon annexation. This includes issuing permits and conducting fire sprinkler, fire alarm,

commercial hood or special agent system inspections as well as occupancy and maintenance inspections for any new construction and remodeling projects, as well as any other applicable enforcement of adopted codes and standards within the City of San Angelo.

3. SOLID WASTE COLLECTION

Existing Services: None

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

4. MAINTAINING WATER AND WASTEWATER FACILITIES

Existing Services: None.

Services to be provided:
Water and wastewater services will be provided in accordance with the applicable codes and departmental policy. When other property develops in the adjacent area, water and wastewater services shall be provided in accordance with extension ordinances. Extension of service shall comply with City of San Angelo codes and ordinances. Prior to future development, a subdivision plat(s) shall be approved by the City and recorded with Tom Green County that includes any required provisions for water and sanitary sewer service.

As part of the subdivision plat, the developer/owner shall prepare and submit plans for approval of a looped water main system or approved deferral process, illustrating the proposed installation of a water main and complete the installation in accordance with the approved version of these plans prior to plat recordation.

As part of the subdivision plat, the developer/owner shall prepare and submit plans for approval of a wastewater system, illustrating the proposed installation of a wastewater main and service lines and complete the installation in accordance with the approved version of these plans prior to plat recordation.

5. MAINTAINING ROADS, STREETS, AND ALLEYWAYS

Existing Services: Provided by Tom Green County

Services to be provided:
Developers of land within the newly annexed territory will be required to provide streets in accordance with applicable ordinances of the City of San Angelo, including the Land Development and Subdivision Ordinance and the City's Master Thoroughfare Plan (MTP), and such street improvements shall comply with specifications required by the City of San Angelo, for properly dedicated streets. Once accepted by the City of San Angelo, any and all roads, streets or alleyways which have been properly dedicated to the public shall be maintained to the same degree and extent that other roads, streets and alleyways are maintained in areas with similar land use, population density and topography.

6. MAINTAINING PARKS, PLAYGROUNDS, AND SWIMMING POOLS

Existing Services: None

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

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

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

The subject annexation area has been identified as a key underserviced area in the City of San Angelo Parks Master Plan. The City has recently completed the process of updating its Master Plan which reviewed these underserviced areas.

7. BUILDING INSPECTION

Existing Services: None

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

8. PLANNING AND ZONING

Existing Services: None

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

9. CODE COMPLIANCE

Existing Services: None

Services to be provided:

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

10. MAINTAINING OTHER PUBLIC OWNED FACILITIES OR BUILDINGS

Existing Services: None

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

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

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

11. STORM WATER MANAGEMENT

Existing Services: None

Services to be provided:
Developers will provide storm water drainage at their own expense and will be inspected by the City Engineers at time of completion.

12. STREET LIGHTING

Existing Services: None

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

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 ZONING AND CLASSIFYING THE FOLLOWING PROPERTIES: **APPROXIMATELY 15.496 ACRES LOCATED WEST OF RED OAK AND SCARLET OAK AND NORTH OF DOMINION RIDGE DR;** FROM UNZONED LAND TO SINGLE-FAMILY RESIDENTIAL (RS-1) FOR BLOCKS 5-7 AND ZERO LOT LINE, TOWNHOME, & TWINHOME RESIDENCE (RS-3) FOR BLOCK 8 IN CONNECTION WITH AN ANNEXATION; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE

RE: Z23-13: Meridian North.

WHEREAS, on the 16th day of October, 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 Single-Family Residential (RS-1) and Zero Lot Line, Townhome, & Twinhome Residence (RS-3) Zoning District; and,

WHEREAS, on the 21st day of November, 2023, City Council held a public hearing on Z23-13, pursuant to published notice, and has considered the application, comments, reports and recommendations of the Planning Commission and staff, public testimony, and other relevant support materials.

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

SECTION 1: The basic zoning ordinance for the City of San Angelo, as enacted by the governing body for the City of San Angelo effective January 4, 2000, and included within Exhibit "A" of Chapter 12 of the Code of Ordinances of the City of San Angelo, and zoning map be and the same are hereby amended to designate the following described properties permanently zoned SINGLE-FAMILY RESIDENTIAL (RS-1) FOR BLOCKS 5-7 AND ZERO LOT LINE, TOWNHOME, & TWINHOME RESIDENCE (RS-3) FOR BLOCK 8 ZONING DISTRICT:

The real property generally located West of Red Oak and Scarlet Oak and North of Dominion Ridge Dr, described as Meridian North, Blk 5-8, 15.496 acres within the 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.

