



City Council Agenda 6/4/2024

Notice is hereby given of a regular meeting of the City Council of City of San Angelo to be held June 4, 2024 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. Recognition of Keep San Angelo Beautiful

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 May 21, 2024, City Council regular meeting minutes (Heather Stastny)
- b. Consider approving the sale of 0.128 acres of land out of the John McNeese Survey No. 176 1/4, Abstract 1641, to the adjacent property owner and authorizing the City Manager to negotiate and execute all related documents (Sarah Tackett-Torres)
- c. Consider accepting a 3,903-sq. ft. sewer easement out of the G. Blum Survey No. 166, Abstract 59 and authorizing the City Manager to negotiate and execute all related documents (Sarah Tackett-Torres, Kevin Pate)
- d. Consider approving HGAC contract FS12-23 for Boise Mobile Equipment Stock Unit #3495 through Siddons-Martin Emergency Group in the amount of \$338,560 and authorizing the City Manager to negotiate and execute all related documents (Patrick Brody)
- e. Consider approving a request from Concho Valley Qualified Traffic Services to increase fees for funeral escort services in the City of San Angelo (Heather Stastny, David Howard)
- f. Consider a resolution of the City of San Angelo, Texas finding that AEP Texas, Inc.'s requested increase to its electric transmission and distribution rates and charges within the City of San Angelo should be denied (Brandon Dyson)
- g. Second reading of an ordinance amending the budget for the fiscal year beginning October 1, 2023, and ending September 30, 2024, for survey work at Fairmount Cemetery (Tina Dierschke)
- h. Second reading of an ordinance for PD24-01, a request for a Planned Development zoning district with an underlying base zoning of Low-Rise Multifamily, allowing for a transitional housing facility for women located at 4215 Armstrong St. (Aaron Vannoy)

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 a resolution of support to end Veteran homelessness (Presentation made by Neighborhood and Family Services Director Bob Salas)
- b. First reading and public hearing of an ordinance amending Chapter 1 "General Provisions", Article 1.09 "Taxation", Division 3 "Uniform Tax Abatement Policy", Section 1.09.062 "Definitions" and Section 1.09.063 "Abatement Schedule" of the City of San Angelo Code of Ordinances (Presentation made by Economic Development Project Manager Robert Schneeman)

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 29th day of May 2024, at 4:58 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 adjourn into closed session on any item on this agenda and at any time during the course of this meeting to discuss matter as authorized by law or by the Open Meetings Act, Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations Regarding Real Property), 551.073 (Deliberations Regarding Prospective Gifts), 551.074 (Personnel Matters), 551.076 (Deliberations Regarding Security Devices or Security Audits), 551.087 (Deliberations Regarding Economic Development Negotiations), and 551.089 (Deliberations Regarding Security Devices or Security Audits). Any final action or vote on any Closed Session item will be taken in Open Session.

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.

R e c o g n i t i o n

Keep San Angelo Beautiful (KSAB) was initiated by Councilman Harry Thomas and city officials in 2018 to address relevant community needs and foster a love of the environment.

In February 2020 Strategic Plans were implemented to create awareness and maintain clean, green, and beautiful spaces through art, science, and education.

KSAB has hosted hundreds of events in San Angelo including household hazardous waste drop-offs, trash pick-ups, recycling tires, art murals, installed picnic tables and benches, induction of KSAB Jr. Ambassadors who pledge to be litter free, speaking engagements, and published a book “ABC 26 Ways to Keep San Angelo Beautiful”. They have also been featured in San Angelo Lifestyles and Texas Municipal League magazines.

In addition, they have received numerous awards and recognition from State of Texas Officials including:

Keep Texas Beautiful – Beautify Texas Awards for Public Education & Outreach 2023 and Outstanding Program TIRES TO-GO 2024

State of Texas Alliance for Recycling – Texas Environmental Leadership Awards for Extraordinary Recycling Special Event 2023 and Outstanding Public Outreach 2023

Texas Commission on Environmental Quality – Texas Environmental Excellence Award – Civic/Community – Tires To-Go 2024

Therefore, I Brenda Gunter, Mayor of San Angelo, do hereby recognize

Keep San Angelo Beautiful

for their dedicated efforts and commitment to create awareness, preserve, and protect the environment in San Angelo, Texas.

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 4th day of June 2024.

Brenda Gunter
Mayor of the City of San Angelo

City of San Angelo, Texas
Regular City Council Meeting
Tuesday, May 21, 2024

Present:

Mayor Brenda Gunter
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 8:31 a.m. on Tuesday, May 21, 2024 at the San Angelo McNease Convention Center, 501 Rio Concho Drive, San Angelo, Texas 76903.

2. Chaplain Prayer & Pledges

An invocation was provided, and pledges led by San Angelo Police Chaplain Art Mavrode.

3. Proclamations/Recognitions

No proclamations/recognitions.

4. Public Comment

County resident Jackie Chesnutt requested an agenda item to discuss “issues” in the City and spoke about elder abuse.

Citizen Kat Feuerstein (SMD 5) spoke about sewer and water issues at her home.

Jay Howard with Texas Disposal System requested the City consider a two-year extension to the existing solid waste contract and initiate a bid process for the next contract.

5. Consent Agenda

- a. Approval of the May 7, 2024, City Council regular meeting minutes, May 7, 2024, Strategic Priority Workshop minutes, and May 15, 2024 City Council special meeting minutes (Heather Stastny)
- b. Approval of a one-year extension to an agreement with the San Angelo Soccer Association (SASA) for the use of some of the property the City leases from the United States Army Corps of Engineers for the purpose of youth sports programming and authorizing the City Manager to negotiate and execute all related documents (Carl White)
- c. Approval of a five-year renewal Agreement with Time Clock Plus locking in discounted rates, budgeted at an amount not to exceed \$60,000 annually and authorizing the City Manager to negotiate and execute all related documents (Bryan Kendrick)
- d. Approval of Change Order 1 to the North Concho River WW Improvements CIPP project with Insituform Technologies in the amount of \$130,000 and authorizing the City Manager to negotiate and execute all related documents (Shane Kelton)
- e. Approval of Change Order to WU-05-22 Hickory Groundwater Supply System Expansion- New Production Wells with Hydro Resources to reduce project cost in the amount of

\$69,491 and authorizing the City Manager to negotiate and execute all related documents (Shane Kelton)

- f. Ratification of a resolution by COSADC authorizing the Board President to negotiate and execute an Economic Development Incentive Agreement with Allen's Transport (USA) Inc. in an amount not to exceed \$150,000 for a project authorized under Chapters 501 & 505 of the Texas Development Corporation Act necessary to promote economic development and expand business enterprises which create or retain primary jobs and recommending approval by City Council (Michael Dane)
- g. Approval of a resolution pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code, nominating Ethicon, Inc. to the Office of the Governor Economic Development & Tourism through the Economic Development Bank as an Enterprise Project (Michael Dane) (Pg. 105, 2024-029)
- h. Adoption of ordinance approving Standards of Care for Recreation Summer Camp held at Recreation Centers for ages 5 through 13 (Carl White) (Pg. 105, 2024-029)

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

Motion: Council Member Hiebert made a motion, seconded by Council Member Miller, to approve item 5f., as presented by Interim Economic Director Michael Dane and Chamber of Commerce Economic Vice-President Michael Looney. The motion carried unanimously (7) ayes to (0) nays, with no public comment.

Motion: Council Member Hiebert made a motion, seconded by Council Member Thompson, to approve item 5g., as presented by Interim Economic Director Michael Dane. The motion carried unanimously (7) ayes to (0) nays, with no public comment.

6. Regular Agenda

- a. Presentation of the Downtown San Angelo, Inc. biannual report (Presentation made by DSA Director Monica Ramos)

No Action Taken on this Item.

- b. Discussion and possible action on prioritized listing of funding requests for Animal Services (Presentation made by Neighborhood & Family Services Assistant Director Morgan Chegwiddden)

Jamal Schumpert (SMD 4) spoke in support of the proposed project for Animal Shelter needs.

Direction: Council gave direction to identify a funding source to stand up a temporary shelter during shelter renovations.

- c. Discussion and possible action on Chapter 8, Article 8.10 "Parking Vehicles on Unimproved Surfaces" of the Code of Ordinances (Presentation made by Neighborhood and Family Services Director Bob Salas)

Direction: Staff was directed to bring an ordinance amendment with proposed changes as presented.

- d. Consider a resolution approving the 2025-2029 Capital Improvement Plan for the City of San Angelo (Presentation made by Finance Director Tina Dierschke)

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

- e. First reading and public hearing of an ordinance amending the budget for the fiscal year beginning October 1, 2023, and ending September 30, 2024, for survey work at Fairmount Cemetery (Presentation made by Finance Director Tina Dierschke)

Motion: Council Member Thomas 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.

- f. First reading and public hearing of an ordinance for PD24-01, a request for a Planned Development zoning district with an underlying base zoning of Low-Rise Multifamily, allowing for a transitional housing facility for women located at 4215 Armstrong St. (Presentation made by Planning & Development Services Director Aaron Vannoy)

Citizens Maria Mejia (SMD 3), Jamal Schumpert (SMD 4), Irma Rojas (SMD 4), Adrie McCravy (SMD 1), and County Resident Kellie Kovar spoke in support of the housing facility.

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

7. Closed Session

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

- a. Section 551.072 Deliberations about Real Property regarding:
 - 1. All of block 1, .98 Acres ES Kirby,
 - 2. 9.622 Acres out of Abstract 0111, Survey 0320
 - 3. 1.22 Acres out of Abstract 0111, Survey 0320

8. Follow Up and Administrative Issues

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

Motion: Council Member Gonzales made a motion, seconded by Council Member Thomas, to purchase 11.822 acres from Roosevelt Kelly as presented on the agenda in an amount not to exceed 325,000 and authorizing the City Manager to negotiate closing cost and execute any related documents. The motion carried unanimously (7) ayes to (0) nays, with no public comment.

- b. Approval of various Board nominations:
Animal Shelter Advisory Committee: Chrysanthemum Cohen (SMD 1) to a first term ending January 2026, and Rodger Horton (SMD 4) to an unexpired term ending January 2025

Motion: Council Member Hesse Smith 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
-Consider scheduling August 2024 City Council meetings:
 - 1. August 8, 2024 - City Council meeting & vote on proposed tax rate
 - 2. August 16, 2024 - Special meeting - Budget & Tax Hearing (1st Reading)

3. August 19, 2024 – City Council meeting and Budget & Tax Adoption (2nd Reading)

Consensus: August 2024 meetings were scheduled as presented.

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, with no public comment.

There being no further business, the meeting adjourned by consensus at 11:28 a.m.

THE CITY OF SAN ANGELO, TEXAS:

Brenda Gunter, Mayor

ATTEST:

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.)

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: June 4, 2024

Item type: Consent Item

Caption:

Consider approving the sale of 0.128 acres of land out of the John McNeese Survey No. 176 1/4, Abstract 1641, to the adjacent property owner and authorizing the City Manager to negotiate and execute all related documents (Sarah Tackett-Torres)

Staff Recommendation:

Approve

Summary/History:

The City retained this .128 acres for a proposed pump station. The property was never utilized and is no longer needed. Water Utilities supports the sale of this tract.