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

SECTION 4. The remaining provisions of Chapter 12 of the Code of Ordinances of the City of San Angelo, Texas, not amended 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 **21st day of November, 2023,** and finally PASSED, APPROVED AND ADOPTED on this the **5th day of December, 2023.**

THE CITY OF SAN ANGELO

_____
Brenda Gunter, Mayor

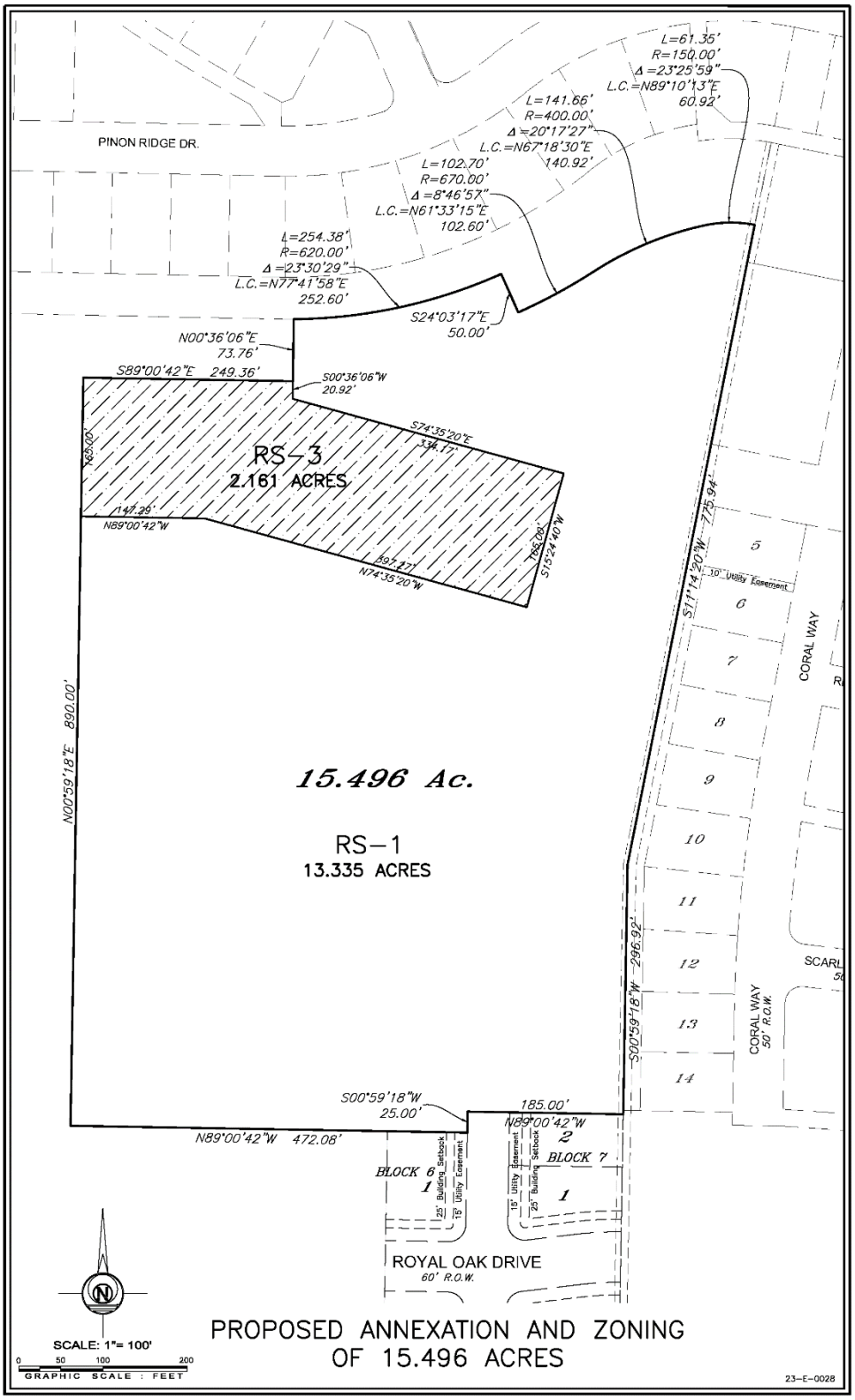
ATTEST:

_____
Heather Stastny, City Clerk

APPROVED AS TO FORM:

_____
Theresa James, City Attorney

Exhibit "A"


PINON RIDGE DR.
L=61.35'
R=150.00'
Δ=23°25'59"
L.C.=N89°10'13"E
60.92'
L=141.66'
R=400.00'
Δ=20°17'27"
L.C.=N67°18'30"E
140.92'
L=102.70'
R=670.00'
Δ=8°46'57"
L.C.=N61°33'15"E
102.60'
L=254.38'
R=620.00'
Δ=23°30'29"
L.C.=N77°41'58"E
252.60'
S24°03'17"E
50.00'
N00°36'06"E
73.76'
S89°00'42"E 249.36'
S00°36'06"W
20.92'
S74°35'20"E
334.17'
RS-3
2.161 ACRES
165.00'
147.29'
N89°00'42"W
897.27'
N74°35'20"W
165.00'
S15°24'40"W
S11°14'20"W 775.94'
10' Utility Easement
5
6
7
8
9
10
11
12
13
14
CORAL WAY
CORAL WAY
50' R.O.W.
SCARL
N00°59'18"E 890.00'
15.496 Ac.
RS-1
13.335 ACRES
S00°59'18"W 296.92'
S00°59'18"W
25.00'
185.00'
N89°00'42"W
N89°00'42"W 472.08'
BLOCK 6
1
25' Building Setback
15' Utility Easement
2
BLOCK 7
15' Utility Easement
25' Building Setback
1
ROYAL OAK DRIVE
60' R.O.W.
N
SCALE: 1"= 100'
0 50 100 200
GRAPHIC SCALE : FEET
PROPOSED ANNEXATION AND ZONING
OF 15.496 ACRES
23-E-0028

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

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

Meeting Date: November 21, 2023

Item type: Regular Item

Caption:

First reading and public hearing of an ordinance for Z23-14 to rezone properties from the General Commercial zoning district to the Heavy Commercial zoning district, being 14.311-acres, located at 3420, 3502, and 3550 N. Bryant Blvd. and associated unaddressed parcels (Presentation made by Planning & Development Services Assistant Director Aaron Vannoy)

Staff Recommendation:

Adopt

Summary/History:

The applicant has submitted a request for a zone changed to go from General Commercial (CG)) to Heavy Commercial (CH) at 3420, 3502 & 3550 N Bryant and associated parcels. The owner wants to build his offices, have retail sales and service of heavy equipment along with outdoor display of that equipment along with service of the equipment and rentals. The Planning voted 5 - 0 at their October 16, 2023 meeting to recommend approval of the request.

Funding Source(s):

Financial Impact:

N/A

Other Information/Recommendation:

Staff recommends APPROVAL of the rezoning from General Commercial to Heavy Commercial, as did the Planning Commission on October 16, 2023, with a 5-0 vote.

Attachments:

1. Z23-14 N Bryant Staff Report [http][][v][Z23-14 N Bryant Staff Report].docx
2. Zoning Ordinance Z23-14 Zoning Ordinance Z23-14.docx

Presentation:

Aaron Vannoy

Approvals/Reviews:

Sherry Bailey	Created/Initiated
Brandon Dyson	Approved
Aaron Vannoy	Approved
Theresa James	Approved
Heather Stastny	Final Approval

STAFF REPORT
PLANNING COMMISSION – October 16, 2023
City Council First Reading November 21, 2023
City Council Second Reading December 5, 2023

APPLICATION TYPE:	CASE:
Rezoning	**Z23-14** - 3420, 3502, 3550 N. Bryant Blvd.

SYNOPSIS:

The applicant's representative has submitted a zone change request to go from General Commercial (CG) to Heavy Commercial (CH) at 3420, 3502 & 3550 N Bryant and associated parcels. The owner wants to build offices, as well as retail and sales and service of heavy equipment along outdoor display. Presently this area is zoned General Commercial (CG) but what the owner wants to do is have exterior display of heavy equipment which requires Heavy Commercial (CH) zoning. He is also look for compatible businesses that would benefit from siting their office next to a similar usage.

LOCATION:	LEGAL DESCRIPTION:
East side of N. Bryant Blvd., north of W. 33rd St., and south of Humble Rd.	Being inclusive of Lakeside Gardens Addition Blk 1 E pt. of Lot 6, Lots 3, 4, & 5, Lot 25 & NE pt L24, Lots 26 & 27, Lot 29 & 30 less SW Triangular pt of NE pt of Lot 31

SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD #2 – Tom Thompson Neighborhood: Riverside	CG	Commercial	14.311 acres

THOROUGHFARE PLAN:

- N. Bryant Blvd. Major Arterial State Highway 87

NOTIFICATIONS

32 notices were mailed out. None have been received either for or against at this time.