Funding Source(s):

Financial Impact:

Other Information/Recommendation:

Attachments:

- | | | |
|----|---------------------|-------------------------|
| 1. | 21S1558 Alta Survey | 21S1558 Alta Survey.pdf |
| 2. | 21S1558 Prelim FN | 21S1558 Prelim FN.pdf |

Presentation:

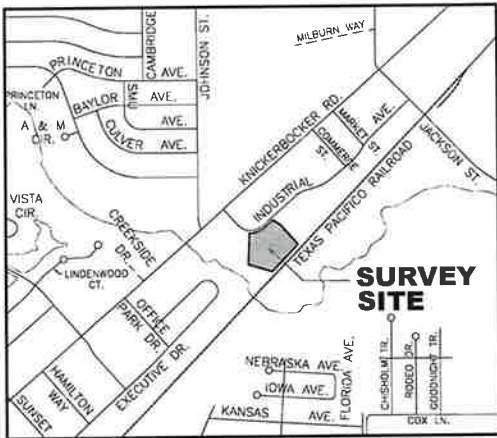
Sarah Tackett-Torres

Approvals/Reviews:

Sarah Tackett-Torres	Created/Initiated
Sarah Tackett-Torres	Approved
Shane Kelton	Approved
Theresa James	Approved

Heather Stastny

Final Approval



VICINITY MAP

NOTES CORRESPONDING TO SCHEDULE "B"

Stewart Title Guaranty Company
Effective Date: October 01, 2021 at 9:00 AM
OF No. 202110036
Commitment No. issued October 19, 2021 at 9:40 AM

10. b. Sewer easement dated March 30, 1954, recorded in Volume 345, Page 241, Deed Records, Tom Green County, Texas, from Thomas Jefferson Newberry to the City of San Angelo. Applies and Affects - as shown.
- c. 15 foot utility easement from Ted B. Brown, dated March 16, 1959, recorded in Volume 403, page 656, Deed Records, Tom Green County, Texas. Does not pertain to subject property.
- d. 17.5 foot Road easement from YMCA to the City of San Angelo, dated January 8, 1969, recorded in Volume 530, Page 176, Deed Records, Tom Green County, Texas. Applies and Affects - as shown.
- e. Easement from Thomas Jefferson Newberry et ux. to Kansas City, Mexico and Orient Railroad Company, covering 0.46 acre for construction and maintenance of a dike, dated September 27, 1950, recorded in Volume 302, Page 59, Deed Records, Tom Green County, Texas. Applies and Affects - as shown.
- f. Prescriptive easement in favor of the City of San Angelo along the South and Southeast sides of property for sanitary sewer. Does not pertain to subject property.

TABLE A NOTES

1. Monuments are as shown on this survey.
2. According to Tom Green County Central Appraisal District, the address for this site is Stadium Oaks Apartments, 2123 Industrial Avenue, San Angelo, Texas 76904.
3. This tract is located within the limits of Zone "AE" and "X" as determined by Federal Emergency Management Agency Flood Insurance Rate Map Number 684510040C, effective date June 19, 2012.
4. Gross land area = 5.068 acres or 220,751.69 Sq. Ft.
5. (a) See Zoning Notes.
6. Exterior dimensions of all buildings at ground level are as shown.
7. Substantial features observed in the process of conducting the survey are as shown.
8. Improved parking areas or structures observed on this property are as shown.
9. See "Parking Summary".
10. No party walls were determined to affect this tract.
11. (a) Location of utilities existing on or serving the surveyed property as determined by observed evidence together with evidence from plans obtained from utility companies or provided by client, and markings by utility companies and other appropriate sources are as shown.
12. Names of adjoining land owners of plotted lands are as shown.
13. There is no evidence of recent earth moving work, building construction or building alterations observed in the process of conducting the fieldwork.
14. Potentially adverse easements or encroachments affecting surveyed property that are disclosed in the record documents provided to the surveyor and are observed in the process of conducting the survey are as shown.

LIST OF ENCROACHMENTS

- (A) Building and parking lot encroaches onto City of San Angelo 0.128 Acre Tract 29.61 feet.
- (B) Building encroaches onto Construction and Maintenance Easement 1.59 feet.



SCALE: ONE INCH
EQUALS FORTY FEET
1" = 40'

BEARINGS ARE BASED UPON
NSIR, NO. 201400079, OPP.

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.skg.com

LEGEND

PROPERTY LINE	●	1/2" IR.
EASEMENT	○	SET 1/2" IR.
CURB & GUTTER	—	NORTH
FENCE	—	SOUTH
OVERHEAD ELECTRIC LINE	—	EAST
SEWER LINE	—	WEST
WATER LINE	—	TRACT
GAS LINE	—	IRON ROD
POWER POLE	—	IRON PIPE
LIGHT POLE	—	RIGHT-OF-WAY
SEWER CLEANOUT	—	SQUARE FEET
FIRE HYDRANT	—	VOLUME
WATER VALVE	—	PAGE
WATER METER	—	ACRE
GAS METER	—	FOUND
	—	RADIUS
	—	LENGTH
	—	LONG CHORD
	—	DELTA ANGLE
	—	DEED RECORDS
	—	PLAT RECORDS
	—	OFFICIAL PUBLIC RECORDS OF REAL PROPERTY

L=181.93'
R=235.00'
Δ=44°21'22"
L.C.=N70°30'54"E
177.42'

J. McNEESE
SURVEY NO. 176-1/4
ABSTRACT NO. 1641

Owner: CURRY JEFF L.
REF: 0304 Ac.
No. 201400080, OPP.

Owner: JEFF JEFF R.
REF: 0304 Ac.
No. 609153, OPP.
(Second Tract)

Owner: ACR TEXAS
NORTH COMPANY
REF: 16753 Ac.
Vol. 403, Pg. 310

PARKING REQUIREMENTS

Parking Count Requirements per Zoning Report by Comprehensive Zoning Services, dated November 15, 2021:

Formula:
1BR Unit: 1.5 spaces per unit (80 * 1.5 = 120)
2BR Unit: 1.75 spaces per unit (40 * 1.75 = 70)

Required Spaces:
180

PARKING SUMMARY

Regular Parking Spaces	205
Accessible Parking Spaces	1
TOTAL	207

ZONING NOTES

Refer to Zoning Report # 21-1249 by Comprehensive Zoning Services, dated November 15, 2021 prepared for Calliers Mortgage LLC.

ML: Light Manufacturing
Minimum Front Yard Setback = 25'
Minimum Side Yard Setback = None or 10' if abutting Residential District or use
Minimum Rear Yard Setback = None or 10' if abutting Residential District or use
Maximum Building Height = None
Maximum Floor Area Ratio = 2.00

Being an area of 5.068 acres of land out of John McNeese Survey No. 176 1/4, Abstract No. 1641, San Angelo, Tom Green County, Texas and said 5.068 acre tract also being out of that certain 1.4893 acre (Tract One) and certain 3.707 acre (Tract Two) described and recorded in Instrument No. 201400079, Official Public Records of Tom Green County, Texas and said 5.068 acre tract being more particularly described by metes and bounds as follows:

Beginning at a 1/2" iron pipe found for the northwest corner of this tract and said 1.4893 acre tract and being in the south or southeast line of Industrial Avenue;

Thence with the northwest line of this tract and said 1.4893 acre tract and said 3.707 acre tract and the southeast line of said Industrial Avenue with a curve to the left, having a radius of 235.00 feet, central angle for this part traversed of 44° 21' 22", are length of 181.93 feet and whose long chord bears N 70° 30' 54" E: 177.42 feet to a 1/2" iron pipe found for the end of this curve;

Thence continuing with the northeast line of this tract and said 3.707 acre tract and the southeast line of said Industrial Avenue, N 48° 20' 15" E: 144.54 feet to a chiseled "X" on concrete for the north corner of this tract and said 3.707 acre tract;

Thence with the northeast line of this tract and said 3.707 acre tract, S 58° 21' 45" E: 101.40 feet to a 1/2" iron rod with cap marked "SKG ENGINEERS" found for angle corner, S -41° 39' 45" E: 312.76 feet to a railroad spike set for the east corner of this tract and said 3.707 acre tract in the northwest line of South Orient Railroad;

Thence with the southeast line of this tract and said 3.707 acre tract and the northwest line of said South Orient Railroad, S 43° 24' 30" W: 382.71 feet to a 1/2" iron rod with cap marked "SKG ENGINEERS" set for an ell corner of this tract and the east corner of that certain 5.068 acre (Tract One) described and recorded in Volume 530, Page 176, Deed Records of Tom Green County, Texas and from which the south corner of said 3.707 acre tract and said 1.4893 acre tract bears S 43° 24' 30" W: 59.93 feet;

Thence with the northwest line of said 0.128 acre tract, N 46° 35' 30" W: 39.61 feet to a 1/2" iron rod with cap marked "SKG ENGINEERS" set for the northeast corner of said 0.128 acre tract;

Thence with the north line of said 0.128 acre tract, S 84° 53' 00" W: 77.30 feet to the northwest corner of said 0.128 acre tract;

Thence with the northwest line of said 0.128 acre tract, S 16° 25' 00" W: 43.00 feet to a 1/2" iron rod with cap marked "SKG ENGINEERS" set for an ell corner of this tract and west corner of said 0.128 acre tract and being in the south or southwest line of said 1.4893 acre tract;

Thence with the south or southwest line of this tract and said 1.4893 acre tract, N 73° 35' 00" W: 217.40 feet to a 1/2" iron rod with cap marked "SKG ENGINEERS" found for the southwest corner of this tract and said 1.4893 acre tract;

Thence with the west line of this tract and said 1.4893 acre tract, N 02° 41' 30" E: 371.08 feet to the place of beginning and containing an area of 5.068 acres of land.

SURVEYOR'S NOTES

1. A new legal description was prepared to more clearly identify the boundary of this survey. The new legal description describes the same real estate as the record legal description recorded in Instrument Number 201400079, Official Public Records of Tom Green County, Texas and Volume 530, Page 176, Deed Records of Real Property of Tom Green County, Texas.
2. No evidence of the presence of a cemetery or burial grounds was observed in the process of conducting the survey.

ALTA/NSPS LAND TITLE SURVEY

2123 INDUSTRIAL AVENUE

5.068 ACRES OF LAND OUT OF JOHN MCNEESE SURVEY NO. 176 1/4, ABSTRACT NO. 1641, SAN ANGELO, TOM GREEN COUNTY, TEXAS AND BEING OUT OF THAT CERTAIN 1.4893 ACRE (TRACT ONE) AND CERTAIN 3.707 ACRE (TRACT TWO) DESCRIBED AND RECORDED IN INSTRUMENT NO. 201400079, OFFICIAL PUBLIC RECORDS OF TOM GREEN COUNTY, TEXAS.

To: STADIUM OAKS, LLC, a Texas limited liability company, Jeff Curry, Stewart Title Guaranty Company, First Title Co., Calliers Mortgage LLC, Fannie Mae, Moss & Barnett; and respective successors and assigns.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 6(a), 6(b), 7(c), 8, 9, 10, 11(b), 13, 15, and 18 of Table A thereof. The field work was completed on November 1, 2021.

Date of Plat or Map: November 22, 2021.