STAFF RECOMMENDATION:

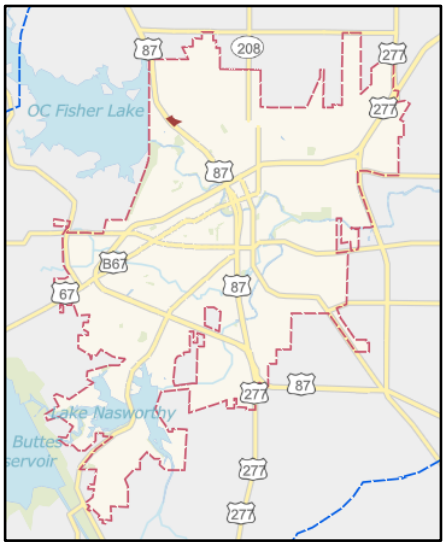
Staff recommends **APPROVAL** of the rezoning from General Commercial to Heavy Commercial.

PROPERTY OWNER/PETITIONER:

Owner: Kevin Allbright
Petitioner: Russell Gully
SKG Engineering

STAFF CONTACT:

Sherry Bailey
Principal Planner
(325) 657-4210, Extension 1546
sherry.bailey@cosatx.us



Information:

This property is in an older area of the city zoned commercial, along a state highway. However, it has not yet been part of the commercial development push. We see signs that that is changing. Traffic along N Bryant is increasing. Future development seems to be trending to highway commercial and large facilities.

Planning Commission evaluation of appropriateness.
Section 213(G) of the Zoning Ordinance requires that the Planning Commission and City Council consider, at minimum, seven (7) factors in determining the appropriateness of any rezoning request as outlined in #1 through #7 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.*** The property proposed to be rezoned is in the General Commercial (CG) zoning district. The Comprehensive Plan has the area as "Commercial." Rezoning to Heavy Commercial (CH) is in keeping with the "Commercial" Land Use designation in the City's Comprehensive Plan, updated in 2009.

2. **Consistent with Zoning Ordinance.** ***Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.*** As proposed, all lots will meet the requirements for the Heavy Commercial zoning.

3. **Compatible with Surrounding Area.** ***Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.*** The rezoning is generally compatible with the surrounding area as outlined in the Comprehensive Plan mentioned above. Both lots are presently vacant. If rezoned, they will be adjacent to Light Manufacturing (ML) zoning to the north and across the street to the west. There will be Single Family (RS-1) zoning to the east, but that is separated by a street and the applicant will be required to provide a fence buffer. In addition, those homes are on very large, deep lots and the actual residences are at quite a distance from the subject property. The property to the south is General Commercial (CG) which is compatible with the proposed CH zoning.

4. **Changed Conditions.** ***Whether and the extent to which there are changed conditions that require an amendment.*** The applicant wants to develop a medium to large service center including sales and rentals with complementary businesses in the center.

5. **Effect on Natural Environment.** ***Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.*** Staff does not anticipate any adverse environmental affects at this time. A review of drainage, grading, and stormwater will be conducted by Engineering Services to address any environmental issues through the subdivision platting process.

6. **Community Need.** ***Whether and the extent to which the proposed amendment addresses a demonstrated community need.*** Staff believes there is a need for this type of product and service centers in San Angleo.

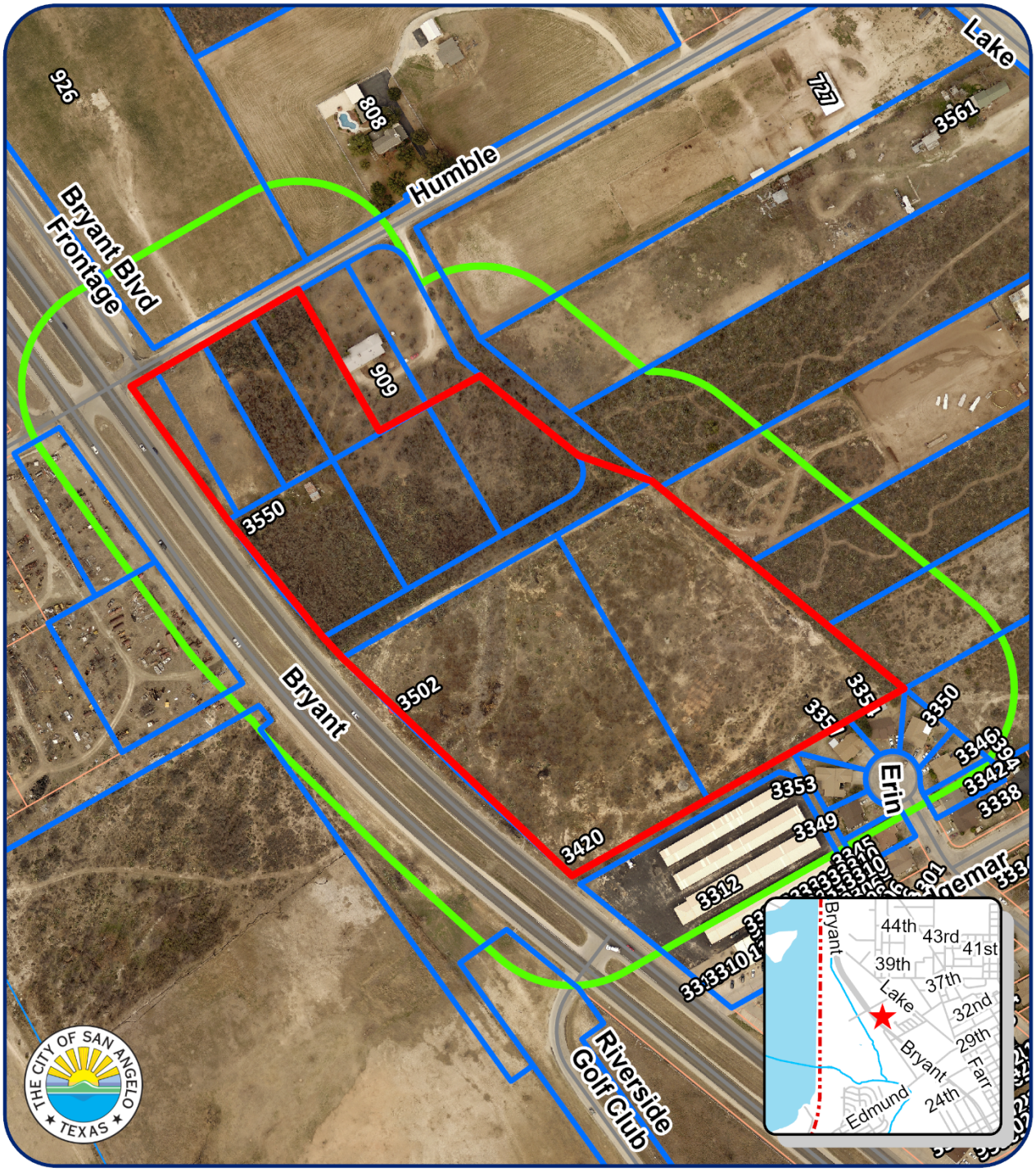
7. **Development Patterns.** ***Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.*** This buildout would provide additional commercial traffic in an area that is just starting to develop more commercial services.

Recommendation:

Staff recommends APPROVAL of the rezoning request.