RUSSELL T. GULLY (RSG)
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5638



FIELD NOTES

5.068 Acres

November 2, 2021
21-S-1558

Being an area of 5.068 acres of land out of John McNeese Survey No. 176 $\frac{1}{4}$, Abstract No. 1641, San Angelo, Tom Green County, Texas and said 5.068 acre tract also being out of that certain 1.4893 acre (Tract One) and certain 3.707 acre (Tract Two) described and recorded in Instrument No. 201400079, Official Public Records of Tom Green County, Texas and said 5.068 acre tract being more particularly described by metes and bounds as follows:

Beginning at a $\frac{1}{2}$ " iron pipe found for the northwest corner of this tract and said 1.4893 acre tract and being in the south or southeast line of Industrial Avenue;

Thence with the northwest line of this tract and said 1.4893 acre tract and said 3.707 acre tract and the southeast line of said Industrial Avenue with a curve to the left, having a radius of 235.00 feet, central angle for this part traversed of $44^{\circ} 21' 22''$, arc length of 181.93 feet and whose long chord bears N. $70^{\circ} 30' 54''$ E. 177.42 feet to a $\frac{1}{2}$ " iron pipe found for the end of this curve;

Thence continuing with the northeast line of this tract and said 3.707 acre tract and the southeast line of said Industrial Avenue, N. $48^{\circ} 20' 15''$ E. 144.54 feet to a chiseled "x" on concrete for the north corner of this tract and said 3.707 acre tract;

Thence with the northeast line of this tract and said 3.707 acre tract, S. $58^{\circ} 21' 45''$ E. 104.40 feet to a $\frac{1}{2}$ " iron rod with cap marked "SKG ENGINEERS" found for angle corner, S. $41^{\circ} 39' 45''$ E. 312.76 feet to a railroad spike set for the east corner of this tract and said 3.707 acre tract in the northwest line of South Orient Railroad;

Thence with the southeast line of this tract and said 3.707 acre tract and the northwest line of said South Orient Railroad, S. $43^{\circ} 24' 30''$ W. 382.71 feet to a $\frac{1}{2}$ " iron rod with cap marked "SKG ENGINEERS" set for an ell corner of this tract and the east corner of that certain Save and Except 0.128 acre (Tract One) described and recorded in Volume 530, Page 176, Deed Records of Tom Green County, Texas and from which the south corner of said 3.707 acre tract and said 1.4893 acre tract bears S. $43^{\circ} 24' 30''$ W. 59.93 feet;

Thence with the northwest line of said 0.128 acre tract, N. $46^{\circ} 35' 30''$ W. 39.61 feet to a $\frac{1}{2}$ " iron rod with cap marked "SKG ENGINEERS" set for the northeast corner of said 0.128 acre tract;

Thence with the north line of said 0.128 acre tract, S. $84^{\circ} 53' 00''$ W. 77.30 feet to the northwest corner of said 0.128 acre tract;

Thence with the northwest line of aid 0.128 acre tract, S. $16^{\circ} 25' 00''$ W. 43.00 feet to a $\frac{1}{2}$ " iron rod with cap marked "SKG ENGINEERS" set for an ell corner of this tract and west corner of said 0.128 acre tract and being in the south or southwest line of said 1.4893 acre tract;

Thence with the south or southwest line of this tract and said 1.4893 acre tract, N. $73^{\circ} 35' 00''$ W. 217.40 feet to a $\frac{1}{2}$ " iron rod with cap marked "SKG ENGINEERS" found for the southwest corner of this tract and said 1.4893 acre tract;

Thence with the west line of this tract and said 1.4893 acre tract, N. $02^{\circ} 41' 30''$ E. 371.08 feet to the place of beginning and containing an area of 5.068 acres of land.

See Attached Plat of Survey.

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

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

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: June 4, 2024

Item type: Consent Item

Caption:

Consider accepting a 3,903-sq. ft. sewer easement out of the G. Blum Survey No. 166, Abstract 59 and authorizing the City Manager to negotiate and execute all related documents (Sarah Tackett-Torres, Kevin Pate)

Staff Recommendation:

Approve

Summary/History:

Easement is needed for construction on sewer line in this subdivision.

Funding Source(s):

Financial Impact:

n/a

Other Information/Recommendation:

Attachments:

- | | |
|----------------------------------|-----------------------------------|
| 1. Survey and Field Notes_G Blum | Survey and Field Notes_G Blum.pdf |
|----------------------------------|-----------------------------------|

Presentation:

Kevin Pate

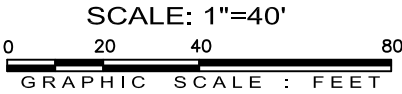
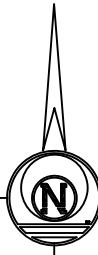
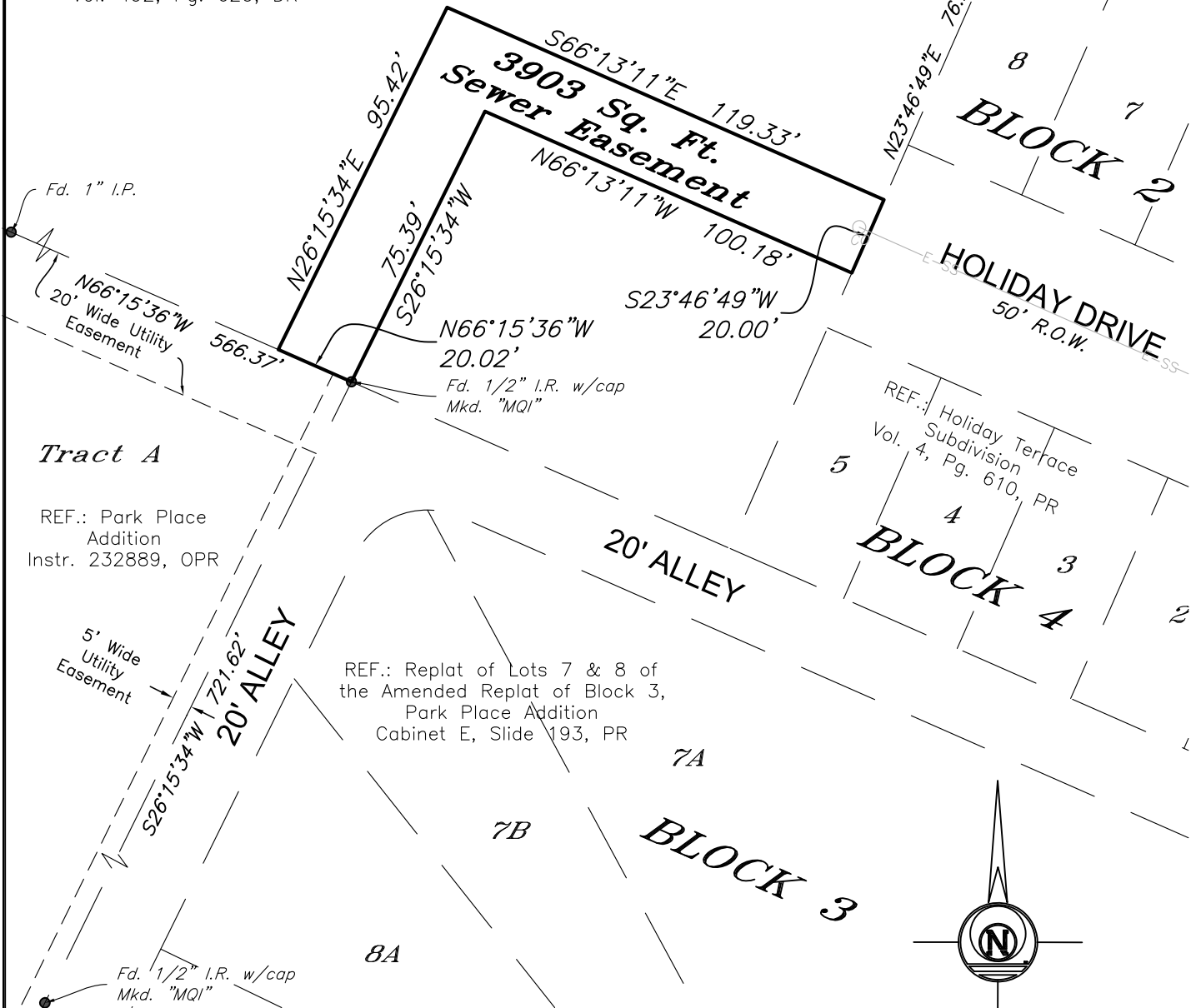
Approvals/Reviews:

Sarah Tackett-Torres	Created/Initiated
Sarah Tackett-Torres	Approved
Theresa James	Approved
Kevin Pate	Approved
Heather Stastny	Final Approval

G. BLUM
SURVEY NO. 166
ABSTRACT NO. 59

REF.: 2.571 Ac. remainder
of 5.056 Ac.
Vol. 492, Pg. 620, DR

Fd. 1/2" I.P. (bent)



BEARINGS ARE BASED UPON THE PLAT OF RECORD.

HOLIDAY DRIVE

PLAT SHOWING A SURVEY OF A 3903 SQUARE FOOT SEWER EASEMENT OUT OF G. BLUM SURVEY NO. 166, ABSTRACT NO. 59, CITY OF SAN ANGELO, TOM GREEN COUNTY, TEXAS.
SEE ATTACHED FIELD NOTES.

This survey is prepared for the exclusive use and benefit of the purchaser of this survey and for the specific transaction for which this survey is intended. 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.

Dated: May 14, 2024.

RUSSELL T. GULLY
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5636



FIELD NOTES

3903 Square Foot Sewer Easement

May 14, 2024
24-S-0633_3903SF_Esmt

Being a 3903 square foot sewer easement out of G. Blum Survey No. 166, Abstract No. 59, City of San Angelo, Tom Green County, Texas, and being out of a certain 2.571 acre remainder of 5.056 acre tract described and recorded in Volume 492, Page 620, Deed Records of Tom Green County, Texas and said 3903 square foot sewer easement being more particularly described by metes and bounds as follows:

Beginning at a ½" iron rod with cap marked "MQI" found for the northeast corner of a certain Tract A, Park Place Addition, according to the plat recorded in Instrument Number 232889, Official Public Records of Tom Green County, Texas, having coordinates of **N:10491978.67, E:2270863.45** based on Texas State Plane Coordinate System of 1983 – Central Zone from which a 1" iron pipe found for the northwest corner of said Tract A bears **N. 66°15'36" W.** a distance of 566.37 feet and a ½" iron rod with cap marked "MQI" found for the southeast corner of said Tract A bears **S. 26°15'34" W.** a distance of 721.62 feet;

Thence with the south line of this easement and north line of said Tract A and south line of said 2.571 acre remainder of 5.056 acre tract, **N. 66°15'36" W.** a distance of **20.02** feet to a the southwest corner of this easement;

Thence with the west and north line of this easement and crossing said 2.571 acre remainder of 5.056 acre tract as follows:

N. 26°15'34" E. a distance of **95.42** feet to the northwest corner of this easement;

S. 66°13'11" E. a distance of **119.33** feet to the northeast corner of this easement and on the west right of way line of Holiday Drive and Holiday Terrace Subdivision according to the plat recorded in Volume 4, Page 610, Plat Records of Tom Green County, Texas from which a ½" iron pipe found (bent) for the northwest corner of Lot 8, Block 2, of said Holiday Terrace Subdivision bears **N. 23°46'49" E.** a distance of 76.24 feet;

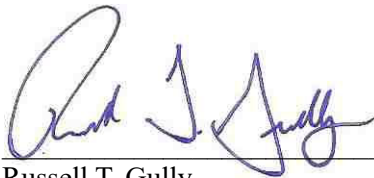
Thence with the east line of this easement and west line of said Holiday Drive and said Holiday Terrace Subdivision **S. 23°46'49" W.** a distance of **20.00** feet to the most easterly southeast corner of this easement;

Thence with a southerly and easterly line of this easement and crossing said 2.571 acre remainder of 5.056 acre tract as follows:

N. 66°13'11" W. a distance of **100.18** feet to an interior angle corner of this easement;

S. 26°15'34" W. a distance of **75.39** feet to the place of beginning and containing **3903** square feet.

See Attached Plat of Survey.