Attachments:
Notification Map
Aerial Map
Zoning Map

Notification Map



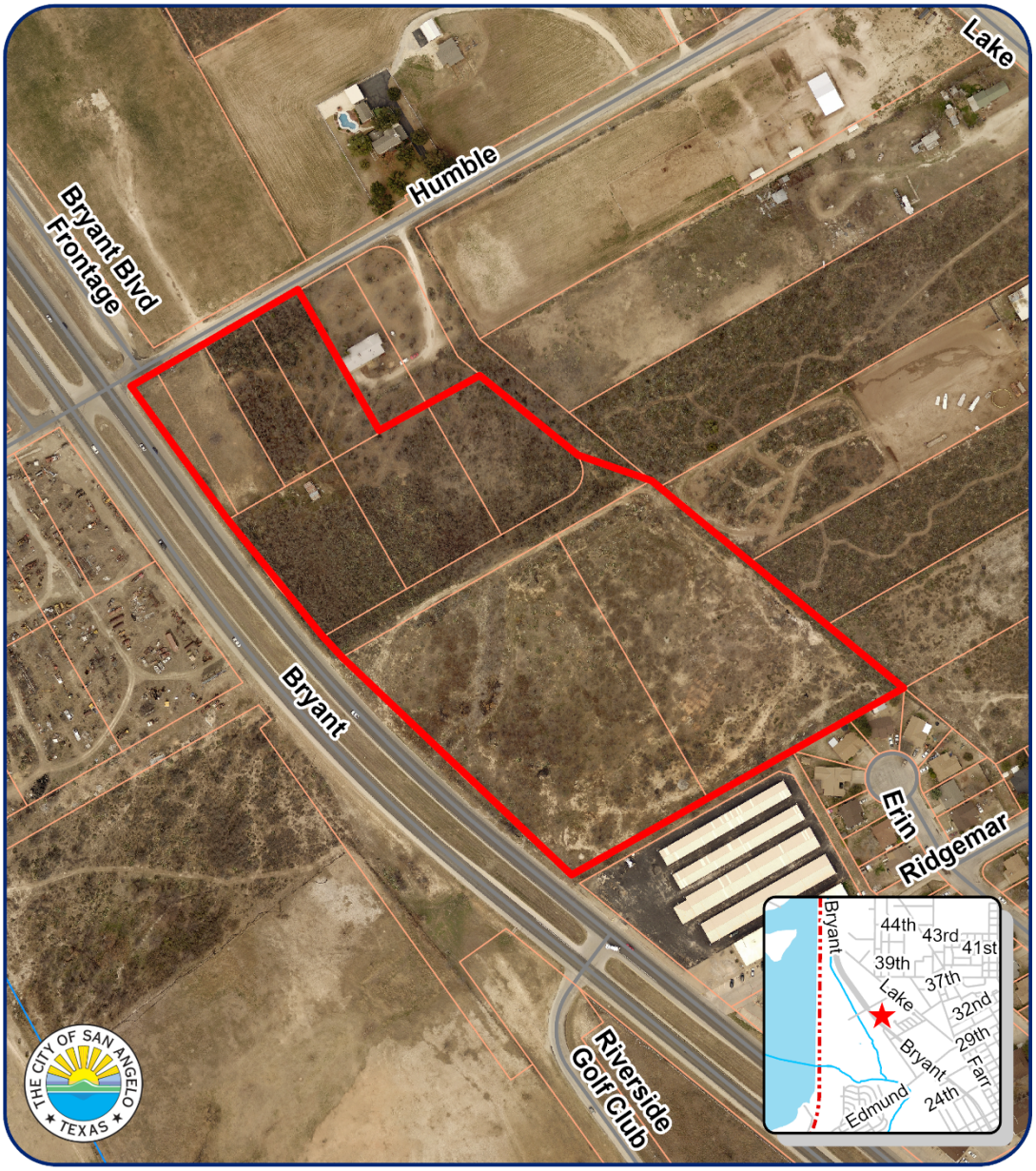
200' Notification Map
Z23-14: 3420, 3502, 3550 N Bryant
Council District: #2 Tom Thompson
Neighborhood: Riverside

Scale: 0 0.01 0.03 0.05 0.08 0.1 Miles

Subject Properties:
200' Buffer:
Notified Properties:

N

Aerial Map



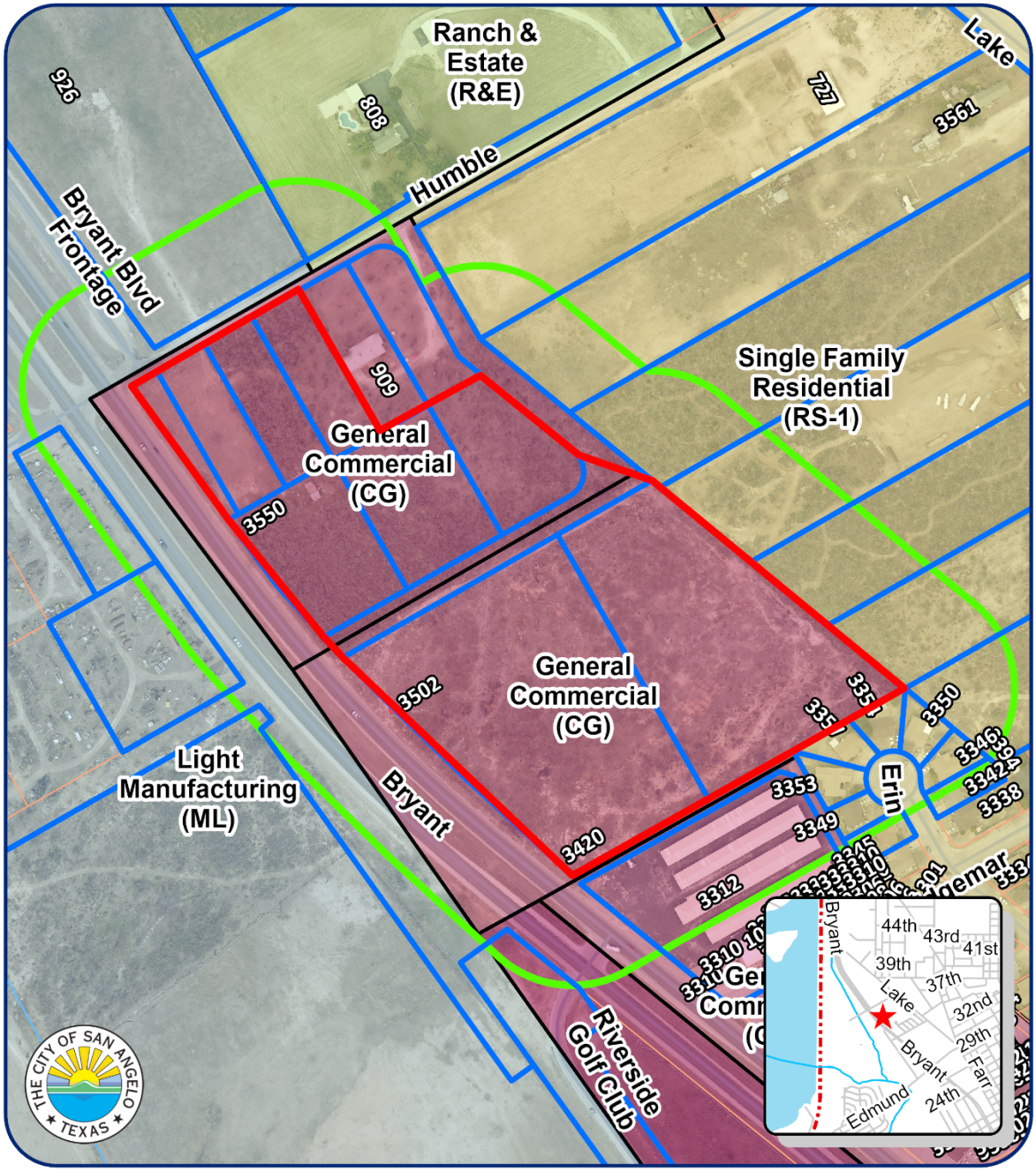
Aerial Map
Z23-14: 3420, 3502, 3550 N Bryant
Council District: #2 Tom Thompson
Neighborhood: Riverside

Scale: 0 0.010.03 0.05 0.08 0.1 Miles

Subject Properties:

N

Zoning Map



Zoning Map
Z23-14: 3420, 3502, 3550 N Bryant
Council District: #2 Tom Thompson
Neighborhood: Riverside

Scale: 0 0.010.03 0.05 0.08 0.1 Miles

Subject Properties:
200' Buffer:
Notified Properties:

N

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 ZONING CLASSIFICATION OF THE FOLLOWING PROPERTY: **APPROXIMATELY 14.311 ACRES LOCATED INCLUSIVE OF LAKESIDE GARDENS ADDITION BLK 1 E PT. OF LOT 6, LOTS 3, 4, & 5, LOT 25 & NE PT. LOT 24, LOTS 26 & 27, LOTS 29 & 30 LESS SW TRIANGULAR PT OF NE PT. OF LOT 31;** FROM GENERAL COMMERCIAL ZONING DISTRICT (CG) TO HEAVY COMMERCIAL (CH) ZONING DISTRICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE

RE: Z23-14: 3420, 3502, 3550 N. Bryant Blvd., and associated unaddressed parcels.

WHEREAS, on the 16th day of October 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 Heavy Commercial (CH) Zoning District; and,

WHEREAS, on the 21st day of November 2023, City Council held a public hearing on Z23-14, pursuant to published notice, and has considered the application, comments, reports and recommendations of the Planning Commission and staff, public testimony, and other relevant support materials.

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

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

The real property generally located Being inclusive of Lakeside Gardens Addition Blk 1 E pt. of Lot 6, Lots 3, 4, & 5, Lot 25 & NE pt L24, Lots 26 & 27, Lots 29 & 30 less SW Triangular pt of NE pt of Lot 31, approximately 14.311 acres within the 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.