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



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Patrick Brody, Fire Chief, Fire Department

Meeting Date: June 4, 2024

Item type: Consent Item

Caption:

Consider approving HGAC contract FS12-23 for Boise Mobile Equipment Stock Unit #3495 through Siddons-Martin Emergency Group in the amount of \$338,560 and authorizing the City Manager to negotiate and execute all related documents (Patrick Brody)

Staff Recommendation:

Approve

Summary/History:

The Fire Department is requesting authorization to purchase a Boise Mobile Equipment (BME) Stock Unit #3495 through Siddons-Martin Emergency Group at a cost of \$338,560.00 via HGAC contract FS12-23 and authorizing the City Manager or his designer to execute any related documents. The new apparatus acquisition will replace a 2001 Ford F-550. The new Brush Truck will be stationed at Fire Station #4. Funding for this unit is budgeted out of TIFMAS reimbursements account.

Funding Source(s):

Financial Impact:

1 Boise Mobile Equipment Stock Unit #3495 in the amount of \$338,560.00

This item is budgeted from account: 103-9015-422.05-65

Other Information/Recommendation:

Attachments:

1. San Angelo FD BME Type 6 Proposal Letter #3495San Angelo FD BME Type 6 Proposal Letter #3495.pdf

Presentation:

Patrick Brody

Approvals/Reviews:

Patrick Brody

Created/Initiated

Theresa James
Jeffrey Tomlinson
Tina Dierschke
Theresa James
Heather Stastny

Approved
Approved
Approved
Approved
Final Approval

Siddons Martin Emergency Group, LLC
3500 Shelby Lane
Denton, TX 76207
GDN P115891
TXDOT MVD No. A115890

May 13, 2024

Patrick Brody, Fire Chief
San Angelo Fire Department
306 W 1ST ST
San Angelo, TX 306 W 1ST ST



Proposal For: San Angelo Fire Department

Siddons-Martin Emergency Group, LLC is pleased to provide the following proposal to San Angelo Fire Department. Unit will comply with all specifications attached and made a part of this proposal. Total price includes delivery FOB San Angelo Fire Department and training on operation and use of the apparatus.

Description	Amount
-------------	--------

Qty. 1 - Boise Mobile Equipment Stock Unit #3495
Chevrolet 5500; Type 6 Extreme; "Sawtooth"
(Unit Price - \$337,560.00)

Delivery within 5-6 months of order date
QUOTE # - SMEG-0007728-0

Vehicle Price	\$337,560.00
3495 - UNIT TOTAL	\$337,560.00
SUB TOTAL	\$337,560.00
HGAC FS12-23 (BME)	\$1,000.00
TOTAL	\$338,560.00

*** This is a stock unit, sold on a first come first served basis ***
Price guaranteed for 60 days

Additional: 'Due to global supply chain constraints, any delivery date contained herein is a good faith estimate as of the date of this order/contract, and merely an approximation based on current information. Delivery updates will be made available, and a final firm delivery date will be provided as soon as possible.
Persistent Inflationary Environment Notification: If the Producer Price Index of Components for Manufacturing [www.bls.gov Series ID: WPUID6112] (the "PPI") has increased at a compounded annual growth rate greater than 5.0% from the date of acceptance of this proposal letter (the "Order Month") and 14 months prior to the anticipated Ready for Pickup Date (the "Evaluation Month"), then the proposal price may be increased by an amount equal to any increase exceeding 5.0% for the time period between the Order Month and the Evaluation Month. Siddons Martin and Pierce will provide documentation of such increase and the updated price for the customer's approval before proceeding with completion of the order along with an option to cancel the order.'

Taxes: Tax is not included in this proposal. In the event that the purchasing organization is not exempt from sales tax or any other applicable taxes and/or the proposed apparatus does not qualify for exempt status, it is the duty of the purchasing organization to pay any and all taxes due. Balance of sale price is due upon acceptance of the apparatus at the factory.

Late Fee: A late fee of .033% of the sale price will be charged per day for overdue payments beginning ten (10) days after the payment is due for the first 30 days. The late fee increases to .044% per day until the payment is received. In the event a prepayment is received after the due date, the discount will be reduced by the same percentages above increasing the cost of the apparatus.

Cancellation: In the event this proposal is accepted and a purchase order is issued then cancelled or terminated by Customer before completion, Siddons-Martin Emergency Group may charge a cancellation fee. The following charge schedule based on costs incurred may be applied:

- (A) 10% of the Purchase Price after order is accepted and entered by Manufacturer;
- (B) 20% of the Purchase Price after completion of the approval drawings;
- (C) 30% of the Purchase Price upon any material requisition.

The cancellation fee will increase accordingly as costs are incurred as the order progresses through engineering and into manufacturing. Siddons-Martin Emergency Group endeavors to mitigate any such costs through the sale of such product to another purchaser; however, the customer shall remain liable for the difference between the purchase price and, if applicable, the sale price obtained by Siddons-Martin Emergency Group upon sale of the product to another purchaser, plus any costs incurred by Siddons-Martin to conduct such sale.

Acceptance: In an effort to ensure the above stated terms and conditions are understood and adhered to, Siddons-Martin Emergency Group, LLC requires an authorized individual from the purchasing organization sign and date this proposal and include it with any purchase order. Upon signing of this proposal, the terms and conditions stated herein will be considered binding and accepted by the Customer. The terms and acceptance of this proposal will be governed by the laws of the state of Texas. No additional terms or conditions will be binding upon Siddons-Martin Emergency Group, LLC unless agreed to in writing and signed by a duly authorized officer of Siddons-Martin Emergency Group, LLC.

Sincerely,

John Brunett

I, _____, the authorized representative of SAN ANGELO FIRE DEPARTMENT, agree to purchase the proposed and agree to the terms of this proposal and the specifications attached hereto.

Signature & Date

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Heather Stastny, City Clerk, Police

Meeting Date: June 4, 2024

Item type: Consent Item

Caption:

Consider approving a request from Concho Valley Qualified Traffic Services to increase fees for funeral escort services in the City of San Angelo (Heather Stastny, David Howard)

Staff Recommendation:

Approve

Summary/History:

Chapter 10 "Traffic Control", Article 10.08 "Motor Vehicle Escort Services", Section 10.08.010 "Rates" of the Code of Ordinances states any rate change for motor vehicle service rates shall be approved by the City Council.

Annual review and approval of escort services is required including verification of insurance, vehicle inspection, background check and fingerprinting.

Concho Valley Qualified Traffic Services has been providing services in San Angelo since 2019. Due to the increase of cost for insurance, fuel, and vehicle/motorcycle maintenance, CVQTS is requesting to increase their rates by \$50.

2019-2023 Schedule of Fees

\$500 (up to 2 destinations)

\$600 (up to 3 destinations)

Requested 2024 Schedule of Fees

\$550 (up to 2 destinations)

\$650 (up to 3 destinations)

Funding Source(s):

Financial Impact:

The fee for an annual license to a private motor vehicle escort service is \$50.00/year.

Other Information/Recommendation:

Attachments:

1. CVQTS Fee Request

CVQTS Fee Request.pdf

Presentation:

David Howard

Approvals/Reviews:

Heather Stastny

Theresa James

Heather Stastny

Created/Initiated

Approved

Final Approval

Concho Valley Qualified Traffic Services

3097 Old Eola Road
San Angelo, TX 76905
325-812-3146 cvqtrafficservices@gmail.com

To Whom It May Concern:

I would like to submit a request to raise the fee that Concho Valley Qualified Traffic Services charge for a funeral escort within the City of San Angelo. Due to the rise of insurance cost, fuel, and maintenance cost of the motorcycles we must make this request in order to continue our professional services.

Schedule of Fees 2024

- \$550.00 which includes two (2) destinations
- \$650.00 which includes three (3) destinations

Schedule of Fees 2023

- \$500.00 which includes two (2) destinations
- \$600.00 which includes three (3) destinations

Schedule of Fees 2022

- \$500.00 which includes two (2) destinations
- \$600.00 which includes three (3) destinations

Schedule of Fees 2021

- \$500.00 which includes two (2) destinations
- \$600.00 which includes three (3) destinations

Schedule of Fees 2020

- \$500.00 which includes two (2) destinations
- \$600.00 which includes three (3) destinations

Schedule of Fees 2019

- \$500.00 which includes two (2) destinations
- \$600.00 which includes three (3) destinations

Laurel (Lori) L. Matus
Owner



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Theresa James, City Attorney, Legal

Meeting Date: June 4, 2024

Item type: Consent Item

Caption:

Consider a resolution of the City of San Angelo, Texas finding that AEP Texas, Inc.'s requested increase to its electric transmission and distribution rates and charges within the City of San Angelo should be denied (Brandon Dyson)

Staff Recommendation:

Approve

Summary/History:

On February 29, 2024, AEP Texas Inc. ("AEP Texas" or "Company") filed an application with cities retaining original jurisdiction seeking to increase system-wide distribution rates by \$100.4 million per year, and increase to system-wide transmission rates by \$63.1 million. According to AEP Texas, the impact of this approval on an average residential customer would be an increase of about \$4.59 per month.

In a prior City action, AEP Texas' rate request was suspended from taking effect for 90 days, the fullest extent permissible under the law. This time period has permitted the City, through its participation with Cities Served by AEP Texas ("Cities"), to determine that the proposed rate increase is unreasonable.

Consistent with the recommendations of experts engaged by Cities, AEP Texas' request for a rate increase should be denied.

Accordingly, the purpose of the Resolution is to deny the rate change application proposed by AEP Texas.

Funding Source(s):

Financial Impact:

Other Information/Recommendation:

Reasonable rate case expenses shall be reimbursed by AEP.

Attachments:

1. AEP Denial Resolution AEP Denial Resolution.docx

Presentation:

Brandon Dyson

Approvals/Reviews:

Theresa James

Theresa James

Heather Stastny

Created/Initiated

Approved

Final Approval

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SAN ANGELO TEXAS FINDING THAT AEP TEXAS INC.'S REQUESTED INCREASE TO ITS ELECTRIC TRANSMISSION AND DISTRIBUTION RATES AND CHARGES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL

WHEREAS, on or about February 29, 2024, AEP Texas Inc. ("AEP Texas" or "Company"), pursuant to Public Utility Regulatory Act ("PURA") §§ 33.001 and 36.001 filed with the City of San Angelo ("City") a Statement of Intent to change electric delivery rates in all municipalities exercising original jurisdiction within its service area, effective April 4, 2024; and

WHEREAS, the City is an electric utility customer of AEP Texas and a regulatory authority over the rates and charges of AEP Texas within the City; and

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

WHEREAS, Cities is an intervenor in the parallel proceeding at the Public Utility Commission of Texas to review AEP Texas' filing; and

WHEREAS, pursuant to its exclusive original jurisdiction over AEP Texas' rates and operations within city limits, the City previously suspended the effective date of the Company's requested rate increase; and

WHEREAS, PURA § 33.023 provides that costs incurred by cities in ratemaking activities are to be reimbursed by the regulated utility; and

WHEREAS, the City's attorneys and consultants recommend that the City deny the application.

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

SECTION 1. That the rates proposed by AEP Texas in an application submitted to the City by the Company on or about February 29, 2024, are hereby found to be unreasonable, and are denied.

SECTION 2. That the Company shall continue to charge its existing rates for transmission and distribution service to customers with the City.

SECTION 3. That Cities' reasonable rate case expenses shall be reimbursed by AEP Texas within 30 days of presentation of an invoice to AEP Texas.

SECTION 4. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law, and that the public notice was given of the time, place, and purpose of said meeting, as required.

SECTION 5. A copy of this Resolution shall be sent to AEP Texas, care of Jennifer Frederick, American Electric Power Company, 400 West 15th Street, Suite 1520, Austin, Texas 78701 (aepaustintx@aep.com), and to Thomas Brocato at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701 (tbrocato@lglawfirm.com).

PASSED AND APPROVED this 4th day of June, 2024.

Brenda Gunter, Mayor

ATTEST:

Heather Stastny, City Clerk

APPROVED AS TO FORM:

Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Jonathan Flores, Accounting Manager, Budget

Meeting Date: June 4, 2024

Item type: Regular Item

Caption:

Second reading of an ordinance amending the budget for the fiscal year beginning October 1, 2023, and ending September 30, 2024, for survey work at Fairmount Cemetery (Tina Dierschke)

Staff Recommendation:

Adopt

Summary/History:

This proposed amendment funds a topographical survey at Fairmount Cemetery to improve the entrance and fence. In July 2023, the City Council adopted a resolution supporting the Friends of Fairmount's efforts to improve the entrance and fencing at the cemetery. The survey would allow for the Friends of Fairmount improvement project to proceed.

Funding Source(s):

Fund:	Account:	Project Number:	Amount Budgeted:
Fairmount Cemetery	440-6400-456.03-30		-\$7,325

Financial Impact:

This will utilize the Fairmount Cemetery fund balance. The numbers above are net benefit/(cost). See Exhibit A of the ordinance for additional details.

Other Information/Recommendation:

Staff recommends approval.

Attachments:

- | | | |
|----|------------------------------|----------------------------------|
| 1. | 2024 05-21 Ordinance | 2024 05-21 Ordinance.docx |
| 2. | BA Memo - Fairmount Cemetery | BA Memo - Fairmount Cemetery.pdf |

Presentation:

Tina Dierschke

Approvals/Reviews:

Jonathan Flores
Kimberly Holle
Tina Dierschke
Theresa James
Heather Stastny

Created/Initiated
Approved
Approved
Approved
Final Approval

**AN ORDINANCE OF THE CITY OF SAN ANGELO AMENDING THE BUDGET FOR
THE FISCAL YEAR BEGINNING OCTOBER 1, 2023, AND ENDING SEPTEMBER 30,
2024, FOR FAIRMOUNT CEMETERY PROJECT IMPROVEMENTS.**

WHEREAS, the City of San Angelo has determined that certain budgeted amounts should be amended due to purchases, and

WHEREAS, the resources necessary for these changes are available.

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

The City's budget for fiscal year 2023-2024 be amended by the amounts contained in **Exhibit "A"**.

INTRODUCED with public hearing on the 21st day of May 2024, and finally PASSED on this 4th day of June 2024.

ATTEST:

THE CITY OF SAN ANGELO, TEXAS:

Heather Stastny, City Clerk

Brenda Gunter, Mayor

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:

Tina Dierschke, Finance Director

Theresa James, City Attorney

Exhibit A

City of San Angelo
Proposed Budget Amendment

Fund	Total Revenue Amendment	Total Expense Amendment	Net Benefit/(Cost)
Fairmount Cemetery Fund Balance	-	7,325	(7,325)
	\$ -	\$ 7,325	\$ (7,325)

City of San Angelo
Proposed Budget Amendment
Additional Information

Project/Need	Source of Funding	Revenue	Expense	Net Benefit/(Cost)
Topographical survey work for proposed entrance and fence improvements project	Fairmount Cemetery Fund Balance	-	7,325	(7,325)
		\$	\$	\$
		-	7,325	(7,325)

Memo

To: Tina Dierschke, Finance Director
From: Carl White, Parks and Recreation Director
Date: 05/07/2024
Re: Budget Amendment Request

Purpose of Budget Amendment Request:

Topographical survey work at Fairmount Cemetery for proposed entrance and fence improvements project.

Source of Funding:

Fairmount Cemetery Fund Balance

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

Concept approved by City Manager on 3/18/24.

Project/Budget to be amended	Revenue	Expense
Fairmount Cemetery Fund		
Survey work		7,325

Additional Comments:

This request is related to the Friends of Fairmount Cemetery request to proceed with entrance and fence improvements at the cemetery. In July 2023, the City Council adopted a resolution supporting the Friends of Fairmount efforts to fund this project.

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Austin Reed, Planning Technician, Planning and Development Services

Meeting Date: June 4, 2024

Item type: Consent Item

Caption:

Second reading of an ordinance for PD24-01, a request for a Planned Development zoning district with an underlying base zoning of Low-Rise Multifamily, allowing for a transitional housing facility for women located at 4215 Armstrong St. (Aaron Vannoy)

Staff Recommendation:

Adopt

Summary/History:

This project is to utilize a renovated structure as female-only transitional housing for a non-profit agency. The agency will operate this as an apartment located at 4215 Armstrong as a housing-only facility. Meaning no alcohol or drug treatments can occur on site. The property will be placed under a Planned Development allowing RM-1, Low rise multifamily living with the added restriction of being-female-only housing and being managed by Concho Valley Turning Point. Planning Commission approved 5-0 and staff recommends approval.

Funding Source(s):

Financial Impact:

Other Information/Recommendation:

Attachments:

- | | | |
|----|---|--|
| 1. | PD24-01 4215 Armstrong St notification letter | PD24-01 4215 Armstrong St notification letter.docx |
| 2. | Zoning Ordinance PD24-01 | Zoning Ordinance PD24-01.docx |
| 3. | PD24-01 Staff Report v2 | PD24-01 Staff Report v2.docx |

Presentation:

Aaron Vannoy

Approvals/Reviews:

Austin Reed
Aaron Vannoy
Brandon Dyson
Aaron Vannoy
Theresa James
Heather Stastny

Created/Initiated
Approved
Approved
Approved
Approved
Final Approval



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

BRENDA GUNTER
635 S BISHOP
SAN ANGELO, TX 76901

NOTICE OF PUBLIC HEARING

RE: Planned Development (PD) Zone Change PD24-01

3/24/2024

WHEN: Monday, April 15, 2024, at 9:00 am

WHERE: East Mezzanine Meeting Room, City Hall, located at 72 W College Avenue

CONCERNING: A request for a rezoning from Single-Family Residential (RS-1) to a Planned Development (PD) district with an underlying base of Low-rise Multifamily (RM-1)

REASON: To allow for a transitional housing facility for women

This hearing is open to any interested person. 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. Comments are also accepted by email, as listed below.

The attached map shows the area of this request. Only that area which is colored red on the map is being considered for this request. The green line around the subject property is the notification area, while properties outlined in blue are those being notified.

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 you have questions about these proceedings, please contact **the Planning Department**, telephone 325-657-4210 or by email address planning@cosatx.us

For the PLANNING COMMISSION

Please call (325) 657-4210 if you have any questions about this notice.

CASE #: PD24-01

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: BRENDA GUNTER

Address:

Property ID:

Mailing To: ATTN: Planning and Development Services
52 W. College Ave
San Angelo TX 76903

Email: planning@cosatx.us

I am in favor ☐

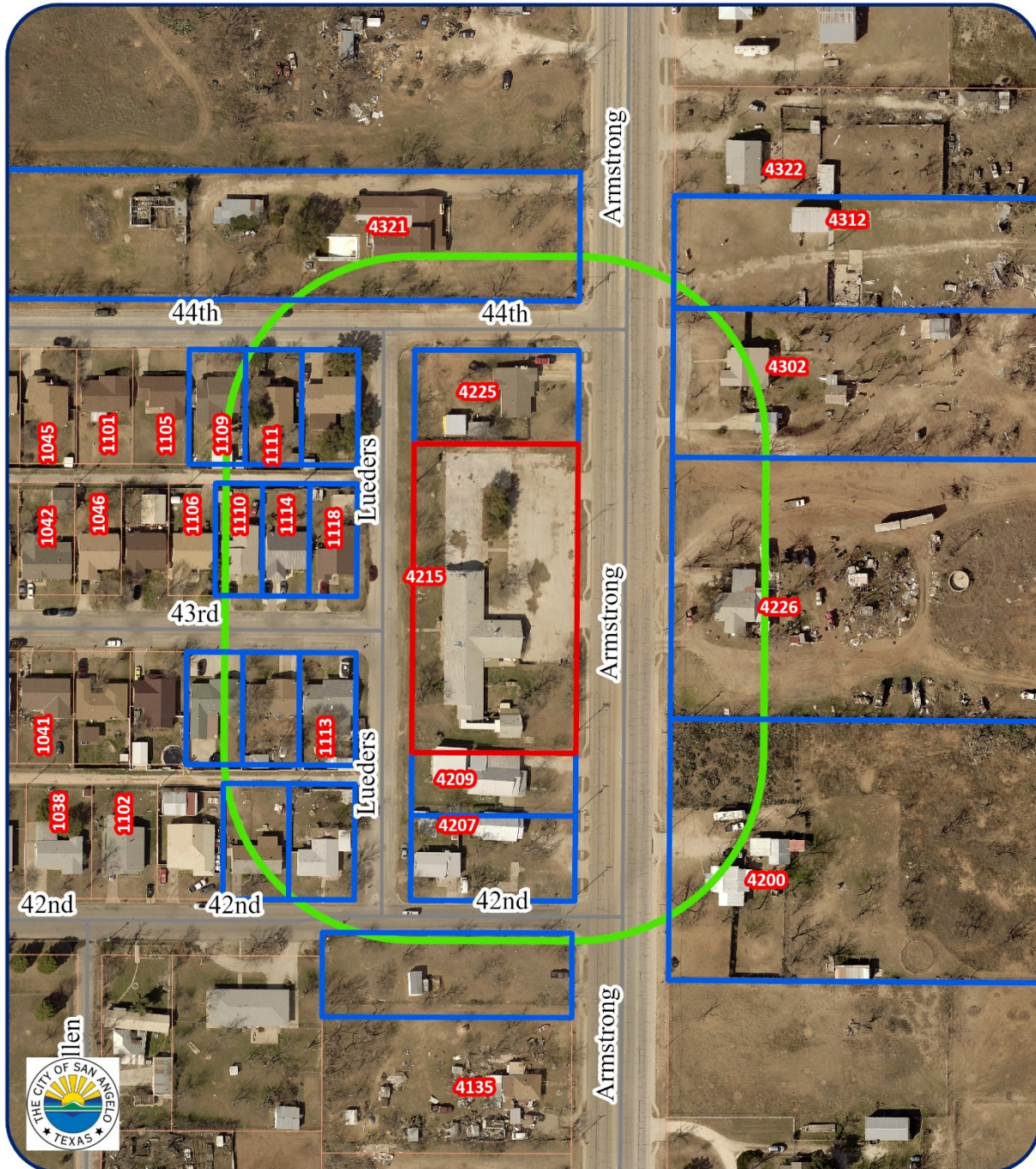
I am opposed ☐

Additional Comments:

Signature: _____



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



200' Notification Map

PD24-01 4215 Armstrong St

Council District: #2 Tom Thompson

Neighborhood: Lake View

Scale: 0 0.01 0.01 0.03 0.04 0.06
Miles

Subject Properties:



200' Buffer:



Notified Properties:



AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT “A” OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO, TEXAS, WHICH ADOPTS ZONING REGULATIONS, USE DISTRICTS AND A ZONING MAP, IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING CLASSIFICATION OF THE FOLLOWING PROPERTY: **APPROXIMATELY 1.31 ACRES LOCATED AT 4215 ARMSTRONG STREET**, (ABST: A-8177 S-0182, Survey: J W HARRIS); FROM SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT (RS-1) TO A PLANNED DEVELOPMENT DISTRICT (PD24-01) WITH AN UNDERLYING ZONING OF LOW-RISE MULTIFAMILY (RM-1); PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE

RE: PD24-01: 4215 Armstrong Street

WHEREAS, on the 15th day of April, 2024, 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 Planned Development (PD24-01) Zoning District; and,

WHEREAS, on the 21st day of May, 2024, City Council held a public hearing on PD24-01, 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 (PD24-01) Zoning District:

The real property generally located 4215 Armstrong Street, described as ABST: A-8177 S-0182, Survey: J W HARRIS, 1.31 acres within the City of San Angelo, Tom Green County, Texas as more particularly described and depicted on Exhibit “A” of this Ordinance. (“PD Boundary Map”).

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 May, 2024**, and finally PASSED, APPROVED AND ADOPTED on this the **4th day of June, 2024**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

ATTEST:

APPROVED AS TO FORM:

Heather Stastny, City Clerk

Theresa James, City Attorney

Exhibit "A" (PD Boundary Map)



Zoning Map

PD24-01 4215 Armstrong St

Council District: #2 Tom Thompson

Neighborhood: Lake View

Scale: 0 0.01 0.03 0.06 0.09 0.12
Miles

Subject Properties:



Exhibit “B”
Applicable Regulations

The underlying zoning of PD24-01 shall be Low-Rise Multifamily (RM-1) with allowed uses including a transitional housing facility for women, subject to the following regulations:

1. Applicant must obtain and comply with all necessary Building Permits and complete the Change of Occupancy process.
2. No services may be performed on-site, including rehabilitation or recovery services that provide care, training, or treatment for psychiatric, alcohol or drug problems.
3. 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 uses or lands.
4. Applicant must provide and maintain appropriate parking in accordance with the Zoning Ordinance Sec. 511, including additional parking when expansion occurs.

STAFF REPORT – PD24-01

Planning Commission: April 15, 2024

City Council 1st reading: May 7, 2024



APPLICATION TYPE:		CASE:	
Rezoning		PD24-01: 4215 Armstrong Street	
SYNOPSIS:			
A request for a rezoning from Single-Family Residential (RS-1) to a Planned Development (PD) district with an underlying base of Low-rise Multifamily (RM-1) for a transitional housing facility for women located at 4215 Armstrong Street. As proposed, this is only a housing facility – there is no treatment occurring on-site. The length of stay may vary from a month to potentially years at a time.			
LOCATION:		LEGAL DESCRIPTION:	
4215 Armstrong Street		Abst: A-8177 S-0182, Survey: J W HARRIS	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #2 – Tom Thompson Lake View Neighborhood	RS-1 (to PD)	Neighborhood Center	1.31 Acres
THOROUGHFARE PLAN:			
Armstrong Street – Major Arterial			
NOTIFICATIONS:			
21 notifications mailed within 200-foot radius on 3/27/2024 – At time of writing, 0 in support & 0 opposed			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the rezoning from Single-family Residential to a Planned Development (PD) district with an underlying base of Low-rise Multifamily (RM-1) for a transitional housing facility for women, subject to four (4) conditions:			
PROPERTY OWNER/PETITIONER:			
Owner: John Cocuzzi Petitioner: Concho Valley Turning Point			
STAFF CONTACT:			
Austin Reed Planning (325) 657-4210, Ext 1550 austin.reed@cosatx.us			

Additional Information: The petitioner, a non-profit organization, intends to use a portion of the building for transitional housing for women only. There will be a capacity of approximately 16 units, with two women per unit. Only the southern half of the building is usable at the moment. The organization eventually intends to repair and occupy the rest of the building, as well. There will be no treatment services of any form performed on site. This building is for residence only. The women may stay anywhere from a month to years at a time. A Planned Development district is seen as necessary as the proposed use does not fall neatly within a singular residential category.

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.* This piece of property exists in an island of Neighborhood Center vision plan that follows Armstrong Street. Staff believes that the proposed use can align with this vision.
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.* The proposed Planned Development district can help to provide an effective buffer between the RS-1 zoning to the east and Armstrong Street, which is a Major Arterial Road.
4. **Changed Conditions.** *Whether and the extent to which there are changed conditions that require an amendment.* This building has changed hands several times in recent history. Placing a Planned Development district here would help to maintain consistency.
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. There is a nearby residential area, but the PD is residential in nature, as well.
6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.* There seems to be a demonstrated community need for a nonprofit organization that provides transitional housing for women, and it would serve the area well.
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 Planned Development would provide a compatible transition from residential to an area envisioned as Neighborhood Center along a busy road, promoting a logical pattern of development.

Recommendations:

Staff recommends **APPROVAL** of the rezoning from Single-family Residential to a Planned

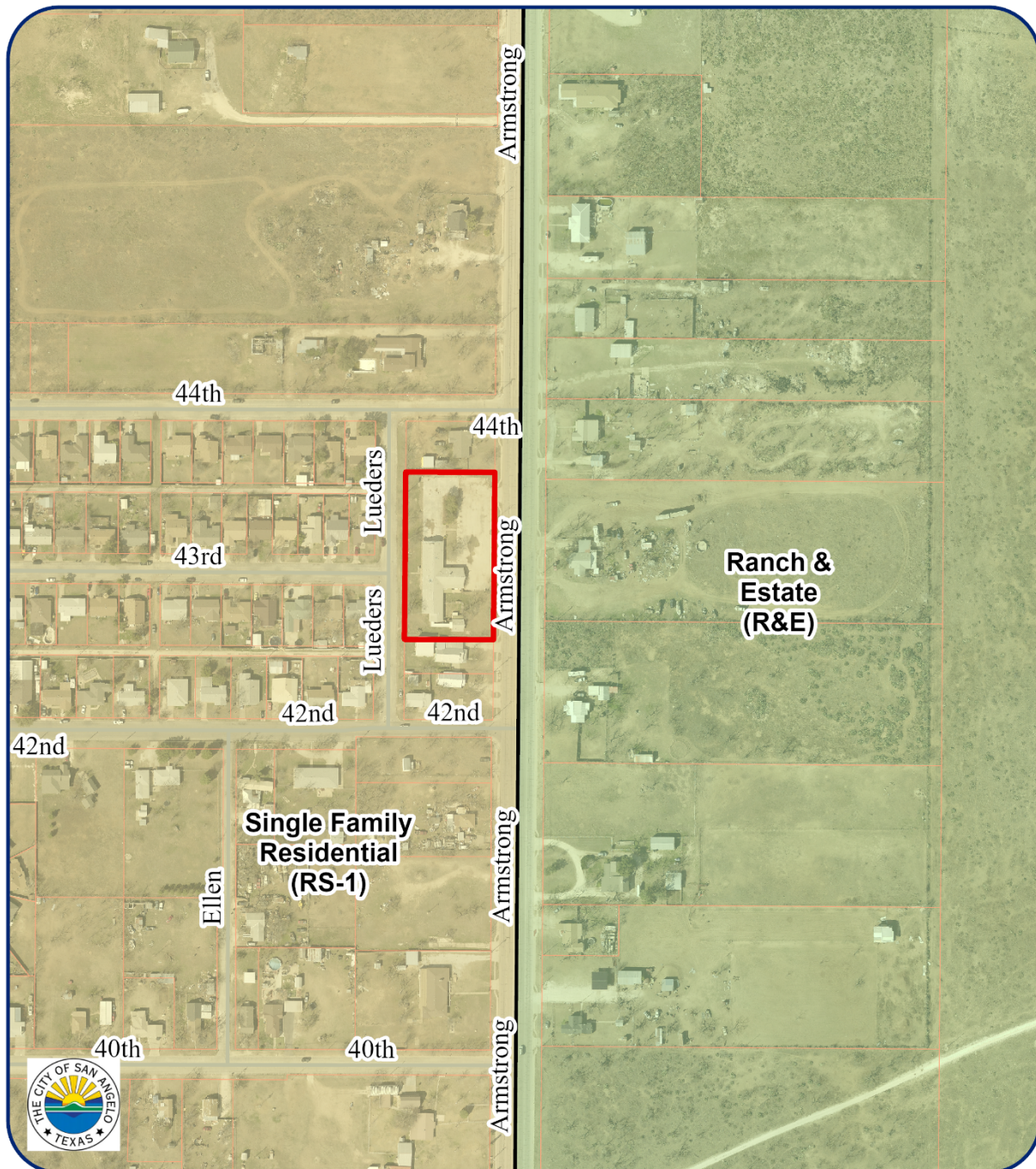
Development (PD) district with an underlying base of Low-rise Multifamily (RM-1) for a transitional housing facility for women, subject to four (4) conditions:

Conditions of Approval:

1. Applicant must obtain and comply with all necessary Building Permits and complete the Change of Occupancy process.
2. No services may be performed on-site, including rehabilitation or recovery services that provide care, training, or treatment for psychiatric, alcohol or drug problems.
3. 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 uses or lands.
4. Applicant must provide and maintain appropriate parking in accordance with the Zoning Ordinance Sec. 511, including additional parking when expansion occurs.

Attachments:

Zoning Map
Notice Map



Zoning Map

PD24-01 4215 Armstrong St

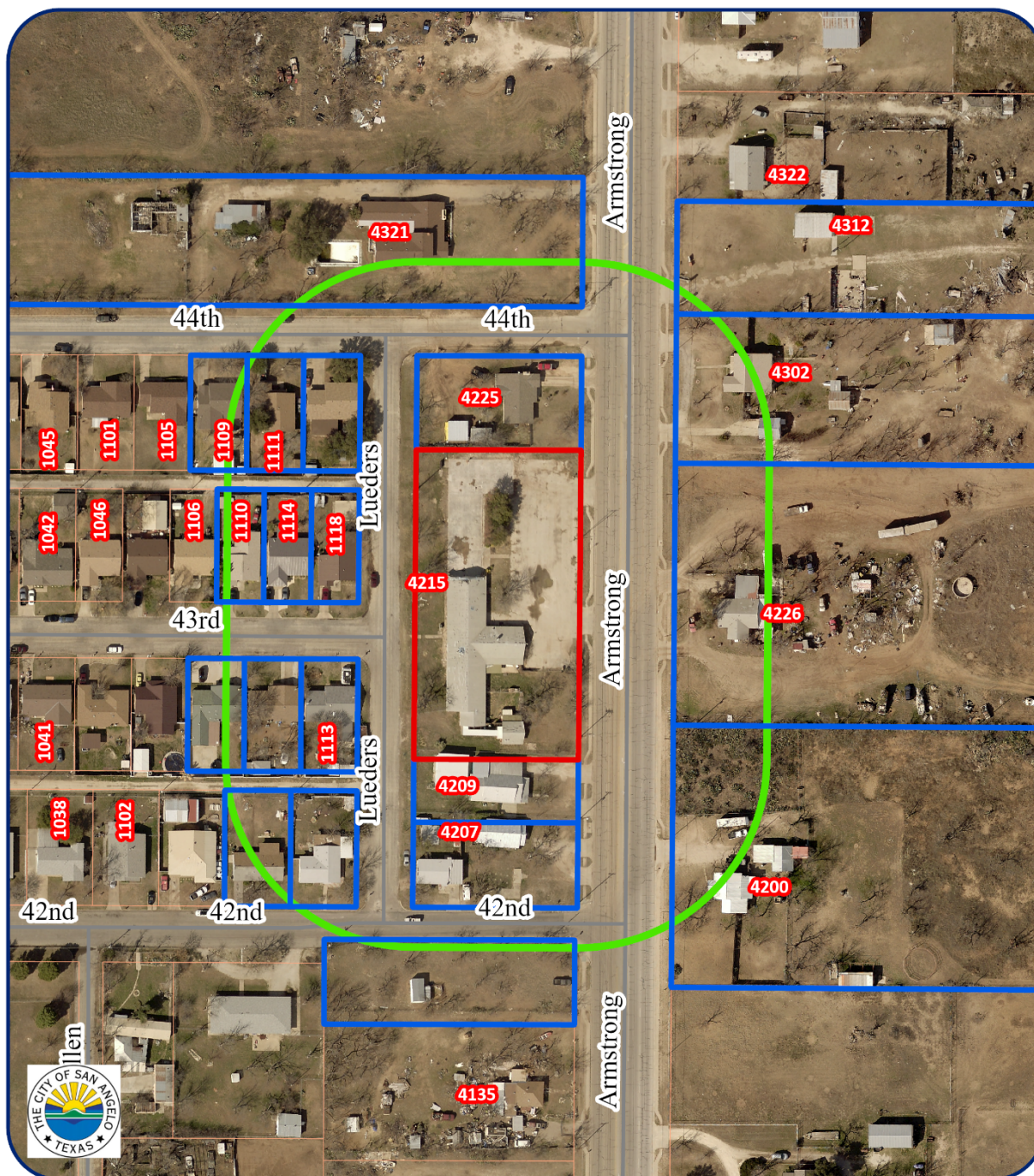
Council District: #2 Tom Thompson

Neighborhood: Lake View

Scale: 0 0.01 0.03 0.06 0.09 0.12 Miles

Subject Properties:





200' Notification Map PD24-01 4215 Armstrong St

Council District: #2 Tom Thompson

Neighborhood: Lake View

Scale: 0 0.01 0.01 0.03 0.04 0.06 Miles

Subject Properties:

200' Buffer:

Notified Properties:



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Bob Salas, Neighborhood Services Director, Neighborhood and Family Services

Meeting Date: June 4, 2024

Item type: Regular Item

Caption:

Consider a resolution of support to end Veteran homelessness (Presentation made by Neighborhood and Family Services Director Bob Salas)

Staff Recommendation:

Approve

Summary/History:

Homelessness among veterans has increased nationwide by over 7%, reaching 35,574 in 2023, while here in San Angelo, the number jumped from 8 to 12 over the same period. We must remember that freedom is not free, and the men and women who have served in the military to keep our nation safe from foreign threats deserve access to affordable housing. On June 1, 2023, the City provided American Rescue Plan (ARP) funds to the Housing Authority of San Angelo in the amount of \$554,410 to renovate an apartment complex to house homeless Veterans and \$100,000 for follow-up case management. With the project completed and the Concho Valley Homeless Coalition member organizations offering resources and programs to assist homeless Veterans, the Coalition believes we can end Veteran homelessness in San Angelo.

In order to accomplish this feat, the Coalition plans to identify all homeless Veterans within a 90-day period beginning on July 1, 2024 and provide either transitional or permanent housing for all homeless Veterans who want it, followed by case management in order to transition from homelessness to permanent housing and help sustain long-term success.

Funding Source(s):

Financial Impact:

No financial impact.

Other Information/Recommendation:

Attachments:

1. Resolution of support to end Veteran homelessness

Resolution of support to end Veteran homelessness.docx

Presentation:

Bob Salas

Approvals/Reviews:

Bob Salas

Theresa James

Heather Stastny

Created/Initiated

Approved

Final Approval

RESOLUTION OF SUPPORT FROM THE CITY OF SAN ANGELO TO END VETERAN HOMELESSNESS

WHEREAS, homelessness among veterans has increased nationwide by over 7%, reaching 35,574 in 2023; and

WHEREAS, veteran homelessness in San Angelo jumped from 8 to 12 over the same period; and

WHEREAS, freedom is not free and the men and women who have served in the military to keep our nation safe from foreign threats deserve access to affordable housing; and

WHEREAS, the City of San Angelo dedicated American Rescue Plan funds in the amount of \$554,410 to renovate an apartment complex to house homeless Veterans, and \$100,000 for case management; and

WHEREAS, the Concho Valley Homeless Coalition member organizations provide resources and programs to assist homeless Veterans.

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

Section 1. The City of San Angelo is committed to ending Veteran homelessness following the Housing First model.

Section 2. City supports the Concho Valley Homeless Planning Coalition in their efforts to:

- a. Identify all homeless Veterans within a 90-day period beginning on July 1st.
- b. Provide shelter immediately to all homeless Veterans who want it.
- c. Establish plans, partnerships, and system capacity should a Veteran become homeless or be at risk of becoming homeless.

ADOPTED AND APPROVED this 4th day of June 2024.

Brenda Gunter, Mayor

ATTEST:

APPROVED AS TO FORM:

Heather Stastny, City Clerk

Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Robert Schneeman, Economic Development Coordinator, Economic Development

Meeting Date: June 4, 2024

Item type: Regular Item

Caption:

First reading and public hearing of an ordinance amending Chapter 1 "General Provisions", Article 1.09 "Taxation", Division 3 "Uniform Tax Abatement Policy", Section 1.09.062 "Definitions" and Section 1.09.063 "Abatement Schedule" of the City of San Angelo Code of Ordinances (Presentation made by Economic Development Project Manager Robert Schneeman)

Staff Recommendation:

Approve

Summary/History:

This revision is being recommended to widen the field of eligible industries and to provide additional flexibility for Council to approve tax abatements. The intent is to more closely align the eligible companies with those authorized by Sections 501 & 505 of the Texas Local Government Code which prescribe eligible companies for Development Corporations and to also provide flexibility for Council to provide abatement incentives to other companies at their discretion. The revisions are also intended to provide guidelines for rebate amounts while also giving Council flexibility on a case by case basis. It should be noted that in accordance with Chapter 312, Section 312.002, a revision to the Ordinance requires that "the guidelines and criteria may be amended or repealed only by a vote of three-fourths of the members of the governing body". Therefore, this revision requires the approval of 5 Council members.

Funding Source(s):

Financial Impact:

No fiscal impact at this time. Impact will be project specific.

Other Information/Recommendation:

Attachments:

- | | |
|---|---|
| 1. Adopting Ordinance - Amending Tax Abatement Criteria | Adopting Ordinance - Amending Tax Abatement Criteria.docx |
| 2. DIVISION_3.____UNIFORM_TAX_ABATEMENT_POLIC Y (FINAL) | DIVISION_3.____UNIFORM_TAX_ABATEMENT_POLIC Y (FINAL).docx |

Presentation:

Robert Schneeman

Approvals/Reviews:

Robert Schneeman

Brandon Dyson

Michael Dane

Theresa James

Jeffrey Tomlinson

Tina Dierschke

Heather Stastny

Created/Initiated

Approved

Approved

Approved

Approved

Approved

Final Approval

AN ORDINANCE OF THE CITY OF SAN ANGELO TEXAS, AMENDING CHAPTER 1 "GENERAL PROVISIONS", ARTICLE 1.09 "TAXATION", DIVISION 3 "UNIFORM TAX ABATEMENT POLICY", SECTION 1.09.062 "DEFINITIONS" AND SECTION 1.09.063 "ABATEMENT SCHEDULE"; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Property Redevelopment and Tax Abatement Act, Chapter 312 of the Texas Tax Code (hereafter the "Act"), requires a taxing unit to adopt guidelines and criteria to become eligible to participate in tax abatement; and

WHEREAS, the Act provides that adopted guidelines and criteria are effective for two years from the date adopted; and

WHEREAS, the City Council of the City of San Angelo previously adopted guidelines and criteria in Chapter 1 "General Provisions", Article 1.09 "Taxation", Division 3 "Uniform Tax Abatement Policy" of the City of San Angelo Code of Ordinances, which expired by its terms on November 15, 2018 (hereafter the "Tax Abatement Policy"); and

WHEREAS, the City Council of the City of San Angelo reauthorized the Tax Abatement Policy on October 3, 2023 for an additional two year period; and

WHEREAS, the Act provides that during the two year period the guidelines and criteria may be amended or repealed only by a vote of three-fourths of the members of the governing body; and

WHEREAS, after having held a public hearing, considered public comment, and considered recommendations from City staff, City Council desires to amend the Tax Abatement Policy.

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

Section 1. That Chapter 1 "General Provisions", Article 1.09 "Taxation", Division 3 "Uniform Tax Abatement Policy", Section 1.09.062 "Definitions" and Section 1.09.063 "Abatement Schedule" of the City of San Angelo Code of Ordinances is hereby amended as shown on **Exhibit A**.

Section 2. The terms and provisions of this ordinance shall be deemed to be severable in that if any portion of this ordinance shall be declared to be invalid, the same shall not affect the validity of the other provisions of this ordinance.

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

INTRODUCED with public hearing the 4th day of June, 2024, and finally PASSED this 18th day of June, 2024.

THE CITY OF SAN ANGELO, TEXAS:

Brenda Gunter, Mayor

ATTEST:

Heather Stastny, City Clerk

APPROVED AS TO FORM:

Theresa James, City Attorney

DIVISION 3. UNIFORM TAX ABATEMENT POLICY¹

Sec. 1.09.061 Policy adopted

The city adopts this policy of tax abatement ("policy") for qualified businesses that proposes a project ("project") to develop, redevelop and improve taxable qualifying real property or tangible personal property located on the real property, or both ("property"). The city is willing to provide a subsidy to a property owner(s) in the form of a special exemption from certain ad valorem taxes provided the real property owner and, where applicable, its lessee, agrees to accept and abide by this policy. The city will, on a case-by-case basis, give consideration to providing tax abatement as a stimulation for economic development. Nothing herein shall imply or suggest that the city is under any obligation to provide tax abatement to any applicant. All applicants shall be considered on a case-by-case basis, and the decision to approve or deny tax abatement shall be at the discretion of the city council.

(1996 Code, sec. 2.1901; Ordinance adopted 11-4-97; Ordinance adopted 11-15-16)

Sec. 1.09.062 Definitions

Abatement period. (Hereinafter defined) is seven years; limited, however, to no more than five tax years next following the timely and successful completion of the project. The period of time that the taxes are abated will be referred to as the "abatement period."

Actual construction. Site improvement activity initiated more than 30 days prior to the submission of an application for tax abatement and is concluded with the completion of the project qualifying for tax abatement under this policy.

First tax year. The commencement of construction of the project.

Permanent job. A full-time or full-time equivalent employment position created by the qualified business in which a minimum of 2,080 hours are required annually.

Property owner. As appropriate to the context, either or both of the following:

- (1) The owner of qualifying real property.
- (2) A person or business entity which leases qualifying real property and owns qualifying tangible personal property located on said real property.

Qualified business. A person or business entity that meets the following criteria:

- (1) The person or business entity owns qualifying real property ("real property owner"); or

¹State law reference(s)—Tax Increment Financing Act, V.T.C.A., Tax Code, ch. 311; Property Redevelopment and Tax Abatement Act, V.T.C.A., Tax Code, ch. 312; Texas Economic Development Act, V.T.C.A., Tax Code, ch. 313.

- (2) The person or business entity leases qualifying real property from the real property owner ("lessee") and authorizes its lessor real property owner to contract on its behalf for tax abatement on the lessee's qualifying tangible personal property; and
- (3) The real property owner or its lessee is engaged in or has provided substantial commitment to initiate the active conduct of trade or business in a reinvestment zone; and
- (4) The real property owner or its lessee is engaged in one or more of the following activities:
 - (A) Business falling in the sectors of the North American Industry Classification System (NAICS) in the Texas Local Government Code, Chapter 501, Section 501.002(12)(A)(ii), or such other business activities deemed appropriate by City Council; or
 - (B) "Renovation or restoration" of any commercial building located in a district established by ordinance by the city council as an historic, cultural, heritage, or conservation district, if the value added to the ad valorem tax base is certified by the director of the county appraisal district to be equal to, or greater than, \$30,000.00. Tax abatement will be available for rental residential buildings. Abatement is not available for homes or apartments occupied by their owners. Building enlargement costs do not qualify; or
 - (C) "Corporate offices" of eligible businesses and other businesses, including retail establishments, not necessarily listed in the sectors of the NAICS in subsection (A) above, as long as the job and capital criteria are met for the corporate office location; and
- (5) The person or business entity or its lessee creates new permanent jobs and capital investment and generally imports new wealth into the city.

Tax year. A calendar year.

(1996 Code, sec. 2.1902; Ordinance adopted 11-4-97; Ordinance adopted 11-15-16)

Sec. 1.09.063 Abatement schedule

Subject to the remaining terms of this policy, the abatement of ad valorem taxes on property shall be according to the following formula:

- (1) For projects eligible under section 1.09.062, as defined in the definition "qualified business" subsections (4)(A) and (C):

Percent of Created Value to be Abated not to Exceed***	Capital Cost of the Project* or Permanent Jobs**	
20%	\$250,000—\$500,000	1-5
30%	\$500,001—\$750,000	6-10
40%	\$750,001—\$1,000,000	7-15
50%	\$1,000,001—\$2,500,000	16-20
60%	\$2,500,001—\$5,000,000	21-25
75%	Over \$5,000,000	26+

*Minimum \$250,000.00 capital required

**Minimum of one job required to be created, regardless of capital investment.

*** City Council, at their sole discretion may determine the exact percentage of tax abatement to be granted based upon the "not to exceed" percentages in the table above.

-
- (2) For projects eligible under section 1.09.062, as defined in the definition of a "qualified business" under subsection (4)(B): up to 100% of created value may be abated.

(1996 Code, sec. 2.1903; Ordinance adopted 11-4-97; Ordinance adopted 11-15-16)

Sec. 1.09.064 Tax abatement request procedure

Prior to beginning the actual construction work on the project proposed for tax abatement, the real property owner requesting tax abatement and its lessee, where the request includes a request for tax abatement on the lessee's qualifying tangible personal property, must submit an official application form to the city and:

- (1) Provide the city with:
 - (A) A description of the project clearly defining the work to be performed;
 - (B) A statement agreeing to expend a designated amount ("project cost") for the project;
 - (C) A separate statement agreeing that the required minimum number of full-time jobs will be created ("required jobs") and maintained during the term of the contract; and
 - (D) An explanation as to how the project will provide long-term significant positive economic benefit to the community, the city and its taxpayers.
- (2) Furnish the city with a written statement that tax abatement will be a significant factor in determining whether the project for the development, redevelopment or improvement of the property will take place.
- (3) Agree to execute a contract (herein so called) with the city containing the covenants and conditions required by the city.

(1996 Code, sec. 2.1904; Ordinance adopted 11-4-97; Ordinance adopted 11-15-16)

Sec. 1.09.065 Contract compliance

Should the city agree to grant an abatement to the property owner after compliance with the procedure outlined above, then:

- (1) Subject to the terms and conditions of the contract, a stipulated percentage as set forth in section 1.09.063 above of those particular ad valorem real and personal property taxes ("taxes") which are generated by virtue of fair market value created ("created value") solely due to the construction and completion of the project on the real property will be abated.
- (2) The period of construction ("construction period") for the project shall not go beyond the end of the third tax year. During the construction period the property owner must actually expend the project cost and within six months next following the completion of the project must submit to the city receipts verifying expenditures, and a statement that the required jobs have been created. On January 1st of each tax year following completion of the project, the property owner must submit a statement to the city that the required jobs have been continuously maintained.
- (3) Within six months next following the end of the construction period, the project must be in operation, i.e., it must actively serve the purpose for which it is designed.
- (4) In the event the project is either:
 - (A) Not complete at the minimum cost by the end of the construction period;

-
- (B) Is timely completed at the minimum cost but is not operational within six months next following the end of the construction period, unless granted a six-month extension by the city council;
- (C) Is timely completed at the minimum cost of less than \$5,000,000.00 but the required jobs are not created or maintained as set forth in subsection (2); or
- (D) Is timely completed at the minimum cost, is operational within six months next following the end of the construction period and, meets the permanent job requirements as defined in section 1.09.063, but its operations are discontinued for a continuous period of 12 months;
- then the contract shall terminate with respect to the project and so shall the abatement of taxes for the created value of the project. The taxes otherwise abated with respect to the project shall be paid to the city on the date specified by law, or, if such date has passed, then within 60 days of the accelerated termination of the abatement period.
- (5) Employees and/or designated representatives of the city will have access to the project during the term of the contract for inspection purposes so as to determine if the terms and conditions of the contract are being met. All inspections will be made only after the giving of 24-hours' prior notice and will only be conducted in such a manner as to not unreasonably interfere with the construction and/or operation of the project. Inspections will be made with representatives of the property owner, and in accordance with its safety standards.
- (6) In the event that:
- (A) The property owner allows its ad valorem taxes owed the city to become delinquent and fails to timely and properly follow the legal procedures for their protest and/or contest;
- (B) The property owner violates any of the terms and conditions of the contract, and fails to cure during the cure period (as hereinafter provided); then the contract may be terminated by the city, and all taxes otherwise abated by virtue of the contract will be recaptured and paid to the city by the property owner within 60 days of the termination.
- (7) If on January 1st of any tax year the legally determined fair market value of all realty improvements owned by the real property owner within the jurisdiction of the city ("realty improvements") is less than the legally determined fair market value of all realty improvements as of January 1st of the calendar year in which the contract is executed ("base value") and/or in the event that the real property owner reduces its ad valorem taxes on personal property otherwise payable to the city by participation in a foreign trade zone or by having otherwise taxable property exempt pursuant to special legislation, e.g., the "freeport amendment" ("special treatment"), then the abatement otherwise available shall be reduced for each dollar that the fair market value of realty improvements is less than the base value and, also, for each dollar of tax reduction attributable to special treatment; provided, however, that in no event shall the offset exceed the created value of the project otherwise subject to the abatement of taxes.
- (8) If on January 1st of any tax year the legally determined fair market value of all tangible personal property owned by a lessee owning qualifying tangible personal property within the jurisdiction of the city ("personal property") is less than the legally determined fair market value of all personal property as of January 1st of the calendar year in which the contract is executed ("base value") and/or in the event that the lessee reduces its ad valorem taxes on personal property otherwise payable to the city by participating in a foreign trade zone, then the abatement otherwise available shall be reduced for each dollar that the fair market value of personal property is less than the base value and, also, for each dollar of tax reduction attributable to special treatment; provided, however, that in no event shall the offset exceed the created value of the project otherwise subject to the abatement of taxes.
- (9) Notwithstanding any other provision herein to the contrary, in the event the city adopting this policy is required to adopt a tax rate which would subject the city to a tax rollback election under section 26.07

of the Property Tax Code, and this increase is caused by requirements set forth by the state; mandated by the judiciary; expenses required to repair, rebuild or rehabilitate improvements which are damaged or destroyed; or due to a significant decline in value of a major industrial complex located in the jurisdiction of the city, then the city may allocate the taxable value necessary to reduce the actual rate below the rollback rate to the owners of abated property based on the owner's pro-rata share of the total abated value for the current tax year.

- (10) Should the city determine that the property owner is in default in the terms and conditions of the contract, then the city will notify the property owner at the address stated in the contract of such claimed default, and if such is not cured within 60 days from the date of such notice ("cure period"), the contract may be terminated by the city. Any notice of default shall be in writing and shall be given by personal delivery or by certified mail, return receipt requested. In the event the notice is effected by personal delivery, the date and hour of actual delivery shall be the time and date of such notice to the business. Absent a postal strike or the stoppage of the mails, in the event of delivery of notice by registered or certified United States mail, the date and hour following 48 hours after the date and hour at which the sealed envelope containing the notice is deposited in the United States mail, properly addressed, and with postage prepaid, shall be the time and date of such notice to the property owner.

(1996 Code, sec. 2.1905; Ordinance adopted 11-4-97; Ordinance adopted 11-15-16)

Sec. 1.09.066 Full and final authority

The city shall have the final decision with respect to interpretation of the policy and, also, as to whether the minimum standards set forth above have been met by the property owner.

(1996 Code, sec. 2.1906; Ordinance adopted 11-4-97; Ordinance adopted 11-15-16)

Sec. 1.09.067 Termination

The policy shall terminate on the second anniversary from the date of its adoption by the city. (1996 Code, sec. 2.1907; Ordinance adopted 11-4-97; Ordinance adopted 11-15-16)

Secs. 1.09.068—1.09.090 Reserved