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

SECTION 4. The remaining provisions of Chapter 12 of the Code of Ordinances of the City of San Angelo, Texas, not amended 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 **21st day of November 2023,** and finally PASSED, APPROVED AND ADOPTED on this the 5th **day of December, 2023.**

THE CITY OF SAN ANGELO

_____
Brenda Gunter, Mayor

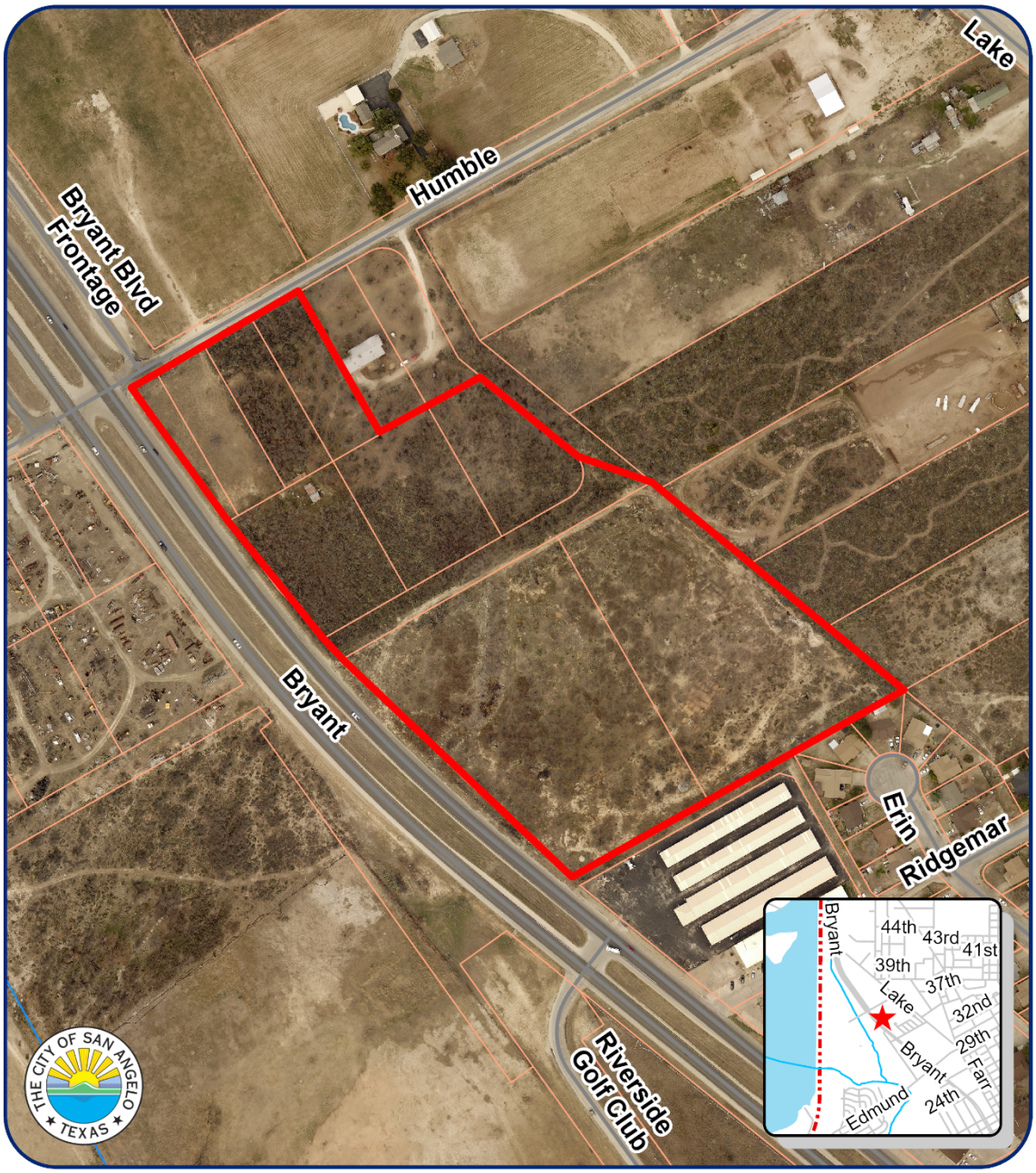
ATTEST:

_____
Heather Stastny, City Clerk

APPROVED AS TO FORM:

_____
Theresa James, City Attorney

Exhibit "A"



Aerial Map
Z23-14: 3420, 3502, 3550 N Bryant
Council District: #2 Tom Thompson
Neighborhood: Riverside

Subject Properties:

N

Scale: 0 0.010.03 0.05 0.08 0.1 Miles

